
Regular Meeting, Wednesday, May 23, 2012, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: Tracy C. Pyles, Jr., Chairman
Jeffrey A. Moore, Vice-Chairman
David R. Beyeler
David A. Karaffa
Marshall W. Pattie
Michael L. Shull
Larry J. Wills
Timmy Fitzgerald, Director of Community Development
Patrick J. Morgan, County Attorney
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, May 23, 2012, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236th year of the Commonwealth....

* * * * *

Chairman Pyles welcomed the citizens present.

* * * * *

Joyner Miller, a Sixth grader at Stewart Middle School, led the Pledge of Allegiance. Joyner is in the Boy Scouts Troop 30 in the 2nd Class rank. He also participates in the School Band, School Choir and the School Drama Production.

* * * * *

Tracy C. Pyles, Jr., Pastures District, delivered invocation.

* * * * *

CRESCENT DEVELOPMENT – GOOSE CREEK, LLC AND SUNRISE INVESTMENTS OF AUGUSTA COUNTY, LLC – REZONING

This being the day and time advertised to consider a request to rezone a total of 114 acres from Attached Residential and Limited Business to Multi-Family Residential with proffers (75.60 acres): General Business with proffers (7.60 acres); and General Agriculture with proffers (30.80 acres). The land is owned by Crescent Development – Goose Creek, LLC and Sunrise Investments of Augusta County, LLC and located in the northwest quadrant of the intersection of Goose Creek Road (Route 636) and Village Creek Drive (Route 1382) in Fishersville (Wayne District). The Planning District recommends approval with proffers.

Timmy Fitzgerald, Director of Community Development, advised that Crescent Development-Goose Creek, LLC and Sunrise Investments of Augusta County, LLC requested to rezone the following:

- 30.8 acres from Attached Residential to General Agriculture
- 6.7 acres from Limited Business to General Business
- 0.8 acres from Limited Business to Multi-Family Residential
- 0.9 acres from Attached Residential to General Business
- 74.8 acres from Attached Residential to Multi-Family Residential

May 23, 2012, at 7:00 p.m.

CRESCENT DEVELOPMENT – GOOSE CREEK, LLC AND SUNRISE INVESTMENTS OF AUGUSTA COUNTY, LLC – REZONING (cont'd)

Mr. Fitzgerald stated that this is where the Mary Baldwin site is located and displayed property outlined in pink. The area which is currently Limited Business and would be going to General Business has proffers in place that will restrict the amount of development. It will be zoned General Business to take care of some buffering issues in that particular area. A Rezoning Exhibit was also displayed. The applicant submitted the following proffers:

1. There shall be only one access permitted on to Route 636 and it shall be in general conformance with the location of the 'Entrance Road' on the rezoning exhibit entitled "Goose Creek Rezoning" by Balzer and Associates dated 4-1-12, here by referred to as Rezoning Exhibit A. Throughout these proffers parcel numbers refer to the parcels designated and described on Rezoning Exhibit A.
2. There shall be no direct access to Route 636 from Parcel 1. The only access from Village Creek Drive to Parcel 1 shall be one right-in only entrance. Full access to Parcel 1 may only be permitted on 'Road B' as shown on Rezoning Exhibit A. All entrances must meet VDOT approval.
3. Construction traffic during the initial phases of development shall not be permitted to enter the site through Village Creek Drive.
4. Development of Parcel 1, 2, and 3 shall be limited to development that as a total has an ITE traffic generation of no more than 1000 vehicles per day before Road B as shown on Rezoning Exhibit A is built or bonded.
5. At a minimum, a 5' wide concrete sidewalk will be constructed on one side of the Entrance Road and Road B as described on Rezoning Exhibit A and any private or public roads serving the residential units on Parcel 3.
6. 10' wide grass trails within Parcel 4 and Tax Map #66-67 shall be constructed along Goose Creek with the appropriate crossings and maintained by Crescent Development - Goose Creek, LLC or their successors or assigns. Pedestrian connections shall be made to the sidewalks along the roads as described in proffer 5 to the trails to be developed by Crescent Development – Goose Creek, LLC. The owner of Parcel 3 shall be responsible for making the pedestrian connections during construction of the residential units on Parcel 3, which shall be designed and approved through the site plan process.
7. If residential units are built on Parcel 2, the owner of Parcel 2 shall be responsible for constructing pedestrian connections to the sidewalks along the Entrance Road and Road B and to the trails within Parcel 4 to be developed by Crescent Development - Goose Creek, LLC which shall be designed and approved through the site plan process.
8. The owners of Parcels 1 and 3 will dedicate to VDOT a minimum right of way width of 60 feet measured from the centerline of relocated Route 636 as shown on Rezoning Exhibit A. The right of way shall be dedicated prior to the issuance of the first building permit on Parcels 1, 2, or 3.
9. The owner of Parcel 3 will enter into a signal agreement with VDOT to contribute 50% of the funds towards a signal light if warranted at the intersection of Goose Creek Rd. (636) and Village Creek Drive or the new Entrance Road.
10. All costs associated with the operation and maintenance of any proposed street lights shall be the responsibility of parties other than Augusta County.
11. All proposed lighting shall be in conformance with the current lighting ordinance as applicable to business and commercial uses.
12. Parcel 1 shall have the same Permitted, Administrative, Special Use, Accessory Use, and Prohibited Uses allowed in Chapter 25, Article XXIX. Limited Business Districts as it existed on February 28th, 2010 with the following additional uses prohibited: religious institutions, gasoline retail outlets, and media related businesses. In Parcel 1, building height shall be restricted to 35 feet and no single building shall be larger than 10,000 square feet. In addition, no outside storage shall be permitted.
13. In Parcel 3 building height shall be limited to 55 feet.
14. In Parcel 2 building height shall be limited to 4 stories.
15. No buildings shall be constructed, erected or located in the "Restricted Area" as shown on Exhibit A. Permitted uses of the lot or lots shall be restricted to passive recreation and signage limited to 32 square feet per sign.

