
Regular Meeting, Wednesday, June 26, 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, June 26, 2013, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 237th year of the Commonwealth....

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Chairman Moore welcomed the citizens present.

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Timmy Fitzgerald, Director of Community Development, led the Pledge of Allegiance.

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

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ORDINANCE AMENDMENT

This being the day and time advertised to consider an ordinance to amend Section 25-4 of the County Zoning Ordinance, Definitions, by adding 3 miniature donkeys to the list of animals that shall be considered equivalent to one animal unit. The Planning Commission recommends approval of the amendment to the Ordinance.

Becky Earhart, Senior Planner, advised that this is a request to amend the Zoning Ordinance definition of Animal Units to add three miniature donkeys to the list. As a reminder, the only place that Animal Units comes into play is in the Rural Residential districts. It has nothing to do with Agricultural districts where there is no limit to the numbers of animals. Limited agriculture is used in Rural Residential districts on lots that are at least 5 acres in size. The intent of this is animals at an intensity that is compatible with residential development, which is the primary use of the property. She noted that the definition of Animal Unit would be 1 head of beef or slaughter cattle, 1 dairy cow, 2 calves less than one year old, 1 buffalo, 2 llamas, 2 alpacas, 1 horse, 3 miniature horses or 3 donkeys, 1 mule, 5 sheep, 5 goats 2 deer, 3 ostriches, or 100 rabbits.

Mr. Karaffa brought it to the Board's attention that "miniature" should be added before donkeys.

The Chairman declared the public hearing open.

Holly D'Lorenzo thanked the Board for its consideration, noting that she had come before the Board earlier regarding this issue. She stated that she "is the proud owner of both miniature donkeys and goats", and further requested that a number of 5 miniature donkeys be considered equivalent to 1 animal unit versus 3. Ms. D'Lorenzo had spoken with VT, various equine centers throughout the State, and vets, and learned that miniature horses require more land than miniature donkeys.

Chairman Moore asked if it would be a problem to change the number to 5. Mr.

ORDINANCE AMENDMENT (cont'd)

Fitzgerald noted that 3 was the recommendation from the Ordinance Committee when discussed.

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

Mr. Beyeler asked the County Attorney if the number could be increased to 5. Patrick J. Morgan, County Attorney, said it could be done because it really was not a density issue.

Mr. Beyeler suggested making a motion to adopt the ordinance with the recommendation of retaining the number at 3 and if we run into a problem, we address it later. Dr. Pattie questioned if another public hearing would be needed. Mr. Beyeler said it would. Dr. Pattie suggested that this issue be tabled tonight until the Board could receive documentation from Virginia Tech.

Mr. Karaffa mentioned that when this was discussed, the purpose of the ordinance and type of environment that it was being allowed in an area that is like a bridge between agricultural and residential was considered. He felt that a lot of people would not know the differences between miniatures and other types of animals. He noted he understood the size and weight argument, but the Committee tried "sticking with what the spirit of this ordinance was and what type of environment we were saying is desired in this type of setting". He suggested keeping the number at 3 in the ordinance.

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Board adopt the ordinance, as presented adding miniature before donkeys.

Mr. Wills felt that the purpose of this ordinance was for any animals in this type of zoning "to be a pet for personal use". "It is not intended to be a business. It is not intended to be a recovery." He felt that allowing 3 met that criteria.

Mr. Shull noted that the ordinance stated 5 goats and 5 sheep and suggested that it should be 5 miniature donkeys because the miniature donkeys are the same size as the goats and sheep.

Mr. Fitzgerald noted that "Animal Unit" meant in the case of having 5 acres, you can have 1 Animal Unit for every acre that you own; therefore, if you own 5 acres, and you went with 5 miniature donkeys; technically, you could have 25 miniature donkeys on that property.

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Board adopt the following ordinance, as advertised, and adding "miniature" before donkeys:

**AN ORDINANCE TO AMEND
SECTION 25-4
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to further define the term, Animal Unit in Augusta County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County Code is amended so that the definition of Animal Unit will read as follows:

25- 4 Animal unit. For the purpose of this chapter the following equal one animal unit: 1 head of beef or slaughter cattle, 1 dairy cow, 2 calves less than one year old, 1 buffalo, 2 llamas, 2 alpacas, 1 horse, 3 miniature horses **or miniature donkeys**, 1 mule, 5 sheep, 5 goats 2 deer, 3 ostriches, or 100 rabbits.

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ORDINANCE AMENDMENT (cont'd)

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

Nays: Shull

Motion carried.

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ORDINANCE AMENDMENT

This being the day and time advertised to consider an ordinance to amend Section 21-9.1 of the County Code, Streets and Street Connections to allow the Board of Supervisors to waive the requirement that all private streets, except for those in cluster subdivisions in General Agriculture districts, be designed to connect to adjacent properties. Such waivers shall only be granted if the Board of Supervisors determines that a waiver shall have no adverse impact on adjacent properties, the traveling public, and the ability to provide emergency services to the development and that the adjacent property shall have at least right in/right out access to state maintained roads. The Planning Commission recommends approval of the amendment with the recommendation that the waiver requests be reviewed by, and a recommendation be made by, the Planning Commission prior to consideration of the waiver by the Board of Supervisors.

Ms. Earhart advised that, currently, the County Subdivision Ordinance requires that all new streets, both public and private, provide interconnection to adjacent properties. Interconnectivity is required to eliminate the need to access existing public streets when making local trips between subdivisions and commercial areas. An example was displayed (Route 250 Corridor in Fishersville). She explained that the idea was that you would not have to go out on to Route 250 if you wanted to go between the business and the residential in that area. It decreases the chance that you would have to make improvements to the public road system. The other reason to provide interconnectivity is the new access management standards that VDOT has; they require a distance between signalized and full intersections. Another example was displayed (Route 254-outside of Route 262) where there are two undeveloped pieces of property. When either one of these properties develop, they will provide access to the other one. In all likelihood, the other property will get a single access, not full access. The ordinance before the Board would add a provision to the existing Code, in the case of private streets only, that a waiver could be granted to the developer. Such waivers shall only be granted if the Board of Supervisors determines:

- That it would not cause or contribute to an unsafe traffic condition
- Safety analysis shows no adverse impact on adjacent properties or the traveling public and retains ability to provide emergency services to the development
- Adjacent property shall have at least right in/right out access to state maintained roads.
- Requires 15 days written notice to abutting property owners.

