

Regular Meeting, Wednesday, August 12, 2015, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Michael L. Shull, Chairman  
Carolyn S. Bragg, Vice-Chairman  
Jeffrey A. Moore  
Marshall W. Pattie (via electronically)  
Tracy C. Pyles, Jr.  
G. L. "Butch" Wells  
Larry J. Wills  
Patrick J. Morgan, County Attorney  
Timmy Fitzgerald, Director of Community Development  
Becky Earhart, Senior Planner  
Jennifer M. Whetzel, Director of Finance  
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, August 12, 2015, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240<sup>th</sup> year of the Commonwealth....

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Chairman Shull welcomed the citizens present.

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Larry J. Wills, Supervisor for the Middle River District, led us with the Pledge of Allegiance.

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Tracy C. Pyles, Jr., Supervisor for the Pastures District, delivered invocation.

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**SPECIAL MATTERS:**

A) Entertain motion to consider Supervisor Pattie's request to attend Board meeting electronically.

Because of personal business, Dr. Pattie was unable to attend tonight's meeting.

Mr. Wills moved, seconded by Mr. Moore, that the Board allow Dr. Pattie to participate in tonight's meeting electronically.

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

Nays: None

Motion carried.

Pursuant to Virginia Code § 2.2-3708.1(A) (2), Dr. Pattie joined the meeting by telephone.

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**MATTERS TO BE PRESENTED BY THE PUBLIC**

Janet Miller, of Countryside Service Company, proposed to the Board that it consider amending Chapter 21-36 of the Augusta County Code to allow for the Subdivision Construction Bond to be split into two separate bonds, specifically, a road construction bond and a utility construction bond. The reason for the request is that a substantial amount of money is tied up as collateral with just one bond. If there is an option of two bonds, the cash collateral is significantly reduced allowing them to move forward with additional phases of construction more quickly.

Mr. Wills moved, seconded by Mr. Wells, that the Board authorize forwarding this item to staff for their recommendation and then to the Ordinance Committee for its review and recommendation.

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

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

Nays: None

Motion carried.

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BEILER FAMILY PROPERTIES, LLC – REZONING

The Board considered a request to rezone approximately 9.3 acres from General Agriculture to General Business and approximately 10.8 acres from General Agriculture to Multi-Family Residential with proffers owned by Beiler Family Properties, LLC. The property is located on the east side of Colters Place Drive less than 0.1 of a mile north of the intersection of Colters Place Drive and Stuarts Draft Highway (Route 340) in Stuarts Draft (Beverley Manor District). This public hearing was conducted at the Regular Board meeting of February 25, 2015.

Mr. Pyles moved, seconded by Mr. Moore, that the Board remove this item from the table.

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

Nays: None

Motion carried.

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Becky Earhart, Senior Planner, advised that since the public hearing, the applicant has revised the proffers. A copy of the revised proffers and Exhibit A was provided to the Board tonight. (Exhibit A was displayed on the overhead.) She noted that there was no change to Exhibit B. The revised proffers are as follows:

1. A public street system will be constructed from Colters Place Drive and will be stubbed to the remaining General Agricultural portion of Tax Map 75-52. The location of the road will be between the two zoning classifications as represented on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015. The road may be constructed in phases as the residential or business is phased according to the following: The development of the residential shall not develop farther to the north east than the road has been built or bonded. The road will be built or bonded from Colters Place Drive up to the point of residential entrance #1 which is approximately 350 feet from Colters Place Drive as shown on Exhibit "A" before any building permit is issued for business lots 1 or the first phase of development on lot 2 as shown on Exhibit "A". The road will be built or bonded from Colters Place Drive up to the point of residential entrance #2 which is approximately 850 feet from Colters Place Drive as shown on Exhibit "A" before any building permit is issued for phase 2 of the business development as shown on Exhibit "A". Building permits for no more than 66 dwelling units will be issued until the continuous public street from Colters Place Drive to the remaining General Agricultural portion of Tax Map 75-52 has been built or bonded. No development shall have direct access to Colters Place Drive.
2. The intersection of Colters Place Drive and Stuarts Draft Highway (Rt. 340) will support at least 1,657 vehicles per day. If there are changes to the assumptions used in the Traffic Study titled 'Turn Lane Analysis and Signal Warrant Analysis for Foschini Property' as prepared by Balzer and Assoc. Inc. with a revision date of April 13, 2015, additional transportation improvements may be needed subject to

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BEILER FAMILY PROPERTIES, LLC – REZONING (cont'd)

proposed uses. Therefore, if changes are proposed at the time of submission of a site plan for any new construction on any portion of this property, the developer responsible for requiring the additional traffic shall submit to Augusta County and VDOT, for review and approval, an amended Traffic Study. The Traffic Study will project the additional vehicle trips to be generated by the proposed development and take into consideration any remaining undeveloped portions of the property along Colters Place Drive, as well as a proposed church on 75-52D. Prior to issuance of building permits for any additional development on subject property, developer requesting the additional traffic shall construct or bond road improvements, as required by the findings of the approved Traffic Study.

3. Prior to the issuance of the first building permit for any new structure on the 20.059 acres, the developer will provide a HEC-1 hydrology and hydraulics existing conditions model of the project site watershed from the point where it meets the South River. Ground topography will be based on publicly available topographic data (VGIN, USGS, LiDAR, etc.) supported by field survey data at culverts, roadways, and defined channels.
4. Development of the multi-family portion of the project will not utilize VHDA tax credits or government subsidies or similar measures to finance/refinance construction of the units. This proffer shall not apply to the financing of any individual unit by a third party property owner.
5. Building height shall not exceed 3 stories in the Multi-Family zoned portion of the property. There shall be no more than 8 units per structure.
6. For the multi-family portion of the project, the exterior of each building facing a street right of way with more than 3 units shall include varying facades, varying setbacks from the street, a mix of masonry and siding, contrasting trim, and multiple roof lines. As indicated on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015, the sides facing a street right of way are shown in Yellow.
7. Prohibited Business uses of the property for lot 2 and 3 will include:
  - Adult businesses
  - Cemeteries
  - Vehicle sales lots and/or motor vehicle repair shops
  - Recreational attractions and public amusement businesses
  - Carnivals, circuses, and fairs
  - Transportation related businesses
  - Wood processing businesses
  - Outside storage
8. In addition to the above prohibited uses in #7, lots 1 and 3 as shown on Exhibit A shall also prohibit mini warehouse and climate controlled storage buildings.
9. In addition to the above prohibited uses in #7, lot 2 as shown on Exhibit A shall also prohibit business support businesses except climate controlled storage buildings not exceeding 12, 000 sq.ft. per building.
10. Permitted uses of Lot 1 shall be limited to office uses as described in § 25-302 M of the Augusta County Zoning Ordinance.
11. For lot 1, the footprint of the building(s) shall be no larger than 5,000 sf. In addition the building height of any building shall be no more than 30'. If the building or buildings front on Colters Place Drive and there is parking in the front of the

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BEILER FAMILY PROPERTIES, LLC – REZONING (cont'd)

building, then a 25' landscape strip shall be installed and maintained along Colters Place Drive which will include an evergreen hedge at least 3' in height and planted on 5' centers between Colters Place Drive and any parking facilities. Any side of building that faces Colter's Place Drive or new road shall be brick, stone, or a mixture of two materials to include brick, stone, or split face block, stucco, drivit, hardie plank or vinyl siding. Colors of siding shall be earth tone colors. If a mixture of materials are used the masonry portion shall be at least 25% or more of the exterior side facing street. Masonry is defined as brick, stone or split face block. As indicated on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015, the sides facing a street right of way are shown in Yellow.

