

Regular Meeting, Wednesday, March 24, 2010, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman  
Jeremy L. Shifflett, Vice-Chairman  
David R. Beyeler  
Wendell L. Coleman  
Larry C. Howdyshell  
Tracy C. Pyles, Jr.  
Nancy Taylor Sorrells  
Patrick J. Morgan, County Attorney  
Timmy Fitzgerald, Director of Community Development  
Becky Earhart, Senior Planner  
Jennifer M. Whetzel, Director of Finance  
John C. McGehee, Assistant County Administrator  
Patrick J. Coffield, County Administrator  
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, March 24, 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 234<sup>th</sup> year of the Commonwealth....

\* \* \* \* \*

Chairman Garber welcomed the citizens present and reminded them to remove their hats and turn off their cell phones.

\* \* \* \* \*

Dustin Skillman, Sarah Harlow, and Kimberley Snyder, seniors of Riverheads High School, led the Pledge of Allegiance. Dustin plans on attending Ferrum College and major in Science and minor in teaching. Sarah plans on attending Virginia Tech and hopes to be a veterinarian. Kimberley plans on attending Blue Ridge Community College and major in Computer Science.

\* \* \* \* \*

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

\* \* \* \* \*

MIDDLEBROOK RURITAN CLUB RESOLUTION

Ms. Sorrells reported that the resolution would be presented to the Club on April 14<sup>th</sup> when they celebrate their 70<sup>th</sup> anniversary formally.

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board adopt the following resolution:

**RESOLUTION**

**WHEREAS**, on April 17, 1940, Middlebrook Ruritan Club was chartered at a fee of 50¢ per member, and H. Clark Rosen was elected President; and

**WHEREAS**, the last charter member, Frank Clemmer Hanger, died September 11, 2002, with more than 60 years perfect attendance in the club; and

**WHEREAS**, the Middlebrook Ruritan Club has been very active in community improvement projects: in February 1941, asked the Augusta County School Board to provide a full-time agricultural teacher to Middlebrook High School; has been instrumental in locating two physicians in the community: Dr. H. Lynn Moore and Dr. John Marsh; supported the joint Middlebrook Volunteer Fireman's Carnival ever since 1954; has held the Middlebrook Horse Show every year since August 30, 1958; worked with the Augusta County Historical Society to erect a Historic Highway Marker in the community; created and has sponsored Patriotism Day at Riverheads Elementary School since 1999 and has sponsored an annual village Christmas Tree Lighting since 1992; and

**WHEREAS**, Middlebrook Ruritan Club has helped start four new Ruritan Clubs: Massies Mill in Nelson County; Upper Tract in West Virginia; Mill Gap in Highland County; and Beverley Manor in Augusta County; and

March 24, 2010, at 7:00 p.m.

**MIDDLEBROOK RURITAN CLUB RESOLUTION (cont'd)**

**WHEREAS**, the Middlebrook Ruritan Club has earned the Ruritan National Blue Ribbon Award 16 times; and

**WHEREAS**, the Middlebrook Ruritan Club was given Honor Roll Club status by Ruritan National in recognition of the club donation to help build the Ruritan National Home office in Dublin, Virginia; and

**WHEREAS**, the Middlebrook Ruritan Club was awarded first place in the nation in the Ruritan National Club Newsletter competition in January 2010; and

**WHEREAS**, Dennis Clemmer and Betty Jo Clemmer, Club members, have received the Tom Downing Award, which is the highest award in Ruritan; and

**WHEREAS**, five District Governors have come from the Middlebrook Ruritan Club: Clark Rosen (1940); Charles Beard (1962); Roy T. Stephenson (1967); Dennis Clemmer (2006); Betty Jo Clemmer (2007); as well as a Ruritan National Treasurer, Meade Reames (1952); and a Ruritan National Director, Dennis Clemmer (2008-2010); and

**WHEREAS**, the Middlebrook Ruritan Club, over its 70-year history, has truly improved the Middlebrook community and the well-being of its citizens; and

**NOW THEREFORE, BE IT RESOLVED**, meeting in regular session on March 24, 2010, the Augusta County Board of Supervisors wishes to commend the Middlebrook Ruritan Club and its members for 70 years of outstanding service to their community; and

