

Regular Meeting, Wednesday, August 10, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman  
Tracy C. Pyles, Jr., Vice-Chairman  
Gerald W. Garber (Arrived late)  
Marshall W. Pattie  
Terry Lee Kelley, Jr.  
Wendell L. Coleman  
Michael L. Shull  
John Wilkinson, Director of Community Development  
Timmy Fitzgerald, County Administrator  
Jennifer M. Whetzel, Deputy County Administrator  
James Benkahla, Interim County Attorney  
Angie Michael, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 10, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 241<sup>th</sup> year of the Commonwealth....

\* \* \* \* \*

Chairman Bragg welcomed the citizens present.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

Chairman Bragg welcomed the new Interim County Attorney, James Benkahla.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

\* \* \* \* \*

PERSONAL PROPERTY TAX RELIEF PROGRAM-RESOLUTION

Timothy Fitzgerald, County Administrator, presented the Board with a resolution that establishes the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act. Jean Shrewsbury, Commissioner of Revenue, Father passed away this week and was not able to attend the meeting. He stated that the County has been taking part in this since 2006. The PPTR Program started out at 60% and is currently down to 41% for 2016.

Mr. Pyles moved, seconded by Mr. Shull, that the Board establish the Personal Property Tax Relief Program Resolution.

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

Motion carried.

\* \* \* \* \*

August 10, 2016, at 7:00 p.m.

Chairman Bragg stated that Mr. Garber was on his way. He was in Washington D.C. testifying before the EPA.

\* \* \* \* \*

VDOT STREET ADDITION

John Wilkinson, Director of Community Development, stated his office received a letter from VDOT requesting the following street additions into the Walnut Ridge Subdivision, Section 1 in the Riverheads District. VDOT has made their inspections and recommend the resolution be passed to add the referenced streets.

Walnut Ridge Subdivision, Section 1 (Riverheads 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 **Walnut Ridge Subdivision** into the secondary road system of Augusta County pursuant to Section 33.2-705 of the Code of Virginia (1950) as amended:

Hull Hills Lane, State Route Number 1037  
From: Intersection of Route 701  
To: Intersection of Route 1038  
Length: 0.21 miles

Hull Hills Lane, State Route Number 1037  
From: Intersection of Route 1038  
To: Dead End  
Length: 0.07 miles

Layman Lane, State Route Number 1038  
From: Intersection of Route 1037  
To: End of Road  
Length: 0.03 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 8684-8686.

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.

Mr. Shull moved, seconded by Mr. Coleman, that the Board approve the resolution to accept these roads into the VDOT secondary road system.

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

Motion carried.

\* \* \* \* \*

2017 LEGISLATIVE PRIORITIES

Mr. Fitzgerald presented the first draft of the legislative priorities. He has been working with Jane Woods to put key points together. He wanted the Board to have the draft before the VACO meeting next week. As it gets closer to the General Assembly session there will likely be several changes. The first draft includes items such as, public education and increasing their funding, the school composite index question about utilizing land use values. The transportation section changed somewhat. What used to be called HB2 Projects are now called Smart Scale Projects. Language adjustments were made in regards to sustaining more dedicated sources of revenue for transportation. Machinery and tools tax and Children Services Act were also included. Stormwater regulations

---

August 10, 2016, at 7:00 p.m.

2017 LEGISLATIVE PRIORITIES (CONT'D)

still remain a priority. Nutrient credits are included because our waste water treatment plants have built in excess credits for future growth and we want to keep those. We also kept in large utility projects which is pipeline oversight. This was added last year, but is still important to ensure adequate resources for DEQ. Standard items include annexation, overtime rates, and the legislative nominating process for primary and special elections. The voting equipment is still being pushed for and we would like to see the State help with funding to help with this project. The public notice requirements are still an issue. We are required to advertise public hearings in the newspaper and it is costly. It's important to note that the Chairman and Mr. Fitzgerald met with a local editor and he admitted that people are getting their information from sources other than the newspaper. If there are other legislative priorities that the Board would like to be considered it can certainly be added or deleted.

Mr. Pyles stated that the Constitutional Officers came during budget time wanting more money. He feels there needs to be something done about the funding that is allotted from the State for Constitutional Offices. The County is not responsible for funding these positions.

Mr. Coleman stated that the Board changed the process in terms of meeting with the delegation, the County Administrator, and Board leadership actually meet with the legislators as opposed to the entire Board. The Chamber of Commerce has held the legislators accountable through scorecards. We keep telling our Delegates and they claim to be taking it back to Richmond and very little changes. We need to find a way to hold these legislators accountable for their efforts. Something has to change because what we are doing isn't working. Mr. Coleman has talked with some delegates individually, but we are small compared to some areas.

Mr. Pyles stated that VACO did scorecards for a while, but it didn't go over well. We've gotten little things that have helped here and there, but nothing big. We have very powerful law makers representing Augusta County right now. They could get things done if they wanted to. We need to come up with one thing to get done and focus on that one thing.

Mr. Shull stated that the Composite Index is a big thing we need help on.

Mr. Pyles feels that Composite Index is the one that offers the most success. A lot of Counties support it. Nothing will offer up more.

Mr. Coleman feels it's a good idea to point out the Composite Index and say this is our number one priority.

Mr. Pattie suggested Phase 3 funding for internet access. Allocating more money into that would help us indirectly.

Chairman Bragg indicated that she had received a phone call from Jeff Wiseman of York County. He is calling different localities and trying to gain support for the Meals Tax and the ability for the Counties to do something with that tax should they have the need. Cities and Towns can go up to 8%, however Augusta County cannot. There are 4 or 5 in the State of Virginia that have the ability to go up to 4% without going to referendum. Chairman Bragg wants to get the Boards thoughts and feelings on this matter.

