

Regular Meeting, Wednesday, March 25, 2015, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Michael L. Shull, Chairman  
David A. Karaffa, Vice-Chairman  
Carolyn S. Bragg  
Jeffrey A. Moore  
Marshall W. Pattie  
Tracy C. Pyles, Jr.  
Larry J. Wills  
Timmy Fitzgerald, Director of Community Development  
Becky Earhart, Senior Planner  
Jennifer M. Whetzel, Director of Finance  
Patrick J. Morgan, County Attorney  
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, March 25, 2015, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 239<sup>th</sup> year of the Commonwealth....

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Chairman Shull welcomed the citizens present.

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The following seniors of Riverheads High School, led us with the Pledge of Allegiance:

Amber Campbell plans to go into workforce for Cosmetology; Kaite Harper plans on attending Blue Ridge Community College for Administration of Justice; Peyton Brown plans on attending Blue Ridge Community College for Veterinarian Technician; Dylan Wade would like to go into the workforce for Precision Machining; Roy Huffer would like to attend Blue Ridge Community College for the Hershey Apprenticeship Program; Joseph Rush is undecided as to the career he will pursue; Brian Hailey would like to pursue a career in the Culinary Field; Meagan Baldwin would like to attend Blue Ridge Community College for Veterinarian Technician; Derek Morgan is planning on attending the University of Northwestern Ohio to study Heating and Cooling; and Shooter Nelson plans on attending the University of Northwestern Ohio.

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

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LOCAL GOVERNMENT EDUCATION WEEK PROCLAMATION

Mr. Karaffa read the proclamation.

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

**PROCLAMATION  
APRIL 1-7, 2015 AS  
LOCAL GOVERNMENT EDUCATION WEEK**

**WHEREAS**, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

**WHEREAS**, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

**WHEREAS**, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

**WHEREAS**, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

March 25, 2015, at 7:00 p.m.

LOCAL GOVERNMENT EDUCATION WEEK PROCLAMATION (cont'd)

**WHEREAS**, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton thereby making the first week in April appropriate for this designation.

**NOW, THEREFORE, BE IT PROCLAIMED**, by the Augusta County Board of Supervisors that April 1-7, 2015 is hereby designated as Local Government Education Week; and

**BE IT FURTHER PROCLAIMED**, that the Augusta County Board of Supervisors and the Augusta County School Board will partner to promote civic education and engagement in an effort to educate citizens about their local government, strengthen the sense of community, and engage the next generation of local government managers.

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

Nays: None

Motion carried.

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BOARDS AND COMMISSIONS CERTIFICATES OF APPRECIATION

Chairman Shull recognized the following individuals and expressed his appreciation in their outstanding work to enable the County to be a better place to live:

Denise E. Kelley	Library Board	11 mos.
William B. Garvey	Planning Commission	3 yrs. 4 mos.
Frederick McNeil	EDA	7 yrs. 2 mos.
Henry Goforth	P&R	1 yr. 5 mos.
Stephen Bridge	Youth Commission	3 yrs. 3 mos.
John Bowers	EDA	11 yrs.
Nancy Sorrells	ACSA	3 yrs.
Larry Curry	P&R	12 yrs. 9 mos.
Rudolph Bazzrea	P&R	4 yrs. 10 mos.

Vice-Chairman Karaffa presented certificates to those individuals who were present.

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JAMES T. OR BARBARA R. BEGOON AND T B PALLETS, LLC - REZONING

This being the day and time advertised to consider a request to rezone approximately 0.46 acres from General Agriculture to General Industrial and to amend and restate the proffers on a total of 20.838 acres zoned General Industrial owned by James T. or Barbara R. Begoon and T B Pallets, LLC, located on the east side of East Side Highway (Route 340), approximately 0.4 of a mile north of the intersection with Harriston Road (Route 778) (Middle River District). This also includes a request to rezone 0.93 acres from General Industrial to General Agriculture and to eliminate the proffers on this property entirely, owned by TB Investment Properties, LLC, and located on the east side of East Side Highway (Route 340), approximately 0.3 of a mile north of the intersection with Harriston Road (Route 778) (Middle River District). The Planning Commission recommends approval.

