

Regular Meeting, Wednesday, May 24, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Butch Wells
Carolyn Bragg
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Doug Wolfe, Director of Community Development
James Benkahla, County Attorney
Angie Michael, Executive Assistant

ABSENT: Gerald Garber

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, May 24, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

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The following student from Wilson Memorial Middle School led the Pledge of Allegiance:

Spencer Staut is in 8th grade and plans to be a Veterinarian.

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Dr. Seaton, Wayne District, delivered the invocation.

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ORDINANCE AMENDMENT – SECTION 25-12 -SINGLE FAMILY DWELLINGS

This being the day and time advertised to consider an ordinance amendment to revise Section 25-12, item B to state that the size of a single-family dwelling is measured by calculating “the total floor area of each floor.” The Planning Commission recommends approval.

Alidia Vane, Planner II, presented the request to amend Ordinance Section 25-12 item B which addresses how the square-footage of a single-family dwelling is calculated in order to determine if the dwelling meets the 900 square foot minimum. This minimum is not applied in a general agriculture with an administrative permit or in other zoning districts with a special use permit that allows for smaller dwellings. The amendment would make it easier for citizens to reach the square foot minimum and states that the size of a single-family dwelling is measured by calculating “the total floor area of each floor.” This amendment reflects current practice unlike the original

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ORDINANCE AMENDMENT – SECTION 25-12 -SINGLE FAMILY DWELLINGS (CONT'D)

ordinance which only measures the ground floor area. The Planning Commission recommends unanimous approval of this request.

The Chairman declared the public hearing open.

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

Ms. Carter asked if the amendment would impact real-estate taxing or had any financial impact.

Ms. Vane said this was an internal process and would not have any effect to citizens' finances.

Ms. Carter moved, seconded by Mr. Wells, that the Board approve the ordinance amendment as presented.

Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton
 Nays: None
 Absent: Garber

Motion carried.

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ORDINANCE AMENDMENT – SECTION 25-492 – PUBLIC USE OVERLAY DISTRICTS

This being the day and time advertised to consider an ordinance amendment which allows for "government or municipal animal shelters, with or without outdoor runs" as a permitted use within Public Use Overlay districts. The Planning Commission recommends approval.

Ms. Vane presented the request to amend Ordinance Section 25-492. The amendment would allow for "government or municipal animal shelters, with or without outdoor runs", as a permitted use within Public Use Overlay districts. She reminded the public that Public Use Overlay Requests have to be seen by the Planning Commission and the Board of Supervisors for Public Hearings. This proposed amendment would not impact current public use overlay districts but would impact future applicants.

The Chairman declared the public hearing open.

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

Ms. Carter moved, seconded by Mr. Slaven, that the Board approve the ordinance amendment as presented.

Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton
 Nays: None
 Absent: Garber

Motion carried.

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AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add a Public Use Overlay for a government animal shelter with outdoor runs on approximately 20.195 acres owned by the Augusta County Board of Supervisors located at 1011 Lee Hwy in Verona in the North River District. The Planning Commission recommends approval.

Ms. Vane presented the request from the Augusta County Board of Supervisors to add a Public Use Overlay for a government animal shelter with outdoor runs on approximately 20.195 acres (TMP 036C 1 1A, 036A 1 2, 036C, 036C 1 4, 036C 1 5, 036C 1 6, and 036C 1 7) owned by the Augusta County Board of Supervisors located at 1011 Lee Hwy in Verona in the North River Magisterial District. The property is located in an Urban Service area of the Comprehensive Plan, planned for Public Use. Slides showing pictures of the location, zoning, and concept plan were provided. The area was the old Verona Elementary School. The Planning Commission recommends unanimous approval of this request with the recommendation that a three-hundred-foot-long opaque fence and tree plantings be installed along the southern border of the property to reduce noise impacts on adjacent residential properties and if any noise issues are noted deal with that in the future.

