

Regular Meeting, Wednesday, June 12, 2013, 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 12, 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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Chairman Moore introduced John C. "Jack" Frisbie, a Boy Scout who has just received his Eagle Scout Badge. Chairman Moore added to become an Eagle, Jack earned 37 merit badges and served his troop in a variety of leadership positions including Senior Patrol Leader. Jack installed a covered bench, information sign, bulletin board, and completed landscaping for the City of Staunton disc golf course at the 1st tee box located at the Montgomery Hall Park. He completed fundraising efforts (\$2,600) and had revenue left over to buy a donation box. One Hundred Forty-Eight man-hours were logged during the course of the project (he participated 42 hours, himself). In the future, he hoped to either enter into the medical field or engineering.

Jack led us with the Pledge of Allegiance.

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Larry J. Wills, Supervisor for the Middle River District, delivered invocation.

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VDOT SIX-YEAR PLAN

This being the day and time advertised to consider a request to consider and receive input in regards to the proposed Secondary Road Construction Improvement Program for the State Secondary System of Highways in accordance with Section 33.1-70.01, Code of Virginia, 1950, as amended; the program covers the six-year period from July 1, 2013 through June 30, 2019. The Board will also receive input on the Secondary Road Construction Improvement Budget for Fiscal Year 2013-14. The Budget covers the period from July 1, 2013 through June 30, 2014.

The Chairman declared the public hearing open.

Donald Komara, Residency Administrator, reviewed with the public the purpose for conducting the public hearing:

June 12, 2013, at 7:00 p.m.

VDOT SIX-YEAR PLAN (cont'd)

"My name is Donald Komara. I am the Residency Administrator in Harrisonburg. With me are my assistant, Jeremy Mason, and Mike Fulcher, who are very integral in putting this plan together for us. It is a pleasure to be here tonight with the Board and the public to present our Six-Year Plan and budget for Fiscal Year 2013 through 2019. The money is spread out between . . . it says "CTB Formula unpaved State". That is a new line added for unpaved roads for over 200 vehicles a day. The roads, in Augusta County, that qualify have been programmed for funding.

The next line item "Unpaved Roads". Basically, is for any roads, whether they are over 200 or under 200 vehicles per day. We list them under 200 because that is where the majority of ours lie. The other criteria have to have over 50 vehicles a day.

The next one is "TeleFee". We get that through utilities and easements of that sort.

We also have some "secondary" formula money that is in the plan that is not in this coversheet. The coversheet is a little under \$4 million over six years. It hasn't been that long ago we had this amount every year; so we're looking at \$24-\$34 million for the six years. The money is starting to pick up but it isn't what it was five, six years ago, but it is looking better. The secondary system includes routes numbering 600 or above. If it is under that, such as 250, that is a primary roadway. That is a different hearing. We were represented very well with Mr. Moore and Mr. Coffield the other week in Roanoke where we asked for funding for the improvements of those highways in Augusta County.

Going through the plan real quick:

1. Route 626, Limestone Road, battery of curves out there. We didn't think we had enough of money to do something out there. With the new influx of money, we've blown air back into that project. It looks like it's near the end of six years when we're going to be able to something on that. It looks like the fall, 2019.
2. Route 636, Goose Creek Road. We had a little bit of funding that is predominantly a Revenue Sharing project. It's a design-build project right now. Branch Highway is doing that roadway and the County is administering the project.
3. Route 685, a bridge replacement project in the Craigsville area. A lot of bridge funding that we get comes programmed to us. They look at the bridges throughout the State and they program money for bridge replacements for those. That is some of the money that came to us on that route.
4. Route 616, Dam Town Road, is about a two-mile roadway from Route 777 to Route 926. We think we might qualify for some safety funds for that project. We have 2018, but we feel like we're going to move that up a couple of years.
5. Route 610, Howardsville Turnpike, presently designing it and looking at a public hearing at the end of this year or early 2014. It is a short project, but a lot of property owners in there and they are very close to the highway. We're looking at the fall of 2016 on that improvement.
6. Route 612, Laurel Hill Road, we have a public hearing this fall. We may be able to extend that and possible line that entrance up and, also, improve the entrance into ASR. We're looking at 2015 for that project.

The next several projects were the unpaved roads that had over 200 vehicles that we received supplemental funding. Originally, the law specified over 400 vehicles a day. We didn't have any in Augusta County and, through your legislative efforts, it was reduced to 200 vehicles per day.