Becky Earhart, Senior Planner, displayed property outlined in blue, which property is currently zoned General Industrial and attaches to a larger piece of property zoned General Agriculture. She also pointed out a smaller portion (.46 acres) of property going from General Agriculture to General Industrial and is part of a larger tract that is already

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March 25, 2015, at 7:00 p.m.

JAMES T. OR BARBARA R. BEGOON AND T B PALLETS, LLC – REZONING  
(cont'd)

zoned General Industrial.

Proffers submitted:

**Delete:**

1. All property will be combined into a single parcel.

**Retain:**

1. Ingress to, and egress from, the 20.838 acre site will be limited to a single entrance.
2. All buildings will be set back from the existing right-of-way line of Route 340 one hundred feet (100').
3. There will be no outside storage within 200' of Route 340.

This property is in a Rural Conservation Area and has been an industrial operation for many years. This is basically a house-keeping measure. At the time the proffers were submitted in 2000, when the property was rezoned, there was a requirement in the County Code that there not be split-zoned lots. That provision has been removed and it is requested that that particular proffer be eliminated.

Tom Begoon, owner of T B Pallets and applicant, reported that he is planning phase 3 and moving the grinding operation to another site.

The Chairman declared the public hearing open.

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

Mr. Wills advised that he has visited the property and feels that it is a good asset to the community.

Mr. Wills moved, seconded by Mr. Karaffa, that the Board adopt the following ordinance, with amended and restated proffers:

A request to rezone approximately 0.46 acres from General Agriculture to General Industrial and to amend and restate the proffers on a total of 20.838 acres zoned General Industrial owned by James T. or Barbara R. Begoon and T B Pallets, LLC, located on the east side of East Side Highway (Route 340), approximately 0.4 of a mile north of the intersection with Harriston Road (Route 778) in the Middle River District. This also includes a request to rezone 0.93 acres from General Industrial to General Agriculture and to eliminate the proffers on this property entirely, owned by TB Investment Properties, LLC, and located on the east side of East Side Highway (Route 340), approximately 0.3 of a mile north of the intersection with Harriston Road (Route 778) in the Middle River 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,

March 25, 2015, at 7:00 p.m.

JAMES T. OR BARBARA R. BEGOON AND T B PALLETS, LLC – REZONING  
(cont'd)

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:

A portion of parcel number 56B on tax map number 39 containing approximately 0.46 acres is changed from General Agriculture to General Industrial and proffers on a total of 20.838 acres zoned General Industrial are amended and restated as follows:

1. Ingress to, and egress from, the 20.838 acre site will be limited to a single entrance.
2. All buildings will be set back from the existing right-of-way line of Route 340 one hundred feet (100');
3. There will be no outside storage within 200' of Route 340; and

A portion of parcel number 56 on tax map 39 containing approximately 0.93 acres is changed from General Industrial to General Agriculture and the proffers are eliminated entirely.

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

Nancy Sorrells thanked the Board for its support regarding the pipeline. She referred to the scoping hearing and stated that a number of people have contacted FERC with some ideas about how to make the process a little more fair. She noted that there were 109 people who signed up to speak; only 76 spoke. Ms. Sorrells provided a letter from Senator Warner to the Board about the process of these types of meetings. Senator Warner suggested that another meeting be held with the following considerations: 1) standards of registration; 2) pre-access to sign-up forms; 3) assurance submittal of written comments have equal consideration; 4) process of citizens not being allowed to speak being allowed to submit in writing; and 5) questions arising at meeting, if a follow-up hearing will be provided. She asked if the Board would submit a letter.

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FIRE AND RESCUE

The Board considered Fire Protection Design Policy.

Patrick J. Coffield, County Administrator, reported that this had been discussed at Monday's Staff Briefing.

Greg Schacht, Fire/Rescue Battalion Commander, was available to answer questions.

March 25, 2015, at 7:00 p.m.

FIRE AND RESCUE (cont'd)

Mr. Karaffa moved, seconded by Ms. Bragg, to approve the Fire Protection Design Policy.

