

Regular Meeting, Wednesday, May 25, 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 25, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240<sup>th</sup> year of the Commonwealth....

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Chairman Bragg welcomed the citizens present.

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The following student led us with the Pledge of Allegiance:

Jaiden Carderelli is in 8<sup>th</sup> grade at Stewart Middle School. She is part of the Valley Scholars Program and hopes to attend James Madison University in the future.

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Wendell Coleman, Supervisor for the Wayne District, delivered invocation.

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VDOT 6-YEAR PLAN

This being the day and time advertised to consider a request to consider and receive input in regards to the proposed Secondary Road Construction Improvement Program for the State Secondary System of Highways in accordance with Section 33.1-70.01, Code of Virginia, 1950, as amended; the program covers the six-year period from July 1, 2016 through June 30, 2022. The Board will also receive input on the Secondary Road Construction Improvement Budget for Fiscal Year 2016-17. The Budget covers the period from July 1, 2016 through June 30, 2017.

Donald Komara, Residency Administrator, reviewed with the public the purpose for conducting the public hearing:

“It’s good to be here this evening. I gave you a copy of the unpaved road list that we delivered. We also have the rest of the plan this evening that I would like to go over. Before I start I would like to introduce my assistant Josh Dunlap who is with me today and my Maintenance Manager, Kay Vance that works primarily in Augusta County. They are here to make sure I tell you all the right stuff and help me answer questions. The hearing tonight is primarily for the unpaved road section of the plan. That’s where we have the gravel roads and want to hard surface them. In years past we also looked at hard surface roads that needed improvement. There’s a new process that we evaluate those now called the HB2 Process. We were very successful in the County last year and the first year of it and received funding on several projects. That’s interesting because they grade the projects over the whole state of Virginia. There is five criteria they go through, congestion management, safety, environmental quality, economic development accessibility and in the large areas in Northern Virginia’s where the population is 200,000 and

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VDOT 6-YEAR PLAN (CONT'D)

above they also bring in land use. I say that because our projects stood up against all of those and in our plan there's several projects that I wanted to bring to everyone's attention that received funding. Dam Town Road (616) is a 2.6 million dollar project. Howardsville Turnpike (610) is a 4 million dollar project we had funding for a couple million and we asked for funding for the remainder. We are building a bridge near the Craigsville area, Leigh High Road (685) that came out of our Bridge and structure funds of 2 million dollars. Laurel Hill Road was not asked for but we already had that funding and they opened up the bidding this morning on that project. Haley Chisholm and Morris was low bid at \$962,810.50. A. R. Coffey was second at \$1.3 million and Fielder's Choice was third at \$1.5. They were all good bids and a little under our estimate so we are happy about that. I haven't worked with Haley Chisholm and Morris lately. I worked with them many years ago, but heard good things from them. Tinkling Springs road improvement on 608 which is primarily a revenue sharing project that's tying in the 91 exit improvements to Augusta Farms Road is on the plan also. A couple of roads built last year; Goose Creek (636), Lifecore Drive, Stonewall Lane (830). A couple of the roads that on the agenda to be built this year; Belvedere Lane (616) and Parkins Road (619). For next year we have Sinking Springs Road, Willow Spout, Leaport, Barren Ridge and Mt. Hermon Road has been moved up in priority. Craigshop Road, Nash Road and Barnhart Road. All of these roads have pretty significant traffic counts on them. Jericho Road has a lot of traffic on a portion of the road. Pinebluff, Broadhead School road, Rocky Springs, Fountain Cave, Horseshoe Circle and River Road are also on the plan. Tonight we present this plan to you and we also ask the public if there are any other roads they would like for us to consider. For years we didn't get very much money on the secondary plan, but in the last 2 years we have gotten a little more money. We got \$1.4 million in years five and six. Of course, everybody wants their road next year so it's always challenging, but next year comes because we plan. I know the ones we have now are roads that we put on there when I first came in front of you four or five years ago. So we are getting to build those. These are of interest to me because they are roads that I've worked with you to get on here so it's rewarding from my perspective and yours to get those built. Some of the criteria that we use is it has to have over 50 vehicles a day. There is a couple that we got calls on that did not have that kind of volume. They had less than 50. I will be happy to entertain any questions folks in the audience have at this time".

The Chairman declared the public hearing open.

Janice Irvine of 814 Mt. Hermon Road, Middlebrook has lived on Mt. Hermon Road for almost 40 years. However, her family has owned the property for about 150 years. There is a 1.7 mile stretch of that road that is not paved. It is a school bus route. The Walker's Creek Fire Department which is actually Rockbridge County does travel that road because they respond in Augusta County. It can be treacherous with the dirt and the gravel. Several citizens have had close calls with accidents. She also volunteers with Fairfield Rescue Squad and they are usually the ones to respond to that area. When you have a critically ill patient in the back of the unit and trying to do as much care as you can it is very difficult when hitting potholes and shaking. Ms. Irvine hopes that Mt. Hermon Road is seriously looked at.

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William Snow of 1826 Dutch Hollow Road, Raphine is the Vice President of the Walker's Creek Volunteer Fire Department. We look at the safety of Mt. Hermon road for both bus service and most importantly fire and EMS calls as being our primary access route to more than half of the calls that have to be made by the fire department. Our request is that if it can be raised in priority that would be the best outcome possible.

Mike Pelton of 545 Balsler Lane, Middlebrook is here to support raising the priority of Mt. Hermon Road as much as possible. Personally has had to deal with this road for 17 years and when there is snow on the ground the road is impassible. It's a safety hazard.

