

Regular Meeting, Wednesday, March 28, 2012, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: Tracy C. Pyles, Jr., Chairman
Jeffrey A. Moore, Vice-Chairman
David R. Beyeler
David A. Karaffa
Marshall W. Pattie
Michael L. Shull
Larry J. Wills
Timmy Fitzgerald, Director of Community Development
Becky Earhart, Senior Planner
Jennifer M. Whetzel, Director of Finance
Patrick J. Morgan, County Attorney
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, March 28, 2012, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236th year of the Commonwealth....

* * * * *

Chairman Pyles welcomed the citizens present.

* * * * *

Kelsey Klotz, a Senior at Riverheads High School, led the Pledge of Allegiance. Kelsey plans on attending Blue Ridge Community College and then transfer to either BYU or VCU to get her masters in Russian and minor in History.

* * * * *

Tracy C. Pyles, Jr., Pastures District, delivered invocation.

* * * * *

BOARDS AND COMMISSIONS CERTIFICATES OF APPRECIATION

Chairman Pyles recognized the following individuals and expressed his appreciation in their outstanding work to enable the County to be a better place to live:

Becky Throckmorton	Recycling	14 years
Bobbie Jean Sprouse	VCSB	6 years
Nuccia Hardrich	BRCJB	7.5 years
Joe Zapotoczny	Library	11 years
Kay Frye	CSPDC	14 years
Catherine Sellers	Library	1.5 years
Robert Evers	ACSA	7 years
Mona Lee Welliver	Recycling	19.5 years

Vice-Chairman Moore presented certificates to those individuals who were present.

Mr. Evers said that he has enjoyed working with the Service Authority. "It is probably one of the most professional organizations I have worked with." Chairman Pyles said that Mr. Evers was a great Board member and thanked him for his service.

* * * * *

RECOGNITION OF EMPLOYEES' PERFECT ATTENDANCE 2011

Chairman Pyles announced that the following employees achieved perfect attendance for 2011. There are approximately 385 employees currently participating in the County's annual and sick leave program. There were a total of 46 employees who did not miss a day in 2011. For 2010, the total was 49; 2009 -- 54; 2008 -- 45; and 2007 -- 57. Chairman Pyles commended these employees for their outstanding service:

March 28, 2012, at 7:00 p.m.

RECOGNITION OF EMPLOYEES' PERFECT ATTENDANCE 2011 (cont'd)

Elizabeth M. Hearn (17)	John W. Cook (5)	Rita R. Austin (6)
Derek T. Almarode (2)	Timothy K. Fitzgerald	Ronald H. Sites
Linda T. Beathe (3)	Troy A. Campbell	Rebecca S. Coyner
Shannon L. Ingle (4)	Scott T. Craig	Joshua K. Bailey
Brian J. Jenkins	Charles L. Earley	Michael "Greg" Schacht (3)
Jesse F. Bryant (2)	Joel L. Good (2)	Amanda G. Irvine (2)
David S. Lotts	Bruce A. Hull	Aaron M. Leveck (2)
Donald L. Smith	Wayne L. Surface, Jr.	Justin E. Jarvis
Adam D. Morris	Rodney K. Rich, II	Nelson A. Ailer
Paul S. McCormick (2)	Clarence W. Stephenson	Miles C. Bobbitt
Kenneth W. Brown (2)	Bradley A. Young (4)	Preston Brenneman
Bruce A. Doyle	Paul "Nathan" Ramsey (9)	Jacqueline R. Nash (2)
Elmer L. Gill, Jr.	Kenneth L. Jacobsen, Jr. (13)	Dorothy T. Hamilton (2)
Phil Sibold, Jr. (5)	Dennis Wayne Hupman (2)	Michael T. Swortzel (2)
Robert I. Misker (2)	Anthony W. Puckett (2)	Glenda Marshall
Kathy Woofter (2)		

Chairman Pyles noted recognition of Elizabeth "Bunny" Hearn, of Fire and Rescue, of having 17 years of not missing a day of work; Ken Jacobson, of Parks and Recreation, 13 years without missing a day; Nathan Ramsey, of Fire and Rescue, 9 years without missing a day; and Rita Austin, 6 years without missing a day.

* * * * *

CRESCENT DEVELOPMENT-GOOSE CREEK, LLC - PUO

This being the day and time advertised to consider a request to add the Public Use Overlay zoning designation with proffers to 30.7 acres owned by Crescent Development-Goose Creek, LLC and located in the northwest quadrant of the intersection of Goose Creek Road (Route 636) and Village Creek Drive (Route 1382) in Fishersville (Wayne District). The Planning Commission recommends approval with proffer.

