

Regular Meeting, Wednesday, November 13, 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.
Michael L. Shull
Timmy Fitzgerald, Director of Community Development
Jennifer M. Whetzel, Director of Finance
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, November 13, 2013, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 238th year of the Commonwealth....

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Chairman Moore welcomed the citizens present.

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The following seniors, at Wilson Memorial High School, led us with the Pledge of Allegiance: Grace Pittman; Gabby McReynolds; Dulaney Rhodus; and Brook Withers.

Dulaney participates in tennis and dance and plans to attend Virginia Tech. Brooke rides horses and plays soccer and plans to attend James Madison University. Grace is a cheer leader and works at Kline’s Dairy Bar and plans to attend North Carolina State University. Gabby is a cheer leader and hopes to attend Bridgewater College and work at the Waynesboro YMCA child care.

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

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GENERAL ASSEMBLY RESOLUTION – A.C. POWERS RECOGNITION

Delegate Steve Landes presented a General Assembly resolution to A. C. Powers.

Delegate Landes said that the General Assembly has the privilege to honor individuals who serve both at the Local and State level and was proud to “honor tonight one of Augusta County’s finest retired and commend A. C. Powers”.

Delegate Landes read the resolution and noted that it was patroned by himself, Delegate Dickie Bell and Senator Hanger. He further stated, “As you all know, our Law Enforcement officials, whether it be at the State or the Local level, they literally do put their life on the line; they never know what’s going to happen when they go out on a call. I just want to commend and thank A.C. for his service to the County for 25 years.”

Mr. Powers thanked Delegate Landes, Mr. Coffield, and Sheriff Fisher for this honor. “I have enjoyed working for the citizens of Augusta County. I always tried to do my best. I had a good career. I enjoyed it. I have been retired for a year, now, and love it to the fullest. Best wishes to all of you.”

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

Nays: None

Motion carried.

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November 13, 2013, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC

Scotti Troxell spoke of the public nuisance at 105 Hodge Street and asked that the Board consider drafting, or revising, the County ordinance. She distributed a request to the Board with a Public Nuisance Ordinance for the City of Waynesboro attached and asked that the Board do a similar ordinance. She felt that the property did reflect being a junkyard.

John Gooch, Executive Director for the Community Energy Conservation Program (CECP), distributed a brochure to the Board. The main office is in Charlottesville with a satellite office in Staunton. He noted that this is a non-profit organization that provides low-income weatherization services for families in the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson, Augusta, Rockingham and Highland and to the Cities of Charlottesville, Staunton, Waynesboro and Harrisonburg. This program is sponsored by the Virginia Department of Housing and Community Development. He noted that this program provides direct services to improve energy efficiency in low and moderate income households. These services include full house energy audits; sealing air leaks with insulation, caulking and weather-stripping; repairing leaking duct systems; repairing, or replacing, inefficient or unsafe heating systems; install carbon monoxide and smoke detectors; install energy efficient light-bulbs; and can replace non-efficient refrigerators. They are currently in a program known as "Crisis" which is provided through the Department of Social Services, where if there is someone without heat, CECP will assess the situation and correct the problem within the next 24 to 48 hours. Since September 2012, 28 houses (not including Crisis) have been weatherized in Augusta County. He added that they are in the process of reapplying for the weatherization application through the Virginia Department of Housing and Community Development and will be coming before the Board in January for a letter of support.

Mr. Karaffa asked what the income threshold was. Mr. Gooch said it was 60% of the Virginia State median income (\$27,209 for single, increased by \$8,372 for each additional person in the household) for the weatherization; the Crisis is 50%.

Mr. Pyles asked how they were funded. Mr. Gooch said they were funded through the Department of Energy and LIHEAP (through the Department of Health and Human Services). Mr. Pyles, as a member of CAP-SAW, stated that he was going to mention this program at their next meeting to determine if this program can be incorporated into their programs.

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PUBLIC NUISANCES - PRESENTATION

The Board received a presentation by staff on findings relating to 105 Hodge Street.

