
Regular Meeting, Tuesday, November 26, 2013, at 7:00 p.m. Government Center, Verona, VA.

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

ABSENT: David R. Beyeler

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Tuesday, November 26, 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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Amanda Glover, Economic Development Director, led the Pledge of Allegiance.

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

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SMALL BUSINESS SATURDAY – PROCLAMATION

Amanda Glover, Economic Development Director, reported that Small Business Saturday occurs on the Saturday after Thanksgiving. She felt it was a good opportunity to encourage consumers to shop locally, not only on Small Business Saturday but throughout the entire year. Chairman Moore asked Ms. Glover to read the proclamation.

Mr. Wills moved, seconded by Mr. Shull, that the Board adopt the following proclamation:

**PROCLAMATION
SUPPORTING SMALL BUSINESS SATURDAY ON NOVEMBER 30, 2013**

WHEREAS, small businesses represent 99.7 percent of all businesses having employees in the United States; and

WHEREAS, small businesses employ over 49 percent of the employees in the private sector in the United States; and

WHEREAS, small businesses pay over 42 percent of the total private sector payroll in the United States; and

WHEREAS, small businesses generated 64 percent of net new jobs created between 1993 and 2011; and

WHEREAS, 87 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States; and

WHEREAS, 93 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

WHEREAS, small businesses play a vital role in the economic wellbeing of Augusta County; and

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SMALL BUSINESS SATURDAY – PROCLAMATION (cont'd)

WHEREAS, Augusta County is fortunate to have 4,826 licensed small businesses;

NOW, THEREFORE, BE IT RESOLVED, that the Augusta County Board of Supervisors hereby supports Small Business Saturday on November 30, 2013 and encourages consumers to shop locally, not only on Small Business Saturday but throughout the entire year.

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

Nays: None

Absent: Beyeler

Motion carried.

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INTRODUCTION OF ECONOMIC DEVELOPMENT MARKETING ASSISTANT

Ms. Glover introduced Rebekah Castle as the County’s new Economic Development Marketing Assistant. “Ms. Castle, an Augusta County native, brings to the position over seven years of economic development experience and most recently served the Shenandoah Valley Partnership as Events Coordinator. I am excited that Rebekah will be joining us on December 9th and I encourage you, as your schedule allows, to welcome her to the County.”

Chairman Moore, on behalf of the Board, expressed appreciation of Ms. Castle becoming a part of economic development.

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ORDINANCE AMENDMENTS

This being the day and time advertised to consider an ordinance to adopt Section 24-0.1 to amend Sections 21-7 and 24-1 to repeal and reenact Section 24-21, and to repeal Sections 24-22 and 25-505 of the Augusta County Code clarifying water and sewer requirements. The Planning Commission recommended approval of the amendments to Augusta County Code Section 21-7 Water and Sewer Generally and recommends that Section 25-505 of the Augusta County Code be repealed. The Planning Commission is not an advisory body for matters contained in Chapter 24 of the Augusta County Code.

Becky Earhart, Senior Planner, advised that this had been discussed at Monday’s Staff Briefing and gave an overview. She explained that this was Augusta County’s attempt to consolidate all of the water and sewer ordinances into a single place. Currently, they are in three places which causes confusion for the implementation of those regulations. She highlighted the following:

Subdivision Ordinance 21-7

Amends §21-7:

- Continues to require major and minor subdivisions to have service by public water and sewer facilities when available
- Deletes the explanation of available from Subdivision Ordinance
- Replaces it with reference to the determination of available found in §24-1

Urban Service Overlay District 25-505

Section to be deleted, currently requires:

- Major Subdivisions- public water and sewer required
- Minor Subdivisions- public water and sewer required, if available. Defines available as:
 - Lines are on, adjoining, or within 200’ of property owned or controlled by Property Owner
 - Can be extended for less than \$100,000
- Uses requiring a site plan must have restroom facilities with water and sewer

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ORDINANCE AMENDMENTS (cont'd)

