
Regular Meeting, Wednesday, January 27, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Gerald W. Garber
Terry Lee Kelley, Jr.
Wendell L. Coleman
Marshall W. Pattie
Michael L. Shull
Timmy Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Patrick J. Morgan, County Attorney
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 27, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

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Chairman Bragg welcomed the citizens present.

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Allison Coombe, a 7th grader of Wilson Middle School, led us with the Pledge of Allegiance. Allison is the Secretary of SCA and belongs to six other clubs. She enjoys tennis, volleyball, reading and writing.

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Terry Lee Kelley, Jr., Supervisor for the Beverley Manor District, delivered invocation.

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MOUNTAIN SHORE INVESTMENT, LLC – AMENDED PROFFERS

This being the day and time advertised to consider a request to amend the proffers on approximately 5 acres located on the north side of Jefferson Highway (Route 250) approximately 0.6 of a mile east of the intersection with Tinkling Spring Road (Route 285) in Fishersville (Wayne District). The Planning Commission recommends approval of the proffer.

Becky Earhart, Senior Planner, displayed property on the overhead outlined in yellow. The property is currently zoned General Business with the proffer that they can have a school allowing 100 students. The request is to amend that proffer allowing a school with no more than 200 students.

David Brown, applicant, is a partner and owner of Mountain Shore. He stated that a school has existed for 14 years; originally, Genesis; now it is a Montessori School. This request is to be compliant with County regulations. He noted that the principal of Montessori School was present to answer any questions that the Board may have.

The Chairman declared the public hearing open.

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

Mr. Coleman moved, seconded by Dr. Pattie, that the Board adopt the following ordinance:

A request to amend the proffers on approximately 5 acres located on the north side of Jefferson Highway (Route 250) approximately 0.6 of a mile east of the intersection with Tinkling Spring Road (Route 285) in Fishersville in Wayne District. This is the site of the Staunton Montessori School.

January 27, 2016, at 7:00 p.m.

MOUNTAIN SHORE INVESTMENT, LLC – AMENDED PROFFERS (cont'd)

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:

The proffer on Parcel number 78A on tax map number 67 containing a total of approximately 5 acres is amended as follows:

- 1. Additional permitted uses of the property will be limited to a school with a maximum enrollment of 200 students.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND MAURY MILL TOWNHOMES, LLC – REZONING

Chairman Bragg noted that this public hearing has been deferred to a later date.

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DWS PROPERTIES, LLC AND DJS PROPERTIES, LLC - REZONING

This being the day and time advertised to consider a request to rezone from Single Family Residential and General Business to Multi-family Residential approximately 19.2 acres owned by DWS Properties, LLC and DJS Properties, LLC, located on the east side of Lee Highway (Route 11) approximately .25 of a mile north of the intersection with Confederate Street (Route 915) in Verona (North River District). The Planning Commission recommends approval of the request with proffers.

Ms. Earhart displayed property on the overhead outlined in yellow. A portion of the property is already developed as the Blue Ridge Apartments. The applicant has submitted three proffers:

January 27, 2016, at 7:00 p.m.

DWS PROPERTIES, LLC AND DJS PROPERTIES, LLC – REZONING (cont'd)

1. No more than 200 apartment units will be built on the 19.16 acres. (Currently, there are 86 units.)
2. Prior to the issuance of the building permit for the 101st unit on the property, either a second access to Route 11 will be developed and open for public use or the existing lane (Pruchnic Lane) will be improved to a boulevard section per the requirements of § 21-9.1.D. In addition, at the same time, a hard surfaced pedestrian access will be provided connecting the new apartments to the existing apartment complex and Verona Elementary School. The sidewalk will be constructed in general conformance with the Concept Plan prepared by Hamrick Engineering and dated December 11, 2015.
3. All multi-family units will be market rate units and none of the units will utilize VHDA tax credits to finance/refinance their construction.

Public water and public sewer are available. This property is in an Urban Service Area, slated for Multi-family Residential development in the Comprehensive Plan.

David Surrent, applicant and owner of Blue Ridge Apartments, stated that they had recently purchased the property and request that the Board approve the rezoning.

The Chairman declared the public hearing open.

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

Dr. Pattie supported the project. He noted that there are many senior residents and this project will provide better housing for them.

