

KENNELS

The Board had three (3) requests to operate a dog kennel operation. All of the requests were approved.

One (1) of those requests was to increase the number of dogs for the existing kennel and to add dog training and dog related events.

Special operating conditions were placed on each kennel.





MEMORANDUM OF UNDERSTANDING

Between The:

*Central Shenandoah Health District
and the*

Augusta

County Board of Supervisors

Prepared by

Allen Gutshall

Environmental Health Manager

This Memorandum of
into by and between the
Augusta



Understanding (MOU) is made and entered
Central Shenandoah Health District and the
County Board of Supervisors. The MOU

will serve as a broad framework within which the entities may coordinate and integrate their efforts to control and respond to the risk of rabies exposure to persons and companion animals within Augusta County.

WHEREAS, during the 2010 General Assembly Session, House Bill (HB) 621 was enacted which amended the *Code of Virginia* requiring the local health director and the governing body of the locality to adopt a plan to control and respond to the risk of rabies and,

WHEREAS, §3.2-6562.1 of the *Code of Virginia* states: "*Rabies exposure; local authority and responsibility plan The local health director, in conjunction with the governing body of the locality, shall adopt a plan to control and respond to the risk of rabies exposure to persons and companion animals. Such plan shall set forth a procedure that promptly ensures the capture, confinement, isolation, or euthanasia of any animal that has exposed, or poses a risk of exposing, a person or companion animal to rabies. The plan shall identify the authority and responsibility of the local health department, law-enforcement officers, animal control officers, and any other persons with a duty to control or respond to a risk of rabies exposure. The plan shall provide for law-enforcement officers, animal control officers, and other persons to report to and be directed by the local health director for such purposes.*" and,

WHEREAS, §3.2 of the *Code of Virginia* identifies the authority and responsibility of the local health department, law-enforcement officers, and animal control officers in their efforts to control and respond to the risk of rabies exposure to persons and companion animals.

NOW THEREFORE, to comply with §3.2 of the *Code of Virginia* the above parties agree to adopt the attached: Central Shenandoah Health District Rabies Exposure Authority and Responsibility Plan, dated December 23, 2015 and further revisions agreed upon.

Agreed to, by the undersigned,

X _____ **Chairman**
Augusta County Board of Supervisors _____ (Date)

X  _____ **Health Director** Laura P. Kornegay, MD, MPH
Central Shenandoah Health District (Date) 2/9/16

Attachment: Central Shenandoah Health District Rabies Exposure Authority and Responsibility Plan, dated December 23, 2015

Central Shenandoah Health District

Rabies Exposure Authority and Responsibility Plan

December 23, 2015

Section I. Purpose. The purpose of this plan is to:

- A. Ensure the prompt capture, confinement, isolation, or euthanasia of any animal that has exposed, or poses a risk of exposing, a person or companion animal to rabies by standardizing procedures associated with investigating such incidents.
- B. Identify the authority and responsibility of the local health department (LHD), law-enforcement officers, animal control officers, and any other persons with a duty to control or respond to a risk of rabies exposure.
- C. Establish consistent communication and reporting of possible rabies exposure incidents to protect against rabies infection and ensure residents living in the locality and their animals receive appropriate guidance from LHD staff, locality animal control staff or any personnel acting in the capacity of a locality animal control officer and locality law enforcement. Officials who have entered into a memorandum of understanding with the LHD agree to employ standard written guidelines in response to possible human and animal rabies exposures.
- D. Establish a plan to control the risk of rabies exposure and ensure prompt response to rabies related incidents in order to minimize companion animal and human morbidity and mortality in the locality.

Section II. Employees to Whom Policy Applies.

This policy applies to LHD staff or locality animal control staff employees who receive an initial report of an animal bite/possible rabies exposure. Further, this policy outlines the roles of locality animal control staff and any personnel who may be acting in the capacity of a locality

Central Shenandoah Health District

Rabies Exposure Authority and Responsibility Plan

December 23, 2015

animal control officer and any locality law enforcement officials who have entered into a memorandum of understanding with the LHD for this purpose and shall herein be referred to as "locality animal control services."

Section III. Legal Authority.

Authority for the local health director, in conjunction with the governing body of the locality, to develop a local authority and responsibility plan that shall provide for those within the locality with a duty to control or respond to a risk of rabies exposure and to be directed by the local health director for such purposes is found in § 3.2-6562.1 of the Code of Virginia. (included below).

§ 3.2-6562.1. Rabies exposure; local authority and responsibility plan.

The local health director, in conjunction with the governing body of the locality, shall adopt a plan to control and respond to the risk of rabies exposure to persons and companion animals. Such plan shall set forth a procedure that promptly ensures the capture, confinement, isolation, or euthanasia of any animal that has exposed, or poses a risk of exposing, a person or companion animal to rabies. The plan shall identify the authority and responsibility of the LHD, law-enforcement officers, animal control officers, and any other persons with a duty to control or respond to a risk of rabies exposure. The plan shall provide for law-enforcement officers, animal control officers, and other persons to report to and be directed by the local health director for such purposes.

Central Shenandoah Health District

Rabies Exposure Authority and Responsibility Plan

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Section IV. Maintenance.

This plan is a working document. In an effort to maintain a current rabies response plan, which addresses emergent issues and changing knowledge, the plan will be reviewed and supplemented as needed as a result of lessons learned during investigations or to comply with updated guidance and legislative requirements.

Section V. Disclaimer.

This plan is meant to be used as a guide. No single set of guidelines applies to all situations involving rabies or can provide all of the information needed. The contents of the plan are meant to offer a framework for response as well as support and complement appropriate, practical public health knowledge and experience.

Section VI. Responsibility of Locality Animal Control Services.

As directed by the local health director, it shall be the duty of locality animal control services to capture, confine, isolate, or euthanize any animal that has exposed, or poses a risk of exposing, a person or companion animal to rabies. If such personnel is unable to capture, confine, isolate, or euthanize a companion animal that (i) is reasonably suspected to be rabid and (ii) has exposed, or poses an immediate risk of exposing, a person or companion animal to rabies, such personnel shall ensure the humane destruction of such animal.

