
Regular Meeting, Wednesday, February 22, 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
Jennifer M. Whetzel, Director of Finance
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, February 22, 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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Jacob Reeves, a Senior at Buffalo Gap High School, led the Pledge of Allegiance. Jacob has applied to three colleges and hopes to go into Business and major in Accounting. He would like to serve on the Board of the Community Foundation and give back to the community and eventually work non-profit.

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

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Chairman Pyles introduced the Board of Supervisors and staff to the audience.

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ONE BOOK ONE COMMUNITY - PROCLAMATION

The Board considered proclamation naming March Community Read Month.

Christiana Shields, of the Community Foundation of the Central Blue Ridge, announced that they are doing a One Book One Community for the month of March, previously known as "The Big Read". This year it is done with all local funding, no federal funding. Community Foundation is supporting it as well as all three libraries. There will be a month of activities open to the public around the book Walking Across Egypt. The Foundation will be giving 1,000 books for distribution. The purpose of this is to promote reading and literacy in our community.

Mr. Moore read the proclamation.

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

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ONE BOOK ONE COMMUNITY – PROCLAMATION (cont'd)

THE OFFICE OF THE BOARD OF SUPERVIORS
COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA

PROCLAMATION

WHEREAS, *ONE BOOK ONE COMMUNITY* is designated to bring communities together through literature; and

WHEREAS, *ONE BOOK ONE COMMUNITY* aims to address the critical issue of declining literacy reading in America; and

WHEREAS, aided by a strong sense of community and passion for the arts, Staunton, Waynesboro, and Augusta County are working together to participate in *ONE BOOK ONE COMMUNITY* programs; and

WHEREAS, *Walking Across Egypt*, written by Clyde Edgerton, is the book upon which activities such as lectures, book discussions, and other special events are based; and

WHEREAS, due in large part to the dedication of the Community Foundation of the Central Blue Ridge, the Staunton Public Library, the Waynesboro Public Library, and the Augusta County Library, the citizens of Staunton, Waynesboro, and Augusta County have joined together through literature to make *ONE BOOK ONE COMMUNITY* a success;

NOW, THEREFORE, I, TRACY PYLES, Chairman of the Augusta County Board of Supervisors, do hereby proclaim the month of March 2012 to be

ONE BOOK ONE COMMUNITY MONTH
In Augusta County, Virginia.

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

Nays: None

Motion carried.

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BARTERBROOK INVESTMENT CO., LLC - REZONING

This being the day and time advertised to consider a request to rezone a total of 86.47 acres from General Agriculture and Multi-Family Residential to Single Family Residential with proffers (34.73 acres), Attached Residential with proffers (26.73 acres), Multi-Family Residential with proffers (25 acres), owned by Barterbrook Investment Co., LLC and located on the west side of Barterbrook Road (Route 635) approximately 0.4 of a mile south of the intersection with Frontier Drive (Route 644) near the City of Staunton (Beverley Manor District). The Planning Commission recommends approval with revised proffers.

Becky Earhart, Senior Planner, displayed property outlined in pink; the property shown in yellow is property already zoned Multi-Family; the remainder of the property is zoned General Agriculture. The applicant has submitted the following proffers:

1. The developer or his successors or assigns shall build the improvements as depicted in the VDOT Traffic Impact Analysis (TIA) of Vista Ridge dated 9-23-2011 and prepared by Segars Engineering. All traffic improvements shown in the TIA shall be bonded or constructed prior to the issuance of the first building permit for a residential unit. The following shall be completed prior to the issuance of the first Certificate of Occupancy for any residential unit:

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

- a. Right turn lane(s) along Barterbrook Road at any main road connection(s) from Barterbrook Road to the property as described in number 8.a.ii on page 60 of the TIA, including a turn lane onto Frontage Road 217, or in lieu thereof, a turn lane onto a newly constructed road, if such road provides access to current Frontage Road 217.
- b. An adequate pavement structure to accommodate projected traffic along Barterbrook Road, including projected Vista Ridge traffic, as indicated by the TIA, will be provided on Barterbrook Road from Frontage Road 217 to the end of the pavement improvements at the intersection of Frontier Road and Barterbrook Road.
- c. A 2' paved bike lane/shoulder on each side of Barterbrook Road from Frontage Road 217 to the intersection of Barterbrook Road and Frontier Drive.

The following improvements shall be bonded or constructed prior to the issuance of the first building permit for any residential unit and shall be completed prior to the Certificate of Occupancy for the 350th residential unit.

- d. A right turn lane on Barterbrook Road at its intersection with Frontier Road (southeast corner only), as described in number 8.a.i on page 60 of the TIA.
2. There shall be no individual lot entrances off of Barterbrook Road (Route 635).
 3. Building height shall not exceed 4 stories in the Multi-Family zoned portion of the property as depicted on Rezoning Exhibit A prepared by Segars Engineering dated January 20, 2012.
 4. The layout of the development, including the road network and open space, shall be as generally depicted on Rezoning Exhibit B prepared by Segars Engineering dated January 20, 2012.
 5. The exterior appearance of the multi-family buildings shall include (a) a mixture of masonry and siding, (b) varying colors and/or textures of siding, (c) contrasting trim, (d) multiple roof lines, and (e) landscaping including flowering shrubs and/or trees, as generally depicted on Rezoning Exhibit C. Construction of the multi-family buildings shall include construction quality that meets or exceeds the standards of stamped concrete accents, steel and/or concrete stairs, dimensional shingles, and powder coated railings.
 6. Community and recreational amenities associated with the multi-family residential portion of the development shall include, at a minimum, a swimming pool of not less than 1,500 square feet and a community building of not less than 1,000 square feet. Such amenities shall be built prior to the issuance of a certificate of occupancy for the fiftieth residential unit in the multi-family residential portion of the development.
 7. Development of the multi-family and attached residential portions of the project will not utilize VHDA tax credits or government subsidies or similar measures to finance/refinance construction of the units. This proffer shall not apply to the financing of any individual unit by a third party property owner.
 8. No mobile (or manufactured) homes will be placed on this property.
 9. At a minimum, a sidewalk and/or trail system will be provided consistent with VDOT, AASHTO and ADA standards on one side of any interior road (public or private) throughout the development; provided that this proffer is not intended to require a sidewalk or trail system in connection with any private alley or driveway.
 10. There shall be no more than 7 dwelling units to a structure in the Attached Residential zoned portion of the property as depicted on the Rezoning Exhibit A prepared by Segars Engineering dated January 20, 2012. The front exterior appearance of the units in the Attached Residential zoned portion shall include (a) varying facades, (b) varying setbacks from the street, (c) a mix of masonry and siding, (d) forward facing gables or dormers, (e) varying colors of siding, (f) contrasting trim, and (g) individual hard surface driveways separated by a change of material, as generally depicted on Rezoning Exhibit D.
 11. The minimum square footage for all single family dwellings built in the area zoned Single Family Residential shall be 1,200 square feet. All dwellings shall initially include a hard surface driveway. For single family dwellings built in the area zoned Single Family Residential, the front setback from the street on which the dwelling fronts shall be not less than 20' nor more than 35' from the right of way line of a public street, except that this limitation shall not apply to dwellings on the bulb of a cul-de-sac.

