

Regular Meeting, Wednesday, September 12, 2018, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman
Carolyn S. Bragg-Vice Chairman
Michael L. Shull
Terry L. Kelley, Jr.
Marshall W. Pattie
Wendell L. Coleman
Pam L. Carter
Timothy K. Fitzgerald, County Administrator
John Wilkinson, Director of Community Development
James R. Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, September 12, 2018, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 243rd year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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The following students from Riverheads High School led the Board of Supervisors in the Pledge of Allegiance:

Trinity Obaugh is a senior and the President of the SCA. She plans to attend James Madison University and study nursing.

Stephan Hanley is a senior and co Vice President of the SCA. He plans to join the Naval Academy or attend the Virginia Military Institute after graduation.

Taegan Duncan is a senior and co Vice President of the SCA. She hopes to attend Tulane University in New Orleans with an undecided major.

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Michael Shull, Supervisor for the Riverheads District, delivered the invocation.

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V R ASSOCIATES, INC.

This being the day and time advertised to consider a request by V R Associates, Inc. for a Special Use Permit to have more than one (1) floor of apartments above a business for a total of three (3) floors of apartments on property they own, located on the east side of Route 11, Lee Highway, approximately 0.2 miles north of the intersection of Route 11 and Weyers Cave Road (Route 256) in Weyers Cave in the North River District.

Leslie Tate, Planner, showed a map of the property. The parcel has business zoning in the front and multifamily residential zoning behind. Through an administrative permit, the business is permitted to have one floor of apartments above the business. The request is to allow them to have two additional floors for a total of three floors. The applicant applied to rezone the property from General Business and Multifamily to only

September 12, 2018, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC – TRACY PYLES (CONT'D)

I did this, using just county website resources, in April. I published my findings in the News Virginian and the News Leader. I wrote that you were understating revenue by nearly two and a half million dollars. Not one of you rose to call me out on it. You knew from years of sitting with me that I likely had solid evidence to support my conclusions. And yet you went forward.

It appeared your goal was the rise of taxes, rather than just finding a way to fund your increases. The justification for the tax increase was stated as a 1 ½ % teacher pay raise and an increase in capital reserves.

This justification was later undermined when you chose, on the next breath after increasing taxes, to double the proposed education funding at the expense of proposed increases in capital balances. "Bait and Switch" came first to mind just before the realization that you had become just another group of dreary politicians who will say anything to get what they want. And then do whatever they want once they have their way.

This duplicity would not have gone unchallenged had I still been on the Board.

However the supposed needs of capital reserves, were from the beginning, a ruse to justify a tax increase. I would have reminded the 5 of you, who supported the building of the courthouse without a tax increase, to review how we had intended to do that.

Our capital reserves are healthy given all that has already been accomplished. But should there actually be a pressing need, that fully consumes the reserves, an eventual tax increase could be enacted. The costs of a 30 year structure need to be spread out over years and not overly put upon today's mortal taxpayers.

Added to the ignoring of potential year end balances, understating potential revenue, and ignoring surplus assets, was your choice not to take notice of the elephant in the room, namely "reassessment".

Public enlightenment was appropriate in terms of how those changes could impact the FY19 Budget. But reminding the people of this impending event would have caused a questioning of the wisdom of your tax increase in a year of property value changes.

You will know later this year what the change will be. If values are falling you could raise the rate next year and still get an increase in FY19. If values were rising, leaving the \$.58 alone would have given you even more funds to go with all the underestimations and discounting of existing values.

For me it is one thing to understate revenue but quite another to, in essence, overstate the well-being of those you intend to dispossess of a portion of their hard earned wages, their meager retirement stipends, or their savings. Or to abuse the gentle nature of our people with smarmy statements that "they understand" when speaking about how the people consider tax increases.

Did you even stop to think about how many of your taxpayers are on Social Security? Do you even know that fully 25% of Augusta taxpayers receive SS checks? And that their monthly check increases are based on a COLA that hardly keeps up with actual cost of living increases? Since January 2010 the collective increases have totaled 10.8%. But even those limited improvements were largely offset with Medicare Part B increases. So the county's nearly 9% increase is not a nothing and when coupled say with a 10% rise in values the net of 19% is a real something.

