
Regular Meeting, Wednesday, March 9, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Wendell L. Coleman
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

ABSENT: Gerald W. Garber
Terry Lee Kelley, Jr.

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, March 9, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

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Chairman Carolyn S. Bragg welcomed the citizens present.

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Jyssica McCormick, a senior; and Samara Little, a sophomore at Fort Defiance High School, led the Pledge of Allegiance.

Samara is the Senior Reporter for the FFA and is involved in a lot of FFA events: Parliamentary Procedure; Stockmans; and the Market Animal Show. She hopes to become an Ag teacher or study Veterinary Science.

Jyssica participates with FFA and went to the National Convention last year for the Agricultural Communications Team. The Parliamentary Team won last weekend and will participate in the Nationals again. She hopes to major in Political Science and go to Law School. She also shows horses.

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

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Timothy K. Fitzgerald introduced Angela Michael who will be replacing Ms. Austin when she retires in the next few weeks. Ms. Michael is leaving the Treasurer's office for this new employment.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Larry and Joyce Craun, of Mount Solon, asked if the Board of Supervisors would consider amending the Noise Ordinance. They realize that the Noise Ordinance restricts noise from 12:00 a.m. to 6:00 a.m. but are experiencing a neighbor who plays rock band drums and uses loud speakers three to four nights a week. The noise vibrates their windows and causes them to be unable to watch television or sleep. They have spoken with the neighbor who said they would only play twice a week. This has not occurred. They have also spoken with Dr. Pattie and the Sheriff's office. The Crauns offered to play a recording that has been taken of this disturbance to the Board at the next meeting.

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

Katherine Williamson, George Drumheller and Chris McGuffin expressed road drainage issues at Old Laurel Hill Road south of the Laurel Hill Baptist Church. It was noted that Aaron and Kathy Sheets was unable to attend tonight's meeting to address their concerns, also. Ms. Williamson noted that there was evidence of a problem prior to her purchase of the home in 2003, which was evidenced by erosion channels that have run from Old Laurel Hill Road down her driveway and into the garage as well as algae growth outside the garage foundation. She noted that the prior owner used to maintain a ditch at the top of the property at the edge of the road which helped to channel the runoff between hers and Mr. McGuffin's garages. In 2011, VDOT did a site visit and said nothing could be done. In the Spring 2015, a neighbor across the road obtained a building permit from Augusta County. During the construction, it was observed that water was being pumped from the construction project out to the road and the driveway was modified so that the slope from it to the road was steeper causing heavy waterflow onto Ms. Williamson's property. She added that a 4-inch drain pipe for the dwelling terminates at the edge of the road. In 2015, VDOT installed an apron at the top edge of her property; however, channeling the runoff away from her garage is still a problem. She reiterated that the channeling is still bringing the water on to her property and that it would be ideal that her "property not be a repository for runoff from a state maintained road or from a neighboring property". In early December 2015, Ms. Williamson contacted Mr. Fitzgerald in Community Development regarding marginal effectiveness of the apron installed by VDOT. Mr. Fitzgerald reported her concerns to VDOT. She noted that the original apron was silted in and flattened out by the normal flow of traffic in and out of Mr. McGuffin's driveway. The apron with concrete was working better than prior aprons or ditches. With the considerable additional drainage from the construction project, the apron is insufficient. She expressed further concerns with Mr. Fitzgerald and VDOT and had received no response. She was also concerned with the possibility of having to replace her septic system. She reiterated two issues: 1) Excess runoff that occurs from the aforementioned neighboring property as well as from the driveway of another property directly across from her; 2) If state maintained road, why is it not being maintained? Mr. Drumheller added that he has met with VDOT and an engineer who constructs the ditches, and it was determined that a ditch needed to come down the other side of the road and culverts needed to be installed. Mr. McGuffin added that, because of the slope of the road, water is funneled into his back yard causing a "quagmire".

Mr. Fitzgerald said he was very familiar with the location and has talked with Ms. Williamson and VDOT several times regarding this issue. He noted there is a significant difference in the elevation of her property. A building permit was issued for the property across the road from Ms. Williamson. Currently, there is no ditch to capture the drainage. They are meeting with Mr. Dunlap with VDOT on Saturday to determine what is to be done. He had understood that VDOT was trying to resolve this problem and apologized for not responding back to Ms. Williamson.

