

Regular Meeting, Wednesday, September 14, 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
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, September 14, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 241th year of the Commonwealth....

* * * * *

Chairman Bragg welcomed the citizens present.

* * * * *

The following Boy Scouts from Troop 81 of Crimora led us with the Pledge of Allegiance:

Cullen Shepherd of Lafayette School and Treatment Center
Gregory Blackburn of Wilson Memorial Middle School
Blaine Hydrick of Wilson Memorial Middle School
Mason Brittle of Stewart Middle School
Jackson Britt of Wilson Memorial Middle School
Luke McWhorter of Wilson Memorial Middle School
Nathan Goff of Wilson Memorial Middle School
Garrett Mongold of Wilson Memorial High School

* * * * *

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

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

* * * * *

REGIONAL EMERGENCY OPERATION PLAN RESOLUTION

The Board considered the Regional Emergency Operation Plan Resolution.

Donna Good, Director of ECC and Emergency Coordinator, and Anthony Ramsey, ECC Dispatcher Supervisor and Deputy Emergency Coordinator, advised that the Emergency Operations Plan for Augusta County, Staunton and Waynesboro has to be updated every four years according to the Code of Virginia to keep contact numbers current. The current plan has been updated and is in the Board of Supervisors office read file. The plan includes a Basic Plan, Emergency Support Functions, the Annex and Hazardous Specific Annexes, such as dam emergency contacts. The following resolution is presented to the Board of Supervisors for approval:

September 14, 2016, at 7:00 p.m.

REGIONAL EMERGENCY OPERATION PLAN RESOLUTION (CONT'D)

**Resolution for the Staunton-Augusta-Waynesboro
Emergency Operations Plan**

WHEREAS, the Board of Supervisors of the County of Augusta, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS, the County of Augusta has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, the County of Augusta has established and appointed a Director and Coordinator of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the County of Augusta, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FURTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, is tasked and authorized to maintain and revise as necessary this document during the next four (4) year period or until such time it be ordered to come before this Board.

Mr. Shull moved, seconded by Dr. Pattie, that the Board approve adoption of the Regional Emergency Operation Plan Resolution.

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

Motion carried.

Ms. Good stated that the other localities will adopt the resolution as well and then the updates will be compiled. The final copies will be drafted and once she has the final copy it will be available for the Board of supervisors review.

* * * * *

SAW CONSORTIUM-2017 MEDICAL PLAN

The Board considered the SAW Consortium 2017 Medical Plan.

Jennifer Whetzel, Deputy County Administrator and Faith Duncan, Director of Personnel, presented the Board with the annual health insurance rates for employees of Augusta County. The County is fiscal agent for Social Services and Middle River Regional Jail so when rates are set for Augusta County we also look at Social Services and Middle River Regional Jail budgets. The County is part of the Consortium which is Staunton, Staunton City Schools, Waynesboro, Waynesboro City Schools, Augusta County, Augusta County Schools and the Service Authority. In 2015 the Consortium moved towards self-insured plans to save money on fees from the Healthcare Reform Act. Dependent care for the County has been funded from the sale of stock with Trigon in the late 90's. Historically a high and a low point of service plan has been offered and the Board has picked up the cost increases in the health plans in the past. The \$5.00 Employee contribution was implemented in 2004. Through the budget process and year end reports the Board has been updated that the dependent subsidiary account was not permanent and it will be depleted this year. There will be plan changes in order to assist with staying within budget for health insurance expenditures. A 17.1% increase was budgeted for 2017 based on claims history for Augusta County, Augusta County Schools and the Service Authority. There were a number of high claims and cases that hit the stop loss insurance in 2015. SAW Consortium went

September 14, 2016, at 7:00 p.m.

SAW CONSORTIUM-2017 MEDICAL PLAN (CONT'D)

out to bid on their plans. If the County goes with the bid for current plans, there would be a 9% increase. The Consortium also offered plan changes that would assist in further savings and the new plan offerings came in at 3.9% increase.