Patrick J. Morgan, County Attorney, stated that at the meeting on October 23rd, there was a discussion about the property on 105 Hodge Street and Board had requested that the County Attorney render an opinion as to what could be done. He noted that he did prosecute a case under § 15-22.1. In that case, you could not see the ground in the backyard because there were so much trash. Once prosecuted, the Judge determined that, because of there being bottles that appeared to be flammable liquids in the backyard, that would be a fire hazard and needed to be removed. Messrs. Fitzgerald, Morgan, and Wilkinson looked at the property on Hodge Street and did not see nearly the accumulation of trash as the previous case. He did not think it could be considered as a health and safety hazard to the community. They considered prosecuting it as a junkyard; however, he noted that there are no cases reported that deal with the enforcement of the junkyard statute without wrecked vehicles. He agreed that the property was messy but was unsure of being successful if prosecuted as a junkyard. He further stated that the ordinance, compared with the enabling statutes of the Code of Virginia, match verbatim; therefore, he did not feel there was anything that could be done to amend the ordinance.

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PUBLIC NUISANCES – PRESENTATION (cont'd)

Chairman Moore noted there was a recommendation to cutting the grass and asked Mr. Fitzgerald if the grass had been cut. Mr. Fitzgerald said he thought an attempt had been made and noted that garbage could be picked up to enable mowing. Mr. Beyeler asked Ms. Troxell if it had been cut. Ms. Troxell said a tarp had been placed on the front yard to flatten the grass and the backyard needed to be bush hogged.

Mr. Beyeler said he had a problem with the unsightly property but also expressed concern of it being within 500 feet of a County well that could be contaminated. Mr. Morgan said they discussed with the property owner as to what was contained in the barrels. They had been told they were empty or contained peanut oil. Mr. Karaffa asked who directly spoke with the property owner. Mr. Morgan said Mr. Wilkinson spoke with him. Mr. Karaffa asked what was Mr. Wilkinson's opinion as to it being considered a junkyard. He understood that a Special Use Permit was required if it is considered a junkyard. Mr. Morgan confirmed that a Special Use Permit was required. He would want to be assured of the facts before filing as a zoning violation. Testimony would be required from the person overheard the lady was earning an income from the sale of junk.

Mr. Pyles agreed that the grass needed to be cut and, while doing that, "things could be straightened up". He suggested that they be properly paid by the owner in doing this service. As far as the Public Nuisance Ordinance for the City of Waynesboro, he asked Mr. Morgan if that is something limited to cities. Mr. Morgan said there are statutes that provide particular powers to cities and counties do not have those same powers. He further noted that the County ordinance is based on the Virginia Code. Mr. Pyles was agreeable to having a hearing because of having enough complaints over the past years. He expressed concern that the ordinance could create problems where "neighbors complained about everything". He was interested in having public input to determine what could be done.

In reference to a junkyard being operated on the property, Ms. Troxell said that a source of income had been stated in testimony in a civil court case three years ago.

Monica Snyder, an adjacent neighbor, reported that she had a problem with roach infestation caused by the adjacent property.

Chairman Moore reiterated that the State Code has clear guidelines as to what can be done and he did not want the Board to "overstep authority".

Mr. Fitzgerald reported that he just received word that it appeared that the front yard had been mowed but the backyard had not been mowed. It was not in compliance.

Mr. Wills asked Mr. Morgan if the ordinances are "as tight as they can be in regards as to what the State allows us to do". Mr. Morgan confirmed that it was. He noted that the State restricts counties on what can be done, even in residential areas. Mr. Beyeler stated, "It was a law written years ago when counties were rural. It is a Dillon Rule state and the State has to give us permission to do things." He asked Mr. Morgan if anything could be done as far as protection of the well. Mr. Morgan said that he would research what was allowed. As far as the grass-cutting, he would see that that was done and also pursue the zoning violation.

Mr. Beyeler suggested that this be referred to the Ordinance Committee and recommendations be brought back before the Board. Mr. Karaffa agreed.

