
Regular Meeting, Wednesday, November 28, 2007, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: Nancy Taylor Sorrells, Chairwoman
David R. Beyeler, Vice-Chairman
F. James Bailey, Jr.
Wendell L. Coleman
Kay D. Frye
Larry C. Howdyshell
Tracy C. Pyles, Jr.
Steven L. Rosenberg, County Attorney
Dale L. Cobb, Director of Community Development
Becky Earhart, Senior Planner
Joseph W. Davis, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, November 28, 2007, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 232nd year of the Commonwealth....

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Chairwoman Sorrells welcomed the citizens present for the meeting and reviewed meeting protocols.

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Kurt Brill, a senior at Buffalo Gap High School, led the Pledge of Allegiance. Kurt attends the Shenandoah Valley Governor's School and runs cross country and track. He plans on majoring in Aeronautical Engineering at either Massachusetts Institute of Technology or the Air Force Academy.

Tracy C. Pyles, Jr., Supervisor for the Pastures District, delivered invocation.

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STEVEN L. ROSENBERG, COUNTY ATTORNEY, RESIGNATION

Chairwoman Sorrells announced the resignation of Steven L. Rosenberg, County Attorney, who has been employed with the County since May 1, 2003. He has accepted an appointment at the University of Virginia as the Associate University Counsel and Special Counsel. "It has been a pleasure for me, personally, to work with Steve. He has helped a very green person grow as a Supervisor and he has been very professional and has guided us well. I do want to tell him that going over to Mr. Jefferson's University—that Mr. Jefferson's training was in the field of law. He spent all of his time, while he was practicing, in the Augusta County courthouse and then he gave it up after that. He was known to say that, late in life, lawyers question everything, yield nothing, and talk by the hour. Have fun being a lawyer over there and we will miss you."

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PUBLIC HEARING RULES

Chairwoman Sorrells made the following statement:

We have a number of public hearings tonight. Because of the number of speakers each speaker will be allowed three (3) minutes, group presentation five (5) minutes, in an effort to provide time for all present to be heard. It is our intent to "hear your comments", so I am requesting that Board members not engage in debate with speakers.

November 28, 2007, at 7:00 p.m.

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A. TROY OR PAMELA I. RUTHERFORD AND RUTHERFORD CONSTRUCTION – REZONING

This being the day and time advertised to consider a request to rezone approximately 25 acres from General Agriculture to Single Family Residential and approximately 32.6 acres from Rural Residential to Single Family Residential owned by A. Troy or Pamela I. Rutherford and Rutherford Construction, Inc., located at the east end of Wild Cat Cove (Route 823) and south of the end of Beagle Gap Run (Route 1621) in Beagle Gap Forest Subdivision (Wayne District). The Planning Commission recommends approval with proffers.

Becky Earhart, Senior Planner, displayed property in pink that is to be rezoned from General Agriculture to Single Family Residential at the end of Wild Cat Cove; the property that is to be rezoned from Rural Residential to Single Family Residential was also designated. The applicant has submitted the following proffers:

1. The minimum square footage for single-family dwellings will be 1,500 square feet.
2. All lots will be served by public water and sewer.
3. No dwellings will be built on the 57.665 acres until the street connection has been made with Sandy Ridge Road (Route 621).
4. Prior to the issuance of the building permit for the 75th dwelling on this property, 2" of asphalt will be overlaid on Beagle Gap Run from Route 340 to its terminus and on the entire length of Wild Cat Cove.

A portion of the property that was zoned General Agriculture has been zoned since December of 1995 when the County started having two agricultural districts. The Rural Residential property has been zoned Rural Residential since June of 1986. The property is in an Urban Service Area, slated for Medium Density residential development. Public water and sewer are available.

The Chairwoman declared the public hearing open.

Kyle Olson, applicant, felt that the rezoning would better facilitate the land use which is slated for Medium Density residential growth by the current Comprehensive Plan.

Jimmie Roadcap mentioned that information had been given to the Board prior to the meeting noting that a portion of the property under consideration for rezoning belongs to Mr. Roadcap, not Rutherford. Chairwoman Sorrells reported that this information had not been delivered until 12:30 today. The Planning Commission met two weeks ago and had requested that that information be delivered to the Board immediately.

Brasil Hamrick, owner of Hamrick Engineering consisting of civil engineers and surveyors, showed a stack of papers to the Board that was research for this project. The paperwork consists of each deed for adjoining property owners that borders Mr. Rutherford's property. He noted that Mr. Roadcap's property was surveyed in 1982 by Tom Shumate; plat was recorded May 31, 1983. Mr. Shumate also surveyed the property that is now owned by Troy Rutherford, which was owned by John T. Jones Estates; subsequently, it was purchased by John Major and then purchased by Troy Rutherford. He stated that his survey crew met Mr. Roadcap on the property while they were in the field. Mr. Roadcap showed them his blazed line; all the deed evidence was found in the field. Mr. Hamrick stated that they were in compliance with all the recorded

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A. TROY OR PAMELA I. RUTHERFORD AND RUTHERFORD CONSTRUCTION – REZONING (cont'd)

information in the courthouse and that there should be no problems.

Mr. Roadcap said that he has never met with any of the surveyors.

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

Mr. Coleman reported that he has not received any concerns about this request. He has learned that this issue has predated many members of the Board. As indicated tonight, research of the records certify that the property belongs to Rutherford Construction. He felt that the information given to the Board tonight did not allow the Board enough time to review. Mr. Coleman asked Ms. Earhart how long this issue has been ongoing. Ms. Earhart reported that she had reviewed the minutes where it was rezoned to Rural Residential in the 1980s, noting that the same issues were raised. They asked for documentation and there was no indication that any was given. The Board made a recommendation and decision to rezone the property.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance with proffers:

A request to rezone approximately 25 acres from General Agriculture to Single Family Residential and approximately 32.6 acres from Rural Residential to Single Family Residential owned by A. Troy or Pamela I. Rutherford and Rutherford Construction, Inc., located at the east end of Wild Cat Cove (Route 823) and south of the end of Beagle Gap Run (Route 1621) in Beagle Gap Forest Subdivision in the Wayne District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

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A. TROY OR PAMELA I. RUTHERFORD AND RUTHERFORD CONSTRUCTION – REZONING (cont'd)

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

Parcel number 127B on tax map number 68 and parcel number 80A (portion) on tax map number 69 containing approximately 57.665 acres are changed from General Agriculture and Rural Residential respectively to Single Family Residential with the following proffers:

- 5. The minimum square footage for single-family dwellings will be 1,500 square feet.
- 6. All lots will be served by public water and sewer.
- 7. No dwellings will be built on the 57.665 acres until the street connection has been made with Sandy Ridge Road (Route 621).
- 8. Prior to the issuance of the building permit for the 75th dwelling on this property, 2" of asphalt will be overlaid on Beagle Gap Run from Route 340 to its terminus and on the entire length of Wild Cat Cove.