Ms. Duncan stated that presently there are employees grandfathered in the current high plan which is a \$500 deductible, \$3000 out-of-pocket and an 80/20 plan. The Primary Care doctor and specialist visits are \$25 and \$50 and the pharmacy is \$10, \$30 and \$60. The current low plan, which is offered to new hires, has a \$1000 deductible, \$4000 out of pocket and is a 70/30 plan with the co-pays the same as the high plan. We went out for bid looking for the best plan and came back with one traditional point of service plan. This plan will benefit our new employees that are presently on the low plan. The deductible will go up to \$1000, out-of-pocket \$3000, it's an 80/20 plan and the co-pays will stay the same. This is a richer plan for majority of the employees. City of Staunton and Augusta County will also offer a high deductible plan with a Health Savings account. The County will contribute \$500 annually and employees can deposit into the savings account. The deductible would be \$3000 with a \$4000 out-of-pocket. Once the deductible is met claims are paid at 100%. All preventative care visits will be covered at 100% and pharmacy will be \$10, \$30 and \$60. The high deductible plan will benefit the healthy person looking to save the \$500 so that over time the money will build in their savings account and can be used for health expenses in the future. The Health Savings account is portable so if someone leaves the County the account will go with them. Another nice feature of the Health Savings account, is once you are within 10 years of retirement, the money can be used for Medicare Part B premiums and medical expenses after retirement.

Ms. Whetzel stated that currently employees pay \$5.00 for the high plan and \$2.50 for the low plan. The recommended rate would be \$22 a month for the traditional plan or \$0 for the high deductible plan and a deposit to the Health Savings account of \$41.67 per month by the County, which adds up to \$500.00 per year. In order for the Health Savings account to be attractive it would have to have a lower employee monthly premiums and an offering of a contribution. Staunton currently charges the employees for their high and low plans more than Augusta County charges. Waynesboro City Schools, Waynesboro City, Augusta County Schools and the Service Authority are looking to stay with the current high and the low plan moving forward to 2017. Augusta County Schools currently have a different pay structure so they do not offer the high plan to the new employees and for the current employees, employees have to pay approximately \$68 per month to stay on the high plan and dependent care was not funded in either of the plans for 2016. For the County's 2017 POS Plan, a 10% increase for the family plan and similar for spouse or child only. Board approval is needed to change the plans and also the rate structure of charging the employee \$22.00 per month. The County portion to pay would remain the same towards the employee only subsidy. There will be mandatory meeting for employees to learn about the plans. Open enrollment would be October 17-November 18 and the new plans go live January 1, 2017.

Faith stated that they would make sure employees are communicated with properly and well informed.

Mr. Bond stated that the County Schools have debated this option, but this is not the year to do so. They are still evaluating the potential option on the State plan and possibly being able to participate in that plan.

Ms. Whetzel stated that the County plans to submit figures on the State plan as well to see what kind of rates we could receive.

September 14, 2016, at 7:00 p.m.

SAW CONSORTIUM-2017 MEDICAL PLAN (CONT'D)

Mr. Pyles commented that this is always hard to understand and expensive. It looks like it has been budgeted for properly and people have been given options.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the Committee's recommendation for 2017 medical plans.

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

Motion carried.

* * * * *

VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) FINANCING

The Board considered the issuance by Augusta County, without referendum, general obligation bonds and pledged the full faith and credit of the County not to exceed and aggregate principal amount of \$16,500,000.

Ms. Whetzel reminded the Board that there was a resolution in their agenda packets authorizing the issuance of general obligation bonds through VPSA (Virginia Public School Authority). The issuance is not to exceed an aggregate principal amount of \$16,500,000. \$15,500,000 is what is needed, however, a discount would need to be allowed for in the paperwork. The last bonds the school sold for the elementary projects of Hugh K. Cassell, Riverheads Elementary and Wilson Memorial Middle did sell at a premium. The Board has already approved a reimbursement resolution of \$14,500,000 for the three projects in February 2016 and a Public Hearing was held on March 23, 2016 for an amount not to exceed the \$47,800,000 which includes the discount. The first bonds sold on May 17. We are paying back an amount of \$27,800,000, but \$30,000,000 was received due to the premium. The Bond Sale resolution authorizes the full faith and credit of the county to make the payments. It will also authorize the County representatives including the School Superintendent, Chairman of the Board, County Administrator and the Clerk of the Court to sign off on documents and have them executed. The next steps would be to receive the documents by October 2016, they will be filed at the Circuit Court and the Clerk will certify them. The expected Bond sale date is October 25, 2016 and we would expect to receive the funds after closing on November 10-17, 2016. In addition there is a continuing disclosure agreement and a bond sale agreement available through the Finance Director and County Attorney for review by the Bond Council.

