

Regular Meeting, Wednesday, September 25, 2019, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman  
Carolyn S. Bragg-Vice Chairman  
G.L. "Butch" Wells  
Michael L. Shull  
Wendell L. Coleman  
Pam L. Carter  
Marshall W. Pattie  
Timothy K. Fitzgerald, County Administrator  
Jennifer M. Whetzel, Deputy 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 25, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 244<sup>th</sup> year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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The following led the Board of Supervisors in the Pledge of Allegiance:

Troop 142 is the first all-female Boy Scout troop in Augusta County.

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Pam Carter, Supervisor for the Pastures District, delivered the invocation.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Tracy Pyles, 3665 Churchville Ave, stated that he has watched news reports for the next plans for the courthouse and the reasons for it. It has not been decided to build a courthouse, but \$5.9 million has been spent for plans and purchasing a new building. A plan that has not been run by the people. There are many more things this money could be spent on. Everything has been done secretly to this point. The people deserve to know what is going on. An agreement was made during Closed Session and then the Board came out and voted to award the contract. The amount was not disclosed. The Board of Supervisors needs to follow the guidelines of the School Board. When the School Board wants to build a school they have to make a presentation and inform the people what the plan is and what the estimated cost is. This is done before they go out for bid. The Board of Supervisors does not do anything like that. The Board needs to say whether they agree with spending this money or not. This is not good for Augusta County and will be a mistake for years to come. The Board votes tonight will say who is for the tax payer.

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

Steve Morris, 203 Hotchkiss Road, thanked Dr. Pattie for all of the no votes on tax increases and hopes he votes no on the courthouse tonight. There is a need for more firefighters throughout Augusta County to make the citizens safer and the firefighters safer. Mr. Morris asked if the County had a paid Lobbyist. Mr. Morris hopes the Board will let the citizens know how much surplus there is in Augusta County. He would also like to see all County Deputy cars replaced after 100,000 miles for the safety of the deputies.

Robert Colgan stated that he was present at the last Board of Supervisors meeting and complained about there not being a disturbing the peace ordinance in the County. This is a relative simple fix and he would like to know why something has not been about this issue in the past two weeks.

Ms. Bragg stated that the Ordinance Committee is working on a number of different ordinances.

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VERONA ELEMENTARY SCHOOL LEASE AGREEMENT

The Board considered the lease agreement for Verona Elementary School.

Candy Hensley, Assistant to the County Administrator, stated that a revised lease agreement at the Verona Elementary School with the Verona Community Association is presented. There is currently a lease for use of the gymnasium for activities. The VCA would like to add a pod to that so this agreement is revised to include the pod. It also includes that the VCA will pay the electric and natural gas for use of the pod for the months in use. They are planning to use it September, October and November of each year.

Dr. Pattie moved, seconded by Ms. Bragg, that the Board approve the lease agreement as presented.

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

Motion carried.

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TRANSPORTATION ALTERNATIVE PROGRAM

The Board considered the Transportation Alternative program Resolution for the Verona Pedestrian Project.

Funding Source: Beverley Manor Infrastructure 80000-8011-97 \$222,787.22

Doug Wolfe, County Engineer, showed a map of the current project. Grant funding was received in 2017 to design sidewalks on two sections of roadway in the Verona area. The project would install a sidewalk along Dick Huff Lane and down to the City of Staunton along the east side of US Route 11. The Route 612 segment would install sidewalk to continue from the current sidewalk and extend

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TRANSPORTATION ALTERNATIVE PROGRAM (CONT'D)

to the Park and Ride. 80% funding for this program is federally funded through VDOT Locally Administered Projects. \$347,000.00 was received in federal funds with a 20% match in 2017. The total for the preliminary engineering and the right-of-way is \$434,720.00. Construction funding is now being applied for. Board approval is needed for a resolution that allows Staff to apply for the construction funding. The applications are due next week for funding in fiscal year 2022. Preliminary plans are at 20% completion. The project estimate has been updated with significant increases in construction costs. Due to the additional expense, the project will be broken up into two phases. It is recommended that the Board apply for the Route 612 piece now. This is the larger of the two segments so completion of this segment would demonstrate progress to VDOT. The 80% VDOT portion for the entire project would be over \$1 million. It is recommended to do the Route 612 piece in this cycle and then either through Transportation Alternatives or Revenue Sharing the remaining piece can be funded. The requested amount from VDOT would be just under \$600,000.00 in this application with a County match of \$222,000.00.

