

Regular Meeting, Wednesday, July 27, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman  
Tracy C. Pyles, Jr., Vice-Chairman  
Gerald W. Garber  
Marshall W. Pattie (via electronically)  
Terry Lee Kelley, Jr.  
Wendell L. Coleman  
Michael L. Shull  
Becky Earhart, Senior Planner  
Timmy Fitzgerald, County Administrator  
Jennifer M. Whetzel, Deputy County Administrator  
Angie Michael, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, July 27, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 241<sup>th</sup> year of the Commonwealth....

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Chairman Bragg welcomed the citizens present.

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The Board of Supervisors led us with the Pledge of Allegiance:

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

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MATTERS TO BE PRESENTED BY THE PUBLIC

Carolyn Bragg, Chairman of the Board, made a statement to the public. Everyone is welcome to speak, however, the Board would not be commenting on the Maury Mill Townhomes subject due to pending litigation.

Nancy Sorrells of 3419 Cold Springs Road, is representing the Cold Springs area community. She wants to express concerns and ask the Board of Supervisors for help in regard to the proposed Special Use Permit to reclaim and restore the old Kaolin mines, or better known as the Chalk mines, that have been idle since the 1950's. Ms. Sorrells first heard about the proposal three weeks ago when she received a certified letter from Patrick McGrady with Titan Mid-Atlantic Aggregates. She was identified as a long time community leader who might have a particular interest in the project. Everyone is aware that Special Use Permits are issued by the Board of Zoning Appeals not by the Board of Supervisors, however, she feels that the Board of Supervisors should take an interest in this issue. The location of the abandoned mines is surrounded by the National Forest and located in a very rural and isolated area of Augusta County. This project has issues that spill over to the Board of Supervisors in regard to the Comp Plan and VDOT issues. Ms. Sorrells nor her neighbors are opposed to the cleanup and restoration of the chalk mines. In fact, there are some positives in regard to water quality and wildlife habitat. There are some huge negative ramifications that outweigh the positives. On the Comprehensive Plan we are a rural community surrounded by agricultural conservation land and public land. Pines Chapel Lane itself is a rural rustic dead end road that was paved under the VDOT agreement to get the residents out of the mud and dust, but not as a high end paving job. Such projects come with the implied and written agreement that development, including commercial and industrial use does occur on that road. Titan's proposal is to improve that existing road and to take a cut through easement to the coal road and make it into a 24/7 public access road. Turning the easement into a thoroughfare that has traffic

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

at all times. The easement crosses the Columbia natural gas line. Allowing 24/7 access to the coal road brings unwanted traffic into an area that people do not need to be in. The community on Pines Chapel, Kaolin Springs, Cold Springs and Lofton Road will be subjected to heavy dump trucks proposed to operate 7am-7pm 6 days a week. The sleepy country roads would be industrialized in a manner that is inconsistent with Comprehensive Plan. While the company plans to upgrade the private easement and upgrade and maintain Pines Chapel Road, they say nothing about the destruction the heavy trucks would cause to Cold Springs Road and Lofton Road. The roads will suffer and there are concerns about noise, heavy traffic and safety. Those roads are too narrow for this type of heavy truck traffic. The company said they would anticipate 200-900 truck trips per quarter. A final point is the intersection at Pines Chapel Road and Cold Springs. This is already a dangerous intersection with a hill from the north and a blind curve to the south. Any turn to the south with a large vehicle is a difficult turn to make. The residents across from the intersection already see accidents regularly to their driveway from driver's failing to properly negotiate the turn to the south. Pines Chapel and Cold Springs experience a lot of school bus traffic. Not long ago there was a school bus accident at this intersection. It's only been a few weeks since learning of the proposal. In the short time, we have learned there is a lot of concern and questions expressed by the community. On Monday the residents spoke with David Atwood and Dale Driver with VDOT in order to discuss concerns and their input is appreciated. Yesterday Ms. Sorrells had a meeting with Mr. McGrady from Titan and he agreed to hold a public meeting. We expressed a desire that the Special Use Permit be pulled from the BZA agenda until the community meeting could occur. Mr. Shull confirmed that it has been pulled from the August 4<sup>th</sup> BZA agenda. A date and place for the public meeting is in the works. We are hoping to invite residents from Pines Chapel, Coal Road, Kaolin Springs, Cold Springs and Lofton Roads. It is also important to invite the residents from both ends of the Coal Road because they are going to be impacted by this. VDOT and Kathy Hull from the Forest Service would also be invited since Coal Road is a forest service road. Ms. Sorrells thanked the Board for listening and for help with a situation that will seriously alter a small country community.