Tim Whitesell of 3974 Walkers Creek Road is a member of Walkers Creek Fire Department. Mt. Herman Road is a primary route not only for Augusta County emergency calls that are made, but also to Rockbridge County calls. It is treacherous at times depending on the weather. Even on a pretty day it's difficult meeting vehicles on that road. He wants it moved up in priority.

Colby Irvine of 41 New Brunswick Road, Fishersville is the Fire Chief of Walkers Creek Fire Department. He doesn't want to beat a dead horse, but wants to voice concern about Mt. Hermon Road. It is the primary road of travel for about 62% of the calls that are made both in Augusta and Rockbridge. Mr. Irvine is thankful to VDOT that it's on the 6-Year Plan. There was a new bridge put in place last year which improved things greatly. Mr. Irvine hopes that if anything can be done to get it moved up in priority it would be appreciated.

Fred Fevrier of 538 Jump Mount Rd in Rockbridge County is a retired medical Dr. and first responder for the Walkers Creek Fire Department. He is concerned about the safety of travel along Mt. Hermon Road. He is asking to please reprioritize the placement of solid surface on the road. In the winter time the road is quite dangerous because it's on the North side of a high hill and trees hang over the road. It frequently stays covered with ice and snow. Even in the summer after rains they get tremendous potholes that can impede the control of an automobile. Mr. Fevier is fearful of accidents that may occur due to the condition of the road. Please give us your consideration in reprioritizing the fixing of this very short road.

Kari Davis of 106 Zion Church Road, is addressing Zion Church Road. There is a ½ mile that has been left graveled. She would like to see this road on the 6-Year Plan. Ms. Davis wants to see it made safer for travelers and the buses that go through that area. She gave a list of the names that are in favor of this.

Shelly Fix of 165 Wampler Lane, Mt. Solon wants to represent Nash Road which is on the 6-Year Plan. It was on the agenda about 10 years ago, but was taken off because of AMC projects so our 6-Year Plan has turned into a 16-Year Plan. They want to prioritize their road. In some areas of the road there is not enough room for a school bus and a car to pass and there are deep ditches because of the rain. Ms. Fix gives VDOT credit because they have tried to keep trees and limbs off the road as much as possible. There is 6-8 poultry houses so there is truck traffic because of that. This causes a lot of potholes.

Marion Ward of 1140 Sangers Lane does not want to see Sangers Lane to be on any list of roads to be paved. Sangers Lane is a beautiful gravel lane. Many people choose to live on that lane because it is unpaved. There have been some newcomers to the area

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VDOT 6-YEAR PLAN (CONT'D)

that want to see it paved. It's baffling that they would choose to live there and then want to change it. A couple quick points would be Sangers Lane and the unpaved part is one of the special characteristics of Augusta County. It is a credit we still have lanes like this. Ms. Ward doesn't think it would meet the threshold of 50 vehicles per day and is she thinks it is safer to keep it unpaved. There are sharp curves and hills that at a higher speed it would be less safe. Money needs to be spent elsewhere. Most of the people with road frontage are adamantly against paving Sangers Lane. Lastly, let's pave the roads that really need it.

Mr. Coleman has had other residents on Sangers Lane call and want the road paved. He talked to this young lady and strongly encouraged her to come to the meeting and get her comments on the record. As the Supervisor in that District he would be in touch with all residents along that road.

Joe Cloud of 1340 Sangers Lane wants to add his voice to the Sangers Lane issue. He realizes it's not on the 6-Year Plan but there is concern that it may resurface. He along with his siblings own a farm at 1546 Sangers Lane (Greenmount Farm). First point to be made is his family has owned the farm for many years and they love the rural character and do not want it paved. Second point is it has a very low traffic count. It's not really a road that leads anywhere. And third is safety. The Lane has curvature problems. There are blind and sharp curves. For 17 years he was a Maryland State Landscape Architect which gives him the same right as a civil engineer. If taken to a State paved road standard it's going to be extremely expensive and it's going to elevate the speed on the roads.

Beysie Ragan of 1340 Sangers Lane has spoken with the Board about Sangers Lane in the past. She wants to reinforce that she does not want it on the 6-Year Plan. Major concerns would be safety. The road is mostly agriculture.

Becky Benson of 47 Seldom Seen Road, wants to reiterate what Marion Wood pointed out earlier. People move to that road because it is unpaved and they like it that way. Why would you move onto a dirt road if you didn't want to live on a dirt road? It is very expensive to pave.

Kim Arehart of 47 Seldom Seen Road came to the meeting tonight just in case Sangers Lane did make it back onto the 6-Year Plan. She is thankful that it has stayed off. VDOT improvements were recently done and it is wonderful.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Komara commented a lot of roads are built to a rural rustic standard but we do need to get easements and improve drainage. VDOT does talk to the citizens.

Mr. Pyles would like to reiterate the cost of bringing roads up to standards really doesn't fit in to economics any time soon. We haven't had a lot of money to spend on these roads for years. Why would we try to pave something that people don't want paved. We have all of these other needs out there.

Mr. Coleman thanked everyone for being here. It is a part of the process. Once you are fortunate to get something on the plan you need to stay involved because sometimes things change.

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VDOT 6-YEAR PLAN (CONT'D)

Mr. Shull thanked everyone for coming out. Their input helps the County to prioritize. Mt. Hermon road is a major service road for EMS and Fire-Rescue and Rockbridge County is heavily involved as well. Mt Hermon road is the shortest route coming out of Rockbridge County into Augusta County. Most all roads from each Fire and Rescue Stations through the County are paved. This is probably one of the only roads from a station that is not paved.

Chairman Bragg thanked everyone for coming out. It is very important that our citizens participate in the process and assist in the decision making on what needs to be done.

