
Regular Meeting, Wednesday, June 27, 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
Becky Earhart, Senior Planner
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, June 27, 2012, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236th year of the Commonwealth....

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Chairman Pyles welcomed the citizens present.

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Jennifer M. Whetzel, Director of Finance, led the Pledge of Allegiance.

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Larry J. Wills, Middle River District, delivered invocation.

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ROUTE 636 – DISCONTINUANCE OF A PORTION OF ROUTE 636

This being the day and time advertised for VDOT to consider and receive input in regards to the proposed discontinuance of a portion of Route 636 from 0.98 miles west of Route 285 to 1.29 miles west of Route 285 in accordance with Section 33.1-150, Code of Virginia, 1950, as amended.

Jeremy Mason, VDOT Assistant Residency Administrator, advised that part of the requirement is that VDOT have a public hearing whenever a locality asks for a discontinuance. He noted that Augusta County has requested a discontinuance of approximately .3 of a mile under the railroad pass (designated in red on the map). VDOT thought it best to have a public hearing during the regular Board of Supervisors meeting to gather comments from the public to assist VDOT in providing a recommendation to the Commonwealth Transportation Board for a final decision. He asked if Mr. Fitzgerald could give a further explanation.

Timmy Fitzgerald, Director of Community Development, added that the Board adopted a resolution asking VDOT to consider the discontinuance of a portion of Route 636 on May 23, 2012. He noted that this project has been considered for many years as a project of importance to the County. It is a new connector road (designated in yellow on the map), which basically connects from Route 250, at Woodrow Wilson, to Route 636, which goes by Augusta Health Center. It would be a new two-lane connector road with a new bridge over top of the railroad and would provide a safe access to the hospital from the Route 250 Corridor. The reason for this discontinuance is because of the Murphy Deming School of Health Sciences (with Mary Baldwin College) that is planning to build on the Route 636, which creates some issues of getting their entrance located. In looking at this project, it was determined that the entrance should be built at the correct location and not

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ROUTE 636 – DISCONTINUANCE OF A PORTION OF ROUTE 636 (cont'd)

have to be changed when the construction of Route 636 occurs. When this was first being considered, it was noted a substantial amount of fill that would be required to build the new section of road to get across the railroad with a new bridge. Tying in the existing Route 636, at that time, was going to be difficult acceptable grades could not be met. Since then, they have looked at extending the project out a little further, which would provide for the ability to ramp it down for some farm equipment entrances. A turnaround would be built (where the green meets the red). A gated area would provide access to the farmland. Public access would no longer be allowed. He reiterated that this would have to go before The Commonwealth Transportation Board for a final decision.

The Chairman declared the public hearing open.

Ben Cash, a resident on Goose Creek Road, noted that prior to tonight's meeting, he met with VDOT and Augusta County staff, to go over options and concerns. As homeowners, their concerns were the amount of traffic on the road. He supported the closing of the road. Concerns he had were 1) farm equipment (which has been resolved); and 2) upgrade on the existing Route 636 is needed.

Bob Pingry, a resident on Goose Creek Road, also supported the discontinuance. He noted the following conditions that exist on this particular section: 1) heavy traffic count (400 vhd) causes a heavy dust; 2) posted speed limit is 25 mph; cut-through traffic averages 40 mph; 3) no guardrails on top slopes that drop 20 feet vertically to the railroad; 4) no stormwater structures to collect stormwater; 5) several open ditch culverts located next to and below the road surface approximately 2 feet below the road surface that creates hazardous conditions; 6) portion of road that is paved is broken in potholes creating hazardous driving conditions (causing the road to be regraded by VDOT constantly); and 7) very narrow, with no shoulders, creating hazardous conditions for two-way traffic. Mr. Pingry added that closing the road will not create undue hardship for those currently using it. He felt that, for the safety of the citizens who currently use the road, the road must be either closed or improved immediately to meet the State standards for the road for its current existing use and its future use (because of the current traffic not meeting the State standard). He noted that because this road is used by employees of Augusta Health Center and other Augusta County citizens, who are members of the Health Club, they often run or cycle down the road, the underpass should be remain open for "non-vehicle traffic". Mr. Pingry asked what the new road would be named. He felt that would cause some confusion with the old road already being named Goose Creek Road. He also suggested that a "dead-end" sign be posted at the entrance of Goose Creek Road at Route 250. He suggested that if the road remains open, that a turn median lane be installed in the west-bound Route 250 (driving towards Staunton towards Christian Creek) area.

Donna Hoy, property owner of 76 acres of farmland at the underpass and representative for the Hoy family, expressed that, at first, they were concerned about closing the road because of the blockage of their entrance. She noted that issue has been worked out and they do not oppose the closing of the road. She asked if the underpass, during the construction, will be blocked. Mr. Moore said that it would be open for their farm use at most times. Don Komara, VDOT Residency Administrator, stated that it may be closed at some time. Mr. Fitzgerald added that they would make every effort to keep it accessible.

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

Mr. Beyeler asked that the Hoy family stand for recognition.

Mr. Wills stated that he had previously opposed the closure because of his concern for the people who lived on that road. With their attendance, tonight, and their obvious support of the closing, he expressed that he now supported the closing.

Patrick J. Coffield, County Administrator, added that the action to advertise the public

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ROUTE 636 – DISCONTINUANCE OF A PORTION OF ROUTE 636 (cont'd)

hearing was a 4-3 vote. He felt that this would give the Commonwealth Transportation Board the opinion that there was a split-vote and suggested that the Board take action of their support. Chairman Pyles agreed.

Mr. Pattie moved, seconded by Mr. Shull, that the Board supports closure of a portion of Route 636.

Mr. Pattie added, to minimize the farm impact, that the time period of closure not be during the growing season.

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

Nays: None

Motion carried.

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SPHINX LAND DEVELOPMENT, LLC – PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public Use Overlay zoning designation with proffers to 13.4 acres owned by Sphinx Land Development, LLC and located on the north side of Goose Creek Road (Route 640) approximately 0.4 of a mile east of the intersection of Goose Creek Road (Route 640) and Tinkling Spring Road (Route 285) in Fishersville (Wayne District). The Planning District recommends approval with proffers.

Becky Earhart, Senior Planner, displayed a map designating property outlined in pink. The property is part of the Ruby Estates Subdivision, which is a Mixed Use Development that has Business, Single-Family, and Attached Residential development planned. The 13.4 acres is planned to have a school. The additional proffers have been submitted:

1. Additional permitted uses shall be limited to schools.
2. Public water and sewer will be utilized in the development of the school.
3. No more than 22 single family dwellings may be built on the 13.4 acres

Ms. Earhart noted that other proffers will remain in effect on the site - in terms of ingress and egress, the minimum square footage of Single-Family dwellings; manufactured and mobile homes cannot be built; and some road dedication issues will still remain.

This property is in the Urban Service Area and is slated for medium density residential development. Public water and sewer will be available when utilized in the development of the school.

Peter Boutros, applicant, stated that they needed the Public Use Overlay in order to sell the property to Bethany Lutheran Church.

The Chairman declared the public hearing open.

Tim Bohlmann, Pastor at Bethany Lutheran Church, which is seeking to purchase the land, stated they are celebrating their 240th anniversary this year and have had a school as part of their ministry most of that time. Currently, they have a 100 child pre-school (8:30 a.m. to 11:30 a.m.) and extended care (7:30 a.m. to 6:00 p.m.). They hoped to continue that ministry and expand into some elementary grades, which has been a part of their school ministry.

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SPHINX LAND DEVELOPMENT, LLC – PUBLIC USE OVERLAY (cont'd)

They need the space to allow for the school and their growing congregation.

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

Mr. Moore felt this “to be a good fit to the area”.

Messrs. Beyeler and Karaffa stated that their children had attended their school. Mr. Karaffa added that he was always excited to see “private education moving forward”.