Gail Tankesley, 39 Pines Chapel Lane, Greenville is in opposition of the Special Use Permit for Mine Closure on Pines Chapel. A petition was started when it was realized this attempt for a Special Use Permit was going to take place. It was assumed that people further up the Coal Road would want this, but they don't. They don't want the traffic. They like the country rural setting and the quiet. Dump trucks, dust and excessive speed are a big concern.

Mr. Shull thanked everyone for coming out. He has received several calls over the last couple of days. Mr. Shull met with Mr. McGrady in February to discuss the project and the process for the Special Use Permit. Mr. Shull assumed that they would meet with the landowners and keep them in the know, but they didn't. There are many unanswered questions that need to be addressed before going before the Board of Zoning Appeals. Mr. Shull suggested to Titan that they request to table and answer the public's questions. Mr. McGrady agreed to the request to table the item. He wants to address the concerns and questions of the citizens involved.

Mr. Pyles commented on the matter of the Comprehensive Plan and rural rustic roads. Ms. Sorrells indicated that the Comp Plan stated there was no intention to develop the land. It's more than just getting the road paved to get out of the dust. It would be wrong to waste money by putting in an inferior road and then come back later and put something more in it. It was the intention of the Board for that area to not be developed and they took the steps to have a rural rustic road put there rather than anything else. We

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

pledged that we would not develop in that area so that should be a compelling issue for the Board of Zoning Appeals. They should not want to override the wishes of the Board when it comes to planning for this County.

Mr. Shull hasn't seen VDOT's comments. One of the things VDOT needs to do is hold back enough money to repave anything that is damaged if they would go in.

David King, 149 Mill Stone Drive, Verona thanked the Board for the opportunity to speak on the proposal to build the 42 townhomes on Maury Mill Road or the old Route 612. He has signed the petition as being opposed. Mr. King is not opposed to development and has felt all along that the property would eventually be developed. He is opposed to 42 townhomes. He feels there are issues that need to be addressed before anything is built. Route 612 is a very narrow road. It is difficult to meet other vehicles on that section of road. The road needs to be widened before any development takes place. The only advertisement on this project was done in the Waynesboro newspaper and majority of the people affected by this get their news from the News Leader. Mr. King feels the people should have been notified in a better way. He found out about the development by the big sign on a neighbor's property.

Richard Dotson, 94 River View Drive, Verona. His property will join this project. He has been against it from the beginning. Mr. Dotson worked as a carpenter for BC Builders and they started the Rolla Mills Subdivision so it has sentimental value to him. He disagrees with the townhomes. Mr. Dotson doesn't want to look out of his back yard and see tall buildings. He is also concerned about a conversation he had with PJ Wright. Mr. Wright discussed the townhomes and stated that if he didn't build the townhomes there would be poultry houses put up. Mr. Dotson felt this was being persuasive and it should be illegal. He is in disagreement with the entire project and would like the Board of Supervisors to reconsider their decision.

Joey Reece, 264 River View Drive, Verona stated that he has had time to study this matter. He has uncovered several interesting things. Mr. Reece handed out a list of items of which he has found. First on the list was the June 8, 2016 Public Hearing was not properly advertised and should be ruled invalid. The Augusta County website specifies that Public Hearings are to be advertised in the Staunton News Leader and it was not. Only six people in the Rolla Mills Subdivision get the Waynesboro newspaper. The Staunton News Leader is the logical choice and Staunton is the County Seat for Augusta County. The News Leader has a circulation Monday –Saturday of 11,500 and on Sunday it's 15,000. The Waynesboro newspaper has a circulation of 7,000 daily. The County taxpayers should not be paying for advertising on rezoning public hearings. The Code of Virginia states that it should be the responsibility of the applicant requesting the rezoning. He knows it cheaper to advertise in the Waynesboro newspaper, but if the applicant pays for it there shouldn't be a problem with cost. Second item on the list, on January 27, 2016 the Board of Supervisors unanimously approved posting signs on the property subject to rezoning. Signs were not posted on Maury Mill property before the June 8<sup>th</sup> public hearing. The Comprehensive Plan update of 2014 states agriculture will continue to be the predominant land use in the County and a major part of the economy. The small amount of residential development built within agricultural areas will be incrementally added at a low density thereby causing minimal disruption to agricultural activities. The property on Maury Mill was agricultural. Spot zoning is another issue. Spot zoning is defined as a process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners. The Maury Mill property is surrounded on all four sides by single family residences. The zoning staff said the high density development would be incompatible with these residences. Equal protection requires that people in similar circumstances be given equal treatment by local planning and zoning laws. The Constitutional requirement has undermined many zoning decisions because it has been