Becky Earhart, Senior Planner, displayed property outlined in pink. Applicant has submitted one proffer:

1. Additional permitted uses will be limited to:
 - a. Schools

The property will remain zoned Attached Residential. A Conceptual Plan was also displayed. This property is in an Urban Service Area; public water and public sewer are available.

Scott Williams, Applicant, explained that the request is to accommodate the new campus for Mary Baldwin's College of Health Sciences. The College will offer graduate degrees in the field of Health Sciences with the first three planned programs being Occupational Therapy, Physical Therapy and Physicians' Assistant. This campus will bring new growth to the Fishersville area and will provide advanced educational opportunities for area students and out-of-town and out-of-state students. The new campus will occupy approximately 30 acres that will be built out over a period of 20 or 30 years and will be highly visible to the area and will enhance the reputation as a destination for health care. The balance of the property will have residential uses designed to support the students, faculty, and staff of the college, as well as meeting the needs of the nearby Augusta Health Center. It will have approximately 100 acres of open space with walking, running and biking trails. The new campus will be served by a new entrance road onto Goose Creek Road that will be the primary access to both the campus and the future residential property. There will be a connection to the existing Lone Beech Drive fully connecting and integrating the existing development with the new developments. All road and utility improvements for this site and new campus will be paid for by Crescent Development-Goose Creek, LLC. Mr. Williams noted that the

March 28, 2012 at 7:00 p.m.

CRESCENT DEVELOPMENT-GOOSE CREEK, LLC – PUO (cont'd)

County's Economic Strategic Growth Plan identified Health Care as a second leading growth prospect for Augusta County. This new campus will facilitate growth for health care jobs in the County and reinforce Augusta County's reputation as "being a leader in high quality health care facilities". He also noted that the new campus would complement Augusta Health Center (creating a world-class hospital and a health care center). He felt that "this plan fit nicely with the planned growth patterns desired by the County and goes a long way towards reinforcing some of the recommendations of the Economic Development Strategic Plan. It will create opportunity for County residents, County businesses, and it will enhance the prospects of future growth in the Fishersville area." In planning the remaining portion of the property, they plan to use much of the open space to enhance the water quality of the area and of Goose Creek. Mr. Williams thanked staff and the Board and especially thanked Dennis Burnett, Economic Development Director, for his "enormous contribution".

The Chairman declared the public hearing open.

Harry Lumadue, 33 Goose Meadow Court, Fishersville, supported the request and felt it to be a pleasant addition.

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

Mr. Moore moved, seconded by Mr. Karaffa, that the Board approve the following ordinance, with proffer:

A request to add the Public Use Overlay zoning designation with proffers to 30.7 acres owned by Crescent Development-Goose Creek, LLC and located in the northwest quadrant of the intersection of Goose Creek Road (Route 636) and Village Creek Drive (Route 1382) in Fishersville in the Wayne District.

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

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

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

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

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

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

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

Parcel number 71K (portion) on tax map number 66, and parcel numbers 17A & 17B on tax map number 66F(9) containing a total of approximately 30.7 acres is changed to add the Public Use Overlay Designation with the following proffer:

March 28, 2012, at 7:00 p.m.

CRESCENT DEVELOPMENT-GOOSE CREEK, LLC – PUO (cont'd)

- 1. Additional permitted uses will be limited to:
 - b. Schools

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

MOUNTAIN VISTA CONDOMINIUMS, LLC – AMEND AND RESTATE PROFFERS

This being the day and time advertised to consider a request to amend and restate proffers on approximately 8 acres owned by Mountain Vista Condominiums, LLC and located on the east side of Barrenridge Road (Route 642) approximately 0.1 of a mile north of the intersection of Barrenridge Road (Route 642) and Jefferson Highway (Route 250) in Fishersville (Wayne District). The Planning Commission recommends approval of amended and restate proffers.

Ms. Earhart displayed property outlined in pink; yellow indicates property that is already zoned Multi-Family. This request reflects changes of some restrictions which were voluntarily placed on the property and accepted as part of the original rezoning. A request of two proffers to be changed are as follows:

- 1. No more than 70 multi-family dwellings will be constructed on the property. (Currently, they are allowed to have 80 units.)
- 2. There shall be no more than 20 three-bedroom units constructed on the property and no unit shall have more than three bedrooms.

