

Regular Meeting, Wednesday, October 22, 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.
Patrick J. Coffield, County Administrator
Timmy Fitzgerald, Director of Community Development
Jennifer M. Whetzel, Director of Finance
Patrick J. Coffield, County Administrator
Patrick J. Morgan, County Attorney
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, October 22, 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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Chairman Wills announced the unexpected death of Dennis Burnett, who had served as the Augusta County Economic Development Director for a few years and was the Executive Director of Shenandoah Valley Partnership. "He was instrumental in bringing many industries to our County." He asked for a moment of silence in his memory.

Chairman Wills suggested that staff draft a resolution that may be given to Mr. Burnett's wife at the appropriate time.

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The following students, members of Exceptional Learners Class, and their teacher, Dr. Kathy Saplak, of Stuarts Draft High School, led us with the Pledge of Allegiance:

Brie Edwards, an 11th grader; Selena Via, an 11th grader; Gwen Coffey, a 9th grader; C.J. Gaylor, a 9th grader.

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Larry J. Wills, Supervisor for the Middle River District, delivered invocation.

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AMUSEMENT RIDES ORDINANCE

This being the day and time advertised to consider an amendment to Section 19-17 of the Augusta County Code, Amusement device permits, to change the terminology for amusement device permits to match the new state terminology and to reduce the fee for amusement devices when inspections are performed by an outside qualified inspector.

Timmy Fitzgerald, Director of Community Development, reported that this had been discussed at Monday's Staff Briefing and noted that this is a revision to § 19-17 in regards to Amusement Device permits. It changes types of rides to be consistent with State Code changes. A question arose on Monday regarding inflatable rides. He learned that these rides are required to be inspected annually. There was also a question about liability. He found that there is no liability on the County; it is the responsibility of the owner. The name of kiddy rides was to be changed to "Small Mechanical Ride or Inflatable" at a charge of \$25 each. Major rides would be known as "Circular or Flat Ride" at a charge of \$35 each. The other change in the ordinance is to reduce the fee for amusement devices when inspections are performed by an outside qualified inspector to 25%, instead of 50%.

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AMUSEMENT RIDES ORDINANCE (cont'd)

The Chairman declared the public hearing open.

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

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

**AN ORDINANCE TO
TO AMEND SECTION 19-17
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 19-17 of the Augusta County Code to make it consistent with the Code of Virginia;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 19-17 of the Augusta County Code is amended to read as follows:

§ 19-17. Amusement device permits.

Permits shall be required for each set-up in the county as follows:

A. Rides. The following charges are imposed to permit the set up of the following amusement rides:

Kiddy rides Small Mechanical Ride or Inflatable	\$25 each.
Major rides Circular or Flat Ride	\$35 each.
Spectacular rides	\$55 each.
Other amusement devices	\$25 each.

B. Outside qualified inspections. The fee for amusement devices when inspections are performed by an outside qualified inspector shall be ~~50%~~ **25%** of the fees listed in Paragraph A above.

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

Nays: None

Motion carried.

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PANHANDLING ORDINANCE

This being the day and time advertised to consider an ordinance to enact Article V to Chapter 11 of the Augusta County Code, "Panhandling". The ordinance declares it unlawful to solicit money or other things of value, in an aggressive manner in any public area, near banks and ATMs, on private property without permission of the property owner, or distribute literature on, by, or adjacent, any street or highway. The fine of violating the ordinance shall be not more than \$500.

Patrick J. Morgan, County Attorney, advised that this had been discussed at the Staff Briefing on Monday. This ordinance would prohibit aggressive panhandling in any public area and would also prohibit seeking money or things of value within 15 feet of any bank

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PANHANDLING ORDINANCE (cont'd)

or ATM and within 15 feet of either side of a highway. It will also prohibit distribution of newspapers or soliciting signatures for political purposes within 15 feet of the highway. This will be defined as a Class 3 misdemeanor at a maximum fine of \$500. This included not only panhandlers, but, also, such things as the high school car washes where students would not be able to have their signs near the highway. Rescue groups would not be able to stand at intersections and it would also prevent charitable-type of soliciting.