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

difficult for Local Governments to treat applicants in similar circumstances equally. As a practical matter, equal protections means past decisions set a standard that future decisions must meet. Frequently when a Virginia Court strikes down a local planning decision it characterizes the decision as arbitrary and capricious. That was interesting of Mr. Pyles to bring that up at the Public Hearing. Mr. Pyles has served on the Board for many years and is a very knowledgeable person. They feel rezoning of this land to attached residential was an arbitrary and capricious decision and cannot provide equal protection because of arbitrarily and capriciously applied regulation typically denies equal treatment to similarly situated people. Mr. Reece asked everyone in the room who is opposed to this project to stand. He thanked everyone for their time.

Daniele Wenger, PO Box 322, Verona moved to Rolla Mills 43 years ago. She loves where she lives. She moved here from New York. Several months ago Mr. Wright visited her and informed her he was buying the land behind her. He didn't mention how many townhouses he planned to build and that it would possibly be houses. He continued to state that if he didn't build, there would be poultry houses behind her. She signed the paper saying that she was in agreeance with this. When she learned what was actually happening she wasn't happy with signing the petition. When Dr. Pattie visited her she asked how high the wall would be behind her house. It was so high she will not see the sky behind her house. Mr. Alexander used to have animals and enjoyed his backyard. The townhouses are not for that community. Houses would be okay. She asked that the Board please consider what is being said by the residents of that area.

Fox Estes Paulette, 79 Granary Road, Verona moved to Rolla Mills from Staunton with her family. They bought the house last year and have two small children. They wanted to live in a smaller community with less traffic. Ms. Paulette was disappointed when she learned of the decision to rezone. One of the biggest concerns is the narrow roads. If that many new houses are put in the subdivision the amount of traffic and the speed will be a huge issue. She has no issue with single family homes being built. She takes issue with the fact that the Planning Commission said the property should be zoned for single family communities. If we pay them for their professional opinion then we should listen to them. If we aren't going to listen to them why do we pay them? Ms. Paulette thanked the Board for their time.

Ms. Bragg thanked everyone for their comments. Their effort is appreciated.

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EDWARD BYRNE MEMORIAL JAG GRANT

Mr. Fitzgerald, County Administrator, discussed the Edward Byrne Memorial Jag Grant. The Augusta County Sheriff's Department plans to apply for the Grant in the amount of \$12,584.00 to acquire new equipment that will improve their investigative capabilities and the safety of Patrol Deputies. With the funds, they plan to purchase a new laptop for composite sketches, 7 covert surveillance cameras that can be used for investigations throughout the County and new LED flashlights for all Deputies. The JAG Grant does not require a match so it is a good grant. Sheriff Smith would like to make application in the amount of \$12,584 with the Boards approval.

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EDWARD BYRNE MEMORIAL JAG GRANT (CONT'D)

Mr. Garber moved, seconded by Mr. Shull, that the Board approve the submission of the application by the Sheriff's Department.

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

Nays: None

Motion carried.

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SCHOLASTIC WAY SIDEWALK PROJECT

Mr. Fitzgerald discussed the Scholastic Way Sidewalk Project-Phase 4. This has been an ongoing project for some time. Currently the project is in Phase 4 through a Tap Funding Agreement with VDOT. That agreement is an 80/20 match with the Federal Government. Our 20% is before the Board for consideration.

FUNDING SOURCE: BEVERLEY MANOR INFRASTRUCTURE 4-70-80000-8011-79 \$30,000

Mr. Kelley moved, seconded by Mr. Coleman, that the Board approve the 20% match for the Scholastic Way Sidewalk Project-Phase 4.

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

Nays: None

Motion carried.