Ms. Earhart noted that this is in an Urban Service Area; public water and public sewer are available.

Andy Piplico, Applicant, reiterated that the request is to allow 20 units to be three-bedroom units. He is reducing the density from 80 units to 70 so that the total number of bedrooms would not change from the original approval. No other changes will be made.

The Chairman declared the public hearing open.

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

Mr. Moore moved, seconded by Mr. Beyeler, that the Board approve the following ordinance, with proffers:

A request to amend and restate proffers on approximately 8 acres owned by Mountain Vista Condominiums, LLC and located on the east side of Barrenridge Road (Route 642) approximately 0.1 of a mile north of the intersection of Barrenridge Road (Route 642) and Jefferson Highway (Route 250) in Fishersville in the Wayne District.

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

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

March 28, 2012 at 7:00 p.m.

MOUNTAIN VISTA CONDOMINIUMS, LLC – AMEND AND RESTATE PROFFERS
(cont'd)

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

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

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

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

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

The proffers on Parcel number A on tax map number 67A3(2) containing a total of approximately 8 acres are amended and restated with the following proffers now in effect:

1. All new streets will be constructed with concrete curb and guttering.
2. No more than 70 multi-family dwellings will be constructed on the property.
3. There shall be no more than 20 three bedroom units constructed on the property and no unit shall have more than three bedrooms.
4. A double row of four foot (4') tall arborvitae, planted 8' on center, will be planted along the Route 642 frontage of the multi-family portion of the property and will permanently maintained by the owner of the multi-family land.
5. No vinyl siding will be used on the buildings in the multi-family portion of the property.
6. No direct access from Route 642 to the multi-family development will be constructed.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC – NONE

* * * * *

WAIVERS/VARIANCES - NONE

* * * * *

REASSESSMENT COMMITTEE

The Board considered Committee recommendations regarding reassessment of real property:

- A) Effective date of reassessment – January 1, 2014
- B) Authorization that Reassessment Committee serve as lead (vs. Board of Assessors) with regularly scheduled briefings to Board of Supervisors.

March 28, 2012 at 7:00 p.m.

* * *

REASSESSMENT COMMITTEE (cont'd)

Mr. Karaffa moved, seconded by Mr. Wills, that the Board Reassessment Committee serve in place of a Board of Assessors with regularly scheduled briefings to the Board of Supervisors.

Mr. Moore asked for quarterly updates to be provided to the Board. Mr. Karaffa advised that one of the Committee's suggestions will be time spent with each supervisor in their district during the reassessment process.

Chairman Pyles asked if this Committee took the place of Board of Assessors. Mr. Wills said that this allowed the Committee to be the lead agency to work with the contractor. It had nothing to do with appeals.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * *

Mr. Karaffa moved, seconded by Mr. Wills, that the Board award Wingate Appraisal Services with the following contract modifications:

- 1) Retainage vs. bond
- 2) Online citizen response option
- 3) Revised parcel cost/contract price not to exceed \$602,260.75

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

WILSON ELEMENTARY SCHOOL BONDS

The Board considered resolution authorizing a General Obligation School Bond issuance in an amount not to exceed \$7,965,000 to be sold by Virginia Public School Authority.

Ms. Whetzel advised that this had been discussed at Monday's Staff Briefing. She reiterated that a resolution authorizing a General Obligation School Bond issuance in an amount not to exceed \$7,965,000 to be sold by Virginia Public School Authority (VPSA) had been included in the Board's agenda package. The Board of Supervisors held a public hearing meeting on April 27, 2011 for a maximum issuance of \$16 million for the Wilson Elementary School project. Documents are due to VPSA by April 6th; bonds will be sold on April 26th and will be closed on May 10, 2012. The School Board approved their resolution on March 1st and submitted an application to VPSA. An estimated amortization schedule has been received and the interest rate will be between 2% and 3%, which is below what has been calculated for the FY12-13 budget.

Mr. Moore moved, seconded by Mr. Beyeler, that the Board adopt the following resolution:

March 28, 2012, at 7:00 p.m.

