

Regular Meeting, Wednesday, September 9, 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 (via electronically)
Tracy C. Pyles, Jr.
G. L. "Butch" Wells
Larry J. Wills
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
John Wilkinson, Board of Zoning Administrator
Melissa Meyerhoeffer, Assistant Director of Finance
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, September 9, 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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Heather Galway, a senior of Buffalo Gap High School, led us with the Pledge of Allegiance. Heather is the President of FCCLA; the Public Relations Coordinator of the Student Council Association; a Fellowship of Christian Athletes Leader and an HS member and a Peer Mentor. On the weekends, she attends Youth Group and other events at her church. In the future she hopes to go on a nine-month Christian Gap Year to do mission work in Central America, Africa and Asia. She plans on attending Liberty University when she returns.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION

The Board considered resolution Consenting to Modification of Certain Existing Debt of the Shenandoah Valley Regional Airport Commission.

Gerald Garber, Board Member of Shenandoah Valley Regional Airport, reported that the purpose of this resolution is to support refinancing and saving \$8,000.

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

RESOLUTION

Consenting To Modification Of Certain Existing Debt Of The Shenandoah Valley Regional Airport Commission

WHEREAS, the Shenandoah Valley Regional Airport Commission (the "Commission") was duly established pursuant to the Code of Virginia, 1950, as amended (the "Code"), and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (together, the "Participating Localities"), to have and exercise, on behalf of such political subdivisions, the power and authority to operate the Shenandoah Valley Regional Airport ("SVRA").

WHEREAS, on March 9, 2005, the Commission, upon the holding of a duly noticed public hearing therefor and with the consent of each of the

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SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION (cont'd)

Participating Localities, issued its Taxable Revenue Bond, Series 2005, in the original principal amount of \$754,000 (the "2005 Bond"), to Virginia Resources Authority ("VRA") in order for the Commission to pay the costs to (i) reconstruct and modernize existing corporate hangar facilities at SVRA, (ii) construct and equip general public terminal areas, (iii) construct public parking facilities; and (iv) refinance the outstanding amount of certain prior bank debt owed by the Commission.

WHEREAS, in order to provide additional security for the payment of the 2005 Bond, the Board of Supervisors of the County of Augusta, Virginia (the "County") approved the execution and delivery of that certain Support Agreement For The Benefit Of Shenandoah Valley Regional Airport Commission, dated as of November 23, 2004, by and among the Commission, VRA and the County (the "Support Agreement").

WHEREAS, as a result of recent actions taken by VRA and the Virginia Aviation Board with respect to deleveraging the Virginia Airports Revolving Fund, VRA has offered an interest rate reduction on the 2005 Bond from 4.40% to 2.55% for the remaining life of the loan, including the correlating reduced debt service thereon.

WHEREAS, accordingly, the Commission has requested the County to (i) consent to such interest rate reduction on the 2005 Bond (including the correlating reduced debt service obligations of the Commission thereon), and (ii) confirm the continuing full force and effect of the terms of the Support Agreement as required by VRA in connection with the 2005 Bond.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Augusta, Virginia, as follows:

1. The Board, to the extent necessary, if at all, hereby consents to the modification of the terms of the 2005 Bond (as described above in the Recitals), in order for the Commission to cause the reduction of the interest rate on the 2005 Bond from 4.40% to 2.55% per annum for the remaining term thereof, all as offered by VRA.
2. The Board, acting on behalf of the County, hereby ratifies, confirms and approves the continuing full force and effect of the terms of the Support Agreement with respect to the 2005 Bond, including the modification of the interest rate thereon from 4.40% to 2.55% per annum for the remaining term thereof, as offered by VRA, in order for the Commission to reduce its debt service burdens thereunder, among other benefits, and further, to assure VRA of the continuing force and effect of the Support Agreement by the County. Notwithstanding, it is to be understood that nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Commission or to VRA (as holder of the 2005 Bond to be modified, as described in this Resolution), and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described therein or otherwise contemplated by the Support Agreement.
3. This Resolution shall take effect immediately.

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

Nays: None

Motion carried.

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ORDINANCE REVIEW – MINI-WAREHOUSE

The Board considered Ordinance Review Committee recommendation regarding advertising Chapter 25 – Mini-Warehouse.

John Wilkinson, Zoning Administrator, reminded the Board that this had been discussed at its August 26th meeting and the Board decided have it brought back for further discussion tonight. He noted that this use had been permitted by Administrative Permit since 2003; before that, a Special Use Permit was considered by the Board of Zoning Appeals from 1971 to 2003. Documentation had been distributed to the Board.