Mr. Pyles stated that it continues to be a position to have equal taxation for Counties verses the Cities. He would like to see the Board really work for equal taxation.



August 10, 2016, at 7:00 p.m.

CONSENT AGENDA (CONT'D)

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. Pyles stated that he would be attending the VACO meeting on the 19<sup>th</sup>, and would not be present at the next Board of Supervisors meeting.

Mr. Shull stated that the first day of school went well. The County fair was a success last week and he heard several comments concerning the courthouse. Mr. Shull feels there needs to be town hall meetings set up at the 5 high schools in Augusta County. Mr. Fitzgerald is working on dates with the schools. He would like to see all Board of Supervisors members present. The public needs to be informed and he feels there is a lot of misconceptions with the courthouse and they need to be cleared up. People question why the price tag is on the referendum and we need to explain to the people about the cost. 10 million is not going to be enough for downtown. There is no guarantee that Staunton will stand true to the 12.5 million and he feels that if the referendum is turned down Staunton will not give any money.

Mr. Coleman had the opportunity to make a formal presentation to two groups concerning the courthouse. People need to understand where the figures come from as far as the cost is concerned. It's not an option to renovate the old buildings.

Mr. Pyles had the County Attorney send him the Code of Virginia on the referendum and what information had to be on it. He doesn't feel it will cost \$45 million to build the new courthouse. He attended the fair last week and because of the misinformation people are getting, some of the citizens do not feel Verona is good enough to be the County Seat. This is a working community. We are building for what's going to be here, not what is here. We are leaving Staunton because they are in the past and we are in the future.

Mr. Garber brought up a lighter side. He attended a Planning District meeting and afterwards he commented to Staunton City Manager that when he looks out of his office window, he admires his new road across Route 250 and the landscape is so much better now that an old building is gone.

Chairman Bragg thanked everyone for working the fair. One of the comments she heard many times was about taxes being raised. The Board needs to get ahead of these misconceptions and help people understand. We need to point out to the citizens that at the \$45 million price tag we know where we stand as a County and can pretty confidently say taxes will not be effected. However, if we do the \$59 million, we haven't planned for that much and it could easily raise the taxes. She reminded everyone that August 27 is the first Courthouse Open House.

Chairman Bragg:

- The Guns and Hoses basketball fundraiser was very nice. The Guns beat the Hoses.
- The fair was a huge success.
- Valley Pike Farmers Market opened in Weyers Cave.

August 10, 2016, at 7:00 p.m.

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

- She and Mr. Pyles met with Rachel Kingery with Senator Kaines office regarding the pipeline.
- She took the Sheriff to the Rockbridge Courthouse. He now has a better idea of what is available in a new Courthouse.
- She attended a meeting on the Goose Creek Watershed.
- The Board had an opportunity before the meeting to tour the Grandma Moses house, the Gochenour house, and the Buffalo Gap property.
- She visited the NIBCO plant which is very progressive.
- VACO meetings next Friday.

Mr. Garber stated that negatives are often focused on by the public, but there are a lot of positives in Augusta County. Augusta County is not only State wide recognized for conservation we are now nationally recognized for conservation. Many people come to Augusta County to see what is being done.

Mr. Kelley was glad that the Board had the Social Services Department present at the Board meetings. He recently had an incident where he had to call them and they were very responsive and quick to be there. He feels it's good to get to know these types of agencies, what they do, how we can help them and get in touch with them.

Mr. Shull commended the Sheriff's office for have a booth at the fair and for some of the calls they have been making lately. He asked everyone to keep the Bennington family in their prayers. Their son was in a fatal car accident.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1) Leslie Tate to be appointed as an alternate on the MPO-TAC Board.

Mr. Pyles moved, seconded by Mr. Shull, that the Board appoint Leslie Tate as the alternate on the MPO-TAC Board.

Vote was as follows:

Yeas: Shull, Coleman, Kelley, Bragg  
Pyles, Pattie, and Garber

Nays: None

Motion carried.

- 2) The Parks & Recreation Guide will feature a 2 page spread on the Courthouse and it will also have the For Sale ad on the Buffalo Gap property.
- 3) Rescue Squad Assistance fund Grant. Possible vehicle replacement for EMS Supervisors.
- 4) Revenue Sharing application deadline is November 1, 2016.
- 5) Atlantic Coast Pipeline FERC project update.
- 6) Capital purchase of new ambulance to replace unit that was bought from New Hope in 2012. It is a 2004 Ford and is having motor problems. It will be used as a reserve piece. The new ambulance will allow for ACFR to have a 4 wheel drive in every station.
- 7) VACO Legislative Summit is August 19<sup>th</sup>. Mr. Kelley will be going on the 18<sup>th</sup> as well. Everyone will meet at the Government Center and travel together.
- 8) Staff is working on a "Frequently Asked Questions" flyer on the Courthouse.

Chairman Bragg stated that everyone needed to be giving the same answers in the same way. Sometimes there is a different twist put on the answers.

\* \* \* \* \*

August 10, 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) McKee vs. Augusta County Board of Supervisors

On motion of Dr. Pattie, seconded by Mr. Garber, 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.

\* \* \* \* \*

---

August 10, 2016, at 7:00 p.m.

ADJOURNMENT

There being no other business to come before the Board, Dr. Pattie moved, seconded by Mr. Garber, 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.

\* \* \* \* \*

---

Chairman  
h:8-10min.16

---

County Administrator