VDOT would also have to review the waiver request.

The Planning Commission recommended approval of the amendment with the recommendation that the waiver requests be reviewed by, and recommendation be made by, the Planning Commission prior to consideration of the waiver by the Board of Supervisors.

The Chairman declared the public hearing open.

Frank Root, applicant, said that this request is because of the Imperial Townhouse project where private streets are being used. One hundred units are projected with children, and homeowners will maintain the streets. He felt that they should have the

ORDINANCE AMENDMENT (cont'd)

opportunity of having a gated neighborhood if desired. He stated that he would like to have the "tool" to ask for a private street that would not connect to the neighbors' property. The amendment to the ordinance would allow him to come before the Board for consideration.

Chairman Moore felt that this made sense.

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

Mr. Beyeler did not agree with Planning Commission considering the waiver prior to the Board's consideration.

Mr. Karaffa felt if we require those roads to be connected to the adjacent properties, the ordinance does not require those adjacent property owners to join the Home Owners Association and pay for the upkeep of those roads that they could possibly be using.

Mr. Wills asked Mr. Morgan, in the waiver process, would the Board have the ability to specify that the streets could never become public streets.

Mr. Morgan did not feel that the Board has that control because whether or not they become public streets, would be up to VDOT. The process of becoming a public street would be fairly expensive to those on private streets. For example, many of the private streets have the utilities running under the street and they would have to be removed before VDOT would accept them. If they were not up to current VDOT standards, they would have to be improved to that level.

Mr. Wills' concern on the waiver was the fact that once the waiver is granted, and the roads, as required by the current Ordinance, are built to VDOT standards, with the exception of where the utilities could be placed and access to adjacent properties, what happens "If somebody goes in and builds a subdivision, puts the utilities along side the private road but gets a waiver and does not provide access. Once the developer leaves, nothing is to prevent those home owners from coming in, saying their roads are up to standards, I want a public street. I will oppose this until such time that this Board has the ability to keep those streets private. Once it becomes a public street, it should provide access to the adjacent property."

Mr. Pyles stated that the Board routinely votes to accept roads into the public system. He asked the County Attorney if that was something that "we had no real say in. If we were to vote it down, would it still be a public road?" Mr. Morgan said that would depend on if it were a part of the subdivision plat and became a magisterial act, which could be enforced in court. If it was a gravel road that has been somewhere for many years, he felt that the Board could have its concerns and vote against it. Mr. Pyles understood Mr. Wills' reservations, but he did not feel that he could say to a future Board that they cannot accept, by their own standards, it into the system. He noted that subdivisions have gone in by Family Exception. He said that he has a recent request and said he would not accept it. "I don't think we can put handcuffs on future Boards. If four members agree to do it, that is the way the system is supposed to work."

Mr. Beyeler agreed with Mr. Pyles. "One Board can't regulate a future Board. This isn't something that is going to come up very often. This does not landlock somebody. When this comes up, it will take four members to grant a waiver."

Mr. Karaffa understood Mr. Wills' concern but felt that the Board had the ability to look at the waiver with discretion.

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Board adopt the following ordinance:

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ORDINANCE AMENDMENT (cont'd)

**AN ORDINANCE TO AMEND
SECTION 21-9.1
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to provide for waivers for the requirement that private streets be connected to public streets on property abutting developments with private streets in Augusta County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 21-9.1 of the Augusta County Code is amended as follows:

§ 21-9.1. Streets and Street Connections.

A. Unless otherwise provided herein, new public or private streets, except private streets in General Agriculture (GA) Districts, alleys and interparcel travelways, created to serve the lots, tracts or parcels in any subdivision shall be designed and constructed in accordance with standards and procedures of the current Virginia Department of Transportation subdivision street requirements for addition into the secondary system of state highways. In addition, the following minimum design standards shall apply:

1. Temporary turnarounds. Provisions shall be made for a temporary turnaround where streets terminate at property boundaries if required by the standards of the Virginia Department of Transportation.

2. Angle of street intersections. Street intersections shall be as near ninety degrees as possible.

3. Lining up of streets. When possible, all streets and alleys shall line up with existing opposite state highways and city or subdivision streets.

4. Cul-de-sacs. Dead-end streets shall be provided with a turnaround if required by the standards of the Virginia Department of Transportation.

5. Curbs and gutters. Curbs and gutters in accordance with the standards of the Virginia Department of Transportation shall be provided where new streets are extensions of, or intersect or connect with, existing streets with curbs and gutters or where the subdivision adjoins a subdivision where the streets have curbs and gutters.

6. Pavement. Except for cluster subdivisions in General Agriculture (GA) Districts, the surfaces of all streets shall be paved with a minimum of two inches (2") of bituminous concrete as specified and approved by the Virginia Department of Transportation.

B. Except for and cluster subdivisions in General Agriculture (GA) Districts, street layout ~~shall~~ **should** be designed to provide adequate access to adjacent property.

1. Where such adjacent property is a subdivision which is the subject of an approved master plan, preliminary plat or final plat, or such adjacent property is the subject of an approved site plan, the street layout ~~shall~~ **should** be coordinated with existing or planned streets or access points, as shown on such approved master plan, preliminary plat, final plat or site plan, to facilitate street connections between developments.