Chapter 24 Requirements-

Type of Development	Current Requirement	Proposed Requirement
USA- New Major Subdivisions	Required	Required- No waiver possible
USA- New Minor Subdivisions	Required, if available	Required- Waiver by BOS
USA- Existing Lots	Required if within 200' of structure	Required if line abuts lot- Waiver by Community Development Director
CDA- New Major Subdivisions	Required if line abuts or adjacent to lot	Required if line abuts or adjacent to lot- Waiver by BOS
CDA- New Minor Subdivisions	Required if line abuts or adjacent to lot	Required if line abuts or adjacent to lot- Waiver by BOS
CDA- Existing Lots	Required if line is within 200' of structure	Required if line abuts lot- Waiver by Community Development Director

Ms. Earhart added that if the Board adopts the ordinance amendments tonight, a policy will be considered by the Board at the next meeting (December 11th).

Additional Chapter 24 Requirements

- Proposed Ordinance: Shall not use any other method of water or sewer for non-agricultural use unless granted a permit by the Board of Supervisors. Once connected, must stay connected to public services.
- Existing Ordinance: Must cease to use any other source of water or sewage system for **domestic** use.

Ms. Earhart noted that as long as there is a connection for domestic use, if you want industrial use, there is a provision that a permit by the Board of Supervisors can be requested.

- Establishes and defines the authority of the Augusta County Service Authority to adopt rules, regulations, policies and standards which govern the provision, use and safety of water service and sewer service. It will also assign the executive director the authority to enforce the rules, regulations, or policies
- Violations of the Water and Sewer connection ordinance and ACSA rules, regulations, policies, and standards shall be punishable in accordance with Virginia law and in accordance with ACSA rules, regulations, policies and standards. It also establishes a system of civil penalties for the violation of the ordinance

Additional Provisions

- If adopted, Changes would be effective January 1, 2014
- Staff will work with Service Authority Staff on waiver policy
- Board will approve policy in December

The Chairman declared the public hearing open.

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

Mr. Wills moved, seconded by Mr. Shull that the Board adopt the following ordinance, effective January 1st:

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ORDINANCE AMENDMENTS (cont'd)

**AN ORDINANCE TO
ADOPT SECTION 24-0.1,
TO AMEND SECTIONS 21-7 AND 24-1,
TO REPEAL AND REENACT
SECTION 24-21, AND
TO REPEAL SECTIONS 24-22 AND 25-505
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to provide uniform regulations for the connection to water and sewer lines and to provide for enforcement of the connection requirements; and

WHEREAS, current guidelines appear in several different chapters of the Augusta County Code and can be interpreted in several different ways;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Sections 21-7 and 24-1 of the Augusta County Code are amended to read as follows:

§ 21-7. Water and sewer generally.

A. All required water and sewer facilities shall be designed and constructed to the current standards of the Augusta County Service Authority, the Virginia Department of Health, or the Virginia Department of Environmental Quality and the requirements of this chapter.

~~B. A public water system or a public sewer system shall be deemed available to a lot if such system is adjacent to such lot or across a public street, road or alley from such lot and a connection may be lawfully made thereto; provided, in the Urban Service Overlay (USO) Districts, a public water system or a public sewer system shall be deemed available in accordance with subsection (D) of § 25-505 of this Code.~~

~~CB.~~ Except in cluster subdivision in General Agriculture (GA) districts, all lots in major and minor subdivisions shall have service by a public sewer system when available, **as determined by Section 24-1 of the County Code** or a private individual onsite sewage disposal system approved by the Virginia Department of Health when a public sewer system is not available. Except in cluster subdivision in General Agriculture (GA) districts, private sewer systems serving multiple lots shall not be permitted.

~~DC.~~ When private individual onsite sewage disposal systems approved by the Virginia Department of Health are utilized:

1. Each system shall have another sewage dispersal area reserved for use in the event of failure of the initial sewage dispersal area.

2. The reserve sewage dispersal area shall be sufficient to accommodate one hundred percent (100%) of the capacity of the initial sewage dispersal area.

3. The location of all offsite sewage dispersal areas and reserve sewage dispersal areas and the easements required for their construction, use and maintenance shall be shown on the plat.

