

Regular Meeting, Wednesday, June 8, 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
John R. Wilkinson, Director of Community Development
Becky Earhart, Senior Planner
Patrick J. Morgan, County Attorney
Jennifer M. Whetzel, Deputy County Administrator
Angie Michael, Executive Secretary

ABSENT: Timmy Fitzgerald, County Administrator

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 8, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

* * * * *

Chairman Bragg welcomed the citizens present.

* * * * *

The following member of the FFA Agricultural Issues Team from Stuarts Draft High School led us with the Pledge of Allegiance:

Rachel Watts is a junior and will be serving as one of the FFA Vice Presidents next year.

Hunter Curry is a junior and will be serving as the Chapter's Reporter.

Cassidy Fitzgerald is a junior and is soon to be the Chapter's President.

Steven Lunsford is a junior and will be serving as one of the FFA Vice Presidents and he enjoys playing tennis.

* * * * *

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

* * * * *

ALZHEIMER'S AWARENESS MONTH – PROCLAMATION

The Board considered the Alzheimer's Awareness Month proclamation. Angela Loan accepted the certificate.

Alzheimer's Awareness
Month Proclamation

Whereas, Alzheimer's disease is an irreversible and progressive brain disease that slowly erodes precious memories, thinking skills, and the ability to perform simple tasks; and

Whereas, Every 66 seconds, someone develops Alzheimer's, and by 2050 someone will develop the disease every 33 seconds; and

Whereas, worldwide, nearly 44 million people have Alzheimer's or related dementia; and

Whereas, in the United States, there are 5.3 million people living with Alzheimer's disease and unless a cure is found it is estimated that as many as 16 million will have the disease by 2050; and

Whereas, nearly two-thirds of those with Alzheimer's disease are women; and

Whereas, Alzheimer's is the 6th leading cause of death in the United States; and

June 8, 2016, at 7:00 p.m.

ALZHEIMER’S AWARENESS MONTH – PROCLAMATION (CONT’D)

Whereas, the Alzheimer’s Association is the world’s leading voluntary health organization in Alzheimer’s care, support and research, with the vision of a world without Alzheimer’s disease;

Whereas, The Longest Day on June 20th, a sunrise-to-sunset event symbolizing the challenging journey of those living with the disease and their caregivers, offers everyone the opportunity to get involved in the fight.

Whereas, as the County of Augusta offers its support to those living with Alzheimer’s disease, we also recognize those who care and provide for them, sharing their loved one’s emotional, physical and financial strains. We honor their compassion, remember those we have lost, and press toward the next great scientific breakthrough.

Therefore I, Carolyn S. Bragg, Proclaim June Alzheimer’s Awareness Month in the County of Augusta and call upon its citizens to learn more about Alzheimer’s disease and to support the individuals living with this disease and their caregivers by supporting The Longest Day® on June 20th, 2016.

Mr. Coleman moved, seconded by Mr. Garber, that the Board adopt the following proclamation:

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

 Nays: None

Motion carried.

* * * * *

Chairman Bragg announced that Timothy Fitzgerald, County Administrator, is out of town this week and Jennifer Whetzel, Deputy County Administrator will be filling in for him during the meeting.

* * * * *

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

This being the day and time advertised to consider a request to rezone from General Agriculture to Attached Residential with proffers approximately 5.6 acres owned by Cynthia Roberts and Wendell Paul Alexander and Maury Mill Townhomes LLC, located on the north side of Maury Mill Road (Rt. 813), less than 0.1 of a mile west of the intersection with Rolla Mill Road (Rt. 1930) in Verona (North River District).

Becky Earhart, Senior Planner for Community Development, stated that the applicant has submitted two proffers. Prior to the issuance of the building permit for any dwelling unit on this property a six foot tall solid vinyl privacy fence will be constructed along the property boundaries and the fence will be permanently maintained. No more than 42 units will be built on this 5.6 acres. Ms. Earhart showed a map of the property.

P.J. Wright, the applicant, addressed the Board on this matter. Mr. Wright and his partner, David Smith, have a contract on the mentioned property to buy it contingent upon a zoning change to attached residential. There is a demand, but currently there are no

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

townhome developments in Verona. We believe townhomes would blend in nicely with this neighborhood. These townhomes will be for sale and there will be a property owners association and there will be protective covenants in place. There is 15 adjoining property owners and he has talked to all but one. An owner of a rental property did not respond. Of the fourteen adjoining property owners that he has spoken with, twelve have signed in support of this rezoning request. Mr. Wright has spoken with other property owners in the Rolla Mill Subdivision, but he did not ask them to sign because the adjoining property owners are the most affected. The units will be built in phases so any initial impact will be minimal. There is a water pressure deficiency in part of Rolla Mills. Most people in the subdivision do not realize this. It is his understanding that with approval of the rezoning request, the water pressure issue will be taken care of as well.

The Chairman declared the public hearing open.