May 23, 2012 at 7:00 p.m.

CRESCENT DEVELOPMENT – GOOSE CREEK, LLC AND SUNRISE INVESTMENTS OF AUGUSTA COUNTY, LLC – REZONING (cont'd)

16. There shall be no more than 25 individual residential dwelling units on Parcel 2 and no more than 250 individual residential dwelling units on Parcel 3 as described in Rezoning Exhibit A.
17. There shall be no residential uses, religious institutions, or farming operations involving livestock or poultry permitted on Parcel 4. Active and passive recreation, signage limited to 32 square feet per sign, wildlife area and forestry type uses are expressly permitted.

Scott Williams, Applicant, explained that the request is to accommodate the new campus for Murphy Deming College of Health Sciences and to provide student and faculty housing needs that will be generated by the school. The rezoning also cleans up many of the details that arose during the planning of the campus and the residential areas and make sure there are adequate protections for the existing residents of the Village on Goose Creek. The request also seeks to facilitate the protection of large areas of this site from development dedicating significant acreage to agriculture and environmental uses. He felt that this housing would also be an attractive alternative to some employees of Augusta Health and neighboring professional offices. "Our goal is to have a project where people can live, learn and work in the same community, keeping their cars off the roads as much as possible." The requested density is within the lower range of the density recommended by the Comprehensive Plan. The rezoning is to also finalize the details of the new entrance roads serving the campus and the residential area. "One of the very important elements of our plan is building a new entrance road, that will be called Baldwin Boulevard, from Goose Creek Road into our site to serve the campus and the residential areas. Baldwin Boulevard should serve as the main entrance and access to the school and the residential area, leaving Village Creek Drive to primarily serve the existing residents. Construction traffic will be prohibited from using Village Creek Drive. The proffers will also allow for the new school and residential area to grow together, being linked by sidewalks, pedestrian paths and providing access to the vast areas of open space for recreational purposes." A large portion of the site will be open and free from development. Trails and paths will be built throughout the 100 acres of open space for active and passive recreation for both students and residents. In planning the remaining portion of the property, they plan to use much of the open space to enhance the water quality of the area and of Goose Creek.

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Moore stated that Crescent Development and Sunrise have worked well with staff and felt that this was an excellent use of the property. He noted that he had met with Sunrise who had proffered 10,000 square foot buildings for doctor offices, or other type of professional building and had expressed concern that he does not presently have a prospect and questioned if one central building was developed if parking could be provided around that one building. Mr. Moore told Sunrise that he would have to provide plans to be reviewed.

Mr. Moore moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance, with proffers:

May 23, 2012, at 7:00 p.m.