4. The type of each system shall be shown on the plat.

5. No system shall be designed to result in a point source discharge.

6. Where applicable, each system shall be subject to the provisions of Article II of Chapter 11 of this Code.

~~ED.~~ All lots in major and minor subdivisions shall have service by a public water system when available, **as determined by Section 24-1 of the County Code**.

~~FE.~~ The recordation of a deed of dedication, subdivision and easement or plat approved pursuant to the provisions of this chapter shall operate to transfer to the Augusta County Service Authority any easements shown on the plat for public pipelines and related facilities utilized for the supply, conveyance and distribution of water or for the collection, conveyance and disposal of sewage. The provisions of this paragraph shall not affect any right of the subdivider validly reserved on the plat, nor shall the provisions of this paragraph affect the obligation of the subdivider to install pursuant to paragraph A above.

~~GF.~~ Adequate fire hydrants will be installed by the developer and/or builder. Placement of hydrants and adequacy of fire flow, **unless waived by the Board of Supervisors**, shall be designed in accordance with §24-2 of the County Code.

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ORDINANCE AMENDMENTS (cont'd)

§24-0.1 Authority of the Augusta County Service Authority.

A. The Augusta County Service Authority (ACSA) shall adopt rules, regulations, policies and standards which govern the provision, use and safety of water service and sewer service, which include but are not limited to the following purposes: (1) to set forth uniform requirements for control of direct and indirect discharges into the water supply and its wastewater collection and treatment systems; (2) to control and prevent cross-connection and back flow; (3) to control the quantity, character and rate of any and all discharge of sewerage or wastes, whether indirect or direct, into ACSA's water and/or sewerage systems; (4) to investigate and penalize unauthorized use of ACSA systems, services, resources, facilities and structures; (5) to enable ACSA to comply with all applicable State and Federal laws; and (6) to provide for the protection of the water supply and sewerage systems and their respective sources and receiving streams. ACSA's rules, regulations, policies and standards shall apply in addition to the Virginia Uniform Statewide Building Code (USBC), the regulations of the Virginia Department of Health (VDH), Virginia Department of Environmental Quality (DEQ), the Code of Virginia and any other applicable codes and regulations.

B. The Executive Director of the Augusta County Service Authority, or his representative, shall have the power and authority to enforce the provisions of this article and its rules, regulations, policies, and standards, with respect to all violations, threatened violations and prevention of violations; establish, assess and collect civil penalties for that purpose consistent with Virginia law and the procedures of the ACSA; require corrections and/or repairs to be made at the property owner's expense; and require restitution of expenses and losses of the ACSA arising from or related to any such violations. For the purposes of 1) protecting the water supply from contamination from any source, 2) monitoring compliance with state law, regulations, and ACSA permits, 3) eliminating inflow and infiltration, 4) inspecting and maintaining equipment and systems associated with its services, 5) advising the Board of Supervisors on issues of adequate fire protection and 6) protecting its facilities, systems and services from unauthorized use, misuse, obstruction or tampering, the Executive Director of ACSA, or his representative, is authorized to enter upon any lands, waters and premises, whether for routine or individualized inspections.

C. The authority of the Executive Director shall be concurrent with the Building Official of Augusta County with respect to cross-connection and back flow prevention.

§ 24-1. Water and sewer connections.

A. Urban Service Areas

1. All houses, buildings or other structures used for residential, commercial or industrial purposes on all lots in all new major subdivisions shall be required to connect to a public water supply main and sanitary sewer system line.

2. Where the capacity of an existing water distribution system is not sufficient to meet the fire service and potable use needs of the new major subdivision, the developer, subdivider, or individual shall expand the capacity of the local and/or remote facilities of the existing water distribution system, as required by the Executive Director of the Augusta County Service Authority, so as to provide sufficient capacity to serve the fire and domestic needs of the development while not decreasing the pressure at any point in the existing or proposed water supply system below the minimum requirements of the Service Authority. The requirement of expanding capacity to insure sufficient flow for fire protection, as defined in §24-2 may be waived under the provisions of Paragraph E of that section. However, a waiver of the fire protection requirements does not relieve the developer of providing the infrastructure as required by the Service Authority Regulations to allow fire protection to be provided in the future when other off-site system improvements are made.

