

Regular Meeting, Wednesday, May 11, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Gerald W. Garber
Terry Lee Kelley, Jr.
Wendell L. Coleman
Marshall W. Pattie
Michael L. Shull
John R. Wilkinson, Director of Community Development
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, May 11, 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 Bragg welcomed the citizens present.

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The following student from Beverley Manor Middle School, led us with the Pledge of Allegiance:

Kassidy Shuler is an SCA rep in the 6th grade.

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Tracy Pyles Supervisor of the Pastures District, delivered invocation.

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MENTAL HEALTH MONTH – PROCLAMATION

The Board considered the Mental Health Month proclamation.

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

Mental Health Month 2016

Life With a Mental Illness

#MENTALHEALTHINTHEVALLEY

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, prevention is an effective way to reduce the burden of mental illnesses; and

WHEREAS, there is a strong body of research that supports specific tools that all Americans can use to better handle challenges, and protect their health and well-being; and

WHEREAS, mental illnesses are real and prevalent in our nation; and

WHEREAS, with early and effective treatment, those individuals with mental illnesses can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental illnesses and has a responsibility to promote mental wellness and support prevention efforts.

May 11, 2016, at 7:00 p.m.

MENTAL HEALTH MONTH – PROCLAMATION (CON'TD)

THEREFORE, I CAROLYN S. BRAGG do hereby proclaim May 2016 as Mental Health Month in AUGUSTA COUNTY. As the Chair of the Board of Supervisors, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in Staunton to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental illnesses at all stages, and especially before stage 4.

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

Nays: None

Motion carried.

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CYNTHIA ROBERTS AND WENDELL PAUL ALEXANDER AND MAURY MILL TOWNHOMES, LLC-REZONING

This Public Hearing has been deferred until a later date.

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MATTERS TO BE PRESENTED BY THE PUBLIC

- 1) John Wieger of 2397 Indian Ridge Road, Stuarts Draft, VA spoke on the moving of the Courthouse. Mr. Wieger is a retired Deputy Sheriff and has worked as Court security for 2 years. Since working in the courts he has seen a lot of changes in our society. Mr. Wieger wants to speak on the security in our courts. He feels that security is the most prevalent and it sometimes is forgotten. The 3 courts are in 2 separate buildings. Moving prisoners from one place to another can be challenging at times. The prisoners have to move through hallways where there is general public and the family members have to be kept separate. The new courthouse will combine all 3 courts in one facility and will have adequate space. Within the past 2 weeks there was a prisoner brought to court and he subpoenaed 11 other prisoners. DOC vans with these prisoners had to wait in the parking lot. The vans had to be guarded and the public had to be watched for safety. The trial was continued to another date so it will be issue again. The safety of the general public was a real issue. The structure of the new court building, the parking and the location will make transporting prisoners from Middle River Jail much safer and more convenient.
- 2) Susan Read of 38 College Circle, Staunton, VA spoke on the moving of the Courthouse. Ms. Read is an Attorney and a member of the local Bar for twenty-eight years. She also serves as a member on a Committee that the local Bar formed about a year and half ago to look at the Courthouse situation. She reminded the Board of Supervisors that about a year ago the Bar adopted a resolution encouraging the two localities, Staunton and Augusta County, to look at consolidating the courts in Staunton. The Committee does not disagree with the fact that something needs to be done, but they think other factors need to be looked at. They are disappointed that the localities have not been able to come to some agreement about how to go forward with this together. Ms. Read strongly urged participation in the Preservation VA Symposium which takes place on May 19th and 20th, 2016 in Staunton on Virginia’s Historic Courthouses. This Symposium will look at the very issue that’s before us as to what to do with the old courthouse.

May 11, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

She also had a question about the information given in regards to the various things the County is considering in deciding whether to place the referendum before the citizens in November. There is a price tag on renovating and staying in Staunton of \$59,730,000. She was surprised by that because she has a copy of the study done by Frazier and Associates. The price they came up with was \$46,891,000. Ms. Read is not sure where the extra 13 million came from and she also pointed out that Staunton was prepared to add 12.5 million dollars which would bring the price down for the County. It would be cheaper to stay downtown. There are a lot of things the County is looking to fund such as schools and additional Deputies that are competing for tax revenues. Ms. Read encouraged the Board to keep the lines of communication open with Staunton and try to work together on this.