CRESCENT DEVELOPMENT – GOOSE CREEK, LLC AND SUNRISE INVESTMENTS OF AUGUSTA COUNTY, LLC – REZONING (cont'd)

A request to rezone a total of 114 acres from Attached Residential and Limited Business to Multi-Family Residential with proffers (75.60 acres); General Business with proffers (7.60 acres); and General Agriculture with proffers (30.80 acres). The land is owned by Crescent Development – Goose Creek, LLC and Sunrise Investments of Augusta County, LLC and located in the northwest quadrant of the intersection of Goose Creek Road (Route 636) and Village Creek Drive (Route 1382) in Fishersville in the Wayne District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel numbers **71J, 71K, and 71L**, on tax map number **66**, and parcel numbers **17A & 17B** on tax map number **66F(9)**, containing a total of approximately 114 acres is changed as follows: 30.8 acres from Attached Residential to General Agriculture; 6.7 acres from Limited Business to General Business; 0.8 acres from Limited Business to Multi-Family Residential; 0.9 acres from Attached Residential to General Business; 74.8 acres from Attached Residential to Multi-Family Residential, with the following proffers:

1. There shall be only one access permitted on to Route 636 and it shall be in general conformance with the location of the 'Entrance Road' on the rezoning exhibit entitled "Goose Creek Rezoning" by Balzer and Associates dated 4-1-12, here by referred to as Rezoning Exhibit A. Throughout these proffers parcel numbers refer to the parcels designated and described on Rezoning Exhibit A.
2. There shall be no direct access to Route 636 from Parcel 1. The only access from Village Creek Drive to Parcel 1 shall be one right-in only entrance. Full access to Parcel 1 may only be permitted on 'Road B' as shown on Rezoning Exhibit A. All entrances must meet VDOT approval.
3. Construction traffic during the initial phases of development shall not be permitted to enter the site through Village Creek Drive.
4. Development of Parcel 1, 2, and 3 shall be limited to development that as a total has an ITE traffic generation of no more than 1000 vehicles per day before Road B as shown on Rezoning Exhibit A is built or bonded.
5. At a minimum, a 5' wide concrete sidewalk will be constructed on one side of the Entrance Road and Road B as described on Rezoning Exhibit A and any private or public roads serving the residential units on Parcel 3.
6. 10' wide grass trails within Parcel 4 and Tax Map #66-67 shall be constructed along Goose Creek with the appropriate crossings and maintained by Crescent Development - Goose Creek, LLC or their successors or assigns. Pedestrian connections shall be made to the sidewalks along the roads as described in proffer 5 to the trails to be developed by Crescent Development – Goose Creek, LLC. The owner of Parcel 3 shall be responsible for making the pedestrian connections during construction of the residential units on Parcel 3, which shall be designed and approved through the site plan process.

May 23, 2012 at 7:00 p.m.

CRESCENT DEVELOPMENT – GOOSE CREEK, LLC AND SUNRISE INVESTMENTS OF AUGUSTA COUNTY, LLC – REZONING (cont'd)

7. If residential units are built on Parcel 2, the owner of Parcel 2 shall be responsible for constructing pedestrian connections to the sidewalks along the Entrance Road and Road B and to the trails within Parcel 4 to be developed by Crescent Development - Goose Creek, LLC which shall be designed and approved through the site plan process.
8. The owners of Parcels 1 and 3 will dedicate to VDOT a minimum right of way width of 60 feet measured from the centerline of relocated Route 636 as shown on Rezoning Exhibit A. The right of way shall be dedicated prior to the issuance of the first building permit on Parcels 1, 2, or 3.
9. The owner of Parcel 3 will enter into a signal agreement with VDOT to contribute 50% of the funds towards a signal light if warranted at the intersection of Goose Creek Rd. (636) and Village Creek Drive or the new Entrance Road.
10. All costs associated with the operation and maintenance of any proposed street lights shall be the responsibility of parties other than Augusta County.
11. All proposed lighting shall be in conformance with the current lighting ordinance as applicable to business and commercial uses.
12. Parcel 1 shall have the same Permitted, Administrative, Special Use, Accessory Use, and Prohibited Uses allowed in Chapter 25, Article XXIX. Limited Business Districts as it existed on February 28th, 2010 with the following additional uses prohibited: religious institutions, gasoline retail outlets, and media related businesses. In Parcel 1, building height shall be restricted to 35 feet and no single building shall be larger than 10,000 square feet. In addition, no outside storage shall be permitted.
13. In Parcel 3 building height shall be limited to 55 feet.
14. In Parcel 2 building height shall be limited to 4 stories.
15. No buildings shall be constructed, erected or located in the "Restricted Area" as shown on Exhibit A. Permitted uses of the lot or lots shall be restricted to passive recreation and signage limited to 32 square feet per sign.
16. There shall be no more than 25 individual residential dwelling units on Parcel 2 and no more than 250 individual residential dwelling units on Parcel 3 as described in Rezoning Exhibit A.
17. There shall be no residential uses, religious institutions, or farming operations involving livestock or poultry permitted on Parcel 4. Active and passive recreation, signage limited to 32 square feet per sign, wildlife area and forestry type uses are expressly permitted.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