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

12. In addition to the single family dwellings, a maximum of 400 Multi-Family units and 270 Attached Residential units may be constructed on the 86 acres.
13. Prior to the issuance of a building permit for the 201st dwelling unit in the Multi-Family residential portion of the project or the issuance of a building permit for the 101st dwelling unit in the Attached Residential portion of the project, at least 20 single family dwellings shall be complete.
14. By the issuance of the 50th building permit for a single family dwelling and/or Attached Residential Dwelling within the property, owners of dwellings in the single family and Attached Residential zoned portions of the property shall have access to community and recreational amenities located somewhere within the overall property. These amenities may be shared with some or all other residents of the overall property and shall include a swimming pool of not less than 1,500 square feet and a community building of not less than 1,000 square feet. By the issuance of the 200th building permit for a multi-family unit and the 150th building permit for any combination of single family and attached residential units, the overall property shall include not less than two swimming pools of not less than 1,500 square feet. There may be a fee or dues associated with the use of the amenities.
15. There shall be a 20' landscaped buffer planted with wax myrtles at least every 10' along the rear of all single family lots abutting existing lots on Barterbrook Road.
16. Houses on single family lots abutting existing lots on Barterbrook Road shall have a minimum square footage of 1,800 square feet.
17. Houses on single family lots abutting Barterbrook Road or tax parcel #65-30A and forward of the rear of the existing house on tax parcel #65-30A shall be single story homes.

Ms. Earhart added that public water and sewer are available. (She noted that Augusta County Service Authority had provided additional information to the Board tonight.) This property is in an Urban Service Area and slated for Planned Residential development at a density of 4 to 8 units an acre.

David Rudiger, President of Boyd Homes, mentioned that they had met with some neighbors to discuss their concerns and that was the reason for the three additional proffers (#15-17) submitted tonight. He gave a PowerPoint presentation to the Board to provide some background information of their business. He noted that they have been working with the County for approximately five years. When the property was acquired, the existing area was zoned General Agriculture and Multi-Family, which would allow 28 units per acre, six-story buildings. A Conceptual Lot Layout was also provided to reflect a mixture of Single Family and Townhomes. A Possible Multi-Family Plan was also displayed. He noted that Boyd Homes has been in existence for 30 years and is a single-family ownership business. Projects have been done throughout Virginia, North Carolina, Florida and the Virgin Islands. They have continued to do construction of Single-Family; Multi-Family, condominiums; townhomes; office buildings and retail shopping centers bringing a diversified experience to the area. He noted that the area is slated for growth in the County's Comprehensive Plan and that this development "would breathe new life in the area and raise new revenues and jobs". Mr. Rudiger said plans call for 755 units total, with 400 Multi-Family units, 270 Attached Residential units and 85 Single-Family homes. Examples of community entrances were shown to "define a community and create a sense of arrival". Amenities would include two (or three) pools, clubhouses "to provide a gathering place and heart to the community", exercise facility, and a grill and picnic area. He added that the Attached Residences would have varying facades and individual driveways. Single-Family homes would provide an integrated community, where they may have started living in apartments and then decide to live in an individual home and still live in the same area, or live in a home and then decide to move back into an apartment and still remain in the same community. In summary of the proffers, they have agreed to:

1. Make improvements to Barterbrook Road that were suggested by Traffic Study.
2. Limit the building height in the Multi-Family segment where up to six stories are permitted by the Zoning Ordinance; and they have agreed to limit to four-story

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

buildings. They do not intend to build strictly four-story buildings, but intend to work with the typography of the land.

3. Include sidewalks.
4. Limit the size of buildings.
5. Quality and appearance standards.
6. Community amenities, with clubhouses and pools.

In regards to the Phasing Plan, the School Board has given concerns about potential future impacts. Mr. Rudiger added that the Comprehensive Plan has this area scheduled for development so that you would not have sprawl development. The Comprehensive Plan sets this as a proposed development density of 8 units per acre (492 units on 61 acres).

The last item enclosed in the agenda package was a fire and rescue concern raised by the City of Staunton. Staunton felt that all buildings should have the ability of having a ladder truck drive 360 degrees around the property. Mr. Rudiger said that all of the apartment buildings will have a sprinkler system, two sets of stairs for entering and exiting and two means of ingress and egress. He pointed out that you could not get to the back side of recent developments such as Frontier Ridge, Big Sky and Waterford Village. Mr. Rudiger said that he is in compliance with the County Code.

Mr. Wills expressed recreation concerns and felt that Boyd Homes has not provided enough area for the community. Mr. Rudiger said that they have provided the “bare minimum standard of what can be built”. He agreed, with respect to the Multi-Family, a larger pool and larger community building will be provided. In regards of having a Home Owners Association (HOA), to have a clubhouse or pool overly large, would create a burden on the HOA. A second pool would be added as the community grows. He agreed that, at build-out, “more than a minimum will be needed and will be provided”.

Mr. Shull questioned homeowners being asked when the homes had not even been built. Mr. Rudiger said they have asked the homeowners of the existing 100 homes in the community what they wanted. Those homeowners gave them a feedback.

Mr. Moore asked about the phasing timeframe. Mr. Rudiger said this project would likely be built in phases over a 10-year period due to the marketability. Mr. Moore asked if the Single-Family lots would be sold to local builders. Mr. Rudiger said their intention was to build them themselves, but use local sub-contractors and suppliers.

Mr. Shull asked what percentage would be local contractors. Mr. Rudiger said it would be 90% or better.

The Chairman declared the public hearing open.

Houston “Jack” Todd said that he had researched Boyd Homes and strongly supports the development. He said that Boyd Homes builds quality homes and apartments. He opposed having bike paths created.

Zach Straits, General Manager for ProBuild, stated that his company has worked with Boyd Homes for many years in other parts of Virginia and that they are a very reputable company. He felt that this project was offering homes for the future.

Jordan Karnes, General Manager for General Installations, felt that this was a quality project to provide more employment and needed housing.

Tim Coleman, a member of the Home Builders Association, and owner of Augusta Aquatics, also felt that the project would provide more employment and revenue.

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

Christine Maccioli, of 1718 Barterbrook Road, stated that she had moved here 22 years ago from Virginia Beach near Boyd Homes, to get away from the sprawl development. She was concerned with a similar project being considered and felt that the rental property was not needed. She expressed concern of property values being lowered, road safety, bike lanes causing problems, noise from additional residents and construction noise, and pollution to Christians Creek. She also expressed concerns of road improvements causing problems of getting to their homes. She said, "It will be an eyesore to us and it will destroy the rural feel of the neighborhood and it will be a road and noise nuisance as well." She asked that there not be a larger number of units developed than what was recommended in the Comprehensive Plan. She understood that the project only meets VDOT minimum requirements and that if the project had one more unit, VDOT would have required further traffic improvements.

Hollis Jordan, a resident near Manchester Apartments, agreed with Ms. Maccioli and expressed concern of the value of property decreasing.

Dave Segars, of Segars Engineering, stated that this would be revenue and employment for Augusta County. He reminded Mr. Jordan that the property behind his house is already zoned for up to 700 apartments and it is proposed to be moved to the opposite side of the development and having much lower density against his property. He said this development would prevent further encroachment on farmland and pastoral views.

Mr. Rudiger's rebuttal: Pointed out that the additional proffers included a minimum 1,800 square foot homes backing up to existing lots on Barterbrook Road. In regards to pollution, they will be in compliance with all requirements, both national, state and local, regarding pollution control. As far as school impact, he felt it would be lower for the apartments; studies have shown that apartments, in general, have lower numbers of children generated.

Mr. Karaffa expressed concern about the bike trail. He understood that it was an extension to the shoulder. Mr. Rudiger said that it was simply a line drawn on the pavement and noted that this was requested by the County for an integration of future trail systems.

