
Regular Meeting, Wednesday, July 25, 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
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

ABSENT: Larry J. Wills

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, July 25, 2012, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 237th year of the Commonwealth....

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Chairman Pyles welcomed the citizens present.

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Andrew McGehee, led the Pledge of Allegiance. Andrew is John C. McGehee's, Assistant County Administrator, son. Andrew graduated from Virginia Tech and is employed with Hantzmon Wiebel in Charlottesville. He wished the best for his father's retirement. He introduced his mother, Jane, and his Aunt, Janet Parmer.

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David A. Karaffa, Beverley Manor District, delivered invocation.

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RECOGNITION OF JOHN C. MCGEHEE – RESOLUTION

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

RESOLUTION

WHEREAS, John C. McGehee has spent 33 years serving the citizens of Augusta County and the region in his capacity as Assistant to and Assistant County Administrator; and

WHEREAS, John C. McGehee has played an important role in many of the significant projects that have been undertaken during the last 33 years; and

WHEREAS, a partial list of those projects include the Staunton Augusta Waynesboro (SAW) Health Insurance Consortium, the Recycling Committee, Local Emergency Planning Committee, Greater Augusta Regional Tourism Board, Blue Ridge Criminal Justice Board, Middle River Jail Authority, Legislative Coordination, Animal Control, Personnel, Fire and Rescue, Community Policy Management Team, the Valley Community Services Board, the Regional Landfill; and

WHEREAS, John C. McGehee served as principal-in-charge of numerous construction projects including Government Center Renovations, Government Center Expansion, DSS/USDA offices, Sheriff's Department, Regional Jail, Regional Juvenile Detention Home, Augusta County Courts Projects, Food Pantry, Churchville Library, and Fishersville Library renovations and expansion; and

WHEREAS, each one of these Boards and projects have benefited immensely from John C. McGehee's leadership, management, construction management, and financial expertise; and

July 25, 2012 at 7:00 p.m.

ECA PROPERTIES, L.L.C. – REZONING (cont'd)

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

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

A request to rezone from Single Family Residential to General Business 0.409 acres owned by ECA Properties, L.L.C. located on the east side of Stuarts Draft Highway (Route 340) approximately 0.15 of a mile south of the intersection of Stuarts Draft Highway (Route 340) and Draft Avenue (Route 608) in Stuarts Draft in the South River 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 7, on tax map number 84D(8), containing a total of approximately 0.409 acres is changed from Single Family Residential to General Business.

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

Nays: None

Absent: Wills

Motion carried.

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SHC DEVELOPERS, INC. – ADD PROFFERS

This being the day and time advertised to consider a request to add proffers to approximately 30.6 acres zoned Single Family Residential and owned by SHC Developers, Inc., and located on the north side of Howardsville Road (Route 701) just west of the Riverheads School Complex (Riverheads District). The Planning Commission recommends approval of the proffers.

Ms. Earhart displayed a map designating the property outlined in blue. She stated when they rezoned the top portion of the property to Attached Residential, proffers were placed on the development that indicated that they would install curb, gutter, and sidewalks, which would qualify them for a smaller side yard setback and would necessitate the need for a larger fire flow requirement. She stated at this location the developer will build a water tank and dedicate it to the Service Authority but that water tank is not in service yet; therefore, they do not have the fire flow necessary to put the buildings closer together. They are coming back to proffer the larger side yard setback, which will allow them to put the buildings further apart and have the fire flow necessary to meet that requirement. She stated it will allow them to start the development and give them the cash-flow needed in order to build the water tank. They have public water and sewer. She noted that it is in the Comprehensive Plan for Residential developers.

July 25, 2012 at 7:00 p.m.

CONCEALED WEAPONS – ORDINANCE

This being the day and time advertised to consider a request consider an ordinance to repeal Section 11-41 of the Augusta County Code which requires the submission of finger prints as a condition for obtaining a concealed weapon permit.

Patrick J. Morgan, County Attorney, stated the Commonwealth of Virginia has repealed the sections of the State Code that give Counties the authority to require fingerprinting when someone asks for a concealed weapons permit. This ordinance repeals the section of the County Code that required fingerprinting for the concealed weapon permits.

Chairman Pyles declared the public hearing open.

William Carter stated that they moved to Augusta County nine years ago from Vermont, which had no restrictions on firearms. When he moved here, he felt obligated to continue his personal practice of providing for his own self defense and learned that he had to get a concealed weapons permit. In going through the application process, he stated when he got fingerprinted he felt like a criminal. He stated he was treated professionally by the police officers but he thought he should not have to be fingerprinted because he never committed a crime. He added that a criminal would not get fingerprinted because they would not even bother to get a permit. He felt that if the state feels that fingerprinting is unnecessary than it was appropriate for the County to do the same.