Dr. Pattie moved, seconded by Mr. Coleman, that the Board adopt the following ordinance:

A request to rezone from Single Family Residential and General Business to Multi-family Residential approximately 19.2 acres owned by DWS Properties, LLC and DJS Properties, LLC, located on the east side of Lee Highway (Route 11) approximately .25 of a mile north of the intersection with Confederate Street (Route 915) in Verona in the North 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,

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;

January 27, 2016, at 7:00 p.m.

DWS PROPERTIES, LLC AND DJS PROPERTIES, LLC – REZONING (cont'd)

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

Parcel numbers 1, 8, 8A, and 8B on tax map number 36C(1) containing a total of approximately 19.16 acres are changed from Single Family Residential and General Business to Multi-Family Residential, with the following proffers:

1. No more than 200 apartment units will be built on the 19.16 acres.
2. Prior to the issuance of the building permit for the 101st unit on the property, either a second access to Route 11 will be developed and open for public use or Pruchnic Lane will be improved to a boulevard section per the requirements of § 21-9.1.D. In addition, at the same time, a hard surfaced pedestrian access will be provided connecting the new apartments to the existing apartment complex and Verona Elementary School (Tax Map 36C(1)). The sidewalk will be constructed in general conformance with the Concept Plan prepared by Hamrick Engineering and dated December 11, 2015.
3. All multi-family units will be market rate units and none of the units will utilize VHDA tax credits to finance/refinance their construction.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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LOCAL EMERGENCY DECLARATION

The Board considered Declaration of Local Emergency.

Timothy K. Fitzgerald, County Administrator, announced that a local State of Emergency was declared on Thursday, January 20th, to prepare for the upcoming storm event. This allowed assistance from the State in regards to the National Guard and others. Tonight's request is to make the Declaration official.

Mr. Pyles commended Chairman Bragg for "jumping ahead on this. By having a Declaration of Emergency, we have access to equipment and resources that we would not have had. By having this Declaration in place, we were able to set up some Humvees and other things in advance. It was a good thing to do."

Mr. Pyles moved, seconded by Mr. Kelley, that the Board adopt the following Declaration of Local Emergency:

DECLARATION OF LOCAL EMERGENCY

WHEREAS, due to winter storm, the County of Augusta, Virginia is facing dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

WHEREAS, the conditions of extreme peril to life and property necessitate the proclamation of the existence of a local emergency; and

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LOCAL EMERGENCY DECLARATION (cont'd)

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

NOW, THEREFORE, pursuant to Virginia Code § 44-146.21 and, as provided therein, subject to confirmation by the Board of Supervisors at its next regularly scheduled meeting or at a special meeting within fourteen (14) days of this declaration, whichever occurs first, Timothy Fitzgerald, Emergency Management Co-Director of the County of Augusta, after consultation with Carolyn Bragg, Chairman of the Board of Supervisors and Emergency Management Director of the County of Augusta, declares and proclaims the existence of a local emergency in the County of Augusta; and

It is further proclaimed and ordered that during the existence of said emergency the powers, functions, and duties of the Emergency Management Director and the Emergency Services Department of the County of Augusta shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County of Augusta in order to mitigate the effects of said emergency.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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WINDY RIDGE ROAD

The Board considered request to install and lock gate at the end of Windy Ridge Road.

Mr. Fitzgerald advised that this had been discussed at the Staff Briefing on Monday. He reiterated that this request was made for safety purposes and there was only one property owner affected. This property had been in litigation for quite a while and it was determined that it was a public road.

Wilson Vellines, attorney for the Catheys, reported that the property is on Route 743 with an existing bar gate that had been previously locked. Because of the litigation and the fact it was determined to be a public road, the lock was removed. Because of farm equipment being left on the property, the Catheys are asking the Board for permission to lock the gate and provide a key to the County. He noted that the property was purchased in 1982 and has never been used for public access.

Mr. Pyles asked if the platted road belonged to the Catheys. Mr. Vellines said that platted road has never been a part of litigation. In looking through records, at one time the County believed it had been abandoned, but it was determined that it had not been abandoned. Mr. Pyles suggested that the Catheys go through the abandonment process. Mr. Vellines agreed.

Dr. Pattie moved, seconded by Mr. Garber, that the Board approve the request and not require having a key.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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January 27, 2016, at 7:00 p.m.

LAW LIBRARY FEE INCREASE ORDINANCE AMENDMENT

The Board considered Law Library Fee Increase Ordinance Amendment.