Mr. Fitzgerald stated that the difference in the price of 59,730,000 is the cost estimate to build the Verona facility in Staunton. The figures given by Frazier and Associates were to renovate two buildings and build one new.

Ms. Read questioned why it would cost an additional 13 million dollars to build some other place.

Mr. Fitzgerald stated that the significant increase in cost is the fact that property has to be acquired, existing buildings demolished, a parking garage would have to be built downtown and the unknown cost with building within the confines of the city. The cost shown was done by Mosely and Associates to build the exact building downtown. Not the cost of doing the Frazier Plan.

Mr. Shull stated that the main building on the Frazier Plan is smaller and has smaller court rooms compared to the Mosely Plan. We wanted to facilitate something comparable with what was planned for Verona and put it in Staunton. There is not really a comparison with the two plans if you actually look at them.

Chairman Bragg added that a lot of Augusta County needs both current and in the future were not addressed in the plan that was presented by Staunton. It had three buildings which complicates security. The Frazier plan did not capture the efficiencies that the County wanted. The price of the building shown incorporates the needs that have been identified.

Mr. Shull stated that the future growth was already built in to this building. The Frazier Plan does not have that in the concept other than building up. Whenever that comes into play the courthouse most likely will have to be shut down to build an entire floor to the building in the Frazier Plan.

Ms. Read asked if the public can access the information in the Mosely report.

Mr. Fitzgerald said they would get the Cost Estimate Report for her.

- 3) Graham Butler of Staunton, VA and an Attorney in the Valley. Mr. Butler is a member of the local Bar. He is concerned that money has been tacked on in the amount 13 million dollars. He is concerned that the public hasn't had a chance to really look at the project and cost factors before voting on the referendum. He realizes that there is security concerns, however each court has its own security. It is rare that you transport a prisoner from Court to Court. Staunton is selling tradition and selling a view of the Valley that is pristine. Every painting you see has the Courthouse in it. To move it now, he feels it would be a tragedy. It worries him that taxes may have to be raised and that consolidation has not been in the dialog for the County. Once it's done, it's done.

May 11, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

Chairman Bragg stated that when negotiations were made with Staunton, Consolidation was looked at. It has not been shrugged off.

- 4) Francis Chester from Augusta Springs. He is the Founder and CEO of Chestari Sheep and Wool Company. It's an operation that raises wool sheep and they have a very active commercial wool mill. The wool mill has been operated in Churchville for 18 years. Business is growing. The yarns are sold in just about every state in the Union. It has grown to the point that they had to move. They decided to move the operation to their farm in Augusta Springs and consolidate. It has a lot of positives. Route 42 has been designated by the state as a tourist road. There has been a dramatic change in traffic patterns and demographics. Demographics are very strongly in favor of moving to that area. A lot of out-of-the area people are passing through. This is ideal for their products.

Mr. Chester applied for a permit to move. It took 2 months for the Board of Zoning and Appeals to act on it. Then the process started. The regulations as a small business are horrendous. Ninety-eight percent of his building has been classified as agriculture leaving only 2 percent as commercial. He has been trying to get approval for the past 10 months and there has not been any progress made. The people in the County are great people, but they are just as handicapped as he is because of the ridiculous regulations to deal with.

Ten years ago he applied for permission to do the dyeing at their building and it was granted. The Health Department didn't like it so he went to the EPA. The EPA examined his dyes and approved him for humans, animals, birds, and fishes and could even discharge it into the septic system. The Health Department disagreed, but the EPA allowed it. If the Feds allowed him why would the State not allow. Mr. Chester is paying money for a piece of property that he hasn't used in ten months. The regulations are killing the business people. He wants the County to go through all of the regulations and make sure they are necessary.