Mr. Garber moved, seconded by Mr. Shull, that the Board approve the resolution for issuance of general obligation bonds and pledging the full faith and credit of the County.

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$16,500,000 GENERAL OBLIGATION SCHOOL BOND OF THE
COUNTY OF AUGUSTA, VIRGINIA, TO BE SOLD TO THE
VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING
FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the Board of Supervisors (the "Board") of the County of Augusta, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$16,500,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing a portion of the costs of capital projects for school purposes, primarily the design, construction and equipping of a new Riverheads Elementary School, a new Hugh K. Cassell Elementary School and an expansion of Wilson Middle School, as well as the demolition of the existing Hugh K. Cassell Elementary School and Riverheads Elementary School buildings (collectively, the "Project");

September 14, 2016, at 7:00 p.m.

VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) FINANCING (CONT'D)

WHEREAS, the County held a public hearing, duly noticed, on March 23, 2016, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code");

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond;

WHEREAS, the Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the fall of 2016 (the "VPSA Bonds");

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$15,500,000 is the amount of proceeds requested (the "Proceeds Requested") from VPSA in connection with the sale of the Local School Bond;

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Local School Bond relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA from the sale of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AUGUSTA, VIRGINIA:

Authorization of Local School Bond and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in an aggregate principal amount not to exceed \$16,500,000 (the "Local School Bond") for the purpose of financing the Project. The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution.

Sale of the Local School Bond. The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, the County acknowledges that the limitation on the maximum principal amount of the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, however, the Local School Bond may be sold for a purchase price not lower than 100% of the Proceeds Requested. The Chairman of the Board, the Vice Chairman of the Board, the County Administrator, the Deputy County Administrator and the Finance Director, any of whom may act (each a "Delegate"), and such other officer or officers of the County as a Delegate may designate are each hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved, with such completions, insertions, omissions and changes not inconsistent with this Resolution as may be approved by the Delegate executing the Bond Sale Agreement.

Details of the Local School Bond. The Local School Bond shall be dated 16 days prior to the date of its issuance and delivery or such other date designated by VPSA; shall be designated "General Obligation School Bond, Series 2016B"; shall bear interest from its dated date payable semi-annually on each January 15 and July 15 beginning July 15, 2017 (each an "Interest Payment Date"), at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts acceptable to a Delegate (the "Principal Installments"), subject to the provisions of paragraph 4 of this Resolution.

Interest Rates and Principal Installments. Each Delegate is hereby authorized and directed to accept the interest rates on the Local School Bond established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, and provided further that the true interest cost of the Local School Bond does not exceed

September 14, 2016, at 7:00 p.m.

VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) FINANCING (CONT'D)

five and fifty one-hundredths percent (5.50%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. Each Delegate is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall not exceed twenty-one (21) years from the date of the issuance and delivery of the Local School Bond. The execution and delivery of the Local School Bond as described in paragraph 8 hereof shall conclusively evidence the approval and acceptance of all of the details of the Local School Bond by the Delegate as authorized by this Resolution.

Form of the Local School Bond. The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Local School Bond:

For as long as VPSA is the registered owner of the Local School Bond, all payments of principal, premium, if any, and interest on the Local School Bond shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Local School Bond.

U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Local School Bond. The County may, in its sole discretion, replace at any time the Bond Registrar with another qualified bank or trust company as successor Bond Registrar and Paying Agent for the Local School Bond. The County shall give prompt notice to VPSA of the appointment of any successor Bond Registrar and Paying Agent.