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

A request to add the Public Use Overlay zoning designation with proffers to 13.4 acres owned by Sphinx Land Development, LLC and located on the north side of Goose Creek Road (Route 640) approximately 0.4 of a mile east of the intersection of Goose Creek Road (Route 640) and Tinkling Spring Road (Route 285) 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 number **84D (portion)**, on tax map number **67**, containing a total of approximately 13.4 acres is changed as follows: the Public Use Overlay designation will be added with the following proffers:

1. Additional permitted uses will be limited to:
 - A. Schools
2. Public water and sewer will be utilized in the development of the school.
3. No more than 22 single family dwelling units (not including any accessory dwelling units) shall be built on this property.

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

Motion carried.

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT

This being the day and time advertised to consider an ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled “Village Mixed Use District”. The district is intended for use in established communities which have historically provided social and economic services to the area. The regulations are designed to recognize the mixed use character of the village, encourage its service

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

functions, and to provide for appropriate expansion and development of the village while maintaining its historic development pattern. The district will allow the mixing of low impact commercial uses and single family and multi-family residential uses. The district provides for reduced parking requirements and limitations on signage. The Planning Commission recommends approval with changes.

Ms. Earhart gave a PowerPoint presentation highlighting the following:

- ❑ Article XLV creating a new district “Village Mixed Use” for use in the County’s older, developed communities where a pattern of mixed land uses exists and is desired to be continued, but residential is likely the predominant use. Among the places where such a district might work is downtown Greenville.
- ❑ **Permitted Uses:** Single Family Residential and smaller, low impact business uses that close by 10 p.m. (a Planning Commission recommended change).
- ❑ **Administrative Permit Uses:** Home occupations, accessory dwelling units, apartments in pre-2012 buildings, apartments in new buildings with business on ground floor, boarding houses, and outdoor display of merchandise
- ❑ **Special Use Permit Uses:** Outdoor storage; apartments or mixed use projects in new construction, and larger businesses or businesses that are open after 10.
- ❑ **Accessory buildings-** by right in side and rear yards with 5’ setback, by SUP in required yards
- ❑ **Minimum Setbacks**
 - ❑ A Front- Planning Commission recommends average setback of at least 60% of all the principle buildings within 250’ and on both sides of the parcel being developed. In no case greater than 35’.
 - ❑ Rear- same concept- no greater than 25’
 - ❑ Removes the impact of the one large setback in a block and retains the concept of building in line with the traditional setback.
 - ❑ **Signage:** Limited signs to be compatible with residential uses
 - ❑ Wall signs
 - ❑ Freestanding signs (8’ tall and 20 square feet in area)
 - ❑ Digital, LED, and similar changeable electronic message signs are prohibited unless the sign is a freestanding sign, its changeable copy area does not exceed 25% of the sign area; and the sign uses only a single color for the text.
- ❑ **Parking:**
 - ❑ On-street spaces in front of business count
 - ❑ Public parking can be used to reduce required parking 50%
 - ❑ In mixed use projects:
 - ❑ Competing uses can request reduction of 30%
 - ❑ Non-competing uses can request a reduction of 75%
 - ❑ Parking for a non-residential or mixed use lot adjacent to a single family residence must provide screening unless the adjacent property owner signs and records a waiver.

Mr. Moore asked about the removal of the time limit 10:00 p.m., which had been discussed at the Staff Briefing on Monday. Ms. Earhart said that it had been recommended by the Planning Commission and could be removed tonight if the Board desires.

Mr. Wills questioned the restriction on the accessory building at 900 square feet. He noted there is nothing specific in this ordinance (and assumed that it does not refer back to any other ordinance), that if there is already an existing accessory building, that reduces the size of the accessory building that can be built. Ms. Earhart explained that the aggregate area cannot exceed 900 square feet.

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

The Chairman declared the public hearing open.

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

Mr. Shull said that this would help keep buildings being utilized in the villages.

Mr. Beyeler asked that the 10:00 p.m. time limit be removed.

Mr. Wills noted under "Home Occupation Class B, Item 4," "the use is conducted within the home or the use may occupy up to 500 square feet of accessory building". He felt this to be "clumsy" for County Officials to try to enforce what percentage of a building is being used for business. He did not feel that a percentage should be used. Ms. Earhart said this was consistent with what is allowed countywide and that they are trying to keep these categories consistent; however, the way it is drafted, you could have two principal uses of the same property in villages. Chairman Pyles asked if it would cause a problem to remove that language. Ms. Earhart said their concern was if a citizen came to the counter asking about Home Occupations, to have two sets of rules would cause confusion and enforcement problems. She felt that, from a staff perspective, the criteria of Home Occupations in the County should be consistent. If the criteria is not met a Special Use Permit would be required. Chairman Pyles suggested that the language remain as stated and asked that the Ordinance Committee review the criteria countywide.

Mr. Beyeler stated that Greenville is going to be basically Residential; the Mixed Use part is for Business. "If we don't stay half-way consistent through the areas, it is going to be very difficult."

Mr. Pattie felt that this would work well in the Mount Sidney area.

Mr. Moore, of the Ordinance Committee, added that the discussion was that in an effort to try to do zoning in different parts of the County, the Villages have different scenario needs because everything is more compact. "The intent of this is to try to protect the Village setting, but to allow them to do things that protects the Village setting without having to go through the Special Use Permit process."

Mr. Beyeler added that in the past all of these Villages have had a mixed use.

Mr. Karaffa agreed with Mr. Wills that "we are creating the Village district so that we can change the rules a little bit". He stated that he is also against the 10:00 p.m. curfew.

Mr. Shull moved, seconded by Mr. Pattie, that the Board adopt the following ordinance with the removal of the 10:00 p.m. curfew for business:

**AN ORDINANCE TO ENACT
ARTICLE XLV, OF CHAPTER 25
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to enact Article XLV of Chapter 25 of the Augusta County Code to provide for Village Mixed Use Zoning Districts;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Chapter XLV of Chapter 25 is enacted into the County Code to read as follows:

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

CHAPTER 25. ZONING.

DIVISION G. MIXED USE DISTRICTS.

Article XLV. Village Mixed Use Districts.

§ 25-453.	Purpose.
§ 25-454.	Permitted uses.
§ 25-454.1.	Accessory buildings and uses.
§ 25-454.2.	Uses permitted by Administrative Permit.
§ 25-454.3.	Uses permitted by Special Use Permit.
§ 25-454.4.	Prohibited uses.
§ 25-455.	Lot area.
§ 25-455.1.	Lot width.
§ 25-456.	Yard and setback requirements.
§ 25-457.	Public water required.
§ 25-458.	Height limitations.
§ 25-459.	Signage
§ 25-459.1.	Design Guidelines
§ 25-459.2.	Parking Requirements
§ 25-459.3.	Access to Major Corridors
§ 25-459.4.	Other Requirements

CHAPTER 25. ZONING.

DIVISION G. MIXED USE DISTRICTS.

Article XLV. Village Mixed Use District.

§ 25-453. Purpose.

This district is intended to retain the character of established communities which have historically provided social and economic services to the area. The regulations are designed to recognize the mixed use character of the village, encourage its service functions, and to provide for appropriate expansion and redevelopment of the village while maintaining its historic development pattern.

§ 25-454. Permitted uses.

A. The following uses shall be permitted without Administrative or Special Use Permits:

1. One (1) single family dwelling and certain group homes required to be permitted by state law.
2. Active and passive recreational facilities not utilizing outdoor lighting.
3. Religious institutions.
4. Residential care facilities with no more than 8 clients/residents.
5. Government facilities, including, but not necessarily limited to: libraries, post offices, and public safety facilities.

