

Regular Meeting, Wednesday, January 9, 2013, 7:00 p.m. Government Center, Verona, VA.

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

ABSENT: Michael L. Shull

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 9, 2013, 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 Moore welcomed the citizens present.

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Josephine "JoJo" Misker; Dillen Watson; Ashlyn Wolfe, eighth graders at Stuarts Draft Middle School, led us with the Pledge of Allegiance. Dillen said that he was considered to be a "Techie Nerd Person". JoJo participates in cheering, plays soccer and hopes to become a lawyer. Ashlyn plays softball and hopes to go into Pediatrics.

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David A. Karaffa, Supervisor for the Beverley Manor District, delivered invocation.

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COMMITTEES & COMMISSIONS FOR 2013 APPOINTED BY THE BOARD

On motion of Mr. Beyeler, seconded by Mr. Pyles, the Board made the following appointments:

LOCAL EMERGENCY PLANNING COMMISSION

Reappointed Mike Armstrong and Michael Shull, to the Local Emergency Planning Commission for a one-year period.

EMPLOYER ADVISORY COMMITTEE (VIRGINIA EMPLOYMENT COMMISSION)

Reappointed Faith Souder to the Employer Advisory Committee for a one-year period.

AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE

Reappointed Earl Reeves, Roger Hammond, Randy Roller, Joseph Zapotoczny, W. Jean Shrewsbury, W. Douglas Riley, Steve Hewitt, Jeff Slaven and appointed Larry Wills and Michael Shull to the Agricultural and Forestal District Committee for a one-year period.

EMERGENCY MANAGEMENT DIRECTOR

Appointed Chairman of the Board of Supervisors, Jeffrey A. Moore, as Emergency Management Director.

EMERGENCY MANAGEMENT CO-DIRECTOR

Appointed Patrick J. Coffield, County Administrator, as Emergency Management Co-Director.

EMERGENCY MANAGEMENT COORDINATOR

Reappointed Donna Good, EOC Director, as Emergency Management Coordinator.

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COMMITTEES & COMMISSIONS FOR 2013 APPOINTED BY THE BOARD (cont'd)

ASSISTANT EMERGENCY MANAGEMENT COORDINATOR

Reappointed Chris Hoover, EOC Dispatcher Supervisor, as Assistant Emergency Management Coordinator.

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

Nays: None

Absent: Shull

Motion carried.

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COMMITTEES FOR 2013 - APPOINTED BY THE CHAIRMAN

Mr. Karaffa moved, seconded by Mr. Beyeler, that the following committees appointed by the Chairman be approved:

- Emergency Services Committee:                                Larry Wills and Michael Shull
- Property Committee:     David Beyeler and David Karaffa
- Parks and Recreation Liaison:                                   Jeffrey Moore
- Valley Program for Aging Services, Inc.:                        Tracy Pyles
- Library Board Liaison:     Marshall Pattie
- Recycling Committee Liaison:                                       Michael Shull
- Board & Commission Liaison:                                        Larry J. Wills
- General Assembly/VACo Liaison:                                   Larry J. Wills
- Governance Opportunities Committee with  
Cities of Staunton and Waynesboro Liaisons:                     Jeffrey Moore and Tracy Pyles (Alt.)
- Rockingham/Augusta Liaisons:                                     Marshall Pattie and Larry Wills
- Reassessment Liaisons:    Larry Wills and David Karaffa
- Audit Committee:     David R. Beyeler and Marshall Pattie
- Ordinance Review Committee:                                        David R. Beyeler and David Karaffa
- Agriculture Industry Board Liaison:                                Larry Wills
- Community Action Program – Staunton/  
Augusta/Waynesboro (CAP-SAW):                                    Larry Wills and Tracy Pyles
- Shenandoah Valley Partnership:                                     Tracy Pyles
- Central Shenandoah Planning District Commission:             Marshall Pattie

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COMMITTEES FOR 2013 - APPOINTED BY THE CHAIRMAN (cont'd)

Urban Service Overlay Committee: David R. Beyeler and Jeffrey Moore

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

Nays: None

Absent: Shull

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Churchville Fire and Rescue Concerns

Hansford Johnson said a Saturday fuel pump fire in his Churchville Avenue garage burned him and one other person and destroyed all his possessions in the garage. He expressed concerns of no one from the Churchville Fire and Rescue Department responded; Staunton responded in 8 minutes. He felt that Churchville Fire and Rescue Department needed paid personnel so that the weekend coverage is guaranteed.