Prepayment or Redemption. The Principal Installments of the Local School Bond held by VPSA coming due on or before July 15, 2026, and the definitive bond for which the Local School Bond held by VPSA may be exchanged that mature on or before July 15, 2026, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Local School Bond held by VPSA coming due on or after July 15, 2027, and the definitive bond(s) for which the Local School Bond held by VPSA may be exchanged that mature on or after July 15, 2027, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2026, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Local School Bond to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2026 through July 14, 2027	101%
July 15, 2027 through July 14, 2028	100½
July 15, 2028 and thereafter	100

Provided, however, that the Principal Installments of the Local School Bond shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or other registered owner of the Local School Bond. Notice of any such prepayment or redemption shall be given by the Bond Registrar to VPSA or other registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

If VPSA refunds the VPSA Bonds in the future and such refunding causes the Local School Bond to be deemed refunded, the prepayment or redemption of the Local School Bond will be subject to VPSA approval and subject to similar prepayment or redemption provisions as set forth above that correspond to the call period of the VPSA bonds issued in part to refund the Local School Bond.

Execution of the Local School Bond. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are each authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

September 14, 2016, at 7:00 p.m.

VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) FINANCING (CONT'D)

Pledge of Full Faith and Credit. For the prompt payment of the principal of, premium, if any, and the interest on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any portion of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Local School Bond as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

Use of Proceeds Certificate and Tax Compliance Agreement. Each Delegate and such other officer or officers of the County or the School Board as a Delegate may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in such Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct each Delegate and the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Local School Bond. Each Delegate, the County Treasurer and such officer or officers of the County as a Delegate or the County Treasurer may designate are each hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository.

Continuing Disclosure Agreement. Each Delegate and such other officer or officers of the County as a Delegate may designate are each hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix D to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by VPSA to be a MOP (as defined in the Bond Sale Agreement).

Refunding. The Board hereby acknowledges that VPSA may issue refunding bonds to refund any bonds previously issued by VPSA, including the VPSA Bonds issued to purchase the Local School Bond, and that the purpose of such refunding bonds would be to enable VPSA to pass on annual debt service savings to the local issuers, including the County. Each Delegate is authorized to execute and deliver to VPSA such allonge to the Local School Bond, revised debt service schedule, IRS Form 8038-G or such other documents reasonably deemed necessary by VPSA and VPSA's bond counsel to be necessary to reflect and facilitate the refunding of the Local School Bond and the allocation of the annual debt service savings to the County by VPSA. The Clerk to the Board of Supervisors is authorized to affix the County's seal on any such documents and attest or countersign the same.

Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

Election to Proceed under Public Finance Act. In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

Further Actions. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and otherwise in furtherance of this Resolution and any such action previously taken is hereby ratified and confirmed.

Effective Date. This Resolution shall take effect immediately.

September 14, 2016, at 7:00 p.m.

VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) FINANCING (CONT'D)

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

Motion carried.

* * * * *

LADD ELEMENTARY

The Board considered three resolutions for Ladd Elementary School.

Timothy Fitzgerald, County Administrator, advised there were several items that needed Board approval.

1) The subdivision of the land. The way the developer is proceeding with the property requires the subdivision of that land occur when the County owns the property versus after the sale of the property. Before the Board is a consideration to approve the subdivision of land pending the closing of the property. The documents would go into escrow and if it doesn't close it doesn't subdivide. Part of the contract with the developer is that the County would in good faith work toward closing and this is part of that effort.