**BE IT FURTHER RESOLVED** that the Augusta County Board of Supervisors hereby recognizes that the Middlebrook community truly benefited greatly from the community services performed by the Middlebrook Ruritan Club; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be spread upon the minutes of the Augusta County Board of Supervisors and a copy be presented to the Middlebrook Ruritan Club at its anniversary meeting.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

**RECOGNITION OF EMPLOYEES' PERFECT ATTENDANCE 2009**

Patrick J. Coffield, County Administrator, announced that the following employees achieved perfect attendance for 2009. There are approximately 385 employees currently participating in the County's annual and sick leave program. There were a total of 54 employees who did not miss a day in 2009. For 2008 the total was 45; 2007 -- 57; 2006 -- 59; and 2005 -- 69. Chairman Garber commended these employees for their outstanding service:

- |                           |                       |                           |
|---------------------------|-----------------------|---------------------------|
| Elizabeth M. Hearn (15)   | John Cook (3)         | Rita R. Austin (4)        |
| Steven C. Henderson       | Larry O. Wagoner      | Duane "Doug" Wolfe        |
| Linda T. Beathe           | Christopher W. Hoover | Paul A. Sprouse           |
| Timothy W. Hansbrough (2) | Shannon L. Ingle (2)  | Christopher S. Layman (2) |
| Bryan P. Mace (2)         | Larry A. Bennington   | Sharon Curry (3)          |
| Derek W. Davis            | Brandon J. McCown     | Nicholas S. Ramsey        |
| Michael "Greg" Schacht    | Thomas E. Clements    | Elmer L. Gill, Jr.        |
| Ronald H. Sites           | Eddie L. Carter       | Marion J. Burch (2)       |
| Matthew R. Carter         | Robert E. Hammersberg | Robert E. Hilderbrand     |
| Michael C. Roane          | Tony W. Shifflett     | David S. Lotts (2)        |
| Douglas O. Cole (2)       | Jonathan L. Sholes    | Joseph W. Sholes          |
| Leslie K. Snyder          | Caleb D. Spence       | Brian J. Jenkins (3)      |
| Wayne L. Surface, Jr.     | Brad A. Young (2)     | Gary A. Taylor            |
| Corinne E. Brace          | Nathan Ramsey (7)     | Jeanette Davis            |
| Donald L. Smith (6)       | Amber Eavers-Martino  | Ken Jacobsen (11)         |
| Phil Sibold, Jr. (3)      | Vanessa D. Forde      | Martha J. Hodge           |
| Lindsay A. Knott          | Donna R. Maloney      | Misty D. Powell           |
| Tavia D. Trobaugh         | Theresea L. Janosky   | Miles C. Bobbitt          |

March 24, 2010, at 7:00 p.m.

\* \* \* \* \*

**BOARDS AND COMMISSIONS CERTIFICATES OF APPRECIATION**

Chairman Garber recognized the following individuals and expressed his appreciation in their outstanding work to enable the County to be a better place to live:

Thomas H. Byerly	Planning Commission	20 years
William E. Halterman	Recycling Committee	3 years
Mary E. Hood	Library Board	4 years
Clinton Martin	Agriculture & Forestal	20 years
Sonny Pendergraft	Social Services Advisory Board	5 years
John W. Swett	Youth Commission	1 year
Kay Frye	Service Authority	8 years

Chairman Garber presented certificates to those individuals who were present.

Mr. Coleman added that this group is participants of a much larger group that commit their time and efforts to Augusta County on an ongoing basis. Currently, we have 23 different boards and commissions consisting of approximately 114 members.

\* \* \* \* \*

**AUGUSTA HEALTH CARE, INC. – REZONING**

This being the day and time advertised to consider a request to rezone from General Agriculture to General Business with proffers approximately 40 acres owned by Augusta Health Care, Inc. located in the northwest quadrant of the intersection of Tinkling Spring Road (Route 285) and Goose Creek Road (Route 636) in Fishersville (Wayne District). The Planning Commission recommends approval with proffer.

Becky Earhart, Senior Planner, displayed property outlined in blue; white indicates property currently zoned General Agriculture; red is property zoned General Business; purple is General Industrial and green is Residential. The applicant has submitted one proffer:

1. The only permitted use on the property will be signs.

Ms. Earhart added that the State of Virginia requires a Traffic Impact Analysis to be done as part of any rezoning application. The hospital has a need to upgrade some of the signage at its facility. Additional signage is desired to be placed on this lot that is currently not zoned business which would not be allowed. Therefore, the hospital is asking for this rezoning. The proffer will be changed at the time they want to develop new buildings and that will require a rezoning. This property is in an Urban Service Area; is slated for Business development. Public water and public sewer are available.

