Regular Meeting, Wednesday, January 24, 2018, 7:00 p.m. Government Center, Verona, VA.

PRESENT:

Carolyn S. Bragg-Vice Chairman Terry L. Kelley, Jr. Michael L. Shull Wendell L. Coleman Marshall W. Pattie Pam L. Carter

Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator

John Wilkinson, Director of Community Development

Leslie Tate, Planner

James R. Benkahla, County Attorney Angie Michael, Executive Assistant

ABSENT: Gerald W. Garber, Chairman

VIRGINIA: At a regular meeting of the Augusta County Board of

Supervisors held on Wednesday, January 24, 2018, at 7:00 p.m., at the Government Center, Verona, Virginia,

and in the 242nd year of the Commonwealth....

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Vice Chairman Bragg welcomed the citizens present.

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

Max Elkins is a junior at Stuarts Draft High School. He is in the STEM Program at SVGS and hopes to join the Airforce after graduation.

Annabelle Mastrandea is in the STEM Program at SVGS and plans to attend the University of Virginia and study Pediatric Nursing.

Ali Keister goes to Fort Defiance High School and is in the STEM Program at SVGS. She would like to attend Bridgewater College and then transfer to Virginia Tech and study Veterinary Medicine.

Nikki Pettry goes to Buffalo Gap High School and is in the STEM Program and Robotics at SVGS. She plans to attend James Madison University and study Biology.

Emma Evans is a junior at Riverheads High School. She is in the STEM Program at SVGS and enjoys riding horses. Ms. Evans plans to study law.

Paige Pettry goes to Buffalo Gap High School and is in the STEM Program at SVGS. She plans to attend University of Virginia or CMU and study Chemistry.

Spencer Tuttle is in the STEM Program at SVGS. She plans to attend a four year college or university and study Biology.

Joseph Reilly is a senior. He plans to attend Virginia Tech after graduating high school. Mr. Reilly thanked the Board of Supervisors for allowing the group to participate in the meeting.

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Terry Kelley, Supervisor for the Beverley Manor District, delivered the invocation.

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WIRELESS RESOLUTION

Timothy Fitzgerald, County Administrator, stated that this is a resolution that will be sent to the General Assembly to share the Board's displeasure with SB405 and HB1258.

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

WIRELESS RESOLUTION

Whereas, in the 2017 General Assembly Session localities worked with the telecommunications industry ("the industry") to pass SB1282, which was a compromise bill providing a pathway to small call telecommunications facilities to be located on existing structures; and

Whereas, VML and VACo and the industry agreed to discuss how to assist underserved areas after the session; and

Whereas, the industry officials did not engage in meaningful discussions regarding underserved areas and only wanted to discuss a further erosion of local land use authority regarding new structures; and

Whereas, 2018 legislation by the industry (HB1258 and SB405) proposes to eliminate most local control over the installation and operation of new structures and the replacement of current technology; and

Whereas, this legislation mandates a ministerial process which eliminates the ability for local officials, residents and businesses to have meaningful input into decisions affecting the character of their own communities; and

Whereas, this legislation represents a shift in authority, moving decision-making authority from the community and local elected officials to for-profit corporations that install wireless equipment; and

Whereas, the wireless equipment installations can have significant health, safety and aesthetics impacts but those companies have little, if any, interest in taking into account those concerns that potentially conflict with their profit margins.

Now, Therefore, Be it Resolved that the Board of the County of Augusta, Virginia expresses its opposition to HB1258 and SB405 as eliminating the opportunity for communities to weigh local issues and concerns in the siting of wireless facilities; and

Now, Therefore, Be it Further Resolved, that the Board of the County of Augusta, Virginia directs the Clerk to send a copy of this resolution to the delegates and senators representing the county; Delegate Terry Kilgore and Senator Ryan McDougle, the Governor of the Commonwealth of Virginia, the Virginia Association of Counties and the Virginia municipal League.

Vote was as follows: Yeas: Bragg, Kelley, Shull, Coleman,

and Carter

Nays: None Abstain: Pattie Absent: Garber

Motion carried.

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STUARTS DRAFT TOWN CENTER, LLC

This being the day and time advertised to consider a request to add the Public Use Overlay zoning designation with proffer to approximately .065 of an acre owned by Stuarts Draft Town Center, LLC located directly northeast of the intersection of Draft Avenue (Rt. 608) and Wayne Avenue (639) in Stuarts Draft in the South River District.

