

Regular Meeting, Wednesday, April 10, 2019, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman
Carolyn S. Bragg-Vice Chairman
G.L. "Butch" Wells
Michael L. Shull
Wendell L. Coleman
Marshall W. Pattie
Pam L. Carter
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
Leslie Tate, Planner
James R. Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, April 10, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 243rd year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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The following student from the Beverley Manor Middle School led us with the Pledge of Allegiance:

Mackenzie Roller is in the band program and enjoys basketball and ballet. She enjoys spending time with her little sister and has lots of friends.

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Michael Shull, Supervisor for the Riverheads District, delivered the invocation.

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CHILD ABUSE PREVENTION MONTH PROCLAMATION

Ms. Bragg read the following resolution:

WHEREAS, preventing child abuse and neglect is a solution that requires involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, there are 64 Augusta County children currently in foster care; and

WHEREAS, in 2018 there were 385 investigations of child abuse or neglect in Augusta County; and

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community;

WHEREAS, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment, and there are 45 foster/adoptive families through the Department of Social Services in our area; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among Shenandoah Valley Social Services, the Valley Children's Advocacy Center the Office on

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CHILD ABUSE PREVENTION MONTH PROCLAMATION (CONT'D)

Youth, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and

NOW, THEREFORE, BE IT PROCLAIMED by Augusta County Board of Supervisors that April, 2019, is hereby designated as **Child Abuse Prevention Month** in Augusta County, and Augusta County Board of Supervisors calls upon all citizens, community agencies, faith groups, medical facilities and businesses to increase their participation in our efforts to support families, thereby prevention child abuse and strengthening the communities in which we live.

Ms. Bragg moved, seconded by Mr. Shull, that the Board adopt the resolution.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

Meredith Keppell, Parenting Coordinator with the Office on Youth, spoke on the Blue Ridge Stop Children Abuse Now Coalition. She also explained the blue ribbons that each of them were wearing. The Blue Ribbon Child Abuse Prevention Campaign began following the death of a very young child. The blue ribbons are a way to alert the community of the tragedy of child abuse.

Amber Martino, Child Protective Services Supervisor, updated the Board with child abuse data within the locality.

Elissa McDonald with Blue Ridge CASA for Children, gave reasons why everyone should invest in healthy child development.

Rebecca Simmons, Executive Director of Valley Children’s Advocacy Center, explained the blue pinwheels that are located throughout the area. The blue pinwheel is a national symbol of child abuse prevention. They are placed in local gardens by many organizations and individuals to remind everyone that there is no excuse for child abuse.

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RABIES CLINIC REQUEST

Consider a request to hold rabies clinic for the purpose of rabies vaccination for cats and dogs at the Buffalo Gap High School on Saturday, May 4, 2019. (Pastures District)

Timothy Fitzgerald, County Administrator, stated this is an annual request and is a fundraiser for the band. There is a licensed veterinarian that performs the clinic.

Ms. Carter moved, seconded by Dr. Pattie, that the Board approve the request to hold the rabies clinic.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

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NATURAL CHIMNEY'S VISITOR CENTER ROOF FUNDING

Consider funding for the Natural Chimney's Visitor Center.

Jennifer Whetzel, Deputy County Administrator, stated the structure has been there for a long time. The roof is an odd shape and the Facilities Director, Assistant to County Administrator and Parks & Recreation staff have met with Dr. Pattie to discuss building a more substantial roof structure that will also change the appearance to the outside. Due to the change in the scope of the work, it is anticipated to use infrastructure, tourism capital and the Parks & Recreation depreciation account that originally existed for this structure. The total estimated cost for the project is approximately \$100,000.00. The point of coming before the Board before it is bid is to make sure the Board is appeasable to changing the roofline of the building.

Dr. Pattie supports this project. He would like to fund the infrastructure portion from the North River Infrastructure account.

Dr. Pattie moved, seconded by Mr. Coleman, that the Board approve funding from the North River Infrastructure in the amount of \$35,000.00 to support this project.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie
 and Carter
 Nays: None

Motion carried.

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AUGUSTA SOLAR, LLC

Consider the Special Use Permit request from Community Solar.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve removing the agenda item from the table.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie
 and Carter
 Nays: None

Motion carried.