Larry Curry, 132 Rolla Mill Road, Verona is in favor of the project. His mother lives at 76 Maury Mill Road and has signed in favor of the rezoning of the Alexander property. Mr. Curry is her Power of Attorney and also the Executor of her Estate. He is not only speaking for her, but other property owners whom have signed and were in favor of the rezoning. He has lived in Verona his entire life and his mother has lived at the Maury Mill Road location for approximately 50 years. He has seen concerned citizens against change for various reasons, such as, moving County Buildings to this location and also the hospital, jail, Social Services and the School Board. Once these things were completed properly there were no longer people in opposition. Mr. Curry has faith in the developer that has built all over the County and will follow the strict guidelines of the various departments to make this property a future show place for Verona. As a reminder, the property is zoned as general agriculture which allows farm animals. He feels that people would be against farming more so than a development of townhomes. A large amount of apartments adjoining Verona Elementary School has been in discussion as well. Mr. Curry trusts that the Board's wise decision would be for positive growth in Verona.

Joey Reece, 264 River View Drive, is opposed of the project. He has lived in the Rolla Mill Subdivision for 25 years and he found out about the Public Hearing last Wednesday. A neighbor noticed it in the Waynesboro Newspaper. It never appeared in the Staunton News Leader paper. He stated that majority of the people in their subdivision get the Staunton News Leader. Mr. Reece suggested to table the item to give residents of that area a chance to be informed of what is being proposed. He drove through the area and counted the number of houses in the subdivision and there are 230 in the subdivision. Maury Mill Road is narrow country road that he uses often. There is hardly room to pass another vehicle and there is a narrow concrete bridge which has been a problem for a long time. Mr. Reese is not against townhouses, but the location is bad. There is plenty of room next to Verona Elementary School. Since the school is closing it would not interfere with anything. Mr. Reece asks for the rezoning to be postponed and if not they are prepared to voice other objections. Augusta County has a very professional staff in Zoning and Planning and they review items and make recommendations. A comment was made by the Zoning Administrator that the property is surrounded by single family dwellings that would be impacted by increased traffic, noise, lights and visual impact caused by the larger density and potential multi-story buildings of an attached residential development. Zoning feels that single family residential development would provide less impact because of much lower density and would be more compatible with the adjacent single family

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

dwelling that surround this property. The Community Development staff stated that the request is not in compliance with the comprehensive plan and they recommend denial of

the request. People would be more agreeable if Mr. Wright would decide to put in single family residences and be more compatible with the surrounding neighborhood. The traffic and other needs would not be effected as greatly. Currently all apartment complexes in Verona have very good access off of Route 11 or Route 612, but Maury Mill Road is a very narrow road without lines. Mr. Reece gave a handout of 10 questions for the Board of Supervisors regarding the proposed development. Lastly he asked everyone in the room who is opposed to this rezoning to please stand. Present were the ones that have been made aware of the proposed rezoning. There are still people unaware of the matter at hand.

David Beisner, 336 River View Drive, Verona has lived in this subdivision for 15 years. He discovered about the Public Hearing yesterday and that is the reason so few people are attendance. He understands that this item has been tabled several times for a variety of reasons. Mr. Beisner agrees with the Planning Commission to deny the request. There is a single lane narrow bridge that goes through the development that would need to be looked at if traffic increases. Would Augusta County be partnering with VDOT to accelerate its replacement and will the developer be required to partner in the associated cost? On the North end of Rolla Mills the neighborhood is in need of a traffic signal on Route 11. School buses have a very difficult time safely entering or exiting the neighborhood. If this project is approved, will the County be working with VDOT to accelerate the construction of a signal and will the developer be required to partner in any associated cost? These issues are brought up in the handout previously provided. A 42 unit complex could easily introduce over 50 students in the school system. If this project is approved will the County partner with the School Board to possibly keep Verona Elementary School open? There is an issue with water pressure. While the complaint sounds like a "not in my backyard" issue, it is built on a solid foundation. The area in question is not big enough to accommodate something of this size with 42 units. There is room to accommodate 8 or 10 individual houses, but not 42. There are two ways in and out of Rolla Mills. Maury Mill entrance is a mess because of the narrow single lane bridge. Traffic in Verona in the last two years has grown. This will just make it worse. Mr. Reece feels that this will also lower the property values of the existing homes. Whatever improvements are made, if this is approved, the tax payers will pay for the infrastructure. Tax payers will pay for new water, sewer, electric, roadway, fire, police and schools. They are not against expansion or growth, but they want to keep the cost down a little. This is too much of a shock in one place at one time. The Planning Commission recommends denial for this rezoning request and they agree with that totally.

Shirley Kelley of 30 Maury Mill Road is located across from the entrance going into Rolla Mills. She has owned the house and lived there for 40 years. 42 units will average 84 new vehicles. Rolla Mill has always been a nice single home neighborhood and putting something of this size in that area is out of place. There is nothing wrong with townhouses, but not in that area. If Mr. Wright wants something of this nature that bad than there is plenty of property around his home. Ms. Kelley has been told that the road will have to be widened and if it happens on her side of the road it will take part of her front yard. She feels it will definitely lower the property value. Someone would have to come in and adjust the water pressure. She has had pipes burst because of too much pressure. She was told by one of the Board of Supervisors that the area was in great danger because the water pressure was so low coming from the fire hydrant. No one was

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

willing to take care of that problem when it came up, but now they are willing to fix it just to appease what P.J. Wright wants? Placing an apartment complex in the middle of a single family neighborhood will generate service requests for law enforcement. Noise and traffic complaints are unavoidable. Does the Augusta County Sheriff's Office have the capacity to meet these needs? If not, will the County be working with the Sheriff to provide funding for additional officers? Also, are there not available properties located around Route 11 and within the comprehensive plan Urban Growth Zone which are much better suited for such a project? Take the advice of your own experts and deny this request.