The Boy Scouts of America want to use his plant once it's complete. They want to establish a new badge called Textile Engineering. The plant will be the first Wool Mill built in decades in this country. People from all over the United States want to come to his plant. He wants to promote Virginia and Augusta Springs. He has been told that the engineer will be ready to submit his plans to Community Development by the end of the week, but it has to be approved by several different agencies before construction can begin.

- 5) Donald Judy of 610 Buckingham Street, Staunton, VA has been to previous discussions regarding the Courthouse. Mr. Judy serves as Vice President of the Bar Association. He is questioning the dollar figures and the comparisons. He has a few questions and concerns. One concern is if you petition for referendum and then it's approved to move the County Seat that eliminates the possibility of ever consolidating the court with Staunton. The Legislature would most likely be open to try and facilitate the consolidation and there would probably be referenda both in the County and City, but long term it is a valued prospect to think about the idea of having a combined court system for the two jurisdictions. Other questions relate to the Mosely Plan. Relying on memory of the meeting last summer for the public, there was a question then about their methodology in making their projections for future case load needs well into the future. The public deserves to know whether those questions have been looked into further.

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May 11, 2016, at 7:00 p.m.

AUGUSTA COUNTY COURTHOUSE

The Board considered petition for referendum. Mr. Fitzgerald gave a brief synopsis of the history of where we have been and what we have accomplished in order to move forward. In 2012 discussion began in regards to moving forward with a plan for renovation or a new court structure. In response to that discussion the Board of Supervisors hired Frazier and Associates and a needs assessment was conducted to renovate and expand the facility in Staunton. This project came in with an estimated cost of 9.5 million dollars. The study showed that improvements could be made and functionality could be increased, but not all of the Courthouse guidelines could be met.

In 2014 the Board began to focus on the Frazier plan and started discussion with Staunton in regards to funding and their participation in the renovated court structure. The year ended in a proposal that was not acceptable to the County.

In January 2015 the Board approved a petition and a resolution and authorized staff to secure professional services for an assessment and design for a Court Center Complex in Verona. The petition sent to the court indicated that we planned to proceed with the relocation of the Circuit Court at a cost of approximately 11.5 million dollars.

In February we received a response from Judge Ludwig denying that petition because in his opinion all Courts had to be moved, not just the Circuit Court. At that time Mosely and Associates was hired to do the Court needs assessment and space needs assessment for all 3 courts.

In March 2015 the City came back with another proposal in regards to just renovating the 1901 building. At the time they agreed to apply for historic tax credits and planned to give a contribution of \$500,000 towards the project. Staunton indicated some agreement to look at and explore a consolidated court system. In July 2015 Mosely completed the assessment and the preliminary layout for the Verona facility that would accommodate all of the Courts. The case projections have been looked at closely. Mosely had solid reasoning with how they came to the projections and the Board felt comfortable with the plan. In response to the Mosely plan, Staunton hired Frazier and Associates to do an alternative plan for the City which would accommodate the courts downtown.

In Augusta 2015 Frazier and Associates presented an alternative plan to remain in Staunton with an estimated cost of \$48.3 million. The alternative plan uses 3 separate buildings. There were some other notable issues such as sizes of court rooms, future expansion and parking.

On August 12, 2015 the Board again considered the possibility of going to referendum and considered a petition at that time. The Frazier alternative plan was presented the day before the August 12th meeting. That did not give the Board time to look at that plan and consider it. It was agreed on at that time to develop a negotiating team to go and discuss the plan with Staunton, discuss funding options and give the Frazier plan due consideration.

The negotiating team met on 3 separate occasions to talk about the plan and ask questions. The latest of those meetings was on November 6, 2015. At that point the negotiations came to a close. Staunton indicated that they would cap their contribution at \$12.5 million along with 25% of the operating cost. The negotiating team considered that offer and with the upcoming election decided to take time, due to transition of new Board members, to get everyone up to speed. The construction estimates have been updated based on the time that has passed. The \$59 million is an updated estimate for the facility in Staunton and the updated cost for the facility in Verona is \$45 million. Presented before the Board is a resolution and petition in order to ask for consideration for the referendum to be placed on the ballot for November.