Mr. Pyles moved, seconded by Mr. Shull, that the Board authorize subdivision of land for Ladd Elementary.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA
AUTHORIZING SUBDIVISION OF LAND**

WHEREAS, on August 20, 2013, the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") acquired surplus property ("Property") from the Augusta County School Board. The Property is located at 1930 Rosser Avenue, Waynesboro, VA containing 12.87 acres, more or less, in the City of Waynesboro, and also identified as Tax Map No. 51-12-46; and

WHEREAS, on June 18, 2014, the Board of Supervisors entered into a Real Estate Purchase Agreement between the Board of Supervisors and Kenneth H. Michael or Assigns ("Michael") whereby the parties agreed to a purchase price and other terms and conditions for the sale of Property; and

WHEREAS, the parties subsequently amended said Purchase Agreement as evidenced by Amendments one (1) through six (6) to the Purchase Agreement; and

WHEREAS, in order to effectuate the settlement and closing of the Property "Michael" has requested Board approval for the subdivision of the aforesaid Property, in accordance with that certain plat entitled, "Final Plat Waynesboro Marketplace, City of Waynesboro, Virginia," dated August 9, 2016, and last revised on August 31, 2016; and

WHEREAS, in order to facilitate the closing and settlement of the Property the Board hereby approves the subdivision of the Property, in accordance with the hereinabove mentioned plat;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Augusta County, Virginia, does hereby approve the subdivision of land as set forth hereinabove; and

BE IT FURTHER RESOLVED that the Chair of the Board of Supervisors is hereby authorized to affix her signature, on behalf of the Board, to the plat hereinabove mentioned for the purposes of subdividing the land.

This Resolution shall take effect immediately upon its adoption.

September 14, 2016, at 7:00 p.m.

LADD ELEMENTARY (CONT'D)

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

Motion carried.

2) A resolution to authorize the Chairman to execute and deliver the deed.

Mr. Shull moved, seconded by Mr. Pyles that the Board authorize the Chairman to execute and deliver the deed.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA
AUTHORIZING AND DIRECTING THE CHAIR TO EXECUTE AND DELIVER
SPECIAL WARRANTY DEED ON BEHALF OF THE BOARD OF SUPERVISORS**

WHEREAS, on August 20, 2013, the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") acquired surplus property ("Property") from the Augusta County School Board. The Property is located at 1930 Rosser Avenue, Waynesboro, VA containing 12.87 acres, more or less, in the City of Waynesboro, and also identified as Tax Map No. 51-12-46; and

WHEREAS, on June 18, 2014, the Board of Supervisors entered into a Real Estate Purchase Agreement between the Board of Supervisors and Kenneth H. Michael or Assigns ("Michael") whereby the parties agreed to a purchase price and other terms and conditions for the sale of Property; and

WHEREAS, the parties subsequently amended said Purchase Agreement as evidenced by Amendments one (1) through six (6) to the Purchase Agreement; and

WHEREAS, under the terms of the Purchase Agreement the Property is to be conveyed by Special Warranty Deed; and

WHEREAS, it is the desire of this Board that said Property should be conveyed to Kenneth H. Michael or Assigns for the purchase price and other terms agreed to by the parties contained in the Purchase Agreement and amendments thereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Augusta County, Virginia, that the Chair of the Board of Supervisors is hereby authorized to execute and deliver a Special Warranty Deed, easement, license or other instrument conveying real estate, or any interest therein, pursuant to the terms of the Purchase Agreement, which is necessary for the conveyance of the Property on behalf of the Board of Supervisors.

This Resolution shall take effect immediately upon its adoption.

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

Motion carried.

3) A resolution to authorize the County Administrator or designee to execute and deliver closing documents.

Mr. Garber moved, seconded by Mr. Shull that the Board authorize the County Administrator or designee to execute and deliver closing documents.

September 14, 2016, at 7:00 p.m.

LADD ELEMENTARY (CONT'D)
**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA
AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE
AND DELIVER CLOSING DOCUMENTS**

WHEREAS, on August 20, 2013, the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") acquired surplus property ("Property") from the Augusta County School Board. The Property is located at 1930 Rosser Avenue, Waynesboro, VA containing 12.87 acres, more or less, in the City of Waynesboro, and also identified as Tax Map No. 51-12-46; and

WHEREAS, on June 18, 2014, the Board of Supervisors entered into a Real Estate Purchase Agreement between the Board of Supervisors and Kenneth H. Michael or Assigns ("Michael") whereby the parties agreed to a purchase price and other terms and conditions for the sale of Property; and

WHEREAS, the parties subsequently amended said Purchase Agreement as evidenced by Amendments one (1) through six (6) to the Purchase Agreement; and

WHEREAS, various documents will need to be executed and delivered to certain parties to the transaction in order to effectuate the settlement and closing on the Property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Augusta County, Virginia, that the County Administrator or his designee, is hereby authorized to execute and deliver any and all documents related to the settlement and closing on said Property.