Mr. Pyles suggested that they inform their supervisor, Terry Kelley, of the problem. "Sometimes your supervisor can make things work."

In response to the Crauns, Chairman Bragg said this would be referred to the Ordinance Review Committee.

Mr. Pyles added that amending the Noise Ordinance is difficult to do. "We cannot fix everything. Sometime these ordinances get used to create problems rather than solve them. The farmer, who gets up in the middle of the night, could also be in violation."

Mr. Craun understood that Rockingham County resolved the issue through using the Special Use Permit process for non-agricultural activities.

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

Mr. Shull asked if the Crauns' home was the closest to the neighbor. Mr. Craun said that the house sits at the base of a hill and across the road at a higher elevation. Behind the house are three other houses in the woods. Dr. Pattie said there was nothing restricting the sounds and the other houses are protected a little better. Mr. Craun said that he had visited with those who lived directly behind the house and noted the disturbance there, also. He stated that those neighbors did not want to get involved. Mr. Shull asked how many houses were affected by this; Mr. Craun said there were about four houses.

Chairman Bragg said this would be added to the Ordinance Review Committee's list.

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SHENANDOAH NATIONAL PARK - PRESENTATION

The Board received an annual update by Jim Northup, Superintendent of Shenandoah National Park.

Superintendent Jim Northup stated that he had pledged to the Board last year that he would provide an annual visit to the Board with an update on the major happenings in the Shenandoah National Park. He anticipated it to be a very special year throughout the National Park System known as the National Park Service Centennial – the 100th Anniversary of the establishment of the National Park Service, the federal agency which is now the Chief Steward of 410 national parks throughout the country. This agency provides a wide variety of conservation services throughout the nation. He reported there were 1.3 million visitors, an increase of 5% from 2014. He expected higher visitation in 2016 and was pleased that Congress had reached a 2-year budget agreement where there would not be another shutdown in 2016. The Park continues to be a “huge economic engine for the region”. The latest study indicates that those 1.3 million visitors spend over \$80 million annually in the local communities surrounding the Park and that the presence of the Park in the communities supports over 1,000 jobs. They also send a lot of business to local contractors through a wide variety of work taking place in the Park. He was pleased to report that community relationships are good. He continues to meet with the leaders of all eight counties that surround the Park, with the Blue Ridge Committee on Community Relations, and the Celebrate Shenandoah Group on a regular basis. The Park continues to have a good relationship with the Park partners: Concessioner, Delaware North Parks and Resorts, which operates the lodging and food facilities in the Park; the Potomac Appalachian Trail Club, which provides 100s of volunteers to help maintain trails in the Park; the Shenandoah National Park Association, which operates the bookstores and the Park Visitors Centers; and the Shenandoah National Park Trust, the Park's philanthropic partner. Delaware North and the Association reported record years in 2015. The Potomac Appalachian Trail remains an invaluable partner and the Shenandoah National Park Trust is successfully raising money to support a wide variety of projects throughout the Park. A copy of the Foundation Document Overview was distributed to the Board. Superintendent Northrup explained that the Foundation Plan is the basis upon which all future decisions about how the Park is to be managed for the next 10-15 years would be based. Delaware North continues making significant improvements to the Park including major room upgrades, complete renovations of all the public restrooms and shower facilities, renovations of historic cabins, fresh paint on many of the buildings, new sidewalks, better food and better service. The Park has replaced all outdoor interpretive media (information kiosks) and outside interpretive exhibits. Entrance fees have been increased (May 2015) from \$15 to \$20 a car for a seven-day pass. This increase has been well received. He noted that 80% of those funds stay in Shenandoah National Park and is used only for projects that benefit the visitors. The “Last Visitor Survey” indicates that 97% of visitors were satisfied with their visit to the Park. In a series of public meetings, there has been a completion of