B. The following uses shall be permitted without Administrative or Special Use Permits when not involving a structure or structures the total aggregate of which exceeds five thousand square feet (5000 sq. ft.):

1. Veterinary clinics and hospitals without outside runs.
2. Banks and Financial Institutions.
3. Eating and drinking establishments, including, but not necessarily limited to: fast food restaurants, restaurants, and cafes.
4. Entertainment, Indoor, including, but not necessarily limited to: bowling alleys, pool halls, theatres and auditoriums, membership clubs and lodges, gymnasiums, fitness centers and health clubs, fortune telling, video amusements, and indoor theaters.
5. Media Related Businesses, including, but not necessarily limited to: printing and publishing businesses, radio, television and movie studios, cable TV offices, but excluding on-site towers, antennas, and other accessory equipment in excess of thirty feet (35') in height.

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6. Meeting places and other facilities of civic, community service, and fraternal organizations.

7. Offices including, but not necessarily limited to: business offices, call centers, professional offices, medical or dental offices or clinics, and real estate offices.

8. Bed and breakfast inns.

9. Parking lots.

10. Retail Sales and Service including, but not necessarily limited to: antique shops, appliance repair, artist studios or galleries, barber or beauty shops, bakeries, clothing stores, convenience stores, coffee shops, drug stores, farmers markets, flea markets or auction houses, florists, furniture stores, hair salons, nails, tanning booths, or similar personal services, hardware stores, laundry or dry cleaning pick-up, massage therapy, office machines and supplies, paint and wallpaper stores, pet sales or grooming, private postal services, and upholstery shops.

11. Wholesale and resale businesses where goods are normally sold or leased.

§ 25-454.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted in Village Mixed Use Districts, subject to the applicable provisions of article V of division A of this chapter.

B. In Village Mixed Use districts, accessory buildings and structures are permitted with the following limitations:

Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards, however, in no case shall any accessory building be larger than the footprint of the principal building or structure or taller than the height of the principal building or structure. Accessory buildings and structures must meet the applicable side and rear yard requirements of § 25-456.

Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in required front, side and rear yards with a Special Use Permit issued pursuant to the requirements of §25-454.3.E., however, in no case shall any accessory building be larger than the footprint of the principal building or structure or taller than the height of the principal building or structure.

§ 25-454.2. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within Village Mixed Use Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class B.

Home occupations, Class B, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and

3. If the applicant is a tenant, written permission of the landowner is required; and

4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

trailer bed not to exceed sixteen feet (16') in length; and

5. No display of products made shall be visible from the street; and

6. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in 4 above. Any animals associated with a permitted home occupation, e.g. pet grooming business, must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of §25-54.1.N.

The following are not to be considered Home occupations, Class B: trash and garbage collection small engine repair, motor vehicle repair, boarding houses, day care centers, private schools, firearm sales and landscaping businesses.

B. Day care home occupations.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

6. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

C. Attached accessory dwelling units.

One (1) apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and

2. The apartment contains no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and

3. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

4. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; and

5. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

D. Detached accessory dwelling units attached to an accessory building.

One apartment constituting a detached accessory dwelling unit attached to an accessory building may be permitted by Administrative Permit as an accessory to a single-family dwelling provided:

1. The accessory dwelling unit contains less than nine hundred square feet (900 sq. ft.), but in no case shall it be larger than the footprint of the principal dwelling or the structure to which it is attached; and

2. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and

3. Approval by the Virginia Department of Transportation; and

4. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and

5. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

E. Off-site sale of seasonal items.

Off-site sale for more than thirty (30) days of seasonal items such as Christmas trees, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one (1) year period; and

2. Adequate provisions are made for parking, and the sale will not disrupt traffic in the neighborhood. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible parking spaces are available to serve the patrons of such operation prior to its authorization; and

3. Approval of a highway entrance permit for the use has been obtained from the Virginia Department of Transportation; and

4. No site plan as provided in § 25-672 of this chapter shall be required. However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and

5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted.

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

6. For the purposes of this section, fireworks shall not be considered seasonal items.

F. Outdoor Display of Merchandise.

Outdoor display of merchandise may be permitted by Administrative Permit provided that the use shall be limited to that merchandise which:

1. Is in working order and ready for sale; and
2. Is located in side or rear yards; or
3. If in front, can be accommodated in the area immediately adjoining the front of the principal building and in no case shall a display area be within the right-of-way of any road.

No such display shall encroach upon any required parking or loading area or vehicular circulation area.

NOTE: Any outdoor display of merchandise that does not meet the requirements listed above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25.454.3. C.

G. Day care centers, nursery schools, and private schools.

Day care centers, nursery schools, and private schools may be permitted by Administrative Permit provided:

1. Approval of a commercial entrance permit for the use has been obtained from the Virginia Department of Transportation; and
2. Approval of the building for the use has been obtained from the Building Inspection Department; and
3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

H. Apartments in a pre-2012 structure.

An Administrative Permit for apartments in a pre-2012 structure may be granted provided:

1. Apartments may be established within a structure that was constructed prior to January 1, 2012; and
2. Parking will be in compliance with this chapter; and
3. For purposes of expansion or enlargement, the pre-2012 structure shall be treated as a non-conforming building and shall be subject to the provisions of § 25-663 D. of this chapter. The floor area of such expansion or enlargement shall not exceed twenty percent (20%) of the original floor area or the area required by law, whichever is greater. Expansions or enlargements exceeding this requirement may be allowed pursuant to the requirements of §25-454.3. F.
4. Approval of the Building Inspection Department or proof that such approval may be obtained pending zoning approval.
5. Approval of the entrance by the Virginia Department of Transportation.
6. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.

I. Apartments in new construction and not on the ground floor.

Apartments not on the ground floor may be permitted by Administrative Permit provided:

1. The building was built after January 1, 2012; and
2. At least ninety percent (90%) of the ground floor is devoted to business use; and
3. Parking will be in compliance with this chapter; and
4. Approval of the plans has been received from the Building Inspection Department.

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

J. Boarding houses.

An Administrative Permit for a boarding house in a pre-2012 structure may be granted provided that all the requirements listed below are met:

1. The owner of the dwelling lives on the premises; and
2. The dwelling used shall have the exterior appearance of a single family residence and normal residential accessory structures; and
3. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and
4. Approval by the Virginia Department of Transportation; and
5. All parking associated with the use is accommodated in accordance with this Code; and
6. Approval of the Building Inspection Department or proof that such approval may be obtained pending zoning approval; and
7. The dwelling is either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use.

§ 25-454.3. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Single Family Residential Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Residential care facilities for more than 8 residents/clients.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for residential areas; and
2. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

C. Outdoor storage.

Any use permitted under § 25-454.2. F. above where there is outdoor storage that does not meet the criteria for Outdoor display may be permitted by Special Use Permit provided:

1. A site plan is filed meeting the requirements of division J

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article LXVII "Site Plan Review", approved and followed which clearly delineates the areas intended for outdoor storage and complies with the requirements of this chapter; and

2. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways. Aisleways will be appropriate for the anticipated vehicular and pedestrian traffic; and

3. Outdoor storage areas will not interfere with convenient, easily accessible parking for the public. Areas delineated on the site plan for parking or aisleways may not be used for outdoor storage; and

4. Outdoor storage areas will be proportionately appropriate in size and scope to the nature of the business. Financial considerations alone will not justify the failure to use inside storage; and

5. Setbacks for proposed structures and facilities will be sufficient to protect neighboring properties; and

6. Items not displayed for sale or lease shall be fully shielded or screened from view unless the board of zoning appeals determines that fully shielding or screening is not necessary. Opaque screening, including fencing and landscaping, shall be appropriate to ensure compatibility with neighboring properties, taking into account the proper location of aisleways and gates and the compatibility of screening materials with the materials utilized in the principal buildings on site. Fencing or screening shall be maintained in a good state of repair. Chain-link fencing with slats inserted is not acceptable for this screening. Gates shall remain closed except when goods are moved to and from the enclosed area; and