Vote was as follows: Yeas: Howdyshell, Frye, Sorrells, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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STEVEN ERIC BRADLEY – REZONING

This being the day and time advertised to consider a request to rezone from Exclusive Agriculture to General Agriculture approximately 0.28 acres owned by Steven Eric Bradley located on the north side of Broadhead School Road (Route 675) approximately 0.25 of a mile east of the intersection of Broadhead School Road (Route 675) and McClures Mill Road (Route 604) (Riverheads District). The Planning Commission recommends approval.

Ms. Earhart displayed the property outlined in pink; the land in lighter blue is zoned Exclusive Agriculture; the darker blue is zoned General Agriculture. The property was zoned Exclusive Agriculture in December of 1995 when the County established the two agricultural districts. It is in the Comprehensive Plan policy area of Agricultural Conservation Area. There is no public water and public sewer. Ms. Earhart explained to the audience that the reason for rezoning is that the property to be rezoned is to be conveyed to the adjacent property owner. In order for that to happen, the land has to be in the same zoning classification; if there is different zoning, the land has to be able to stand on its own. The minimum lot size in Agriculture is 1 acre; this property is .28 acres.

The Chairwoman declared the public hearing open.

Because of the applicant being unable to attend due to illness, Ms. Earhart stated that the Atkins presented at the Planning Commission meeting that they are interested in acquiring land from Mr. Bradley so that they can enlarge their backyard. Mr. Bradley supported the Atkins' request.

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STEVEN ERIC BRADLEY – REZONING (cont'd)

There being no one present to speak for or against, the Chairwoman declared the public hearing closed.

Chairwoman Sorrells stated that this is simply a housekeeping matter and has asked Mr. Beyeler to make the motion.

Mr. Coleman explained to the audience that the items on tonight's agenda had been thoroughly discussed at Monday's Staff Briefing, November 26th and no actions are taken until the Wednesday night meeting. Chairwoman Sorrells added that the Staff Briefings are open to the public, noting that they occur on the Monday before the fourth Wednesday at 1:30 p.m.

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

A request to rezone from Exclusive Agriculture to General Agriculture approximately 0.28 acres owned by Steven Eric Bradley located on the north side of Broadhead School Road (Route 675) approximately 0.25 of a mile east of the intersection of Broadhead School Road (Route 675) and McClures Mill Road (Route 604) in the Riverheads 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 25A (portion) on tax map number 82 containing approximately 0.28 acres is changed from Exclusive Agriculture to General Agriculture.

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STEVEN ERIC BRADLEY – REZONING (cont'd)

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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INTERSTATE BUSINESS PARK, LLC. – REZONING

This being the day and time advertised to consider a request to rezone from General Business to Multi Family Residential with proffers approximately 17 acres and a request to rezone from General Business to General Business with proffers approximately 86.7 acres owned by Interstate Business Park, LLC, located in the northeast quadrant of the intersection of Tinkling Springs Road (Route 285/608) and Ramsey Road (Route 635) in Fishersville (Beverley Manor District). The Planning Commission recommends denial. The Planning Commission recommends if the Board of Supervisors does approve the rezoning, the following changes to the proffers be made prior to the approval of the rezoning: 1) A proffer be added to tie the development of the project to the traffic impact on the interstate bridge; 2) Proffer #2 be amended to include tying the road improvements to the business development; 3) Proffer #5 be amended to exclude the square footage of development that occurs on lots sold prior to the rezoning; 4) Proffer #12 be deleted in its entirety.

Ms. Earhart displayed the property under consideration in red that is already zoned Business and is to be rezoned to Business with proffers, which are additional conditions that are placed on the use of the land. It does not include the parcels that are already created which are outlined in yellow on the map. The property to be rezoned to Multi Family Residential is off-white on the map. The rezoning includes the following proffers:

1. Development of the parcel shall be in general accord with the Preliminary Plat for Westgate prepared by Terra Concepts, P.C., and dated October 22, 2007, as amended from time to time and approved by the County’s Department of Community Development (the “Preliminary Plat”).
2. Interstate Business Park, L.L.C., its successors or assigns, shall cause completion of the “Road Improvements,” as defined in that certain Development Agreement, dated as of November 22, 2003, by and between the County of Augusta, Virginia, and Bill V. Neff, Sr., as amended and assigned by that certain First Amendment to and Assignment of Development Agreement dated as of January 20, 2006, by and among the County of Augusta, Virginia, Bill V. Neff, Sr., and Interstate Business Park, LLC, and as further amended from time to time (the “Development Agreement”). The Road Improvements shall be substantially completed and open for public use prior to the issuance of the building permit for the fifty-first (51st) residential unit in the Multi-Family Residential zoned property.
3. Willowbrook Drive shall be substantially completed and open for public use between Expo Road (Route 935) and Ramsey Road (Route .635), as shown on the Preliminary Plat, prior to the issuance of the building permit for the fifty-first (51st) residential unit in the Multi-Family Residential zoned property.
4. Within sixty (60) days of the latter to occur of: (i) approval of the rezoning, or, (ii) approval from VDOT of the Road Construction Plans labeled “Neff Property Rte. 608,” dated 6/22/05 and the corresponding Construction Sequencing Plan, Interstate Business Park, LLC, its successors or assigns, shall enter into

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INTERSTATE BUSINESS PARK, LLC. – REZONING (cont'd)

amendments to the Development Agreement and related agreements, in forms approved by the county Attorney, which shall exclude the Multi-Family Residential zoned property from the terms of the Development Agreement and related agreements.