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MILL PLACE WALKING TRAIL

A) Mr. Fitzgerald discussed the Mill Place Walking Trail which was presented on Monday. In order for the walking trail to be completed, a Public Use Overlay is necessary. It was recommended that the Board consider Andy Wells, the Director of Parks and Recreation, to be the applicant for a Public Use Overlay request needed in regards to the Mill Place Walking Trail.

Mr. Kelley moved, seconded by Mr. Coleman, that the Board approve Andy Wells as the applicant for the Public Use Overlay request.

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

Nays: None

Motion carried.

B) Mr. Fitzgerald discussed the funding needed to complete this project. The funding would cover the picnic shelter, access drive with parking area, construction of the trail and two pedestrian foot bridges.

Funding source for construction of Mill Place Walking Trail is as follows:

Beverley Manor Infrastructure	4-70-80000-8011-80	\$59,722.85
Beverley Manor Recreation Matching Grant	4-70-80000-8021-54	\$59,722.85

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**MILL PLACE WALKING TRAIL (CONT'D)**

Mr. Kelley is excited about this project. He has pushed to get this to the Verona Community. The path usage will be looked at and could be paved in the future.

Mr. Kelley moved, seconded by Mr. Coleman that the Board approve the funding for the Mill Place Walking Trail from the Beverley Manor Infrastructure and the Beverley Manor Recreation Matching Grant funds.

Mr. Coleman reminded the citizens present that there is a Staff Briefing the fourth Monday of every month and much time is spent discussing projects. During that time there is no formal action taken. The action is moved to Wednesday's meeting.

Mr. Kelly stated that the Verona Business Association is helping with the funding of this project as well.

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

Motion carried.

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**WAIVERS/VARIANCES – NONE**

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**CONSENT AGENDA**

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

**MINUTES**

Consider minutes of the following meetings:

- Regular Meeting, Wednesday, June 8, 2016
- Staff Briefing, Monday, June 20, 2016
- Regular Meeting, Wednesday, June 22, 2016

**STREET ADDITION**

**Towns on Imperial-Imperial Drive Extension (Wayne District)**

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **Towns on Imperial-Imperial Drive Extension** into the secondary road system of Augusta County pursuant to Section 33.2-705 of the Code of Virginia (1950) as amended:

<u>Imperial Drive, State Route Number 1334</u>	
From:	0.14 Miles North of Route 250
To:	0.16 Miles north of Route 250
Length:	0.02 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way of 50 feet with necessary easements for cuts, fills, and drainage as recorded in Plat Book 1, Pages 8480-8482, Instrument 130003284, recorded April 12, 2013.

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

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**CONSENT AGENDA (CON'T)**  
**STREET ADDITION (CONT'D)**

**Swisher Estates (Riverheads District)**

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Augusta County, and

WHEREAS, the Area Land Use Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996, for *compreltellisive stormwater detel1tio11* which applies to this request for addition,

NOW, THEREFORE, BE IT RESOLV ED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department' s Subdivision Street Requirements, and

BE IT FURTHER RESOLV ED, this Board guarantees the performance of the street(s) requested herein lo become pan of the Secondary System of State Highways for a period of 15 months from the date of the acceptance of the referenced street(s) by VDOT into the Secondary System of State Highways. This Board will completely reimburse all costs incurred by VDOT, up to \$8,000, to repair any faults in the workmanship or materials of the referenced street(s) and related drainage facilities as determined exclusively by VDOT.

Swisher Circle, State Route Number 1200

From:	Intersection of Route 662
To:	0.13 Miles North of Route 662
Length:	0.13 miles

BE IT FURTHER RESOLYEO, this Board guarantees a clean and unrestricted right-of-way, as described, with necessary easements for cuts, fills and drainage as recorded in Plat Book 1 , Page 2438, recorded April 27, 1995, and

BE IT FURTHER RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

BE IT FURTHER RESOLVED,that a certified copy of this resolution be forwarded to the Area Land Use Engineer for the Virginia Department of Transportation.

**VDOT RESOLUTION**

Consider approval of the VDOT Resolution granting signature authority on local administered projects.

WHEREAS. Augusta County administers transportation projects under agreement with the Virginia Department of Transportation; and

WHEREAS, Augusta County desires to provide clear commitment for funding these transportation projects and clear signature authority for signing the Project Administration agreements.