12. For lot 2, the building height of any building shall be no more than 30'. The maximum size of lot 2 shall be 6.6 ac. No overhead doors shall face towards Colters Place Drive, Stuarts Draft Hwy, the new road nor any future road along the north eastern boundary of lot 3 without being screened with a 6' solid vinyl privacy fence or another building to create a solid secure boundary, with exception to the entrance gate. As indicated on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015, the sides facing a street right of way as shown in yellow not screened by the privacy fence shall be brick, stone, or a mixture of two materials to include brick, stone, or split face block, stucco, drivit, hardie plank or vinyl siding. Colors of siding shall be earth tone colors. If a mixture of materials are used the masonry portion shall be at least 25% or more of the exterior side facing street. Masonry is defined as brick, stone or split face block.
13. For lot 3, the building height of any building shall be no more than 30'. The exterior side of any building facing Stuarts Draft Highway and any future road along the north eastern boundary of lot 3 shall be brick, stone, or a mixture of two materials to include brick, stone, or split face block, and stucco, drivit, hardie plank or vinyl siding. If a mixture of materials are used the masonry portion shall be at least 25% or more of the exterior side facing street. Masonry is defined as brick, stone or split face block. As indicated on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015, the sides facing a street right of way subject to this proffer are shown in Yellow.
14. Street trees and /or evergreen trees shall be installed and spaced at 50' intervals in the front setback area of business lots facing Colters Place Drive and the "new road" as shown in rezoning Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015. The trees shall be installed with the phasing of the business at time of certificate of occupancy. Once planted the trees shall be permanently maintained.
15. Within 30 days of rezoning, a plat will be recorded creating the 20.059 acre tract. The plat will include the easement as represented on rezoning Exhibit "B" as prepared by Balzer and Assoc. Inc. dated 12/18/2014.
16. Lot 3 shall not be developed until a new road along the eastern boundary is built or bonded as shown in rezoning Exhibit "B" as prepared by Balzer and Assoc. Inc. dated 12/18/2014 where Access Easement is shown.

Ms. Earhart noted designation of Lots 1, 2 and 3 on Exhibit A and reported that it is in the Urban Service Area and slated for Neighborhood Mixed Use development. Public water and public sewer are available. The Planning Commission recommended approval of the request.

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**BEILER FAMILY PROPERTIES, LLC – REZONING** (cont'd)

Mr. Moore referred to Proffer #16 and asked where that would be located. He asked if there would be connectivity to the Sheetz property. Ms. Earhart said it would.

Christopher Foschini, applicant, reported that he has worked closely with staff to address concerns that had been mentioned at the February public hearing. He believes the issues of stormwater, the connectivity of the roads and the location of the road have been addressed. He has worked openly with the County to move this project forward and has over 8 months invested in this project. He was available to answer any questions that the Board may have.

Mr. Wells said that he has had the opportunity of speaking with Messrs. Foschini and Burkholder about the road connectivity and feels that it has been properly addressed.

Mr. Wells moved, seconded by Mr. Wills, that the Board adopt the following ordinance, with proffers:

**ORDINANCE**

A request to rezone approximately 9.3 acres from General Agriculture to General Business and approximately 10.8 acres from General Agriculture to Multi-Family Residential with proffers owned by Beiler Family Properties LLC. The property is located on the east side of Colters Place Drive less than 0.1 of a mile north of the intersection of Colters Place Drive and Stuarts Draft Highway (Rt. 340) in Stuarts Draft in the Beverley Manor District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

A portion of parcel number 52 on tax map number 75 containing approximately 9.304 acres is changed from General Agriculture to General Business and 10.755 acres is changed from General Agriculture to Multi-family Residential with the following proffers:

1. A public street system will be constructed from Colters Place Drive and will be stubbed to the remaining General Agricultural portion of Tax Map 75-52. The location of the road will be between the two zoning classifications as represented on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015. The road may be constructed in phases as the residential or business is phased according to the following: The development of the residential shall not develop farther to the north east than the road has been built or bonded. The road will be built or bonded from Colters Place Drive up to the point of residential entrance #1 which is approximately 350 feet from Colters Place Drive as shown on Exhibit "A" before any building permit is issued for business lots 1 or the first phase of development on lot 2 as shown on Exhibit "A". The road will be built or bonded from Colters Place Drive up to the point of residential entrance #2 which is approximately 850 feet from Colters Place Drive as shown on Exhibit "A" before any building permit is issued for phase 2 of the business development as shown on Exhibit "A". Building permits for no more than 66 dwelling units will be issued until the continuous public street from Colters Place Drive to the remaining General

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**BEILER FAMILY PROPERTIES, LLC – REZONING (cont'd)**

Agricultural portion of Tax Map 75-52 has been built or bonded. No development shall have direct access to Colters Place Drive.

2. The intersection of Colters Place Drive and Stuarts Draft Highway (Rt. 340) will support at least 1,657 vehicles per day. If there are changes to the assumptions used in the Traffic Study titled 'Turn Lane Analysis and Signal Warrant Analysis for Foschini Property' as prepared by Balzer and Assoc. Inc. with a revision date of April 13, 2015, additional transportation improvements may be needed subject to proposed uses. Therefore, if changes are proposed at the time of submission of a site plan for any new construction on any portion of this property, the developer responsible for requiring the additional traffic shall submit to Augusta County and VDOT, for review and approval, an amended Traffic Study. The Traffic Study will project the additional vehicle trips to be generated by the proposed development and take into consideration any remaining undeveloped portions of the property along Colters Place Drive, as well as a proposed church on 75-52D. Prior to issuance of building permits for any additional development on subject property, developer requesting the additional traffic shall construct or bond road improvements, as required by the findings of the approved Traffic Study.
3. Prior to the issuance of the first building permit for any new structure on the 20.059 acres, the developer will provide a HEC-1 hydrology and hydraulics existing conditions model of the project site watershed from the point where it meets the South River. Ground topography will be based on publicly available topographic data (VGIN, USGS, LiDAR, etc.) supported by field survey data at culverts, roadways, and defined channels.
4. Development of the multi-family portion of the project will not utilize VHDA tax credits or government subsidies or similar measures to finance/refinance construction of the units. This proffer shall not apply to the financing of any individual unit by a third party property owner.
5. Building height shall not exceed 3 stories in the Multi-Family zoned portion of the property. There shall be no more than 8 units per structure.
6. For the multi-family portion of the project, the exterior of each building facing a street right of way with more than 3 units shall include varying facades, varying setbacks from the street, a mix of masonry and siding, contrasting trim, and multiple roof lines. As indicated on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015, the sides facing a street right of way are shown in Yellow.
7. Prohibited Business uses of the property for lot 2 and 3 will include:
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9. In addition to the above prohibited uses in #7, lot 2 as shown on Exhibit A shall also prohibit business support businesses except climate controlled storage buildings not exceeding 12, 000 sq.ft. per building.
10. Permitted uses of Lot 1 shall be limited to office uses as described in § 25-302 M of the Augusta County Zoning Ordinance.
11. For lot 1, the footprint of the building(s) shall be no larger than 5,000 sf. In addition the building height of any building shall be no more than 30'. If the building or buildings front on Colters Place Drive and there is parking in the front of the building, then a 25' landscape strip shall be installed and maintained along Colters Place Drive which will include an evergreen hedge at least 3' in height and planted on 5' centers between Colters Place Drive and any parking facilities. Any side of building that faces Colter's Place Drive or new road shall be brick, stone, or a mixture of two materials to include brick, stone, or split face block, stucco, drivit, hardie plank or vinyl siding. Colors of siding shall be earth tone colors. If a mixture of materials are used the masonry portion shall be at least 25% or more of the exterior side facing street. Masonry is defined as brick, stone or split face block. As indicated on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015, the sides facing a

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**BEILER FAMILY PROPERTIES, LLC – REZONING (cont'd)**

street right of way are shown in Yellow.

