

October 28, 2015, at 7:00 p.m.

**ASSESSMENT REFUND**

The Board considered refund as certified by the Commissioner of Revenue and approved by County Attorney for the following:

- 1. Valentina Hristova \$2,671.59

Patrick J. Morgan, County Attorney, advised that this had been discussed at Monday's Staff Briefing. Ms. Hristova had a cleaning business and had not filed business personal property with the Commission of Revenue from 2012 to 2014, thus creating a nonfiler tax assessment for each year. The taxpayer has now provided tax returns sufficient to do an accurate assessment. He added that the Commissioner of Revenue is asking the Board of Supervisors to authorize a refund of taxes in the amount of \$2,671.59.

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

Vote was as follows:           Yeas: Pattie, Shull, Wills, Moore, Wells, Bragg and Pyles

Nays: None

Motion carried.

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**CROZET TUNNEL**

The Board considered resolution of Nelson County's proposed transportation project.

Mr. Fitzgerald advised that this had been discussed at Monday's Staff Briefing. Tonight's request is to consider a resolution in support of an application that Nelson County and the City of Waynesboro intend to make to the Transportation Alternatives Program (TAP) for Phase 3 of the Crozet Tunnel. Phase 2 of the project has been funded with the latest grant funds that will open the tunnel up and will be constructed from the Nelson County side over to the Augusta County side. Phase 3 of the project is to build the trail from the Augusta County end up to a parking area along Route 250. Nelson County and the City of Waynesboro intend to make application for those funds through the TAP program. This resolution supports their efforts to receive those funds.

Mr. Moore added that he and Mr. Fitzgerald and Randy Kiser, from VDOT, had attended a meeting in Nelson County this past summer and met with people from the TAP program out of the Richmond Central Office and Lynchburg District and learned that this project has become a project of State significance and there is a strong desire to move it forward to completion. A specific question had been asked if Augusta County supported the project. Mr. Moore said, "From a natural park standpoint; from a Humpback Rock-type standpoint, where you can get out and experience the nature that we have in the area, and the history that goes into the tunnel," that I thought that the Board did support. He emphasized that the resolution was intended to express Augusta County's support from that standpoint.

Mr. Moore moved, seconded by Ms. Bragg, that the Board adopt the following resolution:

**RESOLUTION**

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, appreciate the natural beauty of our County, with its rivers, fields and forests, which offer both residences and visitors the opportunity to explore and enjoy features that are unique to our County; and

October 28, 2015, at 7:00 p.m.

**CROZET TUNNEL (cont'd)**

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, value our resources, both natural and man-made, and understand the importance of preserving our history and accomplishments for future generations to marvel, learn from and study; and

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, recognize the importance of providing our citizens with opportunities to enjoy the outdoors and participate in activities that promote good health and wellness; and

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, wish to offer a well-rounded quality of life to the citizens of our County, providing jobs, housing, education, and recreational opportunities; and

**WHEREAS**, we, the members of the Augusta County Board of Supervisors, appreciate the State of Virginia's efforts in making this a project of State importance; and

**NOW THEREFORE BE IT RESOLVED**, by the Augusta County Board of Supervisors that said Board supports CCBRT Foundation, Nelson County, and the City of Waynesboro, as they work to restore the Crozet Tunnel, and establish a trail through the Mountain. These efforts will include the application of Map 21 grant funding to complete Phase III of the project. Phase III will include the construction of the Western Trail and parking area to be located in Augusta County. This trail will enter Augusta County on the west end of the tunnel, and will offer to our citizens the opportunity to enjoy, and explore a part of our past.

Vote was as follows: Yeas: Pattie, Shull, Wills, Moore, Wells, Bragg and Pyles

Nays: Shull

Motion carried.

Chairman Shull did not support the resolution because he felt that road maintenance should be first priority. "The Federal government hands money down to the State and it has to be appropriated in that fashion. It is mandated that it has to be spent in that manner. My opinion is that VDOT is the Transportation Department of the State. We have roads that are in dire need. We have dirt roads in this County that are in dire need. The Federal government needs to get their priorities straight as we see how everything is. The infrastructure was supposed to have been improved. In the past years, money was appropriated for bridges and everything else. It is not being done. We have citizens in this County that would love to have their roads taken care of. We don't have enough money. We need to tell our Senators and our Legislators who are going to Washington that they need to reprioritize the money and where it goes."