3. Except as provided in paragraph 8, below, all houses, buildings or other structures used for residential, commercial or industrial purposes on all lots in new minor subdivisions shall be required to connect to a public water supply main and sanitary sewer system line.

4. The owner of any new house, building or other structure used for residential, commercial or industrial ~~use~~ **purposes on existing lots** in the County ~~and~~ abutting on any street, ~~easement~~ or other public way in which or along which there is located a sanitary sewer or water main of the Augusta County Service Authority (ACSA) ~~at a distance not greater than two hundred feet (200') from such house, building or other structure, shall, if so required by the rules and regulations or a resolution of the ACSA, connect~~

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ORDINANCE AMENDMENTS (cont'd)

such house, building or other structure with such water main or sanitary sewer.~~and~~

5. Anyhouse, building or other structure used for residential, commercial or industrial purposes on a lot connected to a sanitary sewer or water main of the ACSA shall ~~cease to~~not use any other source of water supply for domestic or any non-agricultural use or any other method for the disposal of sewage, sewage waste or other polluting matter unless otherwise exempted from the requirement set forth in this paragraph through permit issued by the Board of Supervisors after consulting with the Augusta County Service Authority. Such permit shall be issued in accordance with policies established by the Board of Supervisors and will set forth any limitations to or conditions of said permit.

56. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the ACSA.

67. Existing houses, buildings or other structures must comply with this section at such time as the existing well or other water supply or the existing septic system or other sewage disposal system is condemned by the Virginia Department of Health or its use is otherwise discontinued.

8. a. The requirement that all houses, buildings or other structures used for residential, commercial or industrial purposes on lots in minor subdivisions connect to a water or sewer main may be waived if such connection is deemed to be not practically available. Factors to be considered in granting a waiver shall include, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Board of Supervisors after consulting with the Augusta County Service Authority.

b. The requirement that any new house, building or other structure used for residential, commercial or industrial purposes on existing lots connect to a water or sewer main may be waived by the Director of Community Development if such connection is deemed to be not practically available in accordance with policy establishing criteria for waivers based on, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Director of Community Development after consulting with the Augusta County Service Authority. A decision of the Director not to grant a waiver may be appealed to the Board of Supervisors.

B. Community Development Areas

1. Any house, building or other structure used for residential, commercial or industrial purposes on lots in all new major subdivisions abutting on or adjacent to any street, easement, or other public way in which or along which there is located a sanitary sewer or water main of the Augusta County Service Authority (ACSA) shall be required to connect to the water main or sanitary sewer.

2. Except as provided in paragraph 7, below, any house, building or other structure used for residential, commercial or industrial purposes on lots in new minor subdivisions abutting on or adjacent to any street, easement, or other public way in which or along which there is located a sanitary sewer or water main of the ACSA shall be required to connect to the water main or sanitary sewer.

3. The owner of any new house, building or other structure used for residential, commercial or industrial purposes on existing lots in the County and abutting on any street, easement, or other public way in which or along which there is located a sanitary sewer or water main of the ACSA, shall connect such house, building or other structure with such water main or sanitary sewer.

4. Anyhouse, building or other structure used for residential, commercial or industrial purposes on any lot connected to a sanitary sewer or water main of the ACSA shall ~~cease to~~not use any other source of water supply for domestic or any non-agricultural use or any other method for the disposal of sewage, sewage waste or other polluting matter unless otherwise exempted from the requirement set forth in this paragraph through permit issued by the Board of Supervisors after consulting with the Augusta County Service Authority. Such permit shall be issued in accordance with policies established by the Board of Supervisors and will set forth any limitations to or conditions of said permit.

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5. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the ACSA.

6. Existing houses, buildings or other structures must comply with this section at such time as the existing well or other water supply or the existing septic system or other sewage disposal system is condemned by the Virginia Department of Health or its use is otherwise discontinued.