NOW, THEREFORE. BE IT RESOLV ED by the Board of Supervisors of Augusta County. Virginia that:

1. Augusta County hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) or the project(s) under agreement with the Virginia Department or Transportation in accordance with the project financial document(s).
2. The County Administrator is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

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**CONSENT AGENDA (CON'T)**  
**JOINT PROCUREMENT AGREEMENT**

Consider the Joint Procurement Agreement with Central Shenandoah Planning District Commission.

JOINT PROCUREMENT AGREEMENT

This Agreement is made on this \_\_\_ day of \_\_\_\_\_, 2016, between the Central Shenandoah Planning District Commission ("CSPDC"), a planning district commission with its principal office located at 12 MacTanly Place, Staunton, Virginia 24401, and Augusta County. CSPDC and Augusta County may be hereinafter referred to individually as a "party" and collectively as the "parties."

WHEREAS, Virginia Code §2.2-4304 authorizes public bodies to participate in a joint procurement agreement for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction;

WHEREAS, the parties desire to jointly conduct a procurement for services related to planning, zoning, engineering, management, architectural, public facility assessments, environmental studies, technical assistance, public outreach, grant preparation, and other projects (the "Services"); and

WHEREAS, the parties desire to enter into this Agreement for the purpose of increasing efficiency and reducing administrative expenses in the acquisition of the Services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. The parties agree to enter into this Agreement for the joint procurement of the Services described herein.
2. The parties agree to jointly conduct a procurement or procurements (or Services) in accordance with the Virginia Public Procurement Act, and that the CSPDC will be responsible for the administration of the procurement process. The parties agree that the procurement or procurements will be advertised as a joint procurement under Virginia Code §2.2-4304(A) and a cooperative procurement under Virginia Code §22-4304(8).
3. Any contract awarded under this Agreement to a qualified offeror or offerors (the "Awardees") will ~~be subject to the same terms and conditions shall be subject to~~ be subject to the terms and conditions of this Agreement.
4. Nothing contained herein shall obligate either party to enter into a contract for the purchase of Services or to exclusively contract with the Awardees. However, either party shall have the right to enter into a contract with an Awardee for Services.
5. The parties agree that neither party will be liable to the other for any damages arising from this Agreement, including but not limited to consequential damages or liability for any third party claims arising out of a joint procurement conducted under this Agreement or a contract awarded as a result of a joint procurement.
6. Either party may terminate this Agreement with or without cause by providing written notification 30 days in advance of the date of termination. Termination of this Agreement shall not alter any obligations of the parties, including any obligation with respect to payment, under a contract entered into as a result of a joint procurement.
7. Any claim arising out of this Agreement shall be heard in the General District or Circuit Court of Augusta County, Virginia.

IN WITNESS WHEREOF, the parties hereto have executed this Joint Procurement Agreement as of the date written above.

Central Shenandoah Planning District Commission

Augusta County

By:

\_\_\_\_\_  
Bonnie Riedesel, Executive Director

\_\_\_\_\_  
Timothy Fitzgerald, Administrator

**STAUNTON-AUGUSTA-WAYNESBORO METROPOLITAN PLANNING ORGANIZATION**

Consider the Memorandum of Understanding from the Staunton-Augusta-Waynesboro Metropolitan Planning Organization.

MEMORANDUM OF UNDERSTANDING

**Continuing, Cooperative, And Comprehensive  
Multimodal Transportation Planning and Programming Process  
for the Cities of Staunton and Waynesboro and  
the County of Augusta Urbanized Area**



June 27, 2016, at 7:00 p.m.

**CONSENT AGENDA (CONT'D)**  
**STAUNTON-AUGUSTA-WAYNESBORO METROPOLITAN PLANNING ORGANIZATION (CON'T)**  
**AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING**

THIS AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING ("MOU") is made effective as of the 28th day of June, 2016, by and among THE CITY OF STAUNTON ("STAUNTON"), the CITY OF WAYNESBORO ("WAYNESBORO"), THE COUNTY OF AUGUSTA ("AUGUSTA"), and the COMMONWEALTH OF VIRGINIA—SECRETARY OF TRANSPORTATION ("STATE").