Timothy K. Fitzgerald, County Administrator, stated that the Plan and Budget will be on the June 8, 2016 Regular meeting agenda. He thanked Delegate Landes for coming out and hearing the concerns of the citizens.

The 6-Year Plan is now adjourned.

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MARY ANN HEERSCHAP REZONING

This being the day and time advertised to consider a request to add the Public Use Overlay to approximately 9.5 acres owned by Mary Ann Heerschap located at 87 Reeves Road, Mt. Solon in the (North River District). The Planning Commission recommends approval of the request with proffers.

Becky Earhart, Senior Planner, showed maps of the area. The Public Use Overlay are additional permitted uses that will be allowed. The land is already zoned agriculture. Ms. Heerschap wants to have a school of no more than 44 students. Traffic will be limited to no more than 50 vehicle trips per day and the new building must meet the principle building setbacks. The Planning Commission recommends approval with proffers.

Mary Ann Heerschap stated that she has a Bachelor of Science degree in Nutrition Dietetics and a Certificate of training in Environmental Nutrition and has attended several farming conferences so the farming on this land will be chemical free. She participates in the Harrisonburg Farmer's Market and 2 ½ years ago she started the School of Our Lady: Queen of Peace and Reconciliation, Inc. as a hybrid school. This past fall she expanded to full time because she wanted a farm school. Students range from 12-18 years old and they help on the farm as part of their learning. She has 4 acres of pasture, ½ acre of blueberries and about a ½ acre for an orchard plus land for about 100 blackberries and 50 elderberries. She hopes to get the students teamed up with a local farmer and working about 6-8 hours a week. This is similar to the Crystal Ray Program on the West Coast where students work for part of their tuition. Our school day basically begins with occupations in the morning, preferably outside. Then traditional academics from that point on. The school day runs from 9am-4pm. Ms. Heerschap currently has 4 students and she is approved for 5. We are partnering with Old Right Believers Russian Orthodox Church who is bringing in 18 refugee families. They will need to be taught English and the hope is they will come to her school. A perk test has been done. The driveway is 24 foot wide and she plans to make a turnaround for bus purposes.

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MARY ANN HEERSCHAP REZONING (CONT'D)

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Dr. Pattie moved, seconded by Mr. Kelley, that the Board adopt the following ordinance.

**ORDINANCE**

A REQUEST TO ADD THE PUBLIC USE OVERLAY TO APPROXIMATELY 9.5 ACRES OWNED BY MARY ANN HEERSCHAP LOCATED AT 87 REEVES ROAD, MT. SOLON IN THE North River DISTRICT.

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

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

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

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

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

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

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

Parcel number 113A on tax map number 10 containing a total of approximately 9.5 acres is changed to add the Public Use Overlay designation with the following proffers:

1. Additional permitted uses of the property will be limited to a school with a maximum enrollment of 44 students.
2. Traffic generated by the school will be limited to no more than 50 vehicle trips per day.
3. Any new building built to house classroom space for the school will meet the setbacks for principal buildings or structures.

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

Nays: None

Motion carried.

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**DAYCARE CENTERS ORDINANCE AMENDMENT**

This being the day and time advertised to consider a request to consider an ordinance to add Paragraph G to 25-384 of the Augusta County code allowing daycare centers by special use permit in General Industrial Districts. The Planning Commission recommends approval of the ordinance amendment.

John Wilkinson, Director of Community Development, explained that this was an ordinance would add opportunity to Daycare Centers by Special Use Permit in the General Industrial District. There are four standards proposed with the ordinance that the Board of Zoning Appeals would have to consider when entertaining for one of these permits.

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Coleman moved, seconded by Mr. Shull, that the Board adopt the following ordinance amendment...

**AN ORDINANCE TO  
TO AMEND SECTION 25-384  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-384 of the Augusta County Code allow day care centers by special use permit in Industrial Zones within the County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 25-384 of the Augusta County Code is amended by adding paragraph G. to read as follows:

**CHAPTER 25. ZONING  
DIVISION F. INDUSTRIAL DISTRICTS**

**§25-384 Uses permitted by Special Use Permit**

**G. Day care Centers.**

Day care centers may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and
2. Proposed playgrounds and common gathering areas may be located in the side or rear yards only and must be adequately fenced. Any playground structures are subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and
3. The proposed use will be compatible with the anticipated industrial traffic utilizing the shared roadway; and
4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations .

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DAYCARE CENTERS ORDINANCE AMENDMENT (CONT'D)

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

Nays: None

Motion carried.

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ILLCIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE

This being the day and time advertised to consider a request to enact a new Article II to Chapter 9 of the Augusta County Code to entitled Illicit Discharge Detection and Elimination.

Morgan Shrewsbury, Community Development-MS4/Stormwater Programs Coordinator, showed a PowerPoint. The purpose of this ordinance is to promote the health safety and wellbeing of our citizens and to protect property and the State waters. This is in compliance with the Virginia Code. The ordinance is to stop illicit discharge which is non stormwater getting into the stormwater sewage system. This includes everything from industrial waste to pollutants. DEQ requires we have exceptions. A lot of these exceptions come as general concerns such as waterline flushing, landscape, fire department and activities along those lines. The County is responsible for investigating and confirming that no pollutants are getting into our storm and sewer systems. For enforcement, DEQ requires that it's a class 1 misdemeanor and civil charges are an option.

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board adopt the following ordinance.