A. Companion Animal Response. Locality animal control services shall within 24 hours of receiving information about a companion animal exposure to a rabid or suspected rabid animal:

1. Report the potential exposure to the LHD.

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Rabies Exposure Authority and Responsibility Plan

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2. Investigate and/or assist LHD in the investigation of reports of susceptible companion animals exposed to rabies.
3. In consultation with the LHD, determine if the companion animal has or may have been exposed to a rabid or suspected rabid animal, and if the companion animal is currently vaccinated.
4. In consultation with the LHD, evaluate the exposure of the companion animal and prescribe the appropriate action according to state and local regulations.
5. Ensure that exposed, currently vaccinated companion animals receive a booster vaccination.
6. Immediately notify the LHD about any illness associated with any animal in confinement or isolation.
7. Facilitate the submission of the head of any animal that may have exposed a companion animal to rabies as directed by the LHD.
8. Carry out or coordinate euthanasia or humane destruction of companion animals and suspected rabid animals that may have exposed companion animals as directed by the state agency with jurisdiction over that species.
9. Submit reports (i.e. Animal Rabies Exposure Report) associated with any companion animal exposures to the LHD.

Central Shenandoah Health District

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B. Human Exposure Response. In regard to situations involving human exposure to a rabid or suspected rabid animal, locality animal control services shall:

1. Upon receiving information about a human exposure, immediately report the exposure to the LHD by the fastest means possible.
2. Not disclose the identity or identifying information of any victim of an animal bite or rabies exposure except to a health care provider or official of the LHD.
3. If possible, secure any animal that may have exposed a person pending advice from the LHD as to how to proceed with either observation or testing.
4. Carry out euthanasia or humane destruction of companion animals and suspected rabid animals that may have exposed a person as directed by the state agency with jurisdiction over that species.
5. Facilitate the submission of the head of any animal that may have exposed a person to rabies as directed by the LHD.

Section VII. Responsibility of the LHD.

As directed by the local health director, it shall be the duty of LHD staff to respond to human and companion animal rabies exposures as detailed below. Any LHD employee who receives a report associated with a companion animal or human rabies exposure shall notify a member of the LHD's environmental health staff within 24 hours of receiving the report.

Central Shenandoah Health District

Rabies Exposure Authority and Responsibility Plan

December 23, 2015

A. LHD Environmental Health Staff. Environmental health staff members are primarily responsible for the following activities in regard to companion animal and human rabies exposure response:

1. Interfacing with locality animal control services and ensuring that any animals involved in a possible rabies exposure incident are appropriately managed to control the spread of rabies viral infection.
2. Initiating contact with a human exposure victim and coordinating contact with a companion animal owner with locality animal control services when necessary by phone or site visit as soon as possible on the same day that the exposure report is received.
3. Conducting a site visit to investigate a human exposure and coordinating a site visit with a companion animal owner with locality animal control services, when necessary, within 24 hours of the report.
4. Coordinating with locality animal control services to locate, and contain or retrieve animals, and collect clinical animal specimens as necessary.
5. Coordinating the submission of rabies samples to a laboratory that has been designated by the Commonwealth for rabies testing.
6. Maintaining a record of human and companion animal exposures as well as test results associated with rabies sample submissions.
7. Immediately notifying LHD nursing staff of any positive or unsatisfactory results associated with human exposures.

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8. Notifying any human exposure victims of positive results immediately of receiving the result and referring the victim to medical professionals to discuss PEP treatment options.
9. Coordinating with locality animal control services the notification of owners of positive results associated with exposed companion animals immediately of receiving the result.
10. Coordinating with locality animal control services the response to exposed companion animals and owner follow up to evaluate the situation for any human exposures.
11. Notifying local health director and locality animal control services within 24 hours of any companion animal that has been placed in isolation or confinement that is manifesting clinical signs that could be compatible with rabies.
12. Notifying locality animal control services within 24 hours of a companion animal for which rabies vaccination is required that is not vaccinated or has an expired status.
13. Developing and maintaining a human and companion animal rabies exposure plan that is shared with locality animal control services.
14. In coordination with the local health director, LHD nursing staff and LHD epidemiology staff, provide outreach and education, when requested.

Central Shenandoah Health District

Rabies Exposure Authority and Responsibility Plan

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B. LHD Nursing Staff and Epidemiology Staff: LHD nursing staff members are primarily responsible for the following activities in regard to companion animal and human rabies exposure response:

1. In consultation with the health director and environmental health staff, ensure that any humans involved in a possible rabies exposure incident are appropriately counselled/treated to control the risk of rabies viral infection.
2. Notifying the environmental health staff of a human or companion animal exposure the same day that the report is received, if the report did not originate with environmental health staff.
3. In consultation with health director, coordinate human exposure follow up and discuss PEP treatment options with human exposure victims.
4. In consultation with health director, discuss medical conditions and history with human exposure victims that may affect PEP treatment.
5. Maintaining a record of medical information associated with all human exposure victims interviewed and counseled including the exposure victim's decision concerning PEP treatment and if treatment was completed.
6. Coordinating follow up with exposure victims if PEP treatment recommendations are not followed.

C. Local Health Director. The local health director is primarily responsible for the following activities in regard to companion animal and human rabies exposure response:

Central Shenandoah Health District

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December 23, 2015

1. Developing memoranda of understanding with localities for the purpose of organizing an integrated response to human and companion animal exposures within the locality and acknowledging the need for locality animal control services to be directed by the local health director in certain rabies related situations.
2. Overseeing companion and human exposure response within the locality.
3. Providing medical advice and consultation in regard to human exposure victims to environmental health staff, nursing staff and human exposure victims within the locality.
4. Providing medical advice and consultation about rabies and rabies PEP treatment with healthcare providers within the locality.
5. Developing algorithms to be used as guidance documents outlining procedures when dealing with rabies exposures.