VDOT SIX-YEAR PLAN

This being the day and time advertised to consider a request to consider and receive input in regards to the proposed Secondary Road Construction Improvement Program for the State Secondary System of Highways in accordance with Section 33.1-70.01, Code of Virginia, 1950, as amended; the program covers the six-year period from July 1, 2012 through June 30, 2018. The Board will also receive input on the Secondary Road Construction Improvement Budget for Fiscal Year 2012-13. The Budget covers the period from July 1, 2012 through June 30, 2013.

Chairman Pyles said that this type of hearing is held yearly because State and Local work together on our secondary roads and welcomed Delegate Landes being present tonight.

The Chairman declared the public hearing open.

May 23, 2012, at 7:00 p.m.

VDOT SIX-YEAR PLAN (cont'd)

Donald Komara, Residency Administrator, reviewed with the public the purpose for conducting the public hearing:

"My name is Donald Komara. I am the Residency Administrator in Harrisonburg. It is a pleasure to be here tonight with the Board and the public to present our Six-Year Plan and budget for Fiscal Year 2012 through 2018. It is exciting to work in Augusta County because the Revenue Sharing Program enables us to accomplish a lot of work. I would like to start with going over a few of the accomplishments that we had last year:

1. Route 772 (Sulpher Pump Road) in the Middle River District.
2. Route 716 (West Augusta Road) in the Pastures District
3. Route 696 (Coffman Road) in the North River District
4. Route 757 (Barger Lane) in the North River District
5. Route 862 (Furnace Road) in the Pastures District
6. Route 1204 (Blacksmith Shop Lane) in the Riverheads District
7. Route 652 (University Farms Road) in the Riverheads District

Additionally I would like to commend the County on completing four Rural Rustic projects under the Locally Administered Revenue Sharing Program which were:

1. Route 765 (Narrow Back Road) in the North River District.
2. Route 757 (Whetstone Draft Road) in the North River District.
3. Route 875 (Enterprise Road) in the North River District.
4. Route 1220 (Russel Rock Lane) in the Riverheads District.

We also have a strong maintenance program. I think we did a good job in maintaining our roads. Although we did have a relatively light winter we did have two isolated storms that primarily affected Augusta County.

Our Bridge crew replaced about 8 box culverts throughout the County, as well as one slab replacement and a widening of another structure that we did in-house.

The proposed Six-Year Plan does not have any State or Federal dollars in it. The money on the Six-Year Plan is from Telecommunications Fees, which are fees collected for the use of public easements by utility companies. Those monies are given to VDOT and reallocated back out to local residences. There is approximately \$245,000 identified for each year on the Six-Year Plan, which is significantly lower from the years past. There are several projects that are still on the Plan. These projects are:

1. Route 626, Limestone Road, rescoping project to see what can be done with a little less money
2. Route 636, Goose Creek Road, two projects, one is a PE project to coordinate with developer; the other is a connector project from Route 250 over past Augusta Medical Center.
3. Route 640, which is Goose Creek Road and on the other side of the hospital that ties into Route 250 at a new location which is currently wrapping up construction.
4. Route 685, a bridge project in the Craigsville area. We are planning to replace this structure.
5. Route 616, Dam Town Road, estimates are high. Currently working on the design to identify some breakout projects.
6. Route 610, Howardsville Turnpike, help a vertical curve in the middle.
7. Route 612, we are nearing the Right of Way phase.

Other line items: County-wide services for engineering, seeding, traffic services and right-of-way engineering.

May 23, 2012, at 7:00 p.m.

VDOT SIX-YEAR PLAN (cont'd)

Patrick J. Coffield, County Administrator, added that a number of years ago a previous Board of Supervisors supported road design changes which lead to Rural Rustic Roads design criteria. Delegate Landes, who is with us tonight, helped sponsor this change. This was a pilot project with six projects, five out of Augusta County. From that point, Augusta County has taken the lead in the Commonwealth of Virginia. "It has been a very successful program. It does not answer all the questions, but someone who may be waiting for a gravel road to be surface treated, it got them out of the dust. This is a great application on low volume roads."

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

* * * * *

BERRY FARM TIMBER BIDS

The Board considered award of bid to Burke Family Logging, Craigsville, VA, for cutting of marketable timber at Berry Farm (North River District). **This was tabled at the Board of Supervisors Regular meeting, May 9, 2012.**

Mr. Pattie moved, seconded by Mr. Shull, that the Board remove item from the table.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler
 and Pyles
 Nays: None

Motion carried.

