

Regular Meeting, Wednesday, August 27, 2014, 7:00 p.m. Government Center, Verona, VA.

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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 27, 2014, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 239th year of the Commonwealth....

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Chairman Wills welcomed the citizens present.

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Mr. Wills, led us with the Pledge of Allegiance.

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Marshall W. Pattie, Supervisor for the North River District, delivered invocation.

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DECLARATION OF LOCAL EMERGENCY

Chairman Wills read the following Declaration of Local Emergency:

DECLARATION OF LOCAL EMERGENCY

WHEREAS, due to an Air National Guard jet crash , the County of Augusta, Virginia is involved in a major recovery effort of such magnitude to warrant coordinated local government action; and

WHEREAS, the conditions necessitate the proclamation of the existence of a local emergency; and

WHEREAS, circumstances do not permit the Board of Supervisors of the County of Augusta, Virginia to convene to consent to the declaration of a local emergency;

NOW, THEREFORE, pursuant to Virginia Code § 44-146.21 and, as provided therein, subject to confirmation by the Board of Supervisors at its next regularly scheduled meeting or at a special meeting within fourteen (14) days of this declaration, whichever occurs first, Larry J. Wills, Chairman of the Board of Supervisors of the County of Augusta, Virginia and Emergency Services Director of the County of Augusta, Virginia declares and proclaims the existence of a local emergency in the County of Augusta; and

It is further proclaimed and ordered that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services and the Emergency Services Department of the County of Augusta

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DECLARATION OF LOCAL EMERGENCY (cont'd)

shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County of Augusta in order to mitigate the effects of said emergency.

Date: August 27, 2014, 6:15 p.m.

Mr. Karaffa moved, seconded by Mr. Pattie, that the Board adopt the Declaration of Local Emergency.

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

Motion carried.

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DAVID RICHARD BEYELER RECOGNITION – GENERAL ASSEMBLY RESOLUTION

Delegates Steve Landes asked that Ms. Beyeler and her family join him while reading the resolution. Delegate Landes reminded the Board that the General Assembly can recognize and memorialize individuals who have served on the Board for many years.

The following resolution was read by Delegate Landes:

HOUSE JOINT RESOLUTION NO. 415

Celebrating the life of David Richard Beyeler.

Agreed to by the House of Delegates, March 5, 2014
Agreed to by the Senate, March 7, 2014

WHEREAS, David Richard Beyeler of Stuarts Draft, a loving husband and father, a beef and dairyfarmer, a man of faith, and an esteemed longtime member of the Augusta County Board of Supervisors, died on February 12, 2014; and

WHEREAS, a native of Sterling, Ohio, David Beyeler graduated from Wilson Memorial High School in Fishersville; he farmed his entire life, and in 1976, he entered public service as a member of the Augusta County Board of Supervisors; and

WHEREAS, David Beyeler served the people of the South River District with diligence and care; he first served on the Augusta County Board of Supervisors for 16 years, and in 2004, he re-entered public service and was a member of the Board of Supervisors for 10 more years, until his death; and

WHEREAS, David Beyeler knew many of his constituents by name; he ably served the people of Augusta County, carefully listening to their cares and concerns, focusing on what was best for his district and for the county; and

WHEREAS, at the time of his death, David Beyeler was the longest-serving member of the Augusta County Board of Supervisors; in total, he provided guidance and leadership to Augusta County for 26 years, and during those years, he was elected chairman of the Board of Supervisors twice; and

WHEREAS, David Beyeler was a member of the board of directors of the Maryland & Virginia Milk Producers Cooperative Association; he also served on many committees for Augusta County government; and

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DAVID RICHARD BEYELER RECOGNITION – GENERAL ASSEMBLY RESOLUTION (cont'd)

WHEREAS, David Beyeler, who was a devoted husband and father, was a member of Tinkling Spring Presbyterian Church for more than 50 years; he was admired and esteemed for his leadership and tireless work in many areas; and

WHEREAS, David Beyeler will be greatly missed and fondly remembered by his wife, Elizabeth; children, Lisa and Matthew, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David Richard Beyeler of Stuarts Draft, a loving husband and father, a beef and dairy farmer, a man of faith, and an esteemed longtime member of the Augusta County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David Richard Beyeler as an expression of the General Assembly's respect for his memory.

Before presenting the resolution to the Beyeler family, he expressed his memories of first meeting Mr. Beyeler. One of the things that impressed him was that Mr. Beyeler could always remember names and recall previous conversations with them. "He was a dedicated servant for Augusta County. It was my great honor to work with him and know him. You all have the toughest level of government for all the things that you have to deal with on the day-to-day basis . . . much more so than what we do at the State or the Federal level. For Dave to do that for 26 years, was exceptional. It was a great honor for me to introduce this along with my colleagues."

Ms. Beyeler said that Mr. Beyeler enjoyed his district and his people. "He would be very honored to get this recognition from Virginia's General Assembly. I am, too, and so are my family."

Chairman Wills thanked Delegate Landes and the delegation for this. "Truly Dave is missed here on this Board by all of us who served with him. He comes up fondly in our conversations often."

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Chairman Wills explained to the public that there were several public hearings tonight on the agenda, which were mainly "housekeeping items" which were precipitated by the actions of the General Assembly.

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COUNTY OF AUGUSTA BOARD OF SUPERVISORS – PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public Use Overlay zoning designation to approximately 1.4 acres owned by the County of Augusta Board of Supervisors located on the southeast side of Mill Place Parkway (Route 1943) adjacent to the City of Staunton city limits in Verona (Beverly Manor District). The Planning Commission recommends approval with proffer and finds the location of the water tank to be consistent with the Comprehensive Plan.