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

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

ORDINANCE OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, the General Assembly has repealed Sections 15.2-915.3 and 18.2-308 D of the Code of Virginia; and

WHEREAS, The Augusta County Board of Supervisors has determined that it no longer has legal authority to require the submission of finger prints as a condition for obtaining a concealed weapon permit;

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

That the following Article of Chapter 11 of the County Code is hereby repealed:

ARTICLE IV. Requirements to Carry Concealed Weapon.

§ 11-41. Fingerprinting.

Any person who applies to the Circuit Court of Augusta County, Virginia, pursuant to the provisions of Virginia Code Section 18.2-308(D) for a permit to carry a concealed handgun shall be required to submit to fingerprinting for purposes of determining the applicant's suitability for such a permit and as a condition for such permit's issuance. The required fingerprints, together with the descriptive information required by Section 18.2-308(D), shall be forwarded through the Virginia State Police to the Federal Bureau of Investigation for a national criminal history record check of the applicant.

This ordinance shall take effect on July 1, 2012.

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

Nays: None

Absent: Wills

Motion carried.

July 25, 2012 at 7:00 p.m.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Tony Motto and Don Smith, of Panorama Estates in the Wayne District, stated for a number of years they have been calling the Sheriff's Department and Animal Control about dogs barking at night after 11:00 p.m. only to be told that there is no such ordinance against dog barking. They felt that Augusta County is not just farmland and that subdivisions needed a dog barking ordinance and that with the influence of the Sheriff's Department, this could be corrected by a visit or two.

Mr. Beyeler stated that he and Mr. Moore are on the Ordinance Committee and asked that a letter, describing what they felt excessive, be submitted to the Board giving the Board some ideas on what would be fair with regard to dog barking.

Mr. Moore mentioned when he spoke on the phone with Mr. Motto he had mentioned the dogs barking at 2:00 a.m. Mr. Motto stated when a dog barks constantly, it is very excessive. He stated one time the dog was barking from 4:00 p.m. until 2:00 a.m. He stated the property owner was not home and that they have been dealing with this issue for years. He stated this is very disruptive and that it is basically one dog.

Mr. Karaffa asked if they have spoken with the neighbor. Mr. Motto stated he has left messages but no phone calls were returned. Mr. Smith said that he personally made phone calls to the property owner and the reply was that "there is not much you can do about it because there are no ordinances".

Mr. Karaffa stated that he appreciates Mr. Motto trying to get in touch with the neighbor. He has also received complaints in his district.

Mr. Morgan stated that he has drafted a similar ordinance previously that applied strictly to residentially zoned subdivisions which could be a template.

Chairman Pyles thanked the citizens for their remarks. He reiterated that Mr. Morgan will create an ordinance and present it to the Ordinance Committee for review. He will wait to receive the written description of the problem with any suggestions that they may have. If the recommendation is to have a public hearing on the ordinance, then the citizens will have an opportunity to speak again.

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LOCAL EMERGENCY TERMINATION

The Board considered resolution to terminate declaration of Local Emergency due to a significant storm event.

Patrick J. Coffield, County Administrator, stated before the Board is a State-required resolution to terminate the declaration of local emergency due to a storm event. He added that Governor Bob McDonnell submitted a request for a Major Disaster Declaration to FEMA Region III for processing and forwarded it to President Obama.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, due to a derecho passing through virtually all of Augusta County, Virginia (the County) with winds surpassing 80 mph, the County faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby;

FIRE REVOLVING LOAN FUND PROGRAM (cont'd)

Chairman Pyles recommended that this be given to the Officers' Association in order for the Board to consider their input with regard to the policy modifications. He added that financial stability concerns will be expressed to the Officers' Association.

Mr. Karaffa stated he had a concern on the major loan policy under Section 1.1 of loans for equipment exceeding \$300,000 requiring no minimum matching funds for the fire company and equipment with a cost less than \$300,000 requiring 20% matching funds from the fire company. He expressed his concern about fire companies not qualifying for loans of equipment exceeding \$300,000. He would like to see some sort of a matching amount or a percentage requirement if it is less than 20%. He stated his main concern is that companies get gear through this program and would possibly "clump" needs to get over the \$300,000 threshold. Supervisors Moore and Pattie noted that this concern had been mentioned a few months ago. Mr. Pattie added that each request would have to be approved by the Board of Supervisors.

Chief Holloway stated he would bring that to their attention.

Chairman Pyles reported that 20% on \$300,000 is \$60,000 and asked if that is too high or too low. Mr. Karaffa stated he would like to see at least 10% if they go over \$300,000.

Supervisors Beyeler and Moore suggested that it be 20% on everything.

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PARKS AND RECREATION MATCHING GRANT – FORT DEFIANCE HIGH SCHOOL

The Board considered (A) recommendation of Parks and Recreation Committee to provide matching grant for High School Gym in an amount not to exceed \$14,483; and (B) approval of Grant Agreement.