Mr. Pyles asked if this prohibited hitchhiking. Mr. Morgan said that was not specifically defined that it could conceivably be considered. Mr. Pyles asked about yard sales. Mr. Morgan said that the tables, nor signs, would be able to be within 15 feet of the highway.

The Chairman declared the public hearing open.

Speakers in support of the ordinance were Jerry Duff, Michelle Fix, and Doug Parrish. They felt it was an embarrassment to the County and mentioned there were resources to help these people. They also mentioned that there was a safety issue with these people standing at the side of the roads.

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

Mr. Karaffa moved, seconded by Ms. Bragg, that the Board adopt the following ordinance:

ORDINANCE OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, The Augusta County Board of Supervisors has found to promote public safety, it desirable to enact a new Article V to Chapter 11 of the Augusta County Code and to address the issue of Panhandling;

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

That a new Article V to Chapter of the Augusta County Code is to read as follows:

ARTICLE V. Panhandling

Sec. 11-50. Definitions.

A. "Aggressive manner" means and includes:

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation, without the person's consent;

2. Approaching or following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

3. Continuing to solicit the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation; and

5. Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation.

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PANHANDLING ORDINANCE (cont'd)

B. "Panhandle" or "Panhandling" means doing any of the following acts, whether made expressly by oral or written words, or implicitly by actions or behavior:

1. approaching someone to beg, solicit, or ask for any item of value, monetary or otherwise;
2. Seeking to obtain donations for individual or organizational usage by requesting food, money, or any other goods or offering services for these goods;
3. Attempting to sell or obtain donations or compensation for an item or a service for or in an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public; or
4. Attempting to sell or obtain compensation for an item or a service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.

C. "Public area" means an area to which the public or a substantial group of persons has access, including, but not limited to: alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, sidewalks, streets open to the general public, and the doorways and entrances to buildings, together with the grounds enclosing them.

D. "Public Highway" means any public road, street, avenue, boulevard, interstate or public right-of-way within the County.

E. "Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. A solicitation may take the form of, without limitation, the spoken, written or printed word, or by other means of communication (for example: an outstretched hand, an extended cup or hat, etc.).

F. "Travel lane" means the portion of a public highway over which motor vehicles travel, including an exit ramp or turn lane.

Sec. 11-51 Prohibited Acts.

It shall be unlawful for any person while in the County:

A. To panhandle, or otherwise solicit money or other things of value, or to solicit the sale of goods or services in any of the following ways:

- (1) In an aggressive manner in any public area;
- (2) Within fifteen (15) feet of any entrance or exit of any bank during the hours of operation of such bank;
- (3) Within fifteen (15) feet of any automated teller machine, during the hours of operation of such machine;
- (4) On private property, if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (5) While sitting on or adjacent to, walking on, standing on, or otherwise present in, or going into any public highway used for motor vehicle travel, or any area appurtenant thereto, including medians, shoulder areas, or travel lanes, or within fifteen (15) feet of either side of the highway.

B. To ask for or solicit money or things of value in exchange for cleaning motor vehicle windows while the vehicle is in a traffic lane of any public highway.

C. To distribute newspapers, newsletters, flyers or any items to operator or occupant of a motor vehicle while the vehicle is in traffic on any public highway.

D. To solicit signatures for petitions, registrations for raffles, registrations for mailing lists of any operator or occupant of a motor vehicle while the vehicle is in traffic on any public highway.

Sec. 11-52. Penalties.

Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

Sec. 11-53. Severability.

If any portion of this Article of the County Code is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Article and such invalid provision or portions thereof shall be severable.

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PANHANDLING ORDINANCE (cont'd)

This ordinance shall become effective immediately.

Mr. Pyles felt that many of these panhandlers are “damaged” veterans. He opposed the ordinance. He felt it unfortunate for some people not being able to handle jobs or having a home. He referred to the Good Samaritan story and felt that the County should be a Good Samaritan and go the extra mile to help these people.

Dr. Pattie agreed with Mr. Pyles. “The problem is that we’re proposing a law because of a few people that are aggressive. They’re knocking on windows and they’re stepping into the street. The cure to this will restrict the rights of all citizens in the County. We can’t hold up signs. We can’t ask for help. The restriction is for just a few people and is so great that I cannot support this ordinance.”