Mr. Wells stated that the Greater Verona Business Association supports this project. There was a letter sent to Mr. Wolfe committing \$10,000.00 to the project in regards to signs for the entrances to Verona.

Mr. Wells moved, seconded by Dr. Pattie, that the Board approve the funding request as presented and to come from the Beverley Manor Infrastructure account in the amount of \$222,787.22.

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

Motion carried.

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DUPONT-WAYNESBORO NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION SETTLEMENT

The Board considered the resolution endorsing the recreational fishing access grant application.

Mr. Wolfe stated that this project arises out of a settlement agreement between DuPont, the Federal Government and the State Government with respect to mercury contamination in the South River. \$42 million is available for projects along the South River. Augusta County has directly received almost \$1 million already for Jennings Branch and at Dooms Crossing. The trustees of the settlement have reached out with \$2.5 million for recreational access. Staff has been working with the State to identify areas for potential projects. A survey was sent out and 125 responses were received. Mr. Wolfe discussed each question of the survey. The results of the survey validate the assessments that the State had made of where the projects should be. The Dooms Crossing project is a good candidate. This site meets desired criteria that it was identified by state agencies and co-occurs with land acquisition. Another site that requires the Board's concurrence to apply for funding is Crimora Park. Crimora Park was developed at the former elementary school. Initially there was a small parking area developed closer to the school. The original plan showed access coming farther down to the river, but was not completed due to lack of funding. This grant funding will allow for boat access closer to the river. The number one site that has a lot of public interest is South River at Harriston. The property owner has been contacted, but a real dialogue has not been established. There is a history of misuse of the property. The community will need to be engaged and try to convince them that a good project can be developed for Harriston. At this time Staff does not recommend applying for grant funding to build an improved

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DUPONT-WAYNESBORO NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION SETTLEMENT (CONT'D)

location at Harriston. Staff recommends applying for funds to improve access points at both Dooms Crossing and Crimora Park. There is a resolution that requires Board's approval and signature. The projects would be 100% grant funded with no obligation from the County on the construction end, but the County would be obligated to maintain the sites.

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

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

Motion carried.

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LEGISLATIVE SERVICES CONTRACT RENEWAL

The Board considered the Legislative Service contract renewal.

Jennifer Whetzel, Deputy County Administrator, stated that the County has a Legislative Services Contract with Eldon James and Associates. It was procured in 2017 and this would be the third renewal of the contract. It would be renewed annually and in year five the County would procure it again. The contract is currently for \$28,440.00. The Consumer Price Index increase is 1.6% for the current year. This is an additional \$455.00. The new contract would be \$28,895.00. This is budgeted in the Board of Supervisors budget as an annual operating expense. The contract runs from October to September.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve the extension of the contract as presented.

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

Motion carried.

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### AUGUSTA COUNTY COURTHOUSE

The Board considered the agreement for purchase of property.

Ms. Whetzel stated that it is before the Board to consider the purchase of property adjacent to the Augusta County Districts Courts in Staunton. This property, if purchased, would assist in improving the footprint of the new County Courthouse project. The County has received a signed agreement from the seller. It's \$350,000.00 for the purchase price. The closing would be in the December or January timeline. There is a contingency for 120 days after approval of the contract related to permitting and approving by the City of Staunton for the new courthouse project. Funding for the property would come from the County Courthouse Capital Improvement account. There are funds to cover the purchase of this property. It is before the Board to consider the contract and authorize the County Administrator to sign and return the contract to the seller.

Ms. Bragg pointed out that there is the 120 day clause in the contract. This is very important to allow for the appropriate measures to be taken and receive further information.

Ms. Bragg moved, seconded by Ms. Carter, that the Board accept the contract to purchase property in Staunton.

Dr. Pattie agrees with some of Mr. Pyles statements. He believes this a terrible decision for the County. There has been a lot of money spent on this plan for the Courthouse. There have been three different plans purchased before agreeing to the contract for the new \$5.9 million plan. If a pause was taken and we really asked the public what they thought, the plan may be different. There are better options on the table and he does not support this plan.

Mr. Coleman stated that he is very disappointed with the referendum. Everybody in the County and City were fine with everything up until it was time to move the courts. No one minded the jail being moved out of Staunton. The Sheriff's Department has been moved to Verona. Many years ago, the Board had the foresight to master plan and to purchase the old Smith Transfer Trucking Terminal that is now the Government Center. He is sorry that the public chose not to be involved. There were several meetings held that informed the citizens of the cost difference between Verona and Staunton. The court facilities are not adequate today and they cannot be made adequate. The County has already invested more tax payer money in the old buildings than should have been invested. A sub-committee was appointed to review all possible options and those options were presented to the public. The people that chose to be engaged and to be aware of what the options were, were involved. Mr. Coleman has a hard time with some of Mr. Pyle's comments when considering he was on the Board when most of the discussions were taking place. If the Courthouse would have been built in Verona, there would be nothing to be renovated. The courts have to move now. The workload is not the County's numbers in terms of the size of the footprints. Those numbers come from the State and it's what is needed going forward.