There are only so many Walmart greeter jobs or McDonald table wiping opportunities available to my over 70 crowd.

And what were you thinking to impose additional burden on every farmer in our county? This increase of levy is on land that already generates revenue without demands on county services.

You have heard it said to "make hay while the sun shines". There hasn't been all that much sun this summer instead we have had an overabundance of dark skies and heavy rains. Not all crops have survived torrential rains and those that have still may not be successfully and fully harvested when bogged down in unrelenting mud.

Mother Nature is beyond man's control and the farm community understands and can make peace with that. But when they have done all they can to keep their heads above water and then Washington causes markets to disappear with tariff gamesmanship and then Verona causes more of their money to evaporate, it can be too much when it is not simply unfair.

So in raising property taxes you have put your wants ahead of the needs of so many of our most vulnerable and valuable residents.

Fairness and right thinking demands that you reverse the tax increase and return the funds, immediately. If you believe there are people who think the county deserves more of their money; propose to them returning their rebate checks for deposit in a need of their choice: Schools, Capital Reserves, or say Economic Development.

In my first term I had our attorney (Ed Plunkett) draw up a Voluntary Tax Agreement for all those who thought, as some did, that our taxes were "embarrassingly low". But the Board was not then ready for the ridicule in setting up a structure for voluntary taxation.

But you may be. If you truly believe that the people are eager to pay more, that they "understand" that the County is running short, it may be time to initiate a formal way to receive these funds that await only asking. I am betting it is not.

The betting surely is that you will not do the right thing and rebate these unnecessary takes. I understand it is difficult to admit carelessness. It has been said that "it is never too late to do the right thing". As Melania has suggested, "Be Better".

I remember a time this Board was facing the problem of an unreasonable reassessment, at the very time

September 12, 2018, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC – TRACY PYLES (CONT'D)

of the great recession. I put to vote that we toss out the errant numbers in favor of the existing values. I lost 1 to 6 but unsurprisingly after the next election only 1 of the 6 was still in office. You unjustifiably take money from the people at your own risk.

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VCSB PERFORMANCE AGREEMENT

The Board considered the Performance Agreement for the Valley Community Services Board.

Dave Deering, Director of Valley Community Services Board, has three reasons for presenting at the meeting. The first reason is to provide a quick over view and orientation to Valley Community Services Board. The second reason is to inform every one of the services that have been provided to the residents of Augusta County so far this year. The third reason is to review the Performance Contract Agreement that has to occur between the Department of Developmental Service, the Behavioral Health and Developmental Services and Valley Community Services. Valley Community Services was established in 1971 with a mission to provide community based mental health, developmental disability, and substance use disorder services to the citizens in Augusta County, Highland County, City of Waynesboro and City of Staunton. A Board of Director is appointed by each of the localities for a total of 16 members. Each member can serve two, three year terms and then must rotate off the Board for at least one year. Mr. Deering reviewed the structure of the Board of Directors. Valley Community Services is funded by State general funds, local matching funds minimum of 10% from the localities served, Federal Block grants and billable services proved to beneficiaries of Medicaid/Medicare and other 3rd party commercial payers. Twenty-eight percent of the revenues come from the total of the State and local funds, 3% comes from the Federal grants, and 69% comes from services to clients who are Medicaid beneficiaries. The FY2019 budget is \$24,289,992.34. This is a break even budget every year. Valley Community Services has approximately 261 full and part time clinical and support staff with the vast majority being in clinical roles and 13% is in administrative roles. There are six locations serving the Staunton and Waynesboro area and are mandated to provide Emergency Services and Case Management, but they provide other services as well. In FY2018 1,409 Augusta County residents received services in mental health, children mental health, developmental services and substance use disorder. All services provided by SCB's are operated under the auspices of a Performance Contract between individual CSB's and the Virginia Department of Behavioral Health & Developmental Services or DBHDS. DBHDS and VCSB enter into this contract for the purpose of funding services provided directly or contractually by VCSB in a manner that ensures accountability of VCSB to DBHDS for the quality and cost of care for individuals receiving services. There are three parts to the agreement; contract, administrative and partnership. The contract will be in effect for a term of two years, beginning on July 1, 2018 and ending on June 30, 2020. By State Code the funding should be 90% given by the State and 10% by the localities that are serviced. For FY2019, the local match is \$513,106.00 which is equivalent to 7.36%. A waiver is submitted each year asking the state to except the percentage given by the localities in lieu of the 10% required.