**AN ORDINANCE TO  
ENACT A NEWARTICLE II  
TO CHAPTER 9 OF THE  
AUGUSTA COUNTY CODE**

WHEREAS, The Board of Supervisors of the County of Augusta finds that the uncontrolled discharge of pollutants to its Municipal Separate Storm Sewer System (MS4) has an adverse impact on the water quality of receiving waters; and

WHEREAS, Amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) Program, which requires permits for discharges from regulated municipal separate storm sewer systems into the waters of the United States; and

WHEREAS, The United States Environmental Protection Agency (EPA) has promulgated regulations



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**ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE (CONT'D)**

implementing the NPDES program, and the EPA has authorized the Commonwealth of Virginia to issue NPDES permits under the Virginia Pollutant Discharge and Elimination System (VPDES) permit system; and

WHEREAS, The VPDES regulations for storm water discharges require the County of Augusta to control the contribution of pollutants to its regulated MS4 by prohibiting illicit discharges, and to inspect, monitor, and enforce the prohibitions of illicit discharges to its regulated MS4;

NOW THEREFORE, be it resolved that a new Article II Illicit Discharge Detection and Elimination is hereby adopted to read as follows:

**CHAPTER 9. ENVIRONMENT**

**ARTICLE II. Illicit Discharge Detection and Elimination**

**§ 9-30. Purpose and Authority**

1. The purpose of this article is to promote the general health, safety, and welfare of the citizens of the County by protecting property and state waters through the prohibition of illicit discharges of non-storm water within the County's regulated MS4 area into the County's MS4, subject to certain exceptions.

2. This ordinance is adopted pursuant to Article 2.3 of Chapter 3.1 of Title 62.1 of the Code of Virginia.

**§ 9-31. Applicability.**

This ordinance is applicable to the MS4 designated areas and contributing watersheds consisting of approximately 20,600 acres and highlighted in red on a map entitled "Illicit Discharge Detection and Elimination Ordinance" which is declared part of this ordinance and which shall be kept on file in the Offices of the Department of Community Development.

**§ 9-32. Definitions.**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Article.

**Best Management Practices (BMPs).** A schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Director.** The Director of the Community Development Department of Augusta County. The term includes any person or persons designated to perform certain specific administrative functions by the Director of the Community Development Department.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illicit Discharge.** Any direct or indirect non-storm water discharge to the storm sewer system, except as exempted in Section 9-33 C of this ordinance.

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## ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE (CONT'D)

**Municipal Separate Storm Sewer System (MS4).** The County's municipal separate storm sewer system. The terms "municipal separate storm sewer" and "municipal separate storm sewer system" shall have the meanings set forth within 9VAC25-870-10

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Non-Storm Water Discharge.** Any discharge to the storm sewer system that is not composed entirely of storm water.

**Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Storm Sewer System.** Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Storm Water Pollution Prevention Plan (SWPPP).** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Virginia Stormwater Management Program (VSMP).** A program approved by the State after September 13, 2011, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the Act and associated regulations, and evaluation consistent with the requirements of the Storm Water Management Act (§62.1-44.15:24 et seq.) and associated regulations.

**Virginia Pollutant Discharge Elimination System (VPDES) permit.** A document issued by the State Water Control Board pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### **§ 9-33. Prohibited Discharges.**

A. It shall be unlawful and a violation of this article to cause or allow any illicit discharge to enter, or have the potential of entering, the MS4.

B. Illicit discharges include, but are not limited to:

(1) Discharging, or allowing any discharge of sewage, industrial wastes, yard wastes, or other wastes, into the storm sewer system, or any component thereof, or onto driveways, sidewalks, parking lots, the ground, or any other areas draining to the storm sewer system.

(2) Connecting, or allowing any connection of any sanitary sewer to the storm sewer system.

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(3) Connecting, or allowing any connection to the storm sewer system, without a valid VSMP, VPDES, or NPDES permit, any structure that conveys any liquid other than storm water or discharges listed in subsection (c), including, but not limited to, pipes, drains, sanitary sewer lines, washing machine drains, or floor drains.

(5) Throwing, placing, or depositing, or causing to be thrown, placed, or deposited in the storm sewer system anything that impedes or interferes with the free flow of storm water therein, or adversely affects water quality.

C. The following non-storm water discharges are allowable under this article:

(1) Discharges or flows covered by a separate individual or general VPDES or VSMP permit for non-storm water discharges;

(2) Individual non-storm water discharges or flows that have been identified in writing by the Virginia Department of Environmental Quality as de minimis discharges that are not significant sources of pollutants to state waters and do not require a VPDES permit;

(3) Non-storm water discharges or flows as listed in the following categories;

- a. Water line flushing;
- b. Landscape irrigation, irrigation water, lawn and garden watering;
- c. Diverted stream flows or rising groundwater;
- d. Uncontaminated ground water infiltration;
- e. Uncontaminated pumped groundwater;
- f. Discharges from potable water sources;
- g. Foundation drains;
- h. Air conditioning condensate;
- i. Springs;
- j. Water from crawl space pumps;
- k. Footing drains;
- l. Individual residential car washing;
- m. Flows from riparian habitats and wetlands;
- n. Dechlorinated swimming pool discharges;
- o. Street wash water; and
- p. Firefighting activities.
- q. Dye testing, following notification to the County's Community Development Department

D. In the event any of the activities listed in subparagraph C (3) of this section are found to be a significant contributor of pollutants to be discharged into the MS4, the Director shall so notify the person performing such activities, and shall order that such activities be ceased or be conducted in such a manner as to avoid the discharge of pollutants into the MS4. The failure to comply with any such order shall constitute a violation of the provisions of this article.

**§ 9-34. Inspections and Monitoring.**

A. The Director shall have the authority to carry out all inspections and monitoring procedures necessary to determine compliance and/or noncompliance with this article, and to enforce the requirements of this article.