02/09/16

ORDINANCE

A REQUEST TO REZONE APPROXIMATELY 3.3 ACRES FROM LIMITED BUSINESS TO GENERAL BUSINESS WITH PROFFERS OWNED BY P.J. WRIGHT, JR., LOCATED ON THE SOUTH SIDE OF JEFFERSON HIGHWAY (RT. 250) APPROXIMATELY 0.2 OF A MILE EAST OF THE INTERSECTION WITH AERO DRIVE (RT. 1006) AND ADJACENT TO THE CITY LIMITS OF WAYNESBORO IN THE WAYNE 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 5 and 6 on tax map number 67C2(8) containing a total of approximately 3.3 acres are changed from Limited Business to General Business, with the following proffers:

1. Prohibited uses of the property shall include:
 - a. Gasoline retail outlets.
 - b. Warehouses and distribution centers, including mini-warehouses.
 - c. All uses which utilize the outdoor display or storage of vehicles, equipment, manufactured homes, boats, and building supplies; and the outdoor storage of merchandise or other goods.
 - d. All uses not conducted entirely within an enclosed building, including "drive-through" facilities. However, parking, loading and unloading facilities, dumpster sites, and vehicular and pedestrian passageways are allowed.
2. No free-standing sign shall exceed 25' in height. The total sign area per parcel will not exceed two (2) square feet per linear foot of lot frontage.

3. If 67C2 (8) 5 and 6 are developed individually, the total aggregate area of any structure or structures on the individual lot may not exceed 10,000 square feet. If combined into a single lot, the total aggregate area of any structure or structures may not exceed 18,000 square feet.
4. No building shall exceed thirty-five feet (35') in height.

DRAFT

**COUNTY OF AUGUSTA
STAFF REPORT
P. J. Wright, Jr.
February 9, 2016
Revised: February 10, 2016**

SUMMARY OF REQUEST: A request to rezone approximately 3.3 acres from Limited Business to General Business with proffers owned by P.J. Wright, Jr., located on the south side of Jefferson Highway (Rt. 250) approximately 0.2 of a mile east of the intersection with Aero Drive (Rt. 1006) and adjacent to the city limits of Waynesboro in the Wayne District.

PROPOSED PROFFERS:

1. Prohibited uses of the property shall include:
 - a. Gasoline retail outlets.
 - b. Warehouses and distribution centers, including mini-warehouses.
 - c. All uses which utilize the outdoor display or storage of vehicles, equipment, manufactured homes, boats, and building supplies; and the outdoor storage of merchandise or other goods.
 - d. All uses not conducted entirely within an enclosed building, including "drive-through" facilities. However, parking, loading and unloading facilities, dumpster sites, and vehicular and pedestrian passageways are allowed.
2. No free-standing sign shall exceed 25' in height. The total sign area per parcel will not exceed two (2) square feet per linear foot of lot frontage.
3. If 67C2 (8) 5 and 6 are developed individually, the total aggregate area of any structure or structures on the individual lot may not exceed 10,000 square feet. If combined into a single lot, the total aggregate area of any structure or structures may not exceed 18,000 square feet.
4. No building shall exceed thirty-five feet (35') in height.

EXISTING PROFFERS:

1. There will be no business development on the west side of Pratt's Run.
2. No freestanding sign shall exceed 25' in height.
3. The total sign area per parcel will not exceed two (2) square feet per linear foot of lot frontage.
4. Prohibited uses shall include: gasoline retail outlets, warehouses and distribution centers.
5. Prohibited uses on Lots 2, 3, 4, & 5 as shown on the plan identified as Exhibit A "Boyington Place" dated March 3, 2009 and prepared by Balzer and Associates, Inc., shall include restaurants with drive-through windows.
6. Access will be provided to adjacent property identified as Tax Map 67, Parcel 67 as shown on Exhibit A "Boyington Place" dated March 3, 2009 and prepared by Balzer and Associates, Inc. No additional development on any

lots in Boyington Place will occur until the improvements as described on Exhibit A "Boyington Place" dated March 3, 2009 and prepared by Balzer and Associates, Inc. are bonded in a form acceptable to the County.

7. No building permit for Lots 4 and 5 as shown on Exhibit A "Boyington Place" dated March 3, 2009, prepared by Balzer and Associates, Inc., may be applied for until the developer has obtained a Final Letter of Map Revision from FEMA for all improvements covered by the Conditional Letter of Map Revision for the site.

VICINITY ZONING: General Business to the north and east (in the City of Waynesboro); Limited Business to the west; and Attached Residential to the south.

PREVIOUS ZONING: Limited Business: (7/22/1998 and 4/22/09 Amended proffers)

COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Urban Service Area: Business

SOILS: Not Applicable

COMMENTS FROM ENGINEER: Development of the property may increase stormwater discharge. Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance.

Use of water quality protection measures listed in either the Virginia Stormwater Management Handbook or through the Virginia Stormwater Management BMP Clearinghouse will be required depending on the disturbed acreage. With respect to water quantity, all points of discharge must comply with the Adequate Channel provisions of 9VAC25-840-40 subdivision 19.

This property drains to South River which is listed on the Virginia DEQ 2014 Impaired Waters List. This impaired segment extends from the headwaters downstream to its confluence with Stony Run. The impaired use is recreation, the specific impairments are E. Coli and fecal coliform bacteria. The sources are agriculture, non-point sources and wildlife other than waterfowl. This segment is included in the bacterial TMDL for Middle River / South River which must be considered by the applicant (Federal TMDL ID # 7700).

Additionally, the 2007 Augusta County Comprehensive Plan lists the South River – Porterfield Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

This property lies within the Conical Zone of the Airport Overlay District (APO) for the Waynesboro Eagles Nest Airport. The floor of the zone above the site is

approximately 1690 Ft msl, and the highest grade on the site is approximately 1380 Ft msl, a difference of 310 Ft.

Portions of this property lie within Zone AE on the FEMA FIRM. The applicant has obtained a Letter of Map Revision from FEMA. Any development on this portion of the property must meet the provisions of the Floodplain Overlay Ordinance.

The applicant may want to consider Best Management Practices designed to reduce pollutant loads and is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams. Use of water quality protection measures listed in either the Virginia Stormwater Management Handbook or through the Virginia Stormwater Management BMP Clearinghouse is encouraged.

