

April 13, 2016, at 7:00 p.m.

Regular Meeting, Wednesday, April 13, 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
Gerald W. Garber
Terry Lee Kelley, Jr.
Timmy Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Patrick J. Morgan, County Attorney
Angie Michael, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, April 13, 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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The following students from Stuarts Draft High School, all FCCLA Officers, led us with the Pledge of Allegiance:

Kenya Balser is a freshman at Stuarts Draft High School. She has represented FCCLA for 4 years. When she graduates high school she wants to be a Doctor. The FCCLA group attended State Conference in Virginia Beach. She will be attending Nationals in San Diego along with Kayley Hebron in the summer. Thanked everyone for support and the support of their advisor Kara Floyd.

Kayley Hebron is a 3 year member of FCCLA. She will be attending National's in San Diego this summer along with her partner Kenya Balser. She wants to attend the University of Virginia when she graduates and become an Interior Designer.

Maria Deacy is a sophomore at Stuarts Draft High School. She has represented FCCLA for 2 years. She wants to attend Virginia Tech and become an Interior Designer.

Carley Wagoner plays volleyball and enjoys volunteering at the local Children's and Women's Shelter. She wants to attend James Madison University when she graduates.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC -NONE

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ELECTORAL BOARD-VOTING PRECINCT

Mr. Cliff Garstang of the Electoral Board for Augusta County brought to the Board of Supervisors several items to consider.

A) There needs to be a change in the polling place from Crimora United Methodist Church to Hugh K. Cassell Elementary School. The Electoral Board has known for a long time that the Board of this Church and its congregation have not been happy with being the host of the Crimora Precinct. It seems to be related to press coverage of the accommodations and the accessibility. An article in the Staunton News Leader last year showed a photograph of the Church with steep steps leading up to the entrance. They feel this implied that the Church was not welcoming to voters with disabilities. However, this is not the case. A different entrance is used and it is completely handicap accessible, but the story left a false impression. That angered the Church Board and the congregation so they asked the Electoral Board to find other accommodations. The Electoral Board Chair, Ruth Talmage, diligently looked for a place to move and she was not able to find anything suitable. The Church agreed to let them use their facility for the March 1 Presidential Primary, but they were informed that it could not be used after that date.

There is a June 14th Primary coming up. This is short notice for changing a polling location, but Dr. Mindy Garber, Principle of Hugh K. Cassell Elementary School invited them to use the school. A couple of things to note.

It is outside of the precinct which is not ideal. Under the Virginia Code, a polling place can be located within 1 mile outside the boundary of a precinct and this meets that test. Maps were shown to give the boundary. The second issue is a polling place already exists at Hugh K. Cassell Elementary School. It hosts the Doooms precinct. Under Virginia Code if there are two polling places in one building, it is required to be in separate rooms or separate and defined spaces. There is only one room available. The cafeteria will be used. Separate and defined spaces could be created by using tables. Two separate entrances to the cafeteria will be used so there will be no confusion. Once the ordinance is passed, the Registrar's Office will take the necessary steps to notify all registered voters in the precinct concerning the change. On Election Day signs will be posted at the old polling place to indicate where the voting was moved to.

Mr. Pat Morgan, County Attorney, mentioned that the Statute does specifically state the polling place can be within the County or City and within the precinct or within one mile of the precinct boundary. It's a very clear black letter law. An ordinance has been prepared that can be passed as an emergency ordinance tonight. However, the way the State code reads this ordinance would only be enforceable for sixty days so within that time the Board would have to go through the process to pass a permanent ordinance.

Mr. Pyles moved, seconded by Mr. Garber, that the Board authorize the emergency ordinance allowing a new polling place in Hugh K. Cassell Elementary School.

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

Motion carried.

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ELECTORAL BOARD-VOTING PRECINCT (CONT'D)

B) Mr. Garstang also brought up the related issue of accommodations with accessibility standards and the contents of the Consent Decree between Augusta County and The Department of Justice, and stated that additional funds are needed to complete that work. He thanked Candy Hensley, Assistant to County Administrator and County staff for their excellent work and then introduced Ms. Hensley to outline what was being asked for.

Ms. Hensley recapped the status of the Department of Justice requirements. All requirements at all polling precincts have been met except for Verona. Verona will be bid out this month and will be placed on the May Agenda. Of the \$10,000 that was allocated in August of 2015 \$9,840.00 has been spent.

Separately approved were the Churchville Elementary sidewalk cracks that needed to be fixed as well as work on handicap parking spaces. That cost was \$3,175 and the architectural work for Verona was \$14,380. The total to be expended once everything is completed is almost \$28,000 to meet Department of Justice requirements.