Leslie Tate, Planner, showed a map of the property on the screen. There is a proffer that has been submitted with the application which states that additional permitted uses of the property shall be limited to a school with a maximum occupancy of 49, including students and staff, and outdoor recreation associated with school use. There is an existing zoning violation on the property for an already placed drainage pipe without the appropriate water quantity calculations. This property is bisected by a drainage channel that drains a significant portion of developed Stuarts Draft. Staff recommends this zoning violation be resolved as soon as possible.

Robyn Puryear is the applicant for the zoning addition and represents KEYS Academy. She gave short PowerPoint presentation on what KEYS Academy is and how it will benefit the area. KEYS stands for Knowledge Empowers You for Success and is a Private Day School licensed by the Virginia Department of Education to serve Special Education students in grades K through 12. KEYS Academy has two campuses - one in Culpeper and one in Charlottesville. The purpose of KEYS is to provide a quality education to students that have disabilities which make it difficult to serve within their public school system, and prepare them, when possible and appropriate, to return successfully to their home public schools.

The Chairman declared the public hearing to be open.

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

Mr. Kelley agrees that this a good project, but is concerned with the zoning issues and would prefer them be resolved before moving forward.

Mr. Kelley moved, seconded by Mr. Shull, that the Board table the item until the rezoning issue is resolved.

Mr. Coleman stated that it is important to know that this has been going on for a long time. The owner of the property is aware that the County has been working on the issue. This zoning issue should not be ignored.

Jon D. Tsakis, owner of Stuarts Draft Town Center, LLC, stated that he had been in constant contact with the County regarding the zoning issue. He is working with the surveyor to get the calculations needed. Mr. Tsakis pointed out that KEYS Academy is an excellent use for the property.

Dr. Pattie stated that it is his inclination to vote in favor, but the zoning issue needs to be resolved first.

Mr. Shull commented by saying the traffic pattern shows the need for the drainage pipe to be fixed. He suggests not removing the pipe until the calculations are complete.

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

and Carter

Nays: None Absent: Garber

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

- Andrea Wasiewski of 3977 Lyndhurst Road, Stuarts Draft, stated that her home and son's school are both in very close proximity to the proposed Atlantic Coast Pipeline route. She is concerned about the safety of the roads and her family's safety in general if the ACP is built. Ms. Wasiewski is disappointed that some of the members of the Board have been speaking in terms of the pipeline as a done deal. This is not the case and is misleading. The ACP does not have all of the permits necessary to begin construction at this time, despite what the ACP and Dominion want people to think. Citizens must be proactive in addressing the concerns of the residents of our county about this massive project that will snake 55 miles through our county. The Board of Supervisors is expected, by their constituents, to hold ACP accountable to the highest standards if they propose to do business in our county for their corporation profit. The citizens of Augusta County need the Board to stand up for and with them to hold ACP accountable for the negative potential effects of their business practices in the county.
- 2) Kelly Haber of 1571 Duke Road, Waynesboro, is in opposition of the pipeline. It is not a done deal and would like any help to prevent this construction from happening.
- 3) Becci Harman of 3892 Morris Mill Road, Swoope, appreciates the past support of the Board of Supervisors on many issues. She feels the Board has decided to give in to the ACP and not fight it. The Board of Supervisors are elected officials and represent the people of Augusta County.
- 4) Jennifer Lewis of Waynesboro, serves as a representative on the Soil and Water Board. All permits that are needed for this construction project are not in place and can be stopped. She is concerned with staffing for the County and who will pay for the increase of staff needed. Ms. Lewis also questions emergency response times for our citizens.
- 5) Diane Korte of Churchville, is concerned about staffing to handle questions and the work load with the pipeline. Communications and coordination to deal with this size of a construction project is overwhelming. It is important for counties to work together in handling a project of this size.

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ASSISTANCE TO FIREFIGHTERS GRANT 2017

The Board considered submitting the application for the AFG 80/20 Grant for 96 sets of turnout gear in the amount of \$172,344.00.

Carson Holloway, Fire Chief, stated that this is a grant offered through Homeland Security. It was made available December 26, 2017. The total amount of grants being offered is \$310,500,000.00, which is approximately 2500 grants. Over the past several years the County has been successful in receiving some grants. A grant team has been established which consists of Captain Bailey and Lt. Ramsey. A request has been made for a new proposal price on gear. The exact price is not known at this time. There has been a 10% contingency added to the request for consideration due to not having an exact cost for the gear. The total request is for \$172,344.00. The County's 20% would be \$34,468.00 with a 10% contingency of \$17,234.00 which is a total of \$51,702.00. We currently have a set of high quality gear, however, one set of gear becomes an issue if it becomes wet or contaminated with blood.

