

Regular Meeting, Wednesday, August 23, 2017, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Tracy C. Pyles, Jr., Chairman
Terry Lee Kelley, Jr., Vice-Chairman
Marshall W. Pattie
Michael L. Shull
Carolyn S. Bragg
Gerald W. Garber
Wendell L. Coleman
Leslie Tate, Planner
Timmy Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 23, 2017, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 242nd year of the Commonwealth....

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Chairman Pyles welcomed the citizens present.

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Shellie Hiner led us with the Pledge of Allegiance. She is a senior at Buffalo Gap High School. Ms. Hiner plans to enter the workforce and then attend Blue Ridge Community College for two years.

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Wendell Coleman, Supervisor for the Wayne District, delivered invocation.

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VETERANS OF FOREIGN WARS POST 9339-REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to general Business approximately 1.02 acres owned by Veterans of Foreign Wars Post 9339 located off Stuarts Draft Highway (Rt. 340) in the southwest quadrant of the intersection of Stuarts Draft Highway (Rt. 340) and Augusta Farms Road (Rt. 649) in Stuarts Draft in the South River District. The Planning Commission recommends approval with proffers.

Leslie Tate, Planner, showed a picture of the property and the surrounding zonings. The applicant has proffered that there shall be no access permitted onto Stuarts Draft Highway. They have also proffered that there would be a buffer installed or maintained along the property line.

Ralph Oaks is the applicant for the rezoning request. He has been a member of the Stuarts Draft VFW Post 9339 for over thirty years and is presently the Quarter Master. It is time for this area to be zoned for business.

The Chairman declared the public hearing to be open.

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

Ms. Bragg stated that with the gate being closed and everyone is accustomed to going that way, they are cutting across the curb and guttering on the side. This is causing

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VETERANS OF FOREIGN WARS POST 9339-REZONING (CONT'D)

problems and would like to come up with a solution to this problem.

Mr. Oaks agrees and will bring it to the attention of the VFW.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the rezoning request.

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

Motion carried.

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AUGUSTA COUNTY CODE SECTION 25-4 AMENDMENT

- 1) This being the day and time advertised to consider an ordinance to amend Section 25-4 of the Augusta County Code to create a definition for a Short-term rental as the provision of one (1) or more rooms that are suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for compensation, for a period of fewer than 30 consecutive days. Short-term rentals include, but are not necessarily limited to: Vacation rentals and Bed and Breakfasts. The Planning Commission recommends approval.

Ms. Tate stated that this is a definition addition to section 25-4 of the Augusta County Code. This would be to create a definition for a short term rental.

The Chairman declared the public hearing to be open.

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

Ms. Bragg moved, seconded by Mr. Coleman, that the Board accept the amendment to Augusta County Code Section 25-4.

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

Motion carried.

Mr. Pyles pointed out to everyone that the Board met on these matters during the Staff Briefing and discussed them in detail.

- 2) This being the day and time advertised to consider an ordinance to amend Section 25-4 of the Augusta County Code to revise the definition of Bed and Breakfast to reference Short-term rental, eliminate the definition for Tourist home as it is more commonly referred to as a Vacation rental, and make the definition for Vacation rental synonymous with Short-term rental.

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AUGUSTA COUNTY CODE SECTION 25-4 AMENDMENT (CONT'D)

Ms. Tate stated that this is another definition amendment concerning Bed and Breakfasts to reference short term rental and to eliminate the definition for tourist home. This change eliminates transients and ties it to the short term rental definition we just heard. The Planning Commission recommends approval.

The Chairman declared the public hearing to be open.

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

Mr. Coleman moved, seconded by Mr. Shull, that the Board accept the amendment to the following ordinance:

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to create a definition for a Short-term rental; and

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to eliminate the definition for Tourist home as it is better described today as a Vacation rental; and

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to reference the definition of Short-term rental, having a maximum lodging requirement of 30 consecutive days, in the definition of Bed and breakfast and make such definition synonymous with Vacation rental.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County Code is amended to include:

§ 25-4. Definitions.

Short-term rental. The provision of one (1) or more rooms that are suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for compensation, for a period of fewer than 30 consecutive days. Short-term rentals, including but not necessarily limited to: Vacation rentals and Bed and breakfasts.