Howard McNeal of 14 Rolla Mill Road is the second house going in to Rolla Mill Subdivision. Traffic is bad now without the 42 additional townhomes. Mr. McNeal points out number 7 bullet of a handout which states, 'The County currently only places professional firefighters in the Verona station from 6am until 6pm Monday through Friday. At nights and on weekends the emergency services are provided entirely by volunteers. Although they do a terrific job, their responses aren't always consistent. If the County approves this project, are you willing to hire the 6 additional firefighters it will take to staff the Verona station 24/7?' He also points out number 8 bullet which states, 'The County currently does not staff an ambulance in Verona. You have one in Weyers Cave, New Hope, and Fishersville, but not Verona. Our ambulance responses come from the City of Staunton. If this project is approved, will the County be moving toward purchasing and staffing an ambulance for Verona?' Mr. McNeal can see the proposed sight out his back door and is not opposed to single family dwellings being built there, but he cannot visualize townhomes there. He feels the six foot privacy fence that Mr. Wright has offered is wonderful, but the fence will not control the traffic or other concerns.

The Chairman declared the public hearing closed.

Dr. Pattie: First I'd like to thank everyone for coming out tonight. I've spoke to four of you on the phone prior to tonight and I certainly appreciate you giving me a call and generally the cordial conversations we have had and the exchange of information. Your feelings have been understood and I do take those into account. I do consider those very deeply. As you know, I have knocked on your door many times over the last five years to have conversations with you and I certainly appreciate that. As soon as this came across my desk it certainly was a thought initially that either way I'm going to make people upset and unhappy with this project. It's one of those you could see coming down the stream. It's never as good as the developer says it is and it's never as bad as some people think of the worst fears. It's probably somewhere in between and that's just a judgement call at this point. A lot of you have discussed what it would feel like to have something like this developed behind you. As a child, I grew up in a development and the lot behind us was empty. I always lived in fear that it would be developed and that was a constant concern. So I certainly understand how that goes. I currently live in the corner of my property and I bought the acres next to it because I was concerned someone would go in next to me. There is a very wealthy gentleman that lives behind me that has spent \$1.5 million in the four or five lots and my house is 100 feet from his property line. I'm always very concerned that he will build luxury houses right behind me. I understand where you are coming from. I've been trying to get him to sell, but I can't afford it and he won't sell so there isn't any point in that. A couple points; I do appreciate the 10 questions Mr. Reece gave out. I'm sorry we weren't able to go over all of them last night, but it will be good to answer some of these that you have given. Interestingly, I have knocked on your doors many times and none of you guys have discussed the bridge. I don't travel across

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

that bridge, except once in a while, and I have never been there during traffic so I didn't know the significant concern there. Regardless of what happens here tonight, I'm sure Mr. Kelley has some interest in that as well. That's something VDOT will come talk to us about in a couple of weeks so if there is an issue there, we will get a traffic count. I think VDOT owns some of that property around it. Let's widen it and solve that problem regardless of what goes on tonight. I think that's going to be pretty important. As far as the fire flow and this goes to you Ms. Kelley. We were not aware of the fire flow deficiency. The Service Authority measures the water and the fire flow for the fire hydrant for the first couple minutes, but they don't measure it for a long period of time. What we found was, initially it was 750 gallons per minute, but it quickly decreases. It doesn't meet the fire flow requirements for a residential community. Going to questions 7 and 8, we do have firefighters right there. We don't think we have a water problem. We think if there would be a prolonged fire the fire flow access being right there will be useful not only for Maury Mill and Rolla Mills, but for the school across the street and the daycare. As far as the stoplight, we can't get a stoplight on Woodrow Wilson and Spring Hill Road. VDOT is in complete control of that area. Even if we offer to pay for it, VDOT will not allow for a stoplight where we want a stoplight. We have tried that and have been unsuccessful. I certainly appreciate the comments. It's not a perfect project. The comprehensive plan had 22-24 units so this is above it, but there are some advantages and disadvantages to this type project.

Dr. Pattie moved, seconded by Mr. Kelley that the Board approve the request to rezone from General Agriculture to Attached Residential with proffers.