7. There is an adequate plan for outdoor lighting showing the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the site. Any such outdoor lighting shall otherwise comply with the provisions of article VI of division I of this chapter; and (Ord. 3/23/05, eff. 11:59 p.m. 6/30/05)

8. Items to be stored outside may not be items normally and customarily kept inside.

D. Active and passive recreational facilities utilizing outdoor lighting

Active and passive recreational facilities utilizing outdoor lighting may be permitted by Special Use Permit provided:

1. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate anticipated usage; and

2. There is an adequate plan for parking and crowd and traffic control in and around the site. Designated areas for pick-up and delivery of users are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

3. Approval by the Virginia Department of Transportation; and

4. The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation and landscaping, are appropriate for the area.

E. Accessory buildings or other accessory structures located in required yards.

Accessory buildings or other accessory structures located in required yards may be permitted by Special Use Permit provided:

A. The accessory building or structure would not appear out of character with surrounding properties; and

B. Would not be aesthetically damaging to the character of the surrounding properties; and

C. Would not adversely and substantially affect the fair market value of surrounding properties.

F. Apartments or mixed use projects in new construction.

Apartments or mixed use projects in new construction may be permitted by

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Special Use Permit provided:

1. The building was built after January 1, 2012; and
2. The proposed building would not appear out of character with surrounding properties; and
3. Would not adversely and substantially affect the fair market value of surrounding properties; and
4. Parking will be in compliance with this chapter.

§ 25-454.4. Prohibited uses.

All uses except those listed in §§ 25-454, 25-454.1, 25- 454.2, and 25-454.3 above, including manufactured and mobile homes, are specifically prohibited in Village Mixed Use Districts.

§ 25-455. Lot area.

A. The minimum lot area shall be sufficient for compliance with all the provisions of this chapter.

§25-455.1. Lot width.

A. Every lot shall have at least forty feet (40') of frontage on a public street.

B. The minimum lot width at the minimum front setback line shall be forty feet (40').

§ 25-456. Yard and setback requirements.

A. Front lot lines.

Adjacent buildings shall have front yard setbacks that maintain the visual continuity of the streetscape. No principal building or structure shall be erected or located closer to the street right-of-way line than the average setback of at least 60% of the principal buildings on the same side of the street and within 250' of the parcel or parcels being developed. In no case, shall the required front setback be greater than thirty-five feet (35').

If a lot, tract, or parcel fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on each street. In the case of a lot, tract, or parcel that fronts on two (2) or more streets, accessory buildings can be located in a front yard without a Special Use Permit as long as the front setback is met.

B. Rear lot lines.

1. Adjacent buildings shall have rear yard setbacks that maintain the visual continuity of the streetscape. No principal building or structure shall be erected or located closer to the rear lot line than the average rear setback of at least 60% of the principal buildings on the same side of the street and within 250' of the parcel or parcels being developed. In no case, shall the required rear setback be greater than twenty-five feet (25').

Accessory buildings and structures may be erected in rear yards. Accessory buildings and structures shall not be erected, altered, located, reconstructed, or enlarged nearer to any rear lot line than five feet (5') unless a Special Use Permit is granted pursuant to §25-454.3. E.

C. Side lot lines.

1. A principal building or structure shall not be erected, altered, located, reconstructed, or enlarged nearer to any side lot line than five feet (5').

2. Accessory buildings and structures may be erected in side yards. Side yard setback requirements applicable to principal buildings and structures shall be observed by all accessory buildings and structures, unless a Special Use Permit is granted pursuant to §25-454.3. E.

§25-457. Public water and sewer required.

All developed lots in Village Mixed Use Districts shall have service by a public water and public sewer system, if available. Sewer lines shall be available if any of the conditions set forth in §25-505 of the County Code are met. Nothing in this section shall be deemed to prohibit the use of wells and septic systems existing at the time the district is zoned Village Mixed Use, provided the use of the lot does not change and the use is otherwise authorized by law.

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

§ 25-458. Height limitations.

In Village Mixed Use Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any Airport Overlay District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

§25-459. Signage.

Signage shall be subject to the requirements of Article IV, Signs, billboards, and outdoor advertising structures, with the exception of §25-47 and with the following additional regulations:

A. Façade signs shall not exceed one (1) square foot for every linear foot of lot frontage, with a maximum of fifty (50) square feet per sign.

B. Freestanding signs shall not exceed eight feet (8') in height or twenty (20) square feet in sign area. There shall be no more than one (1) freestanding sign per lot. However, any lot that has road frontage on more than one (1) public street may have one (1) freestanding sign on each public street.

C. Real estate signs, construction signs, and yard sale signs shall not exceed four (4) square feet in sign area. However, construction signs which list multiple businesses shall not exceed four (4) square feet in sign area per business listed, but in no case shall the combined sign area exceed twenty (20) square feet in sign area.

D. One (1) public service sign not exceeding eight feet (8') in height or twenty (20) square feet in sign area may be displayed on any lot in addition to any other signage on the lot.

E. Digital, LED, and similar changeable electronic message signs are prohibited unless the sign is a freestanding sign, its changeable copy area does not exceed 25% of the sign area, and the sign uses only a single color for the text.

F. Waiver. The requirements of §25-459. A-D may be modified or waived in an individual case if the Board of Supervisors finds that the granting of a modification or waiver will have no adverse impact and the sign is compatible with the neighborhood. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.

§25-459.1. Design Guidelines.

To promote the compatibility of nonresidential and residential uses all dumpsters and exterior utility boxes shall be located and/or screened so as not to be visible from any public right-of-way.

§25-459.2. Parking requirements.

Parking shall be provided as required by Article III of this chapter with the following additional provisions:

A. For the purposes of this article, designated parking spaces in a public right-of-way may be counted towards the minimum parking requirements of Article III for each use when more than one-half of any such space resides in front of that use. However, parking spaces in a public right-of-way shall not be designated in any way for a specific use. Any such parking spaces must first be approved by VDOT.

B. When public parking is provided within four hundred feet (400') of the site, nonresidential developments may request a reduction of up to fifty percent (50%) of the parking standard.

C. Competing uses. In mixed use developments, applicants may request a reduction in parking requirements up to 30% where peak demands overlap.

D. Non-competing uses. In mixed use developments, applicants may request a reduction in parking requirements based on an analysis of peak

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VILLAGE MIXED USE DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

demands for non-competing uses. Up to 75% of the requirements for the predominant use may be waived if the applicant can demonstrate the peak demands for two uses do not overlay.

E. When off-street parking for a non-residential or mixed use lot abuts a single-family residentially developed lot, the nonresidential or mixed use lot shall provide off-street parking screening in compliance with the standards listed in 25-38. B. The applicant does not have to meet these requirements if adjoining property owners sign a waiver of their rights regarding parking screening, as follows:

1. The written waiver shall recite the parking screening requirements of this ordinance, describe the impact on the property owner(s), and state that the consent is granted for the developer to not comply with the buffer requirements in this ordinance.

2. Any such waiver shall be recorded in the Clerk’s Office of the Augusta County Circuit Court. In addition to the above, the waiver shall advise subsequent purchasers of the burdened property that the waiver of parking screening requirements runs with the land and may forever burden the subject property.

§25-459.3. Access to Major Collectors.

Access to new development shall not be off public streets designated as Major Collectors by the Virginia Department of Transportation unless no other access is available.

§25-459.4. Other requirements.

Where specific regulations are not addressed in this District, the regulations of Chapter 25, Zoning, shall govern. In cases where there are conflicting development regulations, the regulations for the district most closely associated with the use in question shall govern.

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

Nays: None

Motion carried.