Bed and breakfast. Overnight accommodations and at least one meal per day provided ~~to transients for compensation as~~ **a short-term rental** in a building containing a dwelling unit occupied by the owner or operator.

~~Tourist home. A building or part thereof, other than a hotel, boarding home, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.~~

Vacation rental. See Short-term rental.

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

Motion carried.

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AUGUSTA COUNTY CODE SECTION 25-124 AMENDMENT

This being the day and time advertised to consider an ordinance to amend Section 25-124 of the Augusta County Code to permit the operation of Bed and Breakfasts and Short-term rentals within a principal dwelling or a detached accessory dwelling until in Rural Residential districts by Special Use Permit. The Planning Commission recommends approval.

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AUGUSTA COUNTY CODE SECTION 25-124 AMENDMENT (CONT'D)

Ms. Tate stated that there are seven conditions associated with the permit process. The owner must meet the seven conditions before applying for the Special Use Permit process. It will then go to the Board of Zoning Appeals and they make the final decision.

The Chairman declared the public hearing to be open.

Darci Oberly of 3471 Morris Mill Road, Staunton, stated that she recommends adopting this amendment.

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

Mr. Shull moved, seconded by Mr. Kelley, that the Board approve the following ordinance amendment:

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to permit Bed and breakfasts and Short-term rentals with a special use permit in Rural Residential districts.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-124 of the Augusta County Code is amended to read as follows:

§ 25-124. Uses permitted by Special Use Permit.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and make part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

Note: For restrictive conditions applicable to all Special Use Permits, see 25-584 of division I of this chapter.

G. Operation of a Bed and breakfast or Short-term rental within a principal dwelling or detached accessory dwelling unit.

Operation of a Bed and breakfast or Short-term rental within a principal dwelling or detached accessory dwelling unit may be permitted by Special Use permit provided:

1. There shall be no more than one (1) principal dwelling, or part thereof, operating as a Bed and breakfast or Short-term rental per parcel; and
2. There shall be no more than one (1) detached accessory dwelling unit operating as a Bed and breakfast or Short-term rental per parcel; and
3. The lot is at least five (5) acres in area; and
4. The owner of record personally resides in the principal dwelling or accessory dwelling unit; and
5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the use once the Special Use Permit has been approved; and
6. If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
7. All parking shall be accommodated on-site.

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

Motion carried.

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END OF PUBLIC HEARINGS
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MATTERS TO BE PRESENTED BY THE PUBLIC

Leslie Bowen of 174 Shalom Road, Waynesboro, stated that she has emailed and called Sandy Bunch and Ms. Bragg concerning the Airbnb that is transpiring without a valid permit on Abner Lane, which is adjacent to her property. She understands the difference between agricultural zoning and residential areas. If the rural residential zones have certain restrictions placed on them, why can't restrictions also provide for agricultural zones that are residential? For example, the minimum five acre requirement, the homeowner to live on the premises and have this home as their primary residence. It is understood that agricultural zones do take an account on the agricultural workings of the community, but if your residential area happens to lie in those zones, might their needs to be more in line with the rural residential homes and therefore have special restrictions. Years ago their property on Shalom had livestock and produced crops, but that doesn't occur any longer. Just as the community of homes on Abner Lane, they are private residences and in a residential area. Ms. Bowen would like for the Board to amend the requirements of the agricultural zoning to reflect some or most of the restrictions put on rural residential areas. Specifically concerning the requirements for permits for vacation homes, rentals or bed and breakfasts. She has always felt safe in her community, but that has changed over time.

Ms. Bragg stated that she has had previous conversations on this matter.

Ms. Bragg moved, seconded by Mr. Kelley, that the Board approve taking this to the Ordinance Committee for review.

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

Motion carried.

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STREET ADDITION

The Board considered Community Development & VDOT's recommendations to adopt resolution for acceptance of the following street into the secondary road system in accordance with VDOT requests in the Beverley Manor District.