This Resolution shall take effect immediately upon its adoption.

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

Motion carried.

* * * * *

WAIVERS -NONE

* * * * *

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, August 10, 2016
- Staff Briefing, Monday, August 22, 2016
- Regular Meeting, Wednesday, August 24, 2016

CLAIMS

Considered claims paid since August 1, 2016

September 14, 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. Garber:

Pointed out the fine group of young people on the front row. He visited them within the past month and spoke with them. We get caught up hearing all of the bad things, but there are a lot of good things to be heard. He pointed out to them that they need to be working among themselves, considering they live in the Middle River District, to come up with a supervisor. From watching them in action, we have a number of great citizens coming up in the future.

Mr. Pyles:

I want to hear what the public says before I give my vote. Usually you find out the truth and get more information and its better. We have been getting public input on the Courthouse and it started with Sweet Dreams. What's going to happen with the old building was the main question asked. The public isn't saying they don't want the new building, they want to know what's going to happen to the old building. One of the reoccurring themes that we've gotten at the Town Hall meetings is the same question. Our answer has been kind of vague. We hope to find somebody to open a museum or do something with it, but that's not satisfactory for the public and I'm not sure it's the right thing for us to do. Coming from a couple of thoughts, when we approve cell towers we say that when they are done with cell tower they need to be taken down. On this Board I have had concern about old buildings sitting around with no value. I see the attachment that people have to the courthouse. I think about how it has served this County and its people well and Staunton was a good host. I started thinking about what the right thing to do would be. I asked that we take a further look of us keeping the Courthouse and making it useful and have a way to fund it. I have a few ideas of how to use the building.

- 1) A good addition to the walking tours of downtown.
- 2) Convention space for the Stonewall.
- 3) Additional Saturday market space.
- 4) Courting at the Courthouse with bands and food.
- 5) Plays-seating in the Courtroom is 112.
- 6) Modern General Assembly.
- 7) Tourist Information Center
- 8) Tax prep location that is initiated by CAP-SAW.
- 9) Artwork display.
- 10)Wednesday farmers market.
- 11)Mock Courts for UVA and Washington Lee for their law schools.
- 12)Public Restroom availability for people.
- 13)Contact the Historical Society and have rotating displays such as what has gone on in the area over the years.
- 14)Business promotion displays.
- 15)Wedding ceremonies and receptions.
- 16)Charity Bingos/Office space for non-profit.

These are simply some general ideas for the building. It can still be a vital building for

September 14, 2016, at 7:00 p.m.

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

citizens to use. We need to look at cost. What does it cost now for heating and electric? What are the maintenance costs? What would it cost to have paid staff on the premises? What are we planning for the General District Court building? What would it cost to tear it down? Consider the impact of Parks & Recreation if they kept it up as we went along. Have Ms. Whetzel look at the Tourism budget and see what's available and project potential increases over the next two years. Have Candy Hensley, Assistant to County Administrator, give capital cost to make building sound for public use, not court use. Could there be a good size kitchen put it? There may be a surplus of kitchen equipment that will not be used. How do we proceed? Could Rebekah Castle of Economic Development help pull this together quickly? Wants her to get input from each Board member, Department Head, School Board, Augusta Health, BRCC President, Chamber of Commerce input, Staunton input, CAP-SAW director, historical groups, Stonewall Jackson management, Downtown Business Association and others that may have ideas and purpose for the building. Present some of the facts and responses at the next Staff Briefing. As for funding, we are required to spend a certain amount on tourism from a commitment that was made when passing the Meals and Lodging Tax. There is money dedicated solely for tourism. This is a chance to put our tourism funds to good use. Right now there is \$77,000 set aside for tourism development and I think that would be a good operating fund for this project. People most likely will not want to spend their money on this project, but may be willing to show up and volunteer their time to make it a good place. I suggest taking the \$77,000 from the tourism development fund and start setting it aside for the next couple of years. We have heard the people and we want to have a plan for it. We will show our commitment to the building for the historical nature. I'm not asking anything from Staunton unless they want to contribute.