Mr. Coleman confirmed with Mr. Holloway that when people leave the fire department all equipment is returned and equipment has a life in regulations.

Mr. Holloway stated that equipment is returned and equipment has a 10 year life. Typically, the budget is set for 20 sets of gear per year.

ASSISTANCE TO FIREFIGHTERS GRANT 2017 (CON'T)

Mr. Kelley stated that it's important to have a second set of gear.

Mr. Kelley moved, seconded by Mr. Shull that the Board approve submitting the AFG Grant application.

Mr. Shull pointed out that the gear deteriorates over time with general use and cleaning.

Ms. Carter agrees that the new gear is a need, but questions why it wasn't included in the budget.

Mr. Holloway stated that the budget has been prioritized over the past several years and there were more important items to be considered for the budget.

Mr. Kelley pointed out that sizing was one of the biggest issues.

Dr. Pattie stated that if the gear has a life of 10 years, then in year 5 or 6 start buying again.

Mr. Fitzgerald pointed out that the gear is something that is needed. He also stated that Fire and Rescue make lots of requests during the budget process. A balanced budget is brought to the Board of Supervisors based on the tax rate that the Board approves and sometimes cuts to the budget are required. Decisions have to be made to determine what is most important to be covered in the budget whether it be gear, training or something else. There is currently a cycle of 20 sets of gear per year and that will be continued. This is a need going forward, but it's about how that is made possible using the available resources. The grant would be a definite benefit. Chief Holloway makes a valid point that in 10 years the gear will need to be bought again so there needs to be a plan in future needs for replacement.

Mr. Coleman stated that he is pleased with what the County is able to do for Fire and Rescue. It is never known when an opportunity may present itself in terms of a grant. Without the grants, the County could be responsible for 100% of cost.

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

and Carter

Nays: None Absent: Garber

Motion carried.

Mr. Fitzgerald congratulated Chief Holloway, Minday Craun and Cathy Humphreys for a job well done on the SAFER Grant and getting it extended until June 2018. The County would have paid \$740,000.00 this budget year without this extension. The group worked very hard to get it extended and with the extension, all funding for this fiscal year is covered under the SAFER Grant. This is helpful for the budget going forward.

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MILL PLACE

The Board considered funding to update covenants in Mill Place Commerce Park.

Funding Source: Economic Development CIP 70-80000-8145 Not to exceed \$15,000.00

Mr. Fitzgerald, stated that this is concerning the hiring of outside council to get covenants updated in Mill Place Park. It is recommended that Lenhart and Pettit complete the work.

MILL PLACE (CONT'D)

Mr. Coleman reinforced that the recommended firm specializes in this type of work.

Mr. Shull moved, seconded by Mr. Kelley, that the Board approve the funding request to update covenants in Mill Place Commerce Park.

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

and Carter

Nays: None Absent: Garber

Motion carried.

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FLOOD CONTROL DAMS

The Board considered the Hearthstone Dam Project agreement extension.

Jennifer Whetzel, Deputy County Administrator, stated that the design on the Hearthstone Flood Control Dam Project has been completed and turned over to NRCS. The federal dollars for the project expires in September 2019, but the current agreement expires in December 2018 so it is requested by NRCS to extend the current agreement to the September 2019 deadline. They will proceed with getting additional funds for the project. There was a budget amendment proposed at the state level of \$420,000.00 and hopefully it will be passed by the General Assembly.

Dr. Pattie moved, seconded by Mr. Shull, that the Board approve the Hearthstone Dam Project Agreement extension.

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

and Carter

Nays: None Absent: Garber

Motion carried.

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INFRASTRUCTURE ACCOUNT STATUS

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

Ms. Whetzel stated that semi-annually the Board of Supervisors goes back and reviews infrastructure accounts. If there are completed projects, the funds are deallocated and the funds go back into the infrastructure accounts. This is in accordance with the County's net asset policy. Each Board member will receive 0.86 back into their infrastructure account. With the exception of Dr. Pattie, who will receive 0.84. This is due to the completion of the Feasibility Study.

Dr. Pattie moved, seconded by Mr. Shull, that the Board approve the additions and deletions to the Infrastructure and Recreation Capital accounts.

<u>INFRASTRUCTURE ACCOUNT STATUS</u> (CONT'D)

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

and Carter

Nays: None Absent: Garber

Motion carried.