B. The Director shall have the authority, at his/her sole discretion, to require a SWPPP from any person whose property discharges, or has the potential to discharge, to the MS4.

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### ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE (CONT'D)

C. The Director and/or his/her duly authorized employees, agents, or representatives of the county, bearing proper credentials and identification, shall be authorized to enter any public property or to request entry into private property at any reasonable time for the purpose of enforcing this article, including, but not limited to taking samples of discharges, inspecting monitoring equipment, inspecting and copying documents relevant to the enforcement of this article, and such other items as may be deemed necessary for the enforcement of this article.

If the owner or person in charge of the property refuses to allow the Director or his/her designees to enter in accordance with this subsection, then the Director may present sworn testimony to a magistrate or court of competent jurisdiction and request the issuance of an inspection warrant to enter the property for the purpose of making such inspections and investigations. The Director shall make a reasonable effort to obtain consent from the owner or person in charge of the property prior to seeking the issuance of an inspection warrant under this section.

D. The Director shall have the authority to require any person responsible for a discharge to the MS4 to document that such discharge meets and is in compliance with the requirements of this article. This includes, but is not limited to, the ability of the Director to require such person to provide monitoring reports, test results, and such other matters as may be deemed necessary to show that such discharge is in compliance with the requirements of this article. The cost of any required documentation shall be the responsibility of the person responsible for the discharge.

E. The failure of any person to comply with any of the requirements of this section shall constitute a violation of this article.

### **§ 9-35. Enforcement and Penalties.**

A. Any person who violates any of the provisions of this article shall be guilty of a class I misdemeanor and, upon conviction, is subject to punishment by a fine of not more than two thousand five hundred dollars (\$2,500.00) per violation per day and confinement in jail for not more than twelve (12) months, either or both.

B. Each day during which a violation of this article occurs or continues shall be deemed a separate and distinct violation of this article.

C. Any person who commits any of the acts prohibited by this article or violates any of the provisions of this article shall be liable to the county for all costs of testing, containment, cleanup, abatement, removal, disposal, monitoring, and any other related costs or expenses that the County may incur in connection with the enforcement of this article and/or the prohibition and/or correction of a violation of this article.

D. The Director may bring legal action to enjoin a violation of this article and the existence of any other remedy shall be no defense to any such action.

E. In addition to any of the remedies set forth above, the Director may seek to impose, or have imposed by the appropriate authority, any of the remedies provided for by § 62.1-44.15:48, Code of Virginia (1950), as amended, which are incorporated herein by reference.

F. In any court action that may result from enforcement of this article, a judge hearing the case may direct the person responsible for the violation or the property owner to correct the violation and each day that the violation continues shall constitute a separate violation of this article.

G. Any person who knowingly makes any false statements, representations, or certifications in any record, report, or other document, either filed or requested pursuant to this article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required or used by the Director under this article in monitoring discharges, shall be guilty of a violation of this article.

May 25, 2016, at 7:00 p.m.

**ILLCIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE (CONT'D)**

H. The remedies set forth in this section shall be cumulative, not exclusive, and it shall be no defense to any action that one (1) or more of the remedies set forth in this section has been sought or granted.

**§ 9-36. Civil charges.**

With the consent of any person who has violated any provision of this article, the county may provide for the payment of civil charges for violations in specific sums, not to exceed \$1,000. Civil charges shall be in lieu of any appropriate civil penalty. Such civil charges shall be paid into the treasury of the county for the purpose of abating environmental damages in the county.

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

Nays: None

Motion carried.

\* \* \* \* \*

**PANHANDLING**

This being the day and time advertised to consider the repeal of the Article V, of Chapter 11 of the Augusta County Code, Panhandling.

Pat Morgan, County Attorney, stated that the Board had been contacted by an Attorney in Charlottesville who suggested that the County's Panhandling Ordinance might be unconstitutionally overbroad as to application in the County. He cited several cases that were decided after our Panhandling Ordinance had been passed and it does appear based on these cases that it could possibly be overbroad. Rather than face a challenge in court we found it best to repeal it for now and consider what our options are at a future date.

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Pattie moved, seconded by Mr. Pyles, that the Board adopt the following ordinance.

**AN ORDINANCE TO REPEAL ARTICLE V OF CHAPTER 11 OF THE CODE OF THE COUNTY OF AUGUSTA, VIRGINIA**

WHEREAS, it has been suggested to the Board of Supervisors that its ordinance prohibiting panhandling on the streets of Augusta County may be unconstitutionally overbroad; and

WHEREAS, the Board of Supervisors does not feel it is desirable to defend its ordinance in a court of law, if the ordinance is overbroad.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that Article V of Chapter 11 of the Code of Augusta County consisting of Sections 11-50, 11-51, 11-52 and 11-53 is hereby repealed.

This ordinance shall become effective immediately.

May 25, 2016, at 7:00 p.m.

PANHANDLING (CONT'D)

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

Nays: None

Motion carried.

\* \* \* \* \*

AMENDMENT TO AUGUSTA COUNTY CODE

This being the day and time advertised to consider amending Section 8-32 of the Augusta County Code to move the polling place for the Crimora voting precinct from Crimora United Methodist Church to the Hugh K. Cassell Elementary School.

Pat Morgan, County Attorney, Crimora United Methodist Church could no longer be used as a voting precinct. The Principle at Hugh K. Cassell Elementary School said they would be glad to have another precinct. The Board previously passed this as an emergency ordinance so that voters could be notified of the change in their polling place. An emergency ordinance is only valid for 60 days so we ask that it would be passed permanently.

The Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Garber moved, seconded by Mr. Coleman, that the Board adopt the following ordinance.