5. Construction in the Multi-Family Residential zoned property shall be staged with the development of the General Business zoned property. The staging plan is as follows (the square footage as stated below shall include all improvements constructed on the property shown on the Preliminary Plat):
 - a. Stage I shall consist of a minimum of 50,000 square feet of improvements in the General Business zoned property and up to 50 individual residential units in the Multi-Family Residential zoned property; provided, no building permits shall be issued for individual residential units until certificates of occupancy have been issued for 50,000 square feet of improvements in the General Business zoned property.
 - b. State II shall consist of a minimum of 100,000 square feet of improvements in the General Business zoned property (including the square footage of improvements completed as a part of Stage I in excess of 50,000 square feet for which a certificate of occupancy has been issued) and up to 100 individual residential units in the Multi-Family Residential zoned property; provided, no building permits shall be issued for individual residential units until certificates of occupancy have been issued for 150,000 square feet of improvements in the General business zoned property (in the aggregate for Stages I and II).
 - c. State III shall consist of a minimum of 100,000 square feet of improvements in the General Business zoned property (including the square footage of improvements completed as a part of Stages I and II in excess of 150,000 square feet for which a certificate of occupancy has been issued) and any additional individual residential units in the Multi-Family Residential zoned property; provided, no building permits shall be issued for individual residential units until certificates of occupancy have been issued for 250,000 square feet of improvements in the General Business zoned property (in the aggregate for Stages I, II and III).
6. Any buildings constructed in the Multi-Family Residential zoned property within 115' of the centerline of Ramsey Road (Route 635) (as measured at the time of the approved proffer) shall not exceed 35' in height. All other buildings constructed in the Multi-Family Residential zoned property shall not exceed 45' in height.
7. The owner shall install a minimum 20' planted buffer parallel to Ramsey Road (Route 635) along the Multi-Family Residential zoned property. The buffer shall contain a mixture of deciduous and evergreen trees and shrubs and shall be subject to the approval of the Planning Commission as part of the Plan of Development for the Multi-Family Residential project.
8. The owner shall dedicate to the County or the Virginia Department of Transportation, for public street purposes, (a) such portions of the parcel as are necessary to construct the Road Improvements in accordance with the Development Agreement, and (b) additional portions of the parcel parallel and

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INTERSTATE BUSINESS PARK, LLC. – REZONING (cont'd)

adjacent to Ramsey Road (Route 635) within an area 25' from the existing centerline of Ramsey Road (Route 635).

9. The recreational amenities for the Multi-Family Residential project shall include, at a minimum, a clubhouse/fitness center, outdoor swimming pool, tot lot, and tennis/multiuse court and shall be subject to the approval of the Planning Commission as part of the Plan of Development for the Multi-Family Residential project. Nothing herein shall preclude a determination by the Planning Commission that additional recreational amenities are necessary to meet the recreational needs of the expected residents.
10. There shall be no direct access from the Multi-Family Residential zoned property to Ramsey Road (Route 635), or to the Multi-Family Residential zoned property from Ramsey Road (Route 635). All vehicular entrances for the Multi-Family Residential zoned property shall be on Willowbrook Drive.
11. There shall be no direct access from the General Business zoned property to Ramsey Road (Route 635), or to the General Business zoned property from Ramsey Road (Route 635). All vehicular access to and from the General Business zoned property shall be by means of the parcel's internal road system, as generally shown on the Preliminary Plat.
12. Within one hundred twenty (120) days of the approval of the rezoning, Interstate Business Park, LLC, its successors or assigns, shall use its best efforts to rename the subdivision from "Interstate Business Park" to "Westgate" following the procedures set for the Section 15.2-2272 of the Code of Virginia. In summary, the procedure requires vacating the earlier subdivision plat and putting a new plat to record with the new subdivision name, with the agreement of all of the lot owners or by an action of the Board.

Ms. Earhart stated that this property has been zoned General Business since November of 1980; it is in an Urban Service Area, slated for Business development. It has public water and public sewer.

Keith Lancaster, of Southern Development, introduced Steve Edwards, with Terra Concepts, Seth Roderick, with Valley Engineering, and Lois Haverstrom, with Southern Development as General Counsel.

Steve Edwards gave a PowerPoint presentation on the project, highlighting the following:

- Surrounding Conditions
- Currently Approved Master Plan
- Phase I limits
- Under Construction
- Block Plan Proposal
- Proposed Development
- Context Map
- Conceptual Vision
- Illustrative Plan
- Proposed Residential Style
- Plan Comparison (Examples: Staunton, Waynesboro)

Mr. Edwards stated that big box retailers wanted to see houses before they commit to Interstate Business Park. Approval has already been given for a Country Inns & Suites, but the hotel developer is waiting for something else to happen in the park before starting construction.

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INTERSTATE BUSINESS PARK, LLC. – REZONING (cont'd)

Seth Roderick, Traffic Engineer for Valley Engineering Surveying and Planning, in Harrisonburg, has been the lead Traffic Engineer dealing with all the transportation aspects of this project since 2003. He mentioned that there was a Traffic Impact Analysis associated with the existing Master Plan that was approved by VDOT in 2003. That Traffic Impact Analysis recommended certain mitigation measures of widening Routes 608, 635, and 935. Those improvements were tied to the TIF and construction documents were prepared and approved by VDOT and the county in July 2005. Those improvements included widening Route 608 from the existing two lanes to four lanes, plus right turn lanes and left turn lanes where appropriate, two additional signals, extra turn lanes and widening on Expo Road, and road widening on the turn lanes on Ramsey and Augusta Farms Road. With this request tonight, the developers are requesting the rezoning of a portion—17 acres, roughly 20% of the commercial land from Business to Residential. Residential zoning produces less traffic than the Commercial zoning. He gave an example of the 17 acres showing approximately 224 apartments, roughly equivalent to 1,500 trips per day. If that 17 acres was developed commercially, that would produce 9,900 trips per day. In regards to potential impact, State regulations require a Traffic Impact Analysis for any substantial development that produces 250 vehicles in the peak hour or 2,500 vehicles in a given day. He pointed out that if this development should develop at an extraordinary rate, there is a protection because of the required Traffic Impact Analysis.

Mr. Lancaster reiterated that the residential component of this site would increase the tax base of the commercial site. He mentioned that there would be neighborhood services that would make it a pedestrian friendly environment and would reduce traffic.