Chairman Bragg stated that discussion of the Courthouse and the Judicial System has been made with 9 different Boards. No Board member underestimates the importance of this decision. Each person has studied and reviewed and evaluated all of the available options. Before us this evening for consideration is a Writ of Election for removal of the Augusta County Courthouse from Staunton to Verona. The determination has been made

May 11, 2016, at 7:00 p.m.

AUGUSTA COUNTY COURTHOUSE (CONT'D)

by looking at the functionality of the building, safety and security concerns, and accessibility of the buildings. Our responsibility is to the Citizens of Augusta County. The removal of the Judicial System from the City of Staunton to Verona would require the movement of the County Seat which needs to be approved by the Citizens of Augusta County. She opened the floor for Board members to comment.

Dr. Pattie: Thanked everyone for coming out. The new Courthouse has real merit and is safer and more cost effective. He understands the prospective in thinking that a new Courthouse would be far superior to an old Courthouse. There are many things looked at in Augusta County, education, fire and rescue, roads and the internet survey. When looking at all priorities for Augusta County, building a new Courthouse verses renovating the existing one my preference would be to renovate. The cost to renovate is about \$10 million and we are at a negotiating point with Staunton. Staunton is willing to give \$12.5 million and would significantly renovate the existing building. It would need a few allowances, but it did get it over the minimum safety and the minimum ADA standards. It would not be a superior facility, but it would be sufficient for the next 20 years. He feels renovating would be the best use of tax payer's dollars. Another point Dr. Pattie made was last year the County spent \$45 million on school projects. We almost doubled our debt with the construction last year. If we go ahead with the Courthouse project it will ultimately make up 63% of our debt. It's debatable as to whether a tax increase would be necessary. Renovating would not affect us financially. We have enough reoccurring revenue set aside to pay for the mortgage of the renovation. That would allow us to focus more on other priorities.

Mr. Coleman: Thanked everyone for coming out. The Courts discussion has been like a moving target. It starts out being only about the Circuit Court and then one day it becomes about all of them. The Master plan for Verona has been known for years. The County offices moved with no issues and there were no issues when the Jail, the Juvenile Detention Home and the Sheriff's Department were moved to Verona. Now the final phase of the master plan that called for the Courts to come to Verona is upon us. I take my position on the Board very seriously and have looked at all of the facts of moving the Courthouse closely. I support the moving of the Courthouse from Staunton to Verona and most of the Citizens I speak to also support the movement of the Courthouse. I would like to find a way that would serve the needs for now and going forward. Our Courts are not adequate now and we are not going to make them adequate by staying in the buildings that are in Staunton. I am prepared to vote to take it to our Citizens.

Mr. Shull: Thanked everyone for coming out and showing their concerns. About 4 years ago is when the first mentions of moving the Courthouse came about. At that time I didn't agree with moving the Courthouse. It needed to stay in Staunton and left as it was. As time passed I began to look at the needs and the Court Assessment. People are talking about moving the Courthouse more and more. Negotiations were made with Staunton and they haven't followed through on a lot of things. We will not save anything by staying in Staunton. Staunton has been given the opportunity to give options and plans and when asked for it they refused to give any more options. Staunton offered the \$12.5 million dollars and were not willing to do anymore. Schools are the main concern for our citizens. Only a select few are concerned with the Courthouse.

The old Courthouse is not suitable for the needs of today's court system or the public. There comes a time to rebuild. We would ultimately be spending approximately \$20 million to renovate 2 buildings and what will we have gained....15 more years? If \$44 million is spent in Verona it should last 100 years. Where do the tax payers want their money to go? We are efficient with tax dollars.

May 11, 2016, at 7:00 p.m.