12. For lot 2, the building height of any building shall be no more than 30'. The maximum size of lot 2 shall be 6.6 ac. No overhead doors shall face towards Colters Place Drive, Stuarts Draft Hwy, the new road nor any future road along the north eastern boundary of lot 3 without being screened with a 6' solid vinyl privacy fence or another building to create a solid secure boundary, with exception to the entrance gate. As indicated on Exhibit "A" as prepared by Balzer and Assoc. Inc. dated 5/16/2015, the sides facing a street right of way as shown in yellow not screened by the privacy fence shall be brick, stone, or a mixture of two materials to include brick, stone, or split face block, stucco, drivit, hardie plank or vinyl siding. Colors of siding shall be earth tone colors. If a mixture of materials are used the masonry portion shall be at least 25% or more of the exterior side facing street. Masonry is defined as brick, stone or split face block.
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15. Within 30 days of rezoning, a plat will be recorded creating the 20.059 acre tract. The plat will include the easement as represented on rezoning Exhibit "B" as prepared by Balzer and Assoc. Inc. dated 12/18/2014.
16. Lot 3 shall not be developed until a new road along the eastern boundary is built or bonded as shown in rezoning Exhibit "B" as prepared by Balzer and Assoc. Inc. dated 12/18/2014 where Access Easement is shown.

Ms. Bragg pointed out that the applicant was asking for two different things: 1) rezone a little over 10 acres from General Agriculture to Multi-Family Residential; and 2) rezone a little over 9 acres from General Agriculture to General Business. The intended use for almost 7 acres is the construction of storage units, which is allowed in the current Zoning Ordinance in the General Business area. She noted that, at one time, a Special Use permit was required for the construction of storage units; however, several years ago, this requirement was changed. She added that, with Stuarts Draft growth, it has been able to maintain its "rural feel" and members of the community have appreciated the small-town atmosphere. She said that previous board members "respected and valued the rural nature of this community and have always protected the appearance and respected the wishes of the citizens". She gave examples of Target Distribution Center, McKee's Foods, NIBCO, and Alcoa, which are large factories and businesses "that were deliberately sat off of the highway and appropriately tucked away to maintain the beauty and the very nature of our community". She felt that tonight's proposal "would adversely affect the visual beauty of the area as well as the desirability of the residential housing located around it. The requested location is highly visible from Route 340, which is the main corridor between Stuarts Draft and Waynesboro. This is the gateway to Stuarts Draft. Those driving into, or leaving, the Stuarts Draft community would now be greeted by acres and acres of storage units. Not only will these units will be highly visible from the road, but they are also located in front of the proposed housing which has been presented to us tonight. When those people look out their window, they are going to be looking at storage units. It is going to be beside existing houses where people currently live. Also, from the road, it is going to take worshippers to the new Stuarts Draft Baptist Church by these units. Additionally, should the rest of the Beiler farm be developed into housing, this zoning will allow for the first 7 acres of their entrance to be storage units.

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BEILER FAMILY PROPERTIES, LLC – REZONING (cont'd)

Can you imagine 7 acres of storage units as you enter Teaverton or Emerald Hills, Pelham Estates, or Springs Lakes, or any other residential developments in our County?" She further stated that she was not opposed to storage units but felt that there was an appropriate place for them, but did not feel this was the appropriate place. "Storage units have an industrial look, which does not fit into a residential neighborhood. They are 24 hours a day, seven days a week businesses." She added that the current use in the Comprehensive Plan notes that this area is Urban Service Area and Neighborhood Mixed Use, which means it has a density of four to eight dwellings per acre and allows for convenience retail and office uses up to 20% of the total land area. The Board is being asked to rezone only 20 acres of land which is being split off of a 200-acre farm. The property that fronts Route 340 is already zoned for Business use. Established businesses are appropriately located there. "Allowing this property to be zoned General Business, will be adding a second layer, or a second row, to coincide with that that is currently on Route 340. It is my belief and the belief and wishes of many of the Stuarts Draft community that the property that fronts Route 340 be allowed for businesses and growth, but the property that falls behind that road be reserved for residential development. I suggest that a small area development plan be established for the Stuarts Draft area similar to what has been done in the Fishersville area. With this tool, we'll be able to establish the guidelines for growth be it residential or business. I believe that it is this Board's job to carefully plan the growth of our County. We need businesses and we need development, but we need to put these things in places that makes sense. Storage units visible from Route 340, which is the entrance to the Stuarts Draft community is not, in my opinion, responsible. Storage units surrounded by residential housing is not responsible. This proposal is simply not something that I can support. I ask all of you to respect the members of the Stuarts Draft community and the people who will be living beside these units. It is a very good project, but I believe it is simply the wrong place for it."

Mr. Pyles appreciated Ms. Bragg's comments and felt this should be considered in the future, but felt that applicants have been "put through a meat grinder" to meet the County's requirements. They have relied on the County ordinances for guidance. He felt that the applicant has followed all requirements. He had spoken with the supervisor who supported his request. "Based on where our ordinances are; based upon what was received from the supervisor; based upon a favorable recommendation from Community Development; he went forward expending money and making a plan to make something work that he thought was in full compliance with what we require of people." Mr. Pyles did not feel this was the time to reject the request.

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

Nays: Bragg

Motion carried.

Chairman Shull mentioned that because of storage units being discussed previously, it had been asked to be reviewed by the Ordinance Review Committee. He noted that a report would be provided to the Board at the August Staff Briefing (August 24<sup>th</sup>).

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PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION

The Board considered resolution establishing the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act.

Patrick J. Coffield, County Administrator, reported that annually the Board of Supervisors



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**PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION** (cont'd)

considers a resolution that establishes the rate of tax relief of qualifying vehicles. This percentage is based on the Personal Property Tax Relief Act. The Commissioner's office looked at the total pool of vehicles for the 2015 Personal Property Tax billing and determined that the percentage will be 42% this year, which is the part that is reimbursable by the State funding available. Jean Shrewsbury, Commissioner of Revenue, was available to answer questions.

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

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

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act).

WHEREAS, by its enactment of an ordinance on December 14, 2005 ("Ordinance"), the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") has previously implemented such modifications of the PPTRA.

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2015 for purposes of the Ordinance.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be forty-two (42%).

2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in § 3(b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in § 4, pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.

3. This Resolution shall take effect immediately upon its adoption.

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

Nays: None

Motion carried.

Mr. Wills noted that, within the resolution, it is noted that currently there is only 42% savings for citizens. "In reality, the County has been hurt severely by this and the fact that we have had a low tax rate to start with. What our citizens are being reimbursed from the State, in a few years, it will probably be less than 20% the way things are going. Note that this only includes 42% of your car tax."

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**AUGUSTA COUNTY COURTS COMPLEX**

The Board considered resolution authorizing submission of a petition to Circuit Court Judge to approve referendum for relocation of County Seat to Verona (Government Center).

Mr. Coffield noted, at the last meeting, the Board requested that this meeting be scheduled for tonight. Since that time, both the Moseley and Frazier reports have been available to the Board for review. Mr. Elliott Law, with Moseley; Mayor Dull of the City of Staunton, and Mr. and Mrs. Frazier were present tonight. The Frazier report was

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AUGUSTA COUNTY COURTS COMPLEX (cont'd)

presented to the City of Staunton on Monday. The Fraziers were available to answer any questions the Board may have.

Mayor Carolyn Dull made the following comment:

As Mayor of the City of Staunton, I am here to demonstrate Staunton City Council's commitment to consolidating City and County courts and to accomplishing that mission and collaboration with you. A lengthy history of cooperation between our localities is commendable and a point of pride for our region. The City and County often look for opportunities to work together and create efficiencies for our citizens. We have a record of successful completion of numerous regional projects. Currently, we provide a multitude of services together including the Regional Jail; the Landfill; the Animal Shelter; Social Services; Mental Health Services; and even affordable group health insurance for the employees of Augusta County, Staunton and Waynesboro. There are numerous other partnerships between our localities that time does not allow me to enumerate. We believe that a successful merger of our courts, in addition to the preservation and enhancement of a historic treasure in the Augusta County Circuit Courthouse, could be, yet, another significant demonstration of regional cooperation and one that would make us all the more proud. We believe that a successful merger is possible and we hope that, as you way your decision tonight, you will consider its long-term impact. When Staunton loses, Augusta County loses as well. But this is a win-win opportunity for both localities. From the County's perspective, it will be significant cost-savings in moving forward with our proposal. We believe the plan designed by Frazier Associates is good for the citizens of the County, good for the citizens of the City and good for our region. A merged court system would generate efficiencies to the benefit of us all. I invite you to join the City in this partnership. With the best interest of our citizens in mind, I hope we can proceed in a spirit of collaboration that has so wonderfully shaped the progress of our region.

