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 241th 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

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 property 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

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

d. Parking lot with lights

e. Fishing

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

Pattie

Nays: None Absent: Kelley

Motion carried.

AUGUSTA COUNTY SCHOOL BOARD-AMEND PROFFERS ON THE PUBLIC USE OVERLAY-RIVERHEADS SCHOOL COMPLEX

This being the day and time advertised to consider a request to amend and restate the proffers on approximately 82 acres zoned Single Family Residential and Public Use Overlay owned by the Augusta County School Board located on the north side of Howardsville Road (Rt. 701) in the Riverheads District. The Planning Commission recommends approval of the request to amend and restate proffers.

Ms. Earhart showed a map of the property. Currently there are two Public Use Overlays with the high school and the elementary school. When the Public Use Overlay was originally done in 1987 there were two separate sets of uses, but today all of the uses being proposed are on either one or the other of the sites. As a housekeeping measure, the proffers are all together so it doesn't matter if they are on the old elementary school site or the new high school and elementary sites. It is considered the Riverheads site. The additional permitted uses will be schools, active and passive recreational facilities which will include football field and track (lighted), baseball and softball fields (lighted), soccer fields (lighted), tennis courts (lighted), playgrounds, community centers and similar facilities and meeting places of civic clubs and other organizations. There is public water and sewer on the property.

Dr. Eric Bond, Superintendent of Augusta County Schools had no comment.

The Chairman declared the public hearing open.

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

Mr. Coleman reminded everyone that on Monday prior to the last Board of Supervisors meeting of the month, there is a Staff Briefing. The Board is presented with items to be discussed at the Staff Briefing and then considered at the following regular Board of Supervisors meeting.

Mr. Shull moved, seconded by Mr. Garber, that the Board amend the proffers on the Public Use Overlay for the Riverheads School Complex.

ORDINANCE

A REQUEST TO AMEND AND RESTATE THE PROFFERS ON APPROXIMATELY 82 ACRES ZONED SINGLE FAMILY RESIDENTIAL AND PUBLIC USE OVERLAY OWNED BY THE AUGUSTA COUNTY SCHOOL BOARD LOCATED ON THE NORTH SIDE OF HOWARDSVILLE ROAD (RT. 701), JUST WEST OF THE INTERSECTION WITH LEE JACKSON HIGHWAY (RT. 11) IN THE RIVERHEADS DISTRICT.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

<u>AUGUSTA COUNTY SCHOOL BOARD-AMEND PROFFERS ON THE PUBLIC USE</u> <u>OVERLAY-RIVERHEADS SCHOOL COMPLEX</u> (CONT'D)

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 property 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 proffers on Parcel numbers 61C and 64C on tax map number 82 and Parcel number 49A on tax map 73 containing a total of approximately 82 acres are amended as follows:

- 1. Additional permitted uses at these sites will be:
 - a. Schools
 - b. Active and passive recreational facilities:
 - i. Football field and track (lighted)
 - ii. Baseball and softball fields (lighted)
 - iii. Soccer fields (lighted)
 - iv. Tennis courts (lighted)
 - v. Playground
 - c. Community centers and similar facilities
 - d. Meeting places of civic clubs and other organizations

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

Pyles, Pattie

Nays: None Absent: Kelley

Motion carried.

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END OF PUBLIC HEARINGS

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MATTERS TO BE PRESENTED BY THE PUBLIC

Larry Dudley would like to see a post office opened in Weyers Cave next to the Airport. Mr. Dudley ordered a blood pressure monitor and it took 10 days to get it in the mail from New Jersey. He would like to wait until January, after the election is over, and come back and discuss and consider this with the proper people. There are many benefits from the Post Office being in the County. Mr. Garber could potentially sell land for this to be done.

Mr. Garber stated that he didn't have land for sale, but there was land for sale in that area.

Mr. Dudley has talked to several people whose mail often runs behind.

Mr. Pyles commented that the Service Authority ran into a problem with not getting payments on time. There was leniency given to everyone when it was looked into what was happening. It is an issue and a very real problem.

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BERRY FARM PROPERTY

Timothy Fitzgerald, County Administrator reminded the Board that this was reviewed on Monday at the Staff Briefing. A considerable discussion was has about the well sites that the Service Authority are interested in acquiring from the County. In order to transfer land the County owns, a Public Hearing is required. It is before the Board to consider approval for advertising a Public Hearing to transfer 12.9 acres to the Service Authority. At the time of the Public Hearing there will be additional information in regards to cost sharing opportunities given.

Mr. Pyles moved, seconded by Mr. Shull, that the Board approve advertising for Public Hearing for transfer of land at the Berry Farm property to Augusta County Service Authority.

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

Pattie

Nays: None Absent: Kelley

Motion carried.

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WAIVERS/VARIANCES - NONE

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MATTERS TO BE PRESENTED BY THE BOARD

Dr. Pattie:

Gave an update on Broadband. The final planning meeting was held and 4-7 sites in West Augusta and various locations within the County have been identified that towers could be marketed. The Committee will be reaching out to 4 local fiber companies to see if they have an interest in expanding.