AUGUSTA COUNTY COURTHOUSE (CONT'D)

Mr. Garber showed a PowerPoint presentation of various Courthouses he has visited over time. He likes old buildings and old things. He has visited numerous Courthouses and has spoken with many of the Clerk's. Mr. Garber made sure that in all of the pictures he showed the space around the Courthouse. It's hard to buy space. Most of the Courthouses he visited have ample parking on all four sides of the building. The Courthouse in Grand Island, NE has a story that sort of goes with what we are talking about tonight. Their Courthouse was picked up and moved from an adjacent town so that Grand Island would be the County seat. 100 men went down and picked up their Courthouse, put it in an old railroad car and took it to the next town, which was Grand Island.

Again a picture shows the space around the Courthouse.

Broken Bow, NE the Courthouse had the most beautiful interior of any he saw. The first people he saw were sitting upstairs outside of the court room. Someone had carried grandma up the 42 steps to get to the court room. Marble steps, beautiful woodwork.

Across the street is a park that they would be given to build a new courthouse if they want it. It would cost \$100 million to replicate this courthouse. The recurring theme was the building is 100 years old, it is falling apart, and we cannot build new like we have so they keep patching it because we can't afford to build new like we could in 1900. That statement was heard state after state.

Mr. Garber showed a picture of an old corn planter that was used in 1910. That's what we used then. If we built a Courthouse in 1910, give or take, that suits the needs of 1910.

Kearney, NE built a new Government Center with a large parking lot and 7 years later they built a new Courthouse.

If there's a profession that I admire, it's somebody that can bring down a 20 story building in the middle of town and not break anyone's glass. I am not suggesting we do that to the old Courthouse. I am respectful of old things and the older I get the more respectful I get.

It's a wonderful building. It just doesn't do what we need it to do.

Mr. Garber showed a picture of how farmers plowed in 1900 and then a picture of a current day tractor that runs by satellite which is what is used today. A sunrise picture in the Middle River District shows that every day we have choices. You can either look to the future or you can look to the past. A picture of an old car, there was a time any proud Citizen of Staunton would have driven that car down the street, 1933, they wouldn't do it today unless it was Sunday afternoon.

Mr. Kelley: I am the new guy on the Board. Last year I was sitting in the audience keeping informed of what was going on in the County. I formed my opinion sitting in the audience. When I went knocking to be elected, 100% of the people were mad because the Courthouse was not put on the referendum in November. They asked the question, why didn't you give me the choice to move the Courthouse to Verona where it should be? The Citizens of Augusta County want the option to say where the Courthouse is located. It's the right time and the right choice.

Mr. Pyles: I am not going to be the one fired up after Mr. Shull. The Courthouse goes back a long way. It first was taken seriously when the City wanted to put a jail in Verona. One of the Supervisors at that time said you would have to put a gun to my head for me to support that. They said this was not going to be a Jail it was going to be a Justice Center.

We are going to have everything here. That was 20 years ago. We are not rushing into anything. The Board is not taking it lightly. I want to make a couple comments before getting into other things. I am always interested in hearing Mr. Pattie's comments. Mr. Pattie talked about the good budget session we had this year. If it was up to Mr. Pattie we would still have a 48 cent tax rate and we wouldn't have the schools or roads to pave. We wouldn't have any money to do anything. If you're not willing to do the heavy lifting don't talk about the folks who are lifting things up in order to get on with business in the County. The question of consolidation. I asked the City Counsel, are you going to have one Commonwealth Attorney, One Clerk of the Clerk? Are you going to combine those

May 11, 2016, at 7:00 p.m.

AUGUSTA COUNTY COURTHOUSE (CONT'D)

things? They answered no, they will just be in the same building.

Taxes....who talked about taxes being raised? I came up with a plan of how it can be done without raising taxes. By thinking ahead in the past we are better off today and that's what we are trying to do here.

The Middle River Regional Jail could have been built at different sizes, but we went big. It cost \$42 million to construct. The State paid \$21 million. We started making money on it. We thought big, we thought ahead.

Rockingham built their jail a couple of years before us. They went too small. Now they have bought in with us. We are the people that know how to do things. We do them well. I don't look to them to know how to do things, they need to look to us.