Mr. Fitzgerald said that a final notice had been sent and that a contractor can be scheduled to cut the grass within the next two weeks. He noted that, in the past, trash has been hauled away and billing has been done through the lien process.

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MS4 STORMWATER REQUIREMENTS (cont'd)

MS4 PROGRAM DEVELOPMENT

- County must develop and implement a program to minimize the discharge of pollutants.
- Program must include six required Minimum Control Measures
 1. Public Education and Outreach
 2. Public Participation / Involvement
 3. Illicit Discharge Detection and Elimination
 4. Construction Site Runoff Control
 5. Post-Construction Runoff Control
 6. Pollution Prevention / Good Housekeeping

RECOMMENDATIONS

Utilize On-Call consultant (Timmons Group) to:

- Complete the required "Registration Statement" for permit coverage
- Develop a MS4 Program Plan and Schedule for implementation

Staff will then be able to determine which portions of the plan can be implemented in-house, and which portions may require outside professional services.

WHAT DOES THIS REALLY MEAN?

- Application Fee \$4,000
- Some ordinance revisions will be required
 - For example, Prohibition of illicit discharges
- Develop and implement public involvement and participation plans
 - Opportunities to partner with Staunton & Waynesboro
- Must create and maintain an up-to-date map of our complete storm sewer system
- Keep doing current E&SC and SWM plan review, inspection & enforcement
- Annual Reporting Requirements

Mr. Shull asked if we were on schedule to become effective July 2014. Mr. Fitzgerald said that the Stormwater Ordinance becomes effective next July (final plan due in May).

He said this was a related matter but is not due until February. Mr. Shull learned from the news this morning that the Roanoke County Supervisors are going to ask the State for a year reprieve from the Stormwater ordinance.

Mr. Coffield reported that he had received a handout on Monday at the VACo meeting regarding Stormwater and stated that it was a good possibility that the implementation schedule may be pushed back.

Mr. Wills added that the graph does not reflect the total money; it's relative cost per pound to implement the program.

Chairman Moore clarified Mr. Fitzgerald's staff recommendation that the Board approve Timmons' proposal for assistance in developing the permit registration statement and the MS4 Program plan for a total of \$19,600. Mr. Fitzgerald confirmed that was correct.

Mr. Pyles referred to the property on Hodge Street in comparison to Commercial/Industrial-type barrels. "When a company takes in industrial goods, they are responsible. They have to be stored in a certain way. Once those things go to a home, those regulations are prohibited. When we look at this, we have to think it

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MS4 STORMWATER REQUIREMENTS (cont'd)

through. Should residential properties have industrial quantities of things that aren't being properly maintained? We may have another avenue where people are bringing home a bunch of stuff that can fall over and soil our ground." He noted that when the County was considering well protection, it looked at Stuarts Draft because of the water resources that it had. "Let's look at what other people put into place very thoroughly and see if there are some things that would make sense to us as well to protect our water."

Mr. Karaffa asked if the Timmons Group report would be "off the shelf" and if so is the cost estimate appropriate. Mr. Fitzgerald said it had to be an individual plan. He noted that some of the report would probably come from other plans that they have done in other localities but it had to be an individualized plan specific to Augusta County on how to implement and manage the program.

Chairman Moore emphasized that this was a requirement of the State.

Mr. Karaffa questioned the payment. Mr. Fitzgerald felt that it was a reasonable quote. Mr. Coffield added that he thought the price was low so they would have an ongoing opportunity to participate in future phases.

Mr. Wills pointed out that VDOT is a separate Stormwater issue. He noted that a number of discharges come off of Route 11. Mr. Fitzgerald said the County is not responsible for any of the highway system; however, water runs over the highway system into County property.

Mr. Pattie agreed that the County should partner with Waynesboro and Staunton to enable the County to save money. Mr. Fitzgerald said that Staunton has instructed their consultant to move forward. Waynesboro has their consultant on board. He felt that there are opportunities to get together.