Page 2 of a handout explained the supplemental funding. There are five items:

- 1) 6x5 landing for the Sherando Community Center. The staff of the Center wants to make it a permanent ramp so it does not have to be installed for each election. Mr. Morgan will help draft an agreement so it will stay in place. It's estimated to cost \$900.
- 2) There was a landing constructed by Shickel Machine in Bridgewater for the Churchville Fire. The aluminum landing produce a significant glare and it was witnessed firsthand during inspection at the March election. It needs to be bead blasted and refinished so the glare is not there. It was very hard to go in and out of the voting precinct. There was also concerns from residents about the 4 inch edging on that landing that was required by the Department of Justice. The edging created a tripping hazard. Railing will also be installed on the landing. Estimated cost is \$1,400.00
- 3) An additional six foot curb ramp that needs to be purchased for the secondary entrance at Hugh Cassell Elementary School, estimated cost is \$600.00.
- 4) Safety cones estimated at \$75.00
- 5) Miscellaneous items needed. \$200.00 has been allocated for this.

Total supplemental funding is \$3,085.00 proposed from CIP 80000-8049

Mr. Coleman moved, seconded by Mr. Shull that the Board approve the requested funding to come out of the CIP Electoral Board account.

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

Motion carried.

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C) Mr. Garstang discussed the last item which relates to the acquisition of new voting equipment. The Electoral Board along with their experienced staff have met with four different vendors that have been certified by the Virginia Department of Election for use in the Commonwealth. All of the equipment has been examined and a decision is close to being made. An April 29th meeting is set to make the final selection. Mr. Garstang touched on some issues that the old equipment has caused. Nothing affected the integrity of the election in any way, but it did deepen the concern for breakdowns during a busy election.

The Board of Elections has spoken with other users of the various kinds of equipment in the Commonwealth. The Board attended the Virginia Electoral Board Association meeting and was able to see the machines again and talk to many of the users. About 60 percent of Virginia localities have already transitioned to optical scan equipment. That includes many of our neighbors. All of the neighboring counties have given good feedback.

The plan is to take delivery of the equipment in February of 2017. Allowing three months to train staff, officers and the public before a June 2017 Primary election. An estimate of \$350,000 was previously given for the initial cost of the equipment, supplies and training, but based on the needs, the estimate has been revised to \$300,000.

The Board discussed options for this project. There may not be enough funds in the CIP account to cover everything that needs to be done with the different precincts and the new equipment.

Mr. Garstang stated that the vendors are willing to split the cost in 2 cycles with no finance charges.

Discussion was held about the State mandating the purchase of new equipment.

Mr. Coleman would like to seek the State's attention on this matter and see if they would provide funding on this project.

Ruth Talmage, Chair Person of the Electoral Board, ask the Board to fight the Department of Justice a little harder.

Mr. Pyles stated that we have the money to take care of this, but he would like to wait and see if the State will do anything.

Mr. Garber moved, seconded by Mr. Shull, that the Board move this to the May work session.

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

Motion carried.

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April 13, 2016, at 7:00 p.m.

KENSINGTON DRIVE DRAINAGE IMPROVEMENT

John Wilkinson, Director of Community Development introduced Jeff VanFossen. Mr. VanFossen is a Civil Engineer in Community Development. A brief history of the property and a PowerPoint presentation was given to show the issues of the Kensington Drive drainage issues. H.C. Eavers did the initial work and has been contacted to get a bid for this project along with other contractors. H.C. Eavers is the only bid received at this time.

Mr. Coleman mentioned that an adjacent property owner donated \$5,000 to the previous project.

Mr. Coleman moved, seconded by Dr. Pattie, that the Board approve the requested \$15,000 funding come from the Wayne Infrastructure account to correct the Kensington Drive drainage problem.

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

Nays: None

Motion carried.

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FISHERSVILLE TRAIL LEASE AGREEMENT

Mr. Morgan discussed the lease agreement for the Fishersville Trail Project. Mr. Coleman had asked him to look into whether Augusta County could lease walking trails from Goose Creek Development and have them open to the public. There is a Statute that specifically addresses this question. The question of liability has come up in the past, however a citizen would need to prove Gross Negligence or willful malicious failure to warn or guard against some conditions for the County to be held liable.

Timothy Fitzgerald, County Administrator, showed pictures of the overall Fishersville area and the trails that are already there and what is proposed. The County is not obligated to maintain and does not have to renew the lease. There is a committee consisting of several people that have met on this matter multiple times. The businesses on the Committee would like to construct the trail and maintain it at no cost to the County. They are only concerned about the liability of having people on their private property.

Mr. Coleman moved, seconded by Mr. Shull that the Board authorize Mr. Morgan to move forward with the lease agreement for the Fishersville Trail.

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

Nays: None

Motion carried.

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April 13, 2016, at 7:00 p.m.

ASSISTANCE TO FIREFIGHTERS GRANT

Carson Holloway, Fire Chief of Augusta County, stated that another grant opened up on May 4th. It was applied for last year with no success. There is not a lot of staff time in the grant process. He feels that we could be successful this year with receiving the grant. The project will consist of determining risk areas within the County. From those area, smoke detectors can be donated. Primarily lower income, but it would be an open system for anybody to take advantage of.

Dates would be set and advertised in flyers to be handed out. There would also be community events at both career and volunteer stations. The grant period has a 2 year performance period and it is a 5% match from local funds. An estimated \$130,000 is projected so about \$6,750 of County funds would be needed. That figure is a little over 5% however he doesn't want to have to ask for more money. This project could impact up to 8,000 people in the community and about 5,000 homes.