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SHENANDOAH NATIONAL PARK – PRESENTATION (cont'd)

a plan for Chronic Wasting Disease (disease that impacts the whitetail deer population). The Park will not begin taking any action until a documented case occurs. As to the status of Hemlock trees in the Park, 95% have died. The Park continues to actively treat the remaining 5% Hemlock trees and the Ash trees in the Park since the Emerald Ash Borer, which is the invasive insect, has arrived in the Park. They are continuing to make Park operation more sustainable and climate-friendly with the use of hybrid vehicles, propane-powered lawnmowers, night-sky compliant solar powered lighting and new electric charging stations for electric vehicles. They also continue with partnering neighbors on issues important to the Park: air quality; maintaining critical view sheds; protecting night skies; wilderness character; and natural quiet. There is a new mobile Visitor Center in the Park, which is being used to provide better public service at the south-end of the Park. The Park has signed a new Sister Park Agreement with a national park in China, which will promote international tourism.

There have been several special events dedicated to the Park this year: 1) Rose Bowl Parade (January 1) where many floats were devoted to national parks; 2) Every Kid in the Park Program will provide every fourth-grader in the United States and his or her family a free pass to enter every national park in the country; 3) the release by the U.S. Mint of the Shenandoah National Park Centennial coin in both silver and gold (on sale March 24th); 4) IMAX film has been developed to celebrate the Centennial, called “National Parks Adventure” (showing at the Smithsonian, in Washington, D.C., Richmond, and Virginia Beach).

Superintendent Northrup also distributed to the Board a schedule of events for the year associated with the Centennial. This includes 13 free days in the Park this year in addition to the traditional Park Neighbor Day in June, where residents of all adjoining counties are invited to enjoy the Park free. Staff participated last week in “Read Across America”, where many of the rangers went into local schools to read books including “Dr. Seuss”. Shenandoah National Park is being featured this week in the Philadelphia Flower Show. During National Park Week in April, there will be a “National Park-wide Clean-up Day” on Earth Day. Four live musical performances are scheduled during the year from April to October. For each of those performances, there will be one in the Park and one at a gateway community near the Park. A “National Quilt Show” will happen in October. On Saturday, August 20, the Park will rededicate the historic stone observation platform, which is on the summit of Hawksbill Mountain. At that rededication ceremony, discussion will be made on what needs to be done as citizens to help to protect and enjoy Shenandoah National Park for the next century. He emphasized the goal for this Centennial was to connect with that next generation of Park visitors and to become active supporters of parks. He ended by expressing an invitation to “come and enjoy Shenandoah National Park, which we think is a wonderful place for recreation, education, inspiration, physical challenge, relaxation, and even spiritual renewal”.

Mr. Shull asked if there has been a problem with Gypsy Moths? Superintendent Northrup said this was on a very small scale in comparison to 15 years ago.

Patrick J. Morgan, County Attorney, asked what the condition was of the Hemlock trees at Camp Hoover. Superintendent Northrup said not very well, “Camp Hoover is a very different place than it used to be. It is a wonderful place with great history, but the Hemlock trees are largely gone”. He noted that there is staff treating the individual Hemlock and Ash trees.

Mr. Coleman commended Superintendent Northrup for his excellent presentation.

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BUCKINGHAM BRANCH RAILROAD COMPANY

The Board considered a resolution supporting State funding request by Buckingham Branch Railroad Company.

Gale Wilson, of Buckingham Branch Railroad Company (BBRC), thanked the Board for its consideration of the resolution. This is a continued ongoing process for BBRC. It is 200 miles long with the interchange starting at Richmond to Clifton Forge, Virginia. This request is granted through the Virginia Department of Rail and Public Transportation and is available from the Commonwealth that supports the preservation of railroads in the State of Virginia. This program is Year 1 of a five-year program. Mr. Wilson stated that this BBRC would provide the 30% match. It is a transportation tool and an economic development factor.

