
Regular Meeting, Wednesday, February 10, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Terry Lee Kelley, Jr.
Wendell L. Coleman
Gerald W. Garber
Marshall W. Pattie
Michael L. Shull
Timmy Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Patrick J. Morgan, County Attorney
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, February 10, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

* * * * *

Chairman Carolyn S. Bragg welcomed the citizens present.

* * * * *

The following students of Shenandoah Valley Governor's School led the Pledge of Allegiance:

Morgan Lyle, a senior from Buffalo Gap High School, plans on attending JMU and major in Theater and English.

Rebekah Trumbo, a senior from Buffalo Gap High School, plans on attending VCU and major in Theater and English.

Allison Herron, a junior from Riverheads High School, is in the STEM program and hopes to major in Chemistry.

Emma Harrison, a junior from Wilson Memorial High School, is in the STEM program and plans on attending UVA.

Will Elkins, a senior from Stuarts Draft High School, is in the STEM program and plans on attending William and Mary and major in Economics.

Ethan Flick, a junior from Fort Defiance High School, plans on majoring in Physical Therapy.

* * * * *

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

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Penny Chaboudy, Chapter Regent, of The National Society of the Daughters of the American Colonists, reported that a local chapter, The Great Warriors Path, was organized on December 13, 2014. The object of the Society "is patriotic, historical and educational: to research the history and deeds of the American colonists, and to record and publish them; to commemorate deeds of colonial interest; to inculcate and foster love of the United States of American and its institution by all its residents; and to obey its laws and venerate its flag, the emblem of its power and civic righteousness." Ms. Chaboudy read a resolution in support of the Augusta County Courthouse remaining in the City of Staunton and asked for the Board's consideration.

February 10, 2016, at 7:00 p.m.

* * * * *

LOCAL EMERGENCY TERMINATION

The Board considered resolution to terminate Declaration of Local Emergency due to a significant storm event.

Timothy K. Fitzgerald, County Administrator, noted that an Emergency Declaration resolution was adopted on January 27, 2016. Tonight's resolution is to terminate that Declaration.

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

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

WHEREAS, due to a winter storm, the County of Augusta faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby;

WHEREAS, the conditions of extreme peril to life and property necessitated the declaration of the existence of a local emergency;

WHEREAS, circumstances did not permit the governing body to convene to consent to the declaration of the existence of such a local emergency;

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Title 44, Chapter 3.2 of the Virginia Code) authorizes the Emergency Management Director, or in her absence, the Emergency Management Co-Director, to declare the existence of a local emergency when the governing body cannot convene, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration;

WHEREAS, on January 20, 2016, by Declaration of Local Emergency ("Declaration"), Timothy K. Fitzgerald, Emergency Management Co-Director of the County of Augusta, Virginia, declared the existence of such a local emergency, subject to confirmation by the Board of Supervisors of Augusta County, Virginia;

WHEREAS, by resolution adopted on January 27, 2016, the Board of Supervisors confirmed the Declaration;

WHEREAS, all coordinated local government action has been taken and it is no longer necessary for the Declaration to remain in effect; and

WHEREAS, the Board of Supervisors desires to terminate the Declaration, and to approve, ratify and confirm all actions taken by the Emergency Management Co-Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that all actions taken by the Emergency Management Co-Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta be, and hereby are, approved, ratified and confirmed.

IT IS FURTHER RESOLVED that the Declaration be, and hereby is, terminated, effective February 10, 2016.

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg, Kelley, Garber and Pyles

Nays: None

Motion carried.

* * * * *

February 10, 2016, at 7:00 p.m.

NARROWBANDING

Jennifer M. Whetzel, Deputy County Administrator, advised that at the time of the agenda preparation, she had placed Narrowbanding on the agenda for the awarding of the procurement for a tower at Troxell Gap. There is one item on the lease to be resolved and Ms. Whetzel asked to defer this item to a later date.

* * * * *

VPSA – AUGUSTA COUNTY SCHOOLS CONSTRUCTION PROJECTS

The Board considered County resolution authorizing the reimbursement of capital expenditures.

Ms. Whetzel reported that the Augusta County School Board and the County Finance are in the process of applying for funding through the Virginia Public School Authority (VPSA). A reimbursement resolution is required to allow the County to reimburse itself for any expenditures on this project up until the date of closing (April or May). The estimated project costs are approximately \$45 million. It will be borrowed in two separate loans with the first one being approximately \$30 million and the second approximately \$15 million. There will be future approvals required by the Board of Supervisors to authorize the bond issue and to execution bond sale agreements (planned in March). The School Board has approved a resolution authorizing their application to VPSA; however, another resolution will have to be approved at its March meeting. Tonight’s consideration is for the Wilson Middle School renovation, Hugh Cassell and Riverhead Elementary School construction projects. Ms. Whetzel added that this has been reviewed by the County Attorney.

