

Regular Meeting, Wednesday, September 23, 2015, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Michael L. Shull, Chairman
Carolyn S. Bragg, Vice-Chairman
Jeffrey A. Moore
Marshall W. Pattie
Tracy C. Pyles, Jr.
Larry J. Wills
G. L. "Butch" Wells
Timmy Fitzgerald, Director of Community Development
Melissa Meyerhoeffer, Assistant to Director of Finance
Patrick J. Morgan, County Attorney
Patrick J. Coffield, County Administrator
Beatrice B. Cardellicchio-Weber, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, September 23, 2015, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

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Chairman Shull welcomed the citizens present.

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Nic Oversmith, a senior of Fort Defiance High School, led us with the Pledge of Allegiance. Nic attends the Shenandoah Valley Governor School and was elected Senior Class President for the Student Council Association. He plans on attending the Virginia Commonwealth University to study Finance and Economics.

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Larry J. Wills, Supervisor for the Middle River District, delivered invocation.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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ORDINANCE AMENDMENTS

This being the day and time advertised to consider the following ordinance amendments:

1. Chapter 2 – Economic Development Department
2. Chapter 17 – Small Purchase Procedures
3. Chapter 19 – Building Permit Fee Structure

Patrick J. Morgan, County Attorney, advised that this had been discussed at the Staff Briefing on Monday.

In reference to Chapter 2 – Economic Development Department: Originally when the Economic Development position was created, the Director reported directly to the Board of Supervisors. The Supervisors felt that it might organizationally work better if the Director reported to the County Administrator. This ordinance puts that to effect.

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

September 23, 2015, at 7:00 p.m.

ORDINANCE AMENDMENTS (cont'd)

**AN ORDINANCE TO
TO REPEAL SECTION 2-3,
TO RENUMBER SECTION 2-12 AND
TO ADOPT A NEW SECTION 2-12
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable for the Director of Economic Development to be under the direction of the County Administrator;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 2-3 of the Augusta County Code is hereby repealed, Section 2-12 of the Augusta County Code is renumbered 2-11 and a new Section 2-12 is adopted to read as follows:

§ ~~2-12~~ 11. Community Development Department.

A. The administration of county policies and ordinances with respect to present and long-range comprehensive planning, land subdivision and development, zoning, storm drainage management, flood plain management, and Uniform Statewide Building Code compliance shall be the responsibility of the Community Development Department.

B. The department shall consist of the Director of Community Development, who shall be the head of the department, and such additional employees as may be necessary to perform the planning, community development and related engineering functions of the county.

C. The department shall also consist of the Building Official, who shall be the chief building inspector of the county and such additional employees as may be required to administer and enforce county and state building codes.

D. There is hereby established within the department the Augusta County Planning Commission, whose composition, duties and responsibilities are prescribed in the Code of Virginia.

E. There is hereby established within the department a Board of Building Code Appeals, whose composition, duties and responsibilities are prescribed in the Uniform Statewide Building Code.

(Ord. 6/27/12)

State law reference—Virginia Code, Title 15.2, Chapter 22 and Virginia Code § 36-105.

§ 2-12. Economic Development Department.

A. The administration of county policies and ordinances with respect to present and long-range economic development of Augusta County.

B. The department shall consist of the Director of Economic Development, who shall be the head of the department, and such additional employees as may be necessary to perform the economic development functions of the county.

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

Nays: None

Motion carried.

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In reference to Chapter 17 – Small Purchase Procedures: State Statute increased the value that a contract could be under the small purchase procedures from \$50,000 to \$100,000. This ordinance would give the Procurement Office the ability do more with the small purchase procedures.

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

September 23, 2015, at 7:00 p.m.

ORDINANCE AMENDMENTS (cont'd)

**AN ORDINANCE TO
TO AMEND SECTION 17-3
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 17-3 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 17-3 of the Augusta County Code is amended to read as follows:

§ 17-3. Small purchase procedures.

The purchasing agent shall establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed ~~\$50,000~~ **\$100,000**; however, such small purchase procedures shall provide for competition wherever practicable. Purchases under this subsection that are expected to exceed \$30,000 shall require the written informal solicitation of a minimum of four bidders or offerors. (Ord. 9/10/97; Ord. 9/13/00)

State law reference - Virginia Code § 2.2-4303.

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

Nays: None

Motion carried.

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In reference to Chapter 19 – Building permit Fee Structure: This is an adjustment to fees that are charged for certain building permits and the like. A staff member had noted that the ordinance did not match what is actually being charged to residents.

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

ARTICLE II. Buildings.

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§ 19-13. Relocating structures.