* * * * *

DECREASING OF HEIGHT LIMITATION IN MULTI-FAMILY RESIDENTIAL DISTRICTS – ZONING ORDINANCE AMENDMENT

This being the day and time advertised to consider an ordinance amending the Zoning Ordinance of Augusta County by decreasing the height limitation in Multi-family Residential districts. This ordinance amends §§ 25-238 and 240.2 by lowering the allowable height and density of multi-family residential structures to four (4) stories and twenty (20) units per acre; however, in no case shall the structure exceed 75’ in height. The ordinance also establishes a Special Use Permit issued by the Board of Supervisors to consider modifications to the height requirement. The Planning Commission recommends approval.

Ms. Earhart advised that this had been discussed at Monday’s Staff Briefing. She noted the following:

- ❑ 25-238 lowers height to 4 stories and no taller than 75’.
- ❑ 240.2 provides for a Special Use Permit to be issued by the Board of Supervisors for a greater height:
 - ❑ Public health, safety, and welfare
 - ❑ No adverse impact on the community or its resources
 - ❑ Overall density won’t exceed Comp Plan

The Chairman declared the public hearing open.

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DECREASING OF HEIGHT LIMITATION IN MULTI-FAMILY RESIDENTIAL DISTRICTS – ZONING ORDINANCE AMENDMENT (cont'd)

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

Mr. Moore explained that the purpose of decreasing the height limitation was from a fire protection standpoint that the ladder truck has a 110' limit; with the angle needed, 75 feet is the limit that the Fire Chief felt was adequate to remove people in the event of a fire situation. The reason for a Special Use Permit was that there could be a situation that would allow it and allow the developer to come to the Board and present the issue on an individual basis for consideration.

Mr. Moore moved, seconded by Mr. Wills, that the Board adopt the following ordinance:

ORDINANCE OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, The Augusta County Board of Supervisors has found it desirable to amend Sections 25-238 and 25-240.2 of the Augusta County Code to increase flexibility and usefulness of the Multi-family Residential Zoning Districts;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

That Sections 25-238 and 25-240.2 of the Augusta County Code are amended to read as follows:

§ 25-238. Density limitations.

The maximum number of dwelling units per gross acre shall be as follows:

- A. One-story development: Eight (8).
- B. Two-story development: Twelve (12).
- C. Three-story development: Sixteen (16).
- D. Four-story development: Twenty (20).

E. When a development includes buildings with varying heights, the maximum number of dwelling units per gross acre permitted shall be calculated based upon the proportions of each type of development.

.....

§ 25-240.2. Height limitations.

In Multi-family Residential Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed four (4) stories and in no case shall a building or structure exceed seventy-five feet (75') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see §25-15 of article II, division A, of this chapter.

D. Special Use Permit. The requirements of §25-238 may be modified, by special use permit, in an individual case if the Board of Supervisors finds upon presentation of documentation and a site plan submitted by the applicant that the public health, safety, and welfare of residents of the proposed development would be equally or better served by the permit; that the granting of a modification will have no adverse impact on the community or its resources; and the overall density of the multi-family development will not exceed the density recommended in the Comprehensive Plan Future Land Use Map for the parcel. In granting a permit, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.

The Board of Zoning Appeals shall continue to have authority to grant special use permits in all other cases.

DECREASING OF HEIGHT LIMITATION IN MULTI-FAMILY RESIDENTIAL DISTRICTS – ZONING ORDINANCE AMENDMENT (cont'd)

Mr. Wills state that he was the person who initially asked for this ordinance amendment for two reasons: 1) Fire protection – the adequacy of getting a ladder to the top floor, at times can be a problem; and 2) it was precipitated when a developer said ‘ well, I can get the same thing with your current ordinance’ and did not come back and reduce some things that should have been done. He felt that this “takes away that opportunity for the developer to hold us hostage when we want a certain density”.

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

Nays: None

Motion carried.

* * * * *

COAL, OIL, GAS GROSS RECEIPTS TAX – ORDINANCE

This being the day and time advertised to consider an ordinance to establish a gross receipts tax for all producers extracting or severing coal, oil, or gases from lands lying situate within Augusta County, Virginia.

Patrick J. Morgan, County Attorney, advised that, currently, we have not had any companies express interest in extracting coal, oil or natural gas from the County, but noted that a nearby county had considered an application recently and felt that it would be good to have something in place in the event that any company did become interested in Augusta County. This ordinance establishes a license tax for those companies and establishes for those who are going to remove coal or gases a license tax of one percent of the gross receipts from the sale or sales of oil severed from the County, or one-half of one percent of the gross receipts from the sale or sales or oil severed from the County. He noted that those are the highest percentages that could be established under the State Code.

The Chairman declared the public hearing open.

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

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

**AN ORDINANCE TO ENACT
SECTIONS 22-25, 22-26, 22-27, 22-28 and 22-29
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to enact a sections for the Augusta County Code to provide for the taxation of the gross receipts from the sale of coal and gasses severed within the County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Sections 22-25, 22-26, 22-27, 22-28, and 22-29 are enacted into the County Code to read as follows:

§ 22-25. Imposition of tax.

(a) A license tax authorized by Virginia Code Annotated Section 58.1-3712, as amended, is hereby levied upon all producers severing or extracting coal or gases from lands lying situate within Augusta County, Virginia, as hereinafter provided.

(b) A license tax authorized by Virginia Code Annotated Section 58.1-3712.1, as amended, is hereby levied upon all producers severing oil from lands lying situate within Augusta County, Virginia, as hereinafter provided.

§22-26. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

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COAL, OIL, GAS GROSS RECEIPTS TAX – ORDINANCE (cont'd)

Gross receipts. The fair market value measured at the time such coal or gases are utilized or sold for utilization in Augusta County, Virginia, or at the time they are placed in transit for shipment from Augusta County, Virginia. The term “gross receipts” shall include only those receipts derived from property located within this County and shall not include any receipts arising from the sale or disposition of coal or gases extracted prior to the required licensing date described in Section 22-29 hereof.

Owner. The owner of legal or equitable interest in said coal or gases at the time of severance.

Person. Any person, firm, concern, receiver, receivers, trustee, executor, partner or partnership, administrator, agent, institution, association, company, corporation, and persons acting under declaration of trust.

Producer. Every “person,” as defined in this article, engaged in the business of “severing” coal or gases from the earth in Augusta County, Virginia, including any “owner” so engaged.

Severed, severing, and severance. The taking from the land, earth, or soil situate in Augusta County, Virginia, any coal or gases in any manner whatsoever.

§22-27. Rate of taxation.

(a) The license tax herein adopted shall be at the rate of one percent of the gross receipts from the sale or sales of coal or gases severed or extracted from Augusta County, Virginia.

(b) The license tax herein adopted shall be at the rate of one-half of one percent of the gross receipts from the sale or sales of oil severed or extracted from Augusta County, Virginia.

§22-28. Keeping of records, filing of returns and payment of tax.

Except as otherwise provided in this article, the keeping of records, the filing of returns required herein and the payment of said taxes shall be by the producer engaged in the business of severing said coal or gases, whether it be the owner of the soil or any other person.

(a) Returns shall be filed with the Commissioner of Revenue of this County on the twentieth day of each month, for the preceding calendar month stating the quantity (tonnage or m.c.v.) of coal or gases, seams or sands mined, and the gross receipts from sale of coal or gases. Such returns shall be accompanied by a statement under oath of the completeness and accuracy of the return files.

(b) Taxes due on the gross receipts shown by such returns shall be payable to the Treasurer on or before the due date of the return for each calendar month.

(c) (1) Each producer of such coal or gases and any common carrier which transports such coal and/or gases, or any company owning, operating or using a pipeline by which gases produced in said County are transmitted to a point or points outside the County to a purchaser or purchasers thereof, shall maintain records showing the source, quantity, and gross receipts of coal and gases which they have produced and transported respectively.

