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Regular Meeting, Wednesday, October 24, 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  
Timmy Fitzgerald, Director of Community Development  
Becky Earhart, Senior Planner  
Jennifer M. Whetzel, Director of Finance  
Patrick J. Morgan, County Attorney  
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, October 24, 2012, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 237<sup>th</sup> year of the Commonwealth....

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Chairman Pyles welcomed the citizens present.

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Katie Huff and Hailey Wilt, seniors of Stuarts Draft High School, led the Pledge of Allegiance. Katie hopes to be an Elementary School Teacher and Hailey participates in Leadership, Computer and Art and hopes to major in English and hopes to become an English Teacher.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC

Holly DeLorenzo asked that the Board reconsider the zoning ordinance for raising miniature donkeys and goats and the number of units per acre. She noted that the size of these animals is not equal to a standard size donkey. She mentioned that she would be breeding and donating goats to the less fortunate children of FHA, who could not afford them, and would be keeping offspring on her property until re-location. In speaking with the Extension Office, she learned that the zoning was determined by the weight of the animal; approximately a 1,000 pound animal per acre. She stated that her miniature horse weighs approximately 175 pounds; her donkeys, 200 pounds. She requested consideration of her keeping her animals. She asked that the ordinance be amended reflecting different sizes of animals.

Mr. Karaffa moved, seconded by Mr. Pattie, that the Board authorize the Ordinance Committee to review.

Timmy Fitzgerald, Director of Community Development, advised that the weight issue is troublesome because, when you go to inspections, it is hard to determine the weight. As the zoning ordinance is currently written, it is basically determined on "units".

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

Nays: None

Absent: Wills

Motion carried.

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VDOT FY2014-2019 SIX-YEAR IMPROVEMENT PROGRAM

The Board considered VDOT FY2014-2019 Six-Year Improvement Program presentation for Interstate and Primary Highways.

Patrick J. Coffield, County Administrator, advised that the State of Virginia sponsors an Interstate and Primary Highways Six-Year Plan (not to be confused with the County's Secondary Roads Six-Year Plan) annually. They have public hearings throughout the District; this year, it is going to be held at the Augusta County Government Center on November 5<sup>th</sup>. A list of projects identified by current and past Board members has been created for the State to consider. Historically, the Board has directed the Vice Chairman, as the legislative liaison, to present the Board's request before the Commonwealth Transportation Board.

Mr. Moore moved, seconded by Mr. Beyeler, that the Board approve the Six-Year Improvement Program, as presented.

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

Nays: None

Absent: Wills

Motion carried.

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BRIDGE NAMING SIGNAGE

The Board considered resolution and funding for design, construction and installation of VDOT approved Bridge Memorial signage for Route 814.

Funding Source: South River Infrastructure Account #80000-8016-68 \$1,000

Mr. Fitzgerald advised that this had been discussed at Monday's Staff Briefing. He reiterated that this request is in memory of two marines, Hunter F. Hatter and William Winfred Hatter, both who were killed in action. This bridge is on Route 814, beside the Mountain View Mennonite Church. Once the resolution is approved, it will be submitted to the Commonwealth Transportation Board for further action.

Mr. Beyeler added that the Hatters were brothers killed in World War II.

Patrick J. Morgan, County Attorney, was asked to read the resolution.

Mr. Beyeler moved, seconded by Mr. Shull, that the Board adopt the following resolution and approve the allocation of funding from the South River Infrastructure Account not to exceed an amount of \$1,000:

**RESOLUTION**

**WHEREAS**, Sergeant William Winfred Hatter, born October 6, 1920, and Private First Class Hunter F. Hatter, born July 4, 1918, served in the United States Marine Corps, were residents of Augusta County, Virginia; and

**WHEREAS**, Sergeant William Winfred Hatter and Private First Class Hunter F. Hatter, United States Marine Corps, both graduated from Stuarts Draft High School and both were employed by the local DuPont plant prior to entering the service; and