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

**SUPPORT OF RAIL PERSERVATION APPLICATION
BUCKINGHAM BRANCH RAILROAD**

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the Richmond and Alleghany Tie Replacement Project, which will replace mainline ties, switch ties, siding ties and mainline bridge deck ties. Work will also include adding ballast, tamping, surfacing and drainage improvements on the Buckingham Branch Railroad line located between MP 85.5 in Richmond and MP 276 in Clifton Forge, VA; and

WHEREAS, the Buckingham Branch Railroad has estimates that this project will cost \$10,000,000; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, Buckingham Branch Railroad is an important element of the Augusta County transportation system; and

WHEREAS, Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the County of Augusta supports the projects and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

NOW, THEREFORE, BE IT RESOLVED, that the County of Augusta Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the Richmond and Alleghany Tie Replacement Project proposed by Buckingham Branch Railroad for inclusion in the projects funded in the Rail Preservation Program.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes and sent to Buckingham Branch Railroad.

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg and Pyles
 Nays: None
 Absent: Garber and Kelley

Motion carried.

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BUCKINGHAM BRANCH RAILROAD COMPANY (cont'd)

Mr. Wilson was presented the resolution by Vice-Chairman Pyles.

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FISCAL YEAR – 2016-2017 ARTS GRANT

The Board considered submission of Arts Grant to State for the following programs:

	<u>STATE</u>	<u>COUNTY</u>	<u>TOTAL</u>
Staunton/Augusta Art Center	\$1,666.67	\$1,666.67	\$3,333.34
ShenanArts	1,666.67	1,666.67	3,333.34
Stonewall Brigade Band	<u>1,666.66</u>	<u>1,666.66</u>	<u>3,333.32</u>
	\$5,000.00	\$5,000.00	\$10,000.00

FUNDING SOURCE: FINE ARTS GRANT ACCOUNT #81020-5698 \$5,000

Jennifer Whetzel, Deputy County Administrator, advised that the State of Virginia, for a number of years, has provided a matching Arts Grant Program and noted that a regional application has been submitted and is included in the current Operating Budget.

Mike Conner, with ShenanArts, and Beth Hodge, with the Staunton Augusta Arts Center were available to answer any questions the Board may have. Mr. Conner and Ms. Hodge told a little about their programs and how they affected citizens of all ages. Mr. Conner added that what these programs provide is “just as important as sports”. Ms. Hodge said that what she was the most proudest of was “being an inclusive organization where everybody is welcome; and for those events, there is no charge”.

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

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

Nays: None

Absent: Garber and Kelley

Motion carried.

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ROAD ABANDONMENT – WINDY RIDGE ROAD

The Board considered abandonment of Windy Ridge Road (extension of State Route 743) (North River District).

Mr. Morgan reminded the Board that the Catheys had previously asked the Board of Supervisors for permission to put a gate across what is not a state-maintained road but a public road. The question arose as to why the Catheys had not petitioned to have the road abandoned. In response, the Catheys have filed a petition asking the Board to consider that abandonment. If the Board is willing to consider abandoning that section of the road, notices would be required to be posted at the courthouse and at three places along the designated road to be abandoned. Advertisement for two consecutive weeks is also required. The property needs to be posted for 30 days; if no one else asks about the abandonment, the Board can consider abandonment without holding a public hearing. If another citizen wishes to express comments, a public hearing will be required.

Dr. Pattie moved, seconded by Mr. Shull, that the Board authorize staff to advertise notice of abandonment of Windy Ridge Road (extension of State Route 743).

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ROAD ABANDONMENT – WINDY RIDGE ROAD (cont'd)

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

Nays: None

Absent: Garber and Kelley

Motion carried.

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WAIVERS/VARIANCES - NONE

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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, February 22, 2016
- Regular Meeting, Wednesday, February 24, 2016

CLAIMS

Approved claims paid since February 10, 2016.

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

Nays: None

Absent: Garber and Kelley

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Shull: Wilson Girls Basketball going to State tomorrow – Commended them on this accomplishment.

Mr. Pyles:

1. ACSA – Monthly agenda packages are provided to Mr. Coleman “to keep up with things”.
2. Pipeline – requested staff to research and explore the possibility of drafting a letter to indicate the current pipeline route is unreasonable and violates the constitution in regard to search and seizure of land. After thorough discussion with the Board, it was determined that further research was needed and recommendations be provided to the Board.