(2) Each such producer, carrier, or pipeline owner, operator or user shall make such records available for examination by the Commissioner of Revenue of this County, or his authorized agents, at its office or offices where such reports are usually kept.

§22-29. License period.

Any producer engaging in the severance of coal or gases from lands situate in Augusta County, Virginia, shall apply to the Commissioner of Revenue of this County for a license on or before July 1, 2012, or on or before beginning severance, whichever is later. Such license shall be effective only for the calendar month in which issued, with the license tax for that month to be paid within the time prescribed by this article.

Such license for any month shall expire at the close of each calendar month unless renewed by filing of reports and payment of tax as set forth herein whereupon it shall be automatically renewed for the succeeding calendar month subject to the payment prescribed.

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

Nays: None

Motion carried.

* * * * *

ORDINANCE AMENDMENT

This being the day and time advertised to consider an ordinance to amend Section 2-12, a repeal sections 2-11 and 2-47 to consolidate the Building Department into the Department of Community Development and to repeal the provision of the code concerning the Upper Valley Regional Park Authority.

Mr. Morgan advised that this ordinance addresses two issues: 1) Combining of the Department of Community Development with the Building Inspections Department; and, 2) Repeal the provision of the Code concerning the Upper Valley Regional Park Authority because that Authority no longer exists.

The Chairman declared the public hearing open.

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

Mr. Pattie moved, seconded by Mr. Karaffa, that the Board adopt the following ordinance:

**AN ORDINANCE TO AMEND SECTION 2-12
AND TO REPEAL SECTIONS 2-11 and 2-47
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to make certain amendments to the Augusta County Ordinance concerning the organization of Augusta County Administrative Departments and to repeal a section of the Augusta County Code involving the dissolved Upper Valley Regional Park Authority;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 2-12 is amended to read as follows:

§ 2-12. Community Development Department.

A. The administration of county policies and ordinances with respect to ~~economic development~~, present and long-range comprehensive planning, land subdivision and development, zoning, storm drainage management, ~~and~~ flood plain management, **and Uniform Statewide Building Code compliance** shall be the responsibility of the Community Development Department.

B. The department shall consist of the Director of Community Development, who shall be the head of the department, and such additional employees as may be necessary to perform the planning, community development and related engineering functions of the county.

C. The department shall also consist of the Building Official, who shall be the chief building inspector of the county and such additional employees as may be required to administer and enforce county and state building codes.

~~C. D.~~ **D.** There is hereby established within the department the Augusta County Planning Commission, whose composition, duties and responsibilities are prescribed in the Code of Virginia.

E. There is hereby established within the department a Board of Building Code Appeals, whose composition, duties and responsibilities are prescribed in the Uniform Statewide Building Code.

State law reference—Virginia Code, Title 15.2, Chapter 22 and Virginia Code § 36-105.

Be it further resolved by the Board of Supervisors for Augusta County that Sections 2-11 and 2- 47 of the Augusta County Code are hereby repealed and shall appear in the County Code as sections reserved.

~~**§ 2-11. Building Department. Reserved.**~~

~~A. Enforcement of the Uniform Statewide Building Code shall be the responsibility of the Building Department.~~

~~B. The department shall consist of the Building Official, who shall be the chief building inspector of the county and the head of the department, and such additional employees as may be required to administer and enforce county and state building codes.~~

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ORDINANCE AMENDMENT (cont'd)

~~C. There is hereby established within the department a Board of Building Code Appeals, whose composition, duties and responsibilities are prescribed in the Uniform Statewide Building Code.~~

~~§ 2-47. Upper Valley Regional Park Authority. Reserved.~~

~~A. The Upper Valley Regional Park Authority has been established by concurrent resolutions of Augusta County and the other participating jurisdictions. Its composition, duties and responsibilities are established by the concurrent resolutions, as amended, and by the Virginia Park Authorities Act.~~

~~B. The board of supervisors appoints two representatives to the Upper Valley Regional Park Authority, one of whom may be an elected official.~~

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

Nays: None

Motion carried.

* * * * *

USDA LEASE

This being the day and time advertised to consider continuation of lease to USDA at the Government Center.

Jennifer M. Whetzel, Director of Finance, reported pursuant to the Virginia Code § 15.2-1800, the Augusta County Board of Supervisors is required to hold a public hearing on the lease to the United States Department of Agriculture Farm Service Agency (USDA) of certain premises containing approximately 5,184 square feet of rentable space in the Shenandoah Valley Social Services Building located at 70 Dick Huff Lane, Verona, Virginia, in the Beverley Manor District. Augusta County has been leasing property to the USDA since the early 1990s. Having USDA on site is a compliment to the Extension and Headwaters offices that are also at the Government Center Complex. The lease to be considered is for five years with a five-year extension.

The Chairman declared the public hearing open.

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

Mr. Karaffa moved, seconded by Mr. Moore that the Board continue the USDA Lease and authorize the County Administration to execute.

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

Nays: None

Motion carried.

* * * * *

SURPLUS PROPERTY

This being the day and time advertised to consider whether to dispose of the following surplus public property owned by Augusta County:

- 1. Gochenour House (Beverley Manor District)
- 2. Summerdean Property (Riverheads District)
- 3. Augusta Springs Property (Pastures District)

Mr. Fitzgerald advised that the Property Committee had been asked by the Board to view certain surplus properties in the County. At that time a report had been presented to the Board indicating three properties to be disposed of as surplus property:

SURPLUS PROPERTY (cont'd)

1. Gochenour House – A map was displayed indicating the general area of the house and the anticipated acreage.
2. Summerdean Property – This is a small lot consisting of .17 acres that the County acquired years ago. The lot is not big enough to have a house. The recommendation is to dispose this property to one of the adjoining landowners. Mr. Beyeler noted that the Summerdean Property was bought at public auction and was given to the County. He emphasized that this property was not purchased by the County.
3. Augusta Springs Property – This is the old Fire Station lot. The recommendation was to set a price for sale and dispose of the property.

The Chairman declared the public hearing open.

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

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board move forward with the disposal of the three properties.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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AUGUSTA COUNTY FAIR

The Board considered request for funding to offset security costs.

Funding Sources:	Tourism	#80000-5603	\$1,800
	Agr. Development	#80000-6007	<u>1,800</u>
			\$3,600

Patrick J. Coffield, County Administrator, advised that this had been discussed at Monday's Staff Briefing. He noted that this has been done for the last two years.

Mr. Beyeler moved, seconded by Mr. Wills, that the Board approve the request.

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

Nays: None

Motion carried.

* * * * *

BPOL

The Board considered draft ordinance to establish minimum fee sliding scale for Gross Receipts.

Mr. Morgan advised that the Board had asked him to draft an ordinance which would allow for a sliding scale for Business License for businesses that made less than \$100,000. This was presented to the Board on Monday at Staff Briefing.

Chairman Pyles further explained that Mr. Morgan put together a template that the Board has asked him to do; however, he was not making any recommendations. He was just giving information to the Board for its consideration.

Mr. Shull read a conflict of interest statement to the Board and stated: "I have a business in the County. In accordance with Section 2.2-3112.A, of the Code of Virginia,

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BPOL (cont'd)

I may participate in this transaction because it affects the public generally even though my personal interest as a member of the public may also be affected by this transaction."

Mr. Karaffa appreciated Mr. Morgan's research; however, he felt that the current ordinance is adequate and "is kind to new businesses that are trying to start up and not adding to their costs".

Mr. Karaffa moved, seconded by Mr. Moore, that the Board not proceed with a new ordinance and leave the current ordinance in place.