**WHEREAS**, Sergeant William Winfred Hatter and Private First Class Hunter F. Hatter, United States Marine Corps, trained at Paris Island and both were assigned to the 21<sup>st</sup> Marine Regiment, 3<sup>rd</sup> Marine Division; and

**WHEREAS**, Sergeant William Winfred Hatter and Private First Class Hunter F. Hatter were both sent to the Pacific Theater of War, one of four theaters of war of World War II; and



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FIRE AND RESCUE EQUIPMENT GRANT PROGRAM (cont'd)

Churchville Vol. F&R:	\$43,187.50 (five air packs and accessories)
	2,700.00 (intake valve)
	<u>1,275.00 (air primer for tanker)</u>
	\$47,162.50

Mr. Shull moved, seconded by Mr. Pattie, 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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WAYNESBORO FIRST AID CREW AGREEMENT

The Board considered accepting Waynesboro First Aid Crew's decision to terminate agreement, effective November 30<sup>th</sup>, for operating out of Preston L. Yancey.

Mr. Morgan advised that a revised agreement with Waynesboro First Aid Crew (WFAC) to replace SARS in operating out of Preston L. Yancey had been discussed; however, WFAC has decided to terminate that agreement.

Mr. Moore moved, seconded by Mr. Shull, that the Board authorize Chairman Pyles to accept WFAC's termination, effective November 30<sup>th</sup>, and express appreciation for past services rendered.

Mr. Coffield noted that a draft letter was attached to tonight's agenda for the Board to review.

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

Nays: None

Absent: Wills

Motion carried.

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WEYERS CAVE FIRE DEPARTMENT

The Board considered facility improvements to accommodate career personnel.

Funding Source: Middle River Infrastructure Account #80000-8012-76 \$5,000

Fire Chief Holloway reported that he has been working with Weyers Cave Fire Department over the last several weeks of providing transport services in the Weyers Cave area. Working with Mr. Wills on infrastructure needs, it has been determined that \$5,000 is needed for some projects. Priorities have been identified and \$5,000 is sufficient at this time.

Mr. Beyeler moved, seconded by Mr. Karaffa, 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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METROPOLITAN PLANNING ORGANIZATION

The Board considered Metropolitan Planning Organization (MPO) proposed boundary map.

Mr. Fitzgerald reported that this had been discussed at Monday’s Staff Briefing and noted that the Board had asked that a map be revised for tonight’s consideration based on the guidelines from the FHWA and VDOT. The map was displayed for the Board’s consideration indicating one line (teal) which includes all of the urbanized areas that are required; Stuarts Draft; Verona; all of Fishersville; and an area north of Waynesboro up to the top of Afton Mountain along Route 250. Mr. Fitzgerald felt that this map meets the requirements and would allow the Policy Board for the MPO to move forward with to VDOT and FHWA and the Governor for endorsement. Mr. Fitzgerald noted the population numbers: Total: 74,894; Augusta County: 30,142.

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

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

Nays: None

Abstain: Pattie

Absent: Wills

Motion carried.

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ORDINANCE COMMITTEE RECOMMENDATIONS

The Board considered advertising the following draft ordinances for public hearings:

1. Panhandling
2. Barking Dogs
3. Alternative On-site Sewage System
4. Fire Flow
5. Recreational Vehicle Park Extended Study

1. Mr. Morgan advised that this ordinance would make it unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services in any of the following ways:
  - a. In an aggressive manner in any public area;
  - b. Within 15 feet of any automated teller machine, during the hours of operation of such machine;
  - c. Within 15 feet of any automated teller machine, during the hours of operation of such machine;
  - d. On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
  - e. While sitting on or adjacent to, walking on, standing on or going into any street or highway used for motor vehicle travel, or any area appurtenant thereto, including medians, shoulder areas, turning lanes, ramps and exit ramps of any intersection.