COMMENTS FROM ZONING ADMINISTRATOR: The proffers should adequately restrict the heavy business uses that could otherwise impact the adjoining residential zoning.

COMMENTS FROM ACSA: There is an existing 8" water line along the front property line of TM#67C2-(8)-6. There is an existing 8" sewer line along Pratts Run along the northwest property line of TM#67C2-(8)-5. There are existing 8" and 10" sewer lines along southwestern property line of TM#67C2-(8)-5.

Water and Sewer Notes:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://acsawater.com/oppm/main.php>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with the Augusta County Fire/Rescue requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

COMMENTS FROM HEALTH DEPARTMENT: Public utilities are listed to serve the property.

COMMENTS FROM FIRE-RESCUE: This request will have little to no impact on service delivery for this area.

TRAFFIC: Rt. 250 Jefferson Hwy.
AADT: 18,000 vpd (2014)
Posted Speed Limit: 45 mph
Functional Classification: Minor Arterial
Peak Hour K Factor: 0.106
Peak Hour Directional Factor: 0.523

COMMENTS FROM VDOT: The proposed rezoning should not have a significant impact on surrounding roadways. The change in business potential uses, when considering the provided proffers, should only minimally change the potential traffic generation. Pratts Run currently has left and right turn lanes from Rt. 250.

SCHOOL BOARD STAFF COMMENTS: The rezoning request will have no significant impact on Wilson Elementary School, Wilson Middle School, and Wilson High School.

COMMUNITY DEVELOPMENT STAFF COMMENTS:

Pros

1. Request is in compliance with the Comprehensive Plan Land Use Map.
2. Request is compatible with adjacent development to the north, east, and west.
3. Request is compatible with adjacent zoning to the north and east.
4. Public water and sewer are available to serve the property.
5. Property is located in an Urban Service Area where the County wants to encourage its future commercial and industrial growth.

Cons

1. Request is not compatible with adjacent development to the south.
2. Property was rezoned in 1998 and the proffers were amended in 2009. Little has changed in the area to warrant a change in the zoning.

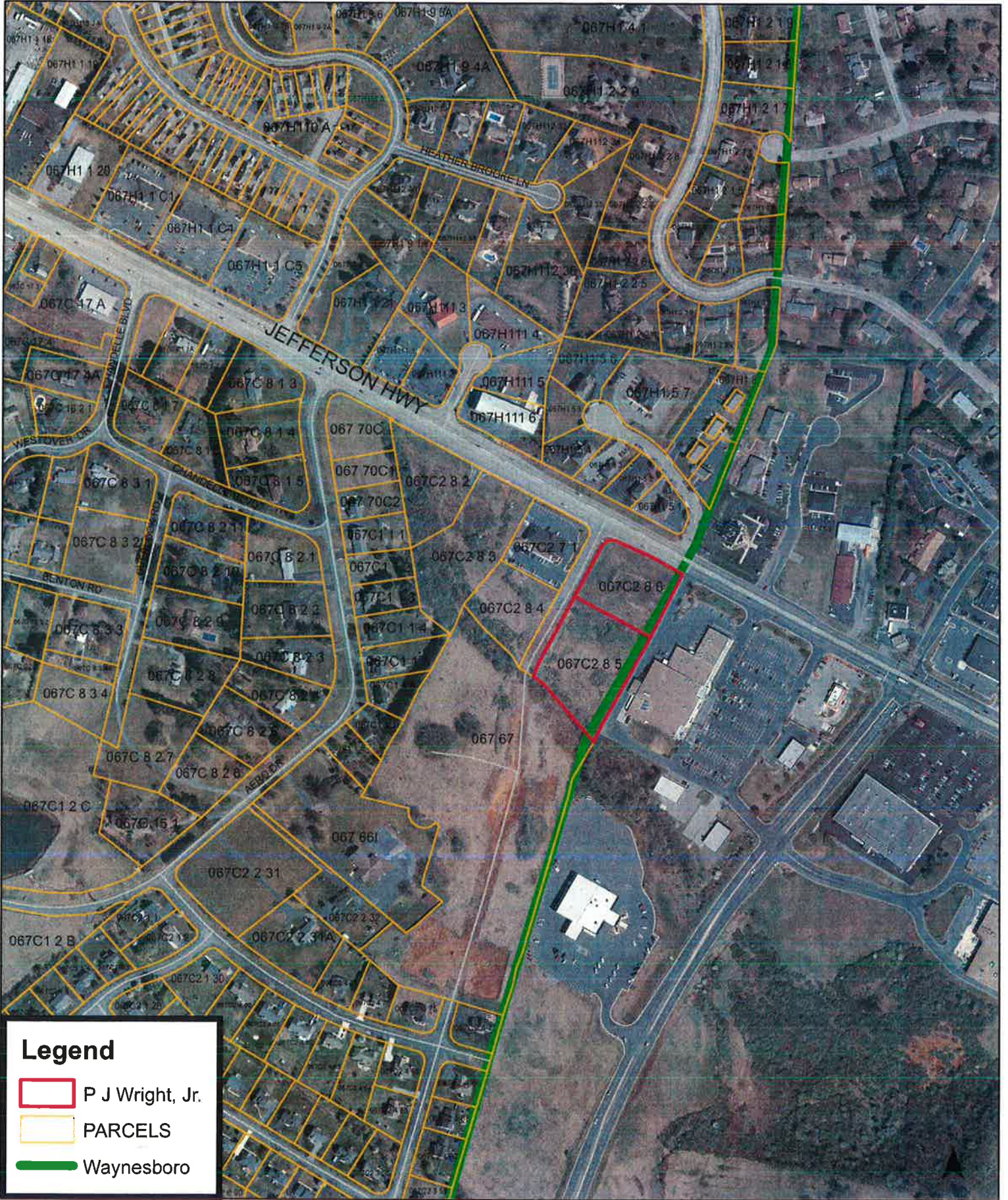
COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: This 3.3 acres was part of larger area zoned from Single Family Residential to Limited Business in 1998. It sits on Jefferson Highway (Rt. 250) and adjacent to a large commercial development in the City of Waynesboro. However, it is also adjacent to single family residential development in the County. Limited Business zoning with a smaller square footage of buildings and uses that must be conducted completely indoors provided the transition from the heavy business uses to the east to the single family residential uses to the west and south. The applicant is now seeking the ability to build a larger building on the property if the 3.3 acres is combined into a single lot. (Currently it is divided into 2 lots.) The applicant has proffered the same use restrictions that are currently applicable on the site, as well as the restrictions applicable in Limited Business zoning regarding the