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**COURTHOUSE NEGOTIATIONS**

The Board discussed status of courthouse negotiations.

Patrick J. Coffield, County Administrator, advised that this had been discussed at Monday's Staff Briefing with the Circuit Court Judges Victor L. Ludwig and Charles L. Ricketts, III, speaking on things they felt important for the Board to hear as negotiations with Staunton proceed. A report was received from the Negotiating Team on the status of the two rounds of discussion as to what the City said was "negotiable" and "non-negotiable". A statement of what the Board considered "negotiable" and "non-negotiable" was sent to the City. From their response, he felt that "we" may have misunderstood what was said. He was asked for some dates for the City and County to meet again for clarification of "negotiable" and "non-negotiable" items. He presented summary notes from the Monday meeting with the Judges to the news reporters for them to "have an opportunity of providing the general public what was discussed on Monday".

October 28, 2015, at 7:00 p.m.

COURTHOUSE NEGOTIATIONS (cont'd)

Mr. Pyles made the following statement:

This thing has gotten kind of loopy. It's gotten out of sorts. The process hasn't gone very well. I'm going to give a little bit of history and then explain to you my thinking because, to me, it is not a negotiating problem; it's a math problem. When you understand the math, then the result follows. I think I can present that. The first time that the consideration of the courts moving from Staunton, since I've been on the Board, was when we were talking about the Middle River Regional Jail. It was the opinion of the then Beverley Manor Supervisor, and supported by the Board, that if we were going to have the Jail and the negative connotations that go with the Jail, that it would be well if we made this the "Justice Center" instead of the "Jailhouse" and that we would bring the courts in due time to mesh up with the Jail. We would do that; and, certainly, Staunton was not happy that we were going to do that. We spoke positively and we said we understand the intricate workings of all of this and it is important to you and we hadn't pushed it. Come 2004, I think it was, there was work that was needed to be done down there. When you have to do work and invest millions, it is smart to look and determine if this is the right place to do it. If we are going to move this thing, is this the time to do it? We met with them and the City Manager at that time, Bob Stripling, "Oh, we don't want you to leave; how can we help? What can we do? Let's come up with a list of what each will do to help you and help us." From that list, we spent \$2.5 million and Staunton has done zero. They haven't done anything. They have told us how much they love us and want us and need us, but when it comes to putting anything up, "It's on you." We go along and, now, the courts aren't needing a little something; they need a lot of something. Now, we're starting talking; we were talking \$10 million last year. \$10 million; we have a lot of reasons for wanting it up here. Some of us said, "We will leave it there if you will participate." All along, there was a sense that they would participate and that, I think, in the discussions and Mr. Wills will be able to correct me if he likes, there was always the thought that they would come forward and do something with us. When things didn't roll, I think the Judge got involved. He said, "Come on guys, you have to come up with something. There is a deadline of December 31<sup>st</sup> to do something." The deadline passed, then January 2014 Mayor Dull sent a letter. To me, that was the game-changer and understanding Staunton's position. The letter was both insulting and insufficient. It was meant to be a public relations document to sway public opinion. They offered only \$100,000 to take care of some historical brick changes that would have to pay simply because of their historic district area. They went on about how we had let this building fall to such disrepair. They were saying we weren't doing our job. At least our ceilings weren't falling on our workers. Our building is in pretty good shape and we have invested in it. We had already put a million or so and it is a lot nicer down there. To me, we changed from working in a collegial, a co-operative effort, to being adversaries. You want our money; you can't have it. They're saying, 'Our taxpayers will reject this idea to participate in helping with this'. That relieved my burden. I had felt concern for Staunton for what damage we might do to them by leaving. Mayor Dull made it very clear that our leaving was insignificant. I think there was one document that indicated that there may be \$15,000 worth of lost income to the City. To me, between their attitude and marching over to the News Leader Editorial Offices the day of the release to make their case about why they had to tell us to go fly a kite. 'You want it down here, you pay for it.' I said, 'Okay; that's fine'. I'm not saying I blame them. They're doing their job. They think that we don't have any options and that we should fund it; they didn't have the money for it. I might do the same thing if I was sitting on that Council. But sitting on this Board, and thinking about it, I said, 'Okay, they're not interested in us staying. What's next?' Well, then, we said no and then they made another offer and they upped the ante and then we get into the thing where we said, "Let's have a referendum. We need to take this to the people.' We go before the Judge who said, 'You can't just do it with the courthouse; not with just the Circuit Court. You have to make it for all the courts.' That was another game-changer. We started looking at that and then we got the big dollars. One gets sticker shock when you see that sort of thing. Staunton sees that we are serious and they improved their offer. Then we're still going with a referendum and then they come up with their counter-proposal. We've got that. Because the Judge, after we got into this, said you have to do more. That's what he said out here on Monday – No band aids; you're not going to be in a rabbit warren. The thing we have to keep in mind is that he is just not another citizen; he has a statutory responsibility to see that those buildings meet code, meet the standards that have been set by the Supreme Court. He has the power, as Mr. Wills brought up about what happened in Rockbridge. He has a policy and says, 'This is what you're going to do.' I just believe it is more important for us to try to determine what