WILSON ELEMENTARY SCHOOL BONDS (cont'd)

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$7,965,000 GENERAL OBLIGATION SCHOOL BONDS
OF THE COUNTY OF AUGUSTA, VIRGINIA, SERIES 2012A,
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 \$7,965,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes including without limitation the renovation of Wilson Elementary School, which consists of, among other things, the construction of new instructional and support services space and mechanical and electrical improvements to the school; and

WHEREAS, the County held a public hearing, duly noticed, on April 27, 2011, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$7,565,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

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

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds 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 Bonds 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:

1. **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$7,965,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes, namely the renovation of Wilson Elementary School, which consists of, among other things, the construction of new instructional and support services space and mechanical and electrical improvements to the school. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price, determined by VPSA to be fair and accepted by the Chairman of the Board, the County Administrator and the Director of Finance, any of whom may act, that results in an amount of bond proceeds that is substantially equal to the Proceeds Requested. The Chairman of the Board, the County Administrator and the Director of Finance, any of whom may act, and such other officer or officers of the County as any of them may designate, are each hereby authorized and directed to enter into a Bond Sale Agreement, dated as of April 6, 2012, with VPSA providing for the sale of the Bonds to VPSA. The agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Bonds.** The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2012A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning January 15, 2013 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The Chairman of the Board, the County Administrator and the Director of Finance, any of whom may act, are each hereby authorized and directed to accept the interest rates

March 28, 2012 at 7:00 p.m.

WILSON ELEMENTARY SCHOOL BONDS (cont'd)

on the Bonds 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 bonds to be issued by VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed six percent (6.00%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. The Chairman of the Board, the County Administrator and the Director of Finance, any of whom may act, are each hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by VPSA and Interest Payment Dates and the Principal Installments requested by VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds 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.

(b) 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 Bonds.

(c) U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by VPSA coming due on or before July 15, 2022, and the definitive Bonds for which the Bonds held by VPSA may be exchanged that mature on or before July 15, 2022, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by VPSA coming due after July 15, 2022, and the definitive bonds for which the Bonds held by VPSA may be exchanged that mature after July 15, 2022, 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, 2022, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds 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, 2022 through July 14, 2023	101%
July 15, 2023 through July 14, 2024	100½
July 15, 2024 and thereafter	100

Provided, however, that the Bonds 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 the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the 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.

8. **Execution of the Bonds.** 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 Bonds and to affix the seal of the County thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of, premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds 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 Bonds 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.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator, the Director of Finance and such other officer or officers of the County as any of them may

March 28, 2012, at 7:00 p.m.

WILSON ELEMENTARY SCHOOL BONDS (cont'd)

designate, any of whom may act, are each hereby authorized and directed to execute a Non-Arbitrage Certificate and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds 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 Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Non-Arbitrage Certificate and such Use of Proceeds Certificate 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 Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Administrator, the County Treasurer and the Director of Finance to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator, the Director of Finance and such officer or officers of the County as any of them may designate, any of whom may act, are each hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository.

12. **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator, the Director of Finance and such other officer or officers of the County as any of them may designate, any of whom may act, are each hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F 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 the VPSA to be a MOP (as defined in the Bond Sale Agreement).

13. **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.

14. **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 Bonds and any such action previously taken is hereby ratified and confirmed.

15. **References to Chairman.** All references to the Chairman of the Board herein shall be deemed to include the Vice Chairman.

16. **Effective Date.** This Resolution shall take effect immediately.

Mr. Pattie made the following comment:

I think that at one point, Mr. Wills, when you were on the Board of Supervisors, we needed to make some significant improvements to our school systems. We have an agreement with them of \$7 million debt limit per year. Right now, we have an over-capacity of classroom space. I think at a certain point, we need to reconsider that \$7 million per year because as long as they have it, I think they're going to keep spending it. I think, at a certain point, we need to start reeling that back in. Again, we have more classroom space than we have students.

Vote was as follows: Yeas: Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Abstain: Pattie

Motion carried.

* * * * *

CRAIGSVILLE SEWER WORK

The Board considered reimbursement to ACSA for work performed for Town of Craigsville (Pastures District).

Chairman Pyles said that in the budget there has been a line for a service authority for several years as much as \$200,000. He noted that a large part of the money has gone to the Riverheads District. He noted that the Town of Craigsville has a Service

March 28, 2012 at 7:00 p.m.

CRAIGSVILLE SEWER WORK (cont'd)

Authority. Water and sewer is provided to the Craigsville prison. He noted that the State is going to take over the sewer system and leaving Craigsville the water. He stated that there are no regulations as to how the fund is used, but to help “get things done in our district”. The Town of Craigsville had asked Chairman Pyles for assistance from the Service Authority because Craigsville did not have the equipment. He felt that the request was in line of infrastructure work, which would be matched 50-50.