Patrick J. Morgan, County Attorney, advised that this had been discussed at the Staff Briefing on Monday. The Clerk of the Circuit Court has requested an increase of the fee of \$2 that the County currently charges for any civil litigation that would support the public Law Library to \$4. He noted that the State Code allows such an increase not to exceed \$4. Included in the Agenda Package was information of increased expenses to maintain the Library and noted that this increase would support the maintenance expense of the Law Library. If the Board approves this request, a public hearing will be required.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board authorize staff to advertise for a public hearing.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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SPOTTSWOOD COMMUNITY CENTER

1. The Board considered 75% match for recommended roof repairs.

Funding Source: Riverheads Infrastructure Account #80000-8015-76 \$1,457.59

Mr. Fitzgerald advised that this had been discussed at the Staff Briefing on Monday. He noted that this is a Community Center and polling precinct.

Mr. Shull said this request was being made because of the Ruritan Club, the Kingsway Ministry, Polling Precinct and the Food Bank and many other activities that occur in this building.

Mr. Shull moved, seconded by Mr. Garber, that the Board approve the request.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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2. The Board considered signage.

Funding Source: Riverheads Infrastructure Account #80000-8015-76 \$340.00

Mr. Fitzgerald reported that this request was being made for additional signage to indicate a one-way entrance and a one-way exit to provide a better traffic flow.

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SPOTTSWOOD COMMUNITY CENTER (cont'd)

Mr. Shull added that there was heavy traffic during the summer with ballgames, the Food Bank and polling precinct.

Mr. Shull moved, seconded by Mr. Kelley, that the Board approve the request.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

 Nays: None

Motion carried.

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NOTIFICATION OF PLANNING/ZONING ITEMS

The Board considered recommendations for additional notification for Planning/Zoning items.

Ms. Earhart advised that this had been discussed at the Staff Briefing on Monday. She reiterated that, in addition to advertising in the newspaper and notification to adjacent property owners, additional ways to make the public aware are:

1. Posting signs on the subject property (estimate of \$1,000 for 50 signs). These signs would indicate a "pending rezoning (or BZA item)". It would alert the public, when passing by, of the occurrence. Staff would place the signs when the property was viewed. The signs would be reused.
2. Place a permanent upcoming public hearing notice on the Homepage of the County's website. This would alert the citizens immediately of the public hearings scheduled by the Board, Planning Commission and Board of Zoning Appeals.

Mr. Shull noted that this had been previously discussed with the former County Administrator. In travelling through Virginia, it had been noticed that this manner of advertising had been used. Mr. Coffield had done some research and it was determined that this was a good way to proceed.

Mr. Shull moved, seconded by Mr. Pyles, that the Board approve staff recommendations.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

 Nays: None

Motion carried.

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INFRASTRUCTURE ACCOUNT STATUS

The Board considered Additions/Deletions to Infrastructure and Recreation Capital Accounts.

Jennifer Whetzel, Deputy County Administrator, advised that a list of Infrastructure Accounts that are completed and are no longer active had been reviewed at Monday's Staff Briefing. Those items need to be formally "un-committed" by the Board according to the County's Fund Balance Policy.

Mr. Pyles moved, seconded by Mr. Coleman that the Board delete the accounts that no longer need funding and the remainder be placed back into the appropriate accounts.

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INFRASTRUCTURE ACCOUNT STATUS (cont'd)

Mr. Pyles asked if Ms. Whetzel would provide all accounts to him. "We are criticized for what we do and don't do and I want to total some of the things we have done in Education and Fire and Rescue." He added that he would like to have this information for the meeting on Friday with the School Board Liaisons.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Organizational Meeting, Wednesday, January 6, 2016
- Regular Meeting, Wednesday, January 13, 2016

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Coleman:

1. Attended Solar for Schools Project – "Extremely well done!"
2. Parks and Recreation meeting – Leon Bartley (Pastures District) was elected Chairman and Doug Layman (Wayne District) was elected Vice-Chairman.
3. AUGUSTA COUNTY SERVICE AUTHORITY- APPOINTMENT
Mr. Coleman moved, seconded by Mr. Shull, that the Board accept the resignation of Jeff Moore and appoint John Graves to serve on the Augusta County Service Authority, effective immediately and term is to expire June 30, 2016.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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January 27, 2016, at 7:00 p.m.

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

Mr. Shull:

1. VDOT – Thank you for job well done!
2. Riverheads Elementary School groundbreaking ceremony – delayed to February 12th.