Chairman Pyles understands that “aggressive manner” is one of five ways of violation. As he read it, he felt that one would be in violation if one asked for services while just sitting. Mr. Morgan said that would refer to being close to the highway. He put this in the ordinance to address the problem similar to what Henrico County is experiencing. Chairman Pyles felt that this language meant that you would not be allowed to hitch-hike. Mr. Morgan said if the ride is “something of value,” that would be correct. Chairman Pyles asked if a person’s

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## ORDINANCE COMMITTEE RECOMMENDATIONS (cont'd)

### Panhandling (cont'd)

car broke down and they needed to get gas, would that be a problem. Mr. Morgan that the "rule of reason" would apply.

Chairman Pyles expressed discrimination concerns. Mr. Morgan said this was referred to an article indicating that Loudoun County was considering such an ordinance and they wanted to put in exception so that the firefighters could continue their fundraising. The County Attorney advised that an exception could not be granted. "You really needed to make it content neutral or it would be questionable whether it could enforced."

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Board approve draft ordinance for advertising.

Mr. Karaffa felt that this ordinance was more in a "spirit of safety". He related to complaints received from his district. He expressed the safety concern of hitchhikers and children standing in the median holding carwash signs.

Chairman Pyles felt there were enough ordinances. He referred to Franklin's quote: "Those who give up liberty for safety, deserve neither." He felt this was a fundamental right and that you should be able to stand on a public road and ask for help. He referred to homeless Veterans who need help.

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

Nays: Pattie and Pyles

Absent: Wills

Motion carried.

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### Barking Dogs

Mr. Morgan advised that this was discussed at Monday's Staff Briefing. The Board asked that it be restricted to Residential subdivision. A revised draft was attached to tonight's agenda for the Board's review. He added that this would make it unlawful for dogs in "residentially zoned subdivisions" to be barking for more than 10 consecutive minutes or non-consecutive minutes in any 30-minute period of time, between the hours of 12:00 midnight and 6:00 a.m. the following day, if throughout the ten-minute period, the noise generated by the animal is (i) plainly audible across real property boundaries, or (ii) through partitions common to 2 residences within a building. He noted that the Sheriff's Department supports this ordinance.

Tony and Sonoy Motto expressed their support of the ordinance. They stated that they had tried all devices to limit the barking, but none had proven effective. They agreed with the ordinance requiring the complainant to go to the magistrate and ask for a summons.

Mr. Moore recalled that on Monday, the intent was expressed to focus on only residential subdivisions. He said there were some areas in the ordinance designating multi-use or planned development where you would have residential, business, and industry included. He emphasized that the intent was to focus subdivisions and lots that are close together.

Mr. Karaffa said he had received many calls today and referred to a particular farm owner asking if she would be in violation due to the proximity of her farm to the neighborhood. He indicated to her that the purpose was for homes zoned Residential, not any other kind of zoning. He asked that that clarification be made in the ordinance.

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ORDINANCE COMMITTEE RECOMMENDATIONS (cont'd)

Barking Dogs (cont'd)

Chairman Pyles asked if any changes were made from Monday's discussion. Mr. Morgan said that a revised ordinance was attached to tonight's agenda for the Board's review.

Mr. Beyeler noted that the MPO map reflected 30,000 people, "basically, where the problem occurs".

Mr. Beyeler moved, seconded by Mr. Moore, that the Board approve draft ordinance for advertising.

Mr. Pattie expressed that he had received many calls opposing the ordinance and did not feel that the ordinance would be effective and stated, "You can't get involved in neighbor versus neighbor".

Mr. Shull said that all his calls opposed the ordinance. He said he would support the motion for a public hearing to receive more public input.

Mr. Moore said that all calls he had received had been in favor of the ordinance.

Chairman Pyles also felt that this ordinance would not be effective because of people wanting anonymity and the problem of presenting proof. He felt this would be a "hornet's nest" for many reasons such as truckers starting their trucks in the early mornings. "There's always something more that people want to make their lives just right."