Mr. Shull said that he had voted against this ordinance when it was previously introduced to the Board. However, he has watched individuals on the roads and have received more complaints about this problem. He added, as far as being a Good Samaritan, there were churches who will provide food and gas to those who ask. He agreed that there was a safety issue.

Mr. Karaffa considered this problem a safety issue noting that most panhandlers are on the interstate. He noted that laws prohibit obstruction on the roads and felt that this should apply to the panhandler. He added that, in addition to churches, CAP-SAW is an organization that will help these people. “There are many ways to ask for help.”

Mr. Moore stated that a conscientious driver should not have to be uncomfortable with people standing on the interstate.

Ms. Bragg felt that Augusta County is generous and that there are options available for these people such as shelters, missions, churches and the Food Bank/Food Pantry. She also noted a low employment rate in Augusta County. She also expressed safety concerns.

Chairman Wills advised that he had opposed the ordinance at a previous meeting but has watched what has been happening since that meeting. He did not agree with people making a living without paying taxes. He did not agree with some of the restrictions included in the ordinance. “Unfortunately, most of the laws in this country are made for the 15% of the people or less who are not good neighbors to others. This is going to be another case of one that we are going to have to put in place because of a few individuals. There is going to be good people damaged by it and I’m sorry for that. For safety reasons and for the fact of people taking advantage, this ordinance is needed.” He noted that these people are coming from other jurisdictions who have such an ordinance.

Mr. Morgan stated that the ordinance would become effective immediately.

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

Nays: Pattie and Pyles

Motion carried.

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October 22, 2014, at 7:00 p.m.

MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT

This being the day and time advertised to consider a request to renew the Middlebrook Agricultural and Forestal District. The proposed district encompasses approximately 3,952 acres of land lying on the southwest side of the intersection of Middlebrook Road (Route 252) and Dutch Hollow Road (Route 726) and as far south as the Rockbridge County line.

Mr. Fitzgerald stated that this had been discussed at Monday's Staff Briefing and was set to expire December 9, 2014. Staff has worked with the owners and has provided a report with the recommendations of staff, Ag & Forestal District Committee, and Planning Commission. The Planning Commission recommended the approval of the map of 2759 acres and an 8 year term, which expires December 9, 2022. The Planning Commission also recommended the same conditions that were on it previously:

- Subdivision of land only permitted in accordance with provisions for family members
- No new non-ag or non-forestal buildings and uses except dwellings for persons who earn a substantial part of their livelihood from ag/forestal uses on the property or for immediate family
- Corporations consisting of family members considered the same as family ownership in certain circumstances.

Mr. Fitzgerald stated that since Monday, Dr. Marsh's property will be included in the Ag-Forestal District, which is an addition of 324 acres. A map was displayed indicating the property in green. He noted the only change to the map is Dr. Marsh's and Mr. Seaman's addition and the deletion of the Ivy Wolf Farms, which was mentioned Monday.

Chairman Wills added that the updated ordinance and map was attached to tonight's agenda.

The Chairman declared the public hearing open.

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

Mr. Shull commended staff on their diligent work.

Mr. Shull moved, seconded by Mr. Karaffa, that the Board adopt the following ordinance as presented:

**AN ORDINANCE TO CONTINUE AND MODIFY THE MIDDLEBROOK
AGRICULTURAL AND FORESTAL DISTRICT IN AUGUSTA COUNTY**

WHEREAS, pursuant to Virginia Code § 15.2-4311 and § 3-4 of The Code of the County of Augusta, Virginia (the "County Code"), the Board of Supervisors of Augusta County, Virginia, determined to review the Middlebrook Agricultural and Forestal District, previously established and approved by ordinance adopted on December 9, 1998 and amended September 12, 2007 and April 22, 2009.

WHEREAS, Augusta County has completed its review of the Middlebrook Agricultural and Forestal District.

WHEREAS, in accordance with Virginia Code § 15.2-4311, owners of land within the Middlebrook Agricultural and Forestal District have been notified, a public meeting has been conducted, a public hearing has been advertised, and a public hearing has been conducted concerning the continuation of Middlebrook Agricultural and Forestal District.