- 1. Spring Lakes at the Woodlands Townhomes

Butch Wells is the Vice Chairman of the Board of Directors for the Spring Lakes Property Owners Association. He thanked the Board for their help and John Wilkinson and his staff for a job well done. He has heard horror stories about VDOT, but they didn't experience any problems with them. Michele Astarb did a phenomenal job and she cannot be praised enough for the help she gave. Had it not been for Ms. Astarb this street adoption would not be taking place at this moment. Good things can happen when people work together.

Mark Daugherty of 56 Fairfield Court, Spring Lakes, stated that he is happy to thank the Board of Supervisors and everyone involved in moving this process along.

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STREET ADDITION (CONT'D)

Mr. Kelley moved, seconded by Mr. Shull, that the Board approve the following resolution to add Spring Lakes at the Woodlands Townhomes into the secondary road system with VDOT:

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Augusta County, and

WHEREAS, the Area Land Use Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

WHEREAS, the County and the developer have entered into an agreement for comprehensive storm water detention as per the code of Ordinances, [Chapter 9 and Chapter 2J], adopted June 7, 2000 in instrument #0000527 which applies to this request for addition.

BE IT FURTHER RESOLVED, the county agrees that VDOT has no maintenance, upkeep and/or repair responsibility or liability for such storm water detention facilities except in case of physical damage resulting from road construction projects administered by VDOT. This agreement does not relieve the parties thereto of their rights and obligations pursuant to Storm water Management Regulations VR215-02-00 et.seq. And related state regulations as amended or modified from time to time. Further, the County agrees not to hold VDOT liable for damages resulting from the County's failure to enforce County ordinances and regulations relating to storm water flow.

BE IT FURTHER RESOLVED, the County will not seek indemnification or contribution from VDOT to correct damages arising from improper maintenance or construction of storm water detention facilities.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of- way, as described, with necessary easements for cuts, fills and drainage as recorded in Plat Book I , Pages 9519 9520, and

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

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

Motion carried.

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RSAF FALL 2017 GRANT

The Board considered a request to submit the RSAF Fall 2017 Grant application.

Mr. Fitzgerald stated that the application deadline is September 15. The OMD's gave a great presentation at the Staff Briefing discussing the success in EMS. This is a request that will further that success with training equipment that would go towards accreditation within the EMS program. A total of \$37,214.93 is being requested. This is a 50/50 grant so \$18,607.47 would come from the Fire and Rescue/EMS budget line item.

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RSAF FALL 2017 GRANT (CONT'D)

Mr. Shull moved, seconded by Mr. Kelley, that the Board approve submitting the RSAF grant application.

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

Motion carried.

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INFRASTRUCTURE ACCOUNT STATUS

The Board considered additions/deletions to Infrastructure and Recreation capital accounts.

Jennifer Whetzel, Deputy County Administrator, stated that a detailed presentation was given by Misty Cook during the Staff Briefing concerning the Year End Fund Balances. The County has a fund balance policy and the Board, on an annual basis, moves any carry over funds that are available for the schools or Social Services to the CIP fund. Also if there are any projects in Infrastructure that have been completed, so the money goes back in for other uses in the future, the money would be allocated at this time. There were no Infrastructure or Parks and Recreation projects at this time to decommit. The Board would be moving forward with the school carryover of \$363,000 being moved to their CIP account and the DSS carryover of \$164,000 being moved to the reserve for the County.

Dr. Pattie moved, seconded by Ms. Bragg, that the Board approve Infrastructure account status and the allocations presented.

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

Motion carried.

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BROADBAND GRANT CONTRACT

The Board considered the agreements for DHCD 2017 VATI grant funding.

Ms. Whetzel stated that there are two agreements. One being the Memorandum of Understanding between the County and the Provider as to the scope of the project. The second agreement includes having the funds pass through the Economic Development Authority as we would for any other for profit entity incentive. The State is finalizing the contract that would include the project scope and any grant conditions that would be required. It is requested that the Board move forward with approving the documents upon final approval of James Benkahla, County Attorney.

Dr. Pattie moved, seconded by Mr. Coleman, that the Board approve the documents presented.

Mr. Pyles stated that it has been over a year getting this grant funded. We were awarded \$230,000. The award was challenged and this has caused a delay in providing broadband service in the Arbor Hill area.