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VDOT SIX-YEAR PLAN (cont'd)

1. Route 636, Goose Creek
2. Route 616, Belvidere Lane
3. Route 628, Leonard Road
4. Route 693, Sinking Springs Road

These are the four that we had over 200 vehicles per day.

The other funding, we have several county-wide items (engineering and surveying). We had extra money that we have to work with the Board to program and so, in the out years 2016, 2017, and 2018, we put that extra funding there so when we program those roads with the Board that money will come out of there and go on those highways once we get together with the Board.

The next sheet is some more county-wide items. There are times people call and want us to do little spot-projects and there are costs associated with those projects.

We have built these roads already:

1. Route 688, Hodges Draft Lane (Pastures District)
2. Route 845, Stuarts Knob Lane (Pastures District)
3. Route 832, Union Hall School Lane (Pastures District)
4. Route 833, Tribletts Mill Road (Pastures District)
5. Route 761, Bull Mountain Road (North River District)

They were on the plan, but they have been constructed in the past—some of them during the Rural Rustic; some of them, we've rebuilt.

1. Route 754, Badger Road (Rural Rustic) (North River District) – under contract and should be starting next month
2. Ridge Road and Springhill Lane have already been built.

Other Revenue Sharing/Rural Rustic Roads projects:

1. Route 748, presently under construction
2. Route 698, presently under construction
3. Route 642, Barren Ridge – Summer 2014
4. Route 759 – Summer 2014
5. Route 870 – Possibly Summer 2014

The Calvary Church improvements, on Route 340, job will go to advertisement this fall and will start in the spring.

Mr. Pattie questioned five roads that qualified for the 200 vehicles per day and asked if Nash Road was one of those. Jeremy Mason said that it averaged 185 to 190 vehicles per day. Mr. Komara said they were a little liberal on some of the estimates and said that they would revisit some of those that were close to add subsequently in additional years. He reiterated that was extra funding that the County is getting for those roadways that have over 200 vehicles per day.

Hansford Johnson, Donnie Norman, Floyd Good, Jeff Newman and Mike Long asked that the Board consider paving Fountain Cave Road, Route 605. Mr. Good said that after gravel is laid on the road, it disappears in six hours and asked if something better could be done. Mr. Newman mentioned that ruts are being formed and causing flat tires because of the broken gravel. Mr. Long noted the danger of the road and that there had been three unreported accidents.

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VDOT SIX-YEAR PLAN (cont'd)

Kim Miller asked for .2 mile on Route 888, Hermitage be improved because of her grandson having asthma and is allergic to the dust. She also mentioned that there was a problem with runoff and asked if something could be done. Ms. Miller asked what the next step was.

Patrick J. Coffield, County Administrator, in reference to the Six-year Plan handout, explained that most of the funding is in the out years. The current year is \$243,000 and is all spoken for. There is no immediate resolution to Ms. Miller's request, but it is important that the Board hears from citizens. As soon as the Board receives input, staff will start working with the VDOT staff. There are two options: 1) What can we do with maintenance funds? In reference to Ms. Miller's road, the first thing that will be done is to determine if it is 50 vehicles per day. Because of it being a short road, it may not have a high enough road count. If it is under 50 vehicles per day, only maintenance can be done. 2) If the project is eligible, we will discuss with Board members finding options, i.e., Infrastructure and Revenue Sharing. Mr. Coffield suggested that citizens should contact legislators. He also suggested that citizens need to keep in close contact with their Supervisor or his office on the status of their road.

Mr. Komara reported that calcium treatment will begin by the 1st of July.

Mr. Wills asked if the location of the road on Fountain Cave Road (Route 605) that needed treatment was on the northeast end going toward Route 256. He suggested that a portion of the road could be improved. His concern was that an exit was needed for the poultry and feed trucks and that the Rural Rustic program is not a suitable surface for that type of traffic.

Mr. Wills noted that a letter was received requesting that Stonewall Lane (Route 830) be included in the public hearing and asked that the road be paved. It is a .4 mile road near Grottoes.

Mr. Wills also mentioned that a group was here tonight concerning Craig Shop Road (Route 775) and spoke with VDOT representatives.

Mr. Beyeler referred to Howardsville Turnpike (Route 610) and asked if he could get some "engineering money" from VDOT. Mr. Komara said that it was already hard surface and was not eligible. He reported that they are working on replacing the pipe on the curb with a box culvert.