Becky Earhart, Senior Planner, displayed property outlined in blue on the map; the green line indicates the City/County line. The only additional permitted use on the property will be a water tank.

The Chairman declared the public hearing open.

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COUNTY OF AUGUSTA BOARD OF SUPERVISORS – PUBLIC USE OVERLAY
(cont'd)

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

Mr. Karaffa expressed that the addition of the water tank to the Mill Place Commerce Park will enable development and meet the needs of the businesses on that property.

Mr. Karaffa moved, seconded by Mr. Moore, that the Board adopt the following ordinance, with proffer:

CONSIDER a request to add the Public Use Overlay zoning designation to approximately 1.4 acres owned by the County of Augusta Board of Supervisors located on the southeast side of Mill Place Parkway (Route 1943) adjacent to the City of Staunton city limits in Verona (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:

Parcel number 73G, on tax map number 46, containing a total of approximately 1.4 acres is changed to add the Public Use Overlay designation with the following proffer:

- 1. Additional permitted uses will be:
 - A. Water storage facilities

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

Nays: None

Motion carried.

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AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Sections 21-32, 21-34, and 21-35 of the Augusta County Code to provide that preliminary subdivision plats are not required for subdivisions of 50 or fewer lots. This ordinance also provides that if a preliminary plat for a subdivision of 50 or fewer lots is voluntarily submitted for consideration by a developer, the Department of Community Development will consider approval of the plat using currently established criteria. The Planning Commission recommends approval.

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

Ms. Earhart advised that this is a General Assembly Mandated Change.

The Chairman declared the public hearing open.

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

Mr. Pyles moved, seconded by Mr. Shull, that the Board adopt the following ordinance:

**AN ORDINANCE TO
TO AMEND SECTIONS 21-32, 21-34, and 21-35
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Sections 21-32, 21-34 and 21-35 of the Augusta County Code to make them consistent with the Code of Virginia;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Sections 21-32, 21-34 and 21-35 of the Augusta County Code are amended to read as follows:

§ 21-32. Submission of Preliminary plat ~~required~~.

A. The subdivider shall cause to be prepared a preliminary plat **of all subdivisions establishing more than 50 lots** in accordance with the requirements of Article IV of this chapter.

B. The preliminary plat shall include all of the property owned or controlled by the applicant subdivider which is adjacent to or considered to be contiguous to the proposed subdivision.

C. The preliminary plat, together with such supplementary material as may be required by Article IV of this chapter, shall be submitted to the Department with a written application for approval and payment of any applicable fees.

D. No preliminary plat shall be required where a master plan or plan of development has been approved and remains valid pursuant to Chapter 25 of this Code. The final plat shall be in substantial conformity with such approved master plan or plan of development.

E. No preliminary plat shall be required for cluster subdivisions in General Agriculture (GA) districts.

F. The subdivider may voluntarily cause to be prepared a preliminary plat of subdivisions establishing 50 or fewer lots. Such preliminary plat shall be prepared in accordance with the requirements of Article IV of this chapter.

§ 21-34. Submission of final plat.

A. The subdivider shall submit a written request for final plat approval to the Department, together with payment of applicable fees.

B. **If a preliminary plat has been submitted by the subdivider,** the final plat shall be in substantial conformity with ~~an~~ **the** approved and valid preliminary plat, but need not include all of the territory shown on the preliminary plat.

C. The final plat shall be in compliance with Article V of this chapter, and its submission shall be accompanied by such supplementary materials as may be required by said article.

§ 21-35. Consideration of the final plat.

A. Consideration of the proposed plat shall be completed in accordance with the provisions of § 15.2-2259 of the Code of Virginia (1950), as amended.

B. A final plat shall be reviewed by a subdivision agent and shall be acted upon by the subdivision agent within fifteen (15) working days of the receipt of submissions required by Article V of this chapter, including, without limitation, the documents and other matters to accompany the final plat, as provided in § 21-55.

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

C. Upon the subdivision agent's determination that the final plat or the accompanying submission is not in conformance with the requirements of this chapter, the agent will retain one copy, and the remaining copies of the final plat shall be returned to the applicant with a written explanation of the deficiencies. An applicant may appeal the decision of the subdivision agent by filing a written request in the office of the board of supervisors within thirty (30) days of the decision of the subdivision agent. Upon appeal, the board of supervisors shall consider the final plat at the earliest possible date and the decision of the governing body shall supersede the decision of the subdivision agent.

D. Upon the subdivision agent's determination that the final plat is in conformity with the requirements of this chapter but is not in substantial conformance with the approved preliminary plat **if one was submitted**, the final plat shall be scheduled for consideration by the board of supervisors at the earliest possible time in accordance with the established policies and the applicant shall be notified in advance of the time and place for such consideration. The board of supervisors shall, in such event, consider and take final action on the final plat pending compliance with the requirements of § 21-36 below.

E. When a final plat is approved that is not in substantial conformance with an approved preliminary plat **if one was submitted**, the subdivider shall file in the Department a revised preliminary plat reflecting the changes resulting from the approved final plat. Provided the revisions to the approved preliminary plat address only the nonconformity of the approved final plat with the approved preliminary plat, the revised preliminary plat may be approved by the Director, in his capacity as a subdivision agent, and need not be reviewed by the planning commission or approved by the board of supervisors.