October 28, 2015, at 7:00 p.m.

### COURTHOUSE NEGOTIATIONS (cont'd)

Mr. Pyles made the following statement (cont'd):

is the best interest for Augusta County before we're told what we need to do. With all of these exchange of letters, I don't know if it is doing us any good or not because we lose to everyone.

They come up with this counter-proposal. We got it minutes before our meeting, or a day before. I went through it. This isn't good for Augusta County. I'll go through that. When you look at it, the proposal they have and the proposal that we have, there are so many differences, with ours having so much more value. I think it will cost us less when it is all said and done. When the negotiations went on, what we thought was part of the negotiations turned out not to be so. Now, maybe, it's different. I hadn't been in those meetings. I only trust what the Chairman and Vice-Chairman relay, what Mr. Coffield relays, as the sense of the negotiations. What I have written and what Mr. Barron had talked about—consolidation of courts. I wrote a letter to the Editor that talked about there wouldn't be any money savings for us but there was going to be money savings for the State. From what Mr. Barron stated tonight, the State doesn't even get any savings because we're still going to have two Commonwealth Attorneys that flip-flop. (Mr. Barron stated that was for a short term until the next election.) When I met with the two judges, they agreed with me. There are no savings. There is no money-savings on this. If you take Ms. Dull's letter, Ms. Dull was all for the consolidation that we should go at it vigorously and use all leverage to get it done. Then there was a problem of it being a pressure point in Staunton to do away with the Commonwealth Attorney, do away with the Clerk of Court. They're saying, 'We'll figure that out later'. Later doesn't work because if you listened to what Judge Ludwig talked about, the only savings you get is instead of having two 500-s.f. offices, you can put them together to where you have one that is larger than any single one, but not as large as two. That is the only place you would get any savings in your construction. We're not going to figure out whether or not we're going to do that until after we figure out whether or not we're going to do the project at all and how we're going to do things. When we got the proposal, I looked at it. The reason I wrote the Editorial was that they were saying in here that the cost could be allocated according to caseloads. The 2013 allocation was 72% and 28%. They came in reasonably close at 25%. You can look at some of these things and it could have been 26%-28% depending on some different numbers. I wrote my piece saying I thought I understood it to be a higher amount. We checked with Frazier and they had a math problem. They had pulled from a wrong column. It wasn't 28%; it was 34%, something like that. When you start doing 34% out of \$46 million, it goes beyond the \$12.5 million. I thought that was what they were proposing. They said this was not their document. Frazier made it, but Frazier was operating on their behalf. Did they not read it? Then they said, 'Whoa, we don't want to do that. Take that thing out of there.' So they give us something that we think means something, and then they say it doesn't mean anything.