Funding Sources:	Beverley Manor Recreation Account	#80000-8021-47	\$4,827.00
	Middle River Recreation Account	#80000-8022-45	\$4,828.00
	North River Recreation Account	#80000-8023-35	\$4,828.00

Andy Wells, Parks and Recreation Director, announced that the Principal of Fort Defiance High School, Larry Landes and the President of the Sportsman Club, Ray Wright (who are the applicants on the grant application) and Larry Curry, Parks and Recreation Commission member for the Beverley Manor District were present tonight.

Mr. Landes thanked Andy Wells for his support and guidance. He also expressed appreciation to the Board for all of their support. He felt this to be a special project with all the partners involved.

Mr. Beyeler stated that all students should be able to have all of the facilities necessary.

Mr. Pattie felt that this is a good project.

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

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

Nays: None

Absent: Wills

Motion carried.

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WAIVERS/VARIANCES (cont'd)

Mr. Karaffa moved, seconded by Mr. Moore, that the Board keep this item on the table indefinitely until information has been received.

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

Nays: None

Absent: Wills

Motion carried.

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CONSENT AGENDA

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

MINUTES

Considered minutes of the following meetings:

- Special Meeting, Wednesday, July 11, 2012

WWRC – MEMORANDUM OF UNDERSTANDING

Considered Memorandum of Understanding for Cooperative Patrol Agreement.

CROZET TUNNEL

Considered endorsement of Nelson County’s National Park Service grant submittal for proposed tourism project and adopted the following resolution:

RESOLUTION OF SUPPORT FOR NELSON COUNTY’S 2012 APPLICATION FOR TECHNICAL PROJECT ASSISTANCE THROUGH THE NATIONAL PARK SERVICE “RIVERS, TRAILS AND CONSERVATION ASSISTANCE” PROGRAM FOR THE BLUE RIDGE TUNNEL PROJECT

WHEREAS, Nelson County is in the process of completing the final design for the Blue Ridge Tunnel Project; and

WHEREAS, upon its completion in 1856, the historic Blue Ridge Tunnel engineered by Claudius Crozet and built using pick axes and black powder, was considered the longest in the world at 4,273 linear feet and is presently considered an engineering marvel; and

WHEREAS, the completion of the Blue Ridge Tunnel Project will provide a unique regional attraction with historic, educational, and economic benefits as well as a safe and level trail for hikers, joggers, and bicyclers; and

WHEREAS, Augusta County supports the various ongoing efforts by neighboring Nelson County to rehabilitate the historic Blue Ridge Tunnel. This support stems from the County perspective that considers this effort to be a project not just by and for Nelson County -- but a major project of regional significance that can generate significant mutual benefit; and

WHEREAS, Augusta County has previously identified the Blue Ridge Tunnel as a desired project. That desire stems from the project’s anticipated recreational and fitness benefits, for historic preservation and interpretation, and for tourism and economic development progress; and

WHEREAS, Augusta County acknowledges that this project will require substantial funding to complete the implementation phase of the project. The County also recognizes that the resources necessary to successfully complete the project will require the involvement and support of many stakeholders. The complexity and challenge of successfully coordinating these many stakeholders create great purpose for Nelson County to be seeking expert technical assistance through the RTCA program; and

WHEREAS, the Blue Ridge Tunnel extends into Augusta County and is in close proximity to the City of Waynesboro; and

July 25, 2012 at 7:00 p.m.

CONSENT AGENDA (cont'd)

CROZET TUNNEL (cont'd)

WHEREAS, Augusta County hereby offers its support of Nelson County's application to the National Park Service's Rivers, Trails, and Conservation Assistance program for technical assistance during FY 2013.

NOW THEREFORE BE IT RESOLVED, by the Augusta County Board of Supervisors that said Board supports Nelson County's July 2012 application to the National Park Service, for Nelson County's Blue Ridge Tunnel Project.

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

Nays: None

Absent: Wills

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. Pattie: Staggered Terms - Had been discussed during the election and felt that it was a good time to start consideration. Chairman Pyles requested Mr. Morgan to provide to the Board his research on staggered terms.

Mr. Moore:

1. Wilson property - Agreement has been signed on the waterline.
2. VDOT MPO TECHNICAL ADVISORY COMMITTEE - APPOINTMENT
Mr. Moore moved, seconded by Mr. Karaffa, that the Board appoint Doug Wolfe to serve on the Technical Advisory Committee of the Metropolitan Planning Organization (MPO), (along with Becky Earhart, to represent the County), and Todd Flippen as Mr. Wolfe's alternate.

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

Nays: None

Absent: Wills

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. State Mandate Study – Information circulated to the Board.
2. Shenandoah Valley Airport - Press Release and a newspaper article circulated to the Board.
3. Extension Service Appointment: Matt Booher has accepted the Augusta Crop and Soil Science position as Unit Coordinator and will start on August 10th. Closed the applications today for the Livestock Extension Agent. Mr. Wills will serve as the Board of Supervisors representative on the selection committee for that position.