Thomas Cline, applicant's attorney, stated this application was initially filed in August 2018 and advertised for the first public hearing on September 26, 2018. The applicant was advised that the application would be put on hold for approximately five months to allow the County to evaluate the project. It has been discussed with the County Attorney a request for a continuance of the application for thirty days. The purpose is this is a very comprehensive application and the applicant would like to work with the property owners in an effort to make some modifications to the application in a manner which would be more responsive to some comments heard during staff meetings. They have attempted to bring forward an application that was responsive to the ordinance that was adopted last year. The adopted ordinance has general standards that are applicable to all special use permits. One of them being compatible with the Comprehensive Plan or specific elements of the plan. That issue was fully vetted in front of the Planning Commission with a five to two vote that the project was compatible with the Comprehensive Plan. The ordinance also states the application may be modified after it has been submitted. This is a reasonable request. The reason for the additional time requested is it is a big project. There are a lot stakeholders and property owners involved. The ordinance has specific criteria that has to be included in the site plans

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AUGUSTA SOLAR, LLC (CONT'D)

which will require some work from the engineers and the design team. Mr. Cline believes this is a project that is compatible with the requirements of the ordinance, but there have been numerous comments and want to work on the issues brought forward. This is the reason for the additional thirty days.

Leslie Tate, Planner, stated that the Planning Commission did determine that the project is in substantial accord with the Comprehensive Plan. Staff, in the report to the Planning Commission, determined some areas where the project is not in substantial accord with Comprehensive Plan or parts thereof. The Comprehensive Plan designates the County into four planning policy areas; urban service areas, community development areas, agricultural conservation areas and rural conservation areas. The urban service and community development areas are the two growth areas. This specific request is located in an urban service area or community development area. Ms. Tate showed a map of the area on the screen. It is also stated that these areas will be compact, interconnected and pedestrian oriented. Staff has raised the concern that if this project was to be approved and the life span of the project is thirty five years, if the parcels among these areas were to develop as envisioned by the Comprehensive Plan there could be a potential fragmenting of development that would not achieve that urban form as envisioned by the plan. It would not have the pedestrian connection or the density as encouraged by the plan. Stuarts Draft and the area of this project is designated for a growth area. The Comprehensive Plan, although not adopted in 1987, the Stuarts Draft area was identified as a sewer service area and then in 1994 the adopted Comprehensive Plan further demonstrates that this area is in a growth area of the County. The 2007 plan also identifies this area for growth and development and the 2007 plan changed some percentages or goals to designate that 80% of development and 10% in the others to those areas. The 2015 Comprehensive Plan update also envisions this area for development. These are concerns that Staff has raised related to the project. A resolution has been prepared if the Board chooses to approve the request and with that are conditions that we have worked with the applicant on. Also provided is a summary issues mentioned and also issues that have been in the Staff reports while going through the process. The applicant provided to the Planning Commission and was also included in the Board's packets, a memo related to the Staff Report addressing the various reasons why the applicant determines the application to be in accord with the Comprehensive Plan or parts thereof.

Ms. Bragg understands the request and appreciates the request. The application was presented to the Board in August 2018 and many hours have been spent on this project. More time was requested to work on setbacks that have been in the ordinance from the beginning. Ms. Bragg is concerned that the request for more time comes the day of the meeting. She would like to carry on and make decisions on this project. Ms. Bragg would like to proceed with a vote.

Mr. Wells finds the request very reasonable. He is disappointed with the process recently. This started out with a thorough process of viewing the project and followed up by a public hearing. There was a lot of input from people that approve and those that do not approve. Then there was a worksession and Staff, along with the Augusta County Service Authority, gave their response in regards to statements made during the public hearing. From that point on, the Board has not discussed a number of important documents or the questions asked of the Economic Development Department. For that reason, the request of an additional thirty days is acceptable. Mr. Wells hopes within the thirty days, the Board can come together, discuss the important documents and come to a decision.

Dr. Pattie also supports the thirty day extension. This has been a long process for everyone and if issues with the property owners can be worked out then the opportunity should be given to do so.