**WITNESSETH**

**WHEREAS**, Staunton, Waynesboro, Augusta and State previously entered into that certain Memorandum of Understanding dated as of November 7, 2012, pursuant to which the parties provided for continuing, cooperative, and comprehensive multimodal transportation planning and programming process for the Staunton-Augusta-Waynesboro urbanized area (the "Original MOU"); and

**WHEREAS**, transit service in the Staunton-Augusta-Waynesboro urbanized area is administered by the Central Shenandoah Planning District Commission ("CSPDC") and provided by a contracted transit operator; and

**WHEREAS**, Virginia Regional Transit ("VRT") has provided transit service to the Staunton-Augusta-Waynesboro urbanized area since 2002, and was named to the Staunton-Augusta-Waynesboro Metropolitan Planning Organization ("SAWMPO") to represent the transit provider when the SAWMPO was formed in 2012; and

**WHEREAS**, VRT was formally procured to provide urban transit service on behalf of the CSPDC in 2013, and retained its non-voting membership on the SAWMPO Policy Board; and

**WHEREAS**, during the Triennial Review of the CSPDC transit service conducted by the Federal Transit Administration ("FTA"), FTA stated that specifically naming VRT as a member of the SAWMPO Policy Board represents a conflict of interest, and poses an issue for the CSPDC in future procurements for a transit service provider; and

**WHEREAS**, it therefore necessary to amend the Original MOU to clarify nature of transit representation on the SAWMPO Policy Board;

**WHEREAS**, the parties desire to amend and restate the Original MOU to provide such clarification.

**NOW, THEREFORE, the STATE, STAUNTON, AUGUSTA, and WAYNESBORO agree as follows:**

The STATE, STAUNTON, AUGUSTA, and WAYNESBORO shall participate in a Continuing, Cooperative, and Comprehensive metropolitan transportation planning and programming process, hereinafter referred to as the 3-C PROCESS, as defined in United States Department of Transportation regulations 23 CFR 450 (Federal Highway Laws) and 49 CFR 613 (Federal Transit Laws); and in accordance with the constitution and statutes of the Commonwealth of Virginia to form the Metropolitan Planning Organization, hereinafter referred to as the MPO.

**ARTICLE I - GEOGRAPHIC SCOPE OF THE 3-C PROCESS**

The boundaries of the Metropolitan Planning Area, hereinafter referred to as the MPA, shall be determined by agreement between the MPO and the STATE. The transportation planning process shall, at a minimum, cover the existing urbanized area as designated by the U.S. Bureau of the Census, and the contiguous geographic area expected to become urbanized within a 20 year forecast period for the metropolitan transportation plan. The MPA shall include the City of Staunton, the City of Waynesboro, and portions of the County of Augusta. The MPA boundaries shall be reviewed after each Census by the MPO, in cooperation with the STATE, to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area, and shall be adjusted as necessary. The MPO, in cooperation with the STATE, may also examine the boundaries of the MPA at any time to insure those boundaries properly reflect the necessary bounds to efficiently conduct the transportation planning process for the urbanized area and may adjust the MPA boundary as necessary.

**ARTICLE II - TIME FRAME OF THE 3-C PROCESS**

The 3-C PROCESS shall occur on a continuing basis, effective the date of the execution of this AGREEMENT by all participants. The AGREEMENT shall terminate when:

July 27, 2016, at 7:00 p.m.

## **CONSENT AGENDA (CONT'D)**

### **STAUNTON-AUGUSTA-WAYNESBORO METROPOLITAN PLANNING ORGANIZATION (CON'T)**

1. 23 CFR 450 (Federal Highway Laws) and 49 CFR 613 (Federal Transit Laws), previously cited herein, are repealed or amended by the Congress of the United States to no longer require the 3-C PROCESS, or
2. STAUNTON, AUGUSTA, and, WAYNESBORO or the STATE withdraw from the 3-C PROCESS with not less than ninety (90) days written notice to the other parties, or
3. There is a re-designation of the MPO by the local jurisdictions and the Governor of the Commonwealth of Virginia.

### **ARTICLE III – FINANCING THE 3-C PROCESS**

The responsibilities and work activities performed by the MPO shall be supported by planning funds authorized by 23 CFR 450 (Federal Highway Laws) and 49 CFR 613 (Federal Transit Laws); these funds shall be allocated in accordance with the direction of the MPO. The use of these Highway and Transit Funds and other funding sources shall continue as additional monies are appropriated. Should all such funds be discontinued, this AGREEMENT shall be terminated.

### **ARTICLE IV – AMENDMENTS**

Amendments to this AGREEMENT may be made by written agreement among all parties to this AGREEMENT.