F. For purposes of this section, circumstances in which a final plat shall be deemed "not in substantial conformance" with an approved preliminary plat shall include, but not be limited to, increases in the proposed number or density of lots in the subdivision, alterations of proposed street connections in the subdivision, or additions of streets to the subdivision.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Sections 25-4, 25-72.1B3, 25-122.1B3, and 25-132.1B4 of the Augusta County Code to provide that two persons may occupy a Temporary Family Health Care Structure that are permitted in General Agriculture, Rural Residential and Single Family Residential zoning districts and to increase the time to remove such structures, when no longer needed, from 30 days to 60 days. The Planning Commission recommends approval.

Ms. Earhart advised that this is to amend the definition section and the General Agriculture, Rural Residential and Single Family Residential portions of the Code to provide that 2 people may occupy a Temporary Family Health Care Structure and to increase the time to remove such structure when it is no longer needed. These are structures that are required to be permitted by the State Code. Up to two people can stay in the unit if at least one meets criteria of being mentally or physically impaired. The other person must require assistance with one or more activities of daily living. It was also noted that you would have 60 days to remove versus current 30 days. This is another General Assembly Mandated Change.

The Chairman declared the public hearing open.

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

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

Mr. Karaffa moved, seconded by Mr. Moore, that the Board adopt the following ordinance:

**AN ORDINANCE TO
TO AMEND SECTIONS 25-4, 25-72.1 B 3, 25-122.1 B 3, AND 25-132.1 B 4
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Commonwealth of Virginia has amended Section 15.2-2292.1 of the Code of Virginia concerning location and use of temporary family health care structures; and

WHEREAS, it is the desire of the Board of Supervisors to amend sections of the Augusta County Zoning Ordinance to make it consistent with the new State Code provisions;

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

That the definition of temporary family health care structures as found in Section 25-4 of the Augusta County Code is amended to read as follows:

25-4. Definitions.

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in §63.2-2200, as certified in writing by a physician licensed in the Commonwealth, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

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

Sections 25-72.1 B 3, 25-122.1 B 3, and 25-132.1 B 4 are amended to read as follows:

§ 25-72.1. Accessory buildings and uses.

B. Accessory buildings and structures are permitted with the following limitations:

...

3. Temporary family health care structure provided that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within ~~30-60~~ 60 days ~~in~~ of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person ~~is no longer receiving services~~ or ~~is no longer~~ in need of the assistance provided for in this section.

§ 25-122.1. Accessory buildings and uses.

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

B. Accessory buildings and structures are permitted with the following limitations:

...

3. Temporary family health care structure provided that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within ~~30~~ **60** days ~~in~~ **of the date on** which the **temporary family health care structure was last occupied by a** mentally or physically impaired person ~~is no longer receiving services~~ or ~~is no longer~~ in need of the assistance provided for in this section.

§ 25-132.1. Accessory buildings and uses.

B. Accessory buildings and structures are permitted with the following limitations:

...

4. Temporary family health care structure that:

a. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Department of Community Development. After the permit is issued, the applicant must provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the locality of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

b. Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that serves the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

c. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

d. Any temporary family health care structure installed pursuant to this section shall be removed within ~~30~~ **60** days ~~in~~ **of the date on** which the **temporary family health care structure was last occupied by a** mentally or physically impaired person ~~is no longer receiving services~~ or ~~is no longer~~ in need of the assistance provided for in this section.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Section 25-35 of the Augusta County Code to set the parking space requirement for carry out only restaurants at one for every 200 square feet. The Planning Commission recommends approval.

Ms. Earhart reported that, currently, Carry-out Restaurants are treated the same as a

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

sit-down restaurant, which requires 1 for every 50 square feet of floor area and no less than 10 spaces. It has been recommended that it be similar to the requirement for bakeries and ice-cream parlors.

Chairman Wills added that this amendment is to encourage business and help citizens.

The Chairman declared the public hearing open.

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

Mr. Karaffa pointed out that this was NOT a General Assembly Mandate Change.

Mr. Karaffa moved, seconded by Mr. Shull, that the Board adopt the following ordinance:

**AN ORDINANCE
TO AMEND SECTION 25-35
OF THE AUGUSTA COUNTY CODE**

Whereas, the Board of Supervisors deems it desirable to establish a parking space requirement for carry out only restaurants;

NOW THEREFORE be it resolved that Section 25-35 is amended to read as follows:

§ 25-35. Number of spaces required.

A. The number of off-street parking spaces required shall be as follows:

| | |
|---|---|
| <u>Restaurants, Carry Out Only</u> | <u>One for every 200 square feet</u> |
|---|---|

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

Nays: None

Motion carried.

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AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Section 25-57 of the Augusta County Code to establish three hundred (300) square feet as the minimum size for a security residence when it is an accessory use to an industrial establishment. The Planning Commission recommends approval.

Ms. Earhart reported that, currently, the minimum square footage for a dwelling is 900 square feet, unless district regulations state otherwise; the Planning Commission recommended 300 square feet as the minimum size of security guard dwellings..

The Chairman declared the public hearing open.

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

Mr. Moore emphasized that this was strictly for industrial zoning, primarily, for security-type residences.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

**AN ORDINANCE TO
TO AMEND SECTION 25-57
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-57 of the Augusta County Code by establishing three hundred (300) square feet as the minimum size for a security residence when it is an accessory use to an industrial establishment;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 25-57 of the Augusta County Code is amended to read as follows:

§ 25-57. Uses accessory to industrial establishments.

The following uses are permitted in any zoning district when accessory to an industrial establishment:

...

K. Security buildings and structures, including residences for security guards, guardhouses and shelters for watchdogs, **provided the minimum dwelling size for the security residence is three hundred (300) square feet.**

...

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

Nays: None

Motion carried.