We look at the costs. When we were dealing with Crescent Development Lack some years ago, I went through all their numbers. I found a lot of things I felt were wrong. I tried to dig down and understand stuff. The total number is \$44,240,000. Do you have any idea how much contingency is built into that? What do you think is a fair number? It is 30%. If you took the contingencies out, it would be \$10 million less. They have 7.47% for escalation; they have 10% for design contingency; if there are any changes, then it would be an additional 10% increase. That works out to be 30% because they didn't apply it overall on everything. It's 29%; it's \$10 million. Do we need to build a \$44 million building or a \$34 million building? Big difference. If I look at the numbers that they have there, and I can't dig down as much as I would like to; I don't know some of these things. Let me give you one number. Furniture: \$2,960,000; this is for 67 employees. That works out to \$44,179 per employee. Are these Trump offices? When you figure the 10% contingency, it comes up to \$3,256,000 divided by 67 is \$48,697 per worker. I think that is high. We've got these things that are in there that a paper lays flat and they just fill in the blanks. I don't think we know what the cost is. I think we know they are relatively inflated. They put it out there so that they are never going to get a bid that exceeds their number. Then you look at this thing and ask how does this compare building-wise? Forget the contingencies and all that, and just look at the estimated building cost. The estimated building cost for our building was \$25,449,000. The cost for the new building is \$20,912,000; then you have for the Cochran Center \$2,650,000; for the old courthouse, is

October 28, 2015, at 7:00 p.m.

**COURTHOUSE NEGOTIATIONS (cont'd)**

**Mr. Pyles made the following statement (cont'd):**

\$7.7 million, for a total of \$31,262,000. We either pay 100% of \$25 million or 75%, and maybe not that, on \$31 million. That is a \$2 million difference; \$2 million means something, but in the scheme of things, I don't think that's much. Let me tell you how you just wipe that out right away. The cost to buy the Union Bank Building and tear it down is of no value. For our 75%, it is more than the \$2 million that we have to do. It's just that one thing with the building that says that we would be better off with our own building than paying 75% of those three buildings. That doesn't count the glass walkway, which is \$550,000. We would pay 75% of that and we get no value from it. We do things like building three sallyports. We can either pay 100% of one or 75% of three. Do your math; it would cost us more of paying 75% of three, than it would 100% of one. You go through this, and you see all these things, and you say, 'That's not going to work'. I sat in my chair and I said, 'I believe in listening to Staunton. I heard them. They can't afford to do it. I think they were pressured by the good folks that are sitting over there. They flooded the place. They Historical Society sends out 1,000 e-mails: 'Bad Supervisors are going to destroy downtown Staunton and the historic investments we have down there'. They got pressured and they went to the backroom and came back with \$25 million. They don't want to do it. They can't afford to do it. What these News Virginian and News Leader are asking, 'You just have to compromise. You have to get together'. I think if we come up with a plan, it's a lose-lose for everybody. It's just like when Solomon had the baby, he cut it in half and gave it to both. It is not going to work. If we get what is fair for us, it's not fair to Staunton. The loss of the Union Bank building, that's a tax-paying entity that brings people downtown. For them to do it, it wouldn't be fair to them. For us to pay these kind of costs, to appease Staunton, that's not fair to our taxpayers. We don't get the value. It's not fair to the people who have to do down there. When I had a meeting with the Judges, I went to Johnson Street parking lot. It cost \$2. Multiply that by all our folks that go down there, we're giving a lot of money to them and they can park out here for free and be closer and safer. A couple of things have happened since that . . . These news articles. Did you read them? They're having this big thing that is going to develop out on the Interstate and Ms. Oaks said, 'This is a historic event'. I like it that you can create new history and it is just not the old stuff. I think that is what we'll do out here, but \$900,000 a year is not found money. It's going to take a little bit from Waynesboro, Staunton and a little bit from everybody. It's going to take a little bit from downtown Staunton. No one came to us to see if we were going to be affected. It's just business. I don't think, if they're worried about the \$15,000 that they were going to lose, I think it will be offset by the \$900,000 and they will not have to worry about their finances anymore. They're pretty happy with what is going on and I'm happy for them.

Did you read the article on parking? Headline was everybody has parking problems. No, not everybody has parking problems. They were talking about the downtown being bothered by losing business because it is too hard to park. That kiosk! It's inconvenient. It's a distraction. It's a problem. We don't need to do that.