7. a. The requirement that any house, building or other structure used for residential, commercial or industrial purposes on lots in major or minor subdivisions connect to a water or sewer main may be waived if such connection is deemed to be not practically available. Factors to be considered in granting a waiver shall include, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Board of Supervisors after consulting with the Augusta County Service Authority.

b. The requirement that any new house, building or other structure used for residential, commercial or industrial purposes on existing lots connect to a water or sewer main may be waived by the Director of Community Development if such connection is deemed to be not practically available in accordance with policy establishing criteria for waivers based on, but not be limited to, economic infeasibility, geological features of the parcel, topographic features on the parcel, and available capacity of the Service Authority to serve the subdivision, house, building or other structure used for residential, commercial or industrial purposes in the County. Such waivers may be granted by the Director of Community Development after consulting with the Augusta County Service Authority. A decision of the Director not to grant a waiver may be appealed to the Board of Supervisors.

Be it further resolved by the Board of Supervisors for Augusta County that Section 24-21 of the Augusta County Code is repealed and reenacted to read as follows:

ARTICLE III. ~~SEWER SERVICE ENFORCEMENT~~

§24-21. Criminal and civil penalties.

A. Violations of this Article and ACSA rules, regulations, policies, and standards shall be punishable in accordance with Virginia law and in accordance with ACSA rules, regulations, policies and standards.

1. Unauthorized use of hydrants and/or public water

a. The crimes of unauthorized use of a hydrant or public water and tampering with a meter or hydrant will be reported to law enforcement for possible arrest and prosecution.

b. In addition, ACSA is authorized to impose civil penalties and to require restitution of the costs of any quantity of water taken or any damages caused by the unauthorized use of a hydrant or of public water from its system.

2. Civil penalties for noncompliance with ACSA regulations

a. Upon finding of non-compliance with its rules, regulations, policies, and standards, ACSA may disconnect services.

b. In accordance with Va. Code § 15.2-2122(10), ACSA is authorized to establish and impose penalties for violations of any of its rules and regulations relating to the use and provision of sanitary, combined and stormwater sewer systems, treatment works and appurtenances, including but not limited to its fats, oils and grease standards and its infiltration and inflow standards. Except as provided in (c) below, the penalty will be based upon the severity of the violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of the user, any economic benefit realized by the noncompliance, and the ability of the user to pay the penalty, provided however that the penalty shall not exceed the amounts set forth in Va. Code §15.2-2122(10)(b).

c. In accordance with Va. Code § 15.2-2122(10)(d), ACSA is authorized to assess and collect civil penalties for violations of its fats, oils and grease standards and its infiltration and inflow standards as follows:

i. The penalty for one violation shall be \$100;

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ORDINANCE AMENDMENTS (cont'd)

- ii. The penalty for each additional violation shall be \$150;
- iii. No more than \$3,000 can be imposed from a series of repeated violations arising from the same operative set of facts;
- iv. Each day on which a violation is found to have existed will constitute a separate violation.

d. An assessment hereunder also may include a monetary amount sufficient to provide restitution of any actual damages to sewers, treatment works and any appurtenances and to pay costs, attorneys' fees and any other expenses resulting from the violation, which amount shall include, but not be limited to:

- i. The costs of mileage and labor incurred in detecting and correcting the violation or circumstances caused by the violation;
- ii. Laboratory analysis costs associated with detecting and correcting the violation or circumstances caused by the violation;
- iii. Additional treatment costs caused by the violation or associated with detecting and correcting the violation or circumstances caused by the violation;
- iv. Costs of any additional equipment acquired or expended by ACSA for detecting or correcting the violation or circumstances caused by the violation;
- v. Repair or replacement of any part of the system damaged by the violation;
- vi. Any liability, damages, fines or penalties incurred by ACSA as a result of the violation; and
- vii. Any other costs associated with the violation.

e. ACSA shall create and follow procedures, including notice and the opportunity for a hearing, prior to imposition of any penalty.

Be it further resolved by the Board of Supervisors for Augusta County that Sections 24-22 and 25-505 of the Augusta County Code are hereby repealed.