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### AUGUSTA COUNTY COURTHOUSE (CON'TD)

Mr. Shull respects the opinions of the Board members. Over time opinions can change. He agrees with Dr. Pattie. The Courthouse is unique. Through the process the statement was made that hopefully a similar courthouse would be built so it would last like the old one has. The plans being looked at currently only have approximately a 25 year time span before it would need attention again. The courts would need to be expanded. Where do you expand in Staunton? Once the old building is torn down the new building will be built over a creek. What will be the unknown cost associated with that? When the first plans were made for the Courthouse the cost was comparable to what it would cost in Verona. As Mr. Pyles said, he agreed to go along with this study, but there was nothing said about the cost when the contract was first looked at. He also does not agree with renovating Beverley Manor Elementary. There are a number of things that need to be reviewed. Parking will always be an issue in Staunton. If the referendum could have been worded differently the decision would have been different. The County needs to be true to the people and let the people know what's going. Before purchasing anything, all options to need be evaluated.

Ms. Carter stated that she was not on the Board at the time of the referendum. It was a referendum and cannot be redone for ten years. People have said that it can be changed, but according to State Legislators that will not happen. The citizens voted 2-1 to leave it in Staunton and it can't be changed. The Courthouse has been discussed at Board meetings numerous times. To say the Board has not been transparent is not true. Citizens cannot be forced to attend meetings. The Board is not here to do easy work. Sometimes there are hard decisions to be made and this is one of them. It's been three years and something needs to be done.

Mr. Wells agrees with Mr. Coleman. He was a part of the initial planning, although not a County resident, he was employed by the City of Staunton. Mr. Coleman is exactly right. The game plan was to get the jail to Verona, get the Juvenile Detention Center to Verona and finally to get the Courthouse to Verona. For some reason everything was accomplished except the moving of the Courthouse. Now the Board is faced with the referendum results. Throughout his career tough decisions have been made and he is not afraid of tough decisions. This is a tough decision because it is a lot of money. Since coming on the Board he has realized that there are a lot needs in the County. These are not needs from Staff saying it would be nice to have. These are serious needs that the County Staff says they need to be able to function. In regards to the Courthouse, the clock is ticking and the meter is running. The longer it is procrastinated the bottom line to the Courthouse is going to increase dramatically. The decision is not taken lightly, but he is ready to make the decision.

Ms. Bragg stated that since being on the Board, the Courthouse has been the main issue. It has been discussed in detail. All options have been considered. For consideration tonight is the purchase of a building. This building would provide additional much needed space should the Courthouse facility be constructed in that location. If the Courthouse should go forward, this property is a piece of the puzzle that is needed for the space.

Mr. Garber pointed out what was being voted on tonight. One piece of property. This is not the vote of contract to build a new Courthouse. It is not yet determined that there will be a new Courthouse in that spot, but if you don't own the property you will determine that you cannot build what is needed. There are issues with the property. There are issues in his mind with it being structural. It has been said that it's not the Board problem. Of course it's the Board problem. The neighbor's property is the Board's problem. He is glad Mr. Coleman reviewed everything with the Courts. He respects the fact that the vote was 2-1. He would like to remind Mr. Pyles that he was voted off the Board by the same margin. Respect the voters. The vote on the Courthouse was a very expensive decision. The delay is expensive. The move is expensive. There is no other choice but to move the courts to Beverley Manor



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CONSERVATION EASEMENT-DAVID LEE OR PATRICIA F. SIMMONS

Consider a proposed conservation easement for David Lee or Patricia F. Simmons, (tax map 004-048A and 004-100) for property within ½ mile of Augusta County owned Natural Chimneys Park. The Planning Commission recommends approval.

John Wilkinson, Director of Community Development, showed a map of the property. This property is in an Ag Conservation area and the Comprehensive Plan map supports conservation easements in the Ag and Rural Conservation Areas. One stipulation is if the property is within ½ mile of a public facility then the Board has to vote to approve. The Augusta County Service Authority and School Board have no comments. The Parks and Recreation Department feels it would support their use of the Natural Chimneys Park with the conservation easement. VDOT recommends revising the language to allow them acquisition of right-of-way in case there was a need for a road widening in the future. The Planning Commission reviewed and decided it was in compliance with the Augusta County Comprehensive Plan and recommended approval.