Getting back to my chair . . . I just sat there writing down things that speak to why it's a value to both of us to part and go our own ways. Value of losses of building in Staunton for Augusta County:

1. I already talked about the Union Bank and the glass walkway.
2. Construction will be more expensive for limited space for equipment and having to work around traffic. Moseley Study has \$116,000 for flagmen for railroad crossing. If they anticipate problems with traffic and the rail that comes along once every couple of hours, what is it going to cost us to operate in downtown Staunton for a period of many months? They are going to do street scape work and all that sort of stuff. What is that going to cost? What does that do to the cost of construction? You tell the guys, 'You go back here, you have open space, you can drop; here it is; go to work'. They can run a number to determine what it is going to cost to build it. You go in here and determine where you have to fit the equipment, where you're going to get stuff and bring equipment in at different times. It can be cheaper to get everything delivered at once instead of overtime and make it work. It's going to be more expensive to go downtown to work. They will put in a contingency there that they would not have to do here.



October 28, 2015, at 7:00 p.m.

**COURTHOUSE NEGOTIATIONS (cont'd)**

Mr. Pyles made the following statement (cont'd):

3. Temporary relocation of personnel – It will cost money to set up places for those 67 people to work. You are going to have to have phones; you're going to have to have offices; you're going to have fax. You're going to have to move those folks out. You're going to have to find your temporary quarters and then you have to move them back.

When we were looking at the schools, and we were looking at Riverheads, one of the things that was a problem was being able to work when the people were in the building and what it would cost to do that and the inconvenience of all of that. That is a real thing and it is an expense that we will have happen.

4. Sallyports – a new facility can be bid more competently than get into old buildings, whether it be the Cochran Building or the 1901 Building. You are going to have to allow for this.

At Greenville, where somebody thought a condition was a certain way, and it wasn't, and it cost money. Are they going to get into something that a structure doesn't work or they run into new things in there? They are going to have an allowance for contingency or they are going to have something that the contract says, 'If we run into conditions unplanned, you are going to pay for the extra'. We are not going to be able to competently know what the cost is going to be.

5. Security – We provide security, now, for two buildings. Our goal is to have security for one building. If we go with the Staunton plan, we'll have to participate with security for three buildings. Instead of reducing the number of security personnel by two, at \$50,000 each, suppose we have to add to make it work. Now, we have a \$200,000 switch in value for that security.
6. Parking – No relief.
7. Old buildings – No value in taking things out. You have to have particular equipment that can fit into this. In the Moseley study, they talked about how it had to be certain environmental equipment because of the conditions in the basement and things like that. More costly and less efficient heating system that goes in there.

We're not going to have the value of an efficient flowing courthouse. In the Frazier Study, they talk about the three different ways people get around there. We have the inter-mix of inmates and witnesses and everyone else. It is not a good way to go. We lose that value by not having it. We lose the value of not having our Jail adjacent to our courts. Much more secure, much less expensive to just move them that way. We lose the value of creating an entity where people come and shop and eat and spend time and then eventually the value in development of buildings and offices that will eventually come. We are forfeiting what was estimated to be \$160,000 a year. We lose the simplicity of sole ownership. You think differently when you have a couple of owners. Every time we get in a discussion of percentage. Is it population, court cases, or whatever? When do we invest in something new? Are we each going to be setting aside money for the rehabilitation of it when it is needed? If it is all in our hands, it is good. They say don't go in business with your relatives. Well, that's what we're doing. We're going in business with our cousins from Staunton and it is not going to be easy to get done. We would forego the value of selling our two existing buildings. They have the value of about \$1.9 million. We can't give it away. We should be able to get something for them. It's not my buildings to give away; it's the people's buildings. We would not be getting that money.

Mainly, Judge Ludwig talked about the confusion with having three courthouses. He was dead-set against that. They have three. When I think about the convenience for our people, the people that are not used to going there—not everybody that goes to the courthouse is a bad guy. They have to make transactions, DD2-14 forms, a lot of stuff and it is just not convenient. It is not a value to us to do that.

On the flip side, why would it make sense to Staunton to not come in with us? Well, they don't have \$12.5 million. Mayor Dull made that very clear in the first letter and continues to say that and then say that's all the further they will go. If they work with us, I think we can work out a fair negotiated price with the courthouse. It think if they took the General Courts building and destroyed it and could either have a nice green space or additional parking. Again, we talk about they would lose a taxpaying entity by losing the bank. They would lose that business downtown. Months of downtown construction is going to impact their businesses that are there. When things happen here, we are together. Business in Verona can go to Staunton. If they drew back and decided, 'Let's keep the

October 28, 2015, at 7:00 p.m.