Kathleen Heatwole, representative for Augusta Health, provided a PowerPoint presentation indicating the placement of new signage at their facility.

The Chairman declared the public hearing open.

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

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance with proffers:

A request to rezone from General Agriculture to General Business approximately 40 acres owned by Augusta Health Care, Inc. located in the northwest quadrant of the intersection of Tinkling Spring Road (Route 285) and Goose Creek Road (Route 636) in Fishersville in the Wayne District.

March 24, 2010, at 7:00 p.m.

AUGUSTA HEALTH CARE, INC. – REZONING (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:

Parcel number 98C on tax map number 67 containing approximately 40 acres is changed from General Agriculture to General Business with the following proffer:

- 1. The only permitted use on the property will be signs.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

CEDAR BLUFF, INC. – REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to Single Family Residential approximately 23.5 acres owned by Cedar Bluff, Inc. located in the northwest quadrant of the intersection of Benz Road (Route 1614) and Kolb Circle (Route 1615) in Lyndhurst (South River District). The Planning Commission recommends approval with proffers.

Ms. Earhart displayed property outlined in pink. The applicant has submitted three proffers:

- 1. The minimum square footage for single family dwellings will be 1600 square feet.
- 2. No more than 10 residential lots will be created out of the 23.5 acre tract.
- 3. No habitable structure will be built below an elevation of 1360'.

The property was zoned General Agriculture in December 1995. The Comprehensive Plan calls for a portion of the property to be developed as Low Density Residential and a portion of the property to be developed as Industrial. Public water is available; public

---

March 24, 2010, at 7:00 p.m.

CEDAR BLUFF, INC. – REZONING (cont'd)

sewer is not available. Ms. Earhart displayed a concept drawing for the rezoning which the applicant has submitted.

Jim Brenneman, applicant, reported that Cedar Bluff bought this property 21 years ago as a nursery operation. It has been cleaned up; this particular 23 acres has been used for hay.

The Chairman declared the public hearing open.

Ronald Hahn, with Denny Brooks, both officers of Calvary Baptist Church, which is directly across the street from this property, expressed support of the request.

Eddie Burkholder was not opposed to the development but felt that he would like to see the homes larger than 1600 square feet to be more compatible with the other homes. He would also like to see covenants and restrictions for the planned subdivision.

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

Mr. Brenneman replied that covenants and restrictions would be done as part of the recorded deed. He added that the 1600 square feet was the minimum finished space and was confident that the houses would be larger.

Mr. Beyeler added that he felt sure that there would be quality homes developed.

Mr. Pyles expressed that houses were probably going to get smaller. "They have been oversized and overbuilt for some time. The quality home that is smaller is not necessarily a bad home. It may be what we need to have in the future—more efficient rather than grandiose." He was sure that Mr. Brenneman would put in a quality home regardless of the size.

Mr. Coleman added that a similar request had been approved several weeks ago and noted that he supported "affordable housing".

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance with proffers:

A request to rezone from General Agriculture to Single Family Residential approximately 23.5 acres owned by Cedar Bluff, Inc. located in the northwest quadrant of the intersection of Benz Road (Route 1614) and Kolb Circle (Route 1615) in Lyndhurst in the South 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,

March 24, 2010, at 7:00 p.m.

CEDAR BLUFF, INC. – REZONING (cont'd)

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 68H, 68L, and 68M on tax map number 85 containing approximately 23.5 acres are changed from General Agriculture to Single Family Residential with the following proffers:

- 4. The minimum square footage for single family dwellings will be 1600 square feet.
- 5. No more than 10 residential lots will be created out of the 23.5 acre tract.
- 6. No habitable structure will be built below an elevation of 1360'.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

AUGUSTA COUNTY (STUARTS DRAFT PARK) – AMEND AND RESTATE PROFFERS

This being the day and time advertised to consider a request to amend and restate the proffers on approximately 12.9 acres known as Stuarts Draft Park owned by the County of Augusta Board of Supervisors located on the east side of Edgewood Lane (Route 1562) approximately 0.1 of a mile south of the intersection with Stuarts Draft Highway (Route 340) in Stuarts Draft (South River District). The Planning Commission recommends approval of the amended and restated proffers.

