

Regular Meeting, Wednesday, May 10, 2017, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Tracy C. Pyles, Jr., Chairman
Terry Lee Kelley, Jr., Vice-Chairman (via electronically)
Carolyn S. Bragg
Wendell L. Coleman
Marshall W. Pattie
Michael L. Shull
Gerald W. Garber
Timmy Fitzgerald, County Administrator
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, May 10, 2017, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 241th year of the Commonwealth....

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Chairman Pyles welcomed the citizens present.

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The following student from Stewart Middle School FCCLA, led us with the Pledge of Allegiance:

Lily McNally is the upcoming FCCLA President and fully enjoys her FCS class of sewing and cooking.

Mikayla Rose is in 7th grade and is the upcoming FCCLA Secretary.

Savannah Goodloe is in 7th grade and is the upcoming FCCLA Treasurer

Wyatt Marshall is upcoming FCCLA Vice President of Star Events.

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Tracy Pyles Supervisor of the Pastures District, delivered invocation.

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MENTAL HEALTH MONTH – PROCLAMATION

The Board considered the Mental Health Month proclamation.

Andrea Kendall is a Board member for Mental Health America Augusta Chapter. The organization is available for resources, support and advocacy and community building. Ms. Kendall is appreciative of the proclamation and thanked the Board.

Ms. Bragg moved, seconded by Mr. Coleman, that the Board adopt the following proclamation:

**Mental Health Month Proclamation
May, 2017**

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, mental illnesses are real and prevalent in our nation, and half of us will have a mental health diagnosis at some point in our lives; and

WHEREAS, all Americans experience times of difficulty and stress in their lives and should feel comfortable in seeking help and support to manage these times; and

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MENTAL HEALTH MONTH – PROCLAMATION (CONT'D)

WHEREAS, engaging in prevention, and early identification and intervention are as effective ways to reduce the burden of mental illnesses as they are to reduce the burden of other chronic conditions; and

WHEREAS, there is a strong body of research that identifies behavioral health risks and supports specific tools that all Americans can use to protect their health and well-being; and

WHEREAS, with effective treatment before Stage 4, all individuals with mental illnesses-even serious illnesses-can make progress toward recovery and lead full, productive lives; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, jails and prisons have often become the default places of custodial care for even non-violent people with serious mental illnesses; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen has a responsibility to promote mental health and wellbeing for all.

THEREFORE The Augusta County Supervisors, do hereby proclaim May 2017 as Mental Health Month in Augusta County and call upon our citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental health the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions Before they reach Stage 4.

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

Nays: None

Motion carried.

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ELLIOTT STREET UTILITY EASEMENT REQUEST

The Board considered a request from Paxnfaith Investments, LLC for a 12 foot easement along the Elliott Street right-of-way (adjacent to TM54A (2) Block 3, Lots 1, 3, 4, 5, 6).

John Wilkinson, Director of Community Development, stated that this easement would provide water and sewer for four new dwellings.

Barry Lotts of Stuarts Draft representing the developer indicated the street has been determined to be property of the County. There is an easement needed to run private water and sewer on this street.

The Chairman declared the public hearing to be open.

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

Mr. Pyles stated that this property is in the Pastures District. There are small lots, but it's not feasible for the Service Authority to provide the lines that are necessary and provide the pumps. This is a way for the County to have the houses built without taking up more space. Mr. Pyles is in support of this easement.

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ELLIOTT STREET UTILITY EASEMENT REQUEST (CONT'D)

Mr. Shull moved, seconded by Ms. Bragg, that the Board grant an easement to the builders of the lots for water and sewer.

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

Motion carried.

James Benkahla, County Attorney, asked the Board if they would like to authorize Mr. Fitzgerald to sign the easement.

Ms. Bragg moved, seconded by Mr. Shull, that the Board authorize the County Administrator, Mr. Fitzgerald to sign the easement for this parcel.