Mr. Coffield added that Jane Woods, Legislative Liaison, will speak with Supervisor Wills to include in Legislative Package changing law from 200 vehicles per day to 50 vehicles per day so that all the gravel roads would fit in that criteria.

Mr. Coffield said that the VDOT Six-Year Plan would be placed on the agenda for Board's Staff Briefing on June 24th.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Beyeler explained that this issue concerned a resident in Ridgeview Acres who had to go to court a couple of years ago. The problem has risen again. He stated that the court decree allowed the County to enter the property for inspection to determine compliance with the court decision. He said that the neighbors have the same concerns of lowering their property value and endangering the health or safety of other residents.

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

Timmy Fitzgerald, Director of Community Development, displayed pictures indicating the problem in 2008 (when it was taken to court), November 2012, and today. He noted that some items from 2008 were still on the property. Other pictures were circulated to the Board. It was noted that two vehicles are full of items. Mr. Fitzgerald stated that at this point it has been determined that they were not in violation.

Because of there being toys in the yard, Mr. Pattie asked if there were children in the house. Mr. Beyeler said there was one grandchild but he did not visit very often.

Don Coyner and his wife expressed concerns in Ridgeview Acres. He referred to the County ordinance stating, "Article II, Refuse and Condition of Premises, the owners of the property and the County shall at all times remove any trash, garbage, refuse, litter and other substances that might endanger the health, safety or other residents of the County. The County may, whenever the Board of Supervisors deem necessary . . ." Ms. Coyner referred to Judge Ludwig's order for the property to be cleaned up. Mr. Coyner asked why inspections had not been made.

Mr. Beyeler noted that the County has a grass ordinance and asked which was more important . . . 10-inch grass or a bunch of trash bags in the front?

Patrick J. Morgan, County Attorney, stated that, "the Board of Supervisors, after reasonable notice, could have all trash, garbage, refuse, litter, or other substances, which might endanger the health or safety of the residents of the County, removed by its own agents". He noted that it has to threaten the health or safety of the neighbors before the Board can make that decision. He said that in 2008, when the suit was brought, neither the Health Department, nor Director of Community Development, could determine that it threatened the health or safety of anybody. He was the only County official who thought he could prove the case. "Judge Ludwig was not impressed by the fact that we said it was attracting mice and things like that. What carried the day was that there were open bottles of flammable materials. That testimony came in and that was why the Judge ruled the way he did." He noted that, in the inspection today, they did not see any flammable materials and that he would have a difficult time proving to a judge that that is going to threaten the health or safety of anybody. He also stated that the Code Enforcement Officer went on the property today and took the pictures.

Mr. Beyeler felt that the ordinance needed to be revised to address these issues.

Chairman Moore stated that this would be taken under advisement unless there is consensus of the Board to do something else.

Mr. Pyles pointed out that he had voted against the enforcement in 2008. It had been noted that there were limbs in the yard that made it difficult for vehicles to drive across in case of an emergency. He asked that the minutes and Judge Ludwig's response be pulled for review. He felt that if the Health Department did not find it to be in violation, we could not do anything.

Chairman Moore asked that the Board be updated at the Staff Briefing on June 24th. Mr. Beyeler also suggested that the property be viewed.

Mr. Karaffa expressed concerns of having a "governmental overreach" because of unsightly yards. He agreed that if it is a safety issue, then the Board did have a right to try resolving the problem.

Mr. Pattie felt that if this is a psychological disorder, than a Social Worker may need to review the problem.

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SCHOOL BOARD LEASE (cont'd)

Mr. Beyeler referred to 6.1 on page 5 and stated that he hoped that in the very near future they can have one janitorial service in the Government Center building. He also referred to 6.2 and suggested that Ms. Hensley should advise School Board instead of the Maintenance Department.

Mr. Karaffa moved, seconded by Mr. Wills, that the Board approve the lease agreement, with revisions.

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

Nays: None

Motion carried.

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SMALL BUSINESS DEVELOPMENT CENTER

The Board considered Memorandum of Understanding with JMU for Small Business Development Center office at Government Center.