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BROADBAND GRANT CONTRACT (CONT'D)

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

Motion carried.

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EDWARD BYRNE JAG GRANT

The Board considered submittal of the Edward Byrne Jag Grant application.

Mr. Fitzgerald stated this a grant that is put in for annually. The County has been successful in being awarded this grant. This year the grant total is \$11,828 to purchase 26 stop sticks used in high speed chases.

Mr. Garber moved, seconded by Mr. Shull, that the Board approve submittal of the Edward Byrne Jag Grant application.

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

Motion carried.

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VERONA ELEMENTARY SCHOOL

The Board considered acceptance of the deed for signature.

Mr. Fitzgerald stated that the School Board has declared the Verona Elementary School a surplus property. The School Board has provided a resolution declaring that surplus property and a deed to the property.

Dr. Pattie moved, seconded by Mr. Kelley, that the Board accept the deed for signature.

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

Motion carried.

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OUTDOOR MUSIC OR ENTERTAINMENT FESTIVAL

The Board considered an application submitted by Emily Kresky and Kim Austin for an outdoor event to be held at the 2 Pond Farm (Jam Fish Music Festival) on Friday, September 1 and Saturday, September 2.

Mr. Fitzgerald stated that this is a music festival being held on a farm in the Weyers Cave area. It will include several music bands and food trucks. This is an event that is done every year and it continues to grow. It has reached the point that an Outdoor Music Festival Permit and Board approval is required. If this event continues each year it will simply be a reapplication and does not need to come back to the Board.

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OUTDOOR MUSIC OR ENTERTAINMENT FESTIVAL (CONT'D)

Mr. Garber moved, seconded by Mr. Shull, that the Board approve the Outdoor Music and Entertainment Festival application.

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

Motion carried.

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BUILDING AND GROUNDS CONSOLIDATION

The Board considered consolidation to include a Director of Facilities Management.

Mr. Fitzgerald stated that the idea of consolidating the Building and Grounds and Parks and Recreation Grounds staff have been discussed. The goal is to achieve better efficiency and more effective planning of facilities. This would bring synergy between the two groups to be able to help one another going forward. It is recommended a Director of Facilities Management be hired. This will not affect the current budget, however the next budget will see an increase of approximately \$65,000 in that department.

Mr. Coleman moved, seconded by Ms. Bragg, that the Board approve the recommendation as presented.

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

Motion carried.

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WAIVERS/VARIANCES

The Board considered a waiver request from the requirement to connect to public water in order to utilize an existing well.

John Wilkinson, Director of Community Development, stated that the applicant, Ms. Penny Babb has requested approval to connect a proposed new house to an existing well. Mr. Wilkinson showed a map on the screen of the proposed area. This is in an Urban Service area which requires connection to public water and sewer. The issues have been worked out on extending the lines for the new structure on the new lot. Ms. Babb has an existing home that is on a well and septic currently. She would like to connect the existing house to the public water and the new house to the public sewer, but have the existing well to service the new home. The current ordinance requires public water hookup, but a waiver is being requested.

Mr. Pyles asked if billing information was obtained regarding the sewer hookup.

Mr. Wilkinson stated that he checked with the Augusta County Service Authority and they do have provisions for that. They have an unmetered residential sewer and it would be \$46.00 per month. There are currently several applications across the County that have that. There is an option of installing a special meter to get an exact amount, but typically the flat rate is chosen.

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WAIVERS/VARIANCES (CONT'D)

Mr. Shull moved, seconded by Mr. Garber, that the Board approve the waiver request.

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

Motion carried.

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CONSENT AGENDA

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

MINUTES

Consider minutes of the following meetings:

- Regular Meeting, Monday, June 28, 2017
- Staff Briefing, Monday, July 24, 2017

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

Motion carried.

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(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull:

We attended the grand opening of Hugh K. Cassell Elementary and Riverheads will be coming up September 7. We were efficient in the tax dollars that were spent in building these new schools. We upgraded from a pod school to a state of the art school.

Mr. Coleman:

I wanted to echo what Mr. Shull mentioned on the ribbon cutting. It warms my heart to look at what we have been able to accomplish in this County in working cooperatively with our School Board.