ORDINANCE

A REQUEST TO REZONE FROM GENERAL AGRICULTURE TO ATTACHED RESIDENTIAL APPROXIMATELY 5.6 ACRES OWNED BY CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND MAURY MILL TOWNHOMES LLC, LOCATED ON THE NORTH SIDE OF MAURY MILL ROAD (RT. 813), LESS THAN 0.1 OF A MILE WEST OF THE INTERSECTION WITH ROLLA MILL ROAD (RT. 1930) 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;

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

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

Parcel numbers 105 and 105B on tax map number 36 and parcel number 10A on tax map number 36A2(10) containing a total of approximately 5.6 acres is changed from General Agriculture to Attached Residential with the following proffers:

1. Prior to the issuance of a building permit for any dwelling unit on this property, a 6' solid vinyl privacy fence will be constructed along the property boundaries as generally depicted on the Rezoning Exhibit prepared by Balzer and Associates and dated 12-16-15. The fence shall be permanently maintained.
2. No more than 42 units will be built on the 5.6 acres.

Mr. Coleman: I'm in the fastest growing part of the county, Fishersville. One of the things that we have been talking about is the comp plan and the way it's structured currently. The kinds of changes from a planning standpoint that we saw the need to do. Most of the kind of planning we did for the longest time is all single family homes and some apartments. I can tell you that right off 250 I heard rumbles from people building the fairly expensive single family homes, why would you put a Food Lion in front of them? They asked who approved that and I said I did. What better place to put a Food Lion and a restaurant and what's going in there now are apartments. We can find a way that over time different people who have different needs can find a way to all live together in harmony. I do understand some of the things that are being communicated. That's always something that weighs heavy on us in terms of school enrollment, roads and fire and rescue. When this first came up in January I'm not sure where some of you were. Here it is June and we are still talking about this. The only thing left to figure out is the fire flow. We could not consider going against state law so that was really the only question. When I got my Board packet, I saw where through cooperation of the Service Authority and the Developer and two Board members we could get this done. I saw the opportunity to improve something for this request and also I was led to believe this would benefit the whole area. Like Marshall Pattie, it was news to me about the fire flow issue in Rolla Mills even before this came up. I've been reassured that it is a fact. I'm in an urban area and growing by leaps and bounds. Traffic is heavy verses the traffic being talked about in this project. I have dealt with this heavy traffic getting in and out of the Woodrow Wilson Complex for 49 years. People there think we have a problem. I can be setting at the traffic light and be at my office in six minutes, but to a lot of people we have a real traffic problem. A traffic problem in comparison to what? So I certainly would want to hear from fellow Board members, Mr. Kelley has seconded the motion and put up significant funds out of his infrastructure to help make this project become a reality and to improve the situation for all of us, especially the ones in that part of the County. Mr. Garber being from Weyers Cave, I have been talking with them off and on and follow their

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

lead. It's in North River District and it about a block away from being in Mr. Kelley's district

so I look to them since it's in their area, for what they think and what they want to do. If they didn't want to do this I would be fine with that and if they want to do it I'm fine with that too. I think it's the right thing to do.

Mr. Kelley: I too am in support of this, but I'm the new guy on the block. I started in January. The area that we are talking about in Verona; there are single family homes, duplexes, apartments, an Elementary School and a Daycare Center. When Mr. Wright brought this forward we were all set and ready to go in January until we found out about the water flow problem. I'm also a volunteer fire chief with the Augusta County Fire Department so that immediately put a red flag up for me. It also made me aware of one issue that is kind of irritating as a fire department and that is automatic fire alarms. I went and ask ECC if I could have the amount of automatic fire alarms for the Wonderland Enrichment Center, which is the daycare center. In 2015, after 6pm until 6am, there were 7 alarms that went off. There were 47 alarms that went off that were answered by the Wonderland Enrichment Center. This year alone there has been 4 in evening and 12 answered by the Wonderland Enrichment Center. You wonder what does that mean. So I called Vector Security who is their security system. When you have a water flow problem and a lack of water pressure into the alarm it sends the alarm signal to them. That way Fire and Rescue is on the way. There is definitely a water problem there. It may not be pressure in your house, but in the case of a fire there is a problem. When I learned there was only 350 gallons a minute, if I drive my engine up to the hydrant which pumps 2000 gallons a minute I'm going to be pulling water out of your house. It can be done. It's not a very good thing. That's why we decided to look into the water issue regardless of Mr. Wright's project. I feel it's a good project for Verona. Verona is growing. I grew up in Verona. I have lived in Verona for 52 years and my parents had a home that Mr. Wright built an apartment complex and a farm house in front of my parent's house. My parents were furious and had it out with Mr. Wright. He didn't have to do anything, but Mr. Wright fixed it and made it right. The projects that I've seen from Mr. Wright in the past, he has kept his word and he has done them well and that's why I'm in agreement to put up my infrastructure money to help out the Rolla Mill area. As well as Beverley Court, Jefferson Troy Hill, Stuart Middle School and Wonderland Enrichment Center will be helped greatly with the water issue there. The comprehensive plan for Verona is just that, a plan. It gives us an idea of things that can be put into place for Verona in the future. It's not set in stone. It's what the Board decides in the end that can be done. Comprehensive Plans are for a long period of time and we all know that situations come up that might make a change in the plan. As I seconded the motion I am very much in favor of the project this evening.

Mr. Garber: I do have one mechanical question. Several people mentioned they did not know about the rezoning. Staff is well aware that I have been chewing on people about signs up about rezoning because of something coming up in my neighborhood. Were there signs up?