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WAIVERS-NONE

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, Wednesday, December 13, 2017
- Organizational Meeting, Wednesday, January 3, 2018
- Regular Meeting, Wednesday, January 10, 2018

STREET ADDITION

The Board considered Community Development's and VDOT'S recommendations to adopt resolution for acceptance of the following street into the secondary road system in accordance with VDOT requests (Wayne District)

1. Windward Point Section 4

FLOOD CONTROL DAMS

Consider the following:

- 1. South River Watershed closeout.
- 2. Lower North River Watershed closeout.

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

and Carter

Nays: None Absent: Garber

Motion carried.

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(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Kelley is proud to announce that the Verona Business Association agreed to pay \$12,000.00 for the concrete pad and pavilion in Mill Place walking trail. He attended the Fire Chief meeting. Countywide there has been smoke detectors placed in trailers. There is \$40,000 additional funding available so this will be extended to homes that do not have smoke detectors. Each fire department will be able to provide the smoke

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

detectors and will help install them if needed. This has been available for years, but is becoming more and more popular.

Mr. Shull suggested low income housing come first for the smoke detectors.

Ms. Bragg asked if there would be a public announcement made to make citizens aware of this being available.

Mr. Kelley stated that there is not an actual public announcement made, but will check with Minday Craun to see what could be done. Also, important for the Board to know, Air Care will accept Anthem Insurance. There is a \$55.00 insurance policy per household. This policy will cover air care transport for anyone living within the household. The cost for air care transport can be \$10,000.00 to \$15,000.00.

Mr. Shull suggested putting this information on the County website and each fire department website.

Dr. Pattie questions whether all citizens can be covered for a flat fee.

The Board discussed in length the cost of Air Care.

Ms. Carter questioned whether the insurance should be promoted on the County's website and if it would pose a risk to the County.

Mr. Benkahla stated that it should not be posted on the County's website, but the volunteer stations could add it to their website.

Mr. Coleman reminded the Board that it was previously agreed upon that in terms of transport by ambulance, there would be no co-pay to the County. Whatever the insurance company pays is what will be accepted.

Dr. Pattie suggested having the audio system replaced.

Mr. Coleman asked Mr. Fitzgerald to contact the Sheriff's office regarding high speed chases within the County. He received a call from a concerned citizen on the matter and would like them reviewed. Mr. Coleman pointed out to the citizen that Constitutional Officers do not work for the Board of Supervisors. People need to understand and learn more about how Local Government is set up. The Board does not have the authority to make all decisions. In more than one instance the Board is just as frustrated as the citizen because there is nothing they as a Board can do to change it. A visiting Circuit Court Judge ruled in the County's favor on a reassessment issue with McKee Foods. The only authority the Board has been entrusted with regarding the reassessment is the scope of work so the assessors know what they are bidding on. The State gives a list of approved companies that are authorized to do that type of business in Virginia. The Board then hires an assessor based on that list. After the hiring is complete, the Board has nothing more to do with the reassessment.

Mr. Shull pointed out that Social Media is not always the truth. There was an article in the newspaper about blighted houses and buildings. The State can change ordinances and laws without the County agreeing with it.

Ms. Carter attended her first Department of Social Services meeting.

Ms. Bragg toured Stuarts Draft with Ms. Carter. She encouraged other Board members to take Ms. Carter on a tour of their district as well. On February 6 the Augusta County Middle School STEM Program will be at Expo beginning at 4:30 p.m. and awards will be given at 5:00 p.m.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issues:

1) VACo County Government Day is February 8.

2) Courthouse bill will be discussed in the Local Government Committee next Tuesday. Mr. Garber and Mr. Fitzgerald will make a presentation at the meeting.

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CLOSED SESSION

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

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

and Carter

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

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

Nays: None Absent: Garber

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

CLOSED SESSION (CONT'D)

2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

Yeas: Bragg, Kelley, Shull, Coleman, Pattie,

and Carter

Nays: None Absent: Garber

Motion carried.

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. Kelley moved, seconded by Dr. Pattie, that the Board appoint the following to an unexpired term, effective immediately:

Miranda Ball Valley Community Services Board Expires 6/30/2018

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

and Carter

Nays: None Absent: Garber

Motion carried.

Mr. Kelley moved, seconded by Dr. Pattie, that the Board appoint the following, effective immediately:

Amber Martino Youth Commission Expires 1/24/2021

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

and Carter Nays: None

Absent: Garber

Motion carried.

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

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

and Carter

Nays: None Absent: Garber

Motion carried.

Chairman County Administrator

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