**COURTHOUSE NEGOTIATIONS (cont'd)**

**Mr. Pyles made the following statement (cont'd):**

old courthouse. Let's keep in the 1901 building as a courthouse'. It will be cheaper for them than being with us and cheaper for them than the improvements that they are going to have to make when we leave and other things grow.

Mr. Shull brought up something Monday that I didn't take right. What can we do in the meantime? I think one of the things we can do in the meantime is not spend the \$2 million to decide it, but spend the time to review the costs and then decide if we have to have 237 parking spaces and go through that thing and work it out price-wise so that we know better what these costs are because they are inflated to high heaven. If we get it down to where it is in the \$30-35 million range then we come to the question of how we are going to finance it. We said we could do it within our tax structure. That doesn't mean it is easy. We have been very fair with the School Board, but we can make it work. We have \$900,000 that we don't have allocated from the penny tax increase. We have \$8 or 9 million coming in from the sale of the Middle River Regional Jail. There are other things that we can do, but it is just like when you buy your house, you bought whatever you could buy that fit into 2.5 times your income. If that is what you can afford, you try to get by with it. Then, as you grow with your money and all, it wasn't such a burden. Same thing with us. It will be tight to our budget for some years, but it is going to get easier every year and the values that we are eventually going to get is savings and operation, the additional businesses here, and not having to build something downtown. That's the thing. We may get stuck with building something downtown, it is going to get even more expensive.

In summation, I think, if we go downtown, it is a lose-lose. We can't both win. The second thing is it is not for this Board to decide. When we voted against the referendum, we kicked it to the next Board. There is nothing that we can do, now, that would be binding on that Board that they couldn't tear up. I think it is only fair to them that it is theirs. My proposal would be that we ought to quit writing letters to Staunton and tell them that we are willing to meet and discuss, but it is going to be left to the next Board and let it go at that. This has gotten bad and we don't need to keep dealing with it.

**Dr. Pattie's comments:**

I agree that it is the next Board's decision. We ought to continue to negotiate if possible, but, if not, allow the new City Council and County Board to discuss this.

**Ms. Bragg's comments:**

I do think, at this point, we need to see where Staunton wants to go with it. I agree with many of the points Mr. Pyles makes. I think we need to see what Staunton wants to do.

**Mr. Wills' comments:**

I don't disagree with Mr. Pyles has said in terms of functionality. We did give Staunton until December 1<sup>st</sup> to negotiate with us. I would be my opinion that we need to send the minutes from Monday's meeting and ask them point blank if they are willing to further negotiate and get their plans in order. If they are willing to pay their share of the cost; \$12.5 million. The \$12.5 million cap is a non-starter because we do not know what the cost would be down there. Again, I am a person who believes that we honor our commitment and our statement was that we would give negotiations an opportunity until the first of December.

**Mr. Moore's comments:**

As we come to the end of our four years here, and I sat 8 years on the School Board, and 4 years on this Board, I have always tried to make decisions and vote things I think are long-term or best for the County and for the people who live here. We spent the better part of this year with the Moseley Study and the design that gave us a courthouse that we could say was a 30-year, 50-year, or a 100-year building, and it allows us to

October 28, 2015, at 7:00 p.m.