Mr. Pyles: We approved that after the original submitted date.

Mr. Garber: I'll stop complaining about the signs because that will eliminate the fact of people not knowing. I guess I have to apologize to John for the sign thing.

Mr. Shull: "Did VDOT take a look at the whole road and ingress and egress to the property?"

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

Ms. Earhart stated that VDOT did provide comments. One being the potential for the need for traffic impact study if the number of units wasn't reduced from what it was possible to have. The build out could have allowed it to go into the requirements for a traffic impact study, but Mr. Wright lowered it to 42 units which brings it under the requirements. They have looked at it and they do feel like they can get a commercial entrance on that property. There might be some sight distance requirements and improvements that might have to be made, but they do feel like there will be an acceptable entrance location.

Mr. Shull: I haven't heard any opposition to this. Today was the first day that I have heard opposition on this. The folks have a legitimate cause here, but I will tell you something about the fire flow issues. There is no concern for your home and your safety during a fire. We have a tanker strike force in the County that will take care of the fire issues if there's not enough water. We do have other areas that we have had to place waivers on because of fire flow issues. It is not only in this area, it's everywhere. This is as Mr. Kelley said a red flag and we have been setting on this for almost 2 months now trying to work this out. If we went through and did the adjustments on water lines for fire flow throughout the County we would probably break the Service Authority in fixing the issues. The fire flow has changed over the years because of ISO ratings and insurance companies. A lot of these water lines were put in years ago, there were no issues with them, but as the insurance industry has changed so have the requirements. So I don't think that you need to be concerned with water pressure because we do have a backup means of taking care of that. Now as far as this request, I think it's pretty much been discussed for the last 2 months or more. If there are any problems with the road I think VDOT will have a traffic analysis done and be able to look at that at that time. So as Mr. Coleman said, things do change. The comprehensive Plan is not set in stone. We look at things from year to year. The comprehensive plan is looked at from time to time. We just approved an update last year. There were changes made to it. As we go down the road there will be changes made to it. We try to keep most of our development where we have water and sewer and that's what we are looking at here. We try to keep it in the area where we do have those facilities. I haven't seen any other things except the fire flow issues on this project. I think that it's going to be addressed so I don't have a problem with it right now.

Mr. Pyles: I'm going to be swimming upstream here. I hope the Board members will pay attention. We haven't had a lot of rezoning and hardly had any controversial ones for a long time because building stopped. One of the last rezonings we did have was for 750 townhomes on Barterbrook Road. So if there is a market for it somebody's already got the go ahead to do it. I will say, we owe the folks an apology for not having notices in their papers. We went through a discussion on that mainly how many people get their paper anymore. The News Leader quit covering us so I don't know that there would be anything in there anyway, unless we do something wrong. We went to the News Virginian because we have to post where there is general circulation, not full circulation and they are a lot less expensive. However, we said with that we need to put the signs up. We felt that would be the most effective way for the people to know what was going on. The fact that this went through the cracks is on us. For that I'm not sure we should make a decision tonight. I did want to reiterate something that Mr. Shull said. Changes in fire flow requirements came from this Board. They came in relation to a problem in Mr. Coleman's district so I'm surprised he's not aware of this. They had some problems there with ISO and the pressures that they had. We changed it to be in compliance and hope that new stuff as it came along would have the fire flow they needed and then as things developed as we went along there would be improvements.

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

Let's make a distinction here, the Service Authority is not responsible for fire flow. Their charter from the beginning was to provide water to your homes that never drops below 20 pounds of