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MATTERS TO BE PRESENTED BY THE PUBLIC

1. Aaron Tammi of 826 Burkes Mill Road, farms the land surrounding Sea Wright Springs. He has concerns with this development. Roads are narrow and volume of traffic will be an issue. A greater concern is the water.

2. Shawn Mooney of Sea Wright Road, is opposed to the proposed commercial water pumping and transport operation by a Canadian company at Sea Wright Springs. He has emailed a letter to Mr. Fitzgerald on behalf of a group of residents living in the vicinity of the spring. Why has there not been meetings or discussions on this project and no opportunity for residents of the area to engage in dialogue about the impact of the proposed project with the County or the company.

3. Robin Hawks of Sea Wright Road, is concerned with the proposed water collecting project with Sea Wright Spring. Ms. Hawks made a formal FOIA request in regards to Sea Wright Springs. There has not been any information given to the residents of the area and she is formally making a Freedom of Information Act request for all written correspondence. Including emails, letters or written notes executed by any or all County employees and elected officials regarding Sea Wright Springs and or Flow Water or Flow Hydration Company. The request includes internal documents and all emails, memorandums and all documents sent externally. Furthermore, she is requesting that the work on Sea Wright water project be stopped until it is determined that the proper permit can be issued after a public hearing and after a VDOT impact study is conducted.

4. Leo Tammi is opposed to this project.

5. Roger Taylor of Sea Wright Road, is concerned with this project. He has concerns with the amount of ground water and the local water supply. He has had issues with his well going dry several times over the past year even during historic amounts of rainfall. The poorly maintained roads are also a concern.

6. Christopher Simmonetti owns property across from Sea Wright Springs. He is concerned with noise, air pollution, run off and impact of traffic. He witnessed the grounds keeper putting gallons of bleach directly into the spring and scrubbing the water so it would test clean. That bleach makes its way directly into the water source. Why was money spent on grants to fence out cattle and livestock if actions like this are allowed?

7. Morgan Littick is concerned with the decision to give the additional thirty days for the solar project.

8. Stan Sakorski agrees with Mr. Littick's comment. The Board needs to stand up and make a decision on the solar project.

9. Mark Po has concerns regarding the solar project.

10. Michael Moneymaker is disappointed in the decision to give the additional thirty days for the solar project.

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MATTERS TO BE PRESENTED BY THE BOARD

Dr. Pattie thanked everyone for coming to the meeting.

Ms. Carter reminded everyone that this is National Library Week.

Mr. Coleman thanked everyone for attending.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issues:

- 1. VDOT 6 Year Plan Public Meeting will be April 22 at Blue Ridge Community College.
- 2. Ms. Whetzel informed the Board that a budget handout for the public hearing was put at their seats.
- 3. Ms. Whetzel has received a request for permission to hang a commemorative plaque for the American Revolution in the 1901 Courthouse building. The Board is in agreeance.
- 4. John Wilkinson, Director of Community Development, has received several complaints regarding the Greenville Grocery. Staff is asking the Board of Supervisors for approval to move forward with legal action.

Mr. Shull moved, seconded by Mr. Coleman, that the Board approve moving forward with legal action.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,
 and Carter
 Nays: None

Motion carried.

- 5. Mr. Wilkinson has received complaints regarding the Campbell property in the Spottswood Community. There are multiple vehicles and trash on the property. The condition of the property is very poor. Staff is asking the Board of Supervisors for approval to move forward with legal action.

Mr. Shull moved, seconded by Mr. Coleman, that the Board approve moving forward with legal action.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,
 and Carter
 Nays: None

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CLOSED SESSION

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

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BOARDS AND COMMISSIONS

Dr. Pattie moved, seconded by Ms. Carter, that the Board appoint Butch Wells to serve a term on the CSPDC and the Executive Committee. Effective July 1, 2019 and to expire June 30, 2022.

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

Nays: None

Motion carried.

Dr. Pattie moved, seconded by Ms. Bragg, that the Board appoint Amy Thornton to serve an unexpired term on the Broadband Committee. Effective immediately and to expire June 30, 2020.

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

Nays: None

Motion carried.

Ms. Carter moved, seconded by Mr. Shull, that the Board appoint Nicki Shepard to serve on the CPMT. Effective immediately, to expire April 10, 2023.

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

Nays: None

Motion carried.

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