### **ARTICLE V – METROPOLITAN PLANNING ORGANIZATION**

The MPO Policy Board represents the MPO and has final authority in carrying out the 3-C PROCESS. The MPO Policy Board shall be composed of the following voting representatives, or their alternates, designated by and representing their respective jurisdictions or agencies.

1. City of STAUNTON—Two (2) representatives
2. City of WAYNESBORO —Two (2) representatives
3. County of AUGUSTA—Two (2) representatives
4. A STATE representative from the Virginia Department of Transportation designated by and empowered to participate on behalf of the Secretary of Transportation.
5. Any other agencies or groups as may be agreed upon by a majority of all voting representatives of the MPO, consistent with 23 CFR 450.310.

There shall also be one non-voting representative designated by and representing each of the following agencies:

1. Federal Highway Administration
2. Federal Transit Administration
3. Virginia Department of Rail and Public Transit
4. Contracted Transit Service Provider
5. Virginia Department of Aviation

Any other agencies or groups as may be agreed upon by a majority of all voting representatives of the MPO, consistent with 23 CFR 450.310.

The MPO shall elect a chairman and other officers as deemed appropriate. The MPO shall establish and follow rules of order and record. The MPO constituted herein shall remain in effect until such time the local jurisdictions and the Governor of the Commonwealth of Virginia designate another MPO or until the MPO is terminated in accordance with the provisions of this AGREEMENT.

### **ARTICLE VI – FINANCIAL PLANS AND OTHER RESPONSIBILITIES**

***Financial Plans*** – The MPO and the STATE are responsible for cooperatively developing and sharing information related to the development of financial plans that support the 3-C PROCESS. These Financial Plans shall demonstrate consistency between reasonably available and projected future revenues, and projected costs of implementing proposed transportation improvements, using inflation rates to reflect “year of expenditure dollars”. These financial plans will support the MPO’s Transportation Improvement Program, Long Range Transportation Plan, and Annual Listing of Obligated Projects.

June 27, 2016, at 7:00 p.m.

**CONSENT AGENDA (CONT'D)**

**STAUNTON-AUGUSTA-WAYNESBORO METROPOLITAN PLANNING ORGANIZATION (CON'T)**

**Unified Planning Work Program** – The MPO, in cooperation with the STATE and the Public Transportation Operator, shall annually develop a Unified Planning Work Program which outlines 3-C PROCESS activities and tasks anticipated within the region for the next fiscal year. The Unified Planning Work Program shall be subject to approval by the Federal Highway Administration, hereinafter referred to as the FHWA, and the Federal Transit Administration, hereinafter referred to as the FTA.

**Public Participation Plan** – The MPO shall develop, periodically review, and use a documented Public Participation Plan which defines a process for providing citizens and interested parties with reasonable opportunities to be involved in the 3-C PROCESS. The Public Participation Plan shall be developed by the MPO in consultation with all interested parties. The MPO will provide copies of this Public Participation Plan to FHWA and FTA.

**Transportation Improvement Program** – The MPO, in cooperation with the STATE and the Public Transportation Operator shall develop a Transportation Improvement Program, hereinafter referred to as the TIP, which is consistent with the Metropolitan Transportation Plan. The STATE and Public Transportation Operator shall provide to the MPO a list of project, program, or category obligations by year and/or phase for all STATE managed projects to facilitate the development of the TIP document as well as provide flexibility for modification purposes. The TIP shall cover a minimum of four years and shall be updated at least every four years. The TIP, and any revisions to the TIP, shall be approved by the MPO and the Governor. After the revisions, the STATE shall incorporate the MPO's TIP into the Statewide Transportation Improvement Program, which the STATE shall submit to FHWA and FTA for approval.

**Long-Range Transportation Plan** – The MPO's 3-C PROCESS shall include development of a transportation plan addressing no less than a 20 year planning horizon. The transportation plan shall include long range and short range strategies / actions, and a fiscally Constrained Long Range Plan. The MPO, the Public Transportation Operator, and the STATE shall cooperatively develop Financial Plans to support transportation plan implementation. The MPO shall develop and approve transportation plan contents and supporting analysis and the MPO shall review and update the transportation plan at least every five years. The MPO will provide copies of the transportation plan to the Governor, FHWA and FTA.

**Annual Listing of Obligated Projects** – The MPO, the Public Transportation Operator, and the STATE shall cooperatively develop a listing of projects for which funds under 23 U.S.C. and 49 U.S.C. Chapter 53 were obligated in the preceding program year. The STATE will provide to the MPO an annual report with this project listing and required information, and the MPO shall publish and make this report available as outlined in the Public Participation Plan.