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Theodore Whitelow of 19 Brook Street, Staunton stated that on the Churchville Volunteer Fire Department’s website there is a picture of a fire truck with a Confederate Battle Flag license plate next to the Virginia license plate. This is a cause of concern. The County has proposed a \$2,062,262 budget for emergency services for the 2017-2018 budget. According to the budget under line item number 9120, \$62,936 has been proposed to go directly to the Churchville Fire Department. The battle flag should not be anywhere on a vehicle that Augusta County insures whether the County covers \$1 of the Churchville Fire Department budget or the entire budget. It is unacceptable that County tax payers should have to fund such displays. This issue happens to be located in the Pastures District which is represented by Tracy Pyles who once called a 43 year old African American male reporter “boy” and “son”. There seems to be a pattern of insensitivity and offensive displays and language of an era known as Jim Crowe and segregation flowing out of the Pastures District. Mr. Whitelow asked the Board of Supervisors to come with a resolution holding Tracy Pyles and his District accountable and demands the item be removed from the vehicle immediately. If the Churchville Fire Department does not comply then withhold all Government funding until it is removed. Before funding resumes, it is asked that Mr. Pyles pledge not to call any other African American “son” or “boy” and the Churchville Fire Department pledge not to display any other Confederate memorabilia on any vehicles or inside the fire house. The Churchville Fire Department Facebook site will need to be updated and the picture removed.

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VERONA COMMUNITY FOOD PANTRY FUNDING REQUEST

The Board considered a funding request for insulation repairs.

Funding Source: Beverley Manor District 80000-8011-83 \$2,000.00

Candy Hensley, Assistant to County Administrator, stated that the Verona Food Pantry operates out of the northern portion of the Social Services building and has a lease with the County. They normally maintain their part of the building space area as part of their lease. This is normal for Community Centers and non-profit agencies that lease property from the County. The insulation in the building is not in good condition. There are areas

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VERONA COMMUNITY FOOD PANTRY FUNDING REQUEST (CONT'D)

with no insulation and holes along the ground. The Food Pantry has asked for funding help. This is not an item in the Capital Budget Plan, but it can come from an infrastructure account. The estimate submitted was for \$2,000.00 from Davenport Insulation.

Mr. Garber stated that he has worked with the Food Pantry over the years. The insulation is very much needed. There would be savings because it is not possible to heat part of the building so we are paying for heat that is not being used properly.

Mr. Kelley moved, seconded by Mr. Garber that the Board approve the \$2,000.00 to come from his infrastructure account.

Dr. Pattie amended the motion and stated he would use \$1,000.00 from his infrastructure account. He will split the cost 50/50 with Mr. Kelley.

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

Nays: None

Motion carried.

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BLOOMAKER

The Board considered a request for performance agreement extensions.

Amanda Glover, Director of Economic Development, stated that it is requested to extend the performance period for Bloomaker. In 2014, Bloomaker announced a \$2 million expansion of its greenhouse facility in Stuarts Draft. At that time the Governor and Augusta County approved \$50,000 each to support the expansion. Economic Development is responsible for making sure companies follow the Performance Agreements and meet all expectations. Along with the \$2 million investment, the company committed to creating 98 jobs as well as increasing their sales and Virginia growing plants from \$10 million to \$17.6 million. This has been monitored over the past several years. After being in the Performance Agreement for 2 years, Bloomaker has completed all of their capital investment requirements, they are at 58% of their job requirements and at 11% of their growth and plant sales. The concern is the uncertainty of meeting the requirements of the Performance Agreement before the performance period is expired. Under the Performance Agreement, Bloomaker can request an extension of 15 months. The drop in sales and jobs are due to an unexpected issue at the Port of Virginia. The company is not able to import some of the bulbs from Brazil to the Port of Virginia. This has caused them to import through New York and use a partner company for distribution of those bulbs. The process to get an extension for the Performance Agreement requires Bloomaker to send a letter requesting the 15 month extension. It is the Augusta Board of Supervisors prerogative to approve the extension. If approved, the Commonwealth and the Company are notified that the extension is approved. The Economic Development Authority also has to agree to the extension since the Performance Agreement is a three party agreement among the County, Economic Development Authority and the Company. It is requested for the Board to approve the 15 month extension to allow Bloomaker to meet their performance goals and to authorize the County Administrator and Amanda Glover to execute and deliver the extension notification letter to Bloomaker and VDACS.