Dennis Burnett, Economic Development Director, reported that the Memorandum of Understanding (MOA) with James Madison University is for the operation of a Small Business Development Center office at the Government Center. Unlike a lease, the college is the host sponsor and uses the MOA as their legal document. He thanked Mr. Morgan for reviewing the document. He added that there have been two in-house sessions and the programs were well received. He further stated the use of space offset the Budget request from the Small Business Development Center.

Mr. Wills moved, seconded by Mr. Pattie, that the Board approve the Memorandum of Understanding.

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

Nays: None

Motion carried.

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2014 REASSESSMENT

The Board considered designation of Miles Willett with Wingate Appraisal Service as the County's "Professional Assessor" to conduct Assessment hearings.

Jennifer M. Whetzel, Director of Finance, reported that the Board had approved a contract with Wingate Appraisal to perform the January 1, 2014 assessment for real estate taxes. One of the requirements is that the Board either appoint a Board of Assessors or a Professional Assessor (State Code requirement). At the time the contract was approved, the Board decided to forego having a Board of Assessors. Mr. Coffield has prepared a draft letter to the Department of Taxation approving Mr. Miles Willett as the Professional Assessor. The letter will be accompanied by a list of his certifications and will be submitted to the Department of Taxation for approval. Notices will be going out in the fall and Ms. Whetzel stated that this is very timely to do, now, before the hearings start for the reassessment process. Chairman Moore added that Mr. Willett would be conducting the assessment hearings.

Mr. Wills moved, seconded by Mr. Karaffa, that the Board approve the designation of Miles Willett as the County's "Professional Assessor" to conduct Assessment hearings.

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2014 REASSESSMENT (cont'd)

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

Nays: None

Motion carried.

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GENERAL FUND CONTINGENCY

The Board considered allocation of General Fund Contingency.

Mr. Coffield advised that at the Board's last meeting, it was requested that it be further discussed tonight. At the last meeting, he shared with the Board what the School Board's teachers' salaries were; however, there was a follow-up question as to what the School's intent was with non-teacher, administrative staff, clerical, maintenance, custodial, etc. A follow-up report from Dr. Bishop was received indicating that they would all receive a straight 4%. He explained that the teacher increase would be 4.010% and all others would be 4%.

Mr. Pyles felt that it has always been the policy to have Augusta County in coordination with the other County agencies so that things would be consistent. "We followed that when things were bad. I think we ought to follow it while things are better."

Mr. Pyles moved, seconded by Mr. Wills, that the Board approve the allocation of General Fund Contingency to fund the 4% salary increase for employees with the ability of the County Administrator to split that up between a Cost of Living and Merit as he sees fit.

Mr. Beyeler made the following comment:

I know what the School Board did. Two rights don't make a wrong. Two wrongs don't make it right. I'm one of them that voted for a tax increase. It is obvious when this Board gets money, they want to spend it. We were taking a good bit of money out of contingencies and now we want to spend everything except \$90,000. It bothers me for those people who are not for tax increases, are always for spending money. I will oppose the motion.

Mr. Shull made the following comment:

I think we sort of set precedence when we recommended 2%. I know we can't control what the School Board does but they went above and beyond what we had sort of set precedence for. I think that we need to hold to what we set forth. Just because they did what they did, doesn't mean that we have to. I'm going to vote against this and say that we need to hold it at 2%.

Mr. Karaffa made the following comment:

I didn't vote for this tax increase. I would have much rather seen some of it going towards either Infrastructure Accounts or, as Dr. Pattie had said, towards paying for our firefighters—the twenty-one grant positions that we have hired. I can't speak enough about how well staff here at the Government Center has done their jobs and helped us to do ours. I will support the motion.

Mr. Beyeler's additional comments:

I'm not saying staff is not doing a good job. Don't misunderstand me; I'm not saying that. That isn't the reason I'm not voting for it. I also have problems with the motion as stated because I'm of the opinion, when you reach a certain level in salary, you should not get what a starting person gets percentage-wise. Whenever you are dealing in percentages, it gets you in trouble on the high-end, not on the low-end. I oppose it for that reason, too.

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GENERAL FUND CONTINGENCY (cont'd)

Chairman Moore's comments:

I believe that was the recommendation of the HR Department to have a Cost of Living and where they have some flexibility based on performance so that everyone would not get a flat 4%. It would be based somewhat on merit. Someone just coming in may not get the full increase. That was the Director's recommendation.

Mr. Karaffa asked what that would look like.