**AN ORDINANCE TO AMEND SECTION 8-32 OF THE AUGUSTA COUNTY CODE**

WHEREAS, Crimora United Methodist Church is no longer available to be used as a polling place; and

WHEREAS, the Augusta County Electoral Board, after conducting a diligent search for a new polling place to serve the voters of the Crimora precinct; and

WHEREAS, no other suitable location could be found within the boundary of the precinct; and

WHEREAS, there is sufficient room to relocate the polling place to the building that currently serves as the Dooms Precinct polling place; and

WHEREAS, the location of the Crimora Precinct polling place in the Hugh K. Cassell Elementary School is in compliance with §24.2-310 of the Code of Virginia.

NOW THEREFORE be it resolved that Section 8-32 of the Augusta County Code is amended to read as follows:

May 25, 2016, at 7:00 p.m.

AMENDMENT TO AUGUSTA COUNTY CODE (CONT'D)

**§ 8-32. Location of polling places.**

The locations of the polling places are:

<u>Precinct Name</u>	<u>Location of Polling Place</u>
Buffalo Gap	Buffalo Gap High School
Cedar Green	Beverley Manor Middle School
Churchville	Churchville Elementary School
Churchville	Churchville Fire Station
Craigsville	Craigsville Community Center
Crimora	<del>Crimora United Methodist Church</del> <b>Hugh K. Cassell Elementary</b>
Deerfield	Deerfield Fire Station
Dooms	Hugh K. Cassell Elementary
Stuarts Draft Elementary	Stuarts Draft Elementary School
Fishersville	Yancey Fire Station
Fort Defiance	Edward G. Clymore Elementary School
Greenville	Riverheads High School
Jolivue	Victory Worship Center
Lyndhurst	Wilson Fire Station
Middlebrook	Middlebrook Fire Station
Mount Solon	Sangerville-Towers Ruritan Hall
New Hope	New Hope United Methodist Church
North River	North River Elementary
Sherando	Sherando Community Center
Spottswood	Spottswood Community Center
Ridgeview	Ridgeview Christian School
Verona	Augusta County Government Center
Weyers Cave	Weyers Cave Community Center
White Hill	White Hill Church of the Brethren
Wilson	Valley Vocational Technical Center

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

Nays: None

Motion carried.

\* \* \* \* \*

**\*\*END OF PUBLIC HEARINGS\*\***

MATTERS TO BE PRESENTED BY THE PUBLIC

Bonnie Ralston of 3441 Deerfield Valley Road, is in support of the drafting a letter to prevent Dominion from surveying along the Atlantic Coast Pipeline route in Deerfield. This route includes the GWNF6 alternative route which was announced in mid-February and the more recent Deerfield route variation which was announced on May 6<sup>th</sup>. She thanked the Board for working to fight the pipeline. She also wants to thank Mr. Pyles for

May 25, 2016, at 7:00 p.m.

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

researching this type and determining this route through Deerfield is illegal to survey.

Nancy Sorrells of 3419 Cold Springs Road thanked the Board for being steadfast during the past few years in thinking about the Atlantic Coast Pipeline. Throughout the process the Board has been logical and deliberate in examining the potential impacts on things such as water and schools and the property values and safety in the Comp Plan. Please continue to think first about the people in the path of this pipeline.

Diane Korte of Pleasanthill Lane in Churchville thanked the Board for their tenacity in dealing with the ACP issue. She loved the letter that was presented to FERC at the last meeting. She hopes that in dealing with issues you will remember to put a push on the fact that the southern route will go through less KARST. She attended a day session about KARST that was part of the Virginia Environmental Conference that was held at VMI in Lexington. There were a lot of experts specifically working with KARST in the State and in the Region. All documentation since the last time this was brought up to FERC shows that the submittals are not doing as good of job as VDOT does to deal with the KARST issue. The Pipeline is certainly more dangerous than a pothole. Thanked everyone for all of their hard work.

\* \* \* \* \*

FIRE AND RESCUE GRANT REQUEST

Lt. Minday Craun, Volunteer Coordinator-Emergency Services, The Committee met on May 11 to review the grants submitted. There was \$80,889 submitted and the committee is recommending to fund a total of \$36,230.82.

Funding Code	Fire & Rescue Equipment (Grant)-Volunteer	4-70-80000-8152
Churchville Fire Department	\$15,000.00	Ambulance
Riverheads Fire Department	no funding	Ropes, harness, lights and hose
Swoope Fire Department	\$ 9,594.00	Thermal Imaging Camera
Mt. Solon Fire Department	\$ 8,636.31	Lucas Device
County wide re-programing	\$ 3,000.00	Opticans

Mr. Kelley moved, seconded by Mr. Shull, that the Board accept the grants requested.

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

Nays: None

Motion carried.

\* \* \* \* \*

ELECTORAL BOARD

A) Voting Equipment: Ruth Talmage, Chair of the Electoral Board, stated that every election morning people come out early to get polling precincts prepped and ready for the day. Ms. Talmage feels that it is unconscionable to ask them to deal with a public that's not always happy and kind and then to deal with possible malfunctioning equipment. It is expensive and we have to do and it could be put off. She begs to not put it off. Augusta County needs to be able to say to the State and the Nation that yes we are doing the best we can to have accurate, honest and timely elections. Our people work very hard. If it weren't for these timely elections you would not be in the chairs where you are.



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May 25, 2016, at 7:00 p.m.

ELECTORAL BOARD (CONT'D)

Tom Long thanked the Board for moving so quickly with the voting precinct in Crimora. He appreciated the fact that some money was put aside in a capital account for new voting equipment and hopefully that makes the decision a little easier. He thanked everyone for taking the time to listen to the Electoral Board. It is a unanimous vote from the Electoral Board that now is the time to move forward on the new voting equipment.