Candy Hensley, Assistant County Administrator, presented the animal shelter project. It is owned by three jurisdictions Waynesboro, Staunton, and Augusta County. The localities have set aside \$2.7 million to renovate the school and create the animal shelter. The County is responsible for approximately 60% of those funds calculated based on the intake of the animals for the shelter. The layout includes all the needs for the Animal Shelter and outdoor play areas as well as room for future expansions. The whole campus will be fenced in. There will be agricultural room for farm animals in those rare cases.

The Chairman declared the public hearing open.

Dave Meadows, 149 Lee Hwy, Verona, is concerned with noise and spoke in opposition of the request.

Shelly Meadows, 149 Lee Hwy, Verona, works from her home and is concerned with the noise. She spoke in opposition of the request.

Keith Clark, DWS Properties, is concerned with noise and the effect on the neighborhood. He spoke in opposition of the request.

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

Mr. Slaven mentioned that when the plans were approved the shelter had outdoor runs and they would be utilized in a timely manner.

Mr. Fitzgerald explained that the cleanliness would be the same to indoor runs and outdoor areas would not have dogs running outside all day unsupervised. The outdoor space was added for the animal-friendly public.

Mr. Slaven wanted to emphasize the outdoor facilities would not be abused.

Ms. Carter asked what materials would be used to build the outdoor runs.

Mr. Fitzgerald stated that it was concrete.

Ms. Carter asked if there would be troughs to collect the water.

Mr. Fitzgerald confirmed that the water would be contained.

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AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY
(CONT'D)

Mr. Wells asked if the fence and trees were recommended by the Planning Commission for the visuals or the noise issue.

Ms. Vane believed that it was a mix of both concerns.

Mr. Wells asked if there is more of a noise issue after the shelter is built what would the plan be.

Mr. Fitzgerald asked Ms. Candy Hensley if there were any renovations inside the shelter for the noise.

Ms. Hensley stated that inside the pods there would be sound panels and the outside structures are CMU brick.

Dr. Seaton asked if the County received input from the neighborhood before planning the shelter. He said if the shelter made too much noise then he would not feel good about voting on the item.

Mr. Slaven stated that since it was in his district he is familiar with the community and the neighborhood. He did talk with Mr. Fitzgerald about the noise issue and said the supervision and the limited time outside would be a good plan for noise mitigation.

Mr. Shull asked if there would be any land disrupted in the construction.

Ms. Hensley explained the construction would be in the area of the other buildings.

Dave Meadows wished to speak.

Chairman Shull stated that the public hearing was closed.

Dr. Seaton moved, seconded by Ms. Carter, that the Board allow Dave Meadows to speak again.

Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton
 Nays: None
 Absent: Garber

Motion carried.

Mr. Meadows pointed out that the property surrounding the Animal Shelter was not being represented tonight.

Mr. Shull mentioned that those owners were notified.

Ms. Vane confirmed that all adjacent property owners were notified.

Mr. Slaven asked if the little leagues were still able to use the gym and ballfields.

Mr. Fitzgerald confirmed that the athletics teams would still be able to use the facilities.

Mr. Slaven wanted to assure the locals that the gym would still be used by the Verona Athletic Group.

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AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY
(CONT'D)

Ms. Carter asked Dave Meadows where he lived.

Dave Meadows stated that Larry Ship, who owns the cattle, was probably not notified. He then showed on the map where his house was located.

Mr. Slaven stated that the issue of the shelter was reviewed by the Board for a few years and said there have been various locations that had been considered before this one. The idea to use a building already built was the option that made all three localities involved happy. The old shelter facilities are not good enough for the animals' needs. He promises to address future issues if they arise.

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve the Public Use Overlay as presented.

Dr. Seaton would like to wait and see if another location becomes available. He thought the plan had the approval of the neighborhood but realized now that it did not. He is concerned if new board members do not hold their concern on the noise issue.