Ms. Earhart displayed property for consideration in blue. The applicant has submitted the following proffers:

- 1. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities,
  - b. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Ms. Earhart added that the property was in an Urban Service Area and designated for Urban Open Space. Public water and public sewer are available.

Ronald H. Sites, Director of Parks and Recreation, reported that this is a process to update and amend the Public Use Overlay and suggested that the Board view the park during Sweet Dreams to see how the park is being used by the community. He stated there was no intention of having carnivals on the property.

The Chairman declared the public hearing open.

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

March 24, 2010, at 7:00 p.m.

AUGUSTA COUNTY (STUARTS DRAFT PARK) – AMEND AND RESTATE PROFFERS  
(cont'd)

Mr. Beyeler moved, seconded by Mr. Shifflett, that the Board adopt the following ordinance with proffers:

A request to amend and restate the proffers on approximately 12.9 acres known as Stuarts Draft Park owned by County of Augusta Board of Supervisors located on the east side of Edgewood Lane (Route 1562) approximately 0.1 of a mile south of the intersection with Stuarts Draft Highway (Route 340) in Stuarts Draft in the South 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:

Parcel numbers 1A and 1F on tax map number 84D (9) and parcel number 13 on tax map number 84D (8) containing approximately 12.9 acres. The proffers are amended and restated as follows:

- 2. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities,
  - b. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

UPPER VALLEY REGIONAL PARK AUTHORITY (NATURAL CHIMNEYS) – PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public Use Overlay designation to approximately 134 acres known as Natural Chimneys owned by

---

March 24, 2010, at 7:00 p.m.

UPPER VALLEY REGIONAL PARK AUTHORITY (NATURAL CHIMNEYS) – PUBLIC USE OVERLAY (cont'd)

Upper Valley Regional Park Authority located on the north side of Natural Chimneys Road (Route 731) just east of the intersection of River Road (Route 730) and Natural Chimneys Road (North River District). The Planning Commission recommends approval with proffers.

Mr. Howdysshell made the following statement:

In accordance with Section 2.2-3112A.2 of the Code of Virginia, I may participate in this transaction as I am a member of business, occupation, or group of three or more persons, the members of which are affected by this transaction.

Ms. Earhart displayed the property outlined in blue and surrounded by property that is zoned General Agriculture. The green property is zoned Residential. The applicant has submitted the following proffers:

1. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities, including camping,
  - b. Community centers and similar facilities,
  - c. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Ms. Earhart added that this is in Rural Conservation Area; no public water or public sewer is available.

Mr. Sites reminded the Board that, effective October 1, there was a transfer of the property from the Upper Valley Regional Park Authority to Augusta County and noted that they were in the process of re-surveying the land for a new recorded plat. Part of this process is to put a Public Use Overlay on this property. He stated there was no intention of having carnivals on the property but that there would be other special events.

The Chairman declared the public hearing open.

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

Mr. Howdysshell moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance with proffers:

A request to add the Public Use Overlay designation to approximately 134 acres known as Natural Chimneys owned by Upper Valley Regional Park Authority located on the north side of Natural Chimneys Road (Route 731) just east of the intersection of River Road (Route 730) and Natural Chimneys Road 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,



March 24, 2010, at 7:00 p.m.

UPPER VALLEY REGIONAL PARK AUTHORITY (NATURAL CHIMNEYS) – PUBLIC USE OVERLAY (cont'd)

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 117 and 40A on tax map number 10 containing approximately 134 acres are changed to add the Public Use Overlay with the following proffers:

- 2. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities, including camping,
  - b. Community centers and similar facilities,
  - c. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

Mr. Howdysshell mentioned that Natural Chimneys is “taking on a facelift” and commended Parks and Recreation for their hard work. He noted that interest is growing for people who want to camp. He re-emphasized that Natural Chimneys is probably the only park that has a revenue source in Augusta County. “Hopefully, it can operate on its own.”

Mr. Coffield explained that revenues referred to camping fees, although Stuarts Draft Park does collect fees at the swimming pool.