Funding Sources:

ACSA CIP Account #80000-8149	\$ 884.00
Pastures Infrastructure Account #80000-8014-80	<u>884.00</u>
	\$1,768.00

Mr. Pattie moved, seconded by Mr. Karaffa, that the Board approve the request.

Mr. Beyeler said that this particular fund was created for construction, not maintenance. He felt that this request was for maintenance. The Service Authority used cameras to determine leaks.

Chairman Pyles said that the account has been used for fire flow and painting fire hydrants—not construction. He stated that there has been no written rule as to how the account can be used. He noted that the Town residents have water and sewer needs the same as everybody else, except these duties are carried out by the Town versus the Augusta County Service Authority.

Mr. Wills suggested that approval be made prior to the work. “In the future, I would hope that any funds to be used from any of our CIP accounts, be brought to this Board prior to rather than after the fact.”

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore and Pyles

Nays: Beyeler

Motion carried.

* * * * *

PROPERTY COMMITTEE – COURTHOUSE PROJECT

The Board considered Courthouse Assessment and Feasibility Study scope of work and award of contract.

Funding Source: CIP Courthouse Account #80000-8148 \$85,925

John C. McGehee, Assistant County Administrator, advised that this had been discussed at the Staff Briefing on Monday, with the outline of deliverables from Frazier Associates who will perform the project. The Property Committee is in agreement with the proposal.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board approve the request.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

WAIVERS/VARIANCES – NONE

March 28, 2012, at 7:00 p.m.

* * * * *

CONSENT AGENDA

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

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, March 14, 2012

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

(END OF CONSENT AGENDA)

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Shull: Attended Food Lion Open House Ceremony in Stuarts Draft today – “Good ceremony!”

Mr. Pattie: Mt. Solon Fire – 3 paid positions included in the proposed budget today – “Been greatly needed for quite some time. Thank you!”

Mr. Karaffa:

1. Ordinance Committee – Review ordinance change to allow an increase of signage on agriculture zoned property in terms of a waiver. Will be providing information to the Committee next week.
2. CAP-SAW –Annual allocations have been approved.
3. Property Committee’s Tour of County’s holdings – Will be providing recommendations in the near future.

ECONOMIC DEVELOPMENT AUTHORITY – APPOINTMENT

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board appoint Robert J. Kirchman, to serve a 4-year term on the Economic Development Authority, effective March 26, 2012, to expire March 25, 2016.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * *

Mr. Moore: Request from Mr. Evers - Zion Church Road (Route 798) to be added to the Rural Rustic Roads program. Mr. Coffield said that the request would need to be submitted to VDOT to determine eligibility for RRR criteria.

* * * * *

Mr. Wills: VIRGINIA 4-H ALL-STAR LIVESTOCK JUDGING TEAM

Mr. Wills moved, seconded by Mr. Pattie, that the Board approve funding from the Agriculture Industry account in the amount of \$1,000 for Coffman Liggett to represent Augusta County as our local participant on the international trip.

March 28, 2012 at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
VIRGINIA 4-H ALL-STAR LIVESTOCK JUDGING TEAM (cont'd)

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Timber Bids – First time unsuccessful; re-advertised RFP and mailed to 16 vendors.
2. Shrubbery Trimming – Spring trimming will be underway.
3. Greenway – Mr. Fitzgerald said there is a good opportunity with the Mary Baldwin campus to focus on development of a greenway. As a planning staff, we would like to get started on a Greenway Plan for Augusta County. This plan would be incorporated in the updated Comp Plan and Parks and Recreation Plan. It would require a couple of public meetings. Mr. Moore noted that Parks and Recreation counterpart is supportive and noted the bridge over 91 to become a pedestrian area. The Service Authority has right-of-way along I-64 that would stretch behind the development at Augusta Health and would tie into the Mary Baldwin property. There has also been some discussion that whenever Route 636 is redirected, the old bridge could be used as a pedestrian bike/trail walkway to Route 250.
4. Mr. Fitzgerald also announced that Augusta County, City of Waynesboro and City of Staunton, with the 2010 U.S. Census, has been designated as an MPO (Metropolitan Planning Organization). Noted that this will specifically require us to coordinate our regional transportation needs. It will also take staff time to coordinate and set up the organization. Planning for the group will begin around May 2012 and will be required to be completed by May 2013.

* * * * *

ADJOURNMENT

There being no other business to come before the Board, Mr. Moore moved, seconded by Mr. Karaffa, the Board adjourned subject to call of the Chairman.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

* * * * *

Chairman

County Administrator