## COURTHOUSE NEGOTIATIONS (cont'd)

### Mr. Moore's comments (cont'd):

adapt to whatever growth we might have. It provides efficiencies that puts everything here. It ties in with Middle River. You know, all the things that we were looking for that we felt was best for our citizens. I think this Board was ready to go to referendum. I think the consensus of this Board was that that is what we have done that is best long-term and let's let our residents confirm that for us or tell us something different and then, at the last moment, and I say that because it was the Monday before our Wednesday meeting that a proposal was put forward by Staunton that when you first looked at it, it hit a lot of the things. When you delve into it, in the day and a half, we decided there were a lot of legitimate concerns with their proposal that we had. When Mayor Dull stood here that Wednesday night and presented it to the Board, and I will read the last sentence of her letter 'working cooperatively, we can achieve yet another success taking advantage of once in a lifetime opportunity to do something profoundly and good for the future generations of all our citizens'. Future generations—that's a long term. That's her closing with 'let's work together and come up with something'. Mr. Wills sat right here and put the direct question to Mayor Dull. 'Are you willing to negotiate? Yes, I'm willing to negotiate. Are you willing to put forth the effort to come up with something that is a long-term success for all of us? I'm willing to meet every day if we have to come up with a solution that is going to work for everybody.' We voted the way we did and I can tell you that, in my twelve years on this thing, that is the one vote that really I wish I could take back because there have been votes that I haven't agreed with, I was on the losing side, or I was on the winning side, or whatever. That's one vote I had on my mind and what I thought, from my heart, was best for the County and then I changed it because of something that was presented at the last moment and I felt was something we should give a little more time and see if it is something that could come forward for us. Since that date, there has been no spirit of cooperation that has come out of them. I really wish, personally, that I could have that vote back. I do agree with Mr. Pyles that I think this is a decision that the future Board makes. I would hope that, at that time, that they do move forward with the courthouse in Verona because I do feel that is what is best for the people that live in Augusta County and is the best long-term solution for our court system.

### Mr. Wells' comments:

Sitting here listening, I agree with Mr. Wills that we have set the December 1<sup>st</sup> deadline for the negotiations. I do disagree with Mr. Moore. I voted for giving the City until December 1<sup>st</sup> in trying to work out something with the City to where we could negotiate with them. In all seriousness, I think negotiations have hit the wall. I don't think anything is going to come up between now and December 1<sup>st</sup>, but I am still willing to listen. I agree with just about everything Mr. Pyles has said. Unfortunately, I won't be a member of the next Board, but I think they will make the proper decision.

### Chairman Shull's comments:

Almost four years ago, the Judge wanted us to come to the courthouse. He showed us the deficiencies that were in the courthouse at that time. He took us on a tour through there and noted there were wiring problems that needed to be brought up to date. He showed us the Jury room and where the prisoners are held and things. We tried to fix things and it was going to be a pretty significant cost, but he let us work a little at the time on it and things. I think he is conscious of the taxpayers, too, and what they've had to spend, but it has come a time, like Mr. Pyles said, and as we saw in the schools. The schools are old. It's time to replace them. We need to replace the court system there. The Judges were here and we asked the Judges. This is what we had asked Staunton that we go back and ask the Judges, not for their opinions on what color curtains they want, or what color carpet they wanted; we wanted to know what was required to operate the courthouse under the State Guidelines and under their guidelines to operate the courthouse. We needed to know what the dimensions of the courtrooms were needed. The Judge pretty much told us what was needed Monday. They have looked at the plans and they told us, Monday, that the Frazier Plan might work, but the Moseley Plan is the better plan. All I ever hear is the Frazier Plan is something sent from God or somewhere, I guess. My thought was that when we entered these negotiations, that we would take both plans and sit down and put something together. We haven't achieved that, yet. I think we are back to square one. Mr. Wills has set up the hourglass; the sand is falling; December 1<sup>st</sup> is coming; the clock on the scoreboard is ticking down. If Staunton wants to move forward with consolidation, they need to move forward and get



October 28, 2015, at 7:00 p.m.

COURTHOUSE NEGOTIATIONS (cont'd)  
Chairman Shulls' comments (cont'd):

things going. We have compromised. When we took the vote to put off the referendum, we compromised. We've bent over backwards to try to work with them. They came in and presented us with the Frazier Plan in a few days and said, 'We didn't have time to get things together.' Well, we're giving them time. Then say, with what we sent out the other day, it really didn't get published in either paper our points. Mr. Wills brought this up to try to spur negotiations, again; to try to put down where we agreed to and where we didn't agree. That was why this was presented the other day and we asked Staunton to present their plan back. Where did they agree and where did they disagree? We haven't seen anything, yet. December 1<sup>st</sup> is coming and we're still waiting. We're willing to negotiate and it will be up to the next Board, but we would like to know by December 1<sup>st</sup>. I think if they haven't told us by December 1<sup>st</sup>, 'yes, we're moving forward with looking into consolidation; we're moving forward with ....' They've given us their answer. They say, 'No, we're not interested.'