Dr. Pattie moved, seconded by Mr. Shull, that the Board accept the conservation easement request as presented with VDOT’s right to purchase a wider space if needed.

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

Motion carried.

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SHORT-TERM RENTAL ORDINANCE AMENDMENTS

The Board considered ordinance amendments to the Augusta County Code Section 25-74.R and 25-124.G.

Mr. Wilkinson stated that his was an item previously tabled. The Public Hearing for the Planning Commission was on June 11, 2019. The Planning Commission recommended approval of the ordinance from the Board on June 26, 2019. This was two ordinances. One to modify section 25-74R in the General Agriculture District. The amendment is to short-term rental bed and breakfast and vacation rentals. This would add flexibility to have a resident manager operator of the facility on site verses the owner. Also, a lease agreement to the County would be provided. When it was tabled on June 26<sup>th</sup>, the Board sent it back to the Ordinance Committee for further consideration. A variety of options from other localities were reviewed and then requested to be sent back to the Board for consideration.

Ms. Bragg moved, seconded by Dr. Pattie, that the Board take the agenda item off of the table for consideration.

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

Motion carried.

Ms. Bragg moved, seconded by Mr. Shull, that the Board accept the ordinance amendments for Section 25.74.R as presented.



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SHORT-TERM RENTAL ORDINANCE AMENDMENTS (CON'TD)

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

Motion carried.

Mr. Wilkinson stated that this change applies to the same section of short-term rentals in a Rural Residential district. The same language will be added to this section as was added to section 25-74R. There should be an owner of record or facility operator to reside in the principal dwelling or accessory dwelling unit and the owner of record will provide a copy of the lease agreement to Zoning Administrator.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the amendments for Section 25-124.G.

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

Motion carried.

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RIDGEVIEW DRIVE SIGNAGE

The Board considered funding for Ridgeview Drive digital speed limit signs.

Funding Source: South River Infrastructure 80000-8016-93 \$10,000.00

Timothy Fitzgerald, County Administrator, stated that this is in the Ridgeview Subdivision. A request to help control speed and to install digital speed limit signs. VDOT does not install these types of signs. Ms. Bragg would like to allocate up to \$10,000.00 for the installation of speed limit signs from the South River Infrastructure account.

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

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

Motion carried.

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STUARTS DRAFT PARK

The Board considered infrastructure funding for scope of work/design of sun shades.

Funding Source: South River Infrastructure 80000-8016-94 \$4,000.00

Mr. Fitzgerald stated that there is a need for sun shades in the area where the concert venue and amphitheater is located. Part of the work is having the on call architect look at the area and design a sun shade area. The funding will come from the South River Infrastructure in the amount of \$4,000.00 to complete the plans and get a recommendation on the sun shades.

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

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STUARTS DRAFT PARK (CON'TD)

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

Motion carried.

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WAIVERS --NONE

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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, June 26, 2019
- Regular Meeting, Wednesday, July 24, 2019
- Regular Meeting, Wednesday, August 14, 2019
- Staff Briefing, Monday, August 26, 2019

CONSENT AGENDA (CONT'D)

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells moved, seconded by Mr. Coleman, that the Board appoint Ernie Landes to serve an unexpired term on the Parks and Recreation Commission to expire on June 30, 2022.

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

Motion carried.

Ms. Carter moved, seconded by Mr. Coleman, that the Board appoint the following:

Debbie Battle	CAP-SAW	Expires 9/25/2021
Debbie Battle	Dept of Social Services	Expires 9/25/2023

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MATTERS TO BE PRESENTED BY THE BOARD (CON'TD)

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

Motion carried.

Mr. Shull would like to make a request at the next meeting regarding the Greenville ballfields.

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MATTERS TO BE PRESENTED BY STAFF

- 1) VACo voting member is needed to serve during the VACo Conference in November. Mr. Garber agreed to be the voting member.
- 2) Mr. Fitzgerald updated the Board on the accident involving an Augusta County ambulance.

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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 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) Augusta County Courthouse

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

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, 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.

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CLOSED SESSION (CONT'D)

Roll Call Vote was as follows:

Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,  
and Carter  
Nays: None

Motion carried.

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

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ADJOURNMENT

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

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

Motion carried.

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Chairman

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County Administrator