Chairman Shull said the Board had received the Frazier report from Staunton yesterday (Tuesday) for review. He asked for Board comment.

Mr. Wills made the following comment:

Looking over the proposal, I see a lot of problems—a lot of things that need to be worked out. Looking at the idea of the referendum, in general, for fall, I see some setbacks and some pitfalls if we go forward with the referendum at this time. If the referendum were to fail, I think it could leave the citizens of Augusta County holding the bag for a high bill with construction being required in the City. However, looking at the proposal from the City, as I said, I think there are a lot of things that must be worked out. First off, I think the layout is totally poor. I think the idea of having to walk from the Johnson Street parking lot down to the street level, around the building, in to the courthouse, through security, up and across and back down to a courtroom is truly a bad way to enter a building. I think the financial arrangement proposed by the City . . . the idea of 25%, when we have a 28% and 72% split in the amount of court cases, (Mr. Coffield corrected the figures to a 66%/34% split) is not acceptable. First off, the proposal that was based on their estimates, and done very quickly, and the idea that it would be capped at a total of \$50 million leaves the County basically holding the bag for anything over \$50 million that goes into it. The other proposal that the idea of the tax credits coming off of the City's portion, when it is the County building that will actually be getting the tax credit, is utterly ridiculous. Ownership of the structures in the future if we were to consolidate; and there are three structures involved; ownership must be worked out. I would propose at this point that—and I won't put it into a motion until I hear further comments, but I would propose that, at this point, that a Negotiating Team be appointed by our Chairman to start meeting immediately with the City to try to get an agreement by December 1<sup>st</sup> with assurances from Staunton that they will follow through with their referendum in May to eliminate the constitutional officers that are required. I think, in talking with our attorney, we will also have to do a referendum in the County to consolidate so that the Clerk of the Court and the Commonwealth Attorney would be able to work with both localities that it can be done in such a manner that if things cannot be worked out on the deal, that we can get a referendum on the next November for construction here in Verona.

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Mr. Moore made the following comment:

I looked at their proposal (Frazier) and felt it to be pretty expensive, but it does have a number of questions that need to be worked out. I am very happy with the Moseley proposal we got for the complex here at Verona. I think it is a very adequate long-term solution, but I have to agree with the Judge when he was here. He said that a vibrant Staunton is an important part of our region. In my days on the School Board, I was always very supportive of cooperation and consolidation of services where when we have multiple groups doing the same thing, where we can consolidate, I think it makes sense. There are a number of questions but I do agree that if we can come up with a firm timeline, address some of the issues, I can support the concept if we can come to a firm solution.

Mr. Wells made the following comment:

At the onset of my participation in this issue, I made the statement that I was very interested in listening to the citizens of Augusta County on what they had to say about this. At this time yesterday evening, I hadn't heard anything and I was ready to move forward with the referendum. Since that time, I have received numerous phone calls, e-mails encouraging this Board to move forward in a spirit of cooperation with the City and try to come up with a solution that would be workable for all parties involved. I share most of the concerns that Mr. Wills does and Mr. Moore; however, at this point, I am willing to move forward and try to reach a compromise that is workable for all parties.

Mr. Pyles made the following comment:

I've been taken back from the comments I have heard tonight. There is a change and I have to collect my thoughts a little bit. Our long discussions have been about the very core of what needs to be in Augusta County and what we're trying to do and why we're doing it. I heard nothing that does anything different than what we've talked about. It is the same sort of thing. This is, for many people, I read it was rushed and 'we haven't had time to think about it'. That's not the case from here. This has been on our Master Plan since we bought the Smith Transfer property. It's out there. It says that is what we're going to do. When the Jail is going to come here, we said we would eventually bring the court here to go with the Jail. There are citizens in Verona that deserve more than bail bondsmen. We need to respect our citizens, too, in what we're trying to do. When we looked at renovating the 1901 courthouse for the \$10 million, we were willing to make an accommodation to Staunton that, you know, we would kick the can down the road a little further, but we knew that that wasn't going to fully address our issues—the needs that we have—the needs that were presented to us in terms of security, the things that we already knew about—convenience; efficiencies and inefficiencies in the building. Those were all pointed out there in spades. We looked at money and we looked at what it would mean for the Verona community. I appreciate Staunton and am grateful. Two of my sons live in Staunton; more, importantly, my grandchildren live in Staunton. I care about Staunton, but my job is to represent Augusta County. I look at this and there are so many things that worked against this that I am not sure why we are going to delay. I think it will come to this eventually, but I already see the hand-writing on the wall.

But, let's go through a couple of things. When we talk about consolidating courts, what's being proposed is not consolidated courts. When we're talking about Riverheads Elementary and Cassell Elementary, what we kept hearing were the pod arrangement was not good and was not efficient; is not what needed to be done. We cannot have security here. The courts are pods. Those are three big pods sitting around where people will have to do business, have to put on their coats and go to another building to do something. Part of the things for the schools were efficiencies that we have. Looking at this, I went through this and prepared it as to looking at space considerations, and what I saw was that it needs to be three security systems. You can't have a building with courts without having security. So you have three security systems. Here, we need one regarding the funding mechanism—they had 75 - 25. We can either pay 100% of one security system or 75% of three security systems. So we will pay more than double in operating for that. They have sally ports for three building and we only need one of. When we read our study on the new courthouse, they are talking about the issues with the old courthouse and how we couldn't make it as efficient for cost-savings with the mechanicals because of the nature of the building, because of the need for the storage down there. We would

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build a facility that is as efficient as it can be by the state-of-the-art today, we would save money on that. You take three buildings, instead of 118,000 it would be 130,000; instead of having one building, you would have three buildings – one new and two old; doors opening, people going in and out; we're going to be expected to pay a higher HVAC bill at 75% for those things. Our operating costs will continue to rise. This is not efficient. This is a rectangle. There are things that the Supreme Court requires in construction—how high the ceilings are. It wants to give a demeanor of "stateliness" that respect justice. We've had to do that. We put it in there. We looked at this and I look at what the waste is going on here. There is a perfectly good building that downtown Staunton is paying taxes, that is creating commerce in Staunton and they are going to take it down--\$3 million. The citizens of Augusta County are expected to pay 75% of \$3 million for just the waste of a building. I don't know how we go to our folks and say that makes sense and we should pay for that. We are going to pay for a streetscape - \$5,000 that we wouldn't have to do here. Have you looked at the parking diagram we have there? This arrow going here –two to three minutes; this one over here—fifteen different places that you might go. They can walk faster than I can to get to some of those places in three minutes, but that is in good weather; that is not with the snow; that is not with pushing a carriage with babies; that's not loaded down with books; that is not with somebody who can pick up the pace. That is totally inefficient. We talked about our parking needs and the conveniences. They have put in a drop-off. This isn't a Los Vegas casino where you get dropped off and that you have valet parking. This is Augusta County. They might drop off one person and then they're going to tour the City to find a place to park. They talked about giving free parking to some people and have special parking for judges and staff. Everybody is free here. You just pull up, you park and you know where you're going and that's the way it ought to be.