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AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Section 25-74 of the Augusta County Code to allow the Board of Zoning Appeals the discretion to reduce or eliminate the two hundred (200) foot setback between two adjoining industrial properties where similar industrial uses are ongoing on the properties and the property owners agree that a reduction of the setback is mutually beneficial. The Planning Commission recommends approval.

Ms. Earhart advised that this amendment refers to perimeter setbacks for uses allowed by Special Use Permits such as junkyards and quarries that can be lessened by the BZA if adjoining property owners have similar uses and agree with the reduction.

The Chairman declared the public hearing open.

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

Mr. Shull moved, seconded by Mr. Moore, that the Board adopt the following ordinance:

**AN ORDINANCE TO
TO AMEND SECTION 25-74
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-74 of the Augusta County Code to allow the Board of Zoning Appeals to reduce or eliminate the two hundred foot buffer requirement between similar uses customarily found in areas away from developed areas, if adjoining property owners agree;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 25-74 of the Augusta County Code is amended to read as follows:

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

§ 25-74. Uses permitted by special use permit.

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, and similar materials, may be permitted by Special Use Permit, provided:

- 1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
- 2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
- 3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
- 4. The business shall have direct access to a state maintained road; and
- 5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and
- 6. All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and

7. The board of zoning appeals may reduce or eliminate the two hundred foot (200') set back between adjoining properties where similar industrial uses are ongoing and the adjoining property owners agree that such a reduction is mutually beneficial.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Sections 25-38, 308, and 387 of the Augusta County Code by adding properties zoned General Agriculture and designated as community mixed use, neighborhood mixed use, and village mixed use on the County's Comprehensive Plan Future Land Use Map to the list of properties from which you are not required to provide a buffer yard in the parking, General Business, and General Industrial regulations. The Planning Commission recommends approval.

Ms. Earhart stated that this is an ordinance to amend the requirements in General Agriculture, Business, and Industrial that you are required to have a buffer yard. However, if you are adjacent to land that is zoned General Agriculture, but planned for Business and Industrial, that requirement is waived. This would also allow for it to be waived if you are zoned General Agriculture, but planned for neighborhood, community, or village mixed use, which could have a Business or Industrial component.

The Chairman declared the public hearing open.

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

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AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

Mr. Pyles moved, seconded by Mr. Moore, that the Board adopt the following ordinance:

**AN ORDINANCE TO
TO AMEND SECTION 25-38, 308, and 387
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-38, 308, and 387 of the Augusta County Code to add community mixed use, neighborhood mixed use, and village mixed use zones to the exclusion of buffering requirements of that section of the County Code;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 25-38, 308, and 387 of the Augusta County Code is amended to read as follows:

OFF-STREET PARKING

§ 25-38. Landscaping and screening.

- A. Off-Street Parking Landscape Strip. Except those servicing single family dwellings and two-family dwellings and townhouses located on individual lots, a minimum ten foot (10') wide landscape strip shall be provided along the front lot lines parallel to any public or private street and alley exclusive of areas dedicated for sidewalks (except within the approved exit and entrance ways) when the parking facility abuts such street or alley.
 - 1. Landscape strips must contain a combination of at least two (2) of the following: grass, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools. No bare ground shall exist.
 - 2. No landscape material shall be installed which will hamper the line of sight for drivers of vehicles entering or exiting parking facilities.
- B. Off-Street Parking Screening. Except those servicing single family dwellings and two-family dwellings and townhouses located on individual lots, off-street parking facilities or loading areas which are to the side or rear and within; 1. two hundred feet (200') of an established residential use in a residential or agricultural district; 2. one hundred feet (100') of a residentially zoned district; or 3. one hundred feet (100') of the buildable lot/s of a cluster subdivision shall be effectively screened on each side or rear which adjoins or faces such residential use or district. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business, ~~or industrial,~~ community mixed use, neighborhood mixed use, or village mixed use on the County's Comprehensive Plan Future Land Use Map.

§ 25-308. Buffer yards. (In General Business)

A. A buffer yard shall be provided adjacent to any property line not entirely zoned business or industrial or planned commerce and landscaped in one (1) of two (2) ways. No buffer yard shall be required if the adjacent property is zoned General Agriculture and planned for business, industrial, community mixed use, ~~or neighborhood mixed use,~~ or village mixed use on the County's Comprehensive Plan Future Land Use Map.

25-387. Buffer yards. (In General Industrial)

A buffer yard shall be provided adjacent to any property line not entirely zoned business, industrial or planned commerce and landscaped in one (1) of two (2) ways. No buffer yard shall be required if the adjacent property is zoned General Agriculture and planned for business, industrial, community mixed use, ~~or neighborhood mixed use,~~ or village mixed use on the County's Comprehensive Plan Future Land Use Map.

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

Nays: None

Motion carried.

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August 27, 2014, at 7:00 p.m.

AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Section 25-12 of the Augusta County Code by restating the requirement contained in Section 25-703 which states all lots in areas zoned R-18, R-15, R-12, R-10, and R-9 on September 30, 1995 shall remain subject to the floor space requirement in effect on that date. The Planning Commission recommends approval.

Ms. Earhart advised that this amendment is to restate the requirement in §25-12 that is already in the transition article in §25-703 that says lots zoned R-18, R-15, R-12, R-10, and R-9 on 9/30/95 remain subject to those house size requirements. This amendment restates the requirement and makes it easier to find the requirement, especially, for people who are looking at the Zoning Ordinance on line.

The Chairman declared the public hearing open.

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

Mr. Karaffa moved, seconded by Mr. Moore, that the Board adopt the following ordinance:

AN ORDINANCE TO TO AMEND SECTION 25-12 OF THE AUGUSTA COUNTY CODE

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-12 of the Augusta County Code to clarify the floor space requirements for properties previously zoned R-18, R-15, R-12, R-10, and R-9;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 25-12 of the Augusta County Code is amended to read as follows:

DIVISION A. IN GENERAL.