Mr. Shull asked how many houses are near the current location.

Ms. Hensley stated that there is one house just south very close against the shelter but there were not noise issues.

Ms. Bragg said the Planning Commission also recommended that there be a statement that the Board would deal with future issues if they arise.

Dr. Seaton asked how that could be added.

James Benkahla, County Attorney, stated that should be made as a separate motion to not confuse the two issues.

Mr. Fitzgerald said the dogs would be supervised and the staff would deal with any barking.

Mr. Shull noted that there should be two motions for that issue.

Dr. Seaton asked if the future Board would be bound to uphold the motion to deal with future noise issues.

Mr. James Benkahla said they cannot bind a future Board.

Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, and Carter
 Nays: Seaton
 Absent: Garber

Motion carried.

Mr. Slaven explained that the outdoor runs was approved of after that issue of the noise was investigated. He wished to have something noted about dealing with future complaints.

Mr. Fitzgerald stated that the animal shelter does not want to be a nuisance and would bring that issue up to the Board if there is too much noise that creates an issue.

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AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY
(CONT'D)

Mr. Slaven explained that there is a difference between a noise and a nuisance.

Mr. Shull commented that when the school was in operation there was probably noise in the area.

Dr. Seaton asked also that if the apartments have to deal with odor issues that those be addressed as well.

Mr. Fitzgerald said there would be air purifiers and processes to deal with odor. He said that odor is too subjective to actually be officially noted.

Ms. Bragg said the old shelter does deal with odor and does not have a broad range of noise.

Dr. Seaton is in favor of the shelter as long as the promises the Board makes are kept to mitigate the odor and noise.

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NATIONAL DEVELOPERS OF VIRGINIA, LLC – REZONING

This being the day and time advertised to consider a request to rezone from Single family residential with proffers to General Agriculture with proffers approximately 14.276 acres owned by national Developers of Virginia, LLC and to amend the existing proffers associated with Phase 2 of the Shannon Lea Subdivision on the north side of Route 610 in Stuarts Draft in the South River District. The Planning Commission recommends denial.

Ms. Vane presented the request from National Developers of Virginia, LLC to rezone from Single-Family Residential to General Agriculture approximately 14.276 acres (TMP 084 77 portion) owned by National Developers of Virginia, LLC and located in the Shannon Lea Subdivision on the north side of Route 610 in Stuarts Draft in the South River Magisterial District. The applicant has also requested to amend the existing proffers on all of TMP 084 77. The property is located in a Community Development Area of the Comprehensive Plan, planned for Low Density Residential. Slides showing pictures of the location and zoning were provided. The Planning Commission held a public hearing on March 20, 2023 and unanimously recommended denial due to three concerns:

- 1) Proffer not being consistent throughout the Subdivision & Homeowners Association
- 2) Request not compliant with the Comprehensive Plan
- 3) Agricultural Use being incompatible with the adjacent single-family residential development

The applicant provided revised proffers which were discussed at Monday's Staff Briefing

William Raike, representing National Developers, was an investor and then became the developer for the project. He wished to be in a position to be able to sell the property. The 14 acres were not planned to be used for something specific. It is a request because of economics.

The Chairman declared the public hearing open.

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NATIONAL DEVELOPERS OF VIRGINIA, LLC – REZONING (CONT'D)

John White, 7 Jacobs Lane, Stuarts Draft, spoke in opposition of the request. He stated that they had not had a functioning HOA for five years partly because of objections from the developer. None of his neighbors support this request. The acres proposed to be agriculture would be a problem for all the residents surrounding it. The neighbors are concerned with what happens with the building Mr. Raike uses in the future. All of the changes Mr. Raike made would decrease revenue from the HOA, which needs the funds for maintenance.

Thomas Tellson, 16 Jaspers Lane, Stuarts Draft, is a new resident of Shannon Lea. He agreed that the request should be denied and thinks the agriculture acres would hinder the neighborhood. He is retired and cannot afford to lose value on his home.