Mr. Garber:

There is no question that the biggest concern regarding the Courthouse is what will happen to the existing building. I appreciate old buildings. A number of people are not happy with the response to the question by saying we don't have a vote yet so it's presumptuous to say what will happen to the building. We need a plan.

Mr. Shull:

If the referendum gets turned down, we don't have clarification of where we can put the Courthouse. There is the possibility the old Courthouse will have to be torn down or we may have to reconfigure the inside to make it safe and secure. We have to look at reality, we may have to do something to the County Building and the Courthouse if we do not get clarification on the law that we have to go back on our own land and build something. The public needs to be aware of this possibility. The Judges will be making the decision on what needs to happen with the Courthouse in the long run.

Mr. Coleman:

I would like to see support and forward movement to begin to take the ideas that have been presented and move forward with the beneficial facts and ideas. People are at a standstill over the fact that we can't tell them what will happen to the Courthouse. The County is moving forward. We have been telling everyone the same thing, until it is a done deal we may not see much progress on what will be done with the old Courthouse. I'd be supportive of us moving this along and the group looking at the ideas that Mr. Pyles has presented to us. I wouldn't want it to consume people. There are projects to be done in other districts so I would not want attention reverted from other areas other than the Courthouse.

Mr. Shull:

Washington and Lee took over the Courthouse in Lexington and is using it for office space. Is there a possibility that Mary Baldwin University would be interested in the old Courthouse for something similar?

September 14, 2016, at 7:00 p.m.

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

Mr. Garber:

We sort of had an understanding through various Boards that we don't ask staff to do a lot of projects unless they are all in agreement. This is a very hot topic issue and time is short.

Mr. Garber moved, seconded by Mr. Pyles that the Board authorize staff to take a look at ideas for the Courthouse and bring it to the next Work Session.

Ms. Bragg:

It would be an amazing downtown space and to have the ability to have a ceremonial courtroom would be great. I think there are a lot of uses that we as a County could look into.

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

Motion carried.

Mr. Pyles:

I was asked about infrastructure money. It was my thinking that when we moved the operating money into the Courthouse we would look at our fund balance to maybe fund infrastructure. We have a good relationship with the School Board where their fund balance always go to them without questions. We have a \$1.2 million dollar fund balance. I want the Board to think about moving \$50,000 per District from the fund balance to the infrastructure accounts.

Ms. Bragg:

- 1) Mr. Pyles gives us something to consider for the next meeting.
- 2) The first two Town Hall meetings have taken place at Wilson Memorial High School and Buffalo Gap High School. We had good questions and everybody learned a lot.
- 3) The Fam Tour kicked off this evening.
- 4) Saturday is the Hazardous Waste Day and the Good Times Festival at Shenandoah Acres.
- 5) Monday is the next Town Hall meeting at Riverheads. Please come and support the meeting.
- 6) Tuesday is the Boards and Commissions Dinner.
- 7) Next Wednesday is Stuarts Draft Town Hall meeting.
- 8) Saturday, September 24 is the next Courthouse Tour date.

Something to consider, we have been talking about our email addresses, should we go to County email addresses for consistency?

* * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1) The Legislative Liaison contract was talked about at the last meeting. We can tag onto another County's contract with Mr. Eldon James who has a relationship with Jane Woods. He will allow Jane to continue what she does for us for another year. That will allow us to have the time to put a process in place to go forth with a full Request for Proposal for another Legislative Liaison. Ms. Whetzel is working hard to get this together. We will have a telephone interview with Mr. James to make sure everyone is comfortable with this arrangement.