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

Chairman Bragg:

- 1. Pat Coffield's reception – Went very well. Thank you to those who were able to attend.
- 2. AccuTEC Blades Expansion – Governor was present to make announcement.
- 3. Board of Supervisors Strategic Planning meeting – March 21st at 11:00 a.m.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. MPO recently finished the Long Range Transportation Plan – information distributed to Board.
- 2. Shenandoah Valley Project Impact (SVPI) 15-year report – information distributed to Board.

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- 3. CENTRAL SHENANDOAH PLANNING DISTRICT EXECUTIVE COMMITTEE
Mr. Pyles moved, seconded by Mr. Coleman, that the Board appoint Marshall Pattie to stand for election to the Executive Committee.

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

Nays: None

Absent: Garber and Kelley

Motion carried.

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- 4. RESCUE SQUAD ASSISTANCE FUND GRANT
The RSFG grant application for FY2016 award is due Friday, March 11th. This request is for the purpose of remounting vehicle #135 and a Lifepak 15 to replace the existing Lifepak 12 on the New Hope ambulance in an amount not to exceed \$124,750.36. Augusta County would be responsible for 50% - \$62,375.18. Funding Source: #80000-8057.

Mr. Pyles expressed concern of this request being made without the Board having time to review. Mr. Shull stated that grant information is not always presented to the Chief in a timely fashion. Mr. Coleman suggested that we meet this deadline.

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

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

Nays: None

Absent: Garber and Kelley

Motion carried.

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- 5. CRAIGSVILLE OPEN-TOP CONTAINER
Mr. Fitzgerald reported that the Town of Craigsville has asked for assistance in cleaning up an area that is "being used as a landfill". They have requested an open-top container so that the site can be cleaned and hauled to the Landfill.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)
CRAIGSVILLE OPEN-TOP CONTAINER (cont'd)

The cost of the container will be \$300.

Funding Source: Pastures Infrastructure Account #80000-8014-94

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

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

Nays: None

Absent: Garber and Kelley

Motion carried.

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- 6. Proffer Bill – submitted a letter to the Governor requesting that this Bill be vetoed. The Governor; however, signed the Bill. Expressed concern as to the impact regarding residential rezonings. Staff will be reviewing and provide comments to the Board in the near future. Mr. Shull asked that pros and cons be listed and water and sewer should be clarified.
- 7. Regional ECC information - Ms. Whetzel distributed information regarding the comparison of Rockingham and Harrisonburg ECC to the Staunton, Waynesboro, Augusta budget. Personnel numbers were similar; however, other items were not included in our budget. She further explained, because of it being a regional effort, items were included that they wished to be divided among the region such as auditing fee, utilities for the building, and insurance. This is similar to splitting cost for the Jail Authority or J&D Court. Service Contracts (\$772,000) was also noted to be significantly higher than the other localities.
- 8. City Assessor packet – distributed to the Board. This is information from Staunton and Waynesboro on their City Assessment offices. Both have approximately 10,000 parcels and they do their general reassessments every two years and have three full-time employees in their assessment office. Staunton’s budget, which included costs for changes being made to its software, was approximately \$321,000 for FY16. Waynesboro’s budget was approximately \$243,000. If Augusta County were to do a 4-year assessment, you would double the cost. Augusta County has approximately 40,000-45,000 parcels that may need to be taken into account in regards to the number of personnel. Lastly, the assessment offices for the cities are doing some of the deed changes and work of tracking the building permits, etc., which the Augusta County Commissioner of Revenue’s office is currently doing with its Real Estate staff.
- 9. Child Protective Services Symposium – information distributed to the Board including a list of all agencies who were invited.

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CLOSED SESSION

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

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CLOSED SESSION (cont'd)

employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Personnel under direction of the Board of Supervisors

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

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg and Pyles
Nays: None
Absent: Garber and Kelley

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

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

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ADJOURNMENT

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

Vote was as follows: Yeas: Pattie, Shull, Coleman, Bragg and Pyles
Nays: None
Absent: Garber and Kelley

Motion carried.

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Chairman
h:3-9min.16

County Administrator