Article II. Provisions Applying to All Districts.

§ 25-12. Single-family dwellings.

- A. **All lots in areas zoned R-18, R-15, R-12, R-10 and R-9 on September 30, 1995, shall remain subject to the floor space requirements in effect on that date.** In all **other** districts, the minimum single-family dwelling size shall be nine hundred square feet (900 sq. ft.) unless:
 1. In Agriculture Districts, an Administrative Permit issued by the Zoning Administrator or a Special Use Permit from the board of zoning appeals is obtained; or
 2. A larger minimum size is required by proffered conditions approved by the board of supervisors pursuant to the provisions of applicable law with respect to conditional zoning; or
 3. Specific district regulations permit smaller dwelling sizes.
- B. For purposes of this section, the size of a single-family dwelling shall be measured by calculating the total floor area from the external measurement of the surrounding exterior walls of the dwelling, excluding vent shafts, courts, unenclosed porches, garages, breezeways and other unheated areas. For purposes of this chapter, tongues and hitches shall not be included in the measurement of the length of mobile and manufactured homes.
- C. Manufactured and mobile homes, where permitted, shall be subject to development standards that are equivalent to those applicable to conventional, site-built single family dwellings within the same or equivalent zoning district.

August 27, 2014, at 7:00 p.m.

AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

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

Nays: None

Motion carried.

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AUGUSTA COUNTY CODE – AMENDMENT

This being the day and time to consider an ordinance to amend Section 22-22 of the Augusta County Code by adding antique motor vehicles, all –terrain vehicles, mopeds, and off-road motorcycles to the list of household goods and personal effects that are exempt from personal property taxation.

Patrick J. Morgan, County Attorney, advised that this is an amendment to the exemptions from Personal Property Tax on certain household property. The Amendment includes addition of antique motor vehicles, all-terrain vehicles, mopeds, and off-road motorcycles to the list of items exempt from tangible personal property taxation. This is also a General Assembly Mandated Change.

The Chairman declared the public hearing open.

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

Mr. Moore moved, seconded by Mr. Karaffa, that the Board adopt the following ordinance:

**AN ORDINANCE TO
TO AMEND SECTION 22-22
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 22-22 of the Augusta County Code to make it consistent with the Code of Virginia;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 22-22 of the Augusta County Code is amended by renumbering Paragraph 8 to Paragraph 10 and adding a new Paragraph 8 and 9 so the ordinance will read as follows:

§ 22-22. Exemptions -- Household goods and personal effects.

The following household goods and personal effects owned and used by an individual or by a family or household incident to maintaining an abode in the county are hereby exempt from taxation as tangible personal property:

1. Bicycles.
2. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners, and all other household machinery, books, firearms and weapons of all kinds.
3. Pianos, organs, and all other musical instruments; phonographs, record players, and records to be used therewith; and radio and television instruments and equipment.
4. Oil paintings, pictures, statuary, curios, articles of virtue and works of art.
5. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.

August 27, 2014, at 7:00 p.m.

AUGUSTA COUNTY CODE – AMENDMENT (cont'd)

- 6. Sporting and photographic equipment.
- 7. Clothing and objects of apparel.
- 8. Antique motor vehicles as defined in § 46.2-100 of the Code of Virginia which may not be used for general transportation purposes.
- 9. All-terrain vehicles, mopeds, and off-road motorcycles as defined in § 46.2-100 of the Code of Virginia.
- 10. All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

Chairman Wills commented “I sure do appreciate General Assembly taking our tax dollars is all I have to say about this. When the situation is a local tax and the General Assembly is very fond of telling us that we can no longer charge taxes on it.”

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

J. N. Riddel, of Weyers Cave, Virginia, said that he had started a process about six years ago to construct a tractor shed on the end of his accessory building. At that time, he could not meet his setback; therefore, he came to the Government Center to find out what could be done and learned that there was a 10-foot vacant alley. Money that he had saved for the addition was spent on lawyers, titling fees, advertisements and surveying costs to abandon the alley. He learned later that the previous Board changed the ordinance and he was unable to make the addition. Currently, his tractor is on his grandmother’s property (who has recently deceased) and the property has been sold. He came to the Government Center, again, to apply for a permit and learned of the ordinance change. He asked the Board if there was anything that could be done. He reiterated that he did what he was instructed to do and still was unable to build the addition.

Timmy Fitzgerald, Director of Community Development, said that Mr. Riddel is correct. He said it was around 2008 when the alley was closed. Currently, his storage building is 896 square feet. In 2010, the ordinance was changed which required that any lots in Agriculture that were less than an acre would not be allowed to have over 900 square feet in accessory buildings to the home. Mr. Riddel has .34 of an acre; unfortunately, the ordinance is clear that it cannot be over 900 square feet. There have been similar issues on other properties. His addition would be 384 square feet, which would total 1280 square feet. He has the option to go before the BZA to request a variance; however, the State Code is very stringent in regards to variances. If he does not have a hardship, the BZA is not typically inclined to issue variances in cases such as this.

Chairman Wills asked the County Attorney, from a Board’s standpoint, is there anything because of the fact of what has occurred with Mr. Riddel, is there any action that the Board can take without changing the ordinance at this time. Mr. Morgan said that he would like to review this a little further and give his recommendations at the next meeting (September 10th).

August 27, 2014, at 7:00 p.m.