2. Where such adjacent property is not a subdivision or other development, but is located in an area designated in the Comprehensive Plan as Urban Service Area **or** Community Development Area, ~~or where otherwise required by the subdivision agent~~, the street layout should provide for the extension of streets to the subdivision boundary to facilitate the continuity of possible adjacent development.

3. Exceptions to this requirement may be granted by the Director if he finds that the required connection is not feasible due to the presence of limiting features such as existing development patterns, railroads, limited access highways, streams or rivers, or in the case of extreme topographic differences.

4. For private streets developed under the provisions of section 21-11 of this ordinance, the requirements above may be waived by the Board of Supervisors, as provided below.

a. Prior to considering a request to modify or waive, fifteen (15) days written notice shall be provided to the owner of each abutting property from the property which is the subject of the request. The written notice shall identify the nature of the request and the date and time the board of supervisors will consider the request.

b. A waiver may be granted by the board of supervisors after review by, and recommendation from, the Department of Transportation and upon finding that granting the waiver would not cause or contribute to an unsafe traffic condition.

ORDINANCE AMENDMENT (cont'd)

c. A safety analysis, performed by a transportation planner or engineer or other professional qualified to perform such analyses, which indicates that the road layout without the interconnection to adjacent properties results in no adverse impact on adjacent properties, the traveling public, and the ability to provide emergency services to the development, shall be submitted with the waiver request. Such analysis shall be considered by the Board of Supervisors in determining whether to require interconnection or to grant a waiver.

d. No waiver may be granted if, by the granting of said waiver, any other provision of this chapter or the zoning ordinance would be violated, including specifically the requirement for two points of access required by this section.

e. No waiver may be granted unless it is shown by the developer, in consultation with the Virginia Department of Transportation, that the adjoining property owner of undeveloped property can be granted at least a right in, right out access to his or her property independent of the property subject of the waiver request.

C. In any zoning district except General Agriculture (GA), no new lots may directly access existing public streets designated as arterial or collector streets as defined by the Virginia Department of Transportation. Instead, access must be provided from an existing entrance location or a new or existing public or private street. Lots created in residentially zoned subdivisions must access a subdivision street or an internal road system.

D. A single street connection may not serve more than 100 dwelling units. When more than 100 dwelling units are to be served, at least one additional street connection shall be provided. Where such additional connection is not feasible, a boulevard entrance, with ingress and egress lanes separated by at least a four (4) ft median, shall be provided and connections to the boulevard entrance may not serve more than 100 dwelling units each and the boulevard entrance may not serve more than 200 dwelling units in total. Financial considerations, standing alone, shall not be deemed sufficient to render an additional connection not feasible.

E. No changes to facilities designed and constructed in accordance with this section shall be made without the prior written approval of the subdivision agent.

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

Nays: Wills

Motion carried.

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ORDINANCE AMENDMENT

This being the day and time advertised to consider an ordinance to amend Section 11-23 of the County Code by deleting the requirements that new street address numbers be obtained before the issuance of a building permit and that temporary address numbers be displayed while new structures are under construction. The requirement to post address numbers prior to issuance of a Certificate of Occupancy shall remain.

Ms. Earhart advised that this ordinance is to amend Section 11-23 of the County Code which deals with addressing structures. With our new computerization and G.P.S. technology, they go out and gps the addresses once the house has been started and the current requirements are that you have to post the address before the building permit is issued. Therefore, the Code needs to be updated stating that, prior to the Occupancy Permit being issued, the address must be posted.

The Chairman declared the public hearing open.

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

June 26, 2013, at 7:00 p.m.

ORDINANCE AMENDMENT

Mr. Karaffa moved, seconded by Mr. Shull, that the Board adopt the following ordinance:

**AN ORDINANCE TO AMEND
SECTION 11-23
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the display of street address numbers in Augusta County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 11-23 of the Augusta County Code is amended to read as follows:

§ 11-23. Address number required for ~~building permit~~ certificate of occupancy.

~~A. No building permit shall be issued for any addressable building until the owner or developer has obtained the address number from the Community Development Department.~~

~~B. The address number shall be temporarily displayed for the structure under construction prior to the first building inspection in a manner that is easily readable from the public or private street. This temporary display shall remain in place until permanent display is established in accordance with the rules and procedures of this article.~~

~~C. No Certificate of Occupancy shall be issued until the address number has been properly displayed in accordance with the rules and regulations of this article~~

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Chuck Vailes asked that Sanger Lane (Route 794) be considered for future funding on the Six-Year Plan under the Rural Rustic Roads program. He noted that there were 18 households with 48 members; he has contacted 11 who are in favor of the program. He added that, whenever, there is a rain, there are major drainage problems and ruts that cause flat tires. In dry weather, there is dust that reduces visibility. He said that it is approximately 2.3 miles.

Chairman Moore mentioned to Mr. Vailes that there are some requirements to meet the Rural Rustic Roads program.

Mr. Pyles asked about the people who were not in favor of the improvement. Mr. Vailes said that one person supported paving Barren Ridge Road along her road in order to get fencing but opposed to the Rural Rustic Roads. Mr. Pyles emphasized that, generally, 100% needed to support the program because it has to do with right-of-ways and the County did not want to get into court situations. He said it was not the Board's policy to "force" something on people.

Chairman Moore further explained that it was more than a treatment of the surface.

Marian Ward said that she chose the road because of the "rural nature of it" and opposed the request because she felt that, with the improvements, the road would be traveled more at a higher speed causing more accidents.

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VDOT SIX-YEAR PLAN

The Board considered proposed secondary road construction improvement program for the state secondary system of highways for six-year period from July 1, 2013 through June 30, 2019, and Fiscal Year 2013-14 construction budget.