WHEREAS, the Agricultural and Forestal District Advisory Committee, at its meeting conducted on September 16, 2014, recommended the continuation of the Middlebrook Agricultural and Forestal District, subject to the conditions to creation of the district, as set forth in § 3-23 of the County Code.

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MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT (cont'd)

WHEREAS, the Planning Commission, at its meeting conducted on October 14, 2014, recommended the continuation of the Middlebrook Agricultural and Forestal District, subject to the conditions to creation of the district, as set forth in § 3-23 of the County Code.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Augusta County, Virginia, that:

1. The Middlebrook Agricultural and Forestal District is hereby continued for a period of eight years effective December 9, 2014, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code §§ 15.2-4300 through 15.2-4314.
2. Sections 3-22-24 of The Code of the County of Augusta, Virginia, be, and hereby is, amended to read as follows:

§ 3-22. District described.

The Middlebrook Agricultural and Forestal District shall generally consist of the following territory:

Approximately ~~3949.75~~ **2759** acres of land lying on the south side of the intersection of Middlebrook Road (Route 252) and Dutch Hollow Road (Route 726) and as far south as the Rockbridge County line and including parcels shown on County Real Estate maps as of the effective date of this Article as parcels numbered 80-24, 80-27, 80-30, 80-30B, ~~80-53,~~ 80-63, **80-63A**, 80-64 (~~portion only~~), 80-67, ~~81-1,~~ 81-1A, 81-2, 81-3, 81-3A, 81-4 (~~portion only~~), ~~81-5, 81-5A, 81-8,~~ 81-11, 81-15, 81-19, 87-3A, 87-5A, **87-7**, 87-8C, 87-24, 87-24A, 87-26A, 87-29, 87-30, 87-30A, and 87-30B.

The specific boundaries of the Middlebrook Agricultural and Forestal District are established as shown on a map entitled "Middlebrook Agricultural & Forestal District," ~~revised August 20, 2007~~ **and dated October 22, 2014**. Such map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article. A copy of the map, properly attested, shall be filed in the office of the Director of the Community Development Department and shall be available for inspection by the public.

§ 3-23. Conditions to creation of the district.

The Middlebrook Agricultural and Forestal District is created subject to the following conditions:

- A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted. As used in this subsection, the term "subdivision" shall not include boundary line adjustments, which shall also be permitted.
- B. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operation on the same property, or for members of the immediate family of the owner is permitted.
- C. A corporation consisting of family members shall be considered the same as a family property owner under the following circumstances:
 1. The membership or ownership of the corporation consists of only "one family."
 2. The corporation is the grantor and not the grantee of the purchase or gift of the lot.
 3. For purposes of this provision only, the members of "one family" shall be limited to husband, wife, their children and grandchildren and their spouses.
 4. The grantee may be any eligible grantee (as defined by the zoning ordinance) of a member of the corporation, and the deed or other instrument or conveyance shall indicate which member of the corporation is the "deemed" grantor for purposes of this provision.

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MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT (cont'd)

§ 3-24. Period before the review of district.

The period before the review of the District shall be eight years (8) and shall expire on December 9, 2022.

3. This ordinance shall be effective December 9, 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

Geneva Swinson, Henry Swinson (a 7-year-old), and Michael Rosenthal supported the legalization of backyard chickens for single-family residential zoned areas. Ms. Swinson had moved from Warrington, Virginia, which is a small historical town, where she had owned four hens. She felt that raising chickens encouraged responsibility and empathy in their children and to try finding ways in becoming more self-reliant. She added that an Extension Agent, who specializes in poultry, has offered leadership, training and testing chickens. Henry Swinson felt that you learned responsibility in taking care of chickens and that they also offer food. Mr. Rosenthal was impressed with Henry Swinson in "seeing a child that has an interest in connecting with nature as opposed to video games".

Beth Huddleston thanked the Board for considering a barking ordinance and looked forward to the public hearing. She added that there is a continued problem with dog barking in her neighborhood.

Dwaine Huewe referred to the article in the paper regarding the \$2,000 per day to be expended on a facilitator. He opposed this expenditure.