Joseph Condo asked questions concerning the new construction of the Churchville Fire Department:

1. Had a Financial Plan been submitted? Supervisor Wills said no official action had been taken by the Board. It was only a request that Supervisor Wills had made.
2. Time frame of construction? Gravel needs to be cleaned up. Compactor being used is causing structure problems in his house. Who is responsible for inspections? Does the gravel removal (out of the riverbed) affect the flood plain? Chairman Moore explained that it was the intention of Churchville Fire Department to get it up to sub-grade and then evaluate future construction. Timmy Fitzgerald, Director of Community Development, added that Churchville Fire Department is in the middle of putting in their foundation. He said he did not know the time of completion at this time. What is expected of the remaining construction? Would they be working late hours, when Spring comes in?
3. Siren? When will the ear-piercing siren stop?

Kristy McComos, President of Churchville Fire and Rescue, said that Mr. Johnson's and Mr. Condo's concerns were legitimate and offered to speak with them at their convenience. Mr. Beyeler asked how many volunteers were at the Station. She said that there were approximately 80 on her roster; trained firefighters were about 10. She added that there were quite a few members currently being trained and that they had more Rescue volunteers than actual Fire volunteers that run the rescue calls. She said the Department is seeking more volunteers to complement the paid staff that works at the department Monday through Friday 6:00 a.m. to 6:00 p.m. Mr. Beyeler was surprised of learning that there were only 10 qualified firefighters. Ms. McComos said it was difficult to maintain trained volunteers; most of them go to career staffing. Mr. Beyeler said the response issues at Churchville were similar to the problems that occurred at Preston L. Yancey two years ago and noted that Preston L. Yancey was now under the County's control. Ms. McComos, in updating the project, stated that they are near completion of Phase 1, which is just graveling the lot and grass seeding. The project will come to a halt after completion of Phase 1. A plan has not been created to determine funding at this time.

Chairman Moore thanked Ms. McComas for her appearance and said that volunteers are vital for Augusta County protection.

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MATTERS TO BE PRESENTED BY THE PUBLIC (cont'd)  
Churchville Fire and Rescue Concerns (cont'd)

Mr. Pyles noted that Churchville answered 1,200 calls a year and said that Churchville had a multi-layered and multi-tiered system that has depended heavily on volunteers to help answer its calls. He said Churchville has raised countless amounts of money to pay the department's utilities and construct its buildings. He added that Augusta County has already shown a renewed commitment to providing paid firefighters, including the addition of 21 in the County last year as a result of obtaining the federal SAFER grant. He pointed out that if volunteers were to be replaced with paid staff, it would cost \$1 million per station and noted that it is not financially feasible to have 20 paid departments in Augusta County.

Mr. Beyeler noted that "if you volunteer to do something, it is the same as you get paid to do it".

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FARMERS' MARKET

The Board considered agreement regarding North Augusta Farmers' Market.

Patrick J. Coffield, County Administrator, said that the Board has previously received an annual report on the Farmers' Market. County Attorney, Building and Grounds, and Parks and Recreation concur with updating the Management Agreement and documents and seek the Board's direction.

Cindy Kiser, North Augusta Farmers' Market Manager, was available to answer questions and noted that she was proceeding to get the market opened as scheduled. Mr. Karaffa asked about advertisement. Ms. Kiser said there has been some radio advertising on WMRA; Staunton News Leader has a weekly advertisement in the Community section; Postings in the community; Word of Mouth; and signs are placed one day prior to the event.

Chairman Moore commented that the School System is planning to move its Central Office to Verona at the Market location. He said that the Agreement would be subject to this occurrence. He noted that if this occurs, the Market would be relocated. Mr. Karaffa mentioned that a Pavilion in Mill Place Park was a possibility.

Mr. Wills moved, seconded by Mr. Karaffa, that the Board approve agreement.

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

Motion carried.

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CRIMORA COMMUNITY CENTER

The Board considered building repairs for Community Center.

Funding Source: Middle River Infrastructure Account #80000-8012-78      \$4,000

Mr. Coffield noted that the Community Center was built in 1927 and served originally as

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CRIMORA COMMUNITY CENTER (cont'd)

a public elementary school. In 1955, an addition was made; in 1988, the School Board conveyed to the County the old school after it was declared surplus. Since this time, the Crimora Ruritans have leased the building from the County. In October 2012, a Parks and Recreation grant, in the amount of \$2,500 was received. The grant has been used to complete a majority of improvements. A termite problem has been identified and the cost to treat will be \$3,995.

Mr. Wills added that he had been working with the Crimora Ruritan Club and did not anticipate the termite damage. In recognizing the problem, it has been determined that immediate attention is needed. He noted that the Ruritan Club has agreed to continue the yearly cost of having termite inspections and minor maintenance. He added that was declared by a previous Board a historic building.