Patrick J. Coffield, County Administrator, said that VDOT asks the Board to look at its Six-Year plan each year to make revisions if desired. Sometimes projects are added, deleted or modified. There was some extra money added in the outed years. Projects that were advertised are not fully funded. He added that there are several options for the Board to consider:

1. May refer to VDOT for maintenance of those particular projects that possibly do not have the required vehicles per day (minimum of 50).
2. Could reallocate funds from an existing road project.
3. Could allocate funding through Revenue Sharing, which the State matches 50/50.
4. Consider funding that has been brought forth from closed-out projects that were built under the original estimate. Currently, there is over \$5 million in that account.

It has been brought before the Board to consider three options:

1. Status quo – Continue practice of allowing Board members to reallocate within their own Magisterial Districts.
2. Reallocate - Pool available funding and redistribute/reallocate to move closely equalize funding between Magisterial Districts.
3. Prioritizing Projects – Pool available funding and identify projects of countywide significance such as Route 636 project.

Mr. Coffield suggested that the Board approve the Six-Year Plan as presented. He added that if the Board wishes to make a decision tonight regarding the allocation funding from closed out accounts, that could be done, or it could be discussed at the next Staff Briefing (July 22nd).

Mr. Wills moved, seconded by Mr. Pattie, that the Board approve the VDOT Six-Year Plan, as advertised.

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

Nays: None

Motion carried.

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VDOT SIX-YEAR PLAN (cont'd)

Chairman Moore made the following comment:

The requests that are not on the Six-Year Plan and brought up at the Work Session could possibly be funded through Revenue Sharing or through the reallocation of funds from closed out accounts. We have about \$5 million that is on projects that have been either re-prioritized or have been closed out. I think staff has given direction us three options to consider.

Mr. Beyeler made the following comment:

Everybody wants their road done. All districts have roads. If you look at where the money has been spent, it is not equal.

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VDOT SIX-YEAR PLAN (cont'd)

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Board approve equalizing the money before any project is decided upon.

Chairman Moore clarified the motion to equalize the \$5,629,607, which is available.

Mr. Pattie asked if Mr. Coffield had taken into account the Fishersville changes that were authorized at the Staff Briefing.

Mr. Coffield's comments:

The staff report was done in September of 2012. You heard Monday that the General Assembly has recently approved \$5 million in Revenue Sharing for Route 636. Out of the \$13 million cost, \$3 million is already part of the formula; the remaining \$10 million is not.

Mr. Karaffa made the following comment:

I agree with what Dave was saying is why I seconded the motion. I think each Supervisor knows their district and we have projects within our district that need to move forward and that is where it should begin.

Mr. Beyeler's comments:

One reason it is not equal is some projects cost a lot of money. If those projects are done, it threw them out of whack. But shouldn't everybody else start after that project, it should start halfway equal because, as we on the eastern side of the County knows, when you go to build a road, it usually costs more money than it does out in more rural areas because of right-of-way and everything else. If we're going to treat everybody equally, you know, again, one road project can throw it out, but it needs to be equalized.

Chairman Moore's comments:

As background for the public, a point that Mr. Pyles made on Monday at the Work Session, which is sort of what drives this whole thing, is we used to get like \$5 or \$6 million a year for road projects. The Board's thought was that they would equalize funding by Magisterial Districts. When you have that amount of money, it is easier to equalize between the districts. In the last few years, we're down to \$250,000. It is very difficult to equalize a large sum of money when the amount of money that you are getting is considerably less.

Mr. Pattie's comments:

Clearly, everyone knows my position on this. Of the \$5 million, \$2.5 million is coming out of the North River District accounts. We saw the gentleman here who has the last Fishersville road that is unpaved. I have 45 unpaved roads in my district. I have miles and miles of unpaved roads. The roads we do have, most of those are Rural Rustic, and we have more miles than a lot of the other districts so this equalization thing . . . we have the greatest need for road and building and some of the money that we are spending that is off the top of the budget, we put a number of firefighters in Wayne District at Company 101 and, in my whole district, we have 2 paid positions. There is a lot of need that we have and one of the things that my citizens want the most is simply roads.

Mr. Wills' comments:

I would note that one of the projects that you are talking about, particularly the one in my district, that you're talking about throwing into the analysis, is a Revenue Sharing project in which I put half the money in. The only reason that project was funded was because nobody else would ask for Revenue Sharing money that was available to us. To utilize dollars that other supervisors weren't willing to put their own dollars out for, I have trouble with that one being part of the formula for reallocation.

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VDOT SIX-YEAR PLAN (cont'd)

Mr. Coffield's comments:

I wouldn't take the half of the money from the infrastructure. I would only use the VDOT money that is part of the pot.

Mr. Wills' comments:

Revenue Sharing is not part of that pot.

Mr. Coffield's comments:

In the past year, Revenue Sharing funds have been used for part of that.

Mr. Wills' comments:

But the money that came back, is that Revenue Sharing money?

Chairman Moore's comments:

What they're talking about here is funds that are already allocated in the Secondary Road System.

Mr. Wills' comments:

Very few of that was actually Revenue Sharing dollars.

Mr. Coffield and Chairman Moore said some of it was Revenue Sharing money.

Mr. Pyles' comments:

I am generally supportive of this. I recognize what Dr. Pattie is speaking of. I kind of come from the position I know people like to talk about, 'I got this and you don't have that and I've got this much money coming in and you don't have that'. We all have approximately the same number of people and I think people are who we serve. While Fishersville is only this big, and North River is this big; you still have your concentration there. Your roads need to be 4 wide; ours 1 wide. We don't want just to be on car mileage. That is how we get hurt at the State level. Just look at the siphoning of money that goes to Fairfax and those areas. If there was a need based upon some other things, mileage and things like that, we would get nothing, but, of course, we're getting nothing, now. I mean, really, \$250,000 hardly does a driveway. But it is very difficult to make all things equal. I didn't think over the years the infrastructure account has allowed that to take place because the needs that Mr. Beyeler has are not the needs that I have. I've got a big vast area, I need to have a couple of parks. He can have one park. Some people can do things differently. I do hope, with our next budget, that it is possible we could reinstate infrastructure funding and I would like to see the road money put into that, but I would agree with Mr. Wills if you're putting up money that the County wouldn't get otherwise from the State. That has been the history of North River. That's what Mr. Howdysshell did for years. Put up additional amounts of money of infrastructure to get money back from the State that you wouldn't get otherwise. Sometimes there are things that each of us do with infrastructure money that are leverage, whether it be Fort Defiance or something else, it is leverage and that is a choice that you make. To me, the money that comes back, outside of Revenue Sharing, is divided equally. The stuff where you put up money to get money from your infrastructure account, that shouldn't go against the equalization because we wouldn't have had that money otherwise. I think that is a different way to look at it. I would like, maybe, that we table this and look at it to see what it would be if the Board deleted the Infrastructure contributions from analysis. There is a general pot of revenue that went out and should have been equally divided, and then there was this other pot that people put up extra. If they leveraged money to come back, that shouldn't go against the other general pot because they put for that instead of water and sewer or something like that. We all want to reach fairness and it is not easy to do, but I think, maybe, what Mr. Wills is saying and I think if Dr. Pattie looked into his memory, he might see that that makes it fair for him, too. I would like to see something like that. It is difficult to make everything fair. I would like to move that we table this and get some other numbers and everybody look at it and see if they can see a fair way to do this. Let's recognize, also, that whatever we do this year, we are going to have to do it in coming years.

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VDOT SIX-YEAR PLAN (cont'd)

Mr. Pyles moved, seconded by Mr. Pattie, that the Board table this item to July 22nd where staff can provide some information to review to determine a fair way to equalize.

Chairman Moore suggested that staff evaluate the current Secondary Road funds that have had Revenue Sharing funds used.

The Board said this should include all Revenue Sharing with Infrastructure Account contributions.

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

Nays: None

Motion carried.

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PARKS AND RECREATION – FORT DEFIANCE HIGH SCHOOL

The Board considered (A) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$15,217 to Fort Defiance Sportsman Club for a stadium renovation project, which includes the replacement of the field/turf with a Bermuda grass surface and installation of a new drainage system along both sides of the playing surface/field; and (B) approval of grant agreement (North River District).

Funding Sources:

North River Recreation Account	#80000-8023-36	\$5,073
Beverley Manor Recreation Account	#80000-8021-48	\$5,072
Middle River Recreation Account	#80000-8022-47	\$5,072

Andy Wells, Director of Parks and Recreation, advised that this had been discussed at Monday's Staff Briefing and was available to answer questions.

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

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

Nays: None

Motion carried.

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Mr. Karaffa moved, seconded by Mr. Pattie, that the Board approve that in future projects coming from the Parks and Recreation Commission, that the Commissioner from that respective District inform the respective Supervisor before coming before the Board for consideration.

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

Nays: None

Motion carried.

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OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVAL

The Board considered request for programming Outdoor Musical Festival Permit for Black Bear Productions, LLC, at Natural Chimneys on July 12, 13, 14, 2013 (North River District).

OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVAL

Mr. Wells reported that this had been discussed at Monday’s Staff Briefing. Messrs. Jeremiah Jenkins and Michael Weaver were present to answer any questions that the Board may have. He reiterated that they have met every expectation put before them. “They go above and beyond of what is included in the Musical Festival Application for a permit. They have laid the groundwork in the planning. So I expect them to meet the expectations that they obviously won’t be able to meet until that time comes.”

Chairman Moore asked them to give an overview of what their plans are for the benefit of the public.

Jeremiah Jenkins stated that they have been working on the project for approximately 18 months. Their goal is to produce a roots music festival, which highlights bluegrass music, folk music, blues music and other forms of Americana music, especially, Appalachian. They have a span of bands from the National high-lining bands to many local bands from Augusta and Rockingham County. They are also featuring children’s programming with workshops and family dances and other art activities; and outdoor recreations such as a hike to Little Bald Knob and bike rides lead by the Shenandoah Valley Bicycle Coalition. Their goal is to “try to attract people to this beautiful park and this beautiful corner of Augusta County and the Shenandoah Valley so that we can celebrate family and community together”.

Mr. Pyles has received concerns of drinking and driving and asked about security control. Mr. Jenkins said that an Emergency Action Plan has been created; they have met with the Sheriff’s Department and taken on their advice. They are hiring a private security firm (95 volunteers) and paid staff. Virginia State Police will assist in traffic control. The Sheriff’s Department will provide officers if available. Sheriff Fisher has indicated that the manner this is being addressed is sufficient. As far as managing alcohol, there will be ABC Managers distributing alcohol, who recognize how to control the environment.

Chairman Moore noted that this event is limited to 3,000 attendees.

Mr. Pattie moved, seconded by Mr. Shull, that the Board approve the permit.

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

Nays: None

Motion carried.

* * * * *

CAPITAL/INFRASTRUCTURE FUND BALANCE UPDATE

The Board considered Additions/Deletions to Accounts.

Jennifer M. Whetzel, Director of Finance, reported that the Board was provided a list of all the possible additions or deletions to committed accounts within the fund balance at Monday’s Staff Briefing. The two additions would be the year-end fund balance carried over for the School Board and for Social Services and Comprehensive Services Act Funds. These actual figures will be known after June 30th when the annual presentation is given to the Board in July or August and those amounts will be recorded. Infrastructure accounts that have projects that were either terminated or completed, those balances will be added back to the respective district’s account and will no longer be committed in fund balance. There are also a few balances related to the Water and Sewer Project Capital Account for projects for projects that are four or five years old and can be uncommitted.

June 26, 2013, at 7:00 p.m.

