

Regular Meeting, Wednesday, May 22, 2013, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: Jeffrey A. Moore, Chairman
Larry J. Wills, Vice-Chairman
David R. Beyeler
David A. Karaffa
Marshall W. Pattie
Tracy C. Pyles, Jr.
Michael L. Shull
Timmy Fitzgerald, Director of Community Development
Jennifer M. Whetzel, Director of Finance
Patrick J. Morgan, County Attorney
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, May 22, 2013, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 237th year of the Commonwealth....

* * * * *

Chairman Moore welcomed the citizens present.

* * * * *

Dillon Rusmiser, a seventh grader at Stewart Middle School, led the Pledge of Allegiance. Dillon is on the "M & M Team" and will participate in games on June 6th – 8th. He said he has enjoyed school this year and is looking forward to the summer.

* * * * *

David A. Karaffa, Beverley Manor District, delivered invocation.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Robert Holbert expressed concerns about the extra money the County has agreed to provide for schools next year. He felt that the school district could save money in transportation costs. He further stated, "When you do these tax things, consider all the options before you raise the taxes."

* * * * *

EXPO UTILITY EXTENSION

Consider local match for sewer extension project.

Funding Sources:

Beverley Manor Infrastructure	Account #80000-8011-66	\$25,000
South River Infrastructure	Account #80000-8016-74	\$25,000
Utility Account	Account #80000-8149-10	\$50,000

Patrick J. Coffield, County Administrator, advised that this had been discussed at Monday's Staff Briefing. Proposal is for a Public/Private partnership with 75% of project cost funded from buyer and seller and remaining 25% funded from local sources.

Mr. Karaffa stated that the sewer has been needing an upgrade for a long time and that the \$400,000 upgrade would replace the existing sewer pump station.

Mr. Beyeler noted that if costs were less than proposed, savings would be pro-rated among funding participants.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board approve the request.

May 22, 2013, at 7:00 p.m.

EXPO UTILITY EXTENSION (cont'd)

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

TIF ACCOUNTING

The Board considered Tax Increment Financing program guidelines and accounting procedures.

Mr. Coffield reported that this had been discussed at Monday's Staff Briefing and that TIFs have been used since Target Distribution was recruited to come to Augusta County. He commended Finance, Economic Development and Attorney offices in working to develop the program guidelines and accounting procedures.

Mr. Karaffa moved, seconded by Mr. Shull, that the Board accept the TIF program as a model that the Board will continue to use.

Chairman Moore explained to the public that there was a through presentation given at the Staff Briefing on Monday and that a PowerPoint was available to anyone who wished to see it.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

MILL PLACE COMMERCE PARK

The Board considered Phase II and III for extension of Mill Place Parkway.

Funding Source: Economic Development Account#80000-8145 \$30,000

Timmy Fitzgerald, Director of Community Development, reported that this had been discussed at the Staff Briefing on Monday. He explained that Phase II and III was basically for grading and two detention basins. A spreadsheet was displayed to the public with the following highlights:

**Expenditure Summary
Mill Place Commerce Park – Lot 36
Mill Place Parkway Road Extension**

Lot 36 Phase I – Mill Place Grading	737,964.00	Approved 3/15/13
Previously anticipated change order	<u>(30,000.00)</u>	Less detention pond costs moved to road portion of project below
Net Grading	707,964.00	
Phase II-	\$10,000	Seeking approval
Phase III-	\$20,000	Seeking approval
Mill Place Parkway Extension Engineers Estimate	613,671.00	
Less detention and grading portion of estimate	(57,360.00)	
*Phase I (previously approved)	30,000.00	Carried from above
*Phase II	10,000.00	Upon approval
*Phase III	20,000.00	Upon approval
Less VDOT reimbursement	<u>(500,000.00)</u>	
Total over \$500,000	116,311.00	

May 22, 2013, at 7:00 p.m.

LANDFILL TIPPING FEE (cont'd)

Mr. Coffield reported that this had been discussed at the Staff Briefing on Monday.

Mr. Beyeler moved, seconded by Mr. Karaffa that the Board authorize the request.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

FIRE AND RESCUE EQUIPMENT GRANT PROGRAM

The Board considered Committee's recommendation as it relates to equipment grant request from the following agency:

<u>Agency</u>	<u>Request</u>	<u>Recommendation</u>	<u>Funding Source</u>
Churchville Vol. F&R	\$139,083.53	\$2,933.53	80000-8152

Carson Holloway, Fire Chief, reported that this had been discussed at Monday's Staff Briefing. He noted that the Committee recommended \$2,034.75 (20% match) for pagers and \$898.78 (20% match) for laryngoscopes both from a RSAF Grant.

Mr. Pyles moved, seconded by Mr. Pattie, that the Board approve the request.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

MOUNT SOLON FIRE-RESCUE REQUEST

The Board considered request for infrastructure assistance to purchase an ATV.