Chairman Moore mentioned that cooperation with Waynesboro, Staunton and Augusta was discussed at the Governance meetings

Mr. Wills moved, seconded by Mr. Shull, that the Board proceed with staff recommendations and engage Timmons to do preliminary work for stormwater.

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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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, October 21, 2013
- Special Meeting, Monday, October 21, 2013
- Regular Meeting, Wednesday, October 23, 2013

November 13, 2013, at 7:00 p.m.

CONSENT AGENDA (cont'd)

CLAIMS

Approved claims paid since October 9, 2013.

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 BOARD

The Board discussed the following issues:

Mr. Pyles:

VACo Meeting – attended:

- a. Education Committee Session – Community Colleges tallying advantages and growth of dual membership between High Schools and Colleges – was dismayed with Blue Ridge Community College’s High School enrolment percentages.
- b. Medicare Expansion Session – 4,000 County residents could benefit – savings at hospital for those without insurance; prisoners; ambulance service, etc.
- c. Internet hosting session

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Mr. Wills:

VACo Meeting – attended:

- a. Stormwater Session – suggested that a resolution be discussed at next Staff Briefing for a possible 12-month delay for implementation. Asked staff to draft resolution for next meeting. Mr. Fitzgerald said it was his intention to bring back Stormwater ordinance for discussion.

Mr. Wills moved, seconded by Mr. Beyeler, that the Board authorize staff to draft a resolution to be considered at November 26, 2013 regular meeting. Mr. Pyles suggested that staff discuss this issue with the Service Authority.

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

Nays: None

Motion carried.

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- b. General Assembly Issues Session – Emphasis was made on the Medicaid expansion and budget

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Mr. Shull:

- 1. Public Nuisance – Questioned how many other counties have similar problems. Asked if State could consider amending statute. Mr. Pattie noted that VACo is requesting that all laws applying to cities also be applied to counties equally. Mr. Pyles noted that are exceptions and was interested in what Fairfax County does. Mr. Coffield suggested that the County Attorney look at this as part of his research.

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

- 2. Community Development Committee Session –
 - a. Community College emphasizing workforce money for training. He emphasized that some of these classes are not available at the Community College, but Augusta County has a technical school which needed funding.
 - b. State being under the Court authority to receive grants for businesses that would hire employees through a grant. This was for businesses only, not counties (\$3,000 per employee).
 - c. Alternative Septic Systems – get something through the State that will be sufficient to maintain them and not over-indulge on the citizens.

4. AUGUSTA COUNTY PLANNING COMMISSION - REAPPOINTMENT

Mr. Shull moved, seconded by Mr. Beyeler, that the Board reappoint Gordon Kyle Leonard, Jr. to serve another 4-year term on the Augusta County Planning Commission, effective January 1, 2014, to expire December 31, 2017.

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

Nays: None

Motion carried.

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Mr. Karaffa: Will be absent at the November 25th Staff Briefing meeting.

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Chairman Moore: Attended VACo meeting – Good discussion! Noted that they requested that VEDP provide the best economic development incentives possible.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. VACo – PILT information available to Board.
- 2. Fields of Gold information distributed to Board.
- 3. VDOT – Route 612 (Laurel Hill Road) Intersection Improvement Public Hearing at Government Center – information placed in Board mail slot.
- 4. Augusta Springs Water Treatment Plant - generator issue
- 5. Augusta County Service Authority fire flow projects – information placed in Board mail slot.
- 6. Gypsy Moth – no significant accumulation this past year.
- 7. VASAP Ordinance – Public Hearing December 11th.
- 8. Solid Waste – have received competitive bids – moving forward.
- 9. VACo Committee Interest Form – Consensus of the Board to keep same positions for 2014
- 10. DMV Animal Friendly – Consensus of the Board to continue to allocate money to Shenandoah Valley Animal Services Center (SVASC)

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ADJOURNMENT

There being no other business to come before the Board Mr. Shull moved, seconded by Mr. Pyles, 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

County Administrator