\* \* \* \* \*

AUGUSTA COUNTY (CRIMORA PARK) – PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public Use Overlay designation and amend and restate the proffers on approximately 18.9 acres owned by the Augusta County located on the north side of New Hope and Crimora Road (Route 612) approximately 0.5 of a mile west of the intersection with Eastside Highway (Route 340) in Crimora (Middle River District). The Planning Commission recommends approval of the Public Use Overlay with proffers and approval of the amended and restated proffers.

Ms. Earhart displayed the property in blue. The applicant has submitted the following proffer:

- 1. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities,
  - b. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

---

March 24, 2010, at 7:00 p.m.

AUGUSTA COUNTY (CRIMORA PARK) – PUBLIC USE OVERLAY (cont'd)

The property is located in a Rural Conservation Area. Public water is available; public sewer is not available.

Mr. Sites noted that Crimora Park is the second County park that has won a State and National award; Stuarts Draft Park being the first.

The Chairman declared the public hearing open.

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

Mr. Shifflett moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance with proffers:

A request to add the Public Use Overlay designation and amend and restate the proffers on approximately 18.9 acres owned by the Augusta County located on the north side of New Hope and Crimora Road (Route 612) approximately 0.5 of a mile west of the intersection with Eastside Highway (Route 340) in Crimora (Middle 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:

Parcel number 107 on tax map number 58 containing approximately 6.7 acres is changed to add the Public Use Overlay with the following proffers:

2. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities,
  - b. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

The proffers of parcel number 105A on tax map number 58 containing approximately 12.2 acres are amended and restated as follows:

1. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities, Carnivals, circuses, fairs, festivals, revivals, animal shows,

March 24, 2010, at 7:00 p.m.

AUGUSTA COUNTY (CRIMORA PARK) – PUBLIC USE OVERLAY (cont'd)

- b. exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

**(END OF PUBLIC HEARINGS)**

\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE PUBLIC

SCHOOL BUDGET

The following citizens spoke on the School Budget: Darren Ralston, Walter Lupachino, Rodney Paxton, Mike Baxter, Mary Thomas, Laura Jones and Tom Gordon

Several school employees (teachers and bus drivers) were present at tonight's meeting asking that the Board of Supervisors direct more local tax money to the schools. They particularly asked for support on health insurance. Schools employees were having to consider second and third jobs to make ends meet. The School Board budget freezes pay and requires employees to contribute 10 percent to help cover health insurance increases next year, translating to extra costs of about \$38 a month per employee. "You are losing top-notch employees. Some are leaving only because of a retirement incentive," Ms. Thomas said. Mike Baxter asked the Board to consider ways to increase county revenues.

Chairman Garber expressed that he and other Board members were well aware and understand the schools' problems and challenges. He expected to receive the School Board budget when the supervisors begin their budget work session Monday.

\* \* \* \* \*

WAIVERS

- A) The Landings at Weyers Cave – Consider waiver request from Parking regulations. Recommended conditions:
  - a. At least one (1) assigned space should be given to each unit to ensure that at least one (1) space will be free for parking at all times; and
  - b. If for any reason, this development does not utilize state and federal funding based on affordable workforce housing, the developer will provide the additional 16 spaces waived by the Board of Supervisors.

Timmy Fitzgerald, Director of Community Development, advised that William Park, of Pinnacle Construction, has submitted necessary documentation for a waiver request to reduce the number of required spaces for the Landings at Weyers Cave from 195 to 179. The Zoning Ordinance states that the requirement for parking can be modified or waived in an individual case if the Board of Supervisors finds it appropriate. Mr. Fitzgerald reiterated that if for any reason, the development does not utilize state and federal funding based on affordable workforce housing, the developer will provide the additional 16 spaces waived by the Board of Supervisors.

William Park thanked the Board for its support last year regarding tax credits which assisted in funding this project and was available to answer questions. Mr. Park said that he was okay with the conditions shown in the staff report and he would provide one assigned parking space for each apartment.

March 24, 2010, at 7:00 p.m.

WAIVERS (cont'd)

Mr. Howdyshell moved, seconded by Mr. Beyeler, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

FISCAL YEAR – 2010-11 ARTS GRANT

The Board considered submission of Arts Grant to state for the following programs:

	<u>STATE</u>	<u>COUNTY</u>	<u>TOTAL</u>
Staunton/Augusta Art Center	\$1,583.33	\$1,583.33	\$3,166.66
ShenanArts	1,583.34	1,583.34	3,166.68
Stonewall Brigade Band	1,583.33	1,583.33	3,166.66
Shenandoah Valley Art Center	<u>250.00</u>	<u>250.00</u>	<u>500.00</u>
	\$5,000.00	\$5,000.00	\$10,000.00

Mr. Coffield stated that this process is done annually and the required local funding is included in the proposed budget for 2010-2011 conditioned upon state funding.