Mr. Karaffa questioned if there is any financial plan in place regarding a Master Plan for this building. He suggested that the Board view the property. It was the consensus of the Board that they did not need to view the property and suggested that staff could take Mr. Karaffa to the property. Mr. Wills said that demolition is sometimes more costly than repairs and has suggested that the Ruritan Club communicate with the community to determine its needs.

Mr. Pyles pointed out that when schools relocate, a hole is created. Deerfield lost its elementary school in 1989. Since that time, he has tried to make it a better place for the community. The cost to upgrade a community center is not the same cost as maintaining a school. He added that Crimora has been a great addition. He felt that Mr. Wills could determine what the value is for Crimora Community Center. "Communities need something to tie them together. These buildings to that. I think it's a big plus for the County."

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

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

Nays: None

Absent: Shull

Motion carried.

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ROAD ABANDONMENT

The Board considered abandonment of a portion of old Route 664, located in the South River Magisterial District.

Patrick J. Morgan, County Attorney, advised the Board that he has received an application from Mr. and Mrs. Lowery to abandon a portion of the old Route 664 located in the South River Magisterial District. (An aerial was displayed.) Because of it not being a part of the Secondary System, the procedure is for the Board to instruct the Clerk of the Board to advertise, post notices at the courthouse and three places along that route of the public hearing to be held on February 13<sup>th</sup>.

Mr. Beyeler moved, seconded by Mr. Pyles, that the Board authorize advertising for public hearing and adopt the following resolution:



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\* \* \*

ROUTE 636 (cont'd)

Timmy Fitzgerald, Director of Community Development, reported that this rezoning request has been discussed at several meetings. An aerial was displayed of the property and designated in red reflects the Multi-Family Residential property to be rezoned to General Business. Mr. Fitzgerald noted that this was originally a development that had a TIF Agreement and required that the developer build portions of Route 636. With the Route 636 PPTA project, that is no longer required; therefore, the developer is deleting the proffers that pertain to the building of the two lanes of Route 636 and the schedule that is tied to completion of their development to that road project with the deletion of that proffer as well. The Planning Commission recommended approval with the condition that the agreement for the PPTA project is signed. Mr. Fitzgerald noted that agreement has been signed.

The Applicant had submitted the following:

New Proffers:

1. Developer will build a public street connection to Route 636 prior to the issuance of the 200th building permit.

Deleting Proffers:

1. Developer will build 2 lanes of Route 636 Relocated through this property.
2. Development schedule tied to completion of road project.

Retaining Proffers:

1. Donate to VDOT 24' of right-of-way along Route 250
2. No direct lot access off Route 636 Relocated or Existing
3. Walking trails or sidewalks throughout the development which will also include a system of open space;
4. HOA responsible for any street lights and trash collection
5. Minimum size of the townhouses will be 1000 square feet, duplexes will be at least 1100 square feet, and single family detached dwellings will be 1200 square feet.

Mr. Wills moved, seconded by Mr. Karaffa, that the Board adopt the following ordinance, with amended and restated proffers:

**ORDINANCE**

A REQUEST TO REZONE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL BUSINESS APPROXIMATELY 4.2 ACRES AND TO AMEND AND RESTATE THE PROFFERS ON APPROXIMATELY 139 ACRES OWNED BY CRESCENT DEVELOPMENT GROUP, LLC, PONUS RIDGE, LLC, BRUMMY LAND, LLC, AND ORTHO MONKEY, LLC LOCATED ON THE SOUTH SIDE OF JEFFERSON HIGHWAY (RT. 250) ACROSS FROM THE INTERSECTION WITH WOODROW WILSON AVENUE (RT. 358) 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;

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### ROUTE 636 (cont'd)

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

A portion of parcel number **2**, on tax map **66C(1)** and a portion of parcel number **72** on tax map number **66** containing approximately 4.2 acres is changed from Multi-Family Residential to General Business. Proffers on parcel numbers **72, 92, and 74A**, on tax map number **66**, parcel numbers **1 and 2**, on tax map number **66C(1)**, parcel number **2** on tax map number **66C(1)**, parcel number **3**, on tax map number **66C(2)**, and parcel numbers **A, B, C, and D**, on tax map number **66C(5)** containing a total of approximately 139 acres, are amended and restated as follows:

1. There will be no direct lot access onto Rt. 636 Relocated. The only access points will be the street connections as generally depicted on the Conceptual Plan entitled "Myers Corner" dated October 19, 2012 and prepared by Balzer & Associates.
2. There will be no direct lot access on to Existing Rt. 636. A public street connection to existing Route 636 will be built or bonded prior to the issuance of a building permit for the 200<sup>th</sup> single family, duplex, or townhouse dwelling unit.
3. The system of open space in the development will be as generally depicted on the Conceptual Plan entitled "Myers Corner" dated October 19, 2012 and prepared by Balzer & Associates. The open space will include retention of the existing hedgerow/fence along the western property boundary with the Troxell and Pingry tracts in at least a 5' strip of open space as depicted on the plan. The developer will install 4' wide paved walking trails throughout the development and connecting the areas of open space within the development. The paved walking trails will be maintained by the development's HOA. In lieu of walking trails, sidewalks may be built along some streets. The net result will be a pedestrian system from Route 250 to existing Route 636.
4. If street lights are installed, they will be installed and maintained at the expense of the development's HOAs.
5. Trash collection will be provided by the HOAs.
6. Applicant will dedicate to VDOT a minimum of 24 feet of right-of-way along Rt. 250.
7. The minimum size, defined as the aggregate area of the finished floor space of all floors, of the townhouses will be 1,000 sq. ft.; of a duplex will be 1,100 sq. ft.; and of the single family homes will be 1,200 sq. ft.

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

Nays: None

Absent: Shull

Motion carried.

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2. Consider resolution to eliminate the tax incremental financing agreement for Crescent Development Group.

Dennis Burnett, Economic Development Director, gave a "Building a Corridor" PowerPoint presentation with the following highlights:

### **BUILDING A CORRIDOR ROUTE 636 RELOCATED**

#### **Recent Events:**

December 13, 2012, Executed Comprehensive Agreement  
January 9, 2013, Amended Proffers



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**ROUTE 636 (cont'd)**

**Next Steps:**

1. Resolution to terminate existing Tax Increment Financing (TIF) documents, originally created in 2008 and then amended in 2010. A Dissolution Agreement would dissolve the TIF agreements because the County is currently escrowing those funds on behalf of the Developer which will be used towards debt service to the new road.
2. Dissolution Agreement signed by both the Developer and Augusta County Board of Supervisors that actually dissolves all three agreements (Developer Agreement, Contribution Agreement and EDA dissolution of their Grant Agreement).
3. Internal Tax Increment Financing Agreement – Establishes the parcels identified for internal use to collect incremental revenue to service debt for Route 636 construction.

A map was displayed representing the General Business lots. The prior agreement included Single Family Residential in the TIF. The new agreement has excluded the Single Family Residential. This agreement mirrors the original agreement that includes the real estate as well as the BPOL and any associated Business taxes with that for servicing the debt.

Chairman Moore clarified that the first thing needed was the resolution to eliminate the Tax Increment Financing Agreement currently held with Crescent.

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

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

WHEREAS, the County of Augusta, Virginia, ("the County"), the Industrial Development Authority of Augusta County, Virginia (now the Economic Development Authority of Augusta County, Virginia (the "Authority") and Crescent Development Group, LLC, (the "Developer") heretofore entered into a tax increment financing arrangement on August 6, 2008. A Development Agreement, Contribution Agreement, and Grant Agreement were executed at that time providing for the construction of a portion of State Route 636.

WHEREAS, the Development Agreement, Contribution Agreement and Grant Agreement were amended on November 10, 2010 after a rezoning of the property.

WHEREAS, it has been determined that it would be more feasible for all parties to utilize the Public-Private Transportation Act of 1995 and enter into an agreement which provides for the development of transportation facilities for the entire Route 636 project through a PPTA Agreement.

WHEREAS, Developer has made a request for rezoning and has offered and the County has accepted proffers which eliminate the responsibility of Developer to construct a portion of Route 636.

WHEREAS, there is no longer a need for the inducements for the Route 636 project provided by the tax increment financing documents and all parties mutually agree that the tax increment financing documents should be declared null and void.

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

1. That the Chairman of the Board is authorized to execute agreement to void the Development Agreement dated August 6, 2008, amended on November 10, 2010.
2. That the Chairman of the Board is authorized to execute agreement to void the Contribution Agreement dated August 6, 2008, amended on November 10, 2010.
3. This Resolution shall take effect immediately upon its adoption.

January 9, 2013, at 7:00 p.m.

ROUTE 636 (cont'd)

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

Nays: None

Absent: Shull

Motion carried.

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Mr. Pyles moved, seconded by Mr. Karaffa, that the Board approve the Dissolution Agreement between the Augusta County Board of Supervisors and Crescent Development.

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

Nays: None

Absent: Shull

Motion carried.

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3. Consider Agreement to establish a Tax Incremental Financing corridor on the Route 636 Corridor in the Wayne District.

Chairman Moore supports the Agreement noting that Single-Family Residential is not included so that those revenues would continue to support the agreement with the Schools.