The cells in the old jail are used for storage of old files. It's not presentable for the County, but we use it anyway. Twelve or so years ago our County Administrator met with the City Manager, Mr. Stripling, and spoke on issues with the old courthouse. The City was given options to be able to keep the courthouse where it was, but they didn't do anything to help themselves. They didn't have the money, which was understandable. So Augusta County became serious about moving again. The city came back with the most insulting letter that was run by the Newspaper first. They were not willing to give any more than the \$500,000. Staunton could not raise the taxes. When they realized Augusta County was going to walk away, they started coming up with more money. The final figure was \$12.5 million. It was discovered that Staunton uses 34% of the courts so they need to cover 34% of the cost, but Staunton remained at \$12.5 million and 25%. That's no negotiation or understanding of cost and value.

There are things we have to look at when considering the cost for the tax payers of Augusta County. How far will the \$12.5 million go for us? The cost to buy the Union Bank building and tearing it down would be \$3 million. That would not have to be spent if we build in Verona. We have all of the land we need to do it. Building the glass walkway above the street is \$500,000 of construction that brings us no value. Construction would be more expensive because of limited staging space for equipment and working around traffic. At the Government Center the area lays flat and open. There is a cost for shutting down traffic. There is a cost to merchants if traffic is shut down.

A new facility could be bid more confidently. The land is flat and the contractor can say it will cost a certain amount and you can hold him to that. If you ask the contractor to renovate and reconstruct an old building, you will have surprises come up that will have to change his bid.

We have to provide security for two buildings now. If we stay in Staunton we have to go to security for three buildings. If we build in Verona it would be security for one building. If we have two security guards in each building it's \$100,000 a year. So we are either going to add two more at \$100,000 or we will reduce it by \$100,000. We can save \$100,000 by moving to Verona annually just for security.

The heating system that would have to be used, according to the Frazier Plan, had to be a special heating system because of the type of building and mold. If we build in Verona, we build with the most efficient and it's a lot cheaper to heat or cool one building than it is to heat or cool three buildings.

We work hard to bring business to our County. It's a value to us. Why would we build a building on someone else's lot? Where we build this building improves the value for every person who lives close to this facility. Homes will be worth more. Every business in Verona has better opportunity for more business.

We don't get wealthy by increasing taxes. We get wealthy by making our citizens wealthier by improving the value of their homes and giving them opportunity for their business. That's why we can have a 58 cent tax rate. We think ahead and do what we have to do when we have to do it.

We have invested several million dollars into our schools. Our citizen's feel we have been spending too much on our education and buildings. We spent \$50 million at the Wilson Complex alone and the Newsleader thinks we should build another high school. We

May 11, 2016, at 7:00 p.m.

AUGUSTA COUNTY COURTHOUSE (CONT'D)

certainly don't need their help spending our money. The last schools to have problems are under construction now or are going to be closed.

Safety concerns are taken care of. When I came on the Board there were 14 people in Fire and Rescue. Now there are 106. We have paid full time people in most areas. We are taking care of all of our needs.

We will be able to pay for this courthouse without a tax increase. We want to make Verona a prosperous place. We owe it to our tax payers to do something right.

Chairman Bragg: I visited the Commonwealth Attorney's office on Monday. I was looking out the window and looking across the street. You could see the Circuit Court building. When you look at it you marvel at its beauty. It's an amazing facility. I recognize the history that goes along with the Courthouse in Staunton and it is very humbling.

This is the 5th court building that has been constructed on that site since the 1700's. Those that came before us recognized and accepted that the needs of the County had changed over time and that each of those buildings were not able to meet the needs of our system for whatever reason. Each one built was newer and larger and more efficient. The discussion that we are having today is very similar to what the ones must have been in previous years. In a decision of this magnitude emotion gets into it. People get rapped up in it. The building is a large part of our history, but it doesn't meet our current and future needs.

There are four areas that are very important to me. The functionality of the building such as technology that was available, electrical and plumbing, the work space, the flow of the public and workers. Storage space is one area that gets passed by, but it is a big issue. The ability to preserve our records and history from the past is important. The proximity to other services like the Sheriff or the Jail. The security and safety of our employees. The safety of our citizens. They expect a certain level of comfort and security. We don't have the ability to do the x-ray scans and things like that.