Mr. Coffield explained that the Cost of Living would be the base (2.75%). The difference between 2.75% and 4% would depend upon an employee's most recent evaluation. If you are below 2 evaluation, you would not get Merit consideration.

Chairman Moore restated that if someone had a Performance Evaluation and it was poor, you would get the Cost of Living only.

It was noted that Funding Sources were as follows:

From: Contingency	#92040-9999	\$299,610
To: Comp Board Account	#92020-9995	\$ 96,810
General County Account	#92020-9997	<u>\$202,800</u>
		\$299,610

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

Nays: Beyeler and Shull

Motion carried.

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BEL-AIRE SUBDIVISION DRAINAGE

The Board considered funding to reconstruct a drainage ditch.

Funding Source: Beverley Manor Infrastructure Account #80000-8011-67 \$1,500

Timmy Fitzgerald, Director of Community Development, displayed the property outlined in pink. He noted that there is a ditch in a County easement and runoff is causing the yard at 151 Westgate Road to be saturated. The existing ditch is too small for the drainage and a 120 foot flat bottom ditch needs to be constructed to ensure adequate drainage in the County easement. He added that this home has a wood foundation (instead of block).

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

Mr. Wills said that he would support the motion but expressed Erosion and Sediment and Stormwater concerns. "We're going to have to be very careful when we look at our Stormwater regulations and we look at stuff as to stuff as to what has turned over to the County for maintenance and the cost of it down the road. Any subdivision in the County, we have these E&S locations for drainage ditches that we are responsible for. Stormwater is only going to add to that cost. This is just a good reminder that there are hidden costs down the road on all these issues."

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

Nays: None

Motion carried.

June 12, 2013, at 7:00 p.m.

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ECONOMIC DEVELOPMENT AGREEMENTS

The Board considered the following State agreements and County resolutions:

- a. Shamrock Foods – Agreement and resolution
- b. McKee Foods – Resolution only

Mr. Burnett advised that over the past 30 days, the Board has reviewed the Economic Development program of work. It was approved at the last meeting in May. What is before the Board tonight is the actual procedures. He appreciated the Finance Department and the County Attorney’s assistance. In reference to Shamrock Foods, to be consistent with previous programs, there is a resolution which will direct as the funding comes in to replenish the capital accounts. Also, included in the resolution are the matching monies for the VJIP Program so that those monies can be funneled over to the EDA for disbursement. There is also the Governor’s Opportunity Fund Performance Agreement (GOF) and corresponding Augusta County Agreement. Because of Augusta County owning the property, an additional agreement is required.

Mr. Karaffa moved, seconded by Mr. Pattie, that the Board adopt the agreements and the following resolution:

RESOLUTION OF THE COUNTY OF AUGUSTA, VIRGINIA

WHEREAS, the County has assisted in obtaining a Governor’s Development Opportunity Fund grant, Governor’s Agricultural and Forestry Industries Development Fund Grant and a Virginia Jobs Investment Programs grant as incentive for the location of a new Shamrock Foods Company facility in Augusta County; and

WHEREAS, Augusta County donated a forty (40) acre pad ready site appraised at One Million Four Hundred Seventy Five Thousand Dollars (\$1,475,000.00) to Shamrock Foods Company for the location of its new East Coast facility in exchange for a ten year commitment from Shamrock and to fulfill the County’s obligation to match the Governor’s Development Opportunity Grant, the Governor’s Agricultural and Forestry Industries Development Grant, and the Virginia Jobs Investment Programs Grant hereinafter described; and

WHEREAS, the Governor’s Development Opportunity Grant is for Two Hundred Fifty Thousand Dollars (\$250,000.00); and

WHEREAS, as a match to the grant, the County is obligated to match the grant with Two Hundred Fifty Thousand Dollars (\$250,000.00); and

WHEREAS, the Governor’s Agricultural and Forestry Industries Development Grant is for Fifty Thousand Dollars (\$50,000.00); and

WHEREAS, as a match to the grant, the County is obligated to match the grant with Fifty Thousand Dollars (\$50,000.00); and

WHEREAS, the Commonwealth of Virginia has also awarded Shamrock Foods Company Virginia Jobs Investment Programs in the amount of Forty Five Thousand Dollars (\$45,000.00); and

WHEREAS, the County is obligated to match those funds with Forty Five Thousand Dollars (\$45,000.00); and