Ms. Earhart clarified to the audience that the preliminary plat discussed tonight does not preclude them from doing a similar preliminary plat for business development to allow some of the same impacts discussed tonight. In terms of the traffic impact, originally, when the preliminary plat was done, it was based on an old rezoning, so the traffic impact was just done on the roads that are adjacent to the property. A traffic study as part of a rezoning can look at impacts to the property further away. An updated traffic study for the project was never done although it was requested by VDOT. Ms. Earhart reminded the Board that mitigation measures identified by traffic studies can only be requested and proffered at the rezoning stage. The County has no ability to ask for improvements at the site plan stage. With the road improvements that are planned from Expo Road to Ramsey Road, there was excess capacity; however, capacity of the bridge over Interstate 64 from this property is already limited. Rezoning the land to residential will increase the immediate impact on the bridge when the County knows that the bridge cannot handle much more traffic. The bridge improvement project is in the Six-Year Plan, but construction is not slated to begin until 2012.

Ms. Frye asked what borders the 17 acres. Ms. Earhart said that the blue is General Agriculture and the purple area is Industrial. Ms. Frye asked where the motor cross track was located. Ms. Earhart said that the motor cross track was part of Expo and is being considered by the Board of Zoning Appeals this month.

The Chairwoman declared the public hearing open.

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JIMCO, LLC – WITHDRAWAL FROM AGRICULTURAL AND FORESTAL DISTRICT

Ms. Earhart advised that James Mohler has submitted a letter to the County requesting permission to withdraw a portion of his property from the North River Agricultural and Forestal District in order for him to be able to apply for a Special Use Permit to construct a cell tower on his property. Ms. Earhart displayed the property outlined in red. The request has gone to the Agricultural and Forestal District Committee, as well as the Planning Commission. They both recommend that the 48.38 acres (shaded in blue) be allowed to be withdrawn from the Agricultural and Forestal District which will allow Mr. Mohler to apply to construct a cell tower through the Board of Zoning Appeals. Jim Mohler, applicant, reiterated that he hoped to install a cell tower on his property to improve cell service in the area and was available to answer any questions.

The Chairwoman declared the public hearing open.

There being no one present to speak for or against, the Chairwoman declared the public hearing closed.

Mr. Howdyshell stated that Mr. Mohler is a dedicated farmer and that the project would help supplement farm income and benefit the area with improved telecommunications services.

Chairwoman Sorrells stated that she had received a call expressing concerns of eroding the character of the area by going from Exclusive Agriculture to General Agriculture. She explained the reasons for this request – that you cannot have a Special Use Permit in Exclusive Agriculture and that there was no intention of changing the character of the rest of that acreage.

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

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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PUBLIC HEARING RULES

The Chairwoman gave the following statement:

I welcome each and every one of you here tonight. On behalf of the Board of Supervisors, I would like to express my appreciation for your public interest and participation in tonight's hearing. Because transportation planning is a State-Local effort, an invitation was extended to our 2007 General Assembly delegation to hear your comments along with VDOT's Residency Administrator. With us this evening are:

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PUBLIC HEARING RULES (cont'd)

VDOT:

Residency Administrator, Jimmy White
 Assistant Residency Engineer, Timmy Fitzgerald

Because of the number of speakers, please try to limit it to three minutes.

With these introduction remarks, I would like to review with you our operating procedures for tonight's public hearing:

1. Request that each of you review the handout provided with the agenda.
2. Augusta County and VDOT reviews the Six-Year Plan every year. The Six-Year Plan includes secondary road and revenue sharing projects. Primary road projects are reviewed annually in October by the VDOT District Office. Because of the number of speakers, each speaker will be allowed three (3) minutes in an effort to provide time for all present to be heard. It is our intent to "hear your comments" so I am requesting the Board members not to engage in debate with speakers. In accordance with past Board practice, we will call for comments by districts. The order will be as follows:

PASTURES
 BEVERLEY MANOR
 MIDDLE RIVER
 NORTH RIVER
 RIVERHEADS
 SOUTH RIVER
 WAYNE

I might note that this order changes every year with the first district called this year going to the end of the list next year.

3. We acknowledge that some speakers are uncomfortable with public speaking. Therefore, we will accept written comments tonight as part of this public hearing. Staff will be keeping time and at the end of three (3) minutes, they will raise their hand to let the Chairman know your time is up.
4. SPEAKERS should approach the podium so they may be visible and audible to the Board, staff, and audience. Each speaker should clearly state his/her name and address. All questions should be directed to the Chairman. Members of the Board are not expected to respond to questions and response to questions are made at the Chairman's discretion.
5. If necessary - A fifteen minutes break will be called at 9:00 p.m.

Again, we want to be fair to all speakers, so please help us by preserving decorum.

Mr. Beyeler mentioned that Delegate Cline was here at the beginning of the meeting, but had to leave.

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VDOT SIX-YEAR PLAN

This being the day and time advertised to consider and receive input in regards to the proposed Secondary Road Construction Improvement Program for the State Secondary System of Highways in accordance with Section 33.1-70.01, Code of Virginia, 1950, as amended; the program covers the six-year period from July 1, 2008 through June 30, 2014. The Board will also receive input on the Secondary Road Construction Improvement Budget for Fiscal Year 2008-09. The Budget covers the period from July 1, 2008 through June 30, 2009.

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VDOT SIX-YEAR PLAN (cont'd)

The Chairwoman declared the public hearing open.

Jimmy White, Residency Administrator, reviewed with the public the purpose for conducting the public hearing:

"I am Jimmy White. I am the Resident Administrator in Verona. I brought two people here with me tonight—Tim Fitzgerald and Al Scott. Al is actually our Contract Administrator in the Residency that is actually responsible for setting up most of these projects. Tonight as a combined public hearing is to receive input from you on the projects to be included in the Secondary Road Construction Improvement Program (sometimes referred to as the Six-Year Plan) for Augusta County for the next six-year period beginning July 1, 2006 through June 30, 2012. We are seeking your input on the allocations to be made to projects for FY2006-2007, from July 1, 2006 to June 30, 2007.

Most of the comments we receive are requests for roads to be added to the improvement program. What will happen after the public hearing tonight, we at VDOT, working with the Board of Supervisors, will take your requests and see how and if we can accommodate them and, hopefully, be able to add them into the improvement program. We will look at things such as whether or not your request qualifies for a particular type of road treatment. We'll look to see if we can get the right-of-ways if we need them and those other technical things that we have to deal with. Then we'll look to see whether or not we have the funds to be able to address those roads. We are precluded by policy from adding roads to the system unless we can give you some sort of assurance that we are actually going to build them. Many years ago, we just added projects to the plan; that would languish out there for years and they would never get built. We straightened that out a few years ago. We do not have as many projects in the plan these days, but, at least, we can tell you that we are going to build them. We're happy to take your comments tonight. Like I said, over the next couple of weeks, we will be working with the Board to see if we can add projects in the plan and then, ultimately, adopt the Six-Year Plan.