CAPITAL/INFRASTRUCTURE FUND BALANCE UPDATE (cont'd)

Mr. Karaffa stated that, before he was appointed to the Board, he sat in the audience questioning the purpose of the infrastructure accounts. At first, he was highly critical. Since he was elected to the Board, he has learned "how vital they are in getting things done, especially, projects where there are water and sewer extensions. These monies exist so that Supervisors, who have been elected by the people of that district, can recognize projects that will make their area better. These monies are not just sitting there to be done with as we please. They fix a lot of problems without a lot of red tape."

Mr. Wills mentioned that what is actually being done tonight is funds that have not been spent on projects and to commend staff on how well they keep track of the dollars. "These infrastructure accounts are very tightly managed."

Mr. Beyeler moved, seconded by Mr. Pyles, that the Board approve the additions/deletions to accounts.

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

Nays: None

Motion carried.

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DEERFIELD TOWER

The Board considered award of contract for placement of tower for public safety equipment.

Ms. Whetzel reported that a presentation on the Deerfield Tower and how it is related to the narrowbanding project in the County was given at Monday's Staff Briefing. Included in the Agenda Package was a memorandum summarizing the procurement process and the field-testing process for this particular tower. There was also a sample lease provided by Global Tower Partners (GTP). There are two items that need to be considered tonight:

1. Award of the procurement to Global Tower Partners to construct a tower in Deerfield. This would be based on specifications provided in the Request for Proposal; and Global's proposal to the County for the construction phase. If approved, the Finance Department will send a Notice of Award to that particular vender to begin that phase of the project.
2. Approve a lease with Global Tower Partners to lease space on the tower. The lease is specific to co-locating on the tower that GTP will own once it is built. It would be a similar lease that they would have with Verizon, nTelos, or any other carrier that would come in. The initial offer was given to the Board on Monday. Since then, they have concluded having a 15-year term, with four optional 5-year renewals at a price of \$3,400 per month rent (which will be paid out of the ECC Center Operational Budget); a 3% annual escalator; and \$250 a month reduction for any major carriers that are added (such as Verizon, nTelos, AT&T, etc.). She explained that would be \$250 per carrier; therefore, the more carriers on the tower, the better the rent would be. The County would convey a capital contribution of \$100,000 upon substantial completion of the tower construction. The County and Global Tower attorneys agreed to language, within discussion regarding appropriation, and they would address any changes to the lease due to final terms agreed upon. The lease amount would be in the annual budget and the one-time contribution would be funded from ECC's Capital Budget (#70-80000-8058).

June 26, 2013 at 7:00 p.m.

DEERFIELD TOWER (cont'd)

Mr. Pyles asked if, at the end of 15 years, does the County have the option of termination. Ms. Whetzel responded they did. She said that there could be a termination within the 15 years, also.

Mr. Karaffa asked what the cost would be to build a tower. Ms. Whetzel said it would be similar in cost for what the County will be paying for the lease on the tower. The biggest issues would be maintenance. She noted that the road going into the tower would be maintained by Global Towers; they will maintain the generator and other items needed for the tower. He noted that Mr. Pattie had planned on putting internet access in that area and questioned the "price tag for a tower". Ms. Whetzel said that once it is built anybody that wishes to do business with Global Tower Partners could maintain a lease. If it is a small provider that wants to put antennas on there to provide broadband, that would be possible; if it is a larger carrier, than that would be possible, also.

Chairman Moore reiterated that the County would get a reduction in their monthly payment of \$250 for each connection.

Mr. Beyeler agreed with Mr. Karaffa. "We're talking about \$100,000; and we're talking about \$40,800 for the first year. If we keep it for 15 years, with a 3% escalator in there, you're talking about a lot of money! It's their option whether or not they rent, not our option. We have no control over the \$250 deduction. That would be their option." He agreed that it was needed for Fire and Rescue, but questioned if the County needed its own tower.

Mr. Karaffa said that in the first 15 years, it was going to be approximately \$750,000.

Mr. Beyeler said that he worked with a tower company for two or three years and agreed that the towers were expensive, "but not that expensive".

Mr. Shull, in the tower study, questioned if the tower was in close proximity to any of the towers that was in that study.

Mr. Fitzgerald said that this tower was on the site that is actually in the study.

Ms. Whetzel said that one thing to be considered, if the County owned its own tower, they would not own the property that the tower sat on. "We would end up paying a lease, or an easement cost, depending on how many property owners there are, to that property owner just to have the tower on that site. That's one thing that is not easily visible in this."

Mr. Shull asked if they could get a study, or price, on what it would cost to do a tower so that they could determine which would be the best procedure.

Ms. Whetzel said that the ECC consultant did a rough calculation of approximately \$756,000, plus whatever would be paid to annually lease the property from the property owners.

Mr. Pyles said that the issue with the lease is that Global Towers would want to rent it out. "It's the value of the tower that can generate the synergy that allows other companies to come out there. They couldn't generate \$750,000 with revenue, maybe, from the 300 people that live out in Deerfield in the same timeframe if they had to build the tower but they could just rent the spot. I'm not one to say we shouldn't investigate further, but I will tell you that it has been investigated to look at the pros and cons. With this it is fairly clear what's out there and they have to keep it up for us. We've got one waiver to delay so we were up against a very tight timeframe. I don't know how long these things will last. The option to terminate, to me, is important because we don't know what the next technology is going to be."

June 26, 2013, at 7:00 p.m.

DEERFIELD TOWER (cont'd)

Mr. Beyeler did not feel that \$250 reduction was a great reduction out of \$3,400. Chairman Moore said that if the price is the same, the County would be "fronting that money all up front. You're going to spend three-quarters million dollars to put the tower up to be able to pay where this is annualized over 15 years."

Mr. Pattie said, "Unless we have the cash, we're going to have pay interest. So it's going to be more like \$1.5 million for us to build it. The other issue is, over the years, the price of maintaining this is going to go up because the equipment is going to get old and we're going to have to replace it and there is going to be a lot of issues with maintaining the road. The other issue I'm struggling with is that we talked about not competing with private enterprise. I don't think the core function of a government is to be the telecommunication business. Are we really talking about us as a County building all these towers and then renting them out as a profitable business?"