Mr. Coleman moved, seconded by Mr. Shull that the Board adopt the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA
DECLARING ITS INTENTION TO REIMBURSE
THE COST OF CERTAIN EXPENDITURES**

WHEREAS, Augusta County, Virginia (the “County”) desires to finance the design, construction and equipping of a new Riverheads Elementary School, a new Hugh K. Cassell Elementary School and an expansion of Wilson Middle School (collectively, the “Projects”);

WHEREAS, the County and/or the Augusta County School Board (the “School Board”) has made or will make expenditures (the “Expenditures”) in connection with the design, construction and equipping of the Projects;

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County and/or the School Board from the proceeds of one or more taxable or tax-exempt obligations to be issued by the County (the “Indebtedness”); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA (THE “BOARD”):

The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself and/or the School Board with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Projects, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

The maximum principal amount of Indebtedness expected to be issued for the Projects is \$45,000,000.

This Resolution shall take effect immediately upon its adoption.

February 10, 2016, at 7:00 p.m.

VPSA – AUGUSTA COUNTY SCHOOLS CONSTRUCTION PROJECTS (cont'd)

The undersigned Clerk of the Board of Supervisors of Augusta County, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of Augusta County, Virginia at a meeting duly called and held on February 10, 2016, during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended.

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg, Kelley, Garber and Pyles

Nays: None

Motion carried.

* * * * *

FIRE AND RESCUE – STANDARD OPERATING GUIDELINES (SOG)

The Board considered committee recommendations relating to proposed Standard Operating Guidelines (SOG):

- 1. Training Registration
- 2. Burning Exercises

Bt. Commander Greg Schacht reported that two SOGs came before the Officers' Association in its November meeting and had been provided to the Board of Supervisors at its last meeting. He was available to answer any questions that the Board may have.

Mr. Kelley moved, seconded by Mr. Pyles, that the Board authorize staff to apply for the Standard Operating Guidelines.

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg, Kelley, Garber and Pyles

Nays: None

Motion carried.

* * * * *

WAIVERS/VARIANCES - NONE

* * * * *

CONSENT AGENDA

Chairman Bragg asked if the public wished for any item to be removed from the Consent Agenda. No request was made.

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, January 25, 2016
- Regular Meeting, Wednesday, January 27, 2016

CLAIMS

Approved claims paid since January 13, 2016.

February 10, 2016, at 7:00 p.m.

CONSENT AGENDA (cont'd)

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg, Kelley, Garber and Pyles

Nays: None

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Garber and Mr. Kelley: Commended Volunteer and Career staff for an outstanding job today!

Dr. Pattie: Routes 613 and 262 – diamond interchange rejected again because of the \$45 million cost. In the meanwhile, need to improve the safety on that intersection: 1) Engaging counterparts in Staunton to have a meeting of options of what can be done: a) possibly lowering speed limit; b) dual locality Police Enforcement; c) turn lanes are short, which adds to the confusion of citizens; 2) Asked Mr. Fitzgerald to contact Staunton requesting forming such a group.

Mr. Pyles suggested that Dr. Pattie review the study that was created two years ago which provide recommendations.

Mr. Coleman:

- 1. Attended Dominion Information Open House regarding the Cunningham-Dooms project at the Cassell Elementary School.
- 2. Attended Co.10 Banquet – “Great Event!”

Mr. Pyles:

- 1. ACSA Press Release on Lead in Water – noted that all of the water systems meet, or exceed, the demands and criteria. “We do our job!”

* * *

- 2. Shenandoah Valley Social Services (Child Protective Services) issues – Expressed concerns of child abuse and asked the Board to consider placing the Shenandoah Valley Social Services (SVSS) on the Staff Briefing Agenda to provide monthly reports on calls received and responses (similar to Fire and Rescue reports). He also suggested that a symposium occur to consist of staff from Richmond, daycare providers, law enforcement, schools, judges, etc., informing the public of what should be done.

Mr. Pyles moved, seconded by Dr. Pattie, that the Board authorize staff to ask the Director of SVSS to provide monthly reports at the Staff Briefing meeting and to have a symposium created, which would be available to different service providers for discussion on “how to fix the problem”.

Dr. Pattie suggested that the Board get a thorough overview of the Social Services current system and tour the building at the first Staff Briefing meeting.

Mr. Shull felt that there needed to be further discussion before having the SVSS attending the meetings on a regular basis.

Mr. Coleman expressed concern as to how it would be perceived by SVSS.

February 10, 2016, at 7:00 p.m.

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

Mr. Pyles added that Mr. Fitzgerald represents the Board on the SVSS and felt it was reasonable to have monthly reports provided.

Mr. Shull expressed concern of legal issues. Patrick J. Morgan, County Attorney, said that you could not get involved directly on a case-by-case basis. The Director could, in general terms, provide information as to how many CPS cases were investigated.

