Regular Meeting, Wednesday, September 10, 2014, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Larry J. Wills, Chairman
Michael L. Shull, Vice-Chairman
Carolyn S. Bragg
David A. Karaffa
Jeffrey A. Moore
Marshall W. Pattie
Tracy C. Pyles, Jr.
Timmy Fitzgerald, Director of Community Development
Patrick J. Morgan, County Attorney
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, September 10, 2014, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 239th year of the Commonwealth....

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Chairman Wills welcomed the citizens present.

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Scott Kiser, a senior at Buffalo Gap High School, led us with the Pledge of Allegiance.

Scott is Vice-President in his Senior Class; plays football, basketball and plans on attending Virginia Tech.

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David A. Karaffa, Supervisor for the Beverley Manor District, delivered invocation.

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Chairman Wills welcomed three visitors from Riverheads High School who are from the Government Class.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Kenny Harner and Ricky Campbell, contractor, requested a waiver on the Greenville Sewer fee of $5,900. Mr. Harner had been before the Board in June and had informed the Board that he was in the process of building a home in Greenville and had not received a letter offering the reduced $1,000 connection fee. At the June meeting, the Board had approved the waiver of the privilege fee. Mr. Campbell pointed out that the project is not finished and that there is time to still allow connections at the $1,000 rate.

Timmy Fitzgerald, Director of Community Development, agreed that the project is not finished because hook-ups to the houses are still occurring until December. The main sewer line project is complete. He reiterated that Mr. Harner had been before the Board and had expressed his concern. Letters had been mailed in August, 2011; October, 2011; and January, 2012 giving the opportunity of hook-ups for $1,000 with the Greenville Project. He clarified that no drain fields were taken away in Greenville. If they had a permit and the drain field was in place; it was their decision to hook up. It was not forced upon anybody. Mr. Fitzgerald mentioned there were contingencies in place. In the contract, this project was for the main lines only. The hook-ups to houses was a separate issue. There also were change orders. Associated with the main line contract, the Health Department permit for the drain field in Mr. Harner's case expired on May 18, 2011. The Urban Service Area in Greenville was implemented in November 2011, which was part of the process of putting the Greenville Sewer in place. The prior Board passed a motion that March 1, 2012 would be the end date of the reduced connection fee. Anyone who hooked up to the sewer after that date would be responsible for a full connection fee in

MATTERS TO BE PRESENTED BY THE PUBLIC (cont'd)
the amount of whatever the Service Authority rate was at that time. He reiterated that the $1,000 hook-up fee ended March 1, 2012. He noted that Mr. Harner is the first person to make this type of request. At the meeting with staff, Mr. Harner was told that he would be responsible for the full hook-up fee and the privilege fee. When Mr. Harner came before the Board, it was decided that the Board would grant a waiver to the privilege fee because of the fact that the County did pay for more capacity in Greenville than what is currently being used. If the Board considers giving Mr. Harner a $1,000 connection fee, Mr. Fitzgerald noted that the Service Authority will still need to be paid the full connection fee in an amount of $4,900 to meet its bonding covenants.

Mr. Shull emphasized that the privilege fee was waived. "In light of some of the other issues in Greenville, we feel like that if we make a precedence of giving money here, then we would have to give it somewhere else. Unfortunately, I don't think that this Board can start a precedence of that."

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POLICE JURISDICTIONAL AUTHORITY AGREEMENT
The Board considered Police Jurisdictional Authority Agreement between the Augusta County Sheriff's Office and Shenandoah Valley Regional Airport Commission.

Patrick J. Morgan, County Attorney, reported that the Commonwealth of Virginia is encouraging mutual aid and coordination of all public Law Enforcement agencies and the Sheriff's Department workers with the Airport's Police Force.

Greg Campbell, Director of the Shenandoah Valley Regional Airport Commission, agreed with Mr. Morgan. "When you say 'Mutual Aid,' that's exactly what it is. We, as an Airport, have to have Law Enforcement Officers on duty 24/7. In times when the Sheriff's Department needs assistance in the northern end of the County, we're glad to provide that support." He added that the agreement "cements the areas in the jurisdiction for the Airport and makes sure that everyone understands what the limits of the jurisdiction that is granted by the Sheriff to the Airport Authority".

Mr. Moore moved, seconded by Mr. Karaffa, that the Board approve the agreement.

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

Nays: None

Motion carried.

Mr. Karaffa stated that the "Airport is looking great".