Don Clark, 39 Jacobs Lane, Stuarts Draft, also agreed that the request should be denied. He mentioned that the change to agriculture, this is about 12 lots, would reduce revenue for the HOA as well as the County and added that this situation had happened before. Mr. Raike took away some of the neighborhood's green space. The economic issue would be at an advantage to Mr. Raike and disadvantage to all the residence.

Andy Delikat, 23 Jaspers Ln, Stuarts Draft, is against the request. He mentioned the HOA bylaws only allow three lots to be combined while Mr. Raike wishes to combine 11-12 lots.

Doug Brooks, 1018 Howardsville Tpke, stated that his property is very close to the area being discussed and wished for the property to become general agriculture. He does not want to see all those houses built.

Richard Raines, 984 Howardsville Tpke, Stuarts Draft, stated that the property is right behind his house. He supports the change to agriculture. He enjoys the farmland around his house.

West Flint, 982 Howardsville Tpke, Stuarts Draft, supports the change to agriculture. He thought the fourteen acres was the third phase. He added that the other plans were not good for his property.

Mark Hayman stated that he had invested \$500,000 and was concerned with the elimination of sidewalks since he had a disabled father.

Jennifer McKnight, resident of Shannon Lea, agreed with her other neighbors and said the vision of the community was what the neighbors were sold.

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

Mr. Raike said he offered the group to expand the green space with the eight lots that comprise the 14 acres. He did not think the houses would be negatively impacted by the change. He does think that the houses would be impacted if the developer went bankrupt. He wanted to be in a place to sell phase two to a developer who could provide them with a neighborhood.

Mr. Wells asked what amenities were there and what was promised.

John White said there is a clubhouse and there was supposed to be a pool and tennis courts. A big issue is that the sidewalks are not put in or some are smaller in width than the others. There are no streetlights or walking trails either.

Mr. Wells asked Mr. Raike what amenities were planned that have not been put in.

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NATIONAL DEVELOPERS OF VIRGINIA, LLC – REZONING (CONT'D)

Mr. Rake said there was supposed to be a pool and tennis courts. They might still put it in but they do not wish to go bankrupt. The walking trails he wanted to work on this summer.

Mr. Wells asked if the clubhouse was built before or after residents moved in.

Mr. Raike said it was built before the residents came.

Ms. Carter asked if the sidewalks were required when they started construction.

Mr. Raike said they planned on doing the sidewalk, but the concrete costs much more now.

Ms. Carter is concerned that he did not comply with the original commitment.

Mr. Raike said he had and was trying to find a way to work with the neighbors.

Ms. Bragg said this project was started in 2008. She mentioned that the residents had conceded with certain proffers in the past. She thought that the vision they were sold was not being delivered. She was concerned with the financial impact of the home owners. If there is more green space then they will have to carry more financial burden. She adds that the phases should mirror each other. She also thought the down zoning is not good or compliant with the Comprehensive Plan.

Ms. Bragg moved, seconded by Mr. Slaven, that the Board deny the rezoning request as presented.

Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton
 Nays: None
 Absent: Garber

Motion carried.

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DOMINION ENERGY EASEMENT

This being the day and time advertised to consider a request from Dominion Energy to grant power easement in order for DISH Network to gain access to a transformer on County property.

Ms. Hensley presented Dominion Energy's request of easement. A 65 feet line from the transformer to the communication tower.

Ms. Candy Hensley asked that the Board grant Mr. Timothy Fitzgerald the authority to sign when the easement is ready.

The Chairman declared the public hearing open.

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

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the easement request as presented and authorize the County Administrator to execute documents.

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DOMINION ENERGY EASEMENT (CONT'D)

Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton
Nays: None
Absent: Garber

Motion carried.