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

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

WHEREAS, the County entered into a Comprehensive Agreement with Branch Highways, Inc. under the terms of the Public-Private Transportation Act as amended, (the "PPTA"), to relocate State Route 636 in Augusta County, Virginia; and

WHEREAS, the agreed upon contractual price to complete the construction of the relocated State Route 636 is Thirteen Million Dollars (\$13,000,000.00); and

WHEREAS, to facilitate this project, the County will finance up to Ten Million One hundred eleven thousand two hundred twenty eight Dollars (\$10,111,228.00); and

WHEREAS, it is anticipated that increased tax revenue generated in the relocated State Route 636 area will be sufficient to fund the debt service for the County's portion of the construction costs; and

WHEREAS, it is the desire of the current Board of Supervisors to use the increased revenue to fund the debt service;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA, establishes the following policy concerning payment of any debt created to finance its contribution to the project to relocate State Route 636:

1. The Project area is defined as shown on attached "Exhibit A."
2. The County Administrator is instructed to designate funds from the tax increment in the project area for the payment of the debt service for the State Route 636 relocation project for each budget year beginning Fiscal 2013-2014 until such time as the debt has been satisfied.

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**ROUTE 636 (cont'd)**

3. "Tax Increment" shall mean the amount by which all then current ad valorem taxes, real property taxes excluding single family residential property, machinery and tools taxes, business personal property taxes, and business license taxes arising from the levies upon the Project Area and businesses located within The Project Area exceeds the Base Year Taxes.

4. "Base Year Taxes" shall mean all ad valorem taxes, real property taxes, machinery and tools taxes, business personal property taxes, and business license taxes arising from the levies upon the Project Area and businesses located within The Project Area as of January 1, 2013.

5. It is anticipated that the County may receive funds to forward the Route 636 relocation project through the Virginia Department of Transportation Revenue Sharing Program. Any funds received through that program shall be applied to reduce the County's participation in funding the aforementioned Ten Million One hundred eleven thousand two hundred twenty eight Dollars (\$10,111,228.00)

6. Nothing in this policy is to be construed as creating a constitutionally cognizable debt. This policy is not to be construed as creating an enforceable duty on the part of the Board of Supervisors to appropriate any funds for the State Route 636 relocation project.

EXHIBIT A

PROJECT AREA

Tax Map Parcel  
066C-(5)-A,B,C,D  
066C-(16)-1  
066C-(16)-2  
066C1-(1)-1  
066C1-(2)-3  
066E-(1)-5  
066E-(4)-1  
066E-(4)-4  
066E-(5)-1-1A  
066E-(6)-1-5  
066E-(6)-1-6  
066E-(6)-1-8  
066E-(6)-1-9  
066E-(6)-1-11  
066E-(6)-1-12  
066E-(6)-1-14  
066E-(6)-1-15  
066E-(6)-1-16  
066E-(6)-1-17  
066E-(6)-1-18  
066E-(6)-2-2  
066E-(6)-2-3  
066E-(6)-2-4  
066E-(8)-1  
066E-(8)-2  
066E-(8)-3  
066E-(8)-4  
066E-(9)-14  
066F-(10)-1  
066F-(10)-2  
066F-(10)-3  
066F-(10)-4  
066F-(10)-5  
067-97  
066-71F  
066-71J  
066-72B  
066-97A  
066C-(1)-2  
066C-(1)-11  
066F-(10)-6  
067-98C  
067-98D  
066C1-(1)-2  
066-72

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ROUTE 636 (cont'd)

Mr. Pyles made the following comment:

We had an indebtedness that wasn't on the books for the most part. The TIF was there that we were going to come up with \$4 million or in that neighborhood. So, we're not encouraging anymore debt . . . well, maybe, a little bit more, but we're getting a lot more money with matching grants. We're doing something much more favorable to our citizens. It's more visible, but it is not that much more than we already had an obligation for so it's a good thing.

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

Nays: None

Absent: Shull

Motion carried.

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4. Consider financing for Crescent Development Group.

Mr. Burnett said that the Developer has contributed to the project and the County needs to proceed with a Surety Release, creating a \$600,000 loan that would be administered by the EDA. He further explained that it would be a CIP transfer to EDA to establish loan fund providing surety for release of the right-of-way. He noted that this is part of the contribution of the Developer. Upon receipt by the EDA (January 17<sup>th</sup>), would then establish the loan documents and set the rates. A presentation will be given to the Board on January 23<sup>rd</sup> for review and then will proceed to closing.

Mr. Karaffa moved, seconded by Mr. Wills, that the Board proceed as recommended.