Mr. Coleman wants to clarify if the earlier number given included the \$28,000 going forward with next year's budget or is that the existing number currently?

Jennifer Whetzel, Deputy County Administrator stated that it included the \$28,000.

Mr. Coleman would like to be clear in terms of however the vote may go. One of the points made is not a question of us buying the equipment. It's a question of timing. We are under a mandate of 2020 and of course during this process we have had conversations with various delegation at the State. There is reason to think that Delegate Landes would be willing to share his comments for our benefit in terms of whether we might have a chance in getting State or Federal funding. We need to make an informed decision.

Delegate Landes stated that the discussion has been had regarding new voting equipment across the State. We are here because the Federal Government has encouraged States to move from the touchscreen to the scanners. The scanners securely records the vote and if there is a recount there is a piece of paper that your Electoral Board will keep that will allow the recount. From the States stand point he was one that wanted to delay as long as possible. He has not been on the successful side of moving forward and he understands the concern related to the vote. From the State standpoint the difficulty for the State to provide funding would be we would have to ask for appropriations and the larger localities have already purchased the new equipment so he feels it would not be possible to provide funding for Augusta or any other locality. He is willing to put in a budget amendment to try represent our position on it. The likely hood of the amendment passing would be not great.

Mr. Coleman stated that the Electoral Board has made numerous presentation to the Board and of course everyone on the Board has been in different places as to what to do. He appreciates Delegate Landes for his comments.

Mr. Coleman moved, seconded by Mr. Shull that the Board proceed with the purchase of the new voting equipment.

Mr. Garber wants to be clear on the timeline. If we take their recommendation it would not be available for the November election. It would be June of 2017. Lead time is 3 months.

Chairman Bragg what the timeframe was on signing the purchase agreement and Mr. Long stated it would be signed in early fall.

Mr. Shull asked if enough research has been done regarding warranty and back up if we need help from these companies.



May 25, 2016, at 7:00 p.m.

ELECTORAL BOARD (CONT'D)

Mr. Kelley moved, seconded by Mr. Shull, that the Board accept the bid from Nielsen Construction for the ADA improvements.

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

Nays: None

Motion carried.

Mr. Shull commented that it was a reluctant vote because of one citizen's complaint. He walked up the ramp and didn't see anything wrong with it.

Dr. Pattie stated that we are spending \$56,000 because the ramp was an inch short on the landing. We are closing the other ramp because we don't want to spend \$112,000 to fix both.

Chairman Bragg stated that we have previously spent \$10,000 doing adjustments at other sites.

Mr. Shull stated that this was approved when it was originally put in by the State building code. There is a fine line between the Department of Justice and the State.

\* \* \* \* \*

WAIVERS/VARIANCES - NONE

\* \* \* \* \*

CONSENT AGENDA

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

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

Nays: None

Motion carried.

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May 25, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

Dr. Pattie thanked Ms. Whetzel for her help on the Internet Survey. We are over 1700 responses so far. We mailed them to all school children in Augusta County and churches in the area.

Mr. Coleman commended Ms. Whetzel and Dr. Pattie for their passion shown in this project.

Mr. Shull commended the Officers and the Dog Wardens for their high professionalism shown when they made a call. This was pointed out by one of our citizens.

Mr. Shull moved that the Board reappoint the following to serve on the listed Boards and Commissions, seconded by Mr. Pyles

Carol Anne Turrentine	Library
Carolyn S Bragg	ACSA

Effective immediately and to expire on June 30, 2020.

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

Nays: None

Motion carried.

Mr. Garber moved that the Board reappoint the following to serve on the listed Boards and Commissions, seconded by Mr. Shull

Larry J. Wills	ACSA
Tracy Pyles	ACSA
Bud Shaver	AIB
Ronald Houff Ritchie	Parks & Recreation
Riley Allen Murray III	Recycling

Effective immediately and to expire on June 30, 2018.

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

Nays: None

Motion carried.

Mr. Kelley attended the ribbon cutting for the Verona Community Center. It was such a pleasure to be there. Several churches and people in the community worked together to make this happen.

Mr. Kelley moved that the Board reappoint the following to serve on the listed Boards and Commissions, seconded by Mr. Pyles

Peggy B Sheets	Library
G.L. "Butch" Wells	ACSA

May 25, 2016, at 7:00 p.m.

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

Jerry O Cleveland	AIB
Kenneth Lawhorne	Parks & Recreation
Mark E Daugherty	Recycling

Effective immediately and to expire on June 30, 2018.

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

Nays: None

Motion carried.

Dr. Pattie moved that the Board reappoint the following to serve on the listed Boards and Commissions, seconded by Mr. Coleman.

Elizabeth "Betsy" Curry	Library
Andrew C. Middleton	ACSA
Larry E Curry	Parks & Recreation

Effective immediately and to expire on June 30, 2020.

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

Nays: None

Motion carried.

Mr. Coleman moved that the Board reappoint the following to serve on the listed Boards and Commissions, seconded by Mr. Pyles.

James Friend	Library
John Henry Graves	ACSA
Keith Phillips	AIB

Effective immediately and to expire on June 30, 2020.

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

Nays: None

Motion carried.

May 25, 2016, at 7:00 p.m.

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

Mr. Pyles: At the last meeting he was asked to go to the FERC meeting in Bath. He has tried to point out that the problem with the authorization for surveying on Augusta County property is that it had to be the most advantageous route by code. He did some work and prepared a spreadsheet shown. He shows the mileage originally anticipated of 224 miles.