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CONSENT AGENDA

Mr. Slaven moved, seconded by Dr. Seaton, that the Board approve the consent agenda as follows:

MINUTES:

Consider minutes from the following meetings:

- Budget Worksession, Monday, March 27, 2023

Vote was as follows: Yeas: Shull, Slaven, Wells, Carter and Seaton
Nays: None
Abstain: Bragg
Absent: Garber

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Robert Howdyshell, 39 Frontier Drive, said his road is dangerous and needs to be addressed. The road is not designed for tractor trailers. He tried contacting VDOT and the Sheriff's Department. The speed limit is 25 mph but people go 40 mph or higher. The Board considered the issue a long time ago and it should be talked about again.

Mr. Wells said he had talked with Robert at Walmart and had contacted the Sheriff's Department. The deputies are trying but are strapped with resources.

Mr. Shull stated that that he would ask VDOT to put signs up and see if they would do more for that road.

Dr. Seaton would also bring it up for the MPO Meeting.

Mr. Shull added that there are other roads with issues.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter mentioned that there was a Memorial Service on Monday at 2pm. She mentioned that the Board had lively discussion on Broadband, and she got numerous responses.

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

Mr. Slaven stated that the Davies Group were measuring poles in his area for the Broadband project.

Dr. Seaton brought up the fees that were being charged by the animal shelter and thought there were no ordinances. He asked if there needed to be an ordinance.

Mr. Fitzgerald explained that the State Code allows for the fees and it was only the cost of maintaining the dogs.

Mr. Benkahla answered that there was no need for an ordinance for this fee, only for a civil penalty. The County ordinance actually does cover the fees as well as State Code.

Dr. Seaton asked if the owners were still allowed to pick up their animal even if they did not pay the fee.

Mr. Fitzgerald said the shelter would not hold the animal even if the owner could not pay.

Dr. Seaton asked when they looked into the matter of the fees.

Mr. Fitzgerald said it was brought up a couple months ago in a regular meeting by a member of the public. He Could go back and check the exact meeting.

Dr. Seaton asked when an ordinance to confirm the fee would come to the Board.

Mr. Fitzgerald did not want to comment since it was a legal issue.

Mr. Benkahla said that there were several issues to be brought to the Board.

Ms. Bragg asked if this would be included with other operating policies.

Mr. Fitzgerald said that it was a separate issue.

Mr. Benkahla explained how the fee should be handled.

Dr. Seaton asked if there would be restitution for the fees charged previously.

Mr. Benkahla said he would discuss that in Closed Session but it was at the pleasure of the Board.

Dr. Seaton asked who first discovered the lack of an ordinance.

Mr. Fitzgerald said everyone was informed around the same time.

Mr. Benkahla said around the time of the public hearing the issue was brought up but he did not know beyond that.

Ms. Bragg congratulated all the graduates. She mentioned the largest potato in the world was in Stuarts Draft.

Chairman Shull also congratulated the graduates. He mentioned that there were a lot of opportunities to stay and work in the County.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

1. The Blue Ridge Tunnel Foundation Board has a new historic sign. There have been 250,000 people have visited the tunnel. There was an animal shelter owner meeting and the architects came and presented. They are on track to finish drawing in the fall and have construction start in January 2024.
2. The plans for the new shelter were presented to the Board. Construction is estimated to begin in January 2024.

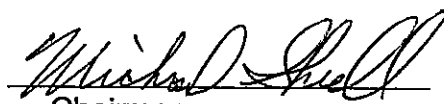
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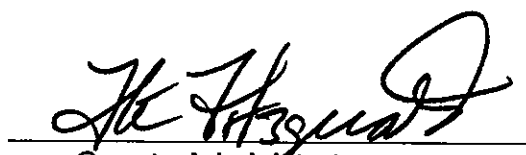
ADJOURNMENT

Dr. Seaton moved, seconded by Ms. Bragg, that the Board adjourn the meeting.

Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton
 Nays: None
 Absent: Garber

Motion carried.


Chairman


County Administrator

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