Mr. Campbell added that he appreciated the continued support of the Board, along with Mr. Morgan, Sheriff Fisher and Captain Hanger's assistance. "It's a great agreement to have in place."

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LOCAL EMERGENCY TERMINATION
The Board considered resolution to terminate declaration of Local Emergency due to an Air National Guard jet crash event.

Donna Good, Emergency Communications Center Director, announced that two weeks ago, when the aircraft crash occurred in Deerfield, a lot of resources were needed that

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LOCAL EMERGENCY TERMINATION (cont'd)

went beyond Augusta County and a Local Emergency had been declared. She noted that the two-week period was up and the Local Emergency needed to be terminated.

Mr. Karaffa moved, seconded by Mr. Shull, that the Board adopt the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, due to the National Guard jet crash the County was involved in extensive search and recovery efforts to warrant coordinated local government action to assist Federal and State efforts;

WHEREAS, the conditions necessitated the declaration of the existence of a local emergency;

WHEREAS, circumstances did not permit the governing body to convene to consent to the declaration of the existence of such a local emergency;

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Title 44, Chapter 3.2 of the Virginia Code) authorizes the Emergency Services Director to declare the existence of a local emergency when the governing body cannot convene, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration;

WHEREAS, on August 27, 2014, by Declaration of Local Emergency ("Declaration"), Larry J. Wills, Chairman of the Board of Supervisors and Emergency Services Director, declared the existence of such a local emergency, subject to confirmation by the Board of Supervisors of Augusta County, Virginia;

WHEREAS, by resolution adopted on August 27, 2014, the Board of Supervisors confirmed the Declaration;

WHEREAS, all coordinated local government action has been taken and it is no longer necessary for the Declaration to remain in effect; and

WHEREAS, the Board of Supervisors desires to terminate the Declaration, and to approve, ratify and confirm all actions taken by the Emergency Services Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that all actions taken by the Emergency Services Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta be, and hereby are, approved, ratified and confirmed.

IT IS FURTHER RESOLVED that the Declaration be, and hereby is, terminated, effective September 10, 2014.

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

Nays: None

Motion carried.

Patrick J. Coffield, County Administrator, added that a resource list had been provided to the Board. "As we look at this tragic incident, we can feel comfortable that our Sheriff's Department, our ECC, our Fire and Rescue, with our sister, Federal, and State agencies,

LOCAL EMERGENCY TERMINATION (cont'd)
all worked in total coordination. To say that is the Augusta County way; that's the Virginia way; but it doesn't come accidentally. I think there have been other incidents in other states where the flaws in the system were apparent, but it has become a custom in Virginia to take this for granted." He noted that these were local costs involved.

Ms. Good added that letters of appreciation will be mailed to those who helped during this time of emergency. "It was a community effort for the whole project."

Chairman Wills extended the Board's appreciation to Ms. Good and her staff in the way they responded to this incident.

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SAW CONSORTIUM TRUST RESOLUTION
The Board considered resolution authorizing appointment of trustee to SAW Consortium Trust.

Faith Souder, Human Resources Director, reported that, as of January 1, 2015, the SAW Consortium will move the Health Insurance Plan for Augusta County employees from a fully-insured plan to an insured self-funded arrangement. A self-funded trust fund will be established to manage operations of the Plan and the trust will be managed by a board with each entity having an appointed representative to serve on that board. Ms. Souder recommended that the Board appoint Jennifer Whetzel, Finance Director, to serve as the Augusta County representative.

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

COUNTY OF AUGUSTA

RESOLUTION

RESOLUTION AUTHORIZING APPOINTMENT OF TRUSTEE TO SAW CONSORTIUM TRUST

WHEREAS, the County of Augusta, Augusta County Schools, City of Staunton, City of Staunton Schools, City of Waynesboro, Waynesboro Public Schools, and Augusta County Service Authority are local governments and political subdivisions of the Commonwealth of Virginia (individually "Covered Employer" and collectively "Covered Employers");

WHEREAS, the Covered Employers are each authorized by law to provide health insurance to their officers and employees;

WHEREAS, the Attorney General of Virginia has advised in an official advisory opinion that the Covered Employers are authorized by law to enter an agreement to exercise this power jointly via the creation of a self-funded trust fund ("Trust") to provide health insurance to their officers and employees, provided that the agreement complies with the terms of Virginia law, including Virginia Code §15.2-1300 *et seq.*;