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ORDINANCE REVIEW – MINI-WAREHOUSE (cont'd)

Proposed minimum standards were displayed on the overhead indicating the following:

Chapter 25- Mini-warehouses

For all mini-warehouse facilities, if any part of the property is within one hundred feet of a lot line in a residential zoned district or if the adjacent property is zoned General Agriculture and planned for residential on the County's Comprehensive Plan Future Land Use Map, the following shall also apply:

- No building or structure shall exceed thirty-five feet (35') in height (maximum height in residential neighborhood).
- No doors facing a residential zoned district may exceed eight feet (8') in height.
- No individual building or structure shall exceed two thousand square feet (2,000 sq. ft.) nor a total aggregate of ten thousand square feet (10,000 sq. ft.). Mr. Wilkinson noted that this was taken from the old limited business district as a transition between business and residential. The size of the buildings and uses were limited to lessen the impact.
- All buildings, structures, access drives, aisleways setback from residential, not wholly owned by same person, firm or corporation, at least one hundred feet (100'). (An example of mini-warehouses were distributed to the Board. One was not developed and has some residential across the street, would provide more protection; if the area was increased, the residents would be given more buffer.)
- No building or structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of an arterial street than two hundred feet (200').

If you cannot meet these standards, SUP by BZA would be considered.

Ms. Bragg, in reference to the screening requirement, asked for more clarification.

Mr. Wilkinson said there is a current standard screening requirement in the ordinance for any business development adjacent to residential. The developer has a choice of either installing a privacy fence on the property line (10 foot area utilized) or installing trees and bushes to the ordinance requirement (20 foot area utilized). If a SUP is before the BZA, if it is determined that additional screening is needed, BZA can require heavier screening, higher fencing, larger setbacks as part of their deliberation on whether it is an appropriate use of the property. A typical use for screening is a double row of evergreens—10 foot on the center, and a minimum of 6-foot high planting.

Ms. Bragg asked if this should be reiterated in the ordinance.

Mr. Wills mentioned the five buildings, 10,000 s.f. limitation and asked if that was on one lot.

Mr. Wilkinson said it was written as an aggregate, where in the past, if the lot was divided each lot could be maximized out. If you have a mini-warehouse complex, whether one lot or five lots, that aggregate would be all of the lots.

Mr. Wills stated that this would restrict the Stuarts Draft site that had been previously discussed. Mr. Wilkinson said that was correct. Mr. Wills asked if the 35 feet was measured from the lowest point. He noted that in Weyers Cave, there was a two-level building and asked if it was from the lowest point of the building. Mr. Wilkinson said it used to be determined from the lowest grade, but, now, it is average grade and explained that the builder would take the four corners of the building and average it. Mr. Wills expressed concern of 35 feet being a lot of open space for a one-story

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ORDINANCE REVIEW – MINI-WAREHOUSE (cont'd)

building that would be mostly used. Mr. Wilkinson said that the climate-controlled warehouses were currently popular and needed more space. He reiterated that these restrictions only applied to business zoning adjacent to residential zoning.

Ms. Bragg added that 35 feet was for a three-story building and noted that in a residential area with a one-story house, a three-story building would not be a good mix. She suggested that a two-story building should be considered.

Mr. Moore explained that the Ordinance Review Committee used the 35-foot height based on the climate-control structure. A typical storage building would not need to be that tall.

Mr. Wills asked the County Attorney if a SUP used in business areas would be more restrictive and would it have to be advertised. If changes were to be made, would it have to be re-advertised? Patrick J. Morgan, County Attorney, said it was not a more intensive use and amendments could be made without further advertisement. Mr. Wills opined that in general business areas, mini-warehouses do not have an appropriate place in that area. It should be strictly on a case-by-case basis with a SUP. "What we're trying to develop is a business climate for small businesses and then suddenly, you throw a mini-warehouse in the middle of everything. I have real concerns."

Ms. Bragg asked that the Board consider language in Item No. 10 "not wholly owned by the same person, firm, or corporation" be deleted. She referred to the recent situation in Stuarts Draft where the same person owned both lots.

Mr. Wills asked that it be advertised with SUP in business zones. After the public hearing, it could be determined if it can be approved. He wanted the public to be aware that the Board will be restrictive in business zoning and would allow public comment.

Mr. Pyles asked if there were any pending requests. Mr. Wilkinson said there were not.

Chairman Shull suggested that changes to the ordinance should be made and brought before the Board at the next Staff Briefing (September 21st).