Dr. Pattie added that there are so many agencies that the County shares responsibility and felt that they needed a “better grasp on what is happening”.

Mr. Kelley asked for clarification on the symposium. Mr. Pyles asked that staff provide recommendations for the next Staff Meeting. From that point, it would be determined how cumbersome it would be.

Vote was as follows: Yeas: Pattie, Coleman, Bragg, Garber, Kelley and Pyles

Nays: Shull

Motion carried.

* * *

Chm. Bragg:

1. Attended Board of Supervisors/School Board Liaison quarterly meeting.
2. Attended Small Area Development Plan for Stuarts Draft meeting.
3. Will be attending VACo County Government Day – tomorrow in Richmond.
4. Will be attending VACo County Board Chairperson’s Institute - Friday and Saturday in Richmond.
5. Riverheads Elementary School Groundbreaking Ceremony – Friday at 10:00 a.m.
6. School Bus Accident – Echoed that staff, Fire and Rescue response – “Amazing job – very well-trained group of people that does take care of the citizenship in Augusta County!”
7. Condolences to Dr. Pattie and his family extended on behalf of the Board.

* * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. VDOT Traffic Counts – February 22 – April 29, 2016
2. Electoral Board – memorandum distributed to Board regarding voting equipment replacement. Mr. Pyles questioned equipment usage. Ms. Whetzel explained that they were similar to computers and were having issues with the hard drives.
3. SVSS Annual Report distributed to the Board.
4. Reassessment – Currently, a five-year cycle – asked for input from the Board as to changing cycle. It was the consensus of the Board to not change in the near future. Ms. Whetzel added that a meeting will be scheduled with Rockingham County to review their setup. Mr. Pyles asked Ms. Whetzel to inquire as to litigation. Ms. Whetzel said they are having similar issues as Augusta County.
5. Government Day tomorrow – will be leaving the Government Center at 9:00 a.m. Session begins at 12:00 noon. Also, Lt. Governor “Open House” at 4:30 p.m.
6. VML Essay – Region III and Statewide Winner Lily McClung, Wilson Middle School – “If I Were Mayor”- distributed to Board (included letter of congratulations from Mr. Fitzgerald).

February 10, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 7. Zoning violation – Jason Bradley property has been determined “Safe and Health Hazard” by the Health Department. A picture of property was circulated. It has been a perpetual issue since 2013. Augusta County has the ability to clean up the property and submit a bill to the property owner if the Board authorizes staff to do so. Numerous letters of complaint have been mailed. The property is located in the South River District.

Mr. Pyles moved, seconded by Mr. Coleman, to authorize staff to take the steps necessary to bring the property in compliance with the Health Department requirements.

Vote was as follows: Yeas: Pattie, Coleman, Bragg, Garber, Shull, Kelley and Pyles

Nays: None

Motion carried.

* * *

- 8. SAFER positions coming to a closure on training – celebration on Friday, February 12th, at noon.

* * * * *

Mr. Shull recognized the Riverheads High School Civic Government Studies students present and invited them to return.

* * * * *

CLOSED SESSION

On motion of Mr. Pyles, seconded by Dr. Pattie, 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) Director of Community Development

- (2) the real property exemption under Virginia Code § 2.2-3711(A)(3)**
[discussion of the acquisition for a public purpose, or disposition, of real property]:

- A) Mill Place Commerce Park

* * * * *

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

Vote was as follows: Yeas: Pattie, Kelley, Shull, Coleman, Garber, Bragg and Pyles

Nays: None

Motion carried.

February 10, 2016, at 7:00 p.m.

* * * * *

CLOSED SESSION (cont'd)

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, Kelley, Coleman, Bragg, Garber, Shull and Pyles
NAY: None

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

* * * * *

ECONOMIC DEVELOPMENT AUTHORITY - REAPPOINTMENT

Mr. Kelley moved, seconded by Mr. Garber, that the Board reappoint Robert J. Kirchman, to serve another four-year term on the Economic Development Authority, effective March 26, 2016, to expire March 25, 2020.

Vote was as follows: Yeas: Pattie, Kelley, Shull, Coleman, Garber, Bragg and Pyles

Nays: None

Motion carried.

* * * * *

ECONOMIC DEVELOPMENT AUTHORITY - REAPPOINTMENT

Mr. Garber moved, seconded by Mr. Shull, that the Board reappoint B. Randolph Roller, to serve another four-year term on the Economic Development Authority, effective March 26, 2016, to expire March 25, 2020.

Vote was as follows: Yeas: Pattie, Kelley, Shull, Coleman, Garber, Bragg and Pyles

Nays: None

Motion carried.

* * * * *

February 10, 2016, at 7:00 p.m.

ADJOURNMENT

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

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg, Garber, Kelley and Pyles

 Nays: None

Motion carried.

* * * * *

Chairman

County Administrator