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

Mr. Karaffa made the following comments:

This project has been in development since before I took this office. This was a project handed off to me. Originally, when we got it, it was essentially like the President of the company described, it was three separate areas that was breaking up the community into just sections. In working with him, we were able to come to this plan that makes it more of a community. Really, we are talking about a small area of the County compared to what is currently zoned Agriculture. About 95% of this County is still agriculture. This is a small stamp on that. I am in support of this project due to the fact that it will put, according to our models, about \$110 million worth of investment into Augusta County and will bring more than 100 construction jobs and it will generate more than \$3.9 million in payroll. Not only that, it provides a niche with the quality of the apartments and the quality of the townhouses and the Single-Family homes that we can use when we submit for new businesses coming into the area. One of the things we get when companies look to come into Augusta County is ask where our people are going to live and we show them what we have and they make their opinion. This is just another feather we can put in our cap when we show businesses that are looking to come into our area, that we have a wide variety of living situations that their people can come into. I like the fact that somebody can transition from the apartments into the townhouses and into the homes. And I like the fact that it comes with the amenities such as clubhouses and swimming pools and an exercise facility.

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

Mr. Pattie made the following comments:

We're only 55 houses away from the Comprehensive Plan recommended density and I wish they would just come down to the 692 and I think our staff requested that. The Planning Commission has approved it because it was approached to us as this is better than what could happen and I don't necessarily know if that is the right decision to go forward and approve this.

Mr. Moore made the following comments:

A couple of key things: It is in an Urban Service Area where the Comprehensive Plan has slated for development. It does have County water and sewer, which are vital to a project this size. It has been brought up about the concerns of the schools. I think many of you know I was on the School Board for eight years. One of the problems we had was where we had capacity was in the western part of the County. It seemed like all the developments were in Fort Defiance or Fishersville or Stuarts Draft and those schools are all at or above capacity. A development that is located in the western part of the County does appease me. Beverley Manor Elementary probably has more capacity than any of the schools we have at the elementary level so they can handle it. The middle school – Beverley Manor—would have some problems, but it has been talked about for years that if we could get some capacity, we could look at doing something as a shared space or something for middle schools at Buffalo Gap and Riverheads. A project like this, when you pick up some capacity, in terms of students, could help move those projects along. I agree with Mr. Pattie. I wish we were at 692. I would support it 100%, especially, when you say you're not sure exactly how you're going to develop the thing out. I really wish you would come back up here and say you would do 692, but if the project is killed or put on hold for a year, which I think the economy could really use a kick in the arm on the construction side right now.

Mr. Shull made the following comments:

The County did extensive time and study with the Comprehensive Plan. A lot of money and effort was put in it and it they came up with a figure of 692. I don't know why we can't reach for that. I think I would be a little more in agreement with it if it was that. I know it has two sides. It is a way of, maybe, getting that middle school at Riverheads that we've been looking for. We have three subdivisions there in our district so this would be one more, but I am concerned with the Comprehensive Plan and the people's impact that they put into this. It needs to be looked at. I'm still looking at that.

Mr. Wills made the following comments:

Looking at the Comprehensive Plan, and I agree that the 692 is a number. It's just that as far as I'm concerned. It's a number. When we look at this total project, it is in an area near Staunton; in an area that has roads that are available to handle the traffic with the exception of Barterbrook Road, I think it's going to put some strain on that, but it's connecting roads. It's near the Mall. The land, when you look at it, is not really farmable land; it is open space. It is grazeable land, but it is not a farm as such that you can crop it. I have my reservations because of the density. I have my reservations because of the recreation. But when I look at what this one can do for our economy, I look at its location in reference to Staunton, in relation to where we have our services, I will support this.

Mr. Beyeler made the following comments:

This is a little higher than what the Comp Plan talks about, but if we need that extra amount of houses, or apartments, where are you going to put them? You're going to put them somewhere else in open space. When this project is done, you won't know if it's 600—700 or 800 just by looking at it, so the numbers do not bother me. It meets the Comp Plan. It's in an area we want to grow. I will support the project.

Mr. Pattie made the following comments:

You know I certainly understand your perspective and you guys' angle on this, but this is our first rezoning. And for a subdivision, and what we're saying, we're setting a precedent that all future subdivisions can be over what our Comp Plan says. I think that

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

is not a good thing for our County in general because if they put something out in the middle of North River or Weyers Cave, and they're going to build something that's above, then I don't think we have the right to say you can't go above the Comp Plan when we allow these people to do that.

Mr. Karaffa made the following comments:

You know the Comprehensive Plan, I've come to learn in the last couple of months, is for the Board to use as a tool and a guideline. When County staff takes a look at it, it's the Bible. They use it to give developers an idea of where this County is looking to put development, where we want the growth and where we don't want the growth. That's why we vote and look at every single project individually and look at the impact it is going to have. We look at the surrounding areas. Does it back up to a highway? Does it back up to a school? Not every piece of land is exactly the same. Not every rezoning is exactly the same. That's why it comes to the Board, and while I respect Dr. Pattie's position in terms of the Comp Plan, we were elected for our minds and for our ability to look at a project and make a decision and not to vote according to a piece of paper.

Chairman Pyles made the following comments:

I'm pretty much opposed to it. We have standards and Augusta County lives by standards. In your class, is 95 still an A? You expect if you get 95, you get an A; if you get 94, you are supposed to get a B+. Now, we're going to say one group, 95 is an A; another group, 94 is okay. This is at the upper end. When people say we don't need to go by the Comp Plan, you have to be here, where people go through it and they spend their time, and they say . . . One of the first questions is why should I bother to do this if you're not going to pay attention to it? And we'll say, we'll pay attention to it. The goal for this area was 4 to 8, so you think 6 is a good number, but they pushed it to 8 and now they've gone over that. That, alone to me, is a problem because all the developers to this time were judged by staying within the Comp Plan. Now, we're allowing one person to go beyond that. Everybody that played fairly for all these years, now, they feel like 'you guys got me!' But they'll be coming back later on and saying, 'we are just going to look at this thing individually'. We have to look at everything in total. We have to look at everything long term. Whatever we do tonight is a marriage. This isn't just something that is going to happen and be done. We are forever going to have these homes, these apartments. Most of the people out here tonight are here because we don't have enough funding for schools, so now we're going to bring in more kids and the State is not going to pick it up. It comes down to the County residents. We're going to be paying for it. We're asked to do it more and more. It's like your kids are going shoeless and you adopt some more kids. We don't need to be doing it. We have had standards in Augusta County. There is a song by Miranda Lambert 'We're just like other girls only prettier'; well, Augusta County, for me, is just like other counties only prettier. And it has been that way because we have standards that we live by and that is why it's attractive to developers who come in here and say, 'hey, we want some of that. It's great.' We haven't asked for a lot. We said 692; it fits our Comp Plan. I'm not crazy about that, but that's what we asked for; that's what, for all this other stuff, we've always said that's what it should be. Now, it sounds like it's going to pass. I hate that we have four new members of the Board who have not gone through any Comp Plan issues, haven't done any of this thing, and with eight weeks under their belt, they are ready to vote for the biggest subdivision we've had in a long long time. I'm concerned about that, but that's the way it is so it's time for the vote.

Mr. Wills' comments:

I think in reference to your density, though, they do make a point that they could build the apartments and you could have that density there. We're getting a planned type of development, now, rather than just all apartments.

Chairman Pyles' comments:

They could do 775, but if they had them on that one property, they're welcome to do it. They wouldn't be here except to rezone and to get some other property. They have issues getting to that property. There are issues in roads getting there, so it's not that simple.

