

Regular Meeting, Wednesday, January 25, 2017, 7:00 p.m. Government Center, Verona, VA.

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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 25, 2017, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 241th year of the Commonwealth....

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Chairman Pyles welcomed the citizens present.

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The following students from Shenandoah Valley Governors School led us with the Pledge of Allegiance:

Bo Bowersox is in the 11th grade at Wilson Memorial High School and attends the Shenandoah Valley Governors School. At the Governors School he takes AP Calculus, Physics and Engineering.

Katelyn Kennedy attends Buffalo Gap High School and Shenandoah Valley Governors School. She takes Physics, Pre-Calculus and Engineering at the Governors School.

Sydney Henriques is in the 12th grade at Stuarts Draft High School and attends the Shenandoah Valley Governors School. Ms. Henriques was recently accepted into University of Virginia's Engineering School to study Biomedical Engineering.

Carter Fisher is the 12th grade at Riverheads High School and attends the Shenandoah Valley Governors School. He plans to attend Christopher Newport University and major in Biology to become an emergency room doctor.

Allyson Senger attends Fort Defiance High School and the Shenandoah Valley Governors School. She plans to attend Virginia Tech and major in Computer Science.

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Terry Kelley, Supervisor for the Beverley Manor District, delivered the invocation.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Nancy Sorrells of Greenville discussed the FERC process for the Atlantic Coast Pipeline. Since FERC released a 2000 plus page Draft Environmental Impact Statement she has studied it thoroughly and is certain that the Staff of Augusta County has been doing the same. The pipeline is a long way from being a done deal. The County and its communities are going to take the hardest hit if this pipeline becomes reality. Augusta County would suffer more than any other area. The County has more miles of pipeline than any other County, the most high consequence safety concerns, the most water sources being crossed, the most private property being impacted and we have the most sinkholes. Ms. Sorrells thanked the Board for being there for Augusta County and questioning Dominion and FERC. There is a couple in Deerfield that lives on a farm that is now being targeted for the pipeline. The husband has dementia and the wife wants to keep him on the farm as long as possible because he loves the land and it keeps him grounded. The wife knows that she is going to have to sell and move somewhere that the husband can get better care eventually, but real estate agents are telling her that her property has lost a significant amount of its value.

An elderly couple on Tinkling Spring Road is worried about a spring on their property as well as rocks and blasting. Dominion's land agents have told the couple that they have been red flagged as trouble makers because they won't sign an easement.

On China Clay Road, there is a private lane with four houses. Dominion points to the 4 tenths of a mile road where the pipeline will go using a right of way instead of private land. An elderly lady lives in one of those houses and takes care of her disabled son. The house will be so close to the pipeline and construction that special attention will be paid to them. Despite being so close to construction and the permanent pipe, the woman will get no compensation because it doesn't touch her property.

Hazel Palmer lives on Reeds Gap Road and owns the last piece of property before the Blue Ridge Parkway. If Dominion has their way, her property will have a huge clear cut up the mountain and an area will be leveled out for drilling under the Parkway. The hydrostatic testing will require 325,000 gallons of water. That pales in comparison to the 4,517,000 gallons of water required for the drilling machine. Water will be trucked up the mountain from the James River Road Boat Ramp.

If the pipeline comes to be, Augusta County will have 56.1 miles of pipeline, and 16.2 miles of access roads. The next highest with a 42 inch pipeline is Randolph County, WV with 30.2 miles. Augusta would also have 3 valve sites, two cathodic protection systems, the public water lines would be crossed 13 times and the public sewer lines 6 times. If the ACSA needed to work on, repair or upgrade the lines they would have to dig under the 42-inch high pressure pipeline.

FERC is an agency run by the energy industry. They heard the concerns of the citizens and then dismissed them. FERC has no intentions of coming to the area and seeing the concerns or learn about the area. The Board was informed by Dominion that they would move the route to avoid sinkholes. If that is the case then Dominion will have to move the route out of Augusta County. The draft EIS notes that karst features could present a hazard to the pipeline both pre-and post-construction due to cave or sinkhole collapse, and can also provide direct conduits...for groundwater contamination. Augusta County has 33.8 miles of the route considered karst. 70 percent of those miles have been surveyed and Augusta County has 74 sinkholes, 22 of which are considered high risk. Augusta County has high potential for landslides. Together with Bath, Highland, and Nelson, 49 percent of the route in Virginia would cross terrain that has a high to moderate risk of landslides. Also, not counting the public water sources of Augusta and Staunton that could be impacted by the pipeline, FERC and Dominion have identified 92 private wells and springs in close proximity to the pipeline.

The safety of the pipeline has been discussed by Dominion. The pipe's thickness, the testing pressure of the welds, etc. are based on the number of people and human dwellings potentially impacted by an incident. Turkey houses, milking parlors, etc. do not count. Pipes are classified as 1-4. There are no 4s on the entire route. Class 1 is 1- or fewer

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

human used buildings within the blast zone (1100 feet on each side of the pipeline). Class 2 is 11-45; class 3 is 46 and over or places where the pipe is within 100 yards of a building that has 20 or more people like a school, nursing home or daycare center. Of Augusta County's 56 miles, there are 11.6 miles of Class 2, and 2.4 miles of Class 3. Of the last two categories, 8.7 miles are considered high consequence where an incident would result in significant human and property impacts. In the first 300 miles of the proposed pipeline, Augusta County is the only place that has Class 3 designation.