Dr. Pattie asked if the waivers were granted for the wait list, would the additional work load be handled properly.

Mr. Deering stated that the case managers have a heavy workload, but it would not stop them. The challenge would be taken.

September 12, 2018, at 7:00 p.m.

VCSB PERFORMANCE AGREEMENT (CONT'D)

Ms. Bragg asked what happens if the waiver regarding the 10% local match is not approved.

Mr. Deering stated that what the state would like to happen is when the localities see the shortfall the locality will add to their match to make it up.

Ms. Carter has taken time to review the services offers. She is amazed at the number of clients being seen and the number of services provided. Ms. Carter encourages the Board to approve funding the \$70,000.00, to meet the 10% match.

Mr. Fitzgerald cautions that if the County pays the full amount and Staunton and Waynesboro do not pay the full amount, a waiver will still be required. Staunton and Waynesboro's intentions are to write a letter requesting a waiver. In the past, funding has increased to the Community Services Board by 63%. The 10% match has never been met. A letter has been drafted explaining why Augusta County is not able to meet 10% match requirement.

Ms. Carter would like for Staff to review the budget closely and try to find a way to meet the 10% match.

Mr. Coleman stated that the Board has to be mindful of other items that have been denied due to budgeting issues.

Ms. Bragg suggested notifying the other localities of the Board's desire to fund the full amount for next year.

Mr. Garber asked that a motion not be presented at this time. This will allow more time for thought and review of the budget.

Mr. Fitzgerald stated the only action needed at this time is to approve the Performance Agreement.

Dr. Pattie moved, seconded by Ms. Bragg that the Board approve Performance Agreement.

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

Motion carried.

Mr. Fitzgerald stated that a request has been made by the Valley Community Services Board for the County to present a letter giving reasons why the 10% match will not be met. This letter will allow Mr. Deering to submit the waiver request. The deadline for waiver submittal is Friday, September 14, 2018.

The Board is in favor of Mr. Fitzgerald signing the letter and sending it to Mr. Deering.

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September 12, 2018, at 7:00 p.m.

SSAR COMPREHENSIVE STORMWATER AGREEMENT

The Board considered the VDOT Stormwater Management Agreement for secondary street acceptance.

Timothy K. Fitzgerald, County Administrator, stated that VDOT has revised their secondary street requirements. The new agreement states that when a new subdivision is built the adequate drainage will be built as well. Anything outside of the right-of-way is not VDOT's responsibility.

Mr. Coleman wants to make sure that things are clear on whose responsibility it is.

Mr. Shull asked if there could be an agreement for developers.

Mr. Fitzgerald stated that there is currently an agreement in place.

Ms. Bragg moved, seconded by Mr. Coleman that the Board approve the Stormwater management Agreement.

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

Motion carried.

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Mr. Fitzgerald announced that John Wilkinson is not present at the meeting tonight due to the birth of his new grandson.

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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 request. (Wayne District)

1. Jocelyn lane in Ana Marie Estates, Phase 1

Mr. Fitzgerald stated this road has been built and inspected. VDOT recommends approval of acceptance into the system.

Mr. Coleman moved, seconded by Mr. Shull that the Board approve the street addition.

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

Motion carried.

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September 12, 2018, at 7:00 p.m.

WAIVERS

Mr. Fitzgerald informed the Board that there was one waiver shown in the agenda package. It has been determined that there is no waiver needed and can be handled by Staff.

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CONSENT AGENDA

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

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, July 27, 2018
- Regular Meeting, Wednesday, August 8, 2018
- Staff Briefing, Monday, August 20, 2018

CLAIMS

Considered claims paid since August 1, 2018

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Garber stated there has been a request to meet with the Commonwealth Attorney regarding a pay increase for an open position within his office.

Dr. Pattie stated that this is the same position that has been additionally funded previously.