Mr. Wills expressed concern that, under the current system, "we go from zero and suddenly a business can be paying \$150 - \$300 and it hits them, 'well, I never had to pay it in the past, why do I have to pay it now?'" This new ordinance would help cover some of the costs of paperwork when the Business License is filed and he did not feel that the costs was so onerous on a business that it would "make or break" the small business. He suggested starting at a lower number.

Mr. Pattie did not support the new ordinance. One of the things mentioned at the Staff Briefing on Monday was Ms. Shrewsbury, Commissioner of Revenue, asked for part of the funds to go to her department for an auditing position. Mr. Pattie suggested that the Board allow her to adjust things within her current budget to provide training and the Business Auditor position.

Chairman Pyles echoed Mr. Wills' comment. He felt that fairness was the number one thing. "When you have some people doing everything they are supposed to do, they fill out their forms, they give the amounts, and they pay their fees, and we create this exception. One of the biggest problems we have with the Federal Tax Code and with the State Tax Code is the number of exceptions we have for folks. The idea of clarity is a good thing. Fairness up and down – one man's business is \$99,999 and he is not taxed, and another man, his business is \$100,000 and is taxed – a sliding scale. I see some rationale for that." He noted that many small business men "see a lot of folks skirting the rules -- called jack-legged".

Mr. Beyeler agreed with Mr. Pattie's suggestion of the Commissioner of Revenue to adjust her budget internally to fill that position.

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

Nays: Wills and Pyles

Motion carried.

* * *

Mr. Pattie moved, seconded by Mr. Beyeler, that the Board allow the Commissioner of Revenue to adjust her budget to allow for a Business Auditor position and encourage some cross-training.

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

Nays: None

Motion carried.

* * * * *

MILL PLACE COMMERCE PARK – STORMWATER DETENTION

The Board considered recommendation for award of bid.

Mr. Fitzgerald reported that Doug Wolfe, County Engineer, shared with the Board the bid process of Mill Place Commerce Park at Monday’s Staff Briefing. Three bids were received with the lowest bidder being Howdysshell Excavating at a cost of \$181,610, which does include a 10% contingency.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board award the bid to Howdysshell Excavating and that the funds be appropriated from the Stormwater Management Account.

Funding Source: Funding Sources: Stormwater Management #80000-8164 \$181,610*
*Includes 10% contingency

Mr. Moore agreed that this should be taken out of the Stormwater Management Account. He expressed concern of the contingency fund, which was discussed at the Budget work sessions. He hoped that this fund would be used for economic development solely. “I would like to hope that we can protect those funds for truly attracting new businesses to the County or expansions in the County.”

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

Motion carried.

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NEW HOPE COMMUNITY CENTER – ROOF REPAIRS

The Board considered recommendation for award of bid.

Funding Source: Middle River Infrastructure #80000-8012-71 \$27,702.88*
*Includes 25% to be reimbursed by the Ruritan Club (\$6,925.72)

John C. McGehee, Assistant County Administrator, advised that this had been discussed at Monday’s Staff Briefing. He reiterated that three bids were received for a new rubber roof with a 15-year warranty. Largent Roofing in Harrisonburg was the low quote, which included a 3% contingency. Since Monday, this has been amended to include the entire amount to be appropriated from the Middle River Infrastructure Account with the understanding that the New Hope Ruritan Club will reimburse \$6,925.72 (25%) to Augusta County.

Mr. Wills stated that repairs have been done on this building in the past and felt that the roofing needed to be replaced. He noted that this is a building owned by Augusta County and leased to the Ruritan Club. The Ruritan Club has graciously accepted to reimburse 25% of the cost.

Mr. Wills moved, seconded by Mr. Pattie that the Board approve the request.

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

Motion carried.

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GOCHENOUR HOUSE

The Board considered survey to establish plat to identify acreage/access easement related to sale of property.

Funding Source: Beverley Manor Infrastructure #80000-8011-54 \$2,000

Mr. Fitzgerald mentioned that with the sale of the surplus property that has been approved tonight, a survey to establish plat to identify acreage around the house is needed.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board approve the request.

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

Nays: None

Motion carried.

* * *

Mr. Wills suggested that when the sale of house occurs, Beverley Manor Infrastructure should be reimbursed the \$2,000.

Mr. Wills moved, seconded by Mr. Karaffa, that the Board approve the reimbursement of \$2,000 to the Beverley Manor Infrastructure Account upon the sale of the property.

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

Nays: None

Motion carried.

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ROUTE 649 DRAINAGE

The Board considered the de-authorization of drainage project and returning funds to Infrastructure Account.

Funding Source: Beverley Manor Infrastructure #80000-8011-34 <\$28,500>

Mr. Fitzgerald advised that this project was mentioned at Monday's Staff Briefing. He reported that the project has been around for several years where there was a drainage issue on Route 649. It was a cooperative project between Augusta County and VDOT. VDOT has installed the pipes; however, the associated work on the easement and private property had never been completed. At the time of the project, the property was under a foreclosure. Since then, the property has been sold. Staff has had discussion with the original complainant this week and it has been determined that the pipes that VDOT installed have taken care of his problem. He did indicate there was still some water on the private property; however, staff has not received complaints from that property owner.

Mr. Karaffa offered to the new owners to re-evaluate this project in the future if they desired.

Mr. Karaffa moved, seconded by Mr. Moore, that the Board approve the request.

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

Nays: None

Motion carried.

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ROUTE 649 DRAINAGE (cont'd)

Mr. Beyeler noted that the problem is that it serves as a detention for a period of time. When the culverts were installed, they were under-sized. He did not feel that the County was responsible for the problem.

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ROUTE 636 ROAD IMPROVEMENT PROJECT

The Board considered funding to initiate wetlands permitting process associated with pending road project.

Funding Source: Wayne Infrastructure #80000-8017-76 \$8,500

Mr. Fitzgerald advised that this had been discussed at Monday's Staff Briefing and the importance of delineating some wetlands to get a "jump-start" on the environmental permitting process. At that time, it was anticipated to cost \$6,000; however, since then, it has been determined to cost \$8,500. This will accelerate the project.

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

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

Nays: None

Motion carried.

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WILSON FIRE DEPARTMENT ADDITION

The Board considered assisting Fire Department with Augusta County Service Authority connection fees associated with pending improvement project.

Funding Source: South River Infrastructure #80000-8016-64 \$2,223

Mr. Fitzgerald reported that, in doing an expansion project and working with the Service Authority, that have learned that an upgrade of their meter size was required at a cost of \$2,223.

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Board approve the request.

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES

The Board considered RAHE, Inc. (McDonald's) waiver (Beverley Manor District).

Mr. Fitzgerald advised that this had been discussed at Monday's Staff Briefing. He stated that this was the McDonald's in front of Staunton Mall. They have requested to add a second order board to the existing drive-through. The County's ordinance requires six stacking spaces from the first point of contact. Their existing drive-through meets the ordinance requirements; however, adding a second order board will not meet the stacking requirements. Pictures were displayed indicating the problem.

Tripp Franklin, an attorney and representative for RAHE, Inc., advised that they are asking for a second order board because of the exceptional traffic jam during the peak hours. McDonald's would prefer a side-by-side lane, but space is not available to do so. The second choice is to add a second order board approximately 20 feet from the first one. He noted that Section 25-35G gives the Board the ability to grant a waiver.

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WAIVERS/VARIANCES (cont'd)

He noted that McDonald's corporate has run numbers that have been provided to both Mr. Fitzgerald and Mr. Karaffa that indicate the alleviation of the pressure and fix the problem.

Chairman Pyles asked if there had been a study done for two lanes. Mr. Franklin said the two-lane would be better, but there is not enough of space. Chairman Pyles asked if McDonald's had a back-up plan if this does not work because it is a safety issue. Are they willing to explore other options? Mr. Franklin said that part of the problem is that they have only leased a certain section of the Mall property and McDonald's would not be able to add a second lane. He mentioned the only other alternative was "Hand-held" service, in which a person with a headset would be coming out to the car and obtaining their order. He did not feel that would be a good permanent solution.