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BLOOMAKER (CONT'D)

Ms. Bragg stated that Bloomaker is in her district and the intent of the company is to fulfill their obligation and have a long and continued presence in Augusta County. They did encounter some unforeseen problems and they have been creatively working to resolve the issues.

Ms. Bragg moved, seconded by Mr. Shull that the Board approve the 15 month extension for the Performance Agreement and authorize Mr. Fitzgerald and Ms. Glover to execute and deliver the documents.

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

Nays: None

Motion carried

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SHAMROCK

The Board discussed the AFID Performance Agreement.

Amanda Glover stated that on March 29 Shamrock Farms announced an investment of \$43.9 million in their building in Mill Place Commerce Park they will create 79 full times jobs over the next 36 months and purchase an additional \$24 million in Virginia milk over the next three years. With this announcement came the commitment from the Governor's office to support the project with two different funds. \$400,000 from the AFID program and \$400,000 from Virginia Investment Partnership. The AFID grant requires a 100% match and the State agreed to allow Augusta County to submit \$400,000 so the money is doubled for the company. Also an additional \$58,500 is available through the VJIP Program. To make this happen a three party Performance Agreement among the County, Economic Development Authority and Shamrock Farms that commits the company to meet the Performance Agreement criteria over the next three years as needed:

- 1) Performance Agreement
- 2) Contribution Agreement which dedicates the funding to the Economic Development Authority to help fund the grant to the company.

It has also been a traditional of Augusta County to pass a TIF Resolution to recoup the funding.

James Benkahla, County Attorney, stated that eventually there would need to be an Ordinance to pass a TIF Resolution which will require a public hearing.

Mr. Coleman moved, seconded by Ms. Bragg that the Board approve the Performance Agreement and the Contribution Agreement.

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

Nays: None

Motion carried.

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VA BUSINESS READY SITES PROGRAM SITE DEVELOPMENT

The Board discussed the site development application for the Blue Mountain Property and Mill Place Commerce Park.

Funding Source	70-80000-8145	Amount TBD
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Amanda Glover stated that this is an opportunity, that due to timing, the Economic Development Committee was not able to consider so it is before the Board for consideration. The Virginia Economic Development Partnership established the Business Ready Sites Program to identify and assess the readiness of potential industrial or commercial sites in Virginia for marketing development purposes. The site characterization process is the first step under this program for the Blue Mountain property in Weyers Cave. Through the master planning of Mill Place Commerce Park it has also been through the first step of the site characterization process. The State recently unveiled a new program for site development grants. The applications are due May 19th. A total of \$1.2 million is currently available statewide for Site Development Grants. These grants help move sites from one tier level to the next tier level. The two sites that Augusta County has that would qualify for the grant are the Blue Mountain property and Mill Place Commerce Park. A proposal from Timmons shows the potential cost in moving the sites from one tier level to the next. This has not been previously budgeted for in the Economic Development operating budget so it will need to be discussed. The grant would pay for 50% of the cost, but the County would be responsible for the other 50% to move the sites to the next tier level.

Mr. Pyles asked if there was an idea of how much this could potentially be.

Ms. Glover stated that the Blue Mountain property would be a total of \$132,500 and the County's 50% match would be \$66,250. The Mill Place Commerce Park would be a total of \$57,000 and the County's 50% match would be \$28,500. The two grants together would be a total of \$94,750 for the County match.

Mr. Garber stated that the concept itself is not bad, but there are a number of unanswered questions to put \$66,250 on the Blue Mountain property grant. Mr. Garber moved to decline on the Blue Mountain property grant.

Mr. Benkahla pointed out that the item can just be passed over and a vote not taken.

Mr. Kelley stated that if the funds are available Mill Place Commerce Park should move forward.

Mr. Fitzgerald pointed out that the funds are not in the appropriated budget and would have to come from other capital accounts or from an infrastructure account. One thing for the Board to consider is if the activity level is acceptable in Mill Place at a stage 3, the return on investment to go to stage 4 would be depend on the amount of site visits received. If construction and the number of visits are acceptable it could stay at tier 3.

Ms. Bragg asked if the grant was only available now.

Ms. Glover stated that the grant is currently available until May 19th. The State is inclined to continue with the program in the future, but there is no guarantee given other priorities statewide.