WHEREAS, the Covered Employers are members of a regional consortium known as the SAW Consortium ("Consortium"), and will adopt a plan known as the SAW Consortium Health Plan ("Plan");

WHEREAS, the Trust will be managed by a Board of Trustees ("Board") with each Covered Employer to appoint a representative to serve as trustee to the Board;

WHEREAS, County of Augusta desires to appoint Jennifer M. Whetzel to the Board to serve as trustee with respect to the trust; and

SAW CONSORTIUM TRUST RESOLUTION (cont'd)

NOW, THEREFORE, it is hereby:

RESOLVED, that County of Augusta does hereby duly appoint Jennifer M. Whetzel to the Board to serve as trustee with respect to the Trust;

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

Nays: None

Motion carried.

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RIVERHEADS ELEMENTARY SCHOOL

The Board received a presentation regarding Riverheads Elementary School.

Dr. Eric W. Bond, Superintendent of Augusta County Schools, gave the following presentation:

Riverheads Elementary School

The Augusta County School Board approved a resolution on August 7, 2014, requesting that the Board of Supervisors of the County of Augusta issue general obligation school bonds by participating in Virginia Public School Authority's fall 2014 general obligation bond sale to finance the construction and equipping of a new Riverheads Elementary School at an anticipated cost of approximately $18.6 million.

The VPSA bond sale application has been completed and was submitted and received by the Treasurer of Virginia's office on September 9, 2014.

Tonight, on behalf of the Augusta County School Board, we are respectfully requesting that the Augusta County Board of Supervisors take the appropriate steps required to finance the construction of the new Riverheads Elementary School.

Our School Board has made Riverheads Elementary School their top priority for their Capital Improvement Plan.

Current Facility at Riverheads Elementary School:

- Main portion of the school is 44 years old
- Utilizes 3 modular classrooms
- "Pod-Type" design (security, weather)
- Deteriorating infrastructure
    - Electrical system cannot support technology needs/online testing
    - Plumbing system is failing and requires significant upgrades
        - Sewer line is 44 years old—at/near the end of its life expectancy. Currently, experiencing frequent rusting out of drain traps under floor drains—thus allowing sewer gas odor into building
        - Pod-Type design does not lend itself to infrastructure upgrades due to the limited interior space
        - Underground utilities are covered by buildings and/or sidewalks
- Instruction is impeded due to limited Internet accessibility
- Indoor air quality concerns
- Fire alarm is antiquated/outdated—system does not have any smoke detectors and is not an addressable system.
- Limited ADA accessibility

New Facility/Project Attributes:

- 750-student capacity (to accommodate growth and allow mothballing of Beverley Manor Elementary-operational and capital cost savings)
- Enhances interior student and staff movement patterns

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RIVERHEADS ELEMENTARY SCHOOL (cont'd)

- Provides 21st century learning opportunities (incorporating the latest technology/digital transformation for all Riverheads Elementary School students and Beverley Manor Elementary School students)
- Separates bus and parent traffic
- Utilizes the attributes of the site
  - Minimizes land disturbance (cut/fill)
- Accommodates road connection per County: Walnut Ridge to Hanger Drive
- Scheduled Completion by fall of 2016
- No increase in annual appropriation of debt service funding
- Requires no major boundary line adjustments for the Riverheads District
- The Beverley Manor District's elementary students will become vertically aligned to correspond with their respective high school and therefore will not require a major boundary line study.
- School size:
  - Approximately 89,000 SF (originally 91,050 SF)
    - Square footage per student: 109
    - 2013-2014 Virginia average square footage/student = 129
    - 2012-2013 Virginia average square footage/student = 124
  - Two-story, combination masonry load-bearing and steel frame construction
  - Similar in design, program & organization/layout to Wilson Elementary School and Churchville Elementary School as far as a two-story structure

An aerial view; conceptual; and layout for main and lower levels were displayed.

Mr. Shull moved, seconded by Mr. Moore, that the Board authorize advertisement for an October 8th public hearing and bond sale.

Mr. Coffield noted that advertisement will occur on September 24th and October 1st to meet State statute.

Chairman Wills emphasized that tonight's motion does not approve the bond sale; it only puts in motion the opportunity for public input prior to a decision being made.

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

Nays: None

Motion carried.