Mr. Howdyshell noted that it was allocated under the Tourism account.

Beth Hodge, Executive Director of the StauntonAugusta Art Center, expressed appreciation to the Board for its support to the four agencies and noted that there were many dedicated volunteers for the Art Center.

Mr. Coffield was asked to explain the allocation of the funding. He explained that out of the Lodging Tax, 2% went into the General Fund, and 2% was earmarked for Tourism projects. He mentioned that in the 1990s, the Board of Supervisors learned of a need from the School Board for capital funding; therefore, enacting the Meals Tax where 90% was used for capital projects for the schools and 10% was earmarked for Tourism-related projects and Economic Development-related projects—NOT General Funds.

Ms. Sorrells stated that these four agencies were “shining lights for the community” and praised the 1990s Board for realizing what was needed.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

RIVERHEADS-GREENVILLE FIRE-RESCUE STATION

The Board considered recommendations of Board committee and scheduling of public hearing for April 14<sup>th</sup>.

Mr. Coffield advised that this was discussed at Monday’s Staff Briefing.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board authorize staff to advertise a public hearing for April 14<sup>th</sup>.

March 24, 2010, at 7:00 p.m.

RIVERHEADS-GREENVILLE FIRE-RESCUE STATION (cont'd)

Mr. Pyles said that this station would be the first volunteer firehouse built in Augusta County entirely with taxpayer money. "Every other (volunteer station) has been built with blood, sweat and spaghetti suppers." He felt that it was not the right time to add the station and it made more sense to move the County's Company 10 firehouse from Staunton south. "We are going against the fabric and culture of this county." Mr. Pyles commented that last year's budget was cut \$2 million. This year, they had more than \$2 million and did not have it designated. Last year's budget, they turned down request from Fire stations repeatedly. For the last three years, Deerfield had requested 1 person. The only thing given to Deerfield was \$20,000 out of Pastures Infrastructure Account and interest free loans on equipment.

Mr. Pyles asked that the Supervisors delay building the Greenville Fire-Rescue Station.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Nays: Pyles

Motion carried.

\* \* \* \* \*

NATIONAL FOREST COUNTIES AND SCHOOLS COALITION

The Board considered contribution in the amount of \$219 to assist campaign for reauthorization and/or extension of Secure Rural Schools and Community Act (two-year contribution).

Funding Source: Account #11010-3125 \$219.00

Mr. Coffield advised that this was discussed at Monday's Staff Briefing. He mentioned that it was NACo's efforts of funding coming back to the localities. The schools received \$218,461.13 this year. At a contribution of .001, the amount would be \$218.46; out of the \$218,461.13 received, Augusta County would receive 15% (\$32,769.17).

Ms. Sorrells moved, seconded by Mr. Howdyshell, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

CONSENT AGENDA

Mr. Beyeler moved, seconded by Mr. Shifflett, that the Board approve the consent agenda as follows:

MINUTES

Approved the following minutes:

- Work Session Meeting, Wednesday, January 13, 2010
- Joint Meeting, Tuesday, January 19, 2010
- Regular Meeting, Wednesday, March 10, 2010

March 24, 2010, at 7:00 p.m.

**FEDERAL FUNCTIONAL CLASSIFICATION MODIFICATION**

Adopted the following Federal Functional Classification modification resolution:

**RESOLUTION**

**WHEREAS**, the Augusta County Board of Supervisors is requesting the Transportation & Mobility Planning Division of the Virginia Department of Transportation to endorse a request for Federal Functional Classification modification to the roadway systems in Augusta County; and

**WHEREAS**, the 0.34 mile section of Route 616 from Route 626 to Route 804 be upgraded from Local to Rural Minor Collector; and

**WHEREAS**, the 2.18 mile section of Route 804 from Route 626 to Route 732 be upgraded from Local to Rural Minor Collector; and

**WHEREAS**, the 0.52 mile section of Route 732 from Route 804 to Route 646 be upgraded from Local to Rural Minor Collector; and

**WHEREAS**, the 1.12 mile section of Route 634 from Route 639 to Route 633 be upgraded from Local to Rural Minor Collector; and

**WHEREAS**, the 0.98 mile section of Route 633 from Route 634 to Route 610 be upgraded from Local to Rural Minor Collector; and

**NOW THEREFORE, BE IT RESOVLED** by the Augusta County Board of Supervisors on this 24<sup>th</sup> day of May, 2010 that the above changes be and hereby are endorsed; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are forwarded to the Transportation & Mobility Planning Division and the responsible Residency Administrator.