WHEREAS, it is anticipated that increased tax revenue generated by the construction of the Shamrock Foods Company facility in Augusta County will be sufficient to fund the County’s match for the Governors Development Opportunity Grant , the Governor’s Agricultural and Forestry Industries Development Grant, and the Virginia Jobs Investment Program funds ; and

WHEREAS, it is the desire of the current Board of Supervisors to use the increased revenue to fund the grant and program matches;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA, establishes the following policy concerning payment of any debt created to finance its contribution to the project to construct the Shamrock Foods Company facility in Augusta County:

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ECONOMIC DEVELOPMENT AGREEMENTS (cont'd)

1. The County Administrator is instructed to designate funds from the tax increment in the Shamrock Foods Company facility construction project for each budget year beginning Fiscal 2013-2014 until such time as One Million eight hundred Twenty Thousand Dollars (\$1,820,000.00) has been returned to the County Treasury by the tax increment funds.

2. "Tax Increment" shall mean the amount by which all then current ad valorem taxes, real property taxes, machinery and tools taxes, business personal property taxes, and business license taxes arising from the levies upon the expanded facility.

3. "Base Year Taxes" shall mean all ad valorem taxes, real property taxes, machinery and tools taxes, business personal property taxes, and business license taxes arising from the levies upon the Project Area and businesses located within The Project Area as of January 1, 2013.

4. Nothing in this policy is to be construed as creating a constitutionally cognizable debt. This policy is not to be construed as creating an enforceable duty on the part of the Board of Supervisors to appropriate any funds for the Shamrock Foods Company facility construction project.

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Mr. Burnett stated that McKee Foods have exceeded the County's expectations and are going through their hiring process and that this resolution was also consistent with guidelines.

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

RESOLUTION OF THE COUNTY OF AUGUSTA, VIRGINIA

WHEREAS, the County has assisted in obtaining a Governor's Development Opportunity Fund grant and a Virginia Jobs Investment Programs grant as incentive for the expansion of the McKee Foods Corporation facility in Augusta County; and

WHEREAS, the Governor's Development Opportunity Grant is for Two Hundred Thousand Dollars (\$200,000.00); and

WHEREAS, as a match to the grant, the County is obligated to match the grant with Two Hundred Thousand Dollars (\$200,000.00); and

WHEREAS, the Commonwealth of Virginia has also awarded McKee Foods Corporation Virginia Jobs Investment Programs in the amount of Sixty-six Thousand Three Hundred Dollars (\$66,300.00); and

WHEREAS, the County is obligated to match those funds with Sixty-six Thousand Three Hundred Dollars (\$66,300.00); and

WHEREAS, it is anticipated that increased tax revenue generated by the expansion of the McKee Foods Corporation facility in Augusta County will be sufficient to fund the County's match for the Governors Development Opportunity Grant and the Virginia Jobs Investment Program funds ; and

WHEREAS, it is the desire of the current Board of Supervisors to use the increased revenue to fund the grant and program matches;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA, establishes the following policy concerning payment of any debt created to finance its contribution to the project to expand the McKee Foods Corporation facility in Augusta County:

1. The County Administrator is instructed to designate funds from the tax increment in the McKee Foods Corporation facility expansion project for each budget year beginning Fiscal 2013-2014 until such time as the debt has been satisfied.

2. "Tax Increment" shall mean the amount by which all then current ad valorem taxes, real property taxes, machinery and tools taxes, business personal property taxes, and business license taxes arising from the levies upon the expanded facility.

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ECONOMIC DEVELOPMENT AGREEMENTS (cont'd)

3. "Base Year Taxes" shall mean all ad valorem taxes, real property taxes, machinery and tools taxes, business personal property taxes, and business license taxes arising from the levies upon the Project Area and businesses located within The Project Area as of January 1, 2013.

4. Nothing in this policy is to be construed as creating a constitutionally cognizable debt. This policy is not to be construed as creating an enforceable duty on the part of the Board of Supervisors to appropriate any funds for the McKee Foods Corporation facility expansion project.

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

Nays: None

Motion carried.

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VALLEY COMMUNITY SERVICES BOARD

The Board considered proposed FY14 Budget and corresponding Performance Contract.

Patrick J. Coffield, County Administrator, reported that several months ago, the former Director brought before the Board the actual plan and described the process and indicated that later this summer, once all the numbers were in line, it would be brought back before the Board for its consideration. At that time, there was discussion as to financial status of the organization. It has been about a three-year process of going from being a deficit based budget to a balanced budget. Mr. Coffield introduced the new Director, Mr. Dave Dearing.