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ERRONEOUS ASSESSMENT

The Board considered refund as certified by the Commissioner of Revenue and approved by County Attorney for the following:

1.	Triple S Pallets, LLC :	$4,724.42
2.	Weyers Cave Landing, L.P.	$3,252.20
3.	McQuay, Inc.	$9,000.00
4.	Burris Foods, Inc.	$6,418.16

Mr. Morgan advised that in accordance with § 58.1-3981 of the Code of Virginia, the Commissioner of Revenue delivered memorandums reporting that she had confirmed Triple S Pallets, LLC, Weyers Cave Landing, L.P., McQuay, Inc., and Burris Foods, Inc. qualified for the above-mentioned refunds. Because these were adjustments made late by the Board of Equalization, they had already paid the first half of the 2014 property tax and had paid in excess of what was required. The refunds are in excess of $2,500; therefore the Treasurer cannot refund the money unless it is authorized by the Board of Supervisors. It is understood that the Treasurer will handle this as a credit for the second half of the 2014 property tax.

ERRONEOUS ASSESSMENT (cont'd)

Ms. Bragg moved, seconded by Mr. Moore, that the Board approve the refund.

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

Nays: None

Motion carried.

Chairman Wills asked if Mr. Coffield could get a report on the final actions of the Board of Equalization.

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FIRE AND RESCUE GRANT

The Board considered a Rescue Squad Assistance Fund (RSAF) grant.

Fire Chief Carson Holloway advised that the Rescue Squad Assistance Fund grant application for FY2015 is due September 15, 2014 and will be reviewed by January 1, 2015. He would like to apply for a grant to replace a (1992) Chevy 4x4 ambulance. It is currently one, of five four-wheel drive ambulances, currently at Craigsville Rescue. This would allow the County to have a more reliable frontline unit available. Currently, Preston L. Yancey's frontline unit is two-wheel drive.

Mr. Karaffa asked for clarification as to it being a replacement or deletion. Fire Chief Holloway said it would replace the 1992 Chevy that is in Craigsville, which had been acquired through the transition of bringing Craigsville under ACFR, Inc. A current two-wheel drive would be put in "reserved status".

Mr. Shull moved, seconded by Mr. Moore, that the Board submit a grant request in an amount not to exceed $89,913.50 (Account #80000-8057) (50/50 grant).

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

Nays: None

Motion carried.

Mr. Coffield explained the allocation of this funding was from the CIP depreciation account for Fire and Rescue equipment. He further explained that if the County can get 50% funding, it will save the depreciation account 100% for replacement if successful. "There's a good and there is a bad. It's good if it leverages someone else's money to match our money which, therefore, would make our money go farther. On the downside, that depreciation account is further deplenished. We're hopeful, in future years, with growth, we can increase funding to our depreciation."

Chairman Wills mentioned to the Board that the Fire Chief had several issues that needed to be discussed at either a separate meeting or at the next Staff Briefing (September 22nd) and asked the Board what their wishes were. It was the consensus of the Board that Fire Chief Holloway prepare for the Staff Briefing on September 22nd, at 3:00 p.m., which would require approximately one and one-half hours.

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DOMINION PIPELINE

The Board considered resolution concerning proposed pipeline.

Mr. Coffield noted at the previous Board meeting (August 25th), Ms. Bragg submitted a proposal for the Board's consideration. At that meeting, the Board discussed her request and Chairman Wills requested that all comments be submitted to the County Attorney by Monday, September 8th. He was then to prepare a draft resolution for Board's consideration at their next meeting. Two documents were e-mailed to the Board today; one was closely covering Supervisor Bragg's points and the other a bit broader to incorporate other Board comments.

Ms. Bragg reminded the Board that Dominion Virginia Power had decided to put a pipeline from Northern Virginia down into North Carolina; there is a spur going off of it to the Tidewater area. This pipeline is going through from one end to the other of Augusta County. The concerns were that, at no time, Dominion came to the Board to discuss this issue. "They did not consider citizens. They did not consider our scenic beauty. They did not consider our resources. They did not consider our economic development plan. They did not consider our schools. The list goes on and on." With concern, she had brought forth her comments to present to Dominion as well as to the State and Federal agencies "who are making this decision" on our behalf. She made the point to those who were unaware that "the County has no voice in this decision that is going to affect every single person that lives in Augusta County. It's beyond us. It's State and it's Federal. Our attempt is to keep us at the table and let our voice be heard for the citizens of the County."