* * *

Mr. Shull reported that he had visited the farm with a retired lumberman who could not find any pines infected by pine beetles. The lumberman had said, since the trees are in a growing process, that we should give it another 8 to 10 years and then clear-cut the timber. If the cutting was done now, it could damage the remaining trees.

Mr. Shull moved, seconded by Mr. Beyeler, that the Board reject the bid and harvest the trees at a later date and then replant.

Mr. Pattie asked why this process was started. Why cut them now instead of 8-10 years from now? Mr. Fitzgerald said the trees on the left portion of the property were planted close together and limiting growth. The Department of Forestry suggested thinning out the trees to allow growth. Mr. Coffield added that the Department of Forestry makes "advisory" suggestions.

Mr. Moore understood that if the timber were to be cut now, they would not be used as boards. At a later date, and better market, they could be harvested as boards for lumber. Mr. Shull agreed. He added that the value of the boards is low now because of the sour homebuilding market but could improve markedly when the construction industry turns around.

Mr. Karaffa asked if there were any out-of-pocket costs. Mr. Fitzgerald said the bidders only put in review time of the site and no out-of-pocket costs were incurred.

Mr. Pattie suggested that someone monitor the beetle infection. Mr. Fitzgerald said that Parks and Recreation and Community Development would be monitoring the infection.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler
 and Pyles
 Nays: None

Motion carried.

May 23, 2012 at 7:00 p.m.

* * * * *

ROUTE 636 RIGHT-OF-WAY

The Board considered resolution of discontinuance of state maintenance. **This was tabled at the Board of Supervisors Regular meeting, May 9, 2012.**

Mr. Moore moved, seconded by Mr. Shull, that the Board remove this item from the table.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * *

Mr. Moore advised that some of the concerns that had been previously mentioned was the access to Augusta Health Center and the elevation difference that would be 11 feet difference. A recommendation had been made that it not be used as an emergency route. He noted that 275 residents would be affected by the change but would still have access to Route 250. He had looked at the Six-Year Plan to determine what money was available on the re-routed 636. With money that was allocated for different portions is about \$3.3 million; there is an additional \$3.5 million that Crescent Development is committed (\$6.8 million). He added that the State and County government plan to eventually develop another stretch and build a bridge for it over the railroad line that will lead to the hospital's "backdoor".

Mr. Moore moved, seconded by Mr. Beyeler, that the Board adopt the following resolution:

R10 Discontinuance of state maintenance per §33.1-150

RESOLUTION

WHEREAS, the construction of Route 636 relocated from 0.84 miles west of Route 285 to 0.98 miles west of Route 285 is planned to be completed with the development of the Murphy Deming College of Health Sciences, and

WHEREAS, the construction of Route 636 relocated will require a portion of the existing Route 636 to be discontinued, and

WHEREAS, Route 636 from 0.98 miles west of Route 285 to 1.29 miles west of Route 285, a distance of 0.31 miles, appears to no longer be capable of serving public convenience warranting its maintenance at public expense and should be discontinued as a part of the secondary system of state highways, and

NOW, THEREFORE BE IT RESOLVED, the Virginia Department of Transportation is hereby requested to take the necessary action to discontinue aforesaid portion of Route 636 as part of the secondary system of state highways, pursuant to §33.1-150, Code of Virginia, 1950, as amended.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Chairman Pyles clarified that the resolution was to ask VDOT to hold a public hearing for this discontinuance.

May 23, 2012, at 7:00 p.m.

ROUTE 636 RIGHT-OF-WAY (cont'd)

Messrs. Wills and Pattie and Chairman Pyles expressed concern of closing a road that has an average of 200 people traveling on it per day. Mr. Wills felt that if he had assurance of it being tied into the road at a later date, he could support the motion.

Mr. Karaffa said that it was a dangerous road and did not meet site requirements. Mr. Pattie said there were a lot of country roads that could be considered dangerous. Mr. Shull suggested that those who had not viewed the property, should go out and look at it, "then you would get a better understanding of what is there and what Mary Baldwin wants to do. Once you start cutting the grades in there for Mary Baldwin, it is going to increase the road grade by 15 to 20 feet and there is a creek that you have to deal with. The only way that you can put a road in there is you're going to have to relocate the road from the underpass and come around and come up this grade. We would have to put in box culverts, or something, in this creek bed because the road would have to be changed."