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

Mr. Karaffa asked Ms. Earhart if, in the past, had the Board voted against the Comp Plan. Patrick J. Coffield, County Administrator, explained that there always pros and cons with every staff recommendation as it relates to the Comp Plan. When the Board makes its decision, it evaluates those pros and cons. A ledger is not kept as to the judgmental aspect of compliance. "It is not a scorecard."

Ms. Earhart asked for clarification in the motion on the three proffers that were added tonight. "As it relates to the proffer on the single family dwelling size of 1800 square feet, if we can reference in the motion that the proffer will be in compliance with Sheet C-2 and then mark on sheet C-2 which lots will have that house size requirement. Right now, it is very unclear. On the landscape proffer, we want to make it clear that this is a one-shot deal, the landscaping is not required to be maintained. If the trees die, they die, there is no guarantee that they will be replanted." She verified with the applicant that was correct. She reiterated she wanted to be sure that anyone buying in the area would be clear.

Mr. Moore's comments:

The point about the number of students, our school enrollment is down about 600 students from where it has been in the past. The State funds on what our ADM is, which is the enrollment of our school system. Some additional students in the right place is not a bad thing. That could help all of us.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board approve the following ordinance, with new proffers:

A request to rezone a total of 86.47 acres from General Agriculture and Multi-Family Residential to Single Family Residential with proffers (34.73 acres), Attached Residential with proffers (26.73 acres), Multi-Family Residential with proffers (25 acres), owned by Barterbrook Investment Co., LLC and located on the west side of Barterbrook Road (Route 635) approximately 0.4 of a mile south of the intersection with Frontier Drive (Route 644) near the City of Staunton in the Beverley Manor 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:

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

Parcel number **72** on tax map number **65** containing a total of approximately 86.47 acres is changed as follows: 26.3 acres from General Agriculture to Single Family Residential; 10.17 acres from General Agriculture to Attached Residential; 25.00 acres from General Agriculture to Multi-Family; 8.43 acres from Multi-Family to Single Family; 16.56 acres from Multi-Family to Attached Residential, with the following proffers:

1. The developer or his successors or assigns shall build the improvements as depicted in the VDOT Traffic Impact Analysis (TIA) of Vista Ridge dated 9-23-2011 and prepared by Segars Engineering. All traffic improvements shown in the TIA shall be bonded or constructed prior to the issuance of the first building permit for a residential unit. The following shall be completed prior to the issuance of the first Certificate of Occupancy for any residential unit:
 - a. Right turn lane(s) along Barterbrook Road at any main road connection(s) from Barterbrook Road to the property as described in number 8.a.ii on page 60 of the TIA, including a turn lane onto Frontage Road 217, or in lieu thereof, a turn lane onto a newly constructed road, if such road provides access to current Frontage Road 217.
 - b. An adequate pavement structure to accommodate projected traffic along Barterbrook Road, including projected Vista Ridge traffic, as indicated by the TIA, will be provided on Barterbrook Road from Frontage Road 217 to the end of the pavement improvements at the intersection of Frontier Road and Barterbrook Road.
 - c. A 2' paved bike lane/shoulder on each side of Barterbrook Road from Frontage Road 217 to the intersection of Barterbrook Road and Frontier Drive.

The following improvements shall be bonded or constructed prior to the issuance of the first building permit for any residential unit and shall be completed prior to the Certificate of Occupancy for the 350th residential unit.

- d. A right turn lane on Barterbrook Road at its intersection with Frontier Road (southeast corner only), as described in number 8.a.i on page 60 of the TIA.
2. There shall be no individual lot entrances off of Barterbrook Road (Route 635).
3. Building height shall not exceed 4 stories in the Multi-Family zoned portion of the property as depicted on Rezoning Exhibit A prepared by Segars Engineering dated January 20, 2012.
4. The layout of the development, including the road network and open space, shall be as generally depicted on Rezoning Exhibit B prepared by Segars Engineering dated January 20, 2012.
5. The exterior appearance of the multi-family buildings shall include (a) a mixture of masonry and siding, (b) varying colors and/or textures of siding, (c) contrasting trim, (d) multiple roof lines, and (e) landscaping including flowering shrubs and/or trees, as generally depicted on Rezoning Exhibit C. Construction of the multi-family buildings shall include construction quality that meets or exceeds the standards of stamped concrete accents, steel and/or concrete stairs, dimensional shingles, and powder coated railings.
6. Community and recreational amenities associated with the multi-family residential portion of the development shall include, at a minimum, a swimming pool of not less than 1,500 square feet and a community building of not less than 1,000 square feet. Such amenities shall be built prior to the issuance of a certificate of occupancy for the fiftieth residential unit in the multi-family residential portion of the development.
7. Development of the multi-family and attached residential portions of the project will not utilize VHDA tax credits or government subsidies or similar measures to finance/refinance construction of the units. This proffer shall not apply to the financing of any individual unit by a third party property owner.
8. No mobile (or manufactured) homes will be placed on this property.

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BARTERBROOK INVESTMENT CO., LLC – REZONING (cont'd)

9. At a minimum, a sidewalk and/or trail system will be provided consistent with VDOT, AASHTO and ADA standards on one side of any interior road (public or private) throughout the development; provided that this proffer is not intended to require a sidewalk or trail system in connection with any private alley or driveway.
10. There shall be no more than 7 dwelling units to a structure in the Attached Residential zoned portion of the property as depicted on the Rezoning Exhibit A prepared by Segars Engineering dated January 20, 2012. The front exterior appearance of the units in the Attached Residential zoned portion shall include (a) varying facades, (b) varying setbacks from the street, (c) a mix of masonry and siding, (d) forward facing gables or dormers, (e) varying colors of siding, (f) contrasting trim, and (g) individual hard surface driveways separated by a change of material, as generally depicted on Rezoning Exhibit D.
11. The minimum square footage for all single family dwellings built in the area zoned Single Family Residential shall be 1,200 square feet. All dwellings shall initially include a hard surface driveway. For single family dwellings built in the area zoned Single Family Residential, the front setback from the street on which the dwelling fronts shall be not less than 20' nor more than 35' from the right of way line of a public street, except that this limitation shall not apply to dwellings on the bulb of a cul-de-sac.
12. In addition to the single family dwellings, a maximum of 400 Multi-Family units and 270 Attached Residential units may be constructed on the 86 acres.
13. Prior to the issuance of a building permit for the 201st dwelling unit in the Multi-Family residential portion of the project or the issuance of a building permit for the 101st dwelling unit in the Attached Residential portion of the project, at least 20 single family dwellings shall be complete.
14. By the issuance of the 50th building permit for a single family dwelling and/or Attached Residential Dwelling within the property, owners of dwellings in the single family and Attached Residential zoned portions of the property shall have access to community and recreational amenities located somewhere within the overall property. These amenities may be shared with some or all other residents of the overall property and shall include a swimming pool of not less than 1,500 square feet and a community building of not less than 1,000 square feet. By the issuance of the 200th building permit for a multi-family unit and the 150th building permit for any combination of single family and attached residential units, the overall property shall include not less than two swimming pools of not less than 1,500 square feet. There may be a fee or dues associated with the use of the amenities.
15. There shall be a 20' landscaped buffer planted with wax myrtles at least every 10' along the rear of all single family lots abutting existing lots on Barterbrook Road.
16. Houses on single family lots abutting existing lots on Barterbrook Road shall have a minimum square footage of 1,800 square feet.
17. Houses on single family lots abutting Barterbrook Road or tax parcel #65-30A and forward of the rear of the existing house on tax parcel #65-30A shall be single story homes.

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

Nays: Pyles, Pattie and Shull

Motion carried.