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES – NONE

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, March 11, 2015

STREET ADDITIONS

Considered Community Development’s and VDOT’s recommendations to adopt resolutions for acceptance of the following streets into the secondary road system in accordance with VDOT requests:

SHANNON LEA AT KENNEDY CREEK, SECTION 1 - STREET ADDITION

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body’s resolution for changes in the secondary system of state highways.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **SHANNON LEA AT KENNEDY CREEK, SECTION 1** into the secondary road system of Augusta County pursuant to Section 33.2-705 of the Code of Virginia (1950) as amended:

Shannon Lea Boulevard, State Route Number 1087

From: Jasper’s Lane Route 1088  
To: Intersection of Route 610  
Length: 0.06 miles

Jasper’s Lane, State Route Number 1088

From: Jacob’s Lane  
To: Intersection of Route 1087  
Length: 0.19 miles

Jasper’s Lane, State Route Number 1088

From: 0.31 miles west of Jacob’s Lane  
To: Jacob’s Lane  
Length: 0.31 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way of 50 feet with necessary easements for cuts, fills, and drainage as recorded in Plat Book 1, Instrument 050015735, Pages 6392-6394, recorded November 8, 2005.

March 25, 2015, at 7:00 p.m.

CONSENT AGENDA (cont'd)

STREET ADDITIONS (cont'd)

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

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OVERLOOK SUBDIVISION, SECTION 3 - STREET ADDITION

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **OVERLOOK SUBDIVISION, SECTION 3** into the secondary road system of Augusta County pursuant to Section 33.2-705 of the Code of Virginia (1950) as amended:

Lookover Terrace, State Route Number 1000

From: Intersection of Route 1192 Upland Court  
To: 0.03 miles north of Route 1192  
Length: 0.03 miles

Upland Court, State Route Number 1192

From: 0.14 miles west of Route 1190  
To: 0.13 miles west of Route 1190  
Length: 0.00 miles

Upland Court, State Route Number 1192

From: 0.13 miles west of Route 1190 Lofty Circle  
To: 0.11 miles west of Route 1190  
Length: 0.11 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way of 50 feet with necessary easements for cuts, fills, and drainage as recorded in Plat Book 1, Instrument 120010152, Pages 8395 and 8396, recorded November 30, 2012.

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

RABIES CLINIC REQUEST

Considered request to hold rabies clinic for the purpose of rabies vaccination for cats and dogs at the Buffalo Gap High School on Saturday, May 9, 2015.

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

Nays: None

Motion carried.

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March 25, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

PARKS AND RECREATION – APPOINTMENT

Dr. Pattie moved, seconded by Mr. Karaffa, that the Board appoint Larry E. Curry to serve on the Parks and Recreation Commission, effective immediately, to expire June 30, 2016.

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

Nays: None

Motion carried.

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Mr. Pyles:

- 1) Channel 29 report regarding Dominion Pipeline benefit of “tapping in”. Asked to find out what the cost would be. Mr. Wills said that he had asked this question before and learned that there would be a charge.
- 2) Building on Karst Workshop meeting – Tuesday, March 31<sup>st</sup>, Rockbridge County.

Mr. Moore: FERC Scoping Hearings

Mr. Moore moved, seconded by Ms. Bragg, that the Board support requesting a second meeting along with a 30-day extension.

Mr. Pyles moved, seconded by Mr. Moore, that the motion include a statement that residents of Augusta County, Staunton, and Waynesboro be allowed to speak first if there will be a time limit on hearing and if there is a representative speaking for a group be allowed to speak for five minutes versus 3 minutes.

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

Nays: None

Amended Motion carried.

Timmy Fitzgerald, Community Development Director, noted that the formal comments to FERC included the 30-day extension request.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1. FERC comments – presented to Board at Monday’s Staff Briefing. No follow-up was received.
- 2. General Assembly HB 1438 of 2015 Session – provided alternatives for local governments regarding public notice. While the Bill did not pass, the County could move forward under a number of measures to improve upon and expand the manner in which we provide public notice. One such way would be to include attachments with published agendas most notably with the Board of Supervisors agendas, Planning Commission agendas and Board of Zoning Appeals agendas. In a related matter, the County undertook a comparison of newspaper

March 25, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

advertisement rates and for a similar advertisement, The New Virginian was 54% less than The News Leader.

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CLOSED SESSION

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

- (1) **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) Courts
  - B) Greenville Sewer

On motion of Mr. Karaffa, seconded by Ms. Bragg, 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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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, Shull, Moore, 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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March 25, 2015, at 7:00 p.m.

ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman

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County Administrator