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

Nays: None

Absent: Shull

Motion carried.

Chairman Moore thanked Crescent Developers for their work on this project and looked forward to successful completion.

Mr. Wills expressed appreciation to Staff and Chairman Moore for their work over the last six to eight months in getting this accomplished. "We're one of the first to get through this. Rockingham is trying to follow in our footsteps to get some things worked out on their end for a project."

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

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

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CONSENT AGENDA (cont'd)

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, December 12, 2012

CLAIMS

Approved claims paid since December 12, 2012.

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

Nays: None

Absent: Shull

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pattie:

1. Newspaper article reflecting a C+ accessibility clarity of Budget. Asked for improvement in accessibility and formatting related to the Augusta County and School Budgets.
2. Water Quality Study Options – will be presented in the future after funding has been determined.

Mr. Wills:

1. Asked that the Chairman provide a note of concern and speedy recovery to the officer who was injured over the weekend.
2. As Legislative Liaison:
  - a. HB 1430 Right to Farm Act

Mr. Fitzgerald stated that this House Bill expands definition of agricultural operations to include commerce of farm-to-business and farm-to-consumer sales. The commerce and sale of certain items, such as art, literature, artifacts, furniture, food, beverages, and other items that are incidental to the agricultural operation, and constitute less than a majority amount of production or sales, or less than a majority of annual revenues from such sales, are defined as part of the agricultural operation. The Bill gives persons engaged in agricultural operations a cause of action against the County or any official or employee of the County for violations of the Right to Farm Act. Two provisions of the Bill are retroactively effective to the original enactment of the Right to Farm Act on July 1, 1981. The first is expansion of the definition of agricultural operation; the second asserts that any ordinance directed at persons, property, or activity on land that is zoned agricultural or silvicultural that seeks to restrict free speech or the right to assembly, among other rights, is null and void.

Key concerns: 1) It is another attempt to take away the local level decision-making process on what should be a permitted use in an agricultural area. 2) It makes officials and employees personally liable for enforcing County Codes and sets a dangerous precedent. 3) Runs contrary to other State legislation encouraging development to occur in Urban Areas. By allowing business uses on agriculturally zoned properties without requiring any permitting

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

HB 1430 Right to Farm Act (cont'd)

provides a competitive advantage over development in business zoned areas and encourages development in the rural areas which will over time require additional services to support it, such as road improvements. 4) The Bill does not contain any provision for the rights of adjacent property owners (farmers or regular homeowners). 5) If such an expansion to the Right to Farm legislation is deemed to be in the best interest of the entire Commonwealth, suggest that the legislators look to counties that have enacted "ag-friendly" ordinances like the County's Agriculture Business and Rural Home Business Administrative Permits. Reasonable conditions should be allowed such as requiring a safe entrance and an approved sewage disposal system for uses that have the public coming to them and increasing the intensity of the business use allowed based on the size of the property.

Mr. Fitzgerald suggested that the County's Legislative Liaison Jane Woods and legislators be made aware of the Board of Supervisors' concerns.

Mr. Karaffa asked who submitted this Bill. Mr. Wills said it was Delegate Lingamfelter, a Lt. Governor from Northern Virginia. Mr. Fitzgerald said it was driven on a case from Fauquier County where a farm owner wanted to have a party and/or weddings on the property. In Fauquier County, that was not a permitted use. She never asked for permission and was fined for this violation. Mr. Wills noted that a Harrisonburg newspaper article stated that this person was never fined. Fauquier County encouraged her not to have a business of having events on her farm.

Mr. Wills moved, seconded by Mr. Beyeler, that the Board authorize staff to notify the County's Legislative Liaison Jane Woods, legislators, and VACo of the Board of Supervisors' support.

Mr. Pyles noted that \$100,000 a year is spent to preserve farmland. He added that Mr. Fitzgerald does not do anything that is not directed by this Board. This Bill allows liability to be placed on Staff when, in fact, if anyone is liable, it should be the Board since the ordinances are approved at the Board level.

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

Nays: None

Absent: Shull

Motion carried.

\* \* \*

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

b. Uranium Resolution – Pittsylvania County

Support of local issues - Would like to see the Board support a position to encourage local legislators and the legislature, in general, to support the positions of those local governments that are more directly affected by the Environmental and Health concerns.

Mr. Karaffa expressed concerns of trucks carrying uranium through the County. He felt that experts were needed to determine nuclear issues. Mr. Beyeler felt that each locality needed to determine the need of regulation.

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

b. Uranium Resolution – Pittsylvania County (cont'd)

Mr. Wills moved, seconded by Mr. Pyles, that the Board of Supervisors support the position of the local governments most directly affected by the Environmental and Health concerns.