~~§ 24-22. Criminal and civil liability.~~

~~A. Any person who violates any rule or regulation of the ACSA relating to requirements for direct and indirect discharges into the wastewater collection and treatment systems of the Augusta County Service Authority shall be deemed to have violated this article, and, upon conviction thereof, may be subject to the penalties set forth in subsection B of this section as well as to the responsibilities and liabilities set forth in subsection C below.~~

~~B. Any person who willfully or negligently violates any provision of this article may be subject to criminal penalties of a fine of up to \$1000 per day of violation, or by imprisonment for up to twelve months, or by both fine and imprisonment.~~

~~C. Further, any person who violates any provision of this article or any condition or limitation of a permit, or plan approval related thereto, shall be financially responsible and liable to the ACSA, in addition to normal service charges and surcharges, for all costs incurred by the ACSA associated with the violation of this article, including, but not limited to the following:~~

- ~~1. Cost of mileage and labor incurred in detecting and correcting the violation.~~
- ~~2. Laboratory analysis costs associated with detecting and correcting the violation.~~
- ~~3. Additional treatment costs caused by the violation or associated with detecting and correcting the violation.~~
- ~~4. Costs of any additional equipment acquired or expended by the ACSA for detecting or correcting the violation.~~
- ~~5. Repair or replacement of any part of the sewage system damaged by the violation.~~
- ~~6. Any liability, damages, fines or penalties incurred by the ACSA as a result of the violation.~~
- ~~7. Other costs as are associated with the detecting and correcting of the violation.~~

~~§ 25-505. Water and sewer.~~

~~A. In the Urban Service Overlay District, no major subdivision plat as defined by chapter 21 of this code shall be approved unless water and sewer lines and related equipment for the connection of such lines and equipment to the systems of the Augusta County Service Authority are to be installed.~~

~~B. In the Urban Service Overlay District, no minor subdivision plat as defined by chapter 21 of this code or required site plan shall be approved unless water and sewer lines, if available, and related equipment for the connection of such lines and equipment to systems of the Augusta County Service Authority are to be installed.~~

~~C. The size and nature of the water and sewer mains, pipes, conduits, connections, pumping stations or other facilities installed or to be installed~~

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~~in connection with the proposed subdivision or site plan shall be in compliance with the regulations of the Augusta County Service Authority.~~

~~D. For purposes of paragraph B of this section only, water or sewer lines will be deemed available if one of the following conditions exists:~~

~~1. A distribution or collection line of the Augusta County Service Authority is on the property to be served or on adjoining property under the same ownership or control as the property to be served.~~

~~2. A distribution or collection line of the Augusta County Service Authority is within two hundred feet (200') of a boundary line of the property to be served or within two hundred feet (200') of adjoining property under the same ownership or control as the property to be served.~~

~~3. Water and sewer service from the Augusta County Service Authority can be extended to the property to be served at a cost estimated by the Authority or by an engineer approved by the Authority to be less than \$100,000.00.~~

~~E. All uses for which a site plan is required must have restroom facilities with water and sewer service from the Augusta County Service Authority or from a private well or septic system.~~

~~F. Nothing in this section shall be deemed to prohibit the use of wells and septic systems existing at the time the district is zoned Urban Service Overlay, provided such use is otherwise authorized by law.~~

This ordinance shall become effective January 1, 2014

Mr. Karaffa expressed reservations about some of the proposed changes and felt that the revisions would restrict options of some property owners outside the Urban Service Areas. He strongly felt that those who lived on private land should be able disconnect from the Service Authority and seek other means of water and sewer.

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Bobby Snyder, Chief for the Stuarts Draft Rescue Squad, expressed concern of changing the Volunteer Funding Formula and felt that this would cut their funding. "When you start looking at a funding that could drive a wedge between Career and Volunteer. Whoever gets on the truck is going to get paid for the call. We don't want to start having that kind of wedge between us and the Career staff. We want to be as one as it should be." He did not feel that the County supported them.

Chairman Moore and Mr. Wills said the Board was trying to come up with a fair way to fund the departments and continue to encourage volunteers, not discourage them. Mr. Wills added, "The idea that if the volunteer could get on the truck, the EMT or somebody who is advanced trained, then you get credit for that, and not to create the thing between the staff. The staff is there when the volunteers cannot be. The intent was not to take away from the volunteers; the intent was to reward volunteers and encourage volunteers and, hopefully, more companies would have more volunteers there."