Then a new proposed route of 253 miles. They also provided an alternative in the work FERC presents, a southern route, and if we do that it's 213 miles. By using our Service Authorities GPS computer system with information received from Dominion, they were able to put in the new distances. Taxable income is significant in Augusta County. We have 50% more sales than all counties combined. We are 38.7% of the population. We have been asked to go from 44 to 56 miles above the longest path that has already been put forward. The southern route puts us at zero miles. We could take the County that is being asked to absorb the most of the construction of its entire path and make it zero. We can reduce the route by 20% and take out the extra 40% by going the southern route. How can they show this to be advantageous? We can disturb less people, we can disturb less commerce, we can disturb less property and we can violate fewer people's rights by going the southern route. How could they possibly say that is more advantageous to go the other route? Mr. Pyles showed a map of the route that is proposed to be taken. There are many things put at risk to go through this route that aren't at risk by using the southern route. We had originally proposed to talk to FERC about it, but they could simply ignore it and say that's not a FERC problem. This is an Augusta County problem and we are supposed to enforce the code of Virginia. We take an oath when we become supervisors to support the Constitution and see that laws are fairly executed. We have people that want to do things in Augusta County and we put them through a lot to make sure they have a VDOT right of way and the right kind of facility. The Code of Virginia says they can't come through our County unless it's most advantageous. If we are unwilling to say to Dominion that the Code says they can't come through Augusta County, what do we say to everyone over the little things in the County? We need to do something. Mr. Pyles believes it's not the most advantageous so they cannot come through Augusta County. We need to send to Dominion like we would anyone else that are breaking the Code and say this needs to be pulled back and restrained. Will they agree, no, but there answer will be worthwhile to see why they think it's the right way. There was a letter prepared that goes to FERC, but Mr. Pyles proposes the letter go to Dominion. Suggested to send to Dominion and elected officials.

Mr. Pyles moved that the letter be revised and sent to Dominion, seconded by Mr. Garber.

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

Nays: None

Motion carried.

Mr. Pyles moved that the Board reappoint the following to serve on the listed Boards and Commissions, seconded by Mr. Coleman.

Leon D Bartley	Parks & Recreation
Terry L Kelley	CSPDC
Thomas E Jennings, Jr	PC

Effective immediately and to expire on June 30, 2018.

May 25, 2016, at 7:00 p.m.

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

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

Nays: None

Motion carried.

Chairman Bragg:

- 1) Reminder of the Broadband Survey and how important it was to get it filled out. The date has been extended to June 10, 2016 to give everyone time to get it filled out.
- 2) Memorial Day at 12 noon will be the dedication of the memorial at Woodrow Wilson Rehab Center. The Vo-Tech students built a memorial for the World War II Veterans that were at that facility.
- 3) City of Staunton sent a letter to FERC in support of our position and it is appreciated.
- 4) She had the opportunity to go to Stuarts Draft High School and they had a couple young people who were currently incarcerated in Rockbridge County that had been involved in very tragic accidents that had resulted in loss of life. These two young people are voluntarily going into the schools and talking to the students about making responsible decisions. It was a very powerful program.
- 5) Attended the Nexus Ribbon Cutting at their new facility and it's beautiful.
- 6) Spoke to VDOT at their HB2 Funding Public Hearing
- 7) Attended the Staunton Court Symposium
- 8) On Saturday EMS and our Fire Department had a Family Fun Fest at Shenandoah Acres. It was a wonderful way to thank our volunteers for their service.
- 9) Wilson Fire Department lost their Fire Chief, George Stevens.

Mr. Pyles wants to do a Resolution in regards to Chief George Stevens.

Chairman Bragg moved that the Board reappoint the following to serve on the listed Boards and Commissions, seconded by Mr. Pyles.

Doran Lynn Stegura	Library
Stephen N Bridge	PC
Michael L Shull	ACSA

Effective immediately and to expire on June 30, 2020.

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

Nays: None

Motion carried.

\* \* \* \* \*

May 25, 2016, at 7:00 p.m.

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

Mr. Garber: Saturday is his annual Draft Horse Days. It would be good for our resident Historian Ms. Sorrells to come out. Nice for people with young children.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1) Every year the Commissioner of the Revenue gives out a report in regards to our Land Use Statistics. It's important to point out that \$7,471,006 represents the benefits to our County Citizens with the Land Use tax and it's growing. The second sheet of the report is the Real Estate for 2016. It gives market value and land use value by District.

Mr. Pyles: If you look at the market value of land from 2008 it went from \$812 million to \$1,650,000,000. That's what one assessment did. This explains why people were not happy. Also note that 5 years later with the new assessment the values went down. Even though we had new property.

- 2) Received a memo reminding us of the NACO Conference. It's in Los Angeles, CA. The Board doesn't usually attend.

Ms. Whetzel reminded everyone to vote for the Parks and Recreation Photo for the National Parks and Recreation Magazine. It's going on this week. We will get it on the web page for the Citizens.

Chairman Bragg: Just to fill the public in on the photo contest. Our Parks and Recreation Department submitted a photo of a swim team called the Little Dolphins and it has been nominated to be on the cover of National Parks and Recreation Magazine. It's selected by the number of votes received on Facebook.

\* \* \* \* \*

CLOSED SESSION

On motion of Mr. Pyles, seconded by Mr. Shull, the Board went into closed session pursuant to:

- (1) **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) Buffalo Gap Property
- (2) **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



May 25, 2016, at 7:00 p.m.

CLOSED SESSION (CONT'D)

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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.

\* \* \* \* \*

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:       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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May 25, 2016, at 7:00 p.m.

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:5-25min.16

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County Administrator