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

Mr. Karaffa understood that Mr. Riddel engaged in this process prior to the ordinance change. If the ordinance change had not taken place, he would have been in compliance to build the addition. Mr. Fitzgerald confirmed that was correct. Mr. Karaffa asked if the ordinance was written with a waiver component. Mr. Fitzgerald said there was no waiver language in the ordinance.

Mr. Morgan felt that, with Mr. Riddel having expended funds to be in compliance with the ordinance, may be a factor.

Mr. Pyles asked Mr. Fitzgerald that in the case of similar circumstances, did those people start the process before the ordinance change. Mr. Fitzgerald said the others were new buildings.

Larry Weeks, of Dooms, as a taxpayer, expressed concerns of money being spent regarding the new 10-Year School Plan. He felt that past plans have not being followed. He suggested that a committee be formed consisting of Board of Supervisors members, School Board members, Administration, Teachers and Parents to meet once a month for a year; at the end of that time would provide a report to the Board of Supervisors and School Board of their findings. He felt that would give them the time to study the actual facility needs.

Chairman Wills suggested that Mr. Weeks go to the School Board and express his concerns. The School Board did not appreciate the Board of Supervisors' interference. Mr. Weeks said that he had addressed the School Board in May.

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LEGISLATIVE LIAISON

The Board considered extension of current agreement for an additional twelve month period.

Patrick J. Coffield, County Administrator, reported that after Delegate Pete Giesen retired from being a legislator, he became Augusta County's first Legislative Liaison. Now, Jane Woods is the Legislative Liaison. "To get our needs before the Commonwealth and to work in concert with our General Assembly Delegation, her work is increasingly more important, especially, the fiscal side." It is staff's recommendation that the agreement be continued for another 12 months. Mr. Coffield added that it has been incorporated as part of the FY14-15 Budget.

Mr. Pyles moved, seconded by Mr. Karaffa, that the Board extend the agreement.

Chairman Wills added that Ms. Woods "does an excellent job". "As Vice Chair last year, and through this General Assembly Session, I stayed in close contact with Ms. Woods. She does an excellent job for us."

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

Nays: None

Motion carried.

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August 27, 2014, at 7:00 p.m.

GREENVILLE SEWER CLAIM

The Board considered response to submitted claim.

Vice-Chairman Shull read the resolution.

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

RESOLUTION

WHEREAS, In accordance with §15.2-1245 of the Code of Virginia, Fielder’s Choice Enterprises, Inc. has submitted a claim against the County for services to install a pipeline crossing under U.S. Route 11 at South River as part of the Greenville Sewer project; and

WHEREAS, Fielder’s Choice Enterprises, Inc. contends that the contract specified the method for the pipeline to cross under U.S. Route 11 and that actual subsurface conditions differed materially from conditions shown in the boring logs; and

WHEREAS, Fielder’s Choice Enterprises, Inc. claims a total amount of \$790,297.92; and

WHEREAS, In accordance with §15.2-1245 of the Code of Virginia, the County Attorney has examined the claim and advised the Board of Supervisors that, in his opinion, the claim ought not to be allowed because Fielder’s Choice Enterprises, Inc. has not shown that the contract specified the method for the pipeline to cross under U.S. Route 11 and that actual subsurface conditions differed materially from conditions shown in the boring logs, for these and additional reasons set forth in prior correspondence by the County Attorney, the Engineer, and others such as the June 24, 2014 letter from Timothy Fitzgerald to Donald Cantore and Martin Jansons, and for reasons such as set-off for liquidated damages and other set-off items, and no final inspection or final completion; and

NOW THEREFORE be it resolved that on the Advice of the County Attorney the Board of Supervisors denies the claim of Fielder’s Choice Enterprises, Inc. in its entirety.

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

Nays: None

Motion carried.

Mr. Pyles pointed out that this was a 60-foot pipeline “and they couldn’t figure that out? I would hate to think that I had to do 40 miles.”

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RAIL INDUSTRIAL ACCESS FUND PROGRAM

The Board considered allocation of local funding to match State funding for rail improvements to serve Valley Recycling.

Funding Source: Economic Development Account #80000-8145 \$75,000

Chairman Wills advised that this had been discussed at Monday’s Staff Briefing and asked if the Board had any questions of Amanda Glover, Economic Development Director, in regard to dispensing of funds that has been previously approved by another Board.

Mr. Moore moved, seconded by Ms. Bragg, that the Board approve the request.

August 27, 2014, at 7:00 p.m.

RAIL INDUSTRIAL ACCESS FUND PROGRAM (cont'd)

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

Nays: None

Motion carried.

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FLOOD CONTROL DAMS – NRCS

The Board considered watershed agreements for:

- 1. Todd Lake #10 (construction)
- 2. Hearthstone Lake #77 (planning and design only)

Funding Source: Flood Control Dams Account #80000-8154 \$1,421,000 (includes anticipated State funding)

Mr. Coffield reported that this had been discussed at Monday’s Staff Briefing. He emphasized that the \$1,421,000 is the local match; 35% non-federal. It is his anticipation that the State of Virginia will cover 25% (\$1 million) meaning that the County allocation would be \$406,000 out of a total project. To date, the last two General Assemblies approved \$400,000 a year for two General Assembly Sessions, totaling \$800,000. An additional request will come before the 2015 General Assembly for the remaining State allocation.

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

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

Nays: None

Motion carried.

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VRA BOND – WATER TANK PROJECT

The Board considered reimbursement resolution for Mill Place Commerce Park water tank project expenditures.

Jennifer Whetzel, Director of Finance, reported that this had been discussed at Monday’s Staff Briefing. The resolution will allow the County to reimburse itself for any expenditures for the water tank from those bond proceeds when the bonds close in November.