Mr. Fitzgerald stated that Mr. Martin would like to advertise the position at \$90,000.00. The difference in county funding from today to the increased amount is \$13,337.00. This number is based on funding received from the Compensation Board. The position currently is listed as \$89,189.00 and the county was reimbursed \$67,572.00 which makes the County's funding \$21,617.00. If the salary increases to \$90,000.00, the Compensation Board funding will drop to \$55,046.00. The person previously in the position was considered a Career Prosecutor which entitled him to 9.3% more funding from the Compensation Board. The county funding would increase to \$34,954.00.

After Board discussion, the Board agreed that the position should be advertised at the current salary.

September 12, 2018, at 7:00 p.m.

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

Tate attended the Solar Summit in Charlottesville. They received an overabundance of information. The Middlebrook Library anniversary has been postponed. Thursday at 3:00p.m. is the Homebuilders Affordability Summit at the Government Center.

Ms. Bragg and Ms. Tate discussed what was reviewed and what they learned during the Solar Summit.

Ms. Carter was pleased with the representation from Augusta County at Chief Martin's wife's funeral. The Broadband Committee meeting schedule is being set.

Mr. Coleman will be in Williamsburg next week. He attended the Wilson Trucking terminal self-guided tour for the pipeline.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issue:

- 1) Hazardous Materials Waste Day is October 13, 2018
- 2) Dominion is replacing the bulbs in streetlights with led bulbs. They have asked the county to sign an acceptance for this process. All of the bulbs can be replaced for \$150.00 per bulb if preferred.
- 3) The bullet proof material has been installed on the board panel. The Maintenance Department did the installation and saved the county money.
- 4) A timeline on the Fire Chief position was given to the Board and also sent to the volunteers and career staff. Chief Mastin has reviewed the timeline and given comments. He would like to get it out the first part of October. The position will be advertised with VACo, VML, ICMA, and the Fire Chief's Association. The position will be open until filled. The goal is to have the position filled by January 1, 2019.

Mr. Shull would like to be on the panel for interviews.

Mr. Fitzgerald stated that this would need to be discussed. The Emergency Services Committee, Faith Duncan, Mr. Fitzgerald and the President of Emergency Officers Association would definitely be on the panel.

Ms. Bragg is concerned with someone outside of the county interviewing due to confidentiality issues.

Mr. Coleman stated that there is a structure in place. The Fire Chief works for Mr. Fitzgerald. If anyone on the Board has ideas or suggestions they should be addressed with Mr. Fitzgerald and let him make the final decision. The Board needs to stay in their place and stay focused.

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CLOSED SESSION

On motion of Ms. Bragg, 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

September 12, 2018, at 7:00 p.m.

CLOSED SESSION (CONT'D)

(2) **the procurement exemption under Virginia Code § 2.2-3711(A)(30)**
 [discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, as permitted under subsection (A)(30)]:

a) Architectural Services, Augusta County Courthouse

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

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

Motion carried.

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

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

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

Roll Call Vote was as follows:

AYE: Bragg, Garber, Shull, Coleman, Kelley, Pattie and Carter
 NAY: None

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

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AUGUSTA COUNTY COURTHOUSE

The Board considered awarding the contract for the courthouse to Mosely Architects.

Ms. Bragg moved, seconded by Mr. Shull that the Board authorize Mr. Fitzgerald to sign the contract with Mosely Architects pending final negotiations with Mr. Fitzgerald and Mr. Benkahla.

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

Motion carried.

September 12, 2018, at 7:00 p.m.

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BOARDS AND COMMISSIONS

Mr. Coleman moved, seconded by Mr. Shull, that the Board appoint the following to serve on the listed Boards and Commissions effective immediately:

Austin Craig Broadband Exp. 6/30/2020

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

Motion carried.

Mr. Kelley moved, seconded by Dr. Pattie, that the Board appoint the following to serve on the listed Boards and Commissions effective immediately:

Mark Journell Broadband Exp. 6/30/2022

Vote was as follows: Yeas: Garber, Bragg, Kelley, Shull, Coleman, Pattie,
Nays: None
Abstain: Carter

Motion carried.

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ADJOURNMENT

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

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

Motion carried.

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Chairman

County Administrator