Mr. Wills asked Mr. Coffield to explain Pittsylvania County's resolution. Mr. Coffield said that it was a 4-3 vote. A copy of the resolution was distributed to the Board. He felt that the resolution was "thoughtful, deliberative, open and receptive".

Chairman Moore pointed out a paragraph in the resolution to Mr. Karaffa "that the appropriate regulations be in place either by the Nuclear Regulatory Commission and/or by the State of Virginia for the most comprehensive protection of our citizens".

Mr. Wills said that he brought this issue up because of a recent trip he made regarding fracking. "I'm afraid the same thing is happening in State level with this as was happening in Pennsylvania as that you have the industry most directly involved and it is going to profit from it, writing the laws in the State to cover it. That scares the devil out of me. That is exactly what happened in Pennsylvania when it comes to fracking and it took the local government completely out of the decision-making process."

Vote was as follows: Yeas: Wills, Moore and Pyles

Nays: Beyeler

Absent: Shull

Abstained: Karaffa and Pattie

Motion carried.

\* \* \*

c. Virginia Beach Basketball Arena

Virginia Beach is in the process of looking for a Basketball Arena. A news article reflected that if they could get the contract, they were going to request State funding of \$150 million. If this happens, he felt that the Board should express concern with legislators that this be taken from the tax in that area where the people will benefit.

d. Governor's Initiative for Education

Should fully fund requirements that go with that Initiative. "Money has been put out for Teachers salaries. We need to be very careful that we don't get a lot more expense in funding those initiatives and no dollars to fund it with."

e. Legislative Day - January 31<sup>st</sup> – Asked for more participation; it was determined that three people will be attending – Chairman Moore, Vice-Chairman Wills, and Pat Coffield; Mr. Karaffa said that he would attend the

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

dinner afterwards. Mr. Wills emphasized that “there are too many initiatives going into State level. These legislators have no idea of the impact on local government.”

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. FEMA - \$40,000 received for the 2010 snow storm. Received notice that \$15,000 will be received for the direcho storm this year.
2. Governance – a meeting will be scheduled sometime in February or March for the Chairman to meet with Waynesboro and Staunton. Asked for Board input.
3. General Assembly - Flood Control improvements for Todd Lake Dam – still seeking State funding.
4. Central Shenandoah Planning District Commission Survey distributed to the Board.
5. Roads – Governor’s formula circulated to the Board.

\* \* \*

6. RESCUE SQUAD ASSISTANCE GRANT (RSAF)

Fire Chief Carson Holloway reported that the Board approved application for a grant on September 12<sup>th</sup>; grant has been awarded. Chief Holloway has asked for authorization to purchase the Type 1 Ambulance and the Lifepak defibrillator through the grant. He noted that, currently, there are three ambulances in the County (1996, 2004 and a 2012). The ambulances are located at Fishersville and Riverheads, with the third ambulance being utilized as a reserve and starting to show a high volume of maintenance. He is continuing to work with stakeholders regarding the deployment of the third County owned ambulance in the Weyers Cave area. He asked for approval by the Board to accept the Grant and matching funds be allocated immediately to allow for the procurement. The deployment of staff and ambulance at Weyers Cave, as outlined in the 2012 deployment plan, is pending final negotiations with Rockingham County.

The Ambulance Grant Funding (RSAF) is broken down as follows:

	<b>Grant Awarded</b>	<b>Original Match Request/Approval</b>
RSAF Grant (Ambulance)	\$85,261.50	\$ 92,500.00
RSAF Grant (Monitor/Defib.)	<u>14,433.50</u>	<u>14,000.00</u>
Sub Grant Total	\$99,695.00	\$106,500.00
Equipment		<u>\$ 60,000.00</u>
<b>Total Request (8057)</b>		<b>\$166,500.00</b>

(Grant Money Awarded \$99,965.00 plus requested Capital Money \$166,500 = \$273,000)

Mr. Karaffa asked where the new ambulance would be located. Chief Holloway said, at this time, it would probably go to Riverheads. He suggested that the new used ambulance would be used as a reserve (currently at Riverheads). Chief Holloway also suggested that the 1996 ambulance may need to be replaced in the near future. Mr. Karaffa hoped that no more ambulances be purchased at this time.



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MATTERS TO BE PRESENTED BY STAFF (cont'd)

Mr. Pyles pointed out that Churchville has never asked for an ambulance. They have been purchasing their own ambulances and fire trucks. "It is tough to publicly criticize people that work so hard for us. If we want to take over their station, it is a \$1 million a year. I think it is better to try to encourage these volunteers instead of browbeating them all the time."