Mr. Dearing said that he has lived in the South River District for 24 years. Twenty-three of those years, he had a Senior Management position at Augusta Health. For the last seven weeks and three days, he has been the new Executive Director for Valley Community Services Board. "It has been very stimulating." He said that there are two documents before the Board tonight for consideration. One is the Performance Contract between Augusta County, Cities of Waynesboro and Staunton, and Highland County. It endorses the agreement between the Department of Behavioral Health and Developmental Services and Valley Community Services Board on the services provided that are paid for through State funds and local matching funds. It is a two-year contract. There have been no changes.

Mr. Dearing further noted that at one point there was a \$3.2 million deficit. It was in his second week as Executive Director, that his CFO had resigned, and he noted there have been challenges but they are working forward to finalize the budget for FY14 that is a "break-even budget". "On the cost side, they are working hard to manage those costs. What we need to do is continue to expand the revenue. What this typically means is making sure the providers are working full schedules." He noted that this could be a challenge due to the nature of some of those who come in to be treated. "They are not always the most compliant or the easiest folks to work with. One thing I have learned is the staff is very dedicated. They are very talented. This will be a stretched budget, but we are going to work real hard to make it happen."

Mr. Karaffa felt that, with Mr. Dearing's background, he was an asset to the community.

Mr. Pyles moved, seconded by Mr. Karaffa, that the Board approved the proposed FY14 Budget and corresponding Performance Contract.

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VALLEY COMMUNITY SERVICES BOARD (cont'd)

Chairman Moore referred to Page 1 and asked about the matching funds. Mr. Dearing explained that there are additional funds that are available for this last year and some interest incomes (known as a 10% automatic waiver).

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES

a) Creative Works Farm

Mr. Fitzgerald advised that this is a request from Creative Works Farm for a fire flow waiver. He reminded the Board that this had been on a Board Agenda before and was withdrawn so that the developer could provide more options for providing fire flow. He noted that the engineer and owner were present tonight and available for questions. A schematic plan to create a camp for special needs children was displayed. Their approved Special Use Permit required a site plan to be submitted through this process, the fire flow requirements became an issue. Currently, the fire flow requirement is approximately 1,250 gpm. The Crimora area has Augusta County Service Authority water; however, the flow is very limited in this area. According to the Service Authority's calculations, they can provide 350 gpm. Mr. Fitzgerald noted that he had asked the developer to provide a plan as to how the fire flow was to be handled. The developer met with Greg Schacht of Augusta County Fire-Rescue to discuss the fire flow situation and a follow-up letter was provided by Mr. Schacht indicating that Doooms Volunteer Fire Department has an average response time of 2.31 minutes within their first due. They average 8.92 minutes on location time. They did not have the data to figure out the length of time it would take for the tanker strike team to arrive at that location, but the first alarm structure assignment will be responding with a total of 4,750 gallons of water. Adequate fire lanes would be provided to ensure access into the facility was easily obtained for Fire-Rescue. He also noted that on the plan a swimming pool has been indicated, which can also be used if needed.

John Reno, PE, of Pennoni Associates, and Scott Balsley, owner of Creative Works Farm, were available to answer questions.

Mr. Pattie asked when the pool would be ready. Mr. Balsley said the pool would be done at the same time as cabins would be built before the children would come. Mr. Pattie asked if the request could be approved contingent upon the construction of the pool. Mr. Fitzgerald explained that a Special Use Permit requires Mr. Balsley to do a site plan that meets Chapter 25 and that the site plan needs to be approved. In order to approve the site plan, an waiver needs to be approved for the fire flow.

Mr. Morgan said that the waiver can be contingent on the pool being built at the same time that the other things on the site plan are constructed. Mr. Fitzgerald said that they could ensure that the site plan include the swimming pool. Mr. Reno confirmed that it was on the site plan.

Greg Schacht confirmed that the pool size should provide approximately 150,000 gallons of water and would meet the fire flow requirement and provide additional time for the strike force.

June 12, 2013, at 7:00 p.m.

WAIVERS/VARIANCES (cont'd)

Mr. Shull asked what the blue area indicated. Mr. Balsley said that would be a proposed lake. Mr. Shull suggested that a dry hydrant could be installed.