Mr. Karaffa moved, seconded by Mr. Moore, that the Board approve the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA
DECLARING ITS INTENTION TO REIMBURSE
THE COST OF CERTAIN EXPENDITURES**

WHEREAS, Augusta County, Virginia (the "County") desires to construct an elevated water storage tank and associated pipe extensions together with related antenna mounting and cathodic protection systems and to undertake all necessary actions in connection therewith including without limitation sitework (the "Project");

WHEREAS, the County has made or will make expenditures (the "Expenditures") in connection with the construction of the Project;

August 27, 2014, at 7:00 p.m.

VRA BOND – WATER TANK PROJECT (cont'd)

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County from the proceeds of one or more taxable or tax-exempt obligations to be issued by the County (the "Indebtedness"); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA (THE "BOARD"):

The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

The maximum principal amount of Indebtedness expected to be issued for the Project is \$2,164,000.

This Resolution shall take effect immediately upon its adoption.

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

Nays: None

Motion carried.

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PASTURES INFRASTRUCTURE ACCOUNTS

The Board considered the following allocations:

A) Churchville Elementary Booster Club – Addition to Playground

Funding Source: Pastures Infrastructure Account #80000-8014-90 \$5,248

B) Craigsville Fire Department – Repair to roof (50%)

Funding Source: Pastures Infrastructure Account #80000-8014-91 \$14,000

Mr. Coffield said both of these items were discussed at Monday's Staff Briefing.

CHURCHVILLE ELEMENTARY BOOSTER CLUB – ADDITION TO PLAYGROUND

Mr. Pyles explained why he was proposing 100% of the cost. "They have been very good about not asking for anything. They have put up more than \$50,000 worth of playground equipment without help from us." He noted that in the request, it was indicated that quite a bit of the fundraising went towards educational upgrades. He explained that, normally, when he gets a request, it is quite a bit higher cost. In this case, he felt that he could do the whole amount, especially, since they planned to continue helping the elementary school with technology upgrades.

Mr. Pyles moved, seconded by Ms. Bragg, that the Board approve the request.

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

Nays: None

Motion carried.

August 27, 2014, at 7:00 p.m.

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PASTURES INFRASTRUCTURE ACCOUNTS (cont'd)

CRAIGSVILLE FIRE DEPARTMENT – REPAIR TO ROOF (50%)

Mr. Pyles noted that Craigsville Fire Department does not have any career people. They recently purchased a tanker and in need of some additional funding to repair the roof. He recently spoke with the Mayor of Craigsville who indicated that they will fund 25% of the cost.

Mr. Karaffa asked if there were bids. Mr. Pyles said he did not think so. Chairman Wills added that the normal procedure is to pay as bills were submitted.

Mr. Pyles moved, seconded by Ms. Bragg, that the Board approve the request when submission of appropriate documentation for work completed, including invoices, and accepted by the agency are received.

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES

The Board considered Railside Industries – Fire Flow Waiver.

Mr. Fitzgerald advised that this had been discussed at Monday’s Staff Briefing. He reiterated that Railside Industries plans to construct a 26,697 square foot soil amendment building on their property. The required fire flow is 2,000 gpm; currently, 1,250 gpm is available. The construction of the storage building will be mostly concrete, which is non-combustible. He noted that the materials stored in the facility are non-flammable.

Neil Houff, applicant, reiterated Mr. Fitzgerald’s comments. He said the structure is concrete, steel trusses, with a canvas roof and not a flammable structure. Soil amendments is fertilizer, not the ones that would explode. Fire hydrants are in close proximity. He was available to answer any questions the Board may have.

Royce Hylton, with Brunk & Hylton Engineering, pointed out the possibility of a future building extension for possibly bagging. The construction would be similar to what is now being considered. He asked if a waiver could be given for this construction also. Chairman Wills mentioned the possibility of a “dry hydrant” for the future construction. He stated that he was uncomfortable in providing a waiver for construction that did not exist.

Mr. Moore moved, seconded by Mr. Shull, that the Board approve the request for the waiver for the soil amendment building only.

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

Nays: None

Motion carried.

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August 27, 2014, at 7:00 p.m.

CONSENT AGENDA

Mr. Karraffa moved, seconded by Mr. Shull, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, August 13, 2014

VALLEY COMMUNITY SERVICES BOARD

The Board considered proposed FY15 Budget and corresponding Performance Contract.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Karaffa:

1. Joint School Board/Board of Supervisors Committee – Has there ever been a joint committee that have looked at Capital Projects for input?

Mr. Coffield said that, in his history, the School Board has reserved the right to come before the Board with their recommendations. There were meetings with previous Board members regarding the Wilson Middle School project. They were not satisfied with the outcome of those meetings.

2. Ten-Year School Board Capital Projects – “book shelf ready” – That’s not true. Augusta County Budget is “book shelf ready”. Asked that the School Board have their next budget “book shelf ready” so that it be easier to understand.

Mr. Karaffa moved, seconded by Ms. Bragg, that the Board ask that the School Board make their budget “book shelf ready” and more understandable to the public.

Messrs. Wills, Moore, Pyles and Pattie agreed that it needed to be made clearer but did not want to see anything taken out of the budget.

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

Nays: None

Motion carried.

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Mr. Moore:

1. Map 21 funds – asked Mr. Fitzgerald what the deadline was for Route 636. Mr. Fitzgerald said that MPO Policy Board would need a resolution adopted sometime in October.
2. MPO Policy Board will tour Route 636, Exit 91 and a brief overview of Murphy Deming on Wednesday, September 3rd, at 10:00.

August 27, 2014, at 7:00 p.m.

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

Ms. Bragg: "Life is good in South River!"