Mr. Kelley:

I too want to thank the staff for all of their help in getting Spring Lakes completed. The residents approached me about a year and a half ago. It's a long process that we learned a lot about. To see a finished product is very gratifying.

Mr. Pyles:

We have completed almost an entire overhaul with our schools. Every child in Augusta County goes to a school that was designed for its purpose. The County had gotten behind on building. In the 1970's we had tremendous population. We had 12,000 at that time. In the 1980's it slowed up and the population went down. Starting at the end of

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

the 1980's through the 1990's it started over. At this point, we have \$7.3 million that goes into our capital project for schools. We will not need that high of a dollar amount for the next few years. We are planning to have middle school wings at Buffalo Gap and Riverheads, but in five years there will be money coming from capital going back into operation. It's disappointing that this doesn't get newspaper coverage. I hope Staunton will quit talking about the condition of our schools. Our schools are top quality and hopefully will stay that way for a while. We also have excellent accreditation. We have had Verona Elementary and Beverley Manor Elementary close recently. One way of saving money is consolidation of schools. We also like for our schools to be similar in design. This allows for savings in architecture and maintenance. We think we do some things better than others and that's why our tax rate is better than most.

There was an article on an Ohio Judge being ambushed at the courthouse. When we were trying to do the courthouse, the number one concern that was raised to us by Law Enforcement was security in the building. Security is an issue. There is not a private restroom for public verses convicts. People of opposing sides find themselves in close quarters. While it's bad in Circuit Court, it is worse in the General District Court. At some point something will have to be done to fix the security issue.

There was a presentation during the Staff Briefing by Medical Doctors that oversee EMS. They gave us good pats on the back. The number of people they show in EMS or Fire and Rescue went from 18-105. There was a payback from that growth. We reduced time from a call coming in to the time the person was at the hospital by 20%, from 2 minutes to 8 minutes. In 2012, if someone had a heart attack, 25% of the time they would be revived by the time they got to the hospital. Now we are 50% and twice as many people are surviving cardiac problems because of the changes made by this Board to increase the career staffing available to help. We have done this without a tax increase.

Mr. Coleman:

The Board needs to do more for schools is frequently heard throughout the County. A goal of this Board is to grow our economy and create jobs. We get a monthly report in terms of the economy and growing jobs. We split half of the growth with the schools. This past budget year was \$1.4 million in growth as opposed to the idea of always raising taxes. Low taxes is what business looks at. A previous Board gave the School Board \$3 million for technology enhancements from the sale of the Ladd Elementary School and the school hasn't been sold. There are other needs, but please give credit for what we are doing. We work together in Regional Governance. Take time and research and know what the facts are.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1) Riverheads Ribbon Cutting on September 7 at 7:00 p.m.
- 2) VACO Conference coming up November 12-14. Registration is open.

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August 23, 2017, at 7:00 p.m.

CLOSED SESSION

On motion of Mr. Kelley, seconded by Mr. Shull, the Board went into closed session pursuant to:

(1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

- a) Boards and Commissions
- b) Board of Supervisors

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

- a) Proposed Office space, flex space, storage facilities, manufacturing facilities, utility and mixed use development.

(3) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

- a) Hershey Chocolate of Virginia, Inc. v. County of Augusta, Virginia
- b) McKee Foods Corporation v. County of Augusta, Virginia
- c) Reece, etal. v. August County Board of Supervisors, etal.
- d) Entry of property by assessors.

(4) 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) Ladd Elementary

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On motion of Mr. Shull, seconded by Mr. Coleman, the Board came out of Closed Session.

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

Motion carried.

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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.

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CLOSED SESSION (CONT'D)

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: Bragg, Garber, Kelley, Coleman, Shull, Pattie 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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BOARDS AND COMMISSIONS

Mr. Garber moved, seconded by Mr. Shull that the Board appoint the following:

Gary Gordon Augusta County Service Authority Expires 6/30/2018

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

Nays: None

Motion carried.

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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: Kelley, Garber, Coleman, Bragg, Pattie, Shull, and Pyles

Nays: None

Motion carried.

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Chairman
h:8-23min.17

County Administrator