Mr. Pyles felt that the resolution is proper but "lacks teeth in determining what we're asking of Dominion, how we would come to a process in what we need to do or share with them. While we lack authority as Ms. Bragg said, we aren't losing our responsibilities to manage this pipeline and its effects". He suggested that Dominion needed to go through a rezoning process where it gets to be vetted by the School System, the Service Authority, Fire and Rescue, the Health Department and the Forest Services. Dominion would need to give exact details of the location. At the point after staff has done its work, and is able to make its recommendation, letters would be mailed out to all people who are in the rezoning area and those who are adjacent to the rezoning area. Mr. Pyles suggested the following additions to the resolution: "That we would want Dominion to work with us as to providing the information we require to do an appropriate meaningful rezoning; that we take that information and address all the people. We further request that FERC (Federal Energy Regulatory Commission) send attendees to each of our public hearings: Planning Commission and Board of Supervisors." "If they can make it to all the Open House meetings, they should be able to make it to our two public hearings. Then you have the input of staff, seven appointed Planning Commissioners, seven elected Board members, and the voice of the public that would be shared with FERC." Mr. Pyles further stated, "We are 20% of the pipeline in Virginia; we're 45% of the affected population. It's a big deal to us. I don't think they should ignore us and not allow us to do this. We have a voice. We don't have authority. We can't change things. This is one way we can amplify the voice of the community and our experts and make our opinions know. That's our responsibility."

Mr. Karaffa agreed with Mr. Pyles. "I think putting this through our process that we put other development inside Augusta County is appropriate. It will develop facts from the professionals that we depend on when it comes to the development of our County and meaningful impact based on facts by the professionals that we trust to articulate the Board's position." As Chairman of the Service Authority, Mr. Karaffa expressed concerns with the sinkholes located under the proposed line, the location of water facilities, especially, in the Lyndhurst area, and how close it is near the Stuarts Draft School Complex.

DOMINION PIPELINE (cont'd)
Chairman Wills asked Mr. Morgan if the process could be done even though it is not a "legitimate rezoning". Mr. Morgan stated, "The Federal people do seem to, at least, suggest that they go through 'lip service' of considering our zoning. There is case law that suggests that if Federal government decides otherwise, it is going to go where it is going to go. They seem to want the companies to consider the zoning ordinances. Therefore, I think it would be appropriate. There is a case in the Federal District Court of West Virginia where that actually happened. They went through the zoning process. It did not go well for them and they did a declaratory judgment. The Court, there, said that Federal law preempts. They, at least, went through the process. They should be willing to."

Mr. Pyles felt that "this was the rational way to go about it. If we can get this resolution prepared in time, we should present it to Dominion and to FERC at the Open House because they will be right here."

Chairman Wills asked for a motion to approve the resolution with the suggestions of Mr. Pyles. This would be e-mailed to the Board for review and then approval be given to Chairman Wills. The approved resolution will be presented to Dominion on Monday, September 15th.

Mr. Pyles moved, seconded by Mr. Karaffa, that the Board authorize the County Attorney to provide a revised resolution (with Mr. Pyles' suggestions) to be presented to Dominion on Monday, September 15th.

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

Nays: None

Motion carried.

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Mr. Moore mentioned that, at the Service Authority meeting, Geo Tech work was discussed. He noted that "the pathway is through one of our highest concentration of sinkholes in Augusta County, which is an indication of subsoil stability. That should be something considered. That's what we're talking about. To run a pipeline through an area where know there is not good ground soils should be considered."

Chairman Wills asked Mr. Fitzgerald for a timeline.

Mr. Fitzgerald said that this process would require cooperation from Dominion. He would need the exact location, size, type of material to be used, etc., of the proposed line. A "potential" rezoning would be done at the beginning of the month; comments would be received by the end of the month, which would allow time to provide a report. He felt this would be a longer process. They would have to view the entire route and properties involved. He estimated that it would take approximately 90 to 120 days once all information is received. It was noted that Dominion has not made application to FERC at this point.

Chairman Wills suggested that a joint public hearing could be held with Planning Commission and Board of Supervisors. He also stated, "This resolution does not put this Board on record in opposition. What it does is simply put this Board on record as wanting to stay at the table and bring Dominion to the table for the facts before a decision is made."

DOMINION PIPELINE (cont'd)

Mr. Karaffa expressed disappointment in our Governor's decision without getting input from the localities that it will affect. He requested that an invitation be sent to the Governor to come to Augusta County and to get information facts and comments about how it would affect this locality.