Chairwoman Sorrells added that if you are not comfortable in speaking, VDOT will be happy to take written comments.

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PASTURES DISTRICT

Ron Sprouse, on Troxel Gap Road (Route 682), asked that VDOT consider a Rural Rustic Roads Program on .5 of a mile. He said this property consisted of 16 developments – 3 camps and 13 dwellings. He mentioned the dust problems and maintenance, such as snow removal, that was needed. He stated that he would like to it paved from where the road stops up to the end that actually joins state land (mountainous) where the school bus turns around. He also suggested that a speed limit sign be installed.

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VDOT SIX-YEAR PLAN (cont'd)

PASTURES DISTRICT (cont'd)

Mr. Pyles apologized for the lateness of the public hearing. Mr. Pyles also mentioned logging trucks that travel on this road that stirs up dust.

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BEVERLEY MANOR DISTRICT – NONE

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MIDDLE RIVER DISTRICT

Darrell Landrum, 26 Crimora Lake Lane, an officer and representative of the Crimora Mines Property Owners Association, mentioned that on October 19, 1997, Kay Frye attended one of their meetings. At that time, a report was given concerning the paving of Route 612 and Ms. Frye said there was a note of interest of the Board of Supervisors at that time to pave Route 612. He noted that the property is .6 of a mile instead of .8 of a mile. He expressed traffic concerns, extreme dust, and bad potholes. Mr. Landrum said that his property was at the end of the state road and offered some of his property for the purposes of a turnaround. Mr. Beyeler asked how many houses were in this area. Mr. Landrum said there was Lake Hideaway on that road. A survey had been done reporting over 500 cars. He said there was probably 15 homes in the Association.

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NORTH RIVER DISTRICT - NONE

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RIVERHEADS DISTRICT

Chairwoman Sorrells reported that Riverheads has the most unpaved roads in Augusta County (99 miles) and noted that Augusta County has been the leader in Virginia in the Rural Rustic Roads Program. There is less than 2 miles of gravel roads wanted to get into the Rural Rustic Roads Program.

Richard Humphries, representative for residents and property owners on Wright Lane, presented a petition asking “to be put on the Six-Year County Road Plan for consideration of the rustic county road surfacing. We think this would cut down on some dust, may add some value to our property and would improve the appearance of the south entrance of our community”.

Nelson Hylton, of Evans Lane (Route 815), presented a petition, requesting “the state to give serious consideration to surfacing the street. During rain storms, we have constant potholes and gravel washing into our yards. At other times, it is a cloud of dust with each passing vehicle. During the summer, the state applied a liquid chemical to control dust, which is effective for approximately a week. Our road is approximately two tenths of a mile long and we believe an asphalt-gravel surface would be a savings to the state over a period of time and a wonderful improvement to our neighborhood.”

John Keys, president of the Kaolin Spring Homeowners Association, presented a petition, requesting “that the Virginia Department of Transportation use surface treatment on Route 898, Pine Chapel Road, in Augusta County. The current method of gravel does not stand up to the travel on this road. There are seventy families currently using the road and this traffic creates dust and potholes.” Mr. Keys also mentioned a blind spot on the curve at Route 898 from Route 608. Chairwoman Sorrells added that

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VDOT SIX-YEAR PLAN (cont'd)

RIVERHEADS DISTRICT (cont'd)

that road serves approximately 70 households and is approximately .6 of a road beyond Kaolin Spring entrance.

Tina Martina, of Walnut Creek Homeowners Association, advised that Hilltop Drive (Route 686) and Swartzel Shop Road (Route 694) represents residential homeowners, small home-based business owners, larger commercial business owners and agricultural business and farm owners. Ms. Martina suggested the following proposal:

Add the paving of Hilltop Drive and Swartzel Shop Road to the Augusta County Comprehensive Plan. Recommend two (2) phases:

- Phase I: Pave Hilltop Drive to connect to the existing partial pavement of Swartzel Shop Road and to the pavement of Walnut Creek Subdivision.
- Phase II: Complete paving of Swartzel Shop Road to connect Route 11 with 340.

Ms. Martina expressed the following concerns:

1. Pedestrians are forced to breathe into their lungs heavy amounts of dust generated by cars and trucks passing by while walking.
2. Visibility is almost completely eliminated by the dust clouds generated by passing cars making it extremely dangerous, especially for pedestrians.
3. Large ruts in and on the sides of the road occur every time it rains making it extremely dangerous. Many times causing potential for accidents due to drivers manipulating their vehicles to avoid large potholes and ruts.
4. Buses from Riverheads Schools, which are at maximum capacity with no seat belts, are traveling down a road that is often rutted with large drop off areas on the sides causing potential danger to our children
5. Unusually high cost for private and commercial vehicle owners for frequent tire repairs/replacement, front-end alignments and washes.
6. Impacting the ability of business owners to maximize on economic growth due to customers being reluctant to or refusing to do business because of the condition of the roads or easy access to the business.

Ms. Martina pointed out that the Walnut Creek Homeowners Association has provided annual funds for regular road maintenance in the subdivision; provided funds to improve the road drainage system in the subdivision; and provided \$39,300 of private funds (average of \$4,000 per lot) to pave Walnut Creek Subdivision and install six (6) speed bumps to ensure the safety of children and animals.

James Janney stated that he would prefer that Swartzel Shop Road would not be paved. He did not want the additional traffic. He also asked about the water issues if

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VDOT SIX-YEAR PLAN (cont'd)

RIVERHEADS DISTRICT (cont'd)

paved. He also asked if guardrails would be installed. Chairwoman Sorrells asked what Mr. Janney thought about Hilltop Drive being improved. Mr. Janney felt that would be a good improvement.

Frank Clemmer and Dee Snow, of Clemmer Knoll Lane (Route 802), stated that it was .5 of a mile and was a rough road and very dusty. Ms. Snow mentioned safety concerns.

* * *

SOUTH RIVER DISTRICT - NONE

* * *

WAYNE - NONE

* * *

Mr. Coleman mentioned that he hoped to improve Dal Housie Road (Route 799) in the amount of \$155,000 out of his infrastructure account. Mr. Coleman explained that the funds are divided by 7. He mentioned that he has one bridge project that is over \$6 million.