Vote was as follows: Yeas: Karaffa, Shull, Moore and Beyeler

Nays: Pattie, Wills and Pyles

Motion carried.

* * * * *

PPEA POLICY

The Board considered modification to Public-Private Education Facilities and Infrastructure Act (PPEA) policy to allow for a public-private transportation project (PPTA).

Patrick J. Morgan, County Attorney, advised that this was discussed at Monday's Staff Briefing. In the agenda package is a policy for the Public-Private Transportation Act (PPTA) project. Previously, the Board has passed a policy under the Public-Private Education Facilities and Infrastructure Act (PPEA), which is a way of handling a competitive, but flexible, procurement of capital improvements. The Act does not apply to roads and transportation facilities. Mr. Morgan had compared the current policy with the PPTA and changed the policy as needed to reflect the names of the acts and terminology unique to the Transportation Act.

Mr. Moore moved, seconded by Mr. Wills, that the Board policy as recommended by the County Attorney.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

Mr. Coffield added that this type of procurement is out of the norm. "Normally, you do a conceptual design and then do competitive bids for the final design, then you go to competitive bids for construction. The PPTA combines both your design and construction. While it is a relatively new opportunity in the State of Virginia, in Augusta County, we have already used it twice. " The Service Authority used it for Stuarts Draft Treatment Plant and the County used it for the Fire Station in Riverheads.

* * * * *

May 23, 2012 at 7:00 p.m.

SURPLUS PROPERTY COMMITTEE REPORT

The Board considered advertisement for public hearing for the following properties:

- 1) Gochenour House
- 2) Summerdean Property
- 3) Augusta Springs Property

Chairman Pyles expressed appreciation to Messrs. Beyeler and Karaffa taking the time to view all of Augusta County property.

Mr. Karaffa said that the Property Committee had viewed the property and set aside the three above-mentioned properties to consider.

1) Gochenour House

Mr. Fitzgerald displayed the preliminary layout of the Gochenour House property. He noted that a memorandum from the Augusta County Service Authority had been attached to the Board's agenda tonight mentioning this property. On the layout, Mr. Fitzgerald showed where a sewer facility was designated that would need to tie into a sewer line. In order to do that, you would have to go under the railroad, along the stream, to connect into the sewer line for future capacity. When the plat is done for this property, a sewer easement will be set aside so that the work can be done in the future. Mr. Fitzgerald pointed out two different accesses: 1) a right-of-way to Route 11 where there is some concern about access across the track being given; and 2) coming off of the Government Center Lane to the facility. Currently, they are working with some people to remove the honeybees from the property. The Property Committee has recommended that this property be advertised for sale.

2) Summerdean Property

A map was displayed consisting of 1.7 acres indicating that it is not a developable piece of property. The Property Committee has recommended that the adjacent property owners be allowed to submit proposals to purchase the property.

3) Augusta Springs Property

This property is where the Augusta Springs Fire Department used to be located. Floodplain and floodway concerns were discussed at Monday's Staff Briefing. There is an area on the where a home could be built. The Property Committee has recommended that this property be advertised for sale.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board authorize staff to advertise for public hearing.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

VRS – RESOLUTIONS

The Board considered resolutions required by State:

- A) County Employer Contribution Rate 12.50%
- B) County Employee Contribution Rate 5.00%
- C) School Board – BOS concurrence

Mr. Coffield reported that this had been discussed at the Monday's Staff Briefing. He

May 23, 2012, at 7:00 p.m.

VRS – RESOLUTIONS (cont'd)

stated that General Assembly has had public debate on this and that several options have been given for implementation. VRS actuarial was under-funded and are moving to increase local contributions to help narrow that gap.

Mr. Wills moved, seconded by Mr. Moore, that the Board approve the resolutions.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

WAIVERS/VARIANCES

The Board considered Franklin Holdings, LLC (Crimora Dollar General) exemption of portion of lighting ordinance (Middle River District).

Mr. Fitzgerald displayed property. He noted that when the new store was built, the lights were too bright and, after some complaints, were replaced. After the lights replacement, the Dollar General Store had expressed concerns of insufficient lighting in the parking lots. Shenandoah Valley Electric placed two lights on the poles. Because of not having a Lighting Plan, those lights did not meet the lighting ordinance requirement. At this point, the Dollar General store is opened, but the lights have been disconnected.

Gary Scrogam, representative for Franklin Holdings, LLC, asked the Board for a waiver of the policy so that the lights could be turned back on to allow for more lighting in the parking lot. A letter of support was distributed to the Board. Dale Frye, an adjacent property owner, supported the lighting for security purposes.