prohibition of uses that aren't conducted entirely within enclosed buildings and uses that utilize outdoor storage and display. He has proffered that if the lots are combined, the maximum square footage for a building on the site will be 18,000 versus the 10,000 square foot limitation on each site. Since the last rezoning/amendment of proffers on this site, the property owner has made the access improvements proffered as part of old Proffer #6 and the Final Letter of Map Revision from FEMA (old Proffer #7) has been approved. Therefore, neither of these items were proffered as part of this request.

This property is immediately adjacent to the Kroger Shopping Center development and there will still be some Limited Business development to the west as a transition prior to the single family residential development on Aero Drive. The land to the south is now Attached Residential also providing a transition to the Single Family Residential zoning further south. In addition, the floodplain on the southern end of the property provides a natural buffer between the uses as well. With the proffers provided the General Business zoning should function in much the same way as Limited Business zoning did in terms of being a transition between heavy business and single family residential uses. Recommend approval of the rezoning with the proffers.

PLANNING COMMISSION RECOMMENDATION: Recommend approval with proffers.

P J Wright, Jr.

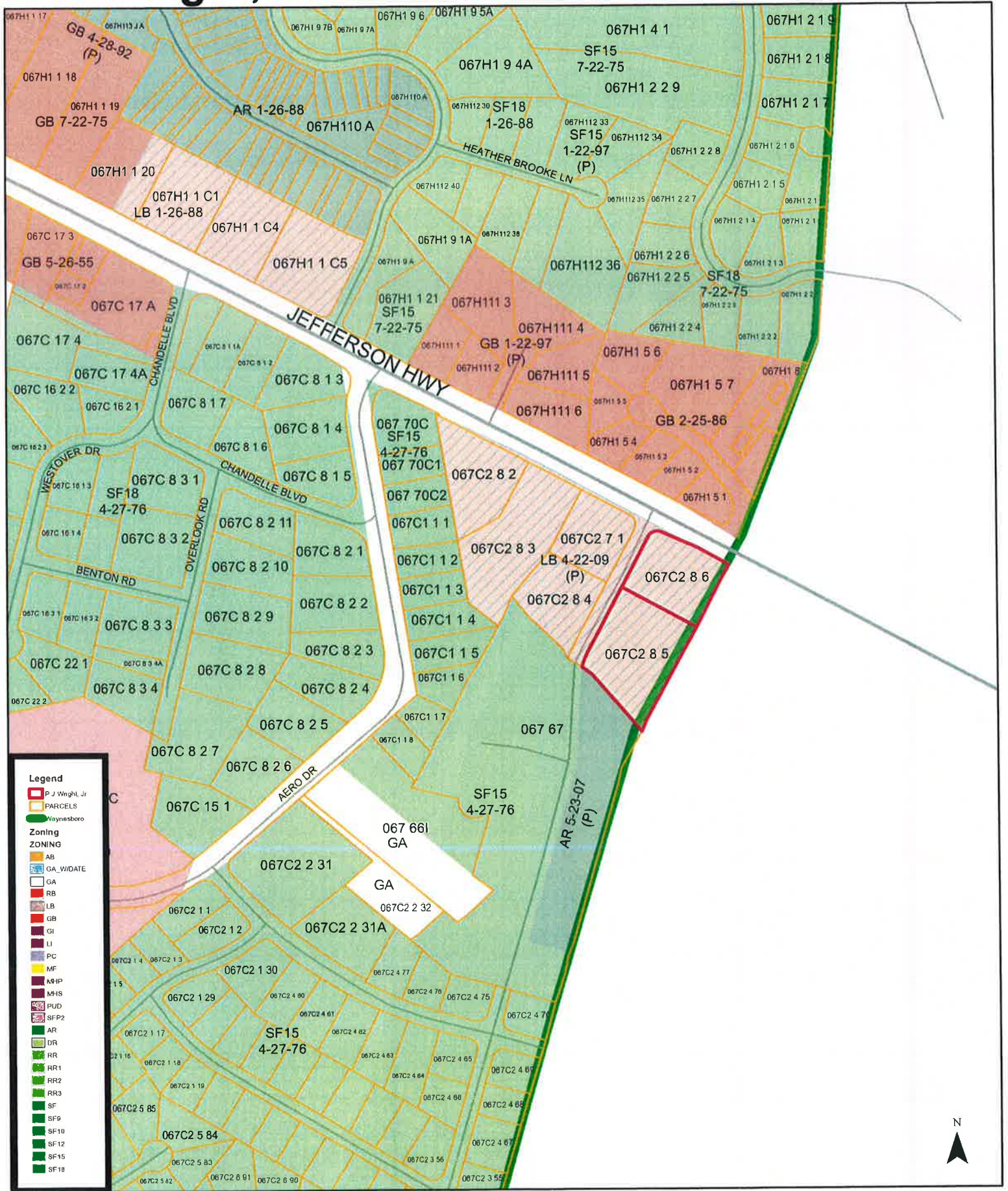


Legend

-  P J Wright, Jr.
-  PARCELS
-  Waynesboro



P J Wright, Jr.



Legend

- P J Wright, Jr
- PARCELS
- Waynesboro

Zoning

- AB
- GA_W/DATE
- RB
- LB
- GB
- GI
- LI
- PC
- MF
- MRHP
- MHS
- PUD
- SFP2
- AR
- DR
- RR
- RR1
- RR2
- RR3
- SF
- SF9
- SF10
- SF12
- SF15
- SF18

0 200 400 800 1,200 1,600 Feet
1 inch = 400 feet



“NOTICE OF PUBLIC HEARING”

On Wednesday, February 24, 2016, at 7:00 p.m., at the Government Center, Verona, VA, the Augusta County Board of Supervisors, will consider an Ordinance to Amend Section 22-102 of the Code of the County of Augusta, Virginia. The proposed amendment authorizes local governments to assess a fee not to exceed Four Dollars on all civil actions filed in the Circuit Court and the District Courts of the County to help defray the costs of maintaining a law library open to the public.