Mr. Coleman stated that Mill Place is a priority for the County and is an area looked at for growth and development.

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VA BUSINESS READY SITES PROGRAM SITE DEVELOPMENT (CONT'D)

Mr. Coleman moved, seconded by Ms. Bragg, that the Board approve funding for Mill Place Commerce Park Site Development Plan Grant in the amount of \$28,500.

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

Motion carried.

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COURTHOUSE

The Board discussed courthouse alternatives.

Mr. Pyles stated that the Board took the vote in November seriously and are trying to satisfy what the courts have recommended and what the County can and cannot do. This presentation is just information and get the options out to the public.

Timothy Fitzgerald, County Administrator, showed a PowerPoint presentation on the different options for the Courthouse. The presentation goes through the process from referendum, what has been worked on and looked at and give options to generate further discussion. A new concept plan for the courthouse was reviewed. This plan includes all three courts and provides for future growth. The plan focusses on the historic courthouse and builds an addition to it to accommodate the other courts. This plan does require additional properties and the demolition of the properties. Mr. Pyles and Mr. Fitzgerald have met with the City of Staunton to discuss Courthouse, Fire and Rescue Services, and Emergency Communication Services going forward. This proposal that was presented to the City included all three items to attempt to have a combined agreement with the City. In regards to the Courthouse, it was discussed that Staunton providing funding to acquire and demolish the adjacent properties necessary for construction of the new Courthouse. The estimated cost of that was \$2.7 million. The County is willing to put that amount into the Bond amount at a present rate of 2.5% percent for 30 years which would have required payments to the County of approximately \$130,000 during that time frame on this proposal. The question was also asked if there would be any other additional cost caused solely by building in downtown Staunton that cost would be absorbed by City Council. It appears that everything is included in the proposal presented and there would be no other additional costs involved. Parking and a need for reserved free parking for staff and patrons was discussed. A proposal for a combined ECC Center was made with Augusta County assuming the 911 employees for Staunton and have the City charged \$29.50 per resident. It was pointed out that this proposal could possibly save the City money by bringing the two together. In this past budget, Staunton had \$845,918 in their EOC budget and if the two are combined the amount would be \$744,000 which is a savings of approximately \$100,000. The County suggested that this be a five year contract in the beginning. Cost adjustments could be made based on population estimates going forward. After the five years, the contract could be amended or terminated. Company 10 on Richmond Road is a County fire station located in the City. Company 10 ran approximately 1272 calls in 2016. The budget at that facility is approximately \$841,000, which comes out to a cost of \$672 per call. The issue is, of the 1272 calls made, 531 of them were for the City of Staunton. Staunton ran 183 calls to Augusta County. This is a 348 call difference between what Augusta County ran in the City and what the City ran in the County. A proposal was made to come together and share in the cost of the fire station. It was stated that this agreement would continue until a year's notice is given by one or the other. The response from the City of Staunton did not address any of the public safety issues. The City felt that a response to the public safety issues should be addressed separately. The City made a recommendation to form a joint study group

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COURTHOUSE (CONT'D)

regarding the Courthouse composed of individuals from each locality. The group would also include numerous invested stake holders, those with expertise in historic structures to assist in reaching a mutually acceptable resolution.

Finally in regards to the current plan, the City provided the following statement in regards to demolition of buildings in the City.

“I would be remiss if I did not state that the City will never agree to tear down, or permit others to tear down, the City’s protected historic landmarks and structures, nor would the City disregard its own laws and procedures, including the superseding of the Historic Preservation Commission, to allow anyone to demolish protected historic buildings in the City. Such precedent-setting actions would not align with the City’s values and Council’s vision for the City. My fellow Council members and I treasure and celebrate Staunton’s historic character. To be a participant in or enabler of its destruction would be a breach of the City’s moral philosophy.” (Mayor Carolyn W. Dull).