Ms. Frye, regarding Route 612, Crimora Mines Road, stated that this road heads east from Route 340 and that the cost for .6 of a mile is \$500,000 because of drainage issues. The road is in the Six-Year Plan. If Rural Rustic funds are available, it may be paved as early as 2010.

Chairwoman Sorrells pointed out that these roads are a state/local project. Four years ago, when construction costs were less, the County received \$30.6 million; last year, the County was originally given \$14 million and then it was revised to \$23 million.

Mr. Howdyshell stated that he was surprised that no one was present from the North River District. He supported the Rural Rustic Road Program where roads could be paved without acquiring a right-of-way and doing it more cost-effectively. He mentioned one problem of not having speed limit signs posted and hopes that legislators get this approved.

* * *

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

Chairwoman Sorrells asked that Mr. White return at the December 12th meeting with the final recommendations.

* * * * *
(END OF PUBLIC HEARINGS)
* * * * *

A five-minute recess was taken at 9:15 p.m.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following:

Mr. Bailey:

1. STREETLIGHT REPORT

Considered report for the installation and/or upgrading streetlights at the southeast corner of intersection of Verona Court Boulevard (Route 1919) and Middle River Lane (Route 1922) (Beverley Manor District).

On November 28th, the Streetlight Committee (consisting of Jim Mowbray/VDOT, Doug Bishop/Virginia Power, Supervisor Jim Bailey, and Todd Flippen, Acting County Engineer) viewed the location. The Committee agreed the streetlight request meets the County policy. Doug Bishop stated the light will be installed at this location for no charge.

Mr. Bailey moved, seconded by Mr. Coleman, that the Board approve the Streetlight Committee's recommendation.

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

* * * * *

2. Emergency Officers Association Meeting – Cost of volunteers to respond to emergency calls discussed. Lot of debate regarding increased gas prices and volunteers with fixed income. Volunteers cannot afford to respond to all the emergency calls. Chart distributed to Board indicating that \$109,000 was needed to provide assistance. Mr. Bailey suggested that other alternatives be provided at the next meeting (December 12th).

* * *

Mr. Coleman: Imperial Apartments – “Southport Financial Services, Inc. has an option on a 12-acre portion of a 26-acre multi-family site located at the end of Imperial Drive in the Wayne District. Southport is a strong national company with a track record of many successful projects in Virginia and across the nation. They are planning an 84-unit complex on this site that will include mostly two and three-bedroom units and will include a number of handicap accessible units. The project will seek Virginia Housing Development Authority (VHDA) tax credits by offering housing that is affordable by and limited to citizens that earn no more than 60% of the median area income. That income level (mid-\$30,000 for singles and \$40,000 for the families) will mean that Imperial Apartments will ideally be suited for modest wage earners including entry level teachers, police officers, fire and emergency services personnel, etc. The project will feature on-site maintenance and professional management. Imperial Apartments is not a subsidized housing project.

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

Southport is a long-range vision for the property and includes a seniors housing project on the remaining 14 acres of the site." Mr. Coleman understood that each of the Board members (current and newly elected) have all been briefed of this project and are favorable.

Mr. Bailey felt that the location for Imperial Apartments makes sense. "It's an ideal location for multi-family housing contrary to the request we had earlier."

Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board authorize the County Administrator to submit a letter to the Virginia Housing Development Authority supporting the allocation of federal housing tax credits, which are being requested by Southport Financial Services, Inc., for this project.

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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

Ms. Frye: As Board of Supervisors' liaison to the library – was presented a gift at the Library Board meeting.

* * * * *

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

Mr. Howdyshell:

1. Steve Rosenberg – Congratulations on his new employment. "I have sat here beside this gentleman for this past year and I remember back when Tracy and I were on the interview team to interview this gentleman. It was kind of like fresh milk – cream kind of rose to the top. We selected him to be our county attorney. To bring a boy down from northern Virginia—a city slicker—I think he has done us a great job! Very detailed. Not only is he a lawyer, he is willing to learn! I've had him out on those old country roads. I've had him out in the cow pasture. He has been wanting to go to the stock sale. You know, he is interested in what made this county tick. He just didn't sit behind closed doors in the basement with no windows. He did get out every once in a while. I hate to see him leave, but I'm glad that it is an opportunity for him to move forward. We are losing a great asset, but in our loss, there will be someone else's gain. I wish you the best!"
2. Route 646, Fadley Road – complaints from citizens regarding the speed limits. Asked that staff contact Sheriff's Department.

Mr. Pyles: Steve Rosenberg – appreciated Mr. Howdyshell's remarks.

Mr. Beyeler:

1. Steve Rosenberg – Wished Mr. Rosenberg the best.

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WEYERS CAVE WATER SYSTEM IMPROVEMENTS (cont'd)

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler,
Bailey, Pyles and Coleman

Nays: None

Motion carried.

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ADULT BUSINESSES

The Board considered draft ordinances to regulate secondary effects of adult businesses.

Steven L. Rosenberg, County Attorney, informed the Board that three documents were included in the agenda package:

1. Resolution of Intent to refer to the Planning Commission the draft Zoning Ordinance concerning the regulation relating to adult businesses.
2. Most recent draft of the Zoning Ordinance.
3. Police Powers Ordinance which includes, among other things, provisions which require adult businesses to obtain a permit from the Sheriff after completing a background investigation by the Sheriff's Office. In addition, there are several other measures in the exercise of the County's Police Power that have been discussed previously.

Mr. Rosenberg advised that the drafts are not substantively different from before; several versions have been reviewed – Henrico County and the recently adopted ordinance by the City of Staunton. What is before the Board takes the same form as what is in effect in those localities and what has been discussed previously.

Mr. Rosenberg made the following observations regarding the Zoning Ordinance as drafted:

1. The motion approved by the Board earlier this year included direction that the Zoning Ordinance be drafted to establish a 1,000-foot distance so that an adult business would have to be located at least 1,000 feet from any residential or agricultural zoning district, and at least 1,000 feet from the property line of any land used for any of the following:
 - a. a dwelling;
 - b. a residential care facility;
 - c. a day care center;
 - d. a public or private school;
 - e. a public park;
 - f. a community center;
 - g. a public or private library, museum or cultural center;
 - h. a place of worship or religious institution;
 - i. a hotel, motel, bed and breakfast, boardinghouse or tourist home; and
 - j. any other adult business.