* * * * *

ZONING ORDINANCE AMENDMENT

This being the day and time advertised to consider an Ordinance amending the Zoning Ordinance of Augusta County Related to signs in Public Use Overlay Districts. This ordinance amends § 25-47 in Article IV. Signs, billboards and outdoor advertising structures by allowing signs in Public Use Overlay Districts to be under the same maximum size and number restrictions as properties zoned Business or Industrial. Currently the signage restrictions for properties in Public Use Overlay districts are governed by their underlying zoning classifications. The Planning Commission recommends approval of the Zoning Ordinance Amendment.

Ms. Earhart advised that this is an ordinance to amend the sign ordinance as it relates to signs that are being erected in Public Use Overlay Districts, which are districts that

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ZONING ORDINANCE AMENDMENT (cont'd)

would allow our schools and water treatment plants, sewage treatment plants, etc., to be under the same maximum size and number restrictions as properties zoned Business or Industrial.

The Chairman declared the public hearing open.

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

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

**AN ORDINANCE TO AMEND SECTION 25-47
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 maximum sign size and maximum number of signs in the Public Use Overlay Districts;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-47 (C) is amended to read as follows:

C. Business, Industrial, and Public Use Overlay Districts.

The total combined sign area of all signs shall not exceed three (3) square feet of sign area for each lineal foot of lot frontage, including frontage on public roads, private roads, inter- parcel travel ways, and interstate highways.

| Type Sign | Maximum Individual Sign Size (Square feet) | Maximum Number of Signs |
|------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|
| Advertising, off-premises | 800 | Two (2) signs per lot. |
| Advertising, on-premises | No Limit | No Limit. |
| Banner | 32 | No Limit. |
| Construction | No Limit | No Limit. |
| Directional | 8 | Maximum of four (4) signs at any intersection. |
| Directional, business (Interior to a business development) | 12 | No Limit. |
| Pylon/Directory, on-premises | No Limit | No Limit. |
| Pylon/Directory, off-premises | No Limit | No Limit. |
| Farm | 32 | One (1) sign per entrance. |
| Farm product | 32 | No limit. |
| Home occupation, "A" or "B" | 4 | One (1) per lot. |
| Home business, rural | 32 | Two (2) signs per lot. |
| Identification | No Limit | Two (2) signs per entrance. |
| Public service | 32 | No limit. |
| Real estate, lead-in | 4 | One (1) sign per intersection. |
| Real estate, lot | 32 | One (1) sign per real estate company. |
| Real estate, tract | 64 | One (1) sign per 500 feet of public road frontage. |
| Residential identification | 4 | Two (2) signs per dwelling. |
| Yard sale | 4 | One sign per lot. |

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ZONING ORDINANCE AMENDMENT (cont'd)

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

Chairman Pyles made the following comment:

We want to hear from everyone. Everyone has come out tonight who has an interest or has something they want to say. I am not of a mind to try to limit you so much. We would ask that you be respectful of other folks and their time. If your comments have been well covered and supportive, you may not need to speak and you just want to get up and say, 'I go along with that', fine. We really ask people at this kind of hearing to hold it to about 3 minutes. I'm not going to be picky on that. Most of the folks who have listed here are saying about that time; although, one person seemed to say they wanted an hour. We'll skip that. Please, I ask you not to applaud. I'll call two names; one will be the speaker and one will sit in that chair so that we can move things along.

Robert Kennedy asked that the Board consider a traffic calming project on Battlefield Road in New Hope. He displayed a diagram of where speeding has been a problem. He asked for extra and larger signage to be posted if possible. He also suggested that a sign for Maximum Penalty/\$200 fine be posted.

Mr. Wills reported that VDOT and the Sheriff's Department have been contacted.

There were over 100 parents, grandparents, teachers, and students present tonight to speak (or support those who spoke) and ask the Board to support funding for public schools. Many wore "Support Our Schools" (SOS) buttons which was a coalition formed asking for support. A PowerPoint presentation was given by Jenny Hildebrand, one of the leaders of SOS, who said state funding has been slashed for K-12 education and said without County support, personnel would be cut, programs would end and schools could close. She said that a raise in County taxes would raise revenue for schools and would only have a modest impact on the property. "Our students require a high quality public education." She stated that if the State failed to fund public education, "Augusta County must step up". Ms. Hildebrand stated that a funding plan was needed for future years. Many speakers suggested a raise in taxes to support education. Starke Smith, a grandfather of four who attend the Augusta County Schools, said "The buck stops here. The state is not going to give you money. You, the Board, need to step up, plan for the next 10 years, raise the taxes and let's get on with educating Augusta County." Many speakers supported the Shenandoah Valley Governor's School and asked that it not be closed. Petitions and letters of support were also presented to the Board. Many students expressed the confidence given to them when they participated in sports and asked that those sports not be eliminated.

The following spoke: Mike Harmon, High School Group (from various high schools) (athletics), Middle School Group (athletics), Brandon Hill (athletics), Support Our Schools Coalition (raise funds for public education), Jenny Hildebrand, Kim Bowman, L. Scott Cassell, Florin Breeden (cheerleaders), Jonathon Wagoner, Starke Smith, Jenn Colvin (Varsity Athletics), Richard Reynolds, Molly Brady, William Martin (Shenandoah Valley Governor's School), Nicki Hendrickson, Kyle Carlton, Ann McMillan, Abigail Cromer, Kevin Carter, Chris Cleary, Maura Fitzgerald

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

School Budget (cont'd)

Chairman Pyles made the following comments:

I'll tell you it was a well-spoken group. We appreciate the comments. We will have comments from our Board. I wish folks would have stayed around for the entire thing so they would hear the responses. It was a well-conducted meeting and certainly touching and meaningful.

Mr. Pattie presented two slides:

State Policy in 2011

- Borrow \$620,000,000 from pensions
- Claim a surplus of \$545,000,000
- Require State employees pay 5%
 - but also give a 5% pay raise

State Policy in 2012

- Now have obligation for pensions
- Require localities to pay \$1,000,000,000 2012/2013
- Teachers pay 11.66% of pension
 - No pay raise like State employees
- Augusta "fair share" \$3,100,000.

Not Passed Yet

- An additional \$140 million offered
- State Senate is in deadlock
- "any change in the VRS costs to the localities would come at the expense of other initiatives in Gov. Robert F. McDonnell's proposed State budget" – Steve Landes

Mr. Pattie made the following comments:

Some of this is a repeat if you were here two weeks ago, but I did want to inform everyone why these cuts are coming because I don't think we're discussing that. I just want to make sure that you guys know that these cuts have not been solidified, yet. The new slide indicates that it hasn't passed yet. If we had the same spirit going after our State legislators, I think we can make a bigger dent. Right now, the House has proposed \$140,000,000 extra, which we calculate to be about \$700,000 extra funding. The Senate has proposed \$160,000,000 or so (\$1.1 million). Today, we found out that they're talking about changing the projected rate of return from 7% to 8%, which could give us an extra \$900,000. I want to encourage you. I know this seems like a lost cause.

