

Regular Meeting, Wednesday, September 28, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman  
Gerald W. Garber  
Marshall W. Pattie  
Wendell L. Coleman  
Michael L. Shull  
Becky Earhart, Senior Planner  
John Wilkinson, Director of Community Development  
Timmy Fitzgerald, County Administrator  
Jennifer M. Whetzel, Deputy County Administrator  
James R. Benkahla, Interim County Attorney

ABSENT: Terry Lee Kelley, Jr.

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, September 28, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 241<sup>th</sup> year of the Commonwealth....

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Chairman Bragg welcomed the citizens present.

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The following students from Riverheads High School SCA led us with the Pledge of Allegiance:

Kelsea Byers is a junior. She is in the SCA and Valley Young Life. Ms. Byers plans to attend a four year college and would like to major in Early Education or Nursing.

Taylor Swisher is a junior and plays volleyball and softball. She is a member of the SCA and is President of FCLA. Ms. Swisher plans to attend the University of Pennsylvania and become a Cardiovascular Surgeon or a Trauma Nurse.

Kailey Hipes is a senior. She is in SCA and Valley Young Life. After graduation she plans to attend Lipscomb University in Nashville, TN and get her business degree. Ms. Hipes invited everyone to their donation breakfast at Riverheads High School on Election Day to benefit local troops.

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Wendell Coleman, Supervisor for the Wayne District, delivered invocation.

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AUGUSTA COUNTY BOARD OF SUPERVISORS AND RICHARD M. & CHERYL D. SHELTON-PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public Use Overlay designation to approximately 14.5 acres zoned Planned Commerce owned by the County of Augusta Board of Supervisors and Richard M. and Cheryl D. Shelton located approximately 300 feet south of the end of Lakeview Court in Mill Place Commerce Park in Verona, in the Beverley Manor District. The Planning Commission recommends approval with the proffers.

Becky Earhart, Senior Planner showed a picture of the property. Ms. Earhart stated that the entire park is zoned Planned Commerce and these would be additional uses that would be allowed only in the 14.5 acres. The additional permitted uses of the property will be limited to walking, biking and nature trails, pavilion/gazebo, benches, exercise equipment stations, parking lot with lights, and fishing. Originally the property was zoned General Industrial but a district has been developed that allows industrial and business uses and that is what this

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AUGUSTA COUNTY BOARD OF SUPERVISORS AND RICHARD M. & CHERYL D. SHELTON-PUBLIC USE OVERLAY (CONT'D)

property is now. Before the Board considers this matter Ms. Earhart made a statement for purposes of the State and Local Government Conflict of Interest Act...

"My family company owns an adjacent property to Mill Place Commerce Park. However, in accordance with section 2.2-3112A.2 of the Code of Virginia I may participate in this transaction because I am a member of a business, occupation or group of 3 or more persons, the members of which are affected by this transaction. I have filed a written declaration of personal interest, as required by the act, with the Department of Community Development."

Andy Wells, Director of Parks and Recreation stated that the Parks and Recreation Department was interested in pursuing recreation opportunities in Mill Place Commerce Park. The plans are still in the process of developing, but this is the first initial step in order to make that happen. The Planning Commission is supportive and the application speaks for itself based on documents presented.

The Chairman declared the public hearing open.

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

Mr. Coleman moved, seconded by Mr. Shull, that the Board accept the Planning Commission's recommendation.

**ORDINANCE**

A REQUEST TO ADD THE PUBLIC USE OVERLAY DESIGNATION TO APPROXIMATELY 14.5 ACRES ZONED PLANNED COMMERCE OWNED BY THE COUNTY OF AUGUSTA BOARD OF SUPERVISORS AND RICHARD M. AND CHERYL D. SHELTON LOCATED APPROXIMATELY 300 FEET SOUTH OF THE END OF LAKEVIEW COURT IN MILL PLACE COMMERCE PARK IN VERONA, IN THE BEVERLEY MANOR 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:

Parcel numbers 73 (portion) and 73E (portion) on tax map number 46 containing a total of approximately 14.5 acres is changed to add the Public Use Overlay designation with the following proffer.

1. Additional permitted uses will be limited to:
  - a. Walking, biking, and nature trails
  - b. Pavilion/gazebo
  - c. Benches and exercise equipment stations







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

Mr. Fitzgerald:

Typically our Fund Balance Policy is to take the fund balance and fund the capital accounts. The capital accounts are not fully funded so it comes down to priorities. Currently there is a \$1.2 million fund balance and the plan was to fund several accounts with that.

- 1) \$375,000 towards Fire and Rescue equipment.
- 2) \$375,000 towards ECC equipment.
- 3) \$100,000 towards Sheriff's Office equipment.
- 4) \$350,000 towards IT equipment which includes a Financial Software replacement product.
- 5) \$86,030 towards vehicles.

There are other things in the capital plan such as Landfill, stormwater management, Economic Development, Utilities, Revenue Sharing and Courts Complex that are not getting funding because there isn't a sufficient amount available. It comes down to Board priority to put the money into infrastructure versus one of the other accounts. The \$350,000 can be moved from one of the other areas to fund the infrastructure accounts with \$50,000 each.

Mr. Garber would like to have that information at the next Staff Briefing.

Mr. Pyles stated that he was fine in putting this off. Every year you can fill up your sheet with things to spend the money on. This money allows an individual to do some things that are direct support of the locality.

Mr. Coleman commented that he is appreciative and respectful of everything he has heard. We need to remind ourselves going forward that every opportunity we get to keep our respective communities whole we need to do it. There is still a great risk that more and more will be turned over to the County because the needs are there, but the financial and human resources begin to dry up. All of the items Mr. Fitzgerald listed are very real and need to be considered.

Mr. Fitzgerald stated that the list is something that we can get on the next agenda.

Mr. Coleman would be fine with some districts getting the funding and some not. There are areas that are more in need than others.

Mr. Pyles appreciates Mr. Coleman's comments. What is looked at when some projects are done, no matter what part of the County, is the importance of the project and how it will improve and affect the County as a whole.

A few weeks ago the Chairman sent out a note regarding what we may do with the old Courthouse. Chairman Bragg had some ideas and was asking for ideas from the remaining Board. We know it's uncertain whether it will be vacated or not in 2-3 years, but some assurance for those who have concerns about what might happen to the Courthouse needs to be given. Mr. Pyles would like to see a resolution put in place by the Board that should the referendum pass the Board will put together a project team that will develop funding and uses for the building when it is vacated. It will be kept as a County owned public building for public use.

Chairman Bragg reiterated what Mr. Pyles stated to clarify his statement.

Mr. Coleman asked if the resolution would limit the Boards capability if the referendum is passed and someone wants to buy the courthouse. The Board has gone on record saying it was going to be maintained as County property. The wishes of the Citizens are unknown until the vote is taken. If the referendum passes and someone approaches the Board and wants to buy the building we want to have that option.







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CLOSED SESSION (CONT'D)

consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

- A) Ladd Elementary School
- B) Probable litigation over expected Business License Tax

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

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

                                 Nays: None

                                 Absent: Kelley

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, Shull, Pattie  
                  NAY:           None  
                  ABSENT:       Pyles

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

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ADJOURNMENT

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

Vote was as follows:           Yeas: Pattie, Shull, Garber, Coleman, Kelley, and Bragg  
                                      Nays: None  
                                      Absent: Pyles

Motion carried.

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Chairman  
h:9-28min.16

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County Administrator