The proposed ordinance is on file in the office of the County Administrator for inspection during normal working hours.

All interested parties are invited to attend.

Augusta County Board of Supervisors
By: Timothy K. Fitzgerald,
County Administrator

AN ORDINANCE TO AMEND
SECTION 22-102 of
THE AUGUSTA COUNTY CODE

WHEREAS, Section 42.1-70 of the Code of Virginia authorizes local governments to assess a fee not to exceed Four Dollars on all civil actions filed in the circuit court and the district courts of the county to help defray the costs of maintain a law library open to the public; and

WHEREAS, it has been found that the current fees assessed by the County are not adequate to maintain the Staunton-Augusta-Waynesboro Law Library;

NOW THEREFORE BE IT RESOLVED that Section 22-102 of the Augusta County Code be and is amended to read as follows:

§ 22-102. Assessment for law library.

A. The contribution of the Augusta County Bar Association of all the law books and law periodicals owned by said Association and located within the Supreme Court of Virginia Law Library on the third floor of the Masonic Building is hereby accepted;

B. A law library is hereby established under the name of "Staunton-Augusta-Waynesboro Law Library" and the same shall be open for the use of the public under such rules and regulations as may be established by the Judge of the Circuit Court of Augusta County, by Order, from time to time; provided, however, that the use of the books owned by the Supreme Court of Virginia shall conform to such rules and regulations as the Supreme Court of Virginia may prescribe, from time to time, for the use of the said library and the times it shall be kept opened;

C. There is hereby assessed as part of the costs incident to each civil action filed in the Circuit Court of the County of Augusta, Virginia, (a court of record), the sum of ~~Two~~ **Four** Dollars (~~\$2.00~~ **\$4.00**), and the General District Court of the County of Augusta, Virginia (a court not of record), the sum of ~~Two~~ **Four** Dollars (~~\$2.00~~ **\$4.00**), **and the Juvenile and Domestic Relations District Court of the County of Augusta, Virginia (a court not of record), the sum of Four Dollars (\$4.00)**, such assessment to be collected by the Clerk of the Court in which the action is filed and remitted to the Treasurer of the County of Augusta and held by such Treasurer in a separate fund, subject to disbursements by the Judge of the Circuit Court of Augusta County for the acquisition of law books and law periodicals and other lawful disbursements. This assessment shall be in addition to all other costs prescribed by law but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which costs are assessed against the Commonwealth, political subdivision or the federal government.

This ordinance shall become effective July 1, 2016.

A G E N D A

REGULAR MEETING OF THE AUGUSTA COUNTY BOARD OF SUPERVISORS

WEDNESDAY, FEBRUARY 24, 2016, at 7:00 p.m.

Board Meeting Room, Government Center, Verona, VA

ITEM NO.	DESCRIPTION
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7:00 P.M. PLEDGE OF ALLEGIANCE

INVOCATION - Public participation is optional; those who wish to join the Board of Supervisors in prayer are asked to remain standing after the Pledge.

PUBLIC HEARINGS:

2-11 **P. J. WRIGHT, JR. - REZONING**

Consider a request to rezone approximately 3.3 acres from Limited Business to General Business with proffers owned by P. J. Wright, Jr., located on the south side of Jefferson Highway (Route 250) approximately 0.2 of a mile east of the intersection with Aero Drive (Route 1006) and adjacent to the city limits of Waynesboro (Wayne District). The Planning Commission recommends approval of the request with proffers.

2-12 **LAW LIBRARY FEE INCREASE ORDINANCE AMENDMENT**

Consider an Ordinance to amend Section 22-102 of the Code of the County of Augusta, Virginia. The proposed amendment authorizes local governments to assess a fee not to exceed Four Dollars on all civil actions filed in the Circuit Court and the District Courts of the County to help defray the costs of maintaining a law library open to the public.

2-13 **MATTERS TO BE PRESENTED BY THE PUBLIC**

2-14 **BLUE RIDGE COMMUNITY COLLEGE – UPDATE**

Presentation by Blue Ridge Community College President regarding college activities.

2-15 **WAIVERS/ VARIANCES**

2-16 **CONSENT AGENDA (SEE ATTACHED)**

2-16.1 **MINUTES**

Consider minutes of the following meeting:

- Staff Briefing Meeting, Monday, January 25, 2016
- Regular Meeting, Wednesday, January 27, 2016

2-17 **MATTERS TO BE PRESENTED BY THE BOARD**

2-18 **MATTERS TO BE PRESENTED BY STAFF**

2-19 **CLOSED SESSION**

RJA 2-16.1

Regular Meeting, Wednesday, February 10, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Terry Lee Kelley, Jr.
Wendell L. Coleman
Gerald W. Garber
Marshall W. Pattie
Michael L. Shull
Timmy Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Patrick J. Morgan, County Attorney
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, February 10, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

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Chairman Carolyn S. Bragg welcomed the citizens present.

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The following students of Shenandoah Valley Governor's School led the Pledge of Allegiance:

Morgan Lyle, a senior from Buffalo Gap High School, plans on attending JMU and major in Theater and English.

Rebekah Trumbo, a senior from Buffalo Gap High School, plans on attending VCU and major in Theater and English.

Allison Herron, a junior from Riverheads High School, is in the STEM program and hopes to major in Chemistry.

Emma Harrison, a junior from Wilson Memorial High School, is in the STEM program and plans on attending UVA.

Will Elkins, a senior from Stuarts Draft High School, is in the STEM program and plans on attending William and Mary and major in Economics.