Due to the beliefs and philosophies of the City, the proposed project will not be able to move forward because of the need for the adjacent property to be removed. There are multiple challenges on the Courthouse moving forward. The City’s response that no adjacent buildings can be removed to complete the proposed project which renders reasonably priced alternatives, for a single building to fully serve the public in the most efficient and least costly way, unattainable. Based on the Attorney General’s opinion the County could not build on land across the street from the existing courthouse. Basically the County is looking at land that the current Courthouse sits on and that is a challenge. The requirement that any project on the current site must adhere to the City of Staunton’s zoning and historical requirements is a challenge. The fact remains that all courts must be accommodated in a court project. This was discussed when the referendum was first discussed. All three courts, General District, Circuit Court and Juvenile Domestic Relations Court are being considered and must be accommodated in a project moving forward. The addition of a second Circuit Court Judge renders the existing 1901 structure too small (limited) for 2 courtrooms per Va. Supreme Court Guidelines as well as Clerk of the Court Space. The second Judge is in place now and space is limited in the existing building. The County is thankful for the second Judge, but it does create stress on the structure which is a challenge going forward. There are options for the Board to consider and to generate further discussion. One option is to request from the Circuit Court an understanding that the current Attorney General’s Opinion, and Staunton City Council’s rigid opposition leaves the County with limited options. Due to these circumstances we could ask for 1 year’s grace to seek legislative or local relief. We also should consider advocating for state legislation that would provide more options for consideration. The Board has been working diligently since January to come up with a plan for downtown Staunton that would address all three courts, provide the square footage needed for the case load now and for future growth and to maintain the existing historic court building.

Mr. Pyles pointed out that the back of the old 1901 building is differentiated in the plan. This is not cost effective, but was done for historical purposes. Historical people like to have the old building separated and distinctly different from the new. Things can be tied in together to make it look like one building, but the County opted not to do that. There is one entrance for security reasons. The County is required to do something because the current building is considered inadequate and unsecure. There is no separation for people and the prisoners are exposed to the public as they are transported from the jail. The new proposed facility has separate holding places, elevators and passage ways. This is a first class secure facility. In Augusta County form follows function and we want this to be a functional building that provides what the courts require from the County. This plan will also meet the Supreme Court guidelines and give us a building that’s cost effective to manage, to secure and to operate from now and into the future. This would also be an investment into the City of Staunton that would be significant. \$35 million into Staunton would make restaurants and office space more valuable. There has always been the task of fixing the courts. The County is under the demand to fix the courts and the Judge has been patient before putting through the process of a writ to the Supreme Court. In regards to some of the other challenges; Company 10 Fire Department has been a challenge for many years. If the County tries to do something later on, it may seem as though the County wasn’t

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COURTHOUSE (CONT'D)

being fair to the City. Our Fire Departments have first due areas where they are the first responders to an emergency. There is a large first due area in Staunton and maybe it is the growing portion. Staunton continues to build in the area of Company 10 and never asked the County if the developments would effect staffing. In 2005 the County spent approximately \$2 million on career staffing. The demands that have come to the volunteers have caused the cost to go from \$2 million to \$7 million for career staffing. The County has a fire station that is an asset to Staunton with 40% of the calls for that station being in the City. The Board chose to give Staunton the opportunity to work together rather than making general decisions about the fire station. The Board looked at it as a good will gesture, but it is not seen that way by everyone. As far as EOC, the need was \$130,000 to fund what the County felt appropriate to fund. The Mayor of Staunton continues to want to cooperate with the County and work together. The County was willing to do the EOC for the City of Staunton for a fixed price of less than what they are paying now. The City is operating their EOC with 13 people and Augusta County is operating with 15 people and the County is doing three times the calls. The County wants to help with the City's inefficiencies.

Mr. Coleman stated that there were a couple of Board members that served on a sub-committee prior to the referendum that worked with Staff on the presentations that were given on the Courthouse. This worked well and all options were able to be looked at. Each option is evaluated and then submitted to the Board to be voted on. Then it can be decided on what the next step is and what needs to take place. The Board has been actively working to come to conclusion for the Courthouse and be good stewards of the money. The County does not want to invest money that is short term. That's not going to serve the needs of the County. The County plans for the future.

Ms. Bragg stated that she agreed with th having a sub-committee and it would be beneficial.