September 14, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

We were granted the AFG Grant for the new smoke detectors. We received \$114,720. Fire and Rescue staff will be doing a public relations campaign to make sure people have the smoke detectors they need.

- 2) Mr. Fitzgerald handed out a letter about the economic impact on bikes in the community. Our Planning District Commission did a study of the economic impact of bicycling in the Central Shenandoah Valley. It is estimated at \$13.6 million and supported 184 jobs in the region in 2015.
- 3) Received a letter from York County. This has been talked about previously with the Legislative Package. York County has a move to focus on the meals tax this year. The letter is a request for Augusta County to support the effort in trying to get something moved on the meals tax. Our Legislative Package has been changed to focus on the two issues of meals tax and the fair taxation among the Counties and Cities.
- 4) The Hazardous Waste Day was previously mentioned.
- 5) The VRT (Virginia Regional Transit) building in Fishersville was built with 90%
- 6) Federal funds, because of this the building should never have gone into VRT's name. It was suggested that it go into a more public body. The Central Shenandoah Planning District Commission is now working with attorneys and the Department of Transit from the State and Federal level to get the process of deeding the building over to the Central Shenandoah Planning Commission taken care of. We will be going out to bid next year for transit services and if VRT is the bidder they can use the building. If another provider would get the bid they would have access to the building, but the ownership of the building would be with the PDC. The State has indicated that the transfer will come at no cost to the PDC. The maintenance for the building comes from Transit dollars that we receive. Another locality question the PDC owning the building and indicated that Augusta County should be thinking about putting together a Transit Authority.
- 7) Mr. Pyles will be the Host of the Boards and Commissions Dinner this Tuesday.
- 8) Ms. Whetzel gave an update on Todd Lake by handing out a fact sheet on the project.
- 9) The Board received an email from the Interim County Attorney regarding the Electoral Board asking for legal representation. This is something different from what James Benkahla, Interim County Attorney has done in the past. Traditionally the County Attorney has represented and gave guidance to the Electoral Board in regards to election laws and things of that nature. They ask that the representation continue and would like to get some clarification on some specific issues. Mr. Benkahla wants to make sure the Board is in agreeance with him representing and meeting with the Electoral Board. There will be some cases where he will need to point out that it is a conflict of interest and they would need to get outside counselling on those specific issues. Mr. Fitzgerald did clarify with both Tom Long and Cliff Garstang of the Electoral Board that his direction to Ruth Talmage of the Electoral Board, was that they should send a letter asking for the information they would like, not that it would be required of them to get outside council. Mr. Benkahla pointed out that it would be a good idea to have the questions in writing.

Mr. Pyles:

Hopefully there is not a great deal of work that comes from the Electoral Board. If it gets overwhelming or if there is a conflict of interest let the Board know. Otherwise, we can save money by utilizing Mr. Benkahla.

Ms. Bragg:

The direction of the Board is to continue to represent the Electoral Board.

- 10) We have vacancies on some Boards and Commissions, Valley Community Service Board, a CMPT Foster Parent opening and we are looking for a student for the Youth Commission. There will be some taken care of during closed session.

September 14, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

11)Mr. Fitzgerald will not be attending the Stuarts Draft Town Hall meeting. He will be having knee surgery that day and will be out until Monday, September 26.

* * * * *

CLOSED SESSION

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

(1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Boards and Commissions

(2) **the legal counsel exemption under Virginia Code § 2.2-3711(A)(19)**
[A discussion of plans to protect public safety as it relates to terrorist activity in accordance with §2.2-3711 (A)(19) of the Code of Virginia]:

A) Security

(3) **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) Ladd Elementary

(4) **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) Probable litigation-over expected Business License Tax
B) Legal Counsel-Ladd Elementary

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

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

Nays: None

Motion carried.

* * * * *

Mr. Pyles moved, seconded by Mr. Shull to recommend to the Local Elected Officials Consortium (LEO) Patricia Snyder and Steve Burnette for the Workforce Development Board.

September 14, 2016, at 7:00 p.m.

CLOSED SESSION (CONT'D)

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

* * * * *

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:9-14min.16

County Administrator