Mr. Pattie suggested that Chief Holloway keep on an outlook for a used ambulance as a reserve to replace the 1996 ambulance. Mr. Pyles agreed.

Mr. Wills moved, seconded by Mr. Pyles, that the Board approve Chief Holloway's recommendation.

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

Nays: None

Absent: Shull

Motion carried.

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7. MCKEE FOODS CORPORATION

Mr. Burnett advised the Board that they have received a check in the amount of \$200,000 from the Governor's Opportunity Fund. The process to get this funding was to write an application and to establish a Performance Agreement, which has been executed. The next step is to match this grant by a TIF Agreement. Before the Board tonight is the approval of a Development Agreement. Once the Development Agreement is executed, a Contribution Agreement, which allows the Board to funnel the money to the EDA for their disbursement. There would be a separate grant from the EDA to McKee Foods Corporation that would actually be the Grant Agreement for them to disburse the funds as they become available. In order for the Board to enact all agreements, a resolution must be adopted.

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

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

WHEREAS, McKee Foods Corporation, a Tennessee corporation (the "Company") is the owner of an existing manufacturing facility in Augusta County, Virginia (the "Facility").

WHEREAS, the Company intends to expand production at its manufacturing Facility, and to create a significant number of new full-time, permanent jobs in the Facility, and specifically to add machinery and tools in connection with the expansion (the "Expansion").

WHEREAS, the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") has received and reviewed the proposal of the Company to undertake the Project.

WHEREAS, Augusta County, Virginia (the "County") has applied for a grant from the Governor's Opportunity Fund ("GOF") through the Virginia Economic Development Partnership ("VEDP"), for the purpose of inducing the Company to undertake the Project.

WHEREAS, the County has received a grant from the GOF in the amount of \$200,000.00 from the GOF (the "GOF Grant").

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**MATTERS TO BE PRESENTED BY STAFF (cont'd)**

**MCKEE FOODS CORPORATION (cont'd)**

WHEREAS, under the terms of the GOF Grant, the County is obligated to match the GOF Grant, which is being satisfied through a tax increment financing payment in the amount not to exceed \$250,000.00 ("County Match").

WHEREAS, local employees are expected to be employed, and local suppliers, contractors and services are expected to be utilized, in connection with the development and operation of the Expansion.

WHEREAS, the Expansion is expected to generate increased machinery and tools, personal property and business license tax revenues for the County, which can then be used for the further benefit of the residents of the County.

WHEREAS, the Expansion is in accordance with the desire of the County to attract commercial enterprises to the County to diversify and strengthen its economic base, provide jobs for its citizens.

WHEREAS, the Board of Supervisors desires to facilitate the Expansion by the provision of the GOF Grant and the County Match to, or for the use of, the Company.

WHEREAS, to that end there has been presented to this meeting a certain Performance Agreement by and among the County, the Economic Development Authority of Augusta County, Virginia, and the Company (the "Performance Agreement"), a copy of which is filed with the records of the Board of Supervisors.

WHEREAS, also there have been presented the following documents (collectively, the "Documents") copies of which shall be filed with the records of the Board of Supervisors:

- (a) Development Agreement by and between the County and the Company (the "Development Agreement").
- (b) Contribution Agreement by and between the County and the Economic Development Authority of Augusta County, Virginia (the "Contribution Agreement").

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

1. The Board of Supervisors hereby finds and determines that the Expansion will provide substantial economic and other benefits to the County through the creation of jobs, increase of tax revenues, enhancement of the commercial and industrial base and utilization of local suppliers, contractors and services.

2. The animating purpose for the County's undertakings under the Agreement is the public benefit derived from the Project.

3. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are hereby authorized and directed to execute the Documents and to deliver the Documents to the other parties thereto.

4. The Documents shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be subsequently approved by the Chairman or Vice Chairman of the Board of Supervisors, which approval shall be evidenced conclusively by the execution and delivery of the Agreement by the Chairman or Vice Chairman.

5. The Clerk of the Board of Supervisors is authorized to affix the seal of the County to the Documents and to attest such seal.

6. Each officer of the County is authorized to execute and deliver on behalf of the County such other instruments, documents or certificates and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Agreement.

7. All acts of the Chairman or Vice Chairman of the Board of Supervisors and other officers of the County, including without limitation, the County Administrator, Director of Finance, Director of



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CLOSED SESSION (cont'd)

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

Nays: None

Absent: Shull

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, Wills, Moore, Beyeler and Pyles  
 NAY: None  
 ABSENT: Shull

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. Karaffa, the Board adjourned subject to call of the Chairman.

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

Nays: None

Absent: Shull

Motion carried.

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Chairman

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County Administrator