pressure. That's their obligation. This Board, not these folks, we passed a change for fire flow to try and get us moving forward to having something better. Mr. Fanfoni, the Director of the Service Authority, has sent each one of the districts a list of things that would be helpful to pay for to improve fire flow. It would be millions of dollars to get all of the sections of the County up to the standard that we want. We need more and bigger water tanks. We have tried to move along improving this situation, but only half of the people in Augusta County are on fire hydrants. The other people are on wells. In terms of that we have to take care of everybody. We have the tanker strike force. Everyone would be well protected by the Verona Fire Department and the other folks that come in to help. That's something that the Board has been made aware of at times. There have been lists given, but how much can we do with how much we have is the issue. If this doesn't go through tonight I would still hope that Mr. Kelley and Mr. Pattie would put up additional money and make it work. One of the reasons it's able to be done now is because the Service Authority is doing other work over there so it fits in with some of the things that we are doing. The thing about the Comprehensive Plan and not doing what the Planning Commission has asked for is dangerous territory, especially now. Virginia has changed its code and much of what we want to do in the future with rezoning used to be by proffer. We could ask for this and we would get that. There have been changes made so that we can't do proffers. We have to ask for it in the beginning. Things have to be laid out. The Planning Commission doesn't make a decision and say it can be changed tomorrow. People make decisions about where they buy based upon what they can do with the land and when we go through that process we look at roads, water, schools. We are closing the Verona Elementary School now and that's going to be a problem for us. I worked in Verona for over 25 years at ASR and I have been on the Board for 21 years. I have always felt that this community is not served very well with things for kids to do such as parks. Is there a basketball court for the kids to go out and play on? I don't think so. You try to put stuff where other things work together. We've done a lot of stuff for Fishersville. They have a nice Library and we have put over \$50 million into three of their schools. We've built roads in Fishersville. We have built many roads in Verona. One road was built up because it was too small. The main issue I have with this, these things aren't really for popularity. You have to say, how do we do things in this County? Do we have a plan and do we follow the plan? If we approve something the Planning Commission said wasn't a good thing to do, we are unable to turn down things in the future. The Board can't say that Mr. Wright is a great guy, he has fixed our problems and he's a good citizen we need to do this. Then have someone come in that the Board doesn't know and we can't do it for them. If we say that the plan for medium density housing is for agriculture and is open for townhouses, how do we tell the next guy no. We have no leverage for that. We get into a bind with that. I think we make a big mistake if we ignore the Planning Commission and ignore the Comprehensive Plan and do something that we don't have the background for. There should have at least been a traffic study to say if this fits in. How is that going to affect that road and getting in and out. I think studies cost money so someone didn't want to do it, but it would have been a better thing to have. We haven't had any discussion and that's a problem. We need to start going out on the trips and looking at things and understanding them better when they come up. There was no discussion because nobody knew about it coming up and raising the issue. We have not had the chance to talk about these things as a Board. I got the call from Mrs. Kelley this afternoon and she was concerned because the Staff and the Planning Commission says no to the rezoning. I think there are issues that need to be talked about further as we hear more about this project.

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND
MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

Mr. Pyles moved, seconded by Mr. Shull that the Board **table** this item until the last meeting in July.

Vote was as follows: Yeas: Shull, Bragg and Pyles

 Nays: Kelley, Garber, Pattie and Coleman

Chairman Bragg: I fully agree with Mr. Pyles. I think that when you review the comments made by staff and by the Planning Commission, we got hung up on the water part, but there are six different issues that are listed. The three big ones are the traffic, it's not compatible with the Comprehensive Plan and it's not compatible with the neighborhood around it. You have single family all the way around and an acre of agriculture and then townhouses and then more agriculture. If 42 townhomes got them under the requirements for a study, what is the magic number for the VDOT study to be required?

Ms. Earhart: At the time of the potential rezoning there was no density so VDOT's comments were that they understood that the property could support approximately 50 units. The request could significantly impact the surrounding roadways due to the existing low volume on the roadway. If the use generates more than 400 vehicles per day the 527 Traffic Impact Analysis will be required under the low volume road submission. It should be noted that 50 attached units would not generate 400, however the trip count would have to be controlled in some way and the conditions of the rezoning would prevent the costly need of a traffic impact study. Their comments did indicate that it would be under the requirements for the traffic study, but they did say the existing pavement section of Rt. 813 could be negatively impacted.

Chairman Bragg: I think that's a major concern that we need to consider. We don't know what impact the traffic will have. I went before the meeting and drove around in the neighborhood. I think there could be a significant impact that would adversely affect the area. I agree with Mr. Pyles. Looking forward to how our decisions will have to be made, I think it could be a slippery slope to bypass the recommendations that have been given. I am not in support of it.

Mr. Coleman: I appreciate the residents that showed up to voice concern. I'm looking at a Staff Report that was generated January 12, 2016. This is June 8th and now after many opportunities for us to talk about this. I understand that there wasn't a great deal of talk about this, but nothing has changed except the only unknown that this Board was presented with was fire flow. We would have already been beyond this, but the rezoning kept being tabled. Dr. Pattie was told to go back and meet with anybody possible to find a way to partner to make this thing work. Now six months later some of the Board has a problem with this.

Chairman Bragg: The same January report that Mr. Coleman mentioned does state the pros and cons. This is not new information to any of us. The question about the fire flow came up because they had requested a waiver of the fire flow requirements. At that point, that's when the whole process started. The Board did not feel that a waiver for residential houses was appropriate so they went on to explore the possibilities of what could be done. I don't think that was to go on to say that everything else was okay. They did defer their request several times because of this.

June 8, 2016, at 7:00 p.m.

CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND MAURY MILL TOWNHOMES, LLC-REZONING (CONT'D)

Mr. Pyles: I would ask Mr. Coleman to understand what the process is. The process brings to a Public Hearing. The Public Hearing should mean something. If you are going to have a Public Hearing and you have already decided then why do we go through this? Why do we listen to them? So they may question two things. The notice wasn't in the Staunton Newspaper which they read. They weren't given the signage so they didn't know. They are here now because they found out. They have come to a Public Hearing to raise questions and you won't even let us look at this further to address their questions. Dr. Pattie doesn't want to give his constituents the time to make their case better at the last minute. It's disappointing that we have a Public Hearing and we don't care what they say.

Mr. Kelley: I understand your problems and your questions, but when this project came open after we toured the property, I went and talked to several residents. I've talked to Ken Fanfoni of the Service Authority and the Shiffletts and different families. There were no questions at that time about traffic or anything. That is why I had no issues except the water issue with the project and Mr. Pattie has done the same thing. We looked at the property and came to a point after several delays that we worked the one problem that was there out.