You talk about consolidation. When you read the Supreme Court's guidelines for construction and they talk about consolidation, they don't envision three buildings. They envision one. If you want to have cost-savings, that's the only way you can do it in having extra security. In the Supreme Court Study, they talked about savings to the State. How does the State get savings? Well, if there are two Clerks of the Court, and then you only have one, they save a big salary. Do they give us the same number of people? Or do they expect us to say, 'Well, you've consolidated, so you don't need as many people'? How are we going to make that up? We know our Clerk of the Court is already overwhelmed. We have people to go to do a simple real estate transaction and they have to wait six weeks. The Clerk of the Court is a worker. We have people that works at their jobs. There is a given amount of work that doesn't get reduced because we magically consolidated. It is still all there. I don't know how there will be any savings in personnel. We are going to have one Sheriff's Department. We have to look at that pretty seriously because in Staunton they have a Police Department and a Sheriff's Department. The Sheriff's Department is just for court services and that sort of thing. Our Sheriff's Department serves the entire County. We can't afford to lose any more deputies to court service. Will the State provide deputies based on the number of court buildings we have or the number of people that we have? Well, you know the answer; it's for the number of people that we have. There is no indication whatsoever that we can save money by doing this. We can ask people to work harder, that sort of thing, but I found in Augusta County, our people have their nose in the grindstone trying to crank out their jobs all the time. I care to say that Staunton does the same thing. I think Mr. Roberts does a good job, just like Ms. Brydge is doing it for us. We're not going to have that savings. There is nothing new for us to negotiate that we might place \$35 million of taxpayer money into Staunton instead into the County. It is the wrong thing to consider. We strive so hard to get people to locate in our County and bring jobs and build revenue, and then we're going to say, 'Oh, we don't need to do that now'. Not for us, we're going to take our own money and work against us. Verona deserves better than what they're getting. I hear about all these people worried about Staunton. Staunton is doing okay. They just spent \$15 million for their development parcel at Western State; they are building a hotel; they have FedEx coming out here. We have our own issues. Convenience is big for our folks. When you look at Staunton, where did they put their Industrial Park? Virtually, in Verona. We have a nice housing development in Staunton, virtually in Verona. We have other commerce. Staunton has stagnated since 1987; when we had the annexation, they had 23,900 people. At the 2010 census, it was 23,756; virtually, the same number. We have continued to grow. We will continue to grow, which means we will continue to have a higher cost ratio for this. We can use the tax dollars that will come to Verona. Wouldn't it be nice to have a nice restaurant in Verona? I brought people from out of town for 25

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years and I don't think I ate once in Augusta County. We went to McCormick's; we went to the Dining Room; we went to the White Star Mill; we went to the Depot – all the fine restaurants. They will still get that business as long as we are prosperous and we bring those things in. From every measure that we need to look at, the right thing for us to do is get along about our business; have the referendum. We've been at this a long time. Ten years ago is when we started to deal with Staunton. Eighteen months ago, we tried to get more serious and detail things. We've done everything we were supposed to do and Staunton has waited until the last minute to get engaged. That doesn't mean that we haven't known what we were doing—what's the right thing to do. I'm seeing tonight the can needs to be kicked a little further down the road, but the interest that we have here tonight and the attention that we now have on this focus should cause us to go forward with the referendum and bring things to bear, let them have solid evidence of what they're going to do and let the citizens weigh in on it. They will be engaged; they haven't been engaged. It has just been us. I think it is a mistake for us to back down, now. I don't want to say back down; I want to say I think it is wrong for us to not to go forward with what we already thought was the right thing to do because we got some e-mails and some calls. I gave my answer to every one of them in terms that I can't agree with you, except for the ones who agreed with me. That's the thing to do. That's what leadership is about. You kick the can down the road. The three over there are not going to be here next year. Depending on how volatile this thing gets, I may not be here. We're the ones who have been dealing with this thing for this number of years. For the last year on this Board, we are in the best position to know what needs to be done and go forward with it. I see what is happening. I am disappointed that folks changed their minds so readily. I think it is to the disadvantage to Augusta County.

#### Dr. Pattie made the following comment:

I said all along that I prefer to keep it in Staunton. At all of our meetings, I have mentioned that. I think Staunton has provided a real proposal this time. I think there are some significant flaws in it, but I think those are things we can talk about over the next year.

#### Ms. Bragg made the following comment:

I think all of us have wrestled with this all day long and last night. I like the idea of consolidated courts. I think there is some merit to that. My greatest concern is though Staunton has come forward with a proposal, it doesn't meet our needs or the needs of the citizens of Augusta County. When I say that, I'm looking at our space requirements. I do not support three buildings. I cannot support three buildings. That, as Mr. Pyles said, is not a consolidated facility and I don't think that is in the best interest. I don't think that is going to provide safety. The use of the 1901 courthouse, using our plan, using their plan, you will still have safety issues. I believe that using three buildings, you're going to have safety issues and you're going to have security issues in those places, also. I still believe that all the services need to be located in one facility for the greater good of all of them. The other concern that I have, and I know it's been said over and over, again, is Staunton hasn't had time . . . they need more time . . . I've heard it for a year. I am afraid that adding additional time to it is not going to change the end result. I do not believe that it will. I'm not opposed to giving it a try, but I truly do not believe that the needs of the County will be met by what Staunton is proposing. In their proposal, they are looking at a 20-year fix; we're looking at a 50-year fix. I think that is a huge difference. In 20 years, this is going to be on somebody else. We're going to be sitting here saying, 'Okay, we vested in downtown; now, we need to plan again.' I would like to believe that the end result will be different, but I'm not sure it will be. I agree with Mr. Pyles, too, we have a plan and we have spent time and so much energy in developing it and analyzing it and trying to meet our needs. To put it off for another year, it is disappointing. I would also like to say that I did spend time and went through the judicial system. Mr. Roberts was generous and took me through the facility for an hour and a half. I went to the Juvenile and Domestic Relations Court and the General District Court yesterday. The conditions that our facilities are in and what we ask people to do is difficult at best. I think delaying it another year is a bad decision.

#### Chairman Shull made the following comment:

First of all, I would like to thank Frazier Associates for putting this report together. I know it was a little short-timed, but, at least, there is a start here. I'll be quite frank; I don't know

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that this report would have been here if the Judge hadn't said, 'We need a report'. The Judge told us he needed a report before we could go to referendum. I'm not quite satisfied with the report, either. I think we wanted a report that compared apples-to-apples. I think this is a start, but it is not comparing apples-to-apples. As you have heard from the Board members, we have concerns with parking. Mr. Pyles talked about how far it was to walk and I looked at it and you're going uphill in a lot of places up there. Our parking out here—I asked Mr. Coffield, today, if he would take a little walk. He said he walked the furthest point in about a minute and a half. The Judge and we specified our desires in our last meeting. We want to make it easier on our citizens of where they go when they have to go for the court needs. Parking on West Beverley and around there, handicap parking—I don't think handicap parking has been addressed. There are a lot of hidden things here. Environmental issues, when you start tearing the buildings down; that's not put in this price, either. I think it is a start, but I think, what it was suggested here, we have to have a timeline. Otherwise, it is going to continue being kicked down the road. Mr. Pyles brought up something at the last meeting about the regional court system like we have regional here. Maybe, we need to ask Waynesboro—give them to the end of the year here to make a decision whether they want to move into this plan. If they don't, then we move forward with it. As Mr. Wills said, by next May, I think we need to have an answer.

#### Mr. Wills added:

Before then. I want an answer before this Board goes off. We've been dealing with. I would like to have an answer by the 1<sup>st</sup> of December so that this Board can act on it.

#### Chairman Shull's continued comments:

If that's the pleasure of the Board, then that is what we'll do.

#### Mr. Moore added:

Every one of the regional programs have been very successful. Mayor Dull brought up the Landfill and Social Services are all regional programs and have been quite successful. With the willingness to cooperate, at least on consolidation, I think Waynesboro should be included in discussion.