Ethan Flick, a junior from Fort Defiance High School, plans on majoring in Physical Therapy.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC

Penny Chaboudy, Chapter Regent, of The National Society of the Daughters of the American Colonists, reported that a local chapter, The Great Warriors Path, was organized on December 13, 2014. The object of the Society "is patriotic, historical and educational: to research the history and deeds of the American colonists, and to record and publish them; to commemorate deeds of colonial interest; to inculcate and foster love of the United States of American and its institution by all its residents; and to obey its laws and venerate its flag, the emblem of its power and civic righteousness." Ms. Chaboudy read a resolution in support of the Augusta County Courthouse remaining in the City of Staunton and asked for the Board's consideration.

February 10, 2016, at 7:00 p.m.

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LOCAL EMERGENCY TERMINATION

The Board considered resolution to terminate Declaration of Local Emergency due to a significant storm event.

Timothy K. Fitzgerald, County Administrator, noted that an Emergency Declaration resolution was adopted on January 27, 2016. Tonight's resolution is to terminate that Declaration.

Mr. Pyles moved, seconded by Mr. Shull, that the Board adopt the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, due to a winter storm, the County of Augusta faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby;

WHEREAS, the conditions of extreme peril to life and property necessitated the declaration of the existence of a local emergency;

WHEREAS, circumstances did not permit the governing body to convene to consent to the declaration of the existence of such a local emergency;

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Title 44, Chapter 3.2 of the Virginia Code) authorizes the Emergency Management Director, or in her absence, the Emergency Management Co-Director, to declare the existence of a local emergency when the governing body cannot convene, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration;

WHEREAS, on January 20, 2016, by Declaration of Local Emergency ("Declaration"), Timothy K. Fitzgerald, Emergency Management Co-Director of the County of Augusta, Virginia, declared the existence of such a local emergency, subject to confirmation by the Board of Supervisors of Augusta County, Virginia;

WHEREAS, by resolution adopted on January 27, 2016, the Board of Supervisors confirmed the Declaration;

WHEREAS, all coordinated local government action has been taken and it is no longer necessary for the Declaration to remain in effect; and

WHEREAS, the Board of Supervisors desires to terminate the Declaration, and to approve, ratify and confirm all actions taken by the Emergency Management Co-Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that all actions taken by the Emergency Management Co-Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta be, and hereby are, approved, ratified and confirmed.

IT IS FURTHER RESOLVED that the Declaration be, and hereby is, terminated, effective February 10, 2016.

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

Nays: None

Motion carried.

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February 10, 2016, at 7:00 p.m.

NARROWBANDING

Jennifer M. Whetzel, Deputy County Administrator, advised that at the time of the agenda preparation, she had placed Narrowbanding on the agenda for the awarding of the procurement for a tower at Troxell Gap. There is one item on the lease to be resolved and Ms. Whetzel asked to defer this item to a later date.

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VPSA – AUGUSTA COUNTY SCHOOLS CONSTRUCTION PROJECTS

The Board considered County resolution authorizing the reimbursement of capital expenditures.

Ms. Whetzel reported that the Augusta County School Board and the County Finance are in the process of applying for funding through the Virginia Public School Authority (VPSA). A reimbursement resolution is required to allow the County to reimburse itself for any expenditures on this project up until the date of closing (April or May). The estimated project costs are approximately \$45 million. It will be borrowed in two separate loans with the first one being approximately \$30 million and the second approximately \$15 million. There will be future approvals required by the Board of Supervisors to authorize the bond issue and to execution bond sale agreements (planned in March). The School Board has approved a resolution authorizing their application to VPSA; however, another resolution will have to be approved at its March meeting. Tonight's consideration is for the Wilson Middle School renovation, Hugh Cassell and Riverhead Elementary School construction projects. Ms. Whetzel added that this has been reviewed by the County Attorney.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA
DECLARING ITS INTENTION TO REIMBURSE
THE COST OF CERTAIN EXPENDITURES**

WHEREAS, Augusta County, Virginia (the "County") desires to finance the design, construction and equipping of a new Riverheads Elementary School, a new Hugh K. Cassell Elementary School and an expansion of Wilson Middle School (collectively, the "Projects");

WHEREAS, the County and/or the Augusta County School Board (the "School Board") has made or will make expenditures (the "Expenditures") in connection with the design, construction and equipping of the Projects;

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County and/or the School Board from the proceeds of one or more taxable or tax-exempt obligations to be issued by the County (the "Indebtedness"); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA (THE "BOARD"):

The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself and/or the School Board with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Projects, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

The maximum principal amount of Indebtedness expected to be issued for the Projects is \$45,000,000.

This Resolution shall take effect immediately upon its adoption.

February 10, 2016, at 7:00 p.m.

VPSA – AUGUSTA COUNTY SCHOOLS CONSTRUCTION PROJECTS (cont'd)

The undersigned Clerk of the Board of Supervisors of Augusta County, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of Augusta County, Virginia at a meeting duly called and held on February 10, 2016, during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended.

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

 Nays: None

Motion carried.

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FIRE AND RESCUE – STANDARD OPERATING GUIDELINES (SOG)

The Board considered committee recommendations relating to proposed Standard Operating Guidelines (SOG):

- 1. Training Registration
- 2. Burning Exercises

Bt. Commander Greg Schacht reported that two SOGs came before the Officers' Association in its November meeting and had been provided to the Board of Supervisors at its last meeting. He was available to answer any questions that the Board may have.

Mr. Kelley moved, seconded by Mr. Pyles, that the Board authorize staff to apply for the Standard Operating Guidelines.

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

 Nays: None

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

Chairman Bragg asked if the public wished for any item to be removed from the Consent Agenda. No request was made.

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, January 25, 2016
- Regular Meeting, Wednesday, January 27, 2016

CLAIMS

Approved claims paid since January 13, 2016.

February 10, 2016, at 7:00 p.m.

CONSENT AGENDA (cont'd)

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Garber and Mr. Kelley: Commended Volunteer and Career staff for an outstanding job today!