A building permit shall not be required for the moving of any building twelve (12) feet wide or less and which is not connected to public utilities or will not be connected to public utilities at its new location. In all other cases, a building permit shall be required and the fee shall be ~~based upon the cost of moving the building and the cost of the new foundation in accordance with the following schedule: \$0.15 per square foot of heated space.~~

Value: _____	Fee: _____
_____ \$0 to \$1,000.00 _____	_____ \$10.00.
_____ \$1000.01 to \$6,000.00 _____	_____ \$15.00.
_____ \$6,000.01 to \$20,000.00 _____	_____ \$2.25 per thousand or fraction thereof.
_____ \$20,000.01 to \$100,000.00 _____	_____ \$45.00 plus \$2.00 per thousand _____ or fraction thereof exceeding _____ \$20,000.00.
_____ \$100,000.01 to \$500,000.00 _____	_____ \$173.00 plus \$1.60 per _____ thousand or fraction thereof _____ exceeding \$100,000.00.
_____ \$500,000.01 to \$1,000,000.00 _____	_____ \$653.00 plus \$1.00 per

September 23, 2015, at 7:00 p.m.

ORDINANCE AMENDMENTS (cont'd)

_____ thousand or fraction thereof
 _____ exceeding \$500,000.00.

_____ \$1,000,000.01 or greater _____ \$1,153.00 plus \$0.75 per
 thousand or fraction thereof
 _____ exceeding \$1,000,000.00.

§ 19-14. Demolition.

~~A building permit shall not be required for the demolition of a one-story building twenty (20) feet or less in height and more than twenty five (25) feet from a highway or common property line, and which is not connected to public utilities. No fee shall be required for buildings which do not require a permit to construct per the Uniform Statewide Building Code. In all other cases, a building permit shall be required and the fee shall be ten dollars (\$10.00) twenty-five dollars (\$25.00) for each building to be demolished.~~

§ 19-15. Signs.

~~A building permit shall not be required for the erection of any sign that is exempt from the Uniform Statewide Building Code. six (6) square feet or less in area, or ten (10) feet or less in height, unless such sign is illuminated. In all other cases, a building permit shall be required and the fee shall be twenty-five dollars (\$25.00). Multiple signs on the same property can be covered on the same permit, based on the value of the work performed, in accordance with the following schedule:~~

Value:	Fee:
\$0 to \$1,000.00	\$10.00.
\$1000.01 to \$6,000.00	\$15.00.
\$6,000.01 to \$20,000.00	\$2.25 per thousand or fraction thereof.
\$20,000.01 to \$100,000.00	\$45.00 plus \$2.00 per thousand or fraction thereof exceeding \$20,000.00.
\$100,000.01 to \$500,000.00	\$173.00 plus \$1.60 per thousand or fraction thereof exceeding \$100,000.00.
\$500,000.01 to \$1,000,000.00	\$653.00 plus \$1.00 per thousand or fraction thereof exceeding \$500,000.00.
\$1,000,000.01 or greater	\$1,153.00 plus \$0.75 per thousand or fraction thereof exceeding \$1,000,000.00.
...	

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

Nays: None

Motion carried.

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ASSESSMENT REFUND

The Board considered refund as certified by the Commissioner of Revenue and approved by County Attorney for the following:

- Wallace J. and Barbara L. Lynch \$2,815.54

Mr. Morgan advised that this had been discussed at Monday's Staff Briefing. He added that the Commissioner of Revenue is asking the Board of Supervisors to authorize a refund of taxes paid by Mr. Lynch for the tax years 2013, second half, 2014 and the first

September 23, 2015, at 7:00 p.m.

ASSESSMENT REFUND (cont'd)

half of 2015. He noted that the Veterans Administration has determined that he is a 100% service-connected disabled Veteran. Based on the Constitution and the State Code, as of the determination of his being 100% service-disabled, his property should be tax exempt.

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

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

Nays: None

Motion carried.

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ORDINANCE REVIEW

The Board considered Ordinance Review Committee's recommendation to advertise for public hearing the following:

- 1. Chapter 25 – Special Use permit for mini-warehouses
- 2. Chapter 21 – Subdivision Ordinance changes on bonds and mowing requirements
- 3. Chapter 15 – Changes to the enforcement provisions of the Nuisance Ordinance
- 4. Chapter 9 – Miscellaneous changes to the Environment Ordinance

Timmy Fitzgerald, Director of Community Development, advised that this had been discussed at the Staff Briefing on Monday. He noted that Chapters 25 and 21 would have to be advertised for public hearing before the Planning Commission and Board of Supervisors; Chapters 15 and 9 would only come before the Board of Supervisors. It is the recommendation of staff and Ordinance Review Committee that the Board authorize advertisement for public hearings.

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

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

Nays: None

Motion carried.

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NELSON/AUGUSTA COUNTY HISTORIC MARKER

The Board considered relocation of Augusta County/Nelson Historic Marker from boundary line to nearby overlook on Route 250. Site has met with approval of VDOT and Augusta Historic Society.

Patrick J. Coffield, County Administrator, reported that this had been discussed at Monday's Staff Briefing. He noted that a photo was shared with the Board as to the proposed new site for the marker. VDOT and Augusta Historic Society have signed off on the new site.

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

September 23, 2015, at 7:00 p.m.

NELSON/AUGUSTA COUNTY HISTORIC MARKER (cont'd)

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

Nays: None

Motion carried.