I call the motion to question to approve the request to rezone from General Agriculture to Attached Residential with proffers and adding contingent upon the fire flow approval.

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

Nays: Bragg and Pyles

Motion carried.

(END OF PUBLIC HEARINGS)
* * * * *

MATTERS TO BE PRESENT BY THE PUBLIC - None

* * * * *

FFA AGRICULTURAL ISSUES TEAM

The Board listened to a presentation given by the FFA Agricultural Issue Team on agricultural farmland over the course of history in Augusta County.

Chairman Bragg commented:
Being from Stuarts Draft, I congratulate you all and we certainly do appreciate it. We enjoyed your presentation.

Ms. Whetzel asked the team to tell the Board why they are doing this presentation.

The team responded by saying they were preparing to take this to the State Convention and compete with other teams on different issues.

* * * * *

June 8, 2016, at 7:00 p.m.

ROLLA MILL FIRE FLOW UPGRADE

The Board considered upgrades to waterlines in the Rolla Mill Subdivision.

Jennifer Whetzel, Deputy County Administrator, reiterated some points from the Public Hearing. We are reviewing the fire flow in the Rolla Mills areas to upgrade the water lines to meet the fire flow requirements. An additional 1350 feet of water line upgrades along Beverley Street and Augusta Street that will be needed in order to provide the minimum target fire flow of 750 gallons per minute to the proposed development and surrounding areas. This includes 260 houses, Stewart Hall School, 8 apartment buildings on Washington and 25 mobile homes, as well as the ones just recently approved. There would also be a six inch line upgraded to an 8 inch line. The estimate for the complete project is around \$210,000. That has been proposed to be divided four ways. \$47,000 would be paid by the developer, Augusta County Service Authority would contribute the labor cost of around \$70,000 and both Beverley Manor and North River Infrastructure would pay \$46,500 each.

| | | | |
|-----------------|-------------------------------|------------------|----------|
| Funding Source: | Beverley Manor Infrastructure | 70-80000-8011-78 | \$46,500 |
| | North River Infrastructure | 70-80000-8013-49 | \$46,500 |

Dr. Pattie moved, seconded by Mr. Kelley, that the Board approve the funding request for the fire flow upgrades in the Rolla Mill Subdivision.

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

Nays: None

Motion carried.

* * * * *

SIX-YEAR PLAN

The Board considered the advertised FY16-22 Secondary System Six-Year Plan and Fiscal Year 2016-17 Construction Budget.

Ms. Whetzel stated that VDOT held a public hearing on May 11 and after that public hearing their budget was finalized. She gave the Board a handout which included a list of the projects related to the six-year plan. The new roads that were added included: Jericho Road in Beverley Manor District, Barnhart and Pinebluff Road in Middle River District, Nash Road in the North River District, Rocky Spring Lane in the Pastures District, Broadhead School Road, Mt. Hermon, Horseshoe Circle and Wilda Road all in the Riverheads District. The total budget for FY 2017 is \$906,774.

Mr. Pyles moved, seconded by Dr. Pattie, that the Board approve the FY16-22 Secondary System Six-Year Plan and the FY17 Construction Budget.

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

Nays: None

Motion carried.

* * * * *

June 8, 2016, at 7:00 p.m.

ASSESSMENT REFUND

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

R.S. Boyers Heating and Air Conditioning, Inc. \$3,095.05

Pat Morgan, County Attorney noted that R. S. Boyers Heating and Air Conditioning purchased a Business License for the entire year. On March 11, 2016, the business was sold to Boyers 72 Degrees Heating and Air Conditioning, LLC. Having gone out of business the Commissioner of Revenue has determined that R.S. Boyers is entitled to a tax refund of \$3,095.05. Because the amount of the refund is over \$2,500 a Board of Supervisor’s approval is required. Mr. Morgan has looked over the materials and finds everything in order. Mr. Morgan recommends approval.

Mr. Coleman moved, seconded by Mr. Pyles, that the Board approve the assessment refund of \$3,095.05 to R.S. Boyers Heating and Air Conditioning, Inc.

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

Nays: None

Motion carried.

* * * * *

WAIVERS/VARIANCES - NONE

* * * * *

CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, May 11, 2016
- Staff Briefing Meeting, Monday, May 23, 2016

CLAIMS

Consider Claims paid since May 1, 2016.

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

Nays: None

Motion carried.

* * * * *

June 8, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

Dr. Pattie:

- 1) The internet survey ends on Friday. Please encourage everyone to fill it out if they haven't done so.