#### Mr. Pyles added:

One of the things, virtually, all of the regional plans are here. The regional Landfill is in Augusta County. The regional Jail is in Augusta County. The regional Juvenile Detention Center is in Augusta County. The regional Social Services is here in Augusta County. We have a regional Wastewater Treatment Plant that is in Augusta County. It seems like we are a depository for refuse. We have a right to be considered for having the good stuff, too. If you are going to have consolidated courts, then it has to be three and the only place that makes sense to me is to be right here. Our building is already built where it can handle that. They are welcome to get it in. It's like the 911; you're talking about regionalism, Harrisonburg and Rockingham have a regional 911 system and the same with Albemarle and Charlottesville. We were told no on that. I talked to Mayor King and Mayor of Waynesboro about a regional Service Authority to handle the water for everybody. We have all these water plants that we have all this expertise here and how they run it and how they want to operate their systems by themselves. We could contract out for them. They said no. What I found out from working with the cities over the years, if it is in their favor, they will do it; if it is something that we are going to get a plus for it, they are going to hold off. The fact that we can't have a regional 911 center. It could be operated out in India. They don't have to be right here. But to have one building where we have a lot of people not doing a lot, that's a real place you could save money. I have not, yet, seen; nor, do I believe that they are going to be able to have a consolidated court system that reduces employees such that we are going to have a significant savings. You are asking to do a study based on doing it in Staunton. Why don't you do a study stating where it should be done—in Staunton or Verona? If you are looking at where your cost-savings are, it should be here. We have land available. We don't need to buy a \$3 million little part of a block, tear it down and start over. We have it here. We're right next to the Jail. That's been a big thing that people keep forgetting. We just bring them up the

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back road to it instead of loading a van. It's going to be like a trolley dropping people off at the different courts. It's not efficient. This operation has all in one building, but they have to service three. They got all the clerks in one building, but they have to service three. I don't know what you need to discuss. How can they make it work in Staunton? Why don't we say, 'How can we make it work for everybody?' Until you're willing to do that, we're not looking out for our citizens. My average citizen is not heaped up on going downtown Staunton as what these folks are. They would like to be able to get in and do their business and get out. I don't know what you're planning on doing. I don't think it has been thought out, again. We had a thought-out plan.

#### Chairman Shull's continued comments:

Ms. Bragg said about the 20 years vs. 40 to 50 years and we're looking at more of a 50-year building down here. It will be more efficient for the people down here in Augusta County. My concerns with the study and things here is like Ms. Bragg said, 'What will we do in 20 years?' There isn't a lot of room for expansion downtown. You still haven't addressed the parking. It would be my desire that the plan gets looked at a more efficient manner to compare apples-to-apples. What's efficient for Augusta County citizens? Where are we going to put the bulk of money in downtown Staunton? I know my theology of the formula is a little better now than what it was in the study. We went into a meeting in Rockingham and Harrisonburg and it was 50-50. If we put our money in Staunton, I think Staunton needs to have a little more money upfront because for years, we won't collect anything. My desire would be that we hold off a year and we get a better study and we have a timeline set. If nothing is done, or if Staunton decides that they don't want to go forward with this, let us know so that we can go forward with our plans. We'll just do business like we're supposed to.

Mr. Wills moved, seconded by Mr. Moore, that the Chairman appoint a Negotiating Committee to address the concerns of this Board and City Council members and that the team begin meeting immediately and that a proposal that both Council and this Board can agree to be hammered out before the first of December. In that way, Staunton would be able to go to referendum in May on their constitutional officers. Mr. Moore asked to amend the motion to include Waynesboro as part of initial dialog.

Mr. Wills noted that if Staunton does not get permission from their citizens to eliminate the constitutional officers, that puts a block immediately. Augusta County also has to get permission from the County citizens. He felt that the November Election should have a good turnout because of it being a Presidential Election. Referendum needs to be on the ballot next November. "I think to show the desire to move forward and to have something done, the City Council needs to recognize that this Board is intent on following some of comments that the Judge made to us in reference to us on the number of buildings and security." Mr. Wills expressed surprise that the Judge had previously said the old building could not be made conducive to Circuit Court and Staunton has the Circuit Court located in it. "If Staunton decides that they cannot live up to this, I would hope they would tell us immediately where we can go this fall. I think the plan was put together with the idea of just killing the referendum and then keeping it down the road for ten years. I'm not willing to let that happen."

Mr. Moore felt that if this is going to be truly regional consolidation, Waynesboro should be included in initial discussions.

Ms. Bragg asked if Mayor Dull is interested in pursuing this. She was with the understanding that the plan, as presented, does not meet the needs. She felt the costs would be higher than what was presented and asked if Staunton would be considering to proceed with negotiations.

Mr. Coffield added that the cap needed to be based upon the other regional proposals which is done the most recent year and then go forward with a three-year rolling average. That would start off at 34%, not 25%, and it would revolve over the time of the agreement based upon the actual prior three years.

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Mayor Dull made the following comment:

I'm not sure where we stand. We made a proposal. Are you accepting it in a general sense, but needing to work out the details? I would appreciate clarification on exactly what we're talking about.

Mr. Wills stated:

We are agreeing to talk to you about consolidation with probably different plan than what you're looking at and with different percentages than what you presented.

Mayor Dull added:

I can just add the fact that, if I'm not mistaking, Frazier Associates used the same cost that the Moseley used. I feel pretty confident in those figures that are attached to the "Cost of Construction" and they interviewed the Judges and the design of the historic courthouse and the new construction is what the Judge wanted to have. We didn't make that up. We're certainly happy to continue discussing. I would like some reassurance that we're not going to just talk and not come to any agreement. To me, there are details that always need to be worked on. We knew that. This is a proposal in concept and they will be all kinds of operational details, allocation of costs down the road; all of those things have to be worked out. We have managed to do that with all the other regional efforts that we have been successful at working out all the details and they work well. I would hope that Mr. Pyles, after listing the Social Services and the Landfill and the Jail and the various things that are located here, that, maybe, he would like to share the wealth with Staunton and let us have one thing. I can't commit the City, but I don't know why we wouldn't be interested in continuing to work out details on the conceptual proposal locate the courts in Staunton. When consolidation happens, it doesn't happen frequently, to my understanding. I think the last one was in 1973. There is not a lot of history in how that has been done. We'll just have to go down that path. Legislation is required, but I think that is all doable. To me, all of these problems can be solved.

Mr. Wills stated:

The one question I would have for you, are you committed to your team meeting on a regular basis and moving this thing forward and not taking a month in between meetings?

Mayor Dull stated:

I never schedule the meetings. I'm retired.

Mr. Wills stated:

We were delayed from last May until December when I asked you, specifically, for a proposal in May. I'm asking you right now, are you prepared to come and negotiate directly and with good faith?

Mayor Dull stated:

I am personally prepared to negotiate every day between now and December 1 because I am retired. I am willing to do that.

Mr. Wills stated:

I am not prepared to get into the middle of this thing and everything just get put on hold.

Mayor Dull stated:

Absolutely, and that is why I was asking for clarification. I want us to make progress. I want us to solve all the problems and have a deal. It will be a win-win for everybody.



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Chairman Shull stated:

I think the conceptual plan by Moseley, the Judge looked at that, and I'm not going to question his authority on the day-to-day operations of the court system, but he is there most every day and knows how things proceed and what goes on. He liked that plan and he made the comment, 'If we do something in Staunton, this building needs to be sitting in Staunton'. I think that was his desire is to have a design as the Moseley group had put together. If we can work towards that plan, whether it is detail for detail, and address parking because that is a good concern if you heard from most of the Board here. If we can do that, we can move forward.

Mr. Pyles stated:

I want to address Mayor Dull's comments on the Jail and Juvenile Detention. That was not our choice to come here. It was the desire of the cities that they didn't have places to put them. You could have a Jail. You didn't want a Jail. Let's not confuse that. As far as the Landfill, we had a deal before the 1990's--wanting the Landfill. Then Staunton said, 'Well, it's not a good deal. We want an improved deal.' They came before us and said they were going to revert; they were going to use reversion if we didn't change the deal. While it was all 'kum ba ya,' it hasn't been. Working with people is difficult. You have more financial problems than we have. As your issues have cropped up, you have put pressure on us to concede more as we go along. You have the paper firmly in your pocket to write some great editorials about the bullies of Augusta County. We're just people trying to do the job for our citizens and we try to do right. What I heard here tonight was confusion. We had a plan. You want to negotiate to put it in Staunton. That's not where we need to put \$30-\$40 million. This Board was going to make a decision in December and then January 1<sup>st</sup>, you're leaving! There are only two members on this Board that is sure to be back next year. We could use this time to go for a referendum to nail down the questions for the City and from the citizens. If the City wants to negotiate with us up to that time, and we come up with some place we can live, we can say, 'Don't vote for it—Plan is off the table'. What we're doing, now, is absolutely saying, 'We yield to the public pressure. Our plans were worthless. All the studies we looked at; all the considerations we had—they're off the table. We'll just talk about it until December and then we'll leave it for the next Board.'