Mr. Wills stated that he had visited the property Monday evening around 9:30 and noted that the parking area is dark. He said that Mr. Scrogam has spoken with the neighbors about the lights. Mr. Scrogam said, if allowed, he would be happy to do the shielding. He felt that the lights were needed for security purposes.

Mr. Wills moved, seconded by Mr. Beyeler, that the Board approve the waiver with the condition that the lights be shielded to contain the lights on the property.

Mr. Karaffa questioned if shielding was part of the Lighting Plan.

Mr. Fitzgerald said that it was part of the Lighting Ordinance. If you're in Business or Industrial, and you are going to have lights more than 3,000 lumens, you can do a Lighting Plan that is done by a Professional Engineer or Certified Landscape Architect that shows where the lights will be located, the wattage of the lights, and the profile of where the lights hit on the property. This information would be part of a Lighting Plan.

Mr. Karaffa expressed concern of voting on a motion that would place the responsibility to Shenandoah Valley Electric for the shielding. "If we have an ordinance that allows for this lighting to be there, but requires that a plan be done with the shielding, why are we going against our own ordinance? We need to look at the ordinance."

Mr. Moore said that the lights that are there, now, are allowable in any Residential or Agricultural zoning. Mr. Fitzgerald added that the Code of Virginia only allows you to restrict the lighting in Business and Industrial zoning; therefore, the only place the Lighting Ordinance is valid is in Business and Industrial zoning. Mr. Moore said shielding is a standard option, but there may be some expense to Mr. Scrogam.

May 23, 2012 at 7:00 p.m.

WAIVERS/VARIANCES (cont'd)

Mr. Beyeler suggested that the Lighting Ordinance be reviewed. He understands that there is no Engineer in Augusta County qualified to do a Lighting Plan.

Chairman Pyles clarified that these waivers are used for this purpose. "One of the things of the Lighting Ordinance is shielding to restrict overflow of lighting outside of your property."

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

CONSENT AGENDA

Mr. Karaffa moved, seconded by Mr. Shull, that the Board approve the consent agenda as follows:

MINUTES

Approved the following minutes:

- Special Meeting, Wednesday, May 2, 2012
- Regular Meeting, Wednesday, May 9, 2012

CONSENT AGENDA (cont'd)

STREETLIGHT REQUEST

Considered request for the acceptance of streetlights in Windward Pointe (Wayne District).

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

(END OF CONSENT AGENDA)

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Beyeler: Lighting Ordinance – suggested that it be reviewed by the Ordinance Committee.

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Ordinance Committee (consisting of Messrs. Beyeler and Moore) review the Lighting Ordinance.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * *

May 23, 2012, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Wills:

1. LIBRARY BOARD REAPPOINTMENT

Mr. Wills moved, seconded by Mr. Karaffa, that the Board reappoint Susan A. Thacker to serve another four-year term on the Library Board, effective July 1, 2012, to expire June 30, 2016.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler
and Pyles

Nays: None

Motion carried.

* * *

2. Attended Grand Opening at The Landings at Weyers Cave – “Very nice and will be an asset to the County!”

Mr. Shull: Attended Greenville Sewer Pre-bid meeting

Mr. Pattie:

1. Campaign Material (Infrastructure/Salary) – “Mr. Beyeler, I don’t have a problem with you disagreeing with me. I completely understand that, but, when you publicly call me a liar, I do have a problem with that. I just wanted to show you the literature that I put on about 95% of the doors in my district. It clearly says on there that I was going to request my salary to be put in my infrastructure account. I understand you disagree with me, and I’m okay with that, but calling me a liar in public, I don’t think that’s good for this Board.”
2. Augusta County State Funds Comparison – Encouraged Media to look at objectively and compare with other counties.

Mr. Karaffa:

LIBRARY BOARD APPOINTMENT

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board appoint Denise Kelly to serve a four-year term on the Library Board, effective July 1, 2012, to expire June 30, 2016.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler
and Pyles

Nays: None

Motion carried.

* * *

Mr. Moore:

WILSON COMPLEX TRAFFIC CIRCULATION (ROUNDAABOUT)

Mr. Moore moved, seconded by Mr. Karaffa, that the Board cancel the Wilson Complex Traffic Circulation (roundabout) project and return balance of funds to the respective Infrastructure Accounts.