Dr. Pattie pointed out that there are two assumptions being made that are holding up the solution. The first assumption is that all courts have to be under the same roof. That is an assumption that does not need to be made. The opinion of the Attorney General is just that, an opinion. He doesn't write law, he interprets the law. The Judge is the one that makes the law. The other assumption that needs to be reevaluated is a lot of the courts facility is office space and storage space. Those two do not have to be kept together in the way it is now. Under the current Circuit Court building the majority of it is files. The entire basement is files and part of the first floor is files and a lot of it is office space. If that could be reconfigured and use some of that space for a second court room while moving the files and some of the Clerk of Court functions out of that building the space may be big enough.

Mr. Garber stated that a very large part of this problem is what we can or cannot do according to state law. A very large part of the problem is getting someone to tell us what the law is. It took 8 months to get the ruling that is somebody's opinion. A lot of money was spent that should never have spent waiting on that opinion. The County got in this situation because the law is not very clear. Mr. Garber is frustrated with hearing about the vote. There were 2 questions asked and only one answer was given. Staunton News Leader stated in an article that there was no doubt the people didn't vote no on the Courthouse, they voted no on the \$45 million. That's the way the referendum had to be written. Mr. Garber asked a delegate why the referendum would be written in such a way. The response was that mostly likely a delegate that was an attorney didn't want his courthouse moved out of his town. That's part of the problem. It's not his courthouse and it's not his town. People get caught up in that sometimes. It's everybody's stuff. It's everybody's money and it's everybody's opportunity or lack of opportunity to get there. New legislation was introduced but it was pulled, not changed or amended, pulled. House bill 2313 did get passed. Albemarle County is excited because their County Attorney stated there was no need for a referendum, but within 72 hours a law firm said it could be countered and not to move too fast. Until there is clarification given from the state that says what can or cannot be done, it doesn't matter what the Board wants to do. Mr. Garber agrees that a committee is a good idea. A committee that is willing to work with

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COURTHOUSE (CONT'D)

someone in the legislature that can give us something the County can do. It's a waste to continue to spend money on things that cannot be done.

Mr. Shull agrees with the legislature issues. He spoke with a local legislator that represents part of Augusta County. He is willing to sit down with others to try to get something done during the next session. The County needs some clear legislation to guide us in the right direction. When the space and records are talked about, all of the records have to be kept in paper form until the state changes that law and they have to be kept with the courts they are associated with. The best option may be to let the Judge put the order in and let the Supreme Court come in and look things over to see how deficient the facility is. Maybe then a solution could be reached and the County would know what could be done. The bill can be funded afterwards, whether it's \$38 million, \$50 million or whatever. When the order is made the bill has to be paid no matter how much it is. Mr. Shull hopes the legislators will work with the County and come up with something.

Ms. Bragg stated that having worked so closely with the Courthouse and referendum, none of the Board or Staff was completely shocked with the response that we received. The question to the Attorney General was requested long before the vote. The Attorney General's office decided to wait until after the referendum and after the General Assembly. At the time, it was believed the Courthouse couldn't be moved across the street. The response from Staunton regarding demolition of properties was not surprising considering the value that is put into the historical buildings. The referendum question itself needs to be changed simply because two separate questions are being asked and only one response is given. As was stated before, there is not a defined clear answer as to why the referendum failed. When the legislation is looked at, each locality seems to have their own special twists to the laws. In Lexington it was changed so they could cross the street, but they are a combined court with the County and the City. The Albemarle case was a law that passed to accommodate the needs of a different location, but Albemarle believes they have a donut hole so the dirt under the building is County property as opposed to City property. The way the law is written, hypothetically if the court was located in Churchville and decided to move it to Lyndhurst, with the new law that could be done. Every locality seems to have a wording of the law that suits what they want to do. Do you wait for the Judge and let him make the order? Do you wait for the possibility the General Assembly can do something next year? There's not an answer to the Courthouse today.