**ARTICLE VII – STATE AND FEDERAL REQUIREMENTS**

All parties to the agreement shall comply with all applicable state and federal requirements necessary to carry out provisions of agreement.

✍

**IN WITNESS WHEREOF, all concerned parties have executed this AGREEMENT on the day and year first written above.**

ATTESTED:

COMMONWEALTH OF VIRGINIA

By: \_\_\_\_\_

The Honorable Mr. Aubrey Lane

Secretary of Transportation

ATTESTED:

CITY OF STAUNTON

July 27, 2016, at 7:00 p.m.

CONSENT AGENDA (CONT'D)  
STAUNTON-AUGUSTA-WAYNESBORO METROPOLITAN PLANNING ORGANIZATION (CON'T)

By: \_\_\_\_\_

The Honorable Ms. Carolyn Dull

Mayor

ATTESTED: COUNTY OF AUGUSTA

By: \_\_\_\_\_

The Honorable Ms. Carolyn Bragg

Board of Supervisors Chairperson

ATTESTED: CITY OF WAYNESBORO

By: \_\_\_\_\_

The Honorable Mr. Bruce Allen

Mayor

The MPO considered this Amended and Restated Memorandum of Understanding at its regular meeting held on June 1, 2016.

CLAIMS

Considered claims paid since June 01, 2016

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

Nays: None

Motion carried.

\* \* \* \* \*

(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Kelley thanked the Board and the Community for their willingness to help with the development of the Mill Place Walking Trail. He is excited for this to be a part of Verona.

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

Lisa Dunn	Valley Community Services Board	Expiring 6/30/2019
Doug Layman	Parks & Recreation	Expiring 6/30/2020
Michelle Nadeem	Youth Commission	Expiring 6/30/2019
Walter Winkler	Ag Industry Board	Expiring 6/30/2020

June 27, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (CON'T)

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

Motion carried.

Mr. Pyles stated that the number of people significantly in favor moving the Courthouse was overwhelming. There are concerns about the existing Courthouse in Staunton and its future. He suggested we check with the City of Staunton to see if they have plans for the existing Courthouse. Also, check with the Historic Society. He would like to see the community get involved and give ideas of what they would like to see for the existing Courthouse.

Mrs. Bragg:

- 1) Reminded everyone of the fair next week.
- 2) Sweet Dreams was this past Saturday and it was nice to see the new performance platform put to use. She congratulated the Parks & Recreation Staff on a job well done.
- 3) Stuarts Draft High School is hosting a Guns and Hoses basketball game Saturday July 30 at 7pm. This is a fundraiser basketball game made up of teams from the Augusta County Fire Department verses the Augusta County Sheriff's Department.
- 4) Heavy storms went through the area in the afternoon and Crimora was hit hard with downed trees. Rockbridge County got 6 inches of rain.
- 5) The search for an interim County Attorney has been completed. The Mrs. Bragg, Mr. Pyles and Mr. Fitzgerald have interviewed and recommends James Benkahla as the new Interim County Attorney.

Mr. Pyles moved, seconded by Mr. Garber that the Board appoint James Benkahla as the Interim County Attorney for Augusta County effective August 1, 2016.

Mr. Pyles states that the County was fortunate that he is available. Mr. Benkahla brings a great deal of experience with him and comes from Spotsylvania County. He was head of a department with seven attorneys.

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

Motion carried.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1) Mr. Fitzgerald stated that the question was raised at Monday's Staff Briefing concerning emergency generators within the County. He handed out a list of all emergency generators and their locations throughout Augusta County. The list also states who is responsible for maintaining and servicing of these generators. Most of the generators at the Government are serviced by the Maintenance Department. We have a contract with Cummins Atlantic to inspect them twice a year. The Sheriff's Department has an employee that takes care of theirs. Company 10 has a specific fire fighter assigned to this duty. The one at the Sheriff's office had a problem with measuring the fuel and it is in the process of being fixed.

\* \* \* \* \*

July 27, 2016, at 7:00 p.m.

**CLOSED SESSION**

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

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

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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June 27, 2016, at 7:00 p.m.

ADJOURNMENT

There being no other business to come before the Board, Mr. Pyles 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:7-27min.16

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County Administrator