The papers, the press talk about this as if these cuts have already happened. They have not happened, yet. We have legislators that go unopposed every year. They have \$125,000 to run their campaign against no one this year. You need to make it very clear that this is unacceptable. You can't keep raiding our schools for this. They did it for lottery money and now they're doing it for VRS in taking our pension plans away from our teachers. Now, ever since the pension plan has been in place, Augusta County has paid 100% of what we were required to pay. But they keep taking our money and spending it on pet projects. Now, the only public comment that we forced our State legislators to make; the only comment I could ever find in the public is from Mr. Landes who says 'any change in the VRS costs to localities would come at the expense of other initiatives in Governor McDonnell's proposed state budget.' I really don't care about his proposed budget. I care about our schools. So I think the first line of defense—now, I'm not saying that I'm not going to take responsibility. I don't think any of us—all of us have a vested interest in our school systems. All of us have either been in it; we have kids that are going to go in it; we have kids that are in it. We're not trying to pass the buck. What we're saying is 'this hasn't happened, yet'. There's a time and a place for the Board of Supervisors to man up and take control of this situation, but right now, it is still at the State legislators and they are starting to feel the pressure. We need to turn that up and make it clear that they cannot continue to do this. You can't fund infrastructure from our

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

School Budget (cont'd)

schools, which is another part of the Governor's plan. (Last slide is picture of Mr. Pattie's son.) This is my son. He is eight months, now. My wife is expecting in September, so I'll have two kids under two here. My family has been in some way and in some form in the County since 1706. I have a vested interest in making sure that these schools are going to be successful. I think we all know that we had this momentum that our schools have been going one way for so many decades and we need to step in and change that momentum. We have to improve our schools. I think we have to need revitalize them. I don't think any of us disagree with that. We have disagreements. There are a few of us who have different ideas that we have proposed to the School Board in how we can modernize our school system because the truth is we have a declining enrollment population. People who are moving here don't have kids. They are mostly retired. We're now at 2006 budget levels and we have 500 less students than we had in 2006. It's kind of surreal for me to be defending my position on education. I'm a supporter of education. I have 22 years of formal education many of which my in-laws were very worried that I would never get a job. Part of the running joke was I was going to pay my social security with student loans. I'm a professor of management. I'm an educator, myself. I'm in the same situation. I'm a state employee and haven't had a raise for four years. I've seen three positions cut from my department. This is my son. This is why I'm here. My future kid (I don't know if it is a boy or girl, yet), but this is why I've volunteered for this. I'm not taking a salary. I'm doing this because I want to help my community. I know I've got tough decisions to make in the future. I know I'm not going to make everyone happy and I campaigned that I wasn't going to make everyone happy, but I will make informed decisions based on the data and I will present my results to you and explain my position. You may not agree with them, but you will have a solid reason as to why I made those decisions.

Mr. Karaffa made the following comments:

I am constantly impressed and amazed by the students of Augusta County public schools who come up to this podium and so eloquently present their point. I have been saying and will continue to say that I'm going to fight for the experience and the enthusiasm in our classrooms. I have two young girls. One is currently a second-grader; the other one will be enrolling in August. I have the same concerns about our schools. I want to make sure that the young teacher who comes in, fresh and full of knowledge, and has the energy to keep up with my kids, which my wife and I struggle sometimes to find, will be able to keep up with her and also educate her. I've been impressed with what Augusta County has to offer from watching my daughter attend public schools. I want that opportunity for my second daughter. I am going to echo a lot of what Dr. Pattie said. Right now this fight is at the State level. I understand the frustrations to hear that. I understand the frustrations to say 'we're coming out and asking you to do something, now'. But this is the process. All government is a process, whether we like it or not. One gentleman said he doesn't like paying taxes. Neither do I. I'm sitting here. Right now this process is generating results at the state level. The heat has been turned up and we have made our voices known. We have to continue. When this comes down to us, to the point where it is time for us to make decisions based on sound data, when we come up with a number, I can almost guarantee you that this Board will very much take into account everything that we've heard not only tonight but the nights before and the nights to come. But it would be irresponsible at this point and time to make a promise of a number based on data that we don't have or could change. We know how things work at the Federal and State level. People start to argue. People start to get things in the newspaper—Republican and Democrat. Before you know it, you're deadlocked. Us down here at the localities and the school level suffer; we don't get that information; we don't get the data. We still have to educate kids. We still have to generate a budget. We still have to work. Right now, this fight is at the state level. We need those numbers. We need to hear them loud and clear and then we can act. I appreciate wholeheartedly everybody who came out. I was very impressed.

Mr. Moore made the following comments:

I want to thank everybody for coming out tonight. I think it has been a great turnout to hear all of those well-spoken young people. It really says that we're doing a lot of things right. Two of our senior School Board members are here. I can promise you that this Board will work with that Board to get us through this difficult situation. In this week to next two weeks, we are going to have some better numbers and then we can make some informative decisions and we will be looking out for you all.

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

School Budget (cont'd)

Mr. Beyeler made the following comments:

Let me thank everybody for coming out, also. There were some good speakers here tonight. People who know me, know that I love sports. The first five speakers were one from each high school. When you go to games, they all fight like a tiger against each other, but it was sweet to see those five girls stand up as a team tonight. That was real sweet. Now, we are waiting on the State. The School Board will decide where the money

will be cut if it is cut. I have told the School Board, and it is public, I want all the fat cut out of the budget. When we get in the muscle, then the buck stops here. I will support a tax increase if we get into the muscle because we're a first class county and we're going to stay that way as long as I sit on this Board.

Mr. Wills made the following comments:

Twenty years ago, when I came on the Board the first time, the County was in desperate need of facilities; a lot of construction had been put off; a lot of needs to improve schools.

There were five new members on that Board and that Board acted to get the facilities and put in place a program where we could continue to provide facilities for Augusta County. I ask you to give this Board a chance when we get in our budget process. Don't judge us by past boards. Don't judge us by past decisions. Judge us by what we do come the first of April when we're in the budget process. You're welcome to come in. We will have open budget discussion meetings. Come in and listen to our discussions. See our final budget proposal. But rest assured that this Board has education at the top of its agenda. Education, public safety, those were the two issues that most of the members of this Board campaigned on and we haven't changed so give us an chance to operate once we get the numbers.

Mr. Shull made the following comments:

I would like to thank each one of you coming out and we heard the passion in the voices here tonight and we knew it came from the heart. We see faces here from all over the County and this Board up here, I'm going to echo the same feelings here. I think everybody on this Board has feelings for all the kids, parents and grandparents. I have a daughter who is the ninth grade who plays JV sports. I have a son who is in the Beverley Manor Middle School. I can't get him interested in sports, but he likes farming. No two are alike. I know where you're coming from. I go to the games. I watch your kids. You see the excitement there. I think, in the end, when we get all the figures in, we'll do what is right. It comes from the heart. We'll take care of our own.

Chairman Pyles made the following comments:

We have to work together. This is something that is being forced on us essentially by the State. If you watch it, it seems to be a direct attack for public education. When you look at what is asked of teachers, to change contracts, this thing where we don't have enough money to fund VRS, but, now, we're going to propose tax cuts for people to go to private schools. That's \$25 million that will come out of the budget next year if that goes forward.