Mr. Pyles said that the County would be losing money with the proposed formula. "This was to encourage more people to show up. The more you do, the more you receive." He commended Chief Snyder, "You are the best buys we have in Augusta County. Your cost for the taxpayer per call is the best."

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

Mr. Shull thanked Chief Snyder for his service. He hoped to continue to have a good relationship with Career and Volunteer staff.

Chief Snyder added, "We are heading in a good direction. We need to be out there for the same reason – It's good for our community and Augusta County to be financially sound."

Chairman Moore reiterated that the Board is going to continually try to provide ways to support the volunteers better.

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FIRE AND RESCUE – VOLUNTEER FUNDING FORMULA

The Board considered Volunteer Funding Formula options, i.e., Augusta County model vs. Rockingham model.

Patrick J. Coffield, County Administrator, advised that this was discussed at Monday's Staff Briefing.

Lt. Minday Craun, Volunteer Coordinator – Emergency Services, noted that a special meeting on October 9th was held. The formula for revenue recovery has been discussed for several years. The Board asked that she, Finance, and IT meet with Rockingham to review their formula and determine if it could be used for Augusta County. They used three months of billing data to determine if Rockingham's process was better for Augusta County. A matrix had been provided for the Board at Monday's Staff Briefing for review. Lt. Craun felt that there was not a great difference. Mr. Wills asked Lt. Craun to explain Rockingham's process. Lt. Craun explained that Rockingham had bought software; a program was created that once information from the billing company and records management was received, it was merged together. When the data from the billing company was received, the Finance Department spent 2 days (or more) to review and enable it to be imported into the program. Once it is imported, it is merged with the records management data and a report is printed for Fire/Rescue to review, which takes 2 to 3 days a month to ensure that the money is allocated to the correct person. A quarterly report is then provided. Augusta County would have to purchase software or have IT provide a program. Lt. Craun noted that the Fire Departments would receive a little extra funding. They get a pay-per-call in their annual contribution, but they do not get any Revenue Recovery money; they get paid through their contributions. The Volunteer Agency section does not show much difference, except for the smaller agencies which own the equipment. Deerfield will have to be paid a contingency at the end of the year.

Mr. Shull felt that the current formula should be continued.

Mr. Pattie felt that there should be a type of "tracking system" to review any changes and a report be provided yearly.

Mr. Pyles felt that automation should be improved as moving forward.

Lt. Craun said that the automated time management clock could be used in certain areas. Mr. Karaffa added not all of the volunteers were able to enter the information correctly.

Mr. Shull moved, seconded by Mr. Wills, that the Board continue with the current Volunteer Funding Formula.

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

Nays: None

Absent: Beyeler

Motion carried.

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STORMWATER MANAGEMENT ORDINANCE

The Board considered draft resolution requesting the State to extend the deadline until July 1, 2015.

Timmy Fitzgerald, Director of Community Development, reported that this had been discussed at Monday's Staff Briefing. He noted that the current deadline is July 1, 2014. As part of the State requirement to implement the Virginia Stormwater Management Program (VSMP) at the local government level, staff has been working on required revisions to the County's Stormwater ordinance. DEQ has recently made changes to VSMP regulations that may prompt revisions to the proposed ordinance. With the regulation changes, DEQ has also extended deadlines for localities to submit preliminary and final packages.

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

RESOLUTION

WHEREAS, §62.1-44.15:27 Subsection A of the Code of Virginia requires localities to adopt a Virginia Stormwater Management Program (VSMP), and

WHEREAS, §62.1-44.15:27 Subsection M of the Code of Virginia establishes that such programs shall become effective July 1, 2014, unless otherwise specified by the State Water Control Board, and

WHEREAS, the transition of VSMP and Virginia Erosion & Sediment Control Programs from the Department of Conservation & Recreation to the Department of Environmental Quality and recodification of the applicable sections of the Code of Virginia and the Virginia Administrative Code effective July 1, 2013 have introduced additional administrative burdens on localities as they draft their ordinances, and

WHEREAS, proposed changes to VSMP regulations and Construction General Permit Regulations are not yet approved by the State Water Control Board and will be considered at its December 17, 2013 meeting, and

WHEREAS, the county has included in it's legislative package, a request for consideration of local approval and disapproval of best management practices, and a review of the appropriateness of the current 28% of VSMP fees to be retained by the Commonwealth, and

WHEREAS, the Department of Environmental Quality E-permitting website will not be ready for testing until April 2014, allowing little time for adjustments prior to the July 1, 2014 implementation date.