Fire and Emergency services having issues getting to the building. Meeting ADA requirements. The current building is not accessible to many of our citizens. I don't feel like its okay to just say it's because of it being an old building. Our citizens need to have access to those buildings. Financial responsibility is a big part to consider. The value of the efficient facility verses continuing to reinvest in older structures. The option of remodeling the downtown facility was considered, but it would cost millions of dollars to buy 15-20 years. Then in 15-20 years we will be having this exact conversation \$20 million later. It doesn't make good financial sense. I also had the opportunity to view and study the proposed plan that was brought to us by Staunton. Admittedly there were points of interest, however, at the end of the day it didn't address the current and the future needs of Augusta County. I am not trying to minimize the efforts of the City because they did present the plan. The thought and the work they applied is recognized. We need to be respectful to their knowledge of what their needs are and what their capabilities are. The City had stated to her at one point that they don't need new courts. Their system is fine so spending their tax payer's money is something they have tried to be conscientious of. It is fair to say that all of the Board members have studied all of the plans offered. I believe that the best option for the citizens of Augusta County is the construction of the new Judicial Center in Verona.

May 11, 2016, at 7:00 p.m.

AUGUSTA COUNTY COURTHOUSE (CONT'D)

Mr. Pyles moved, seconded by Mr. Kelley that the Board approve the resolution and petition to allow the County to go to referendum on this issue.

Mr. Shull: Mr. Pyles mentioned Staunton's case load of 34%. We've looked at consolidating like Rockingham. Theirs was at 50/50 and some places like Lexington and Rockbridge the split was based on population and case load. We definitely tried to consolidate.

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

Nays: Pattie

Motion carried.

Chairman Bragg: This decision has been years in the making. It was a very difficult decision and I appreciate all of the thought and effort that went into it. We are not closing the book on the 1901 Court building. We are turning the page and starting another chapter. It is also important to note that we are willing to listen to suggestions that Staunton might have, but they do need to clearly understand that we are moving forward.

Mr. Shull: In the negotiations with Staunton we never closed the door. We welcomed any return offers from them. Mr. Shull hopes that we can work on future endeavors together. We need to work regionally. Sometimes we can work things out better together.

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The Board took a five minute break

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TRANSFER OF FRONTAGE ROAD F-942 TO VDOT SECONDARY SYSTEM

The Board considered the transfer of Frontage Road F-942 into the Virginia Department of Transportation Secondary System. John Wilkinson, Director of Community Development, reminded the Board that at last month's meeting on April 27, 2016 we did a resolution to transfer Rolling Thunder to the public road system. There was a piece of road that was not on that agenda. It was a part of a frontage road. Mr. Wilkinson recommends that the Board accept the Resolution so we can have one road number for the entire length of Rolling Thunder Lane.

May 11, 2016, at 7:00 p.m.

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BLUE MOUNTAIN REZONING AND MARKETING AGREEMENT

Mr. Fitzgerald explained the updated agreement. The agreement covers the 500 acre track owned by Blue Mountain. This property will be on the Boards agenda for re-zoning in June. This agreement was approved last year, but the application has been updated with all needed changes. The only change that was made were some dates and the name of the Chairman. The agreement allows us to market the property and make it available to industrial prospects. It is Mr. Fitzgerald's recommendation to move forward. He feels it is important to have this agreement in place prior to addressing the rezoning next month.

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

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

Nays: None

Motion carried.

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ACCUTEC BLADES PERFORMANCE AGREEMENT

Mr. Fitzgerald explained the AccuTec Blades Performance Agreement. AccuTech agreed to expand its operation to Augusta County on February 26, 2016. This is a great project for us. AccuTec will invest \$5,376,000 and create 53 new jobs over the next 36 months. AccuTec received a Commonwealth Opportunity Fund Grant of \$125,000 which this Board had agreed to match. The agreement before the Board is the Performance Agreement in regards to that payment. Our Economic Development staff recommends that the Board approve the agreement. The Economic Development Authority will consider the document at its next meeting on May 19, 2016.