Mr. Garber: “People involved in storm event did an outstanding job – thank you to Volunteers and Career.”

Mr. Kelley:

1. Storm Event - Thank you to National Guard and citizens for “paying attention to the Storm Alert and staying off of the roads”.
2. RECYCLING COMMITTEE – APPOINTMENT
Mr. Kelley moved, seconded by Mr. Shull, that the Board accept the resignation of Elizabeth Godfrey, and appoint Mark Daugherty to serve on the Recycling Committee, effective immediately, and term is to expire June 30, 2016.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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Mr. Pyles:

1. Emergency Services Officers Meeting – Chairman Bragg spoke of appreciation of Fire and Rescue people during the snow event.
2. Sheriff’s concerns – Mr. Pyles noted that the Board of Supervisors is not responsible to provide Law Enforcement; it is a Constitutional office. He noted that out of 76 employees, six deputies and two clerical are funded by the County (10%). He met with the Sheriff and Fire Chief Holloway to discuss Sheriff’s concerns. Suggested that the Sheriff, Fire Chief and County Administrator meet to determine what assistance can be provided to the Sheriff’s office. Also, suggested that the Sheriff may want to attend Staff Briefings to give a monthly update.
3. ASSISTANT EMERGENCY MANAGEMENT COORDINATOR - APPOINTMENT
Mr. Pyles moved, seconded by Mr. Kelley, that the Board appoint Anthony Ramsey to serve as the Assistant Emergency Management Coordinator immediately, and term is to expire December 31, 2016.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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4. CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION – APPOINTMENT

Mr. Pyles moved, seconded by Mr. Coleman, that the Board accept the resignation of Jeff Moore, and appoint Terry L. Kelley to serve on the Central Shenandoah Planning District Commission, effective immediately, and term is to expire June 30, 2016.

January 27, 2016, at 7:00 p.m.

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

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION – APPOINTMENT
(cont'd)

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

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Chm. Bragg:

1. Solar for Schools Project – “Celebration of technology and making it available to students – a terrific opportunity!”
2. Storm Event – Thank you! “It was rewarding to see the efforts and the hard work by our staff, by Donna Good, Chief Holloway, Fire and Rescue, Sheriff’s Department and everybody who pitched in and put together an amazing Emergency Plan! It worked very well! Quite an impressive effort by everybody!”

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Dominion Power – Dooms-Cunningham 500kV Transmission Line Upgrade – PowerPoint document distributed to Board. Mr. Fitzgerald noted that it was similar to the project that replaced towers across the County this past year. Pictures had been provided in the PowerPoint. An open house meeting has been scheduled on February 10th at the Cassell Elementary School in Waynesboro. Mr. Shull asked how many citizens would be affected. Mr. Fitzgerald was unsure of the number but said that most of it would be in the National Forest.
2. School Board Entrance Ramp – Was discussed at Monday’s Staff Briefing. Spoke with Dr. Eric Bond, Superintendent of Augusta County Schools, who felt that this could be considered at a later time when consolidation of all of School Board staff occurred at the Government Center. Will move forward with receiving bids and relocate handicapped parking to the boardroom entrance. Mr. Pyles asked about what had been decided about the flower pots versus the posts. Mr. Fitzgerald said that staff has recommended that a wrought iron or metal gate be installed.
3. Fire and Rescue – Standard Operating Guideline (SOG) – at the Emergency Services Officers Meeting two SOGs have been approved but not presented to the Board of Supervisors for consideration. One is for Burning Exercises and the other one is for Training Registration. It was the consensus of the Board to place on the February 10th agenda for consideration.

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CLOSED SESSION

On motion of Mr. Pyles, seconded by Dr. Pattie, 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) Community Development Director

January 27, 2016, at 7:00 p.m.

CLOSED SESSION (cont'd)

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

A) Pending Economic Development Prospect(s)

(3) the legal counsel exemption under Virginia Code § 2.2-3711(A)(19)
[A discussion of plans to protect public safety as it relates to terrorist activity in accordance with §2.2-3711 (A)(19) of the Code of Virginia]:

A) Security

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

Vote was as follows: Yeas: Bragg, Shull, Kelley, Garber, Wendell, Pattie 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: Bragg, Garber, Kelley, Coleman, Pattie, 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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January 27, 2016, at 7:00 p.m.

ADJOURNMENT

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

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

 Nays: None

Motion carried.

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Chairman
h:1-27min.16

County Administrator