Dr. Pattie said he agreed with the motion.

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

                                     Nays: Pyles and Bragg

Motion carried.

Judge Victor Ludwig made the following comment:

I think there are four things I want to say if I can remember all four of them.

1.        The thing I have learned most during this process, which has been going for quite some time for a number of you all and for me is a new principle and that is—and a number of people have heard me say this, I've come to learn that those who are most ignorant of the facts, and least responsible for the outcomes, are most intense in their opinions and advice. That obviously doesn't apply to you all. You know the facts; you are responsible for the outcome and it is your advice that all of us ought to value.
2.        I am aware, as you are, somebody even made a comment about it, of the comments and criticism that have been directed to this Board. I've been working with this Board since you were elected—I was working with Mr. Pyles' Board before that. While I may have come into the process three or four years ago with some concerns about how it was all going to go, I want to tell you and I want to tell the public that criticisms of how this Board has handled this are unwarranted, unjustified, unnecessary, and untrue. You all have been as accommodating, as understanding, and as committed to a pretty obscure process that truly cares about the courts. Well, I found out you all did. That's pretty important. Those who have criticized you, don't recognize how hard you have worked and how committed you've been.

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AUGUSTA COUNTY COURTS COMPLEX (cont'd)

3. I agree that the vote that you have taken tonight is a vote of some optimism, some skepticism and some rejection. I understand that. I heard a number of things that Supervisor Pyles said, some of which I would like to discuss with you in private because his facts are wrong, but I got his drift and I understand his concerns. They are my concerns, too. I think the idea that we start dealing with this tomorrow is about a half a day too late. We need to deal with this intensely until the job is done or until, as you suggested, Mr. Wills, we punt this concept and go back to referendum.
4. Finally, I just want to thank you. I think you, frankly, took a courageous vote tonight. I had come here with the really ambivalent intention and thought, 'Well, do I go up and tell them what I think, I do I just be quiet and let them make the decision?' Happily that opportunity really didn't arise until after you had taken your vote, for which I am imminently grateful, but you will not find anyone in the County of Augusta or the City of Staunton who is prouder of the work that you all have done and attended to over the past year.

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2016 LEGISLATIVE PRIORITIES

The Board considered 2016 General Assembly Legislative Package.

Mr. Coffield reported that the legislative proposals had been circulated to staff and the Board. Comments have been received and a draft has been provided to the Board. He highlighted the following:

1. Aid to Localities Reductions – reimburse localities for past “allocations”:  
  - a. 2009 \$50 million
  - b. 2011 \$60 million
  - c. 2013 \$50 million
  - d. 2015 \$30 million

For Augusta County, this reimbursement would total \$1.6 million. For the County of Augusta, Waynesboro and Staunton, \$1.7 million reimbursement for the Middle River Regional Jail.

2. Flood Control Dams – Seeking \$633,100 to ensure the full (65%) federal funding of federal and state mandated improvements to Hearthstone Lake Dam.
3. Public Education – updated by Superintendent
4. School Composite Index reoccurring.
5. Mandated and Shared Programs – reoccurring
6. Transportation – rewritten – HB2 process of prioritizing projects is untested and causes some concern over the future funding possibilities of projects within the County.
7. Economic Development – high-lighted Commonwealth Opportunity Fund (formerly Governor’s Opportunity Fund)
8. Fines and Forfeitures
9. Machinery and Tools Tax – reoccurring
10. Comprehensive Services Act – State established and continues to retract from its commitment.
11. Land-Use Decisions – should remain at local level.
12. Storm Water and Dam Regulations – Federal passed down to State – mandates to local governments – extremely costly.
13. Annexation – 20+/-year issue
14. Overtime Compensation Rate – keep as right-to-work state
15. Legislative Nominating Process – Costs of holding Primary and Special Elections – waste of local dollars.
16. Elections - Possible all-day mass meeting voting at a limited number of site(s) or at the Government Center.

August 12, 2015, at 7:00 p.m.

2016 LEGISLATIVE PRIORITIES (cont'd)

- 17. EMS Personnel Licensure Interstate Compact
- 18. Public Notice Requirement reform
- 19. Reform and Restructuring – General Assembly needs to examine carefully short-term and long-term effects on state and local governments, particularly with respect to state and local budgets.

Mr. Coffield reported that this will be provided to VACo. He noted that this is not the “final” report and indicated it would continue to be updated as we hear from VACo and other communities.

Mr. Pyles moved, seconded by Mr. Moore, that the Board provide VACo with this report.

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

Nays: None

Motion carried.

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COOPERATING AGENCY STATUS

The Board considered the option to become a cooperating agency in regard to the Review of the FERC Environmental Impact Statement.

Timmy Fitzgerald, Director of Community Development, advised that at the Board’s April 8<sup>th</sup> meeting, the Board asked staff to contact FERC for information on becoming a cooperating agency in regards to the Environmental Impact Statement connected with the Dominion Pipeline Project. Since that time, he has contacted FERC; FERC staff said they would check to see if local governments had ever participated as cooperating agencies. To date, FERC has not contacted them; however, they have contacted the Service Authority and provided some information. Mr. Fitzgerald expressed the following concerns:

- 1. Time commitment – The County would potentially need to dedicate a lot of staff time towards meeting with FERC and to reply to reports.
- 2. Confidentiality – Staff is concerned that information would not be able to be shared with the Board.
- 3. Legal action – Right to intervene would be forbidden.
- 4. Part of FERC – Would be expected to attend scoping public meetings and “sit at the table” with them.

Mr. Fitzgerald expressed the importance of cooperating with Dominion in regards to its project and asking appropriate questions. He recommended that they not be a cooperating agent at this time and reserve the right to continue to cooperate and be an intervener in the future if the Board desires.

Diane Korte was surprised of Staff’s interpretation of being a cooperating agency and suggested that they do further research. She had understood that the County would have more power as a cooperating agency. She further stated: “Given the poor performance of both Dominion and FERC and the underfunding of the Pipeline and Hazardous Materials Safety Administration on the federal level (for monitoring the pipeline post construction) and the DEQ in Virginia (for erosion and sedimentation control) and the wealth of excellent information both scientific and engineering that screams ‘don’t do it’ around every aspect of the proposed pipeline route and the poor quality and shallow nonsense in the preliminary reports for the environmental assessment, we desperately need the County to be as involved and as proactive as possible. In all of these months of reading and calling and investigating all of the players involved with guaranteeing that infrastructure of this magnitude and danger is done properly, so far my County Board of Supervisors are the only entity that seems to

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August 12, 2015, at 7:00 p.m.

### COOPERATING AGENCY STATUS (cont'd)

be performing very well. Please use our resources, my tax dollars, County staff time and your attention to balance the forces controlling the outcome of this major proposal.”

Ms. Korte suggested that Mr. Fitzgerald read the National Forest report. She said it had a lot of creditable, professional and engineering information in how to “do this properly”. She was concerned about the “most dysfunctional land use project” she had ever seen. She expressed the concern of “not having enough political or agency strength to make them do the right thing”. She suggested that the Board get another reading on the responsibilities of being a cooperating agency.

Mr. Wills asked where they could get another reading. He felt that being an intervener was more important than being a cooperating agency. Ms. Korte suggested the EPA, Southern Environmental Law Center, Legal Counsel, or other federal agencies who enforces NEPA.

Ms. Korte felt that if it were true that being a cooperating agency would put the County in a weaker position, she would not want them to do that, but she did not feel this to be correct interpretation of being a cooperating agency. Mr. Fitzgerald said that the FERC document is clear that the right of being an intervener is given up if you choose to be a cooperating agency. He quoted a footnote: “Only Intervenors have the right to request rehearing of a FERC decision.” He added that if you are not a cooperating agency, you do not give up your right to provide comments to the EIS. Ms. Korte expressed concern of the EIS being deemed adequate.