NOW, THEREFORE, BE IT RESOLVED, that the Augusta County Board of Supervisors requests that the Virginia General Assembly or the State Water Control Board extend the deadline for adopting a VSMP for a period of one year and to make the effective date July 1, 2015.

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

Motion carried.

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MILL PLACE STORMWATER MANAGEMENT

The Board considered design services related to construction of Stormwater Management facility as identified in Mill Place Commerce Park Master Plan.

Funding Source: Economic Development CIP Account #80000-8145 \$18,100

Mr. Fitzgerald advised that this had been discussed at Monday's Staff Briefing. He noted that, when Shamrock came to the County, one of the commitments was to

November 26, 2013 at 7:00 p.m.

MILL PLACE STORMWATER MANAGEMENT (cont'd)

provide Stormwater Management for that facility as well as some other facilities planned for the Commerce Park. For tonight's consideration is a request for design services from Balzer & Associates in order to determine what type of facility is needed. He further explained that this is the design of the Stormwater Management facility that will come with a cost estimate that can be used for a construction bid. Construction costs will be provided to the Board in the future for consideration.

Mr. Karaffa moved, seconded by Mr. Shull, that the Board approve the request.

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

Nays: None

Absent: Beyeler

Motion carried.

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DRUG LAB CLEAN-UP

The Board considered authorization for staff to advertise ordinance for public hearing.

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing. This ordinance would allow authorities to collect cleanup costs for meth labs from people convicted of manufacturing the drug.

Mr. Pyles moved, seconded by Mr. Shull, that the Board authorize staff to advertise for a public hearing (January 8, 2014).

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. Shull, that the Board approve the consent agenda as follows:

MINUTES

Considered minutes of the following meetings:

- Regular Meeting, Wednesday, November 13, 2013

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

Nays: None

Absent: Beyeler

Motion carried.

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(END OF CONSENT AGENDA)

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November 26, 2013, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pattie:

- 1. Ruritan – dictionaries distributed to schools.
- 2. Cooling/heating centers should be mentioned in newspapers, websites. Mr. Pyles suggested that it be placed in the Parks and Recreation quarterly paper and the News Leader “Fact Book”. Mr. Pattie suggested that a map should also be included to show the location of the centers.

Mr. Wills:

- 1. Shared Services – Commended staff in sharing with Staunton the notice for taxes due.

2. SHENANDOAH VALLEY AIRPORT COMMISSION - REAPPOINTMENT

Mr. Wills moved, seconded by Mr. Karaffa, that the Board reappoint Gerald Garber to serve another 3-year term on the Shenandoah Valley Airport Commission, effective January 1, 2014, to expire December 31, 2016.

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

Nays: None

Absent: Beyeler

Motion carried.

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- 3. Boards and Commissions (Magisterial Districts) – terms to coincide with staggered terms of the Board of Supervisors. He suggested that the term coincide with the beginning of the fiscal year immediately following the election of that particular Supervisor, which would be July 1 following the election. This would allow the Supervisor time to “know” the people before he has to make a reappointment. This will be discussed at the December 11th meeting so that the County Attorney has this time to review.

Chairman Moore: Mr. Beyeler was absent tonight because of sickness.

Mr. Shull: Happy Thanksgiving and safe traveling!

Mr. Karaffa: Happy Thanksgiving!

Chairman Moore: Happy Thanksgiving! Safe journey!

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MATTERS TO BE PRESENTED BY STAFF - NONE

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CLOSED SESSION

On motion of Mr. Wills, seconded by Mr. Karaffa, 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]:

CLOSED SESSION (cont'd)

A) Boards and Commissions

(2) 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) Ladd School

(3) 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) Economic Development Pending Prospect(s)

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

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

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

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

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ADJOURNMENT

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

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

Motion carried.

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Chairman

County Administrator