Mr. Fitzgerald stated that it was put on the agenda for consideration tonight, but there is time for the Board to look into it further if they feel they need more time to consider.

Dr. Pattie moved, seconded by Mr. Kelley that the Board move forward with the Firefighters Grant.

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

Nays: None

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. Coleman, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Special Meeting, Monday, March 21, 2016
- Staff Briefing Meeting, Monday, March 21, 2016
- Regular Meeting, Wednesday, March 23, 2016
- Budget Work Session Meeting, Monday, March 28, 2016

CLAIMS

Approved claims paid since March 10, 2016.

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

Nays: None

Motion carried.

April 13, 2016, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Coleman stated that a draft ordinance was forwarded to the Board regarding the possibility of allowing daycare centers in industrial districts by Special Use Permit. It is being brought up under Matters from the Board because it takes time to get it advertised for a public hearing for the Planning Commission and the Board. The whole process takes about 4-6 months. The owner has a lot of work to do to get the warehouse facility acceptable for the company that wants to lease it.

Mr. Coleman moved, seconded by Mr. Shull that the Board authorize staff to allow for a public hearing to change the ordinance to allow for daycare centers in industrial districts.

Dr. Pattie had a question concerning if a neighbor moved out and something dangerous moves in, is that something that could be addressed?

Mr. Wilkinson stated that once the Special Use Permit is approved by the Board it would only be limited by conditions set by the zoning board.

Ms. Bragg stated that in this particular case, a fence is placed around the playground and common gathering areas to the side or the rear of the property.

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

Nays: None

Motion carried.

Chairman Bragg indicated that Mr. Coleman and Mr. Fitzgerald attended the Woodrow Wilson Rehab Center celebration on Monday. The three of them welcomed the Governor to Augusta County. She is very proud of what this facility does.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1) Budget Agenda handed out. Reminder of the Budget Hearing on April 20, 2016. With there being no tax increase, Mr. Fitzgerald, County Administrator, proceeded to share with the Commissioner of the Revenue that information and she will move forward with preparing the property book so that collections can be done on time.
- 2) VDOT Six Year Plan Public Hearing is May 16, 2016. All of our submitted projects are funded for construction. Mr. Fitzgerald will plan to be there on the 16th and traditionally our Chair goes along to provide comments.

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

- 3) May 17 & 18 the Commonwealth Transportation Board will be hosting their meeting at the Stonewall Jackson Hotel in Staunton. Augusta County is working with VDOT on transportation for the Commonwealth Transportation Board. The Board will be getting an invite to a dinner at the Frontier Culture Museum.
- 4) The Conference room in the Administration office has had some work done. There was old pictures in that room of different industries in our community. We want to look into getting updated photos and matching frames. Amanda Glover, Director of Economic Development has an intern from Bridgewater College that has been working on this project.
- 5) The Buffalo Gap Rabies Clinic would normally be an agenda item, but this year time got away from them. The clinic is being held on May 7, 2016 and they have provided the approvals from the Health Department that is needed.

Mr. Pyles moved, seconded by Dr. Pattie, that the Board approve the Rabies Clinic at Buffalo Gap.

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

Nays: None

Motion carried.

- 6) The Virginia Animal Control Appreciation Week is this week. If you see any Animal Control workers around show your appreciation to them. This is also Emergency Dispatchers Week as well. Mr. Fitzgerald and Ms. Whetzel shared breakfast with the Emergency Dispatchers and they invited the Animal Control Officers to join them.
- 7) Ms. Glover and Mr. Fitzgerald attended the Chamber of Commerce awards dinner. A book was handed out to the Board. Agriculture Business of the Year was Bloomaker. The picture on the cover of the book is the ribbon cutting for the 636 Bridge which is the Dennis Burnett Memorial Bridge.
- 8) The Board received a copy of the comment letter that was submitted to FERC. The letter highlights concerns about the alternate route through the Deerfield Community.

Mr. Pyles was appreciative of the work on the letter from the Staff.

Jennifer Whetzel, Deputy County Administrator, pointed out the new phone on the desk. It is a speaker phone much like a cell phone, and it does work.

Ms. Whetzel pointed out two challenges for the Board. The website is being upgraded and there is a survey on our website right now. We want citizens to complete this survey as well as the Board. Angie will send out the link to this survey. The website survey is due by the end of April.

The next challenge is the Broadband Grant. There is a meeting on the 14th for discussion. One of the things being discussed is how to get that out to citizens.

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Ms. Whetzel printed a calendar with dates of various meetings in each individual district and a PowerPoint that goes along with it. It is encouraged that the Board attend some of these meetings.

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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 legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) Contractual Matters

(2) the procurement exemption under Virginia Code § 2.2-3711(A)(30)
[discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, as permitted under subsection (A)(30)]:

A) Security

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

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

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CLOSED SESSION (CONT'D)

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

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

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ADJOURNMENT

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

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

Motion carried.

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Chairman
h:4-13min.16

County Administrator