Funding Sources:

| | | |
|------------------------------|------------------------|---------------------|
| Beverly Manor Infrastructure | Account #80000-8011-44 | \$ 63,581.94 |
| Wayne Infrastructure | Account #80000-8017-66 | <u>\$190,745.81</u> |
| | | \$254,327.75 |

May 23, 2012 at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Moore added that he and Dr. Chuck Bishop, the Augusta County School Superintendent, felt that if the route 636 project is completed, the road connecting Woodrow Wilson to the Hospital would provide an additional avenue for traffic flow. He felt that this would be a better way to utilize those funds through Revenue Sharing.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Landfill Trustees Special Meeting – Public hearing held today on Wind Energy agreement and unanimously approved.
2. VDOT Metropolitan Planning Organization (MPO) meeting – Briefed Board regarding requirement to establish a regional MPO for Staunton, Augusta County and Waynesboro jurisdictions. Planning meeting June 18th at 10:00 a.m. in the County Administrator’s conference room. Solicited Board input on Policy and Technical Advisory Committees. It was the consensus of the Board to appoint Jeffrey Moore and Timmy Fitzgerald as Augusta County representatives, with Supervisor Karaffa as alternate for the Policy Committee. For the Technical Advisory Committee: Becky Earhart, with Kim Hull, as alternate were chosen to serve.
3. Delinquent Tax information given to the Board.

* * * * *

CLOSED SESSION

On motion of Mr. Moore, seconded by Mr. Karaffa, the Board went into closed session pursuant to:

- (1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Boards and Commissions
- (2) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**
[discussion of the acquisition for a public purpose, or disposition, of real property]:

A) Surplus Property
- (3) **the economic development exemption under Virginia Code § 2.2-3711(A)(5)**
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

A) Industrial Prospect
- (4) **the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)**
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel

May 23, 2012, at 7:00 p.m.

CLOSED SESSION (cont'd)

regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) Health Insurance Consortium

On motion of Mr. Karaffa, seconded by Mr. Wills, the Board came out of closed Session.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Beyeler, Moore and Pyles
Nays: None

Motion carried.

* * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles
NAY: None

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

* * * * *

BOARDS AND COMMISSIONS REAPPOINTMENTS

Mr. Moore moved, seconded by Mr. Karaffa, that the Board approve the following appointments:

SHENANDOAH VALLEY WORKFORCE INVESTMENT BOARD

Reappoint Patricia M. Snyder to serve a four-year term, effective July 1, 2012, to expire June 30, 2016.

VALLEY ASAP

Reappoint Patrick J. Coffield to serve another three-year term, effective July 1, 2012, to expire June 30, 2015.

COMMUNITY POLICY AND MANAGEMENT TEAM

Reappoint Carol Blair to serve another three-year term, effective July 1, 2012, to expire June 30, 2015.

CAP-SAW

Reappoint David A. Karaffa to serve a one-year term, effective July 1, 2012, to expire June 30, 2013.

May 23, 2012 at 7:00 p.m.

BOARDS AND COMMISSIONS REAPPOINTMENTS (cont'd)

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles
Nays: None

Motion carried.

* * * * *

MCKEE FOODS CORPORATION – RESOLUTION

Mr. Beyeler moved, seconded by Mr. Pattie, that the Board adopt the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, Augusta County wishes to recognize the importance of business and industry in making our economy diverse and prosperous;

WHEREAS, McKee Foods Corporation is an integral part of our community and for more than 20 years has administered its guiding values beyond the confines of the Stuarts Draft facility;

WHEREAS, McKee Foods values PEOPLE and recognizes the contributions of individuals and demonstrates concern for the health, welfare and safety of its employees;

WHEREAS, McKee Foods values INTEGRITY in its operations, conducting business ethically honestly and fairly and treating everyone with respect;

WHEREAS, McKee Foods values RESPONSIBILITY for actions and acts responsibly in dealings with each other, customers and the community;

WHEREAS, McKee Foods values QUALITY by satisfying customers with a quality product at a value price;

WHEREAS, McKee Foods values PRODUCTIVITY by maximizing the use of resources to maintain profitability and support continued growth;

WHEREAS, McKee Foods values INNOVATION by using creativity, teamwork and continuous improvement to “find a better way”;

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA publicly expresses its appreciation to McKee Foods Corporation for the exemplary manner in which it has applied the above stated values within its organization and to the community through involvement and participation. McKee Foods high standards serve as a role model to all business and industry. The Board further wishes continued success and prosperity for the entire McKee Family of Foods.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles
Nays: None

Motion carried.

* * * * *

ADJOURNMENT

There being no other business to come before the Board, Mr. Wills moved, seconded by Mr. Moore, the Board adjourned subject to call of the Chairman.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles
Nays: None

Motion carried.

* * * * *

Chairman

County Administrator