Mr. Pyles asked for clarification. He understand it to be stopping mini-storages going against residential. Ms. Bragg felt that when you have small businesses and industrial uses is the correct mix for mini-warehouses.

Mr. Moore explained that the Ordinance Review Committee was trying to find a least invasive layout. If a developer agrees to the standards, it could be improved by Administrative Permit without having to go through the Special Use process. In researching past history, the Committee tried providing conservative guidelines.

Mr. Pyles expressed confusion as to guidelines used for the SUP. He felt that criteria is needed to determine the right decision. He felt there are massive changes in the Comp Plan and some things can "be missed". "If you can define it better by ordinance what you want to prevent, I think we're safer that way."

Ms. Bragg said that the SUP has existed for several years. Mr. Wilkinson added that, since the major review of the ordinance in 2003, minimum standards in SUP categories had been created. He suggested that additional minimum standards could be placed in the ordinance for mini-warehouses. He reiterated that the BZA cannot reduce the minimum standards, but can enforce larger standards when necessary.

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ORDINANCE REVIEW – MINI-WAREHOUSE (cont'd)

Ms. Bragg asked if these limitations could be used as minimum standards and then have a SUP requirement. Mr. Wills did not think you would want a restriction on total size if you were to go to BZA. That would become more “site specific”. Ms. Bragg reiterated her concerns of having a 3-story building next to a 1-story building and the “wholly owned by the same person” clause.

Mr. Moore said the Committee had the same discussion of the 35 feet building. It was with the thought of it being a climate-control warehouse. He felt that you could go to a lower height, and when you needed something different, you could go before the BZA for a SUP. If you could not get a climate-control building with the Administrative Permit, then you would have to go before the BZA for the SUP.

Chairman Shull asked what the minimum height was for climate-control. Mr. Wilkinson said he was not aware of a minimum but, normally, it is more than two stories. They usually have two levels.

Ms. Bragg said she had a climate-control one-story building in Waynesboro.

Mr. Wills said 35 feet is the maximum height in residential, but BZA could have the option of reducing the height. He felt the setbacks were good requirements.

Timmy Fitzgerald, Director of Community Development, suggested that revisions be brought back to the next meeting.

Mr. Wilkinson asked about the setback on the arterial roads. Is this to be handled by minimum standards or case-by-case by BZA? Mr. Wills felt that it should be case-by-case.

It was the consensus of the Board to discuss this issue at the Staff Briefing on September 21st.

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SAW CONSORTIUM – 2016 MEDICAL PLAN

The Board considered Committee recommendations for 2016 Medical Plan.

Patrick J. Coffield, County Administrator, advised that a handout had been provided to the Board with recommendations highlighted in yellow. Recommendations were to 1) Remain in Consortium; 2) Keep current plan design, and 3) Remain as individual groups with different specific stop loss limits. One of the principle reasons for not changing this at this point is the Schools are considering the local choice. Melissa Meyerhoeffer, of the Finance Department, and Faith Souder, Human Resources Director, were available to answer questions. The Health Insurance rates will be discussed at a future meeting.

Ms. Souder stated that three options had been provided by the Consortium:

1. Individual self-insured contracts by localities – individual groups with different specific stop loss limits (current).
2. SAW Consortium group option – one group that makes collective decisions and shares in surplus/deficits. Would require a 5-year commitment, setup trust documents, Board of Trustees, administrative setups, etc. This is structure allowable with new location.
3. Hybrid approach – Each entity continues individual accounting, keeps own surplus/deficit but use internal pooling to share claims risk between \$50,000 and \$250,000 (currently share between \$100,000 and \$250,000). Would require some agreement set up and separate bank account for pooled claims, so in reality setting up trust. It appears Augusta may lose if this is done.

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SAW CONSORTIUM – 2016 MEDICAL PLAN (cont'd)

Ms. Souder reiterated the recommendation is to 1) Remain in Consortium; 2) Keep current plan design; and 3) Remain in individual groups with different specific stop loss limits.

Ms. Souder mentioned that they all of the entities had considered the Local Choice but noted that Anthem only offers paper enrollment which would be reverting to old practice and increase staff time in process. If entire Consortium moved to Local Choice, their book of business would increase by 10%.

Ms. Bragg moved, seconded by Mr. Pyles, that the Board approve the Committee's recommendations.

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

Motion carried.

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MILL PLACE PARKWAY EASEMENT

The Board considered granting an easement along Mill Place Parkway.