For comparison purposes, the comparable ordinance in Henrico County requires a 500-foot separation; in the City of Staunton, the ordinance adopted imposes a 500-foot separation; the City of Waynesboro ordinance requires a 1,000-foot separation as required by this Board.

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ADULT BUSINESSES (cont'd)

2. The first criteria that you are measuring are the distances from residential or agricultural zoning districts – those first two standards are the same as those in effect in Henrico County and in the City of Staunton. They are measuring 500 feet from residentially zoned property and agriculturally zoned property. In the City of Waynesboro, they only measure the distance from residentially zoned property, not agriculturally zoned property. The City of Staunton is actually measuring from their Ag Forestal districts rather than agriculturally zoned property.

Mr. Rosenberg showed maps of what happens where measurements are made from all residentially and agriculturally zoned property without considering the remaining “laundry list”.

The first map showed areas where measurements of 750 feet are made from residentially and agriculturally zoned property before applying other factors; designated sites were shown in red. The 1,000-foot designation was not used because there were no sites. When discussed previously, Mr. Rosenberg had stated that “we would be treading in territory where you, as a Board, would want to be cautious if the result of your regulation is to effectively preclude the location of the businesses in the County. Maps shown (before adding the “laundry list”) indicated the following:

- | | |
|--|-----------|
| • 750 feet from residential and agricultural districts | 10 sites |
| • 500 feet from residential and agricultural districts | 53 sites |
| • 1,000 feet from residential districts | 277 sites |
| • 750 feet from residential districts | 337 sites |
| • 500 feet from residential districts | 425 sites |

Mr. Rosenberg advised that if a zoning ordinance is adopted, the state code requires that the Board refer the matter to the Planning Commission for its review and consideration and recommendation to the Board of Supervisors (Resolution of Intent would accomplish this). Mr. Rosenberg reiterated that the ordinance that the Board adopts must be legally defensible. Part of the way of accomplishment is by ensuring that before the ordinance is adopted that the Board not essentially regulate this use out of existence. Performing an analysis in a 22 square mile area, as has been done in the City of Staunton, is not quite as labor-intensive as performing the same analysis in a 970 square mile locality. He stated that it is very easy, from a GIS standpoint, to measure the distances based on the zoning of the property, but when we get into the next cut, and measuring from all the different land uses, some of them are easier than others. Some of the others are actually going to require final review of Special Use Permits and some field work by Community Development staff to determine, as best they can, where these uses are that are to be the basis for the measurement of that distance from a potential site for an adult business. He felt that the real issue is whether the Board wished to have Community Development staff complete that task as best they can and come back to the Board before the Zoning Ordinance is referred to the Planning Commission, or whether the Board wishes to adopt the Resolution of

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ADULT BUSINESSES (cont'd)

Intent this evening and refer it to the Planning Commission, affording the Planning Commission an opportunity to work with the Community Development staff to refine this analysis and to make an evaluation based on the field work that Community Development staff does about which combination of factors will best serve Augusta County. Is it 750 feet from residentially and agriculturally zoned property; is it 500 feet only from residentially zoned property after you apply the second set of factors and measure from the specific land uses?

Mr. Pyles asked how many sites it would take to satisfy the state code. Mr. Rosenberg stated that the standard is that there needs to be some avenue of communication available to adult businesses. The Fourth Circuit Court of Appeals (Federal Circuit for the Commonwealth of Virginia) basically recognizes that some courts have focused on the acreage available to adult business as a proportion of the total acreage within the locality while others have considered the number of sites available within the locality. What the Court has observed is that "local governments are not required to ensure that adult businesses obtain sites at bargain prices, rather these businesses must fend for themselves like any other business in the real estate market." Mr. Rosenberg said that the Court also states that "they agree [with another Federal Circuit] that the Constitution does not mandate that any minimum percentage of land be made available for certain types of speech." Mr. Pyles felt that the County could easily defend not having a percentage of the land because there is such a vast amount of land. He said that it would come down to sites. He did not think staff would need to look at 425 sites to determine which would work. He felt it worthwhile to find 20 or a variety of a few of the spots to determine if it would work. Mr. Pyles asked if Craigsville had their own zoning. Mr. Cobb said they did. Ms. Earhart said that it does not take into consideration what the zoning is in adjacent localities. Mr. Rosenberg said it would only be with respect to zoning districts within the County and not those of adjacent localities or localities that are within the limits of the County.

Mr. Beyeler, in looking at the map, stated that it depends on how it is measured. "If it is 750 feet or 500 feet of a dwelling, most of that area will not be available." Mr. Rosenberg added that there are a lot of dwellings in the agriculturally zoned areas and that you could probably not measure with regard to agriculturally zoned property because you will still measure with respect to dwellings in agriculturally zoned districts. Mr. Beyeler felt that if the property line is the measuring, there would be zero distance. Mr. Rosenberg stated that the most common means of measurement is from property lines. From an enforcement standpoint, it probably simplifies matters to measure from boundary lines rather than from improvements on the property.

Mr. Rosenberg also pointed out one way to address this is to consider the possibility of permitting adult businesses in Urban Service Overlay districts only. That would vastly simplify the task of determining the measurements issue and applying and enforcing the ordinance, but it has the effect of penalizing those districts. Ms. Frye asked why it could not be confined to Business districts. Mr. Rosenberg said that the red properties on the maps are zoned General Business.

Mr. Coleman thanked Mr. Rosenberg for the quality job he has done. "He has done a yeoman's job as to what the Board has asked him to do. Looking at it from a zoning standpoint, looking at the work that has been done by other localities, looking at the issues of police powers, of criminal background checks." Mr. Coleman felt that this issue needed to be referred to the Planning Commission. He said that the Board could give them guidance as far as 1) issues around establishing buffer zones, 2) determining 750 feet or 500 feet, and 3) consider eliminating the reference to agriculturally zoned property. He also suggested that it be advantageous that a joint

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ADULT BUSINESSES (cont'd)

public hearing with the Planning Commission be held.

Mr. Beyeler asked if there was any location at all on the 1,000 feet. Mr. Rosenberg said there was not any when measured with respect to both residentially and agriculturally zoned districts. If you measure it only from residentially zoned property, you have 277 potential sites before adding the "laundry list".