Our obligation as a government is to provide public education, not to provide education for anybody who wants it in however manner they would like to have it. Once those things go into affect, the folks who will get that is just everybody can get to it. Now, they're saying that it's for poor kids with family incomes up to \$70,000. Well, if all of our kids were in \$70,000 incomes and their families, we wouldn't have poor kids. But it's meant to satisfy special interests. I don't think, when it's all said and done, if the public keeps up, with it that they will appreciate it. You know, Saint Anne's, Bellfield, those folks over there are pretty rich. They'll be able to make their best ball to gold instead of something else. They'll be able to do lots of things. We'll have all sorts of schools of different stripes that will be funded. You know we've got much of the schools in Richmond and in Fairfax that folks will be a little upset later on, but we will have to treat everybody the same. We can't afford to give up a penny of what is fairly taxed to everybody. There were two articles in the paper in the last two weeks. One talked about the land use preservation, how much good it has done. The other was we were going to start charging our folks to go onto State lands. They're getting \$50 million to go to our wealthiest citizens; we need that

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

School Budget (cont'd)

money right back into our system. The State budget will be the largest it's ever been at \$85 billion; yet, we are cut to the bone. They talked about our deputies being down. Our road money is virtually non-existent; and, now, they're doing this on education. We charge our citizens about \$1,000 each. The State gets more than \$5,000 each from the citizens. Who do you think gives you the best bang for your buck? We do. We do it gladly and smartly; but we have to have folks that will go and return more of our money. It's going other places. It's going for things that are side-barred and tangential to the forum business of government. The State government should be about education, roads and public safety. All the rest of the stuff can be sent away. But they're not taking care of their main business. And as to what Dr. Pattie said, it is because we're not getting good representation in Richmond. We're not getting folks up there who stands up for the people here and our needs. Instead, they follow protocol and support a plan that somebody else comes up in Richmond that is not part of ours. If we have to increase our taxes, but I would like to call it the "big belch revenue enhancement fund". The "belch" is McDonnell, Bell, Landes, Cline and Hanger because we're sending our money there and it is not coming home. Anything you folks can do to call and plead and say quit giving the tax credits to the wealthiest, stop giving away funds that we desperately need here will be helpful. I care about education. My daughter-in-law drops off my grandson every morning. She is a teacher. She will be dropping him off at 6:45 tomorrow because she has to be at school early for rehearsal. My son is a teacher. I know what they go through and do. Sports mean everything to me; they didn't mention wrestling enough! We hear you and you may not be 100% pleased with us, but I think you'll find that we heard you and we will do what we fairly can. One thing, we have to work together. We need the School Board to talk to us some and work with us on some things that can reduce the costs without reducing your programs.

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A five-minute recess was taken at 9:30 p.m.

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BLUE RIDGE COMMUNITY COLLEGE – UPDATE

The Board received a presentation by County representative regarding update on Blue Ridge Community College activities.

Dr. John Downey, President of Blue Ridge Community College, felt it was important for the people who were here tonight to hear the Board's response. "What they learn about local government, what they know about State government, is an education that can't be taught except through experience. I would like to think that Blue Ridge College has part of that responsibility to educate people. The public service that you provide is really a dedication beyond compare." Dr. Downey said that his dedicated faculty and staff have also gone without raises for several years and have the same VRS issues. Dr. Downey thanked the Board for its ongoing support over the years for the funding and the Augusta County representatives provided for the Blue Ridge Community College Board. Dr. Bruce Bowman, Dr. Bob Baldygo, Vice-President of Finance and Facilities, and Dr. Bob Young were present. A packet of information with statistics about the impact Blue Ridge Community College has on Augusta County residents was provided to the Board. He said that people were amazed that Blue Ridge Community College continues to be the "first choice college" for the majority of students who graduate from Augusta County Schools (23% to 25%). He noted that the students are eligible for the Guaranteed Admission Agreement program, through the transfer program and go to schools at James Madison University, Old Dominion University, and Mary Baldwin College if they do well at Blue Ridge Community College. Blue Ridge Community College also serves the needs of career and technical students. The Advanced Manufacturing Center has just opened with the help of Dennis Burnett, Economic Development Director, and Robin Sullenberger, with the Shenandoah Valley Partnership. He felt they were playing an important role in the economic development of Augusta County. There are two buildings in the proposed State budget: 1) Economic Student Classroom Building, which would allow expansion of the library, cafeteria and classroom space, and 2) the BioScience Building. This project would take approximately 6 years. Dr. Downey added, under Virginia Code, local governments are responsible for site work around new buildings. Collectively, localities in the Blue Ridge

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BLUE RIDGE COMMUNITY COLLEGE – UPDATE (cont'd)

Community College service area have invested over the last decade about \$2.1 million in local site work. That investment yielded over \$34 million in construction projects. Augusta County's share is approximately 33%.

The Board commended Blue Ridge Community College for what it provides. Mr. Moore added that Mr. Burnett and he had spent some time with Dr. Fox of Mary Baldwin College, who spoke highly of working with Dr. Downey.

Mr. Coffield noted that the 33% is based on the number or participants of Augusta County. He added that Augusta County and Rockingham County had an opportunity a few years ago to advance funding. Blue Ridge Community College is an outstanding college for the rural communities. Dr. Downey mentioned that the advanced funding was used for the Plecker Workforce Center, which has been beneficial for the community.

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WORKFORCE INVESTMENT BOARD AMENDMENTS

The Board considered amendments to agreement.

Dennis Burnett, Economic Development Director, advised that Ms. Johnson presented the agreement to the Board at the Staff Briefing on Tuesday. The County Attorney has reviewed the agreement again and found a misquoted Code section that will be corrected. Mr. Burnett reported that the agreement codifies the WIB's Local Elected Officials Agreement and allows them to continue their work.

Mr. Beyeler moved, seconded by Mr. Shull, that the Board approve the amendments as revised and appoint Mr. Burnett to serve as the Board's duly appointed designee as Augusta County's voting member.

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

Nays: None

Motion carried.

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EMERGENCY SERVICES – REGIONAL RADIO PROJECT

The Board considered proposals and staff recommendations.

Funding Source: CIP Account #80000-80158 \$148,200

Mr. Coffield advised that the Board received a presentation at the Staff Briefing on Tuesday. He restated that this is a regional project with Nelson County, Waynesboro, Staunton and Augusta County. Augusta County staff volunteered to be the principal writers of the grant. While it was regional, he commended Donna Good, as well as her team including Jennifer Whetzel, Director of Finance, that actually moved the project forward.

Mr. Wills moved, seconded by Mr. Pattie, that the Board approve the recommendations and award the bid to Motorola Solutions, Inc.

Mr. Karaffa made the following comments:

When we started looking at this, I know we had some questions at the Staff Briefing so I dug into it quite a bit deeper. I do have some concerns. I reread our RFP. Our RFP requested that we have a multi-band radio--a radio that can handle the 700-800 band and it can also handle the UHF/VHF band. It clearly states that we are looking for that specific radio. With the company we're going with, it doesn't provide that. It doesn't have

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EMERGENCY SERVICES – REGIONAL RADIO PROJECT (cont'd)

that radio. From what I understand, reading off their website about that radio, it only provides the UHF with a 700-800 **OR** VHF with a 700-800. My greater concern is that Nelson County is going with a VHF system and we're going with a UHF system so we won't be able to talk to them unless we have a cache called a Gateway. The problem with that is that it is basically voice over IP is what it is. It is basically communication through the internet. A couple of years ago my wife and I decided to get rid of our home phone and go with that magic jack and it is exactly what it is—it's voice over IP. The disadvantage of voice over IP with the system we're talking about going with Motorola is if any of our folks leave the footprint of Augusta County where our system would be able to pick up their radio. Say, for some reason, we're providing assistance in Nelson County, we would lose the ability to communicate with our folks back home. If we were participating in a law enforcement deal, that deputy would lose the ability to communicate unless they have a cellphone on them. This causes me a lot of concern. Another concern was I went on Motorola, was looking up what they were showing, and the Motorola XTS3500 digital radio, which is a portable hand-held radio, has been discontinued. It looks like it's one model ahead of the one we're going to be buying a lot of. I wonder are these reaching the end of their life. Another question I had asked of the Committee was Motorola, apparently, was able to come up with a figure that would decrease their bid amount based on their trade-in value. Other companies said they would also provide a trade-in value, but from the RFP that I looked at and the attachment worksheet that I looked at, there is no place to actually fill that out. My question is, other than checking a box that says you offer that program, how did we find out that one company will offer the dollars and cents in terms of a trade-in of a radio, when other companies weren't able to give that quote. I think if they had, they would have.