Mr. Moore asked if there is a need to take action tonight. Mr. Pyles said that action did not need to be taken tonight.

Mr. Pyles said this was discussed in the Service Authority’s meeting on Monday and that he had asked if this could be delayed until they heard from another group (Coordination America). He explained that Coordination America uses NEPA (National Environmental Protection Act), because of endangered species, who can override some projects. Under NEPA, it is not just economic or environmental, but it considers the community or other resources. This has been used to bring about changes in legislation. Mr. Pyles asked if the Board was in agreement to have Coordination America give a presentation at the next Staff Briefing (August 24<sup>th</sup>).

Mr. Pyles also mentioned that he and Ms. Bragg had attended a meeting with Dominion Power and the Service Authority today. He reiterated that at the last Board meeting, concerns about the Lyndhurst well had been discussed. It had been determined to research what could be done to protect the well. This was discussed at today’s meeting. “I think we got their attention.” Also, discussed at a previous meeting was endorsing a letter requesting meetings with the Governor and Senators. The Service Authority has submitted a Bill of Complaint that shows that Dominion has not been compliant with the County. He felt that this statement and any other complaints made by citizens, blasting concerns, indemnification for private wells, etc., should be included in a letter to FERC and then a cover letter to the Governor requesting a meeting to discuss issues in depth. A joint letter should also be sent to Senators Hanger and Warner requesting a meeting.

Mr. Pyles moved, seconded by Mr. Moore, that the Board authorize staff to draft a letter to FERC, the Governor and the Senators and invite Coordination America to provide a presentation at the Staff Briefing on August 24<sup>th</sup>.

August 12, 2015, at 7:00 p.m.

COOPERATING AGENCY STATUS (cont'd)

Ms. Bragg added that it was an interesting meeting. She felt like she "was in a Federal interrogation room". She felt that they listened today but felt that "if we back off any whatsoever, I think we're going to slip back down the hill. I think what Mr. Pyles said is very true. These are the steps that we need to do to move forward."

Mr. Wills asked what the cost would be to invite Coordination America. Mr. Pyles said it would be approximately \$500.

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

Nays: None

Motion carried.

It was the consensus of the Board to take no action on the County becoming a cooperating agency.

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BUSINESS LICENSE REFUND

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

- 1. Stop In Food Store #157                      \$4,008.77

Patrick J. Morgan, County Attorney, reported that the Commissioner of Revenue has asked that the Board of Supervisors consider authorizing a refund to Stop in Food Store #157. In March, they bought the Business License for the entire year; however, the store was sold in May. Mr. Morgan has reviewed the material and found everything in order and recommended approval of the refund totaling \$4,008.77.

Mr. Pyles moved, seconded by Mr. Moore, that the Board approve the refund.

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES – NONE

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CONSENT AGENDA

Ms. Bragg 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, July 20, 2015
- Regular Meeting, Wednesday, July 22, 2015

CLAIMS

Approved claims paid since July 22, 2015

August 12, 2015, at 7:00 p.m.

CONSENT AGENDA (cont'd)

Vote was as follows: Yeas: Pattie, Shull, Wills, Moore, Wells, Pyles and Bragg  
Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles:

- 1. Certificate of Public Service – recognition of service of Judy Martin at the Craigs ville Fire Department for 33 years.

Mr. Pyles moved, seconded by Mr. Wells, that the Board approve the Certificate of Public Service.

Vote was as follows: Yeas: Pattie, Shull, Wills, Moore, Wells, Pyles and Bragg  
Nays: None

Motion carried.

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- 2. Sheriff’s Election – expressed concerns of losing three positions (losers of the Election). Possibly consider Police Department? Asked if Accreditation could be reviewed.

Dr. Pattie: Thanked the Board for allowing him to participate in tonight’s meeting.

Ms. Bragg: Sweet Dreams – Wonderful event! Appreciated staff’s diligent work.

Mr. Wills:

- 1. Sheriff’s Election – Learned that deputies not having a grievance policy and asked that this be considered.
- 2. Courthouse Complex – He did not support Staunton’s proposal; however, he did not support a referendum at this time.

Mr. Wills moved, seconded by Mr. Moore, that the Chairman appoint a Negotiating Committee to consist of the Chairman (Michael Shull) and Vice-Chairman (Carolyn Bragg), along with appropriate staff when needed.

Mr. Coffield noted that, at times, legal, procurement, engineering staff would be needed. Mr. Pyles asked to be kept apprised of all meetings.

Vote was as follows: Yeas: Pattie, Shull, Wills, Moore, Wells, Pyles and Bragg  
Nays: None

Motion carried.

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August 12, 2015, at 7:00 p.m.

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

Mr. Moore:

1. Sheriff's Election – Agreed with Mr. Pyles' comments and supported having a grievance policy.
2. School Season! – asked that newspaper provide an article reminding the citizens to be cautious.

Chairman Shull:

1. Courthouse – Magnitude of money is being spent on the court system and “we need to look at it very carefully and make the best judgment for the citizens of the County and spend our dollars wisely”.
2. Schools – Asked that citizens be mindful of buses as the new school session begins.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. VACo meeting – tomorrow – transportation arranged.
2. Year-end Fund Balance – Information distributed – School Board requested \$544,068 to be placed in the School Capital Improvement Program. No Board action required. Augusta County's \$30 million budget – savings from revenue/expenditures: \$1,065,814. Commended all County Departments on the management of budgets and “making it as positive as it can be”.

Ms. Bragg asked how the School Board planned on spending this money. Mr. Coffield advised that before it could be spent, it would need to come before the Board for approval. Mr. Wills said that he thought a bus may have been purchased at the end of the year and added that the School Board hoped to put this toward the Capital Plan. Jennifer Whetzel, Director of Finance, said it was going into their cash-flow schedule. “Those years that they were running in the red for the two elementary schools and one middle school project, this will put them in the black a little bit.” Mr. Moore mentioned chillers being needed at Fort Defiance High School.

3. Governance Meeting – August 20<sup>th</sup>.
4. VDOT – Revenue Sharing (“Wish List” from all jurisdictions) – will be submitted to the General Assembly as a funding request based upon juristic Revenue Sharing requests. Asked for Board input. Deadline – October 30, 2015. Chief application writer, Jeremy Mason, has taken other employment (Rockingham County School System).
5. Rockbridge County – NRCS Hays Creek Watershed Plan – Closeout Resolution needs signature. Will be discussed at the next Staff Briefing (August 24<sup>th</sup>).
6. Ms. Earhart asked for direction from the Board regarding the sourcewater protection Area 2 delineation maps for Vesper View, Harriston, and Churchville. She asked if the Board wished for this to be advertised for rezoning in September and if they wanted staff to reach out to the City of Staunton on Gardner Springs. The consensus was to check with Staunton and see where they were in terms of seeking the overlay designation and move forward with the rezoning.

Mr. Pyles moved, seconded by Mr. Moore, that the Board authorize staff to advertise the three County wellhead protection areas for September.

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

Nays: None

Motion carried.

August 12, 2015, at 7:00 p.m.

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CLOSED SESSION

On motion of Ms. Bragg, seconded by Mr. Wills, 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
  - B) Personnel
  - C) Assignment of Professional Firefighters

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On motion of Mr. Moore, seconded by Mr. Wills, the Board came out of Closed Session and adjourned subject to the call of the Chairman.

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

Nays: None

Motion carried.

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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.

Roll Call Vote was as follows:

AYE: Pattie, Wills, Moore, Bragg, Wells, Pyles and Shull  
NAY: None

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

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FIRE AND RESCUE - SAFER GRANT

Chairman Shull requested staff to bring "SAFER" Grant before the Board at its next Staff Briefing. Board requested that staff have a "Financing Plan" for continuing grant after 2 years and to also provide discussion/justification for proposed staffing plan. Board also requested update on Strategic Plan as it relates to "centralization" of County manned Stations.



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August 12, 2015, at 7:00 p.m.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Moore moved, seconded by Mr. Wills, the Board adjourned subject to call of the Chairman.

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

Nays: None

Motion carried.

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Chairman

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County Administrator