Mr. Beyeler said, "No, but I don't like to be robbed, either."

Mr. Pattie stated that this is what airlines do with airplanes.

Mr. Beyeler asked Ms. Whetzel what the County is paying for the tower at the Government Center. Ms. Whetzel said that the County owns the property, but does not own the tower, and is paying \$1,200 per month for their piece of equipment to be on that tower.

Mr. Coffield said, "Ten years ago, nTelos was putting up towers. Verizon was putting up towers. AT&T, Nextel, CellOne; everybody was putting up individual towers but the industry has changed. We've seen it through the Board of Zoning Appeals. The industries found that putting up their own tower wasn't the most cost-effective. That's why nTelos doesn't build them, nor Verizon. That's why I think the industry is going in this direction. These people can erect them. They can run them and that is the direction. I would think, for a 15-year period, we're not in the business of selling space or towers, manage properties or ownership. If we had to think of adding five exclusive ECC-related facilities, yes, but it looks like the industry has switched to these national companies owning the towers as being the most cost-effective way of solving these issues."

Mr. Shull asked if we were the first to lease on this tower. Ms. Whetzel said yes. He asked how many options were there to lease space out on this tower. Ms. Whetzel said we were not at the very top of the tower, which would be the highest valued. According to the consultant, there are three other blocks that would go at the very top above the County's equipment.

Mr. Coffield said that this location was remote. Verizon has told them that they were planning on building the tower. What has happened with Verizon, they have put their capital money into improving their core business 4G.

Mr. Wills moved, seconded by Mr. Pyles, that the Board approve the award to Global Tower Partners.

Vote was as follows: Yeas: Pattie, Karaffa, Wills, Moore and Pyles
 Nays: None
 Abstained: Shull and Beyeler

Motion carried.

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Mr. Pyles moved, seconded by Mr. Karaffa, that the Board approve the lease for Global Tower Partners.

Mr. Beyeler asked what the earliest date was to cancel the lease.

June 26, 2013 at 7:00 p.m.

DEERFIELD TOWER (cont'd)

Mr. Morgan said that all of the provisions say that the rent is subject to appropriation of the Board of Supervisors. "Under the State Constitution, one Board could not bind another one to a particular concrete appropriation. Theoretically, if the Board decided not to appropriate the money, the contract could be cancelled at any time. I wouldn't advise that, but it is legally possible."

Mr. Beyeler understood that, but questioned if there would possibly be another reason to cancel. Ms. Whetzel read: "Following the Commencement Date and provided that no Event of Default exists at the time of issuance of Licensee's written notice, this Agreement may be terminated by Licensee upon thirty (30) days prior written notice in the event that the Licensee is unable to obtain or maintain, through no fault of its own, any Governmental Approval that is necessary for the construction or operation of the Facilities."

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

Nays: None

Abstained: Shull and Beyeler

Motion carried.

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WAIVERS/VARIANCES – NONE

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CONSENT AGENDA

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

SHERIFF'S DEPARTMENT GRANT

Considered submittal of grant request for purchase of "in car" camera systems for patrol units.

NORTH RIVER AGRICULTURAL FORESTAL DISTRICT RENEWAL

Considered conveyance of easement to address emergency access between residential developments.

CANCELLATION OF BOARD MEETING

Adopt the following resolution regarding cancellation of the July 10th Board meeting:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, by resolution adopted at its organizational meeting on January 2, 2013, the Board of Supervisors of Augusta County, Virginia established a schedule for its meetings during 2013.

WHEREAS, pursuant to the established schedule, the Board of Supervisors is scheduled to conduct a regular meeting on Wednesday, July 10, 2013, at 7:00 p.m.

WHEREAS, the Board of Supervisors desires to cancel its scheduled regular briefing meeting.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that its regular meeting scheduled on Wednesday, July 10, 2013, at 7:00 p.m. be, and hereby is, cancelled.

June 26, 2013, at 7:00 p.m.

CONSENT AGENDA (cont'd)
CANCELLATION OF BOARD MEETING (cont'd)

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

Nays: None

Motion carried.

* * * * *
(END OF CONSENT AGENDA)
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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pattie: USGS Grant – Water Monitoring – EPA Letter indicating that water monitored data would be accepted was distributed to the Board. It was the Board’s consensus to place on July Staff Briefing (July 22nd).

Mr. Wills:

1. NANCY C. MARSHALL – RESOLUTION

Mr. Wills moved, seconded by Mr. Pyles, that the Board adopt the following resolution:

RESOLUTION

WHEREAS, Nancy C. Marshall has spent 30 years serving the citizens of Augusta County in her capacity as Legal Assistant; and

WHEREAS, Nancy C. Marshall has played an important role in many of the significant legal projects that have been undertaken during the last 30 years; and

WHEREAS, a partial list of those projects include Annexation suits with Staunton and Waynesboro; expansion of Regional Department of Social Services; creation of Regional Jail; creation of the Regional Landfill; creation of Regional Animal Shelter; and codification and update of the Augusta County Code to highlight a few; and

WHEREAS, Nancy C. Marshall, since 2000, has served as Secretary to the County’s Industrial Development Authority and most recently Secretary of Economic Development Authority; and

WHEREAS, Nancy C. Marshall has served three County Attorneys; the County’s Economic Development Director; and IDA/EDA with distinction who have benefited immensely from her professionalism and commitment to the citizens of Augusta County; and

WHEREAS, her peers in local government have the utmost respect and admiration for her local government knowledge and paralegal abilities; and

NOW, THEREFORE, BE IT RESOLVED, that the Augusta County Board of Supervisors, by their regular meeting in session on June 26, 2013 hereby wishes to recognize Nancy C. Marshall’s 30 years of service to the County of Augusta.