Mr. Pyles suggested that, after receiving the information from Mr. Rosenberg tonight, 1,000 feet not even be considered. It was the consensus of the Board that 500 feet be considered. Mr. Pyles felt that the ordinance should be amended to 500 feet before being given to the Planning Commission. Mr. Beyeler suggested that these minutes be provided to the Planning Commission and that they look at the 500 feet and 750 feet and remove the agriculturally zoned property. Chairwoman Sorrells asked if 20 sites would satisfy the Courts. Mr. Rosenberg said the test for the Courts would be whether there are commercially available sites in the County and if they satisfied all the requirements.

Mr. Rosenberg stated that the resolution is generic and understood that the Board wants this to go before the Planning Commission, measuring 500 feet from residentially zoned districts.

Mr. Howdyshell said that the Planning Commission needed the latitude to come up with whatever footage it would be to comply with the law.

Mr. Coleman moved, seconded by Mr. Bailey, that the Board adopt the following resolution:

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

WHEREAS, the authority of Augusta County, Virginia to regulate the secondary effects of adult businesses is enabled by Title 15.2 (Counties, Cities and Towns), Chapter 22 (Planning, Subdivision of Land and Zoning), Article 7 (Zoning) of the Code of Virginia (1950), as amended.

WHEREAS, the Board of Supervisors of Augusta County, Virginia desires to amend the Zoning Ordinance of Augusta County, Virginia (the "Zoning Ordinance"), to regulate such secondary effects of adult businesses.

WHEREAS, the Board of Supervisors of Augusta County, Virginia is now prepared to proceed with the consideration of such amendments, in the form presented to the board at this meeting.

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

1. For purposes of public necessity, convenience, general welfare and good zoning and land development practices, the Board of Supervisors hereby evidences its intent to amend the Zoning Ordinance to achieve the purposes described herein.

2. The Planning Commission shall hold a public hearing on the amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

November 28, 2007, at 7:00 p.m.

ADULT BUSINESSES (cont'd)

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

Mr. Rosenberg distributed an updated CD to the Board. He said the disk matches the preamble of the Zoning Ordinance and the Police Power Ordinance and it contains the cases that are referenced in the preamble and it references the studies that are referenced in the preamble and it also has information about the public health issues associated with adult businesses.

Mr. Cobb asked if after the Planning Commission comes up with recommendations, did the Board want that presented to them at a work session prior to advertising a public hearing. The Board said they wanted to discuss it at a work session prior to advertising.

* * * * *

CONSENT AGENDA

Mr. Beyeler moved, seconded by Mr. Howdysshell, that the Board approve the following consent agenda:

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, November 14, 2007

LYNVIEW SUBDIVISION – PRELIMINARY PLAT

Considered preliminary plat located on Mt. Torrey Road (Route 624) adjacent to Featherstone Manor and Kingswood Meadow Subdivisions (South River District). The Planning Commission recommends approval.

FORREST GLEN SUBDIVISION – PRELIMINARY PLAT

Considered preliminary plat located on the south side of Weyers Cave Road (Route 256) just east of the intersection of Keezletown Road (Route 276/750) in Weyers Cave (Middle River District). The Planning Commission recommends approval contingent on the financing arrangement for the pressure reducing value being finalized and the dry hydrant being removed from the plat prior to the Board of Supervisors approval.

CSPDC – STRATEGIC INITIATIVES

Considered endorsement of strategic initiatives and amendments.

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

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November 28, 2007, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Staunton connectivity – Per Board's previous direction, County staff has identified a reciprocal exchange relating to Byrd Hill connectivity.
2. Dinner menu for December 18th at 6:00 p.m., at the L'italia, was distributed to the Board.
3. Legislative Dinner – December 12th at 5:30, at the Government Center
4. Fire flow - John C. McGehee, Assistant County Administrator, circulated requested map. The Board asked that each receive a copy of the map.
5. Cost of Community Services Study: Joseph Davis, Director of Finance, provided information from the Cost of Community Services Study relating to education costs and breakeven benchmark for single family houses.

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6. American Royal 4-H and FFA Livestock Judging Contest – Resolution

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

RESOLUTION

WHEREAS, the American Royal 4-H and FFA Livestock Judging Contest was held October 21, 2007, in Kansas City, Missouri; and

WHEREAS, the 4-H youth members from Augusta County have been provided a unique opportunity to compete in the judging of beef cattle, sheep and swine at the American Royal, as well as the presentation of oral reasons to justify their placings; and

WHEREAS, the top team honors overall were awarded to the Virginia 4-H team for their combined score of 2,239 out of a possible 2,400; and

WHEREAS, the team also won first place in the swine judging and beef judging divisions; and

WHEREAS, other teams placing in the top five included Indiana, second, with a combined score of 2,227; Texas, third, with a combined score of 2,194; Illinois, fourth, with a combined score of 2,188; and Pennsylvania, fifth, with a combined score of 2,176; and

WHEREAS, individuals were also recognized for their overall placings in the contest. The top ten individuals included Brandon Reeves, Virginia, first; Cade Halfmann, Texas, second; Clayton Stowers, Indiana, third; Stephanie Willis, Virginia, fourth; Kinzie Selke, Indiana, fifth; Jamie Black, Wyoming, sixth; Kyla Clawson, Kansas, seventh; Kim Long, Pennsylvania, eighth; Nathan Brandt, Minnesota, ninth; and Maria Goodwin, Oklahoma, tenth; and

NOW, THEREFORE, BE IT RESOLVED, meeting in regular session on November 28, 2007, the Augusta County Board of Supervisors hereby commends the 2007 American Royal 4-H Livestock Judging Contest Winners; and

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Augusta County Board of Supervisors and a copy be presented to the Augusta County 4-H Livestock Judging Team.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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CLOSED SESSION

On motion of Mr. Beyeler, seconded by Mr. Pyles, 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) Resignation of County Attorney

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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CLOSED SESSION (cont'd)

On motion of Mr. Beyeler, seconded by Mr. Bailey, the Board came out of Closed Session.

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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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.

November 28, 2007, at 7:00 p.m.

CLOSED SESSION (cont'd)

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: Frye, Coleman, Howdyshell, Sorrells, Bailey, Pyles and Beyeler

NAY: None

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

* * * * *

Mr. Pyles moved, seconded by Mr. Howdyshell, that the Board accept the resignation of Steven L. Rosenberg, County Attorney.

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Pyles moved, seconded by Mr. Howdyshell, that the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler, Bailey, Pyles and Coleman

Nays: None

Motion carried.

* * * * *

Chairman

County Administrator