\* \* \*

**REGIONAL LANDFILL**

Adopted the following resolution supporting a Landfill Gas Project at the Augusta Regional Landfill:

**RESOLUTION**

**Supporting a Landfill Gas Project  
at the Augusta Regional Landfill**

**WHEREAS**, the capture and destruction of landfill gas from landfills is a way to reduce greenhouse gas and other air emissions; and

**WHEREAS**, methane gas can be collected and beneficially utilized as a fuel source; and

**WHEREAS**, a landfill gas project at the Augusta Regional Landfill is both environmentally and fiscally responsible.

**WHEREAS**, feasibility studies have been performed and indicate that greenhouse gas reduction and landfill gas to energy projects at the Augusta Regional Landfill are technically and economically feasible; and

**WHEREAS**, the collection and/or destruction of landfill gas extracted from the Augusta Regional Landfill is not required at this time since it is not mandated under any federal, state, or local law, and thus any such action is voluntary; and

**THEREFORE, BE IT RESOLVED**, the Augusta County Board of Supervisors hereby votes to authorize the Augusta County Service Authority to seek funding and to explore other opportunities to develop a landfill gas project at the Augusta Regional Landfill on behalf of the local owner jurisdictions.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler,  
Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

**(END OF CONSENT AGENDA)**

\* \* \* \* \*

March 24, 2010, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles: Budget -

Mr. Pyles moved, no second, that the Board consider pulling \$750,000 from a revenue-sharing account for roads, to be transferred to help the general fund (\$250,000) and the School Board (\$750,000). "We need to do more for education. It's our number one responsibility." Mr. Coffield stated that \$650,000 was recommended.

Mr. Beyeler made a substitute motion, seconded by Mr. Coleman, not to make any decisions regarding the budget tonight. They will begin the budget work sessions on Monday.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Nays: Pyles

Motion carried.

\* \* \*

Mr. Howdysshell: Budget – has been a difficult past year; budget is subject to change. Not fair to everybody.

Mr. Coleman: Budget – would be irresponsible to vote on a budget item tonight. Needs further discussion.

Chm. Garber: Difficult times for many; especially for those who have lost their homes because of a fire.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Urban Service Areas/Urban Service Overlay Districts joint meeting with Service Authority – possibly after May 24<sup>th</sup> Staff Briefing at 4:00 or 5:00 p.m.
2. Parks and Recreation Matching Grants – Discussed at Staff Briefing. In 2006, approved recommendations of \$30,000 per year for a minimum of two years (\$60,000) for recreation projects.
3. Budget Books – Agency requests available tonight. Additional budget information will be delivered to Supervisors Friday. Awaiting for additional information from General Assembly early Friday.

\* \* \* \* \*

CLOSED SESSION

On motion of Mr. Shifflett, seconded by Mr. Beyeler 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

On motion of Mr. Beyeler, seconded by Ms. Sorrells, the Board came out of closed Session.

March 24, 2010, at 7:00 p.m.

CLOSED SESSION (cont'd)

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler,  
Shifflett, Pyles and Coleman  
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: Coleman, Garber, Sorrells, Howdysshell, Shifflett, Pyles and Beyeler  
NAY: None

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

\* \* \* \* \*

AUGUSTA COUNTY SERVICE AUTHORITY – APPOINTMENT

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board appoint Gerald W. Garber to serve a four-year term on the Augusta County Service Authority, effective immediately, to expire March 15, 2014.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler,  
Shifflett, Pyles and Coleman  
Nays: None

Motion carried.

\* \* \* \* \*

ADJOURNMENT

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

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler,  
Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

\_\_\_\_\_  
Chairman  
H:3-24min.10

\_\_\_\_\_  
County Administrator