Mr. Karaffa agreed that there was no dispute of the problem; however, he noted that the ordinance requires a "parking study or similar documentation" to be submitted and that had not been done. Mr. Karaffa did not agree with the alternative of "Hand-held" service because of the safety issue of putting someone in the path of the ongoing traffic.

Mr. Pattie asked if McDonald's had asked the Mall for additional space. Mr. Franklin was unaware of any contact.

Mr. Moore suggested removing part of the sidewalk to allow a second lane. He felt that made more sense than a second board.

Mr. Wills did not see where a second window would help the problem. He felt the delay was in the service. Mr. Franklin stated that reports had been given that the service was estimated to be averaged 50 seconds (goal is 45 to 55 seconds). "The delay is not getting the order prepared; it is getting the orders in."

Mr. Beyeler added that McDonald's was always busy and felt that the Board basically wanted to ease the problem in the best manner.

Mr. Karaffa moved, seconded by Mr. Pattie, that the Board table this issue to the next regular meeting, to receive additional documentation to satisfy the waiver provisions.

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

Nays: None

Motion carried.

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Mr. Pattie asked that the Ordinance Committee review this issue.

Mr. Shull asked if the two windows would receive the money at peak times. Mr. Franklin said that the first window would be the money-exchange and the second window would be the "point of presence" which would be the delivery of the order. The second board would only be used at breakfast and lunch.

Chairman Pyles asked Mr. Franklin to "please convey that we have skepticism. I think it comes from the utilization of the place. I will tell you they are the fastest of any McDonald's I go to. Even with that efficiency, the backup is bad. We need something more fundamental to address this unique location. Certainly, we think you should be looking at some other alternatives."

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WAIVERS/VARIANCES (cont'd)

Mr. Moore said that the additional lane should be considered. Dennis Burnett, Economic Development Director, said an additional lane has been considered. The price negotiation caused a problem.

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CONSENT AGENDA

Mr. Pattie moved, seconded by Mr. Wills, that the Board approve the consent agenda as follows:

INDOOR PLUMBING PROGRAM

Considered retaining Waynesboro Development and Housing Authority as the County's Indoor Plumbing/Rehabilitation Loan Program Administrator.

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

Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Beyeler: Stuart Draft Diamondbacks vs. Clover Hill Bucks – Stuarts Draft Diamond Club Stadium Dedication – Sunday, July 1st, at 7:00 p.m.

Mr. Shull:

- 1. NIBCO safety issues request – funding for installation of lighting.

Mr. Shull moved, seconded by Mr. Beyeler, that the Board approve the funding in an amount not to exceed \$3,067.55.

Chairman Pyles suggested that this come out of the Economic Development fund. Messrs. Beyeler and Shull did not want to disturb the Economic Development fund, which should be used for future prospects.

Funding Sources:	Riverheads Infrastructure	#80000-8015-71	\$ 766.89
	South River Infrastructure	#80000-8016-65	766.89
	Beverley Manor Infrastructure	#80000-8011-55	766.89
	Middle River Infrastructure	#80000-8012-72	766.88
			<u>\$3,067.55</u>

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

Nays: None

Motion carried.

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- 2. Greg Balsley's passing – The Board of Supervisors also noted with sadness the passing of local businessman, Greg Balsley, son of Phil and Wilma Balsley of Augusta County, who died on June 20, 2012.

Mr. Shull moved, seconded by Mr. Karaffa, that the Board send a card expressing their condolences to the family.

June 27, 2012 at 7:00 p.m.

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

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

Nays: None

Motion carried.

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Mr. Pattie: VACo Regional Meeting in Rockingham County – He and Mr. Wills attended and voiced their concerns to the legislative aides.

Mr. Karaffa: Delbert E. “Speedy” Hite – The Board of Supervisors recognized the contributions of Delbert E. “Speedy” Hite upon his passing on June 9, 2012. Mr. Hite has lauded for his 30 years in the military including his service in World War II, Korea, and Vietnam. Mr. Hite was also remembered for his dedication service to civic and service organizations in the County. The Board asked that the family of Mr. Hite receive their condolences as well as a copy of the minutes.

Mr. Moore:

- 1. Parks and Recreation Committee meeting – Attended first meeting held under the direction of the new Interim Director – He did an excellent job!
- 2. Shared Services Committee Update – Met with ACSA, School Board, and Augusta County today to discuss better utilization of services. “Moving

forward with options.” Chairman Pyles added that there is a proposal of having a refueling station in the back of the Government Center to save money and have greater efficiency. “A lot of things are contingent on if and when the School Board moves here.” Mr. Wills asked if the Service Authority could provide a booklet, which included previous studies, to those who are not on the Service Authority (Shull, Karaffa and Pattie).

Chairman Pyles:

- 1. Officers Association Meeting update: a) Right of First Refusal Policy needed; b) Chief Carson Holloway being made the Chief of a one large Fire and Rescue Agency – concerns were expressed. Has asked County Attorney to review and have recommendations for the first meeting in August.
- 2. Grants – Craigsville Fire Truck - \$350,000. Expressed concern of money being paid in advance and asked what has been done in the past. Mr. Moore commented that ¾ paid up front is out of line and suggested that only an appropriate deposit should be made.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1. VRS Resolution – Valley Vocational Technical Center

Mr. Karaffa moved, seconded by Mr. Moore, that the Board approve the resolution.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

2. SCC – Central Virginia Electric Cooperative – Wintergreen in South River District
3. Animal Shelter update – Newspaper article reflected that we are “exceeding our expectations”.
4. Foreign Trade Zone – mentioned at Monday’s Staff Briefing; Economic Development Director is evaluating.
5. VACo Region 6 meeting – handouts distributed to Board
6. Memorial Plaque Ceremony – July 4th, at 8:00 a.m., at Augusta County Circuit Courthouse
7. Concealed Weapons Ordinance – Mr. Morgan advised that the Clerk of the Circuit Court has made him aware that legislature has repealed sections of the Virginia Code that allows counties to require that a set of fingerprints be submitted as a condition for the issuance of a concealed weapon permit. The law takes effect July 1st. He asked the Board to consider an emergency ordinance repealing Section 11-41 of the County Code that required fingerprinting. He mentioned that an emergency legislation is effective for 60 days a formal ordinance can be adopted within that 60-day period. Information distributed to Board.

Mr. Beyeler moved, seconded by Mr. Shull, that the Board accept the County Attorney’s recommendation.

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

Nays: None

Motion carried.

Chairman Pyles added that the boardroom was full when the ordinance was adopted originally. “It was one of those things when legislature was passing the responsibility down to us. They wanted to get it done, but they didn’t want to do it, so they gave it to us. Now, they have the courage to get rid of it.” He noted that a public hearing will be held in the near future.

Mr. Coffield asked if an increase in renewal fees should be considered. It was the consensus of the Board to not increase the current fees.

* * *

8. Project Grows – discussed at the Service Authority meeting last week. Information distributed to the Board. Noted that the Board endorsed the program. The Service Authority ran a waterline over on the property in an amount of \$11,737. A grant is available in the amount of \$2,000 to be applied to that cost. Mr. Pattie asked if it were possible for representatives of Project Grows to give a presentation at the next Board meeting (July 11th).

Mr. Pattie moved, seconded by Mr. Karaffa, that the Board approve the funding as presented by staff. Funding Source:

Agr. Development	#83050-6007	FY12	\$ 5,188
		FY13	1,256
Tourism	#81020-5603	FY12	\$ 2,293
		FY13	1,000
Project Grows Grant		FY12	<u>\$ 2,000</u>
			\$11,737

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

Nays: None

Motion carried.