Mr. Fitzgerald displayed a "Plat to Accompany Right-of-Way Agreement" on the overhead. He advised that for tonight's consideration is an easement for a powerline for Dominion Power over to Shamrock Farms. When Shamrock was built, underground power was brought along Mill Place Parkway into the facility. The Shamrock Wastewater Treatment Plant is in the process of being upgraded in order to help with their load limits. A dedicated power feed is needed for the upgraded facility. He added that during this process, the ultimate design of the road is to connect to the City of Staunton and an easement for future power is also being provided for future development. Because of this being an Economic Development project, a public hearing is not required and a decision can be made tonight. He noted that the Service Authority has an easement in the area and the powerline will be crossing that easement; therefore, a signature will be required from the Service Authority.

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

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

Motion carried.

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COORDINATION AMERICA

The Board considered consulting agreement with Coordination America for assistance with FERC and U.S. Forest Service. Amount not to exceed \$5,000.

Funding Source: BOS Account #11010-3125 \$5,000

Mr. Coffield reported that a presentation had been given at the Board's last meeting (August 26th) of services that could be rendered from Coordination America. Since that date, a cost per hour has been provided for Board consideration.

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COORDINATION AMERICA (cont'd)

Mr. Pyles said that he had spoken with Mr. Guarino of Coordination America in greater detail after the presentation and asked for further information for assistance. He said that a maximum of \$5,000 would get the County the initial preparation of requests for coordination with FERC and U.S. Forest Service; a response to negative replies, if there is one; and then a preparation for ultimately meeting with certain people.

Mr. Pyles moved, seconded by Mr. Moore, that the Board contract Coordination America in an amount not to exceed \$5,000 to assist the County in drafting letters to the U.S. Forest Service and FERC requesting that they will coordinate with Augusta County, the Service Authority and Headwaters.

Mr. Moore was not overly impressed with the presentation. He felt that this would show the County "the right questions to ask".

Mr. Wills was not ready to support this motion tonight. He felt that the Service Authority has gotten some response from FERC and "getting assistance at this time may cause harm".

Dr. Pattie felt that this would be more of an education and would get a better understanding of what options are available. He wanted assurance that there would not be an escalation of commitment and that the County have proper RFP comparisons.

Ms. Bragg felt that it was the Board's responsibility to determine the best options to protect the County's resources. "I think it is worth the \$5,000 to take the opportunity to explore other avenues that we haven't known to look at."

Mr. Moore pointed out that it would be good if they could get a good relationship between U.S. Forest Service and FERC.

Mr. Wells echoed Dr. Pattie. He felt this to be a learning tool that staff will learn how to coordinate properly.

Chairman Shull was not against receiving assistance from Coordination America, but felt this may be the wrong time. He felt that once information is received from FERC, it could be determined what would be needed.

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

Nays: Wills and Shull

Motion carried.

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WAIVERS/VARIANCES – NONE

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, August 24, 2015
- Regular Meeting, Wednesday, August 26, 2015

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CONSENT AGENDA (cont'd)

CLAIMS

Approved claims paid since August 12, 2015

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles: Schools – 10,400 students; School Board had estimated less. “Starting off good!”

Dr. Pattie: Courthouse – reviewed Moseley Report; distributed information for Board review.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. VDOT Revenue Sharing – will be discussed at Staff Briefing September 21st. No projects been received.
2. Shentel – Staff met with Shentel who is the prospective purchaser of Ntelos. Discussed process for FCC approval. Also, discussed Shentel’s philosophy for providing broadband coverage to rural areas. Mr. Pyles inquired about the recent VACo memo regarding “Broadband Grant Funding Awards”. Mr. Coffield responded that it was his knowledge that Lumos and Verizon did not participate while CenturyLink and FairPoint Communications were awarded Federal grant funds. Staff will follow-up on potential benefit to unserved Augusta County rural households and businesses.
3. Board of Supervisors/School Board Liaison Quarterly Meeting – To be determined in the near future.

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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) Boards and Commissions
 - B) Fire and Rescue
- (2) **the economic development exemption under Virginia Code § 2.2-3711(A)(5)**
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

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CLOSED SESSION (cont'd)

A) Pending Economic Development Prospect(s)

(3) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)

[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) Reassessment

B) Courthouse

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

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, Wells, Wills, Moore, Bragg, 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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BUILDING BOARD OF APPEALS – REAPPOINTMENT

Ms. Bragg moved, seconded by Mr. Wills, that the Board reappoint Eric M. Shipplett to serve another 5-year term on the Building Board of Appeals, effective November 1, 2015, to expire October 31, 2020.

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

Nays: None

Motion carried.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman

County Administrator