Mr. Pyles:

1. Deerfield incident – jet crashed – Command Center is on site “flowing as it should”. Would like to be informed from County staff (instead of his son).
2. Property Rights – has a question of the constitutionality of law. He questions the right of utility workers and contractors walking on private land without getting a property owners’ permission. Suggested that County Attorney write Attorney General Herring for input on law.

Mr. Pyles moved, seconded by Mr. Karaffa, that the Board authorize County Attorney Morgan to write Attorney General Herring requesting an opinion on the constitutionality of 2004 Wagner Act – SB-663.

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

Nays: None

Motion carried.

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Mr. Pattie:

1. Thank you on comments on schools
2. The News Virginian – article regarding internet efforts in Augusta County. Asked that News Leader also do an article. He would like more information provided to the public. Ms. Whetzel or Mr. Pattie are available to answer questions.

Mr. Shull: In regards to Greenville Sewer Project - In reviewing monthly reports on Erosion and Sediment violations, wanted to make sure that staff is working with contractor to ensure compliance.

Chairman Wills:

1. Courthouse –
 - a. Met with Judge and Staunton Council members this morning. Judge Ludwig opined that when something is done with the Circuit Court, the General District Court also needs to be considered. He reiterated that renovations (or moving) of both courts need to be done at the same time. Chairman Wills asked that the County Attorney investigate whether the courts can be moved separately or would they have to be moved at the same time.
 - b. Courthouse costs for renovations or move – asked that information be provided to the Board at the next Staff Briefing. Mr. Karaffa suggested that this go through the Property Committee for consideration. Chairman Wills suggested that information be provided to the Board and then referred to the Property Committee for further review.

August 27, 2014, at 7:00 p.m.

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

Mr. Coffield further clarified that the Judge emphasized that if the Circuit Court is moved to Verona, then J&D and General District courts need to follow. He added that if renovations are made, the Judge expressed that “the needs don’t stop just at the Circuit Court”. As background, in 2003, the “Courts Facility Plan” indicated that County-City responsibilities were divided. Augusta County would be handling General District Courts and Staunton would take the lead with finding an appropriate location by 2020 for the J&D Court. Prior to 1990, the City of Staunton was the Fiscal Agent and the owner of the J&D Courts Building on New Street. The old Government Center was renovated for the J&D Court. In 2003, when the court analysis was done, it was deemed that it was not a long-term solution. With the Jail’s and Sheriff’s move from downtown, space could be renovated to allow additional time. “It was never intended to be a permanent solution. That 2003 report had charged Staunton with identifying an appropriate downtown site for the J&D Court.” The Staunton City Manager was of the opinion that the date was 2020; the Judge did not have that same opinion. Mr. Pyles added that the “decision will be made when the numbers are determined”.

2. Governance Meeting – occurred today. Will brief Board of meeting in the near future.
3. Weyers Cave – asked that it be discussed at the next Staff Briefing meeting that it be included in the MPO policy.
4. School Board – Wilson Elementary School – Suggested that the new housing complex of Life Core Drive be shifted to Stuarts Draft School zone like School Board previously did for housing development behind Rowe’s. Mr. Moore did not support this suggestion. Mr. Pyles stated that “the whole thing needed to be looked at in how it works. I would challenge them to speed that up rather than slow it down. When you get into busing and all that, it might not make sense.” Mr. Moore said Bridgeport Subdivision is currently in the Wilson school zone and closer to Stuarts Draft. Myers Corner is across the street from the Wilson Complex. “A new boundary line study looking at the capacity of that school and how it would affect what is going on with Cassell, looking at where the population density is, makes more sense than developing a new subdivision across from Wilson Complex.” Mr. Karaffa felt that vertical alignment could not be kept in place. The whole boundary line needs to be studied. Ms. Bragg agreed that the boundary line study makes sense. Mr. Pattie stated that he needed to look at the study before making a decision.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. State Cuts – Governor announced 5%-7% cuts – will inform Board of any new information.
2. Pipeline Meetings:
 - a. Staunton Pipeline meeting – Lee High School, Thursday, August 28th
 - b. Pyles Town Meeting – Government Center, Saturday, September 6th, at 9:00 a.m.
 - c. Dominion Open House meeting – Government Center, Monday, September 15th, 2:00 p.m. – 9:00 p.m.
3. Headwaters – joining with Rockingham County sister agency – looking at nine dams in the North River corridor, including three in Augusta County.

August 27, 2014, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 4. Fund Balances – On Monday, Board received Finance Department report on Fund Balance (\$1,286,046). Current plans to “hold funding” for:
 - a. School refund to their CIP \$156,120
 - b. SVSS refund \$139,840
 - c. CSA refund \$120,326
 - d. Rt. 636 P&I
 - e. Mill Place Water Tank P&I
 - f. Potential State FY2014-15 Budget cuts
 - g. Courts Projects
 - h. Depreciation Account deficits
 - i. Dams (local match)
 - j. Assessments refunds

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CLOSED SESSION

On motion of Mr. Shull, 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]:
 - 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) Economic Development Pending Prospect(s)
- (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) Greenville Sewer
- (4) 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) Courts

On motion of Mr. Shull, seconded by Mr. Karaffa, the Board came out of Closed Session and adjourned subject to the call of the Chairman.

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

Motion carried.

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August 27, 2014, at 7:00 p.m.

CLOSED SESSION (cont'd)

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

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

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

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

Roll Call Vote was as follows:

AYE: Pattie, Karaffa, Wills, Moore, Shull, Bragg 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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ADJOURNMENT

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

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

Nays: None

Motion carried.

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 Chairman

 County Administrator