FERC has dismissed the concerns of the Board of Supervisors and the citizens of Augusta County.

Ms. Sorrells thanked the Board for their time.

Rick Nagel, Director of Government Affairs for Nexus Services, gave a brief background on Nexus as a company. Nexus is a National Company with 27 offices throughout the United States and employs approximately 150 people. Nexus' main focus is securing immigration bonds. As many know there is a broken immigration system in the Country and Nexus' business model fits squarely into the broken system and they are able to save tax payers money. The latest number was over \$200 million that Nexus has saved the Federal Government by getting people out of detention and reuniting them with their families and also making them accountable. Mr. Nagel hopes it will be decided to allow Nexus to purchase the land in Augusta County. Nexus is a good corporate citizen and they want to be a part of the County and interact with citizens and help as much as possible.

Duane "Dog" Chapman has been a bounty hunter for 40 years. He has arrested over 8000 fugitives in his career and he is a part of Nexus. Nexus handles the ones out of the Country and Mr. Chapman handles the local children, wives and husbands in the United States. The program Nexus has is one of the most successful programs in the United States. Nexus has a good operation going in Augusta County, everything is up-to-date and there is not a detention center. Immigrants are taken directly to the Sheriff so there will not be any funny business taking place. Mr. Chapman gives his word of honor that he will be supervising the operation and everything will be fine until he dies.

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REFUND REQUEST

The Board considered a refund request by Pilot Travel Centers, LLC in the amount of \$8,755.17.

James Benkahla, County Attorney, stated that Pilot Travel Centers, LLC has requested the refund. A business license was purchased in February 2016 in the name of Pilot Travel Centers #396. In October 2016 PFJ Southeast, LLC purchased a business license for the same trade name. The Commissioner of Revenue has determined that the refund is appropriate.

Mr. Shull moved, seconded by Mr. Kelley that the Board approve the refund request in the amount of \$8,755.17 to Pilot Travel Centers, LLC.

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

Nays: None

Motion carried.

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INFRASTRUCTURE MATCHING GRANT

The Board considered the additions and deletions to the Infrastructure and Parks & Recreation accounts per fund balance policy.

Jennifer Whetzel, Deputy County Administrator, stated that is was before the Board to consider returning funds to their respective infrastructure accounts. This is a procedure that takes place twice a year in accordance with the fund balance policy. The following are included on the list:

- 1) Route 358 Woodrow Wilson Avenue Revenue matching project for Beverley Manor and Wayne District is complete. (\$2,263.75 each)
- 2) Weyers Cave Fire Company roof project for Middle River has been completed. (\$360.00)
- 3) Teaverton Stormwater project and Drainage project for Wayne District. (\$2,429.00 & 1,750.00 respectively)
- 4) Middle River District had a project that dates back to 2007 for the Lofton Subdivision drainage. If the Board so chooses \$35,140 will be returned.
- 5) Parks and Recreation matching grant had a project with the Fort Defiance Sportsman Club and funds will be returned to Beverley Manor, North River, and Middle River Districts. (\$1,116.67 each)

Dr. Pattie moved, seconded by Ms. Bragg, that the Board approve the additions and deletions on Infrastructure and Parks & Recreation per fund balance policy.

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

Nays: None

Motion carried.

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WAIVERS– NONE

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CONSENT AGENDA

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

MINUTES

Consider minutes of the following meetings:

- Organizational Meeting, Wednesday, January 4, 2017

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

Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Bragg stated that she attended the Wayne Theater and saw a presentation on Camp Lyndhurst and the POW Camp.

Mr. Shull mentioned that he would like to see the Board look into working with First Aid transportation such as helicopters on the billing and expense that goes along with it. Also, the Board was downed in a recent News Leader article for trying to work things out with the courthouse. Mr. Shull personally had nothing to do with Mr. Landes' bill. Mr. Landes was trying to help out the Board and clear up some issues. It was insinuated that the Board was behind the scenes in creating the bill with Mr. Landes. The Attorney General has not given his opinion on the courthouse. The Board is looking at options of what can be done downtown, which is what the citizens of Augusta County have said they want. The bill was also to help Albemarle and Charlottesville with the court system on moving within the City. No one on this Board had any intentions of moving the courthouse to Verona after the people had spoken. The bill was to clear up two things at one time. If the newspaper would have correctly done their investigation they would have found that out, but it implied that it was strictly Augusta County. Nothing was mentioned about Charlottesville and Albemarle County.

Mr. Shull attended an awards dinner for a local fire station. At this dinner, the new members were introduced and awards were handed out for calls made. In addition to recognizing the members of the fire station, they recognized the people that fix the dinners for the volunteer fire fighters at the stations. It would be nice if the media could take all of the volunteer companies and get pictures of the new officers and the awards that are given and publish it in the paper. The volunteers deserve a little recognition for what they do. Mr. Shull would like to see this put on the County's website as well.