Mr. McGehee said that they asked for Harris' best and final offer and they did not offer that; they did offer a five-year warranty during the interview, which enhanced their product. Motorola also had a five-year warranty.

Mr. Karaffa said that he was referring to what he had researched. He asked if the dual band radio fits the RFP for the 19 units and asked where the 19 units were going to be used.

Donna Good, ECC Director, advised that the 19 units is a radio cache. They would be placed in the command bus and issued out for full communication if an emergency occurs. The price of a multi-band radio portable start at \$4,000 and go up. She stated that Mr. Karaffa is correct in the footprint; however, as part of the infrastructure, a grant has been submitted for an 800 repeater that would also help in communication across the pathway.

Mr. Karaffa understood that the other company filled the requirement of the RFP.

Mr. McGehee stated that the RFP was clear in stating that only one vendor would be awarded.

Mr. Karaffa expressed concern of the cost for the product and discontinuance of some of the products. He was also concerned with communication with Rockbridge, Nelson and Rockingham Counties during an emergency. He also mentioned his concerns of the cost for upgrading the software. He felt that there were a lot of unanswered questions and suggested tabling this before making a decision.

Chairman Pyles asked who was on the committee. Ms. Good stated that the committee consisted of herself, John McGehee, Travis Moyers, J. Monty Sellers, Jason Ball. Chairman Pyles if there was any dissent on this award. Ms. Good said it was unanimous.

Mr. McGehee said that they received three proposals from three good companies; they were evaluated; they were interviewed and asked to give their final offer.

February 22, 2012 at 7:00 p.m.

EMERGENCY SERVICES – REGIONAL RADIO PROJECT (cont'd)

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

Nays: Karaffa

Motion carried.

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STORMWATER MANAGEMENT REGULATIONS

The Board considered State regulations effective July 1, 2014.

Mr. Coffield said this had been discussed at Tuesday’s Staff Briefing. Decision is needed by March 12th.

Mr. Pattie suggested that a non-binding letter be written.

Mr. Pattie moved, seconded by Mr. Wills, that the Board authorize staff to submit a non-binding letter to proceed forward with working with DCR to adopt a local program.

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

Nays: None

Motion carried.

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VHDA – HOUSING TAX CREDITS

The Board considered request by applicants for county endorsement of rental projects:

- 1. Craigmont Manor (Pastures District)
- 2. Myers Corner (Wayne District)

Timmy Fitzgerald, Director of Community Development, announced that the Myers Corner application had been withdrawn. Mr. Fitzgerald mentioned that every year a request is received from VHDA regarding applications for funding through the VHDA Tax Credit Program. Part of the program, through the evaluation process, extra points are received if the locality supports the project. Craigmont Manor consists of the acquisition and renovation of the 44 units in Craigmont Manor with new windows, appliances, doors and cabinets to make it a better development for the community.

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

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES - NONE

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February 22, 2012, at 7:00 p.m.

CONSENT AGENDA

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

MINUTES

Approved the following minutes:

- Joint Meeting, Wednesday, February 1, 2012
- Regular Meeting, Wednesday, February 8, 2012

RURAL RUSTIC ROADS – RESOLUTIONS

Adopted the following Rural Rustic Roads resolutions:

1. Route 748, Flint Hill Road (NR)
2. Route 698, Wise Hollow Road (NR)

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) desires to consider whether Flint Hill Road Route 748, From: Route 626 To: Route 696 should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Local Manager for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

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

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) desires to consider whether Wise Hollow Road Route 698, From: Route 690 To: Rockingham County Line should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

February 22, 2012 at 7:00 p.m.

CONSENT AGENDA (cont'd)
RURAL RUSTIC ROADS – RESOLUTIONS (cont'd)

WHEREAS, the public has been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Local Manager for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

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

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. Moore: Dennis Burnett and he met with Mary Baldwin donor (\$15 million) to tour the site. She was very excited about the project. She felt that “they had chosen the right location and the right team to develop it.”

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Apartment Inventory report distributed to the Board.
2. Budget Survey update – Ms. Whetzel reported that 723 have participated in survey; 150 pages with comments; summary distributed.
3. Legislative – information distributed to the Board.
4. Homebuilders meeting successful (State Code changes) – tomorrow night will be conducting a contractors’ meeting to review Code changes at 6:00 p.m.
5. United States Forest Service – A compromise plan has been submitted to them; most of it is in the North River District. Mr. Pattie wants to hear from the public regarding support/opposition to stakeholders’ alternative proposal.
6. Property Committee (consisting of Messrs. Beyeler and Karaffa):
 - a. County-owned properties list circulated to Board
 - b. Circuit Court tour- scope of work from Frazier Associates
 - c. Government Center energy efficiency projects – had received a \$25,000 grant for the study – lighting will be replaced; equipment will be used in other locations.

February 22, 2012, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

d. Community Development/Building Office consolidation

Mr. Fitzgerald announced that bids for the renovation have been received. Lowest bid was R. L. Flint, Jr.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board accept the bid from R. L. Flint, Jr. for the renovations of Community Development in the amount not to exceed \$37,751.84. Funding Source: #80000-8147

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

Nays: None

Motion carried.

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7. Weyers Cave Sanitary District – there is a remaining parcel of land containing .733 acre in the name of the County of Augusta, acting on behalf of Weyers Cave Sanitary District that needs to be conveyed to the Service Authority. It was the consensus of the Board to advertise for public hearing if needed.

* * * * *

CLOSED SESSION

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

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

A) Boards and Commissions

(2) the 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) Pending Industrial Prospect

(3) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) Tax Exemption Request

(4) the investment of public funds under Virginia Code § 2.2-3711 (A) (6)
[discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected]:

A) Competitive Negotiation

February 22, 2012 at 7:00 p.m.

CLOSED SESSION (cont'd)

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

A) Easement Negotiation

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

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

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, Wills, Moore, Beyeler and Pyles
NAY: None

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

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RECYCLING COMMITTEE APPOINTMENT

Mr. Karaffa moved, seconded by Mr. Pattie, that the Board accept Lee Godfrey's resignation and appoint Thomas J. Kelley to serve an unexpired 4-year term on the Augusta County Recycling Committee, effective immediately, to expire September 24, 2015.

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

Motion carried.

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February 22, 2012, at 7:00 p.m.

AUGUSTA COUNTY SERVICE AUTHORITY APPOINTMENT

Mr. Wills moved, seconded by Mr. Beyeler, that the Board appoint Jeffrey A. Moore to serve a 4-year term on the Augusta County Service Authority, effective March 16, 2012, to expire March 15, 2016.

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

Nays: None

Abstained: Moore

Motion carried.

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AUGUSTA COUNTY SERVICE AUTHORITY REAPPOINTMENT

Mr. Wills moved, seconded by Mr. Shull, that the Board reappoint David R. Beyeler to serve another 4-year term on the Augusta County Service Authority, effective March 16, 2012, to expire March 15, 2016.

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

Nays: None

Abstained: Beyeler

Motion carried.

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WEYERS CAVE DRAINAGE – CONDEMNATION

Mr. Wills moved, seconded by Mr. Beyeler, that the Board authorize the County Attorney to initiate the procedure to condemn property for an easement needed as part of the Augusta County Service Authority County sewer/drainage project.

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

Nays: None

Motion carried.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman
H:2-22min.12

County Administrator