Mr. Pyles asked if water would be in the pool year around. Mr. Balsley said it would.

Mr. Wills felt that Mr. Balsley's vision for special needs kids was outstanding and commended him for his efforts. With the idea of the pool, the tanker strike team, and the recommendation of staff, and viewing the legal opinion, he made a motion.

Mr. Wills moved, seconded by Mr. Shull, that the Board approve the waiver contingent of the construction of the pool.

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

Nays: None

Motion carried.

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, May 20, 2013
- Regular Meeting, Wednesday, May 22, 2013

CLAIMS

Approved claims paid since May 8, 2013.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pattie: Emergency Preparedness Plan – If the expected storm occurs, he asked that notification be made to the public of the location of generators where citizens can go to “cooling stations”. Mr. Coffield informed the Board that this was discussed with ECC earlier today. Ms. Whetzel noted that, with schools being closed, other locations could be easily used. She added that Fire Chief Holloway had requested that his staff be on standby and that the stations that have generators be full of fuel and water is available. Chairman Moore noted that the last event there was very little notice and that staff was better prepared this time. Mr. Pyles felt that the County is better prepared.

* * *

June 12, 2013, at 7:00 p.m.

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

- 1. COMMUNITY POLICY AND MANAGEMENT TEAM (CPMT) – APPOINTMENT
Mr. Wills moved, seconded by Mr. Beyeler, that the Board appoint Heather B. Ream to serve a two-year term on the Community Policy and Management Team (CPMT), 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.

* * *

- 2. Shared Services Committee – met Monday. It had been suggested that the Committee meet a minimum of twice a year. Mr. Coffield said that a memorandum will be distributed to the Board in the near future. Mr. Wills added that they wanted assurance that each of the Agency Boards will give a directive to their staffs that it is their collective desire that this collaborative effort go forward”. Mr. Coffield added that procurement was discussed. Mr. Pyles added that information was needed to make decisions and guidelines as to purchasing were needed to be followed. He suggested that Management Teams meet quarterly and Shared Services Committee meet twice a year. Chairman Moore asked that after each meeting, an update be provided to each respective board. He also asked that these meeting dates be placed on the “Notice of Meetings” sheet.

* * *

Mr. Beyeler: Repossessed property – problems with swimming pools (mosquitoes) not being maintained.

Mr. Morgan reviewed property today and circulated a picture. His concern was children being injured if the foreclosing bank was not tending to the property. He suggested that a letter be submitted to the bank suggesting that it do something that would not provide an attractive nuisance to children in the neighborhood.

Mr. Pyles asked Mr. Fitzgerald if there were any requirements for an in-ground pool. Mr. Fitzgerald said that it was a requirement to have a fence around the pool. Water quality is not checked. Mr. Pyles noted that there is a requirement for towers (antennas) if they are not being used, they are to be removed. He questioned swimming pools could be held in a similar manner. Mr. Karaffa suggested that if a house is unoccupied, that the pool should be drained. Mr. Beyeler said that if it rained, that could also cause a problem.

Mr. Wills moved, seconded by Mr. Beyeler, that the Board approve placing this issue on the June 26, 2013 Staff Briefing.

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

Nays: None

Motion carried.

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June 12, 2013, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. VACo Legislative Steering Committee Meetings – August 16th – poll will be circulated to consider carpooling.
2. Legislative Package Priorities – asked for Board input.
3. Drainage Easement Letters – Standard letter distributed to Board.
4. Affordable Care Act – Frequently Asked Questions – distributed to Board.
5. County Picnic – Friday, June 14th – 11:30 a.m. to 1:30 p.m.
6. VDOT Meeting – attended with Chairman Moore in Salem, Virginia
7. June 5th – Treasurer Tax Report – “amount of taxes received in the first week was more than what was received a year ago”.
8. NACo Award – Library “Rubber Ducky Reading Club”
9. State Taxation – 2013 Estimated Ratio – 102.0%. Noted that Judge will appoint Board of Equalization (5 appointments) and asked for Board input.

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CLOSED SESSION

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

- (1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Boards and commissions
- (2) the economic development exemption under Virginia Code § 2.2-3711(A)(5)**
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

A) Economic Development Prospect(s)
- (3) 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. Karaffa, seconded by Mr. Wills, the Board came out of closed Session.

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

Nays: None

Motion carried.

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