Mr. Garber would like to believe that the media would ask him directly if they had questions and not FOIA his emails. He is not hard to find.

The question was asked to the Board if February 20th at 6:30 p.m. would work for his Board dinner. Finally, Mr. Garber attended the Department of Social Services Board meeting and was impressed at the way it was managed.

Mr. Kelley was on Mill Race Road and there were two tractor trailers trying to turn around. While he was there, five homeowners were trying to get around. If anyone has any suggestions on how to fix this problem Mr. Kelley would be willing to share them with VDOT.

Mr. Pyles mentioned the editorial that was in the News Leader. After the FOIA request he contacted the News Leader and confronted them about the situation. It was suggested to the News Leader to send a reporter to talk to the individual Board members to find out who they are and what they do.

Mr. Pyles likes the idea of pictures on the website. He would like to see every department have a department picture on the website with names.

He would like for Staff to sum up the items presented at the Planning meeting this past Monday, prioritize them and send it to the Board. After that is complete he would like to schedule a meeting to discuss the items. There is a consensus to move forward with the Broadband Board. Mr. Pyles would like for Staff to look at the other Boards and come up with appropriate compensation and a good time and place to meet.

Also on Monday there was a presentation by Timmons Group. Timmons gave a review of cost and revenue. In regard to Mill Place Commerce Park, the cost to build out the park is \$20 million. We get the best return on investment from manufacturing. It is easy to see that office space is a poor investment, \$90 per square foot versus \$300 per square foot. Jean Shrewsbury, Commissioner of Revenue, reviewed the report and came up with values to show what Augusta County gets in return for different investments and different types of businesses. Augusta County gets 71 times the return from heavy manufacturing, however professional office get the least.

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

This is not modeling, this is taking real properties in Augusta County that are comparable to what is proposed in Mill Place Commerce Park. Timmons Group was asked about office space in a manufacturing park and it was stated that generally it was not done. Then the question was asked about the area that is planned for office space and would manufacturing fit. Timmons Group responded by saying not only would it fit, but it's very attractive.

It was never the intention of the previous Board who purchased this property to just fill it up. It was meant for the Board to be selective in what comes to Augusta County. There are not many good manufacturing spots in Augusta County, especially ones with access to interstates. Manufacturing is something that is looked for because it valuable to the citizens. The County has been very selective in Mill Place Commerce Park as it has been developed. In the beginning high tech type businesses were the only ones looked at, but there is space available for research buildings or labs that go along with the high tech businesses, but it did not work out. Our place is in manufacturing. At the previous Service Authority meeting it was discussed about how much revenue they receive from Shamrock and it's enormous. If we put in a water tower and the large water and sewer pipeline, it's for a bigger business than just office space. We are responsible for the investments that we have made. The tax payer wants us to get the best return on their investment. We will have approximately \$30 million in the park and it's not logical to think we have space available for offices. Manufacturing brings growth to the County. We have a premier manufacturing site. It was built for that. It has a premier location. We should not diminish it in any way by having anything other than manufacturing. Mr. Pyles would like the Board to consider having the plans evaluated more in depth by Timmons and put together the numbers of where manufacturing could go and what size property could be there. Then, as a Board, look at the numbers and see what makes the most sense for the County. In the meantime, wait on selling any office space. We don't want to under sale what the people have put forward.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issues:

- 1) Smart Scale projects recommended for funding, I81 turn lanes at Weyers Cave and the Mill Place Parkway improvements.
- 2) Legislative Day is February 2, 2017.
- 3) There is a weekly teleconference call with Eldon James and Jane Woods on Legislation. A few things to note; there were a lot of changes coming to BPOL that were detrimental to the County and that got killed in committee. Also, there is a wireless bill, HB2196 that is not good for localities. It has the cell phone companies behind it and indications show it is heading towards approval. This bill provides a Dominion like authority to the cell phone industry.

Mr. Pyles stated the Governor has said he would veto this bill, but we don't know if it is veto proof.

Another thing to look at is Senate Joint Resolution 278, which sets up a group to review fair taxation between cities and counties. It looks at ways in which Counties can acquire funds other than real estate tax.

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CLOSED SESSION

On motion of Mr. Kelley, 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) Central Shenandoah Planning District Commission

- (2) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**
 [discussion of the acquisition for a public purpose, or disposition, of real property]:
 - a) Buffalo Gap Property
 - b) Mill Place

- (3) **the economic development exemption under Virginia Code § 2.2-3711(A)(5)**
 [discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:
 - a) Proposed Office space, flex space, storage facilities, manufacturing facilities, utility and mixed use development.

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

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

Nays: None

Motion carried.

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The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

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CLOSED SESSION (CONT'D)

Roll Call Vote was as follows:

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

Nays: None

Motion carried.

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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Mr. Kelley moved, seconded by Ms. Bragg that the Board appoint Veronica (Vickie) Morgan to the CSPDC, effectively immediately, to expire January 25, 2020.

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

Nays: None

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Kelley moved, seconded by Mr. Shull, the Board adjourn subject to call of the Chairman.

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

Nays: None

Motion carried.

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Chairman

County Administrator