Dr. Pattie: Routes 613 and 262 – diamond interchange rejected again because of the \$45 million cost. In the meanwhile, need to improve the safety on that intersection: 1) Engaging counterparts in Staunton to have a meeting of options of what can be done: a) possibly lowering speed limit; b) dual locality Police Enforcement; c) turn lanes are short, which adds to the confusion of citizens; 2) Asked Mr. Fitzgerald to contact Staunton requesting forming such a group.

Mr. Pyles suggested that Dr. Pattie review the study that was created two years ago which provide recommendations.

Mr. Coleman:

- 1. Attended Dominion Information Open House regarding the Cunningham-Dooms project at the Cassell Elementary School.
- 2. Attended Co.10 Banquet – “Great Event!”

Mr. Pyles:

- 1. ACSA Press Release on Lead in Water – noted that all of the water systems meet, or exceed, the demands and criteria. “We do our job!”

* * *

- 2. Shenandoah Valley Social Services (Child Protective Services) issues – Expressed concerns of child abuse and asked the Board to consider placing the Shenandoah Valley Social Services (SVSS) on the Staff Briefing Agenda to provide monthly reports on calls received and responses (similar to Fire and Rescue reports). He also suggested that a symposium occur to consist of staff from Richmond, daycare providers, law enforcement, schools, judges, etc., informing the public of what should be done.

Mr. Pyles moved, seconded by Dr. Pattie, that the Board authorize staff to ask the Director of SVSS to provide monthly reports at the Staff Briefing meeting and to have a symposium created, which would be available to different service providers for discussion on “how to fix the problem”.

Dr. Pattie suggested that the Board get a thorough overview of the Social Services current system and tour the building at the first Staff Briefing meeting.

Mr. Shull felt that there needed to be further discussion before having the SVSS attending the meetings on a regular basis.

Mr. Coleman expressed concern as to how it would be perceived by SVSS.

February 10, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Pyles added that Mr. Fitzgerald represents the Board on the SVSS and felt it was reasonable to have monthly reports provided.

Mr. Shull expressed concern of legal issues. Patrick J. Morgan, County Attorney, said that you could not get involved directly on a case-by-case basis. The Director could, in general terms, provide information as to how many CPS cases were investigated.

Dr. Pattie added that there are so many agencies that the County shares responsibility and felt that they needed a "better grasp on what is happening".

Mr. Kelley asked for clarification on the symposium. Mr. Pyles asked that staff provide recommendations for the next Staff Meeting. From that point, it would be determined how cumbersome it would be.

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

Nays: Shull

Motion carried.

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Chm. Bragg:

1. Attended Board of Supervisors/School Board Liaison quarterly meeting.
2. Attended Small Area Development Plan for Stuarts Draft meeting.
3. Will be attending VACo County Government Day – tomorrow in Richmond.
4. Will be attending VACo County Board Chairperson's Institute - Friday and Saturday in Richmond.
5. Riverheads Elementary School Groundbreaking Ceremony – Friday at 10:00 a.m.
6. School Bus Accident – Echoed that staff, Fire and Rescue response – "Amazing job – very well-trained group of people that does take care of the citizenship in Augusta County!"
7. Condolences to Dr. Pattie and his family extended on behalf of the Board.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. VDOT Traffic Counts – February 22 – April 29, 2016
2. Electoral Board – memorandum distributed to Board regarding voting equipment replacement. Mr. Pyles questioned equipment usage. Ms. Whetzel explained that they were similar to computers and were having issues with the hard drives.
3. SVSS Annual Report distributed to the Board.
4. Reassessment – Currently, a five-year cycle – asked for input from the Board as to changing cycle. It was the consensus of the Board to not change in the near future. Ms. Whetzel added that a meeting will be scheduled with Rockingham County to review their setup. Mr. Pyles asked Ms. Whetzel to inquire as to litigation. Ms. Whetzel said they are having similar issues as Augusta County.
5. Government Day tomorrow – will be leaving the Government Center at 9:00 a.m. Session begins at 12:00 noon. Also, Lt. Governor "Open House" at 4:30 p.m.
6. VML Essay – Region III and Statewide Winner Lily McClung, Wilson Middle School – "If I Were Mayor"- distributed to Board (included letter of congratulations from Mr. Fitzgerald).

February 10, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 7. Zoning violation – Jason Bradley property has been determined “Safe and Health Hazard” by the Health Department. A picture of property was circulated. It has been a perpetual issue since 2013. Augusta County has the ability to clean up the property and submit a bill to the property owner if the Board authorizes staff to do so. Numerous letters of complaint have been mailed. The property is located in the South River District.

Mr. Pyles moved, seconded by Mr. Coleman, to authorize staff to take the steps necessary to bring the property in compliance with the Health Department requirements.

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

Nays: None

Motion carried.

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- 8. SAFER positions coming to a closure on training – celebration on Friday, February 12th, at noon.

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Mr. Shull recognized the Riverheads High School Civic Government Studies students present and invited them to return.

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CLOSED SESSION

On motion of Mr. Pyles, seconded by Dr. Pattie, 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
- B) Director of Community Development

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

- A) Mill Place Commerce Park

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On motion of Mr. Shull, seconded by Dr. Pattie, the Board came out of Closed Session and adjourned subject to the call of the Chairman.

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

Nays: None

Motion carried.

February 10, 2016, at 7:00 p.m.

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CLOSED SESSION (cont'd)

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: Pattie, Kelley, Coleman, Bragg, Garber, Shull and Pyles
 NAY: None

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

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ECONOMIC DEVELOPMENT AUTHORITY - REAPPOINTMENT

Mr. Kelley moved, seconded by Mr. Garber, that the Board reappoint Robert J. Kirchman, to serve another four-year term on the Economic Development Authority, effective March 26, 2016, to expire March 25, 2020.

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

Motion carried.

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ECONOMIC DEVELOPMENT AUTHORITY - REAPPOINTMENT

Mr. Garber moved, seconded by Mr. Shull, that the Board reappoint B. Randolph Roller, to serve another four-year term on the Economic Development Authority, effective March 26, 2016, to expire March 25, 2020.

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

Motion carried.

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February 10, 2016, at 7:00 p.m.

ADJOURNMENT

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

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

 Nays: None

Motion carried.

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Chairman

County Administrator