Funding Source: North River Infrastructure Account #80000-8013-42 \$12,800

Fire Chief Holloway advised that this had been discussed at Monday's Staff Briefing. He added that he had met with Chief Campbell of Mount Solon Fire and Rescue and was informed that the ATV would be utilized in their area for both fire suppression and rescue in remote areas they serve. Chief Holloway added that this was a well-equipped unit.

Mr. Pattie felt that the ATV would provide a much quicker response to help people.

Mr. Pattie moved, seconded by Mr. Karaffa, that the Board approve the request.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

USGS GRANT – WATER MONITORING

The Board considered submittal of grant request.

Mr. Coffield reported that this had been discussed at Monday’s Staff Briefing.

Mr. Pattie said he was in favor of requesting Federal grant money to monitor local waterways for Chesapeake Bay pollution. He noted that the Agriculture Industry Board and the Extension Agency also supports this.

Mr. Pattie moved, seconded by Mr. Pyles, that the Board authorize staff to submit a grant request.

Supervisors Pattie and Pyles questioned the Federal data on bay pollution that originates in Augusta County. They stated that the EPA models for calculating nutrient pollution from Augusta County are outdated and likely inaccurate.

Mr. Pyles supported the grant. “We need to give our farmers some support in fighting the stupidity.”

Mr. Wills also supported the grant. “No matter what the outcome of the study, the County will have a basis for knowing what’s required of local farmers to help with bay cleanup.”

Mr. Karaffa mentioned that the Environmental Protection Agency (EPA) had said it is in no way obligated to accept new data. “The Federal government is free to thumb its nose at whatever findings Augusta County gets.”

Mr. Shull stated that local government “is at the low end”, compared with the State and Federal government. “There’s less agriculture now than there was 50 years ago. There’s more development since the bay has become polluted. The County isn’t going to change the mind of the EPA.”

Mr. Beyeler said that the two farmers on the Board opposed the study. “A lot of the best practices like fencing near streams, taxpayers are already paying for.”

Chairman Moore said that he would like to see more of a regional approach to the study. “We’d get more respect in terms of the numbers that we present.”

Mr. Wills moved, seconded by Mr. Pattie, that the Board table the request until the County can communicate with the Department of Agriculture and its neighboring localities about a potential study.

Vote was as follows: Yeas: Pattie, Karaffa, Wills, Moore, and Pyles

Nays: Shull and Beyeler

Motion carried.

* * * * *

WAIVERS/VARIANCES – NONE

* * * * *

CONSENT AGENDA

Mr. Karaffa moved, seconded by Mr. Wills, that the Board approve the consent agenda as follows:

MINUTES

Considered minutes of the following meetings:

- Regular Meeting, Wednesday, May 8, 2013

May 22, 2013, at 7:00 p.m.

CONSENT AGENDA (cont'd)

STREET ADDITION

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:

1. Maple Ridge Square

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 **MAPLE RIDGE SQUARE** into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

- Bobby's Way, State Route Number 1291
From: 0.01 miles west of Intersection of Haggerty Lane (Route 1290)
To: 0.01 miles Intersection of Haggerty Lane (Route 1290)
Length: 0.01 miles
- Bobby's Way, State Route Number 1291
From: Intersection of Haggerty Lane (Route 1290)
To: 0.09 miles East of Intersection of Haggerty Lane (Route 1290)
Length: 0.09 miles
- Haggerty Lane, State Route Number 1290
From: Route 250
To: 0.09 miles South of Route 250
Length: 0.09 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, Instrument 120000183, Pages 8162 - 8164, recorded January 9, 2012.

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.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *
(END OF CONSENT AGENDA)
* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pattie – Water Monitoring – “We need correct data. There are no guarantees in government. Time is running out.”

Mr. Wills requested that the Board consider two appointments:

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) – APPOINTMENT

Mr. Wills moved, seconded by Mr. Beyeler, that the Board appoint Fire Chief Carson Holloway, to serve an unexpired 1-year term on the Local Emergency Planning Committee , effective immediately, to expire December 31, 2013

May 22, 2013 at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) – APPOINTMENT (cont'd)

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * *

BLUE RIDGE CRIMINAL JUSTICE BOARD – REAPPOINTMENT

Mr. Wills moved, seconded by Mr. Karaffa, that the Board reappoint Miles C. Bobbitt, to serve another 2-year term on the Blue Ridge Criminal Justice Board to expire June 30, 2015.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * *

Mr. Beyeler: Water Monitoring – Should get an opinion from Federal and State legislators on the grants.

Mr. Shull: “Farmers used to be the majority; now they’re the minority.”

Mr. Karaffa: Water Monitoring – No guarantee on EPA acceptance of data. Good decision to table.

* * * * *

MATTERS TO BE PRESENTED BY STAFF - NONE

* * * * *

CLOSED SESSION

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

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

- A) Reassessment

On motion of Mr. Beyeler, seconded by Mr. Wills, the Board came out of closed Session.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

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