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SOURCEWATER APPLICATION

The Board considered authorizing the County Administrator/Director of Community Development to make application to add the Sourcewater Protection Overlay District designation for:

- Churchville
- Gardner Spring
- Harriston
- Vesper View

Mr. Fitzgerald advised that this had been discussed at the Staff Briefing on Monday. He added that they are proceeding to put together an application for the Sourcewater Protection areas for wellheads in Churchville, Gardner Spring, Harriston and Vesper View. The plan is to bring it before the Planning Commission and the Board of Supervisors in October to add the Sourcewater Protection designation to these properties that are now included in Area 2. As part of the process, it is required from the Board to officially authorize either the County Administrator or the Director of Community Development to be the official Applicant for that rezoning.

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

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

Nays: None

Motion carried.

Mr. Pyles added that the Service Authority sent a letter to FERC and Dominion and legislators defending the County's sourcewater protection area around the Lyndhurst well.

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BOARD OF SUPERVISORS POLICY #7

The Board considered amendments to the policy to allow for no more than two bonds.

Mr. Fitzgerald reported that this had been discussed at the Staff Briefing on Monday. This policy regards bonds that are required for subdivision projects in the County. There had been a request from a developer to consider the option of having two bonds on a project. Currently, we only accept one bond. During research, it was determined that other nearby localities allowed multiple bonds on projects. Staff and the Ordinance Review Committee recommends that two bonds be allowed – one for water and sewer construction and the other for the remaining items on the project, whether it be road, sidewalks, drainage, etc. Since this is a policy, it does not require a public hearing. The Board can take action tonight and make the policy effective September 24, 2015.

Ms. Bragg moved, seconded by Mr. Moore, that the Board amend the policy to allow for up to two bonds for subdivision projects.

September 23, 2015, at 7:00 p.m.

BOARD OF SUPERVISORS POLICY #7 (cont'd)

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

Nays: None

Motion carried.

Mr. Pyles felt that this was a good idea that accomplishes "our goals while saving money for the developers. They asked us to be business-friendly and we should be".

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HB-2 PROJECT PRIORITIES

The Board considered staff recommendation of project priorities:

- 1. Route 616
- 2. Route 610
- 3. Lifecore Drive Shared Use Path

Mr. Fitzgerald reported that this had been discussed at the Staff Briefing on Monday. He explained that the HB-2 process is the new mechanism to receive transportation funding in the County on different projects. As part of the process, applications are being put into the VDOT system. Those projects are due on September 30th. Part of the process is to set the County's on the submitted projects priorities. These three priorities are to be considered in the order as listed:

- 1. Route 616, Dam Town Road
- 2. Route 610, Stuarts Draft area
- 3. Lifecore Drive Shared Use Path, in Fishersville (there is another funding opportunity through the State for this project)

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

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

Ms. Bragg moved, seconded by Dr. Pattie, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, September 9, 2015

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

Nays: None

Motion carried.

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September 23, 2015, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issue:

Mr. Moore: Mr. Moore and Ms. Bragg Attended Goose Creek Apartments Opening Ceremony - "The intent is to support Murphy Deming doctorate students and potential doctors who might be coming to Augusta Health. This will be a real asset to our community."

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. VACo 2015 Region 9 Legislative Meeting – October 6, 2015, 7:00 p.m. – 9:00 p.m., in Rockingham County. Asked if anyone is interested in attending. VACo’s Preliminary 2016 Legislative Program will be distributed at the Homestead. The following items were noted: 1) Pipeline; 2) Composite Index; 3) Flood Control Dams; 4) On-site Wastewater Systems; 5) Stormwater Programs; 6) Equal Taxation Authority with Cities; 7) Middle River Regional Jail per diems; 8) Reimbursement for prior "Local Aid to the Commonwealth"; 9) Broadband; 10) Election Costs and Districts. He noted that many of these items had been provided through Augusta County’s list of legislative priorities.

Mr. Wills, in reference to the stormwater, said that it is going to be a major issue in the General Assembly. His committee will be meeting, again, October 14th. He felt that this would apply mostly to non-MS-4 communities and invited Mr. Fitzgerald to attend this meeting.

Mr. Pyles noted the difference in taxation: felt that it would be good to have a cigarette tax.

2. Mr. Fitzgerald mentioned that he had received a call from George Coyner, a member of the Board of Zoning Appeals, who expressed his thanks to the Board for last week’s Boards and Commissions dinner.

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CLOSED SESSION

On motion of Ms. Bragg, seconded by Mr. Wills, 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) County Administrator Recruitment

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On motion of Mr. Pyles, 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, Shull, Wills, Moore, Wells, Pyles and Bragg

Nays: None

Motion carried.

September 23, 2015, at 7:00 p.m.

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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.

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, Wills, Moore, Bragg, Wells, Pyles and Shull
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. Pyles moved, seconded by Ms. Bragg, the Board adjourned subject to call of the Chairman.

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

Nays: None

Motion carried.

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Chairman
h:9-23min.15

County Administrator