When we started out, it was renovate the courthouse. Mr. Wills was Chairman, and it started out 50-50. They said, 'Where did 50-50 come from?' Well, it's been there ever since Mr. Wills was there and they were meeting with the former Mayor. That is nothing new. When it started escalating after the Judge saw that it had to go from the Circuit Court, he was looking at his and moving on; the price tag kept going up. Just to fix the courthouse is one thing, but when you start spending \$10 million; and we looked at \$20-\$25 million to come down here to build the Circuit Court building down here, he said, 'Oh, no, you have to bring all three'. Then, it turned into \$44 million. There was an article in the paper about revitalization of Staunton. Moseley has given us a cost to put what we need in Staunton at \$60 million. Are they looking for a \$60 million revitalization for Staunton at the County taxpayers' expense? I don't know. We will never gain anything out of what amount of money that we spend down there and I don't think that the taxpayers out here want to spend it down there if parking and everything is not addressed.

I don't feel right on this Board to say that we are going to spend that kind of money down there without letting the taxpayers decide. I think the rest of this Board, and I think whoever is on the new Board will feel the same way. The only way that we can go downtown is whatever it costs. They can argue backwards and forwards, whether it is 25% or 34%, whatever it would be, it would have to be of the total cost down there and not a cap cost. They have a lot of mind-pondering, heart-thinking, and what they want do here. Time is still ticking down as we sit here and talk right now. They have a decision to make. December 1<sup>st</sup> is coming.

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WAIVERS/VARIANCES

1. Greenville Sewer

Mr. Fitzgerald reported that it had been discussed at Monday's Staff Briefing concerning the waiving of the privilege fee for new lots in the Greenville community. When the Greenville Sewer Project was built, the County bought a significant amount of gallons for that project. The County has not utilized all of those gallons. At a previous meeting, a homeowner had requested that the privilege fee be waived since the County had already bought those gallons of capacity. The Board did approve the request. During that meeting, it was indicated that each request needed to be considered case-by-case.

Mr. Fitzgerald stated that there are two additional requests forthcoming. He noted, at this point, 18,420 gallons of capacity has been paid for in Greenville. There are 14 connections prepaid, but, have not been connected, yet, that equals to about 3,920 gallons that would have to be reserved. On Monday, there was a question concerning the schools. When the original agreement was created for the facility, the schools were allocated 25,000 gallons capacity without the requirement to pay a privilege fee. He learned from the Service Authority that the 25,000 gallons capacity will cover what the High School, Elementary School and a Middle School will need. He noted that 14,500 gallons of capacity is available for use. He reiterated that there are additional requests forthcoming and asked if it could be allowed to be provided to those persons until there is no longer any capacity available.

October 28, 2015, at 7:00 p.m.

WAIVERS/VARIANCES (cont'd)

Mr. Pyles asked Chairman Shull he supported allocation until depletion. Chairman Shull said he supported it.

Mr. Pyles moved, seconded by Ms. Bragg, that the Board authorize staff to release capacity, as people come forward, until it is gone. After that, there will be a charge.

Vote was as follows: Yeas: Pattie, Shull, Wills, Moore, Wells, Bragg and Pyles

Nays: None

Motion carried.

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, October 14, 2015

STREET ADDITION

Consider Community Development's and VDOT's recommendation to adopt resolution for acceptance of the following street into the Secondary Road System in accordance with VDOT request:

AUGUSTA HEALTH – NORTH CAMPUS - STREET ADDITION

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **AUGUSTA HEALTH – NORTH CAMPUS** into the secondary road system of Augusta County pursuant to Section 33.2-705 of the Code of Virginia (1950) as amended:

North Campus Lane, State Route Number 1368

From:	Route 636
To:	0.28 miles East of Route 636 to cul-de-sac (Dead End)
Length:	0.28 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way of 50 feet with necessary easements for cuts, fills, and drainage as recorded in Plat Book 1, Pages 7520-7522, Instrument 090004453, recorded May 5, 2009.

AND FURTHER BE IT 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.

HB-2 PROJECT RESOLUTIONS

Adopted the following HB-2 Project resolutions:

- Route 616
- Route 610
- Lifecore Drive