Mr. Pyles stated that the County could build the proposed structure in Staunton by Virginia Code because that's enlarging a building not rebuilding it. The Attorney General was asked for additional clarification and he said it was too specific for him to weigh in on. The hold up is the City of Staunton ordinances. On the concern of whether Judge Ludwig should issue a writ now, we should try a little harder first. Something to think about would be asking the Judge to give a year to sort through things. A Legislator should not be put in a position of allowing us to get away from what the people said. To ask them to give approval to move to Verona would be a slap in the face to the people. Mr. Pyles would like to see the 10 year requirement on referendums go away so if the Board wants to bring an option back for referendum, it's ok to do that. The citizens may be more receptive the next time. A different dollar figure would be presented the next time and include some things that should have been included or didn't need to be included. The big dollar figure threw the referendum off. That was a figure that was not going to be spent. \$3 million for office furniture. That's \$60,000 a person and that's not what we do in Augusta County. The only way to find out truly what we can do in Staunton is to put the building through the process. Mr. Pyles suggests that the plan be taken to their Planning Commission. Let it go to the Historic Review Board. Maybe the downtown merchants would like to see this investment. Maybe the people want the building restored in a grand way that they can count on the courts being in Staunton for the next 100 years. If we have to wait a little longer, 10 years will come up. The Supreme Court will give us information that is limited to what they can tell us to do. Mr. Pyles asked the Board to think about simply asking the Legislature to remove the 10 year obstacle from going to a referendum. Then put the building through the Staunton Planning Commission and let them give their opinion and let City Council give their opinion. Most people want to bring vitality to the downtown and to the businesses so maybe going through the full process would be seen as something beneficial to Staunton. If these two things are done we know what we can do with legislature and in Staunton.

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COURTHOUSE (CONT'D)

Mr. Kelley stated that the City of Staunton indicated that they would be open to discussion. Mr. Kelley appreciates everything staff has done to get to this point, but he is in agreeance to send to their Planning Commission and find out exactly what we can do. We need to move forward so the public sees that we are moving forward.

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WAIVERS/VARIANCES-NONE

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CONSENT AGENDA

Chairman Pyles asked if the public wished for any item to be removed from the Consent Agenda and considered separately. There was no request.

Mr. Coleman moved, seconded by Ms. Bragg that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, April 12, 2017
- Staff Briefing, Monday, April 24, 2017

CLAIMES

Consider Claims paid since April 1, 2017.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull:

- 1) Thanked Staff for all of their hard work on the Courthouse.
- 2) Would like to get a copy of the Fire and Rescue strategic Plan before the meeting.
- 3) Would like to have a list of the Officers and phone numbers of the agencies that operate within the County.
- 4) The Market Animal Show turned out very well. He would like to see the newspapers give the kids the recognition that is deserved. There is good news within in the County that deserves attention.

May 10, 2017, at 7:00 p.m.

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

Mr. Garber:

- 1) Mentioned the Market Animal Show and stated there were over 500 animals involved in the Market Animal Show.
- 2) Would like to add a Closed Session for legal advice.

Dr. Pattie:

- 1) Would like an update from the Internet Committee.
- 2) There is a hearing issue when an electronic meeting is done. Dr. Pattie would like to see a fix for this problem.

Dr. Pattie moved, seconded by Ms. Bragg, that the Board appoint Kent O'Donohue to the Recycling Committee to an unexpired term and to expire June 30, 2020.

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

Nays: None

Ms. Bragg:

- 1) Mentioned the Market Animal Show and how wonderful it was.
- 2) The Park to Park race was a few weeks ago. Ms. Whetzel was a participant in the race.
- 3) Stuarts Draft Small Area Plan meeting is scheduled for June 8.
- 4) Reminder of the Idaho Potato Truck coming to Stuarts Draft on May 24.
- 5) Reminder of the Coleman Pathway ribbon cutting in honor of Mr. Coleman.

Mr. Pyles attended the Market Animal Show and was impressed with the day.

Mr. Shull mentioned the injury that took place at the Market Animal Show. Consideration of a standby rescue squad may be necessary.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1) VDOT Secondary Six Year Plan public hearing will be in June/July.
- 2) AARP prepares taxes in the Government Center for citizens each year. This has been successful over the years. This year they processed approximately 800 Federal and State taxes and assisted 1103 citizens from Augusta County.
- 3) Market Animal Show was a success.
- 4) A reassessment appeal has been requested and Staff is working on it.

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Mr. Garber withdrew his request for a Closed Session.

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May 10, 2017, at 7:00 p.m.

ADJOURNMENT

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

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

 Nays: None

Motion carried.

Chairman

County Administrator