Mr. Shull moved, seconded by Mr. Kelley, that the Board approve the Accutec Blades Performance Agreement

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES-None

May 11, 2016, at 7:00 p.m.

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CONSENT AGENDA

Chairman Bragg asked if the public wished for any item to be removed from the Consent Agenda and considered separately. There was no request.

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

MINUTES

Approved minutes of the following meetings:

- Budget Hearing Meeting, Wednesday, April 20, 2016
- Staff Briefing, Monday, April 25, 2016
- Regular Meeting, April 27, 2016

CLAIMES

Consider Claims paid since April 13, 2016.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Coleman: Invitation to Woodrow Wilson General Hospital Memorial Monument Dedication on Memorial Day at 12pm. He will be having surgery and out of commission on May 18 and will be unavailable through the weekend.

Mr. Shull: Thanked Jennifer Whetzel, Deputy County Administrator, for presenting the Broadband Survey to the Ruritans. He thanked everyone in regards to the Market Animal Show. This is a great event, however and the newspapers did not do the children justice as they did not have pictures like they normally do.

Mr. Garber: At the break, someone mentioned that he originally was against the moving of the Courthouse. He compared it to the Market Animal Show. You couldn't get in or out. They moved the Market Animal Show and there were close to 500 people because they could get there.

May 11, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

Chairman Bragg: Please fill out the Broadband Survey. The Fire and EMS picnic for families is May 21, 2016. Nexus ribbon cutting is this Friday. VDOT 6-year plan coming up at Blue Ridge Community College. Amanda Glover in Economic Development lost her grandmother on Sunday. The Market Animal Show was amazing. Chairman Bragg brought Mr. Wells to the podium to explain the Stuarts Draft Park performance platform.

Andy Wells explained an enhancement to the Stuarts Draft Park. It will include a performance platform and ample seating. The platform will help compliment the Sweet Dreams Festival and give an opportunity to do some programming in the park. It will give community groups a place to have events. Mr. Wells has received an initial proposal and is seeking quotes. He wants to get the platform in place and available to use this summer. In September the landscaping would be completed when Sweet Dreams is over. Funding for this request is \$39,825.

| | | | |
|-----------------|-------------------------------|---------|-------------|
| FUNDING SOURCE: | SOUTH RIVER INFRASTRUCTURE | 8016-82 | \$17,412.50 |
| | BEVERLEY MANOR INFRASTRUCTURE | 8011-77 | \$17,412.50 |
| | RIVERHEADS INFRASTRUCTURE | 8015-76 | \$ 5,000.00 |

Mr. Kelley moved, seconded by Mr. Pyles, that the Board use infrastructure money from Beverley Manor and South River to build performance platform at Stuarts Draft Park.

Mr. Shull offered \$5,000.00 from the Riverheads Infrastructure to assist with this project.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1) AARP letter thanking Augusta County for the opportunity to use the Government Center.
- 2) Animal Shelter expansion is 95% complete. Gave quarterly report to the Board.
- 3) County Investment Policy and Procedure has been revised by the Treasurer at the request of the Auditors.
- 4) The Virginia Historic Courthouse Symposium is May 19 & 20
- 5) FERC scoping meeting is May 21 at 7:30 at the Bath County High School
- 6) Route 608 posting willingness of public hearing.

May 11, 2016, at 7:00 p.m.

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

- A) Boards and Commissions

- 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

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

- A) Pending Litigation

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On motion of Mr. Shull, seconded by Mr. Pyles, the Board came out of Closed Session.

Vote was as follows: Yeas: Bragg, Kelley, Garber, Wendell, Shull, Pattie 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.

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.

May 11, 2016, at 7:00 p.m.

Roll Call Vote was as follows:

AYE: Bragg, Garber, Kelley, Coleman, Shull, Pattie 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, Dr. Pattie moved, seconded by Mr. Shull, the Board adjourn subject to call of the Chairman.

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

Motion carried.

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Chairman
h:5-11min.16

County Administrator