Mr. Beyeler said that if this is approved and other problems occur, that can be adjusted when needed.

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

Nays: Pattie and Pyles

Absent: Wills

Motion carried.

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Alternative Onsite Sewage System

Mr. Morgan said that the County has an ordinance currently in place for Nonconventional Sewage Disposal Systems. He noted that the State Code and regulations from the Health Department have changed. This ordinance brings the County Code in compliance with the State Code. A revised draft ordinance had been attached to tonight's agenda for the Board's review. He noted that Mr. Shull had mentioned that Paragraph 3 definition needed to be changed and that change would be made prior to the public hearing.

Mr. Beyeler moved, seconded by Mr. Shull, that the Board approve draft ordinance for advertising and that the ordinance be revised.

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

Nays: None

Absent: Wills

Motion carried.





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BERRY FARM – TIMBER BIDS (cont'd)

different sections. The first section to be bid out was about 31 acres, shown as the harvest area, on a map displayed to the Board. It was to be a clear-cut for that area. After completion of this project, the trees would be replanted. Three bids were received on October 15<sup>th</sup>; the highest bid was \$7,000 to be paid to the County, based on estimated volumes that the Department of Forestry had provided. Ms. Whetzel asked for Board direction.

Mr. Pattie noted that they would “lose money by cutting down these trees”.

Mr. Pattie moved, seconded by Mr. Shull, that the Board reject the bids.

Mr. Moore expressed confusion as to when trees were supposed to be cut. He felt that a recommendation from the Department of Forestry to move forward with this to clean up the property and get it seeded correctly was appropriate and that he would not support the motion. He felt that a recommendation from “experts” should be approved. Mr. Beyeler hoped that prices would be more competitive. Mr. Pattie added that \$7,000 would be received and \$500 an acre would be needed to replant. Thirty-one acres times \$500 would exceed \$7,000. He did not think this appropriate at this time.

Mr. Shull noted an article reflected that Mead Westvaco, one of the biggest paper companies around, lost money in the last quarter. With the economic times and fuel prices, he did not feel that the County would receive any acceptable bids right now. He felt that when the economy changes, better bids would come forward.

Chairman Pyles asked if there was a public listing for timber prices. He suggested that this be researched on a routine basis.

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

Motion carried.

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NATURAL CHIMNEYS REGIONAL PARK

The Board considered the removal of downed trees in the flood plain following this past summer’s Derecho storm event.

Funding Source: North River Infrastructure Account #80000-8013-39   \$850

Mr. Pattie informed the Board that there were some trees downed in the flood plain left over from the derecho storm event this past summer that needed to be removed for public safety.

Mr. Pattie moved, seconded by Mr. Karaffa, 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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ERRONEOUS ASSESSMENT

The Board considered refund as certified by the Commissioner of Revenue in the amount of \$18,748.49 to Heinrich Enterprises, LLC.

Mr. Coffield advised that the State Code allows local governments to refund erroneous assessments. More than \$2,500 cannot be done administratively.

Chairman Pyles added that the County Attorney has stated that this is in order and necessary to be done.

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

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

Nays: None

Absent: Wills

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

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

MINUTES

Considered minutes of the following meetings:

- Regular Meeting, Wednesday, October 10, 2012

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- NONE

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. VDOT Meeting in Richmond – attended conference meeting today. Requested State consider relocating federal funds. Positive feedback received.
2. Regional agencies – copy of County of Fairfax’s Transportation-related agencies presented to Mr. Karaffa.

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CLOSED SESSION

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

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

A) Industrial Prospect

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

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

Nays: None

Absent: Wills

Motion carried.

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

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

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

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

Roll Call Vote was as follows:

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

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

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ADJOURNMENT

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

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

Nays: None

Absent: Wills

Motion carried.

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Chairman

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County Administrator