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors wishes Nancy C. Marshall a long and healthy retirement.

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

Nays: None

Motion carried.

June 26, 2013 at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
NANCY C. MARSHALL – RESOLUTION (cont'd)

Mr. Karaffa made the following comment:

I think it's important that we do these things for our employees. It is also important to note that, as a Legal Assistant, I've been on this Board for almost two years and served on the Property Committee and doing things with Economic Development, and there has been more than once that she has been able to set me straight on things that I was confused about. She deserves a lot of credit, as do all of our staff, for the hard work, the diligence that they put in, and the patience with each and every one of us when we need to understand something better.

Mr. Beyeler made the following comment:

You all make fun of my time and my age. I was here when she came and she was Ed Plunkett's secretary at Stuarts Draft. During annexation, when Ed came on full-time for the County, he said that he needed her to come with him, and she came with him. And she kept Ed Plunkett straight more than once. Nancy has been a real good employee, but that is why she started here because she was Ed Plunkett's personal secretary. If you know anything about Nancy, Nancy knows a lot about a lot of different things, as Mr. Morgan knows. Mr. Morgan may have some comments.

Mr. Pyles made the following comment:

Ed went full-time on my first term on the Board. It seemed like, you know, we were going from a half-time position to two full-time. Maybe, I had my questions as to Ed having a salary that was pretty good and then he had to have this assistant that was pretty high. I didn't know her from anybody, but I think we got the better deal with her. But the test is going to come is whether or not Mr. Morgan flounders or not in the next year or two, we might have to have another resolution to ask her to come back. She has done a great job and has been an asset to the County and earned every penny.

Chairman Moore made the following comment:

I, personally, have worked with Nancy on a number of things and she has really been a joy to work with.

Mr. Morgan made the following comment:

When you go from one county to another, as I have on more than one occasion, you find that each county has their own unique way of doing things and that, for example, here the Board of Zoning Appeals does most of the Special Use Permits, and it is the first time I've worked for the County that did that, but there were a lot of policies and things that I needed to get up to speed on, and I think Nancy really helped me make the transition from where I was to here without any real difficulty at all. I think it was a very smooth transition. There are so many times when we looked to her for things that were done at Ed Plunkett's time and sometimes she finds files that were twenty years old. Where she finds them, I have no idea, but she knows where they are! She has been a very strong right-arm. Most of the success with this office has been that we have been able to be a tremendous team together and she will sorely be missed.

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2. BLUE RIDGE CRIMINAL JUSTICE BOARD – APPOINTMENT

Mr. Wills moved, seconded by Mr. Karaffa, that the Board appoint Christa Pierpoint to serve a 2-year term on the Blue Ridge Criminal Justice Board, effective July 1, 2013, to expire June 30, 2015.

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

Nays: None

Motion carried.

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June 26, 2013, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

3. YOUTH COMMISSION – REAPPOINTMENT

Mr. Wills moved, seconded by Mr. Karaffa, that the Board reappoint Erin Stabel to serve another 3-year term on the Youth Commission, effective July 1, 2013, to expire June 30, 2016.

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

Nays: None

Motion carried.

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4. SHENANDOAH VALLEY WORKFORCE INVESTMENT BOARD – APPOINTMENT

Mr. Wills moved, seconded by Mr. Beyeler, that the Board appoint Charlease R. Deathridge to serve a 4-year term on the Shenandoah Valley Workforce Investment Board, effective July 1, 2013, to expire June 30, 2017.

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

Nays: None

Motion carried.

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5. Landuse Report – Tax reduction on land use in Augusta County in 2013 amounted to \$7,139,574 (assessed value \$8,429,185). “Essentially, farmland paid \$1,289,611. If you put it into perspective, that would amount to 9¢ on our tax rate. We do encourage agriculture in Augusta County.”

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MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Beyeler: ECC Automatic Siren Tones – automatically toning out in certain areas. All Fire and Rescue have pagers they communicate with. Most do not have Station sirens. Verona does set off tones. ECC has been toning these out for some companies. If they no longer tone Station sirens out, it will free up space for other needs.

Mr. Beyeler moved, seconded by Mr. Shull, that the Board approve, as of July 1, 2013, ECC not tone out Station sirens from the Government Center and that individual Companies will be responsible for manually setting off in the future.

Mr. Wills noted that the Volunteer Companies could continue to tone their Station sirens, if they desired, at their stations.

Chairman Moore asked if the Emergency Committee approved. Mr. Wills said they did not have any problem with it as long as it was left up to the individual station to manually tone in the future.

Mr. Karaffa hoped that the process would continue as it has always been done. “If the system is not broken, why fix it?” He felt that if there were a problem in a certain community, that that particular Supervisor would address the issue.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
ECC Automatic Siren Tones (cont'd)

Chairman Moore clarified that the motion concerns the automatic toning; that each one of the Companies will still be able to activate the siren, but they will not be automatically be toned by ECC.

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

Nays: Karaffa

Motion carried.

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Mr. Karaffa: EVOG Training – Passed training! Commended staff for excellent training.

Chairman Moore: July 10th Board Meeting Cancellation Resolution approved (noted under Consent Agenda).

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MATTERS TO BE PRESENTED BY STAFF - NONE

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CLOSED SESSION

On motion of Mr. Wills, seconded by Mr. Beyeler, 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) Fire and Rescue

On motion of Mr. Pyles, seconded by Mr. Beyeler, 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
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.

June 26, 2013, at 7:00 p.m.

CLOSED SESSION (cont'd)

Roll Call Vote was as follows:

AYE: Pattie, Wills, Moore, Shull, Karaffa, Beyeler and Pyles
NAY: None

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, Mr. Karaffa moved, seconded by Mr. Wills, the Board adjourned subject to call of the Chairman.

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

Nays: None

Motion carried.

* * * * *

Chairman

County Administrator