Mr. Pyles:

The possibility was brought up about using some of the Year End Funding for infrastructure accounts. The infrastructure accounts have been a very good thing for the County in terms of leveraging money when matching funds are received to help do things. Infrastructure accounts are very good for public relations and the little things that can be done. It helps keep a certain amount of parody among different districts. Mr. Pyles would like to take funds from the year end account and putt it towards individual district infrastructure accounts in the amount of \$50,000 each.

Mr. Coleman:

If the County is in the position to do this, it would be a good idea. It allows the Board to do things by district that we otherwise would most likely not be able to do. We can leverage the money that we do have to actually get other money that we would not be able to do.

Dr. Pattie stated that he felt like it was a good idea.

Mr. Shull feels that it should wait until after the election to see where everything stands. We may need a great deal of money.

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.

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

Mr. Pyles stated that what this Board decides is not incumbent on future Board's. When we look at the importance of the old building to Staunton and we think about how the people have already paid for the building, they will find a use for it. If the Board sells it for something of no significance, the people will be upset. We have a responsibility to keep it in good order and a permanent marker to the historical significance of the building and how it has played a role in the development of the County over the years. There has to be something that says we are going to use the building for Public good. This will settle the citizens as to the intentions of this Board for the future of the Courthouse.

Dr. Pattie has a concern that if the majority of the Board says if you vote yes that we are going to take care of it and make it a public use building. We have obligated future Boards to pay for it no matter what the cost. The Board is basically tying down future Boards to get a yes vote for the Courthouse.

Chairman Bragg doesn't see it as vote for the Courthouse. It is a historical property, a landmark and dear to the Citizens of Augusta County and that falls under the responsibility of taking care of our assets.

Mr. Pyles answered Dr. Pattie by stating if he were to be consistent with the fact of following previous Boards, he would vote with what we decided as a Board in 1996-1997 to bring the Court System to Verona. That has been the moral direction of Boards for many years.

Mr. Shull stated when people vote and choose to vote yes, they are saying they want to move forward and it is unclear as to whether they would be opposed to selling it at that time. This is something we need to wait on and put out a questionnaire to the public and see how they feel.

Mr. Garber stated that the only thing he tells anyone that asked about the old Courthouse is that it will not get boarded up. Everything else is open for discussion. Until we know what direction we need to go in, we can't make a decision on what would happen with the old building.

Mr. Pyles pulled back his request for a resolution.

Chairman Bragg:

- 1) Reminded everyone of the Town Hall Meeting at Fort Defiance High School on Monday, October 3 at 7:00p.m.
- 2) On the morning of Monday, October 3 the Legislative Breakfast will take place with herself and Mr. Pyles.
- 3) Sunday, October 2 is the Touch a Truck event from 2-4.

Mr. Coleman has decided to go to the Farm Bureau Dinner along with Dr. Pattie on Monday, October 3 so they will not be attending the Town Hall Meeting at Fort Defiance High School.

Mr. Shull moved, seconded by Mr. Coleman to reappoint Jo-el Nelson to the Recycling Cycling Committee for a term expiring September 30, 2020.

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

Pattie

Nays: None Absent: Kelley

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issues:

1) Handed out the Legislative Issues, Priorities and Proposals to the Board. The top two priorities are Fair Taxation and the issue of Land Use used in the Composite Index Formula. A new issue was added on page 6 in regards to Fire and Rescue license plate requirements. With the proper signature a volunteer can go to the DMV and get a tag that says Fire Department or Rescue Squad. The issue is, once this tag is bought the DMV considers the person with the tag to be the owner of the tag. If the person is no longer affiliated with the company or no longer a Fire Fighter, there is concern with that person having that type of tag. The DMV has said they need some type of Legislation to allow for the DMV to require the proper signature at renewal or some mechanism to validate the person with the special tags. There is still time to make adjustments to the package as needed.

Mr. Coleman:

In addition to talking with our delegation about this, we need to make sure Delegate Steve Landes gets a copy of the package so that he is aware of the issues at hand.

- 2) VDOT Public Meeting on Smart Scale Projects on Tuesday, October 25 at 4pm at Blue Ridge Community College.
- 3) Revenue sharing applications due in November. Traditionally we have used infrastructure dollars to match. One Revenue Sharing Project done this past year was the Shared Use Path at Woodrow Wilson.

Mr. Garber:

If Mr. Pyles will make a motion on the transferring of End of Year Fund Balance dollars to infrastructure accounts I will second.

Mr. Pyles moved, seconded by Mr. Garber that the Board approve transferring \$50,000 from the End of Fund Balance to each infrastructure account for a total of \$350,000.

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

Pattie

Nays: Shull Absent: Kelley

Motion carried.

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CLOSED SESSION

On motion of Mr. Pyles, seconded by Mr. Coleman, the Board went into closed session pursuant to:

- (1) 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 Elementary School
- (2) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)

[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and

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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Chairman h:9-28min.16

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.

County Administrator

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