Mr. Shull:

- 1) Enjoyed the FFA Team's presentation. He understands that students are trying to have a place to raise their livestock for the Market Animal Show. There needs to be information out about places that are available. Riverheads had pens that the agriculture department used to keep lambs this year.
- 2) I received a call asking how long the gas line of Columbia had been in the ground in Stuarts Draft. He said, around 70-80 years. Looking back, this Board, several years ago voted to put those buildings at Nibco. The driving force of putting those industries in a place like that most likely was the roads and gas line. If you look back as far as agriculture land goes, the central part of this valley is setting on shale. It would have been the best place to have built years ago and kept the land in Stuarts Draft as farm land. It's been done and we have to deal with it now.
- 3) Another thought on trying to preserve land. We have enough restrictions on landowners of what can or cannot be done. People want to be free. It's their land and they want to buy or sell how they see fit. Under our current laws, the taxes eat it up. Inheritance tax, capital gains tax. If the Federal and State Government was into preserving the ground they would look at means if it was sold to a farmer some of the taxes could be forgoed, but if sold to a developer then the taxes would be paid. We never own our property. We are always paying someone. My dad bought his farm 55 years ago and paid about \$6,000 for it and now the taxes are more than the payment for the land.

Mr. Garber:

- 1) The market animal show this year was the largest it's ever been with 500+ entries. It was a growing opportunity by moving it to Expo. Many times it's about connections. If the right people knew that the right kids were looking for a spot then it would probably be doable."
- 2) Ms. Whetzel, Mr. Pyles and himself spend the morning in Harrisonburg meeting with Staff and discussed several different things. Met with ECC and the Commissioner talking about assessment. It's easy to see why their tax rate is a good bit higher than ours. They have some really good things and people in place. We had some questions that were answered and more questions were generated.
Rockingham was a very well run county. Mr. Garber was critical of them having the rezoning signs up, however after tonight he has learned his lesson. Ms. Whetzel was a wonderful resource in this case because of her financial background. It was time well spent.

Mr. Kelley:

- 1) Mr. Pyles brought up again about there being no parks or anything in Verona. There are two basketball courts, one behind Verona United Methodist Church and Stewart Hall has an open gym, but there are no picnic area. He agrees that the Verona Community definitely needs a place for families.

Mr. Pyles:

- 1) I am in agreement with Mr. Shull when talking about people's land.

Of the Holidays that we have, the most important one that is not celebrated is D-Day. D-Day was the turning point in the war. The main D-Day cemetery faces

June 8, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

west. It faces towards us and the people buried there without any basis of what branch, what your rank was, what your faith is or what your color is. The pipeline that would come out of Deerfield Valley has a husband and wife couple living there and both of their fathers died over in France during WWII and they don't want the pipeline in their yards. It strikes me that this couples family has given the last full measure to fight for people's rights. They move to a remote place like Deerfield and then someone comes and takes their land. I wonder how that fits in the scheme of rights that people are fighting for. A Corporation has more rights than the individual. I'm all about the people.

Chairman Bragg:

- 1) Reminder to the Board about mileage and the Statement of Economic Interest.
- 2) Next Wednesday morning is the Economic Development Breakfast.
- 3) Reminder of the internet survey.
- 4) Pat Overby is in the hospital.

Mr. Coleman:

- 1) Surgery is rescheduled for himself on Wednesday June 15.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1) Contract for the Government Center ramp improvements has been signed. Work will begin June 20th.
- 2) ECC Grant Application was submitted on Hazardous Mitigation Grant Program for the replacement of the UPS at the Government Center. Total cost is \$168,000 and is an 80/20 grant.
- 3) Economic Development breakfast reminder.
- 4) Shenandoah Valley Headstart has an annual report that has been sent. It will be put in the reading file.
- 5) Handed out information on the Courthouse that discusses the relocation of the Courthouse to Verona and focuses on key points. The second handout is a tentative schedule that goes through some of the legal requirements related to the Courthouse. It also goes through some of the tools available for marketing the referendum and some possible meeting dates. Attached and what is homework for next time is a list of Ruritans and Lions clubs in the area. Ms. Whetzel asked the Board to consider speaking on any of these dates in their area.
- 6) Parking lot in Staunton adjacent to the Circuit Courthouse or directly across the street from the District Courthouse. It holds about 18 or 20 spaces and some of Augusta County's Court employee's park in that lot. There is going to be construction on one of the buildings that faces that parking lot so Staunton is going to present a letter stating a timeline for that construction and then temporarily give us passes to have a few spaces moved to the Wharf.
- 7) During the next work session we will be bringing forward a template of changes related to the new FOIA law. We are required to have one point of contact.
- 8) In the past we have sometimes cancelled the first meeting in July, which would be July 13th. We have cancelled it seven times in the past 10 years. Notification of the cancellation is needed seven days prior to the meeting. A decision would have to be made at the next meeting.

* * * * *

June 8, 2016, at 7:00 p.m.

CLOSED SESSION

On motion of Mr. Pyles, seconded by Mr. Shull, 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

(2) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**
[discussion of the acquisition for a public purpose, or disposition, of real property]:

A) Ladd Property
B) Mill Place

* * * * *

On motion of Mr. Shull, seconded by Mr. Pyles, the Board came out of Closed Session.

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

Nays: None

Motion carried.

* * * * *

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, Shull, Pattie and Pyles
NAY: None

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

* * * * *

June 8, 2016, at 7:00 p.m.

ADJOURNMENT

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

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

 Nays: None

Motion carried.

* * * * *

Chairman
h:6-08min.16

County Administrator