Mr. Karaffa moved, seconded by Mr. Pyles, that the Board authorize an invitation to be sent to the Governor to attend the Board meeting.

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES – NONE

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, August 25, 2014
- Regular Meeting, Wednesday, August 27, 2014

CLAIMS

Approved claims paid since August 13, 2014.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

James Riddel had spoken to Mr. Pattie before the meeting began and did not sign up to speak and asked if he could speak now. He had spoken at a previous meeting regarding a variance.

Mr. Morgan said he has been working with Community Development regarding this issue. He has been unable to provide a conclusion and hoped to provide information at the next meeting. He said that he will inform Mr. Riddel of the determination.

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September 10, 2014, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD
The Board discussed the following issues:

Mr. Karaffa: "ChapStick" Newspaper article of his daughter – Daughter's effort to get ChapStick allowed back in her elementary school. "We, as a family, are very proud of what she has done. It definitely shows that in Augusta County we have young citizens who are willing to interact with the government and speak for themselves."

Mr. Moore: ChapStick - "She did go through the process and there is a process in place in Augusta County to make changes. I think that shows that we are doing the right things in Augusta County. On behalf of the School Board, there are rules in place for a reason. They are using the suggestion of the Health Department. It may seem somewhat silly. But it is in place for a reason. They are truly looking out for the best interest of the kids."

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MATTERS TO BE PRESENTED BY STAFF
Staff discussed the following:

1. Governance meeting (August 27th) notes distributed to the Board.
2. Parks and Recreation Activity Guide will be circulated through the mail.
   Special Emphasis:
   - Office on Youth
   - Fire Prevention Month
   - Craigsville Town Election
   - Special Election
   - Recycling
3. VDOT
   - Revenue Sharing Agenda item pending (Route 608, Exit 91 improvements)
   - Primary/Interstate Public Hearing-FY16-21 SYIP (October 8th, 5 p.m. to 6 p.m.) at Blue Ridge Community College (Includes Route 256)
4. Property Committee notes provided to the Board with the following highlights:
   - Courts
   - Mill Place Open Space (pedestrian walkway)
   - Berry Farm PUO
5. Pipeline Attorney General Opinion – Mr. Morgan mentioned that the Board had asked that he write to the Attorney General for an opinion concerning the ability of the Dominion resources to go on to people's property in furtherance of their project. One of the things that a local government Attorney has to do when asking the Attorney General for an opinion is to brief the issue and also suggest what he feels the answer should be. In the course of his research, he found that the question had been answered in 2006 to Frank W. Wagner, who was a Member of the Senate of Virginia. Concerning natural gas interstate-type corporations, the Attorney General opines that the law that allows them to go onto people's property was legal. A footnote in the opinion stated that the law was passed so that interstate carriers of natural gas would have the same limited authority to walk onto property as did intrastate pipeline carriers. Information was distributed to the Board including the case of "Peck Iron & Metal Company, Incorporated, etc. v. Colonial Pipeline Company," which was decided by the Supreme Court of Virginia. This deals with the ability of the pipeline companies to actually condemn the property. In this case, the Court not only found that the pipeline company was a public service corporation, but did find that the State's delegation of condemnation authority was lawful.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

Chairman Wills commented that he appreciated the way "our citizens interaction with us at public hearings and when we have public input. It's not the same in all localities, but our citizens have demonstrated concern for each other, respect for each other, respect for speakers, and respect for anyone involved. I certainly must say I appreciate that. Our neighboring localities have not had the same results at times with their public hearings. I just have to commend our citizens for that."

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CLOSED SESSION

On motion of Mr. Shull, seconded by Mr. Karaffa, 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 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) Pending Economic Development Prospect(s)

(3) 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) Assessments
B) Greenville Sewer

On motion of Mr. Karaffa, seconded by Mr. Shull, the Board came out of Closed Session and adjourned subject to the call of the Chairman.

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

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

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CLOSED SESSION (cont'd)

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: Pattie, Karaffa, Wills, Shull, Moore, Bragg and Pyles
NAY: None

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

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BUILDING BOARD OF APPEALS - REAPPOINTMENT

Mr. Shull moved, seconded by Ms. Bragg, that the Board reappoint John H. Earhart to serve another 5-year term on the Building Board of Appeals, effective November 1, 2014, to expire October 31, 2019.

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

Nays: None

Motion carried.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman County Administrator