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MILL PLACE STORMWATER MANAGEMENT

The Board considered funding to purchase "credits" to compensate for loss of open water at Mill Place associated with Stormwater Management BMP#3.

Funding Source: Economic Development Account #80000-8145 \$13,600

Amanda Glover, Economic Development Director, reported that this had been discussed at the Staff Briefing on Monday. She advised the Board that tonight's request is to fund the purchase of credits to compensate for the loss of open water at Mill Place Commerce Park directly associated with the Stormwater Management BMP#3, which is at the end of Lakeview Court. Funds have been identified in the Economic Development Account for compensation in the amount of \$13,600. In response to a question on Monday, she clarified that a finalized permit is needed in order to bid final construction. This is why this request is being brought separately from the final construction; if successful in getting permits, they would be able to go to bid for the construction estimate.

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

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MILL PLACE STORMWATER MANAGEMENT (cont'd)

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

Nays: None

Motion carried.

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TOURISM FUNDS REALLOCATION

The Board considered the reallocation of Tourism Funds to initiate Natural Chimneys marketing proposal.

Funding Source: Tourism Account #81020-5603 \$10,000

Ms. Glover advised that this had been discussed at Monday's Staff Briefing. A presentation on Monday reviewed the recommendation to reallocate funds in the Tourism Budget to specifically provide funding for a marketing plan that will support a rack card to market Natural Chimneys in the coming year in an amount of \$10,000 that is already existing in the Tourism funds. She also asked for the support of submitting a grant application to the Virginia Tourism Corporation, which would provide \$10,000, making this total program in the amount of \$20,000.

Mr. Pattie commended staff for its diligent work.

Mr. Karaffa added that he felt this to be a better use of the Tourism funds.

Mr. Pattie moved, seconded by Mr. Shull, that the Board approve the request and allow application of a grant.

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

Nays: None

Motion carried.

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ORDINANCE REVIEW COMMITTEE RECOMMENDATIONS

The Board considered authorization of advertisement of the following ordinances:

1. Barking Dogs
2. Large Accessory Buildings
3. Backyard Chickens in Residential Districts

Mr. Fitzgerald advised that there are three ordinances before the Board to consider for advertisement for a future public hearing. All three issues have been reviewed by the Ordinance Review Committee. The Barking Dogs draft ordinance has been presented to the Board. The Large Accessory Buildings ordinance was being considered due to a citizen presenting his concern to the Board regarding a large accessory building in an Agriculture district to allow changes to be made by using a Special Use Permit. The Backyard Chickens in Residential Districts has been previously discussed at Board meetings and it has been asked that it be advertised for public hearing.

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ORDINANCE REVIEW COMMITTEE RECOMMENDATIONS (cont'd)

BARKING DOG ORDINANCE

Mr. Karaffa stated that the Sheriff's Department has contacted him regarding the proposed ordinance for the dog barking. There were a few concerns with the draft ordinance: 1) If the dog barked just one time in between the hours of 12:00 p.m. and 6:00 a.m., a neighbor could call the Sheriff. The Sheriff felt that would not work well because of receiving a lot of unnecessary calls. He suggested the original language be used referring to "more than ten consecutive or non-consecutive minutes in any 30-minute period of time, between the hours of 12:00 p.m. and 6:00 a.m. the following day, if throughout the ten-minute period, the noise generated by the animal is plainly audible (i) across real property boundaries, or (ii) through partitions common to two (2) residences within a building". Mr. Karaffa agreed with that suggestion. 2) The Sheriff's Office did not want to be in the position where they would be confiscating a dog in any way. Mr. Karaffa felt that the purpose of the ordinance was to have individuals take care of their animal and see to their needs and have a ticketing structure in place for those violations.

Mr. Karaffa moved, seconded by Mr. Moore, that the Board authorize the County Attorney to draft an ordinance with those revisions stated and authorize advertisement for a public hearing.

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

Nays: Pattie

Motion carried.

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LARGE ACCESSORY BUILDINGS

Mr. Karaffa reported that the Ordinance Review Committee met and spoke at length about accessory buildings and how they are currently in the County Code. The County Code does not allow for any ability for "common sense to enter into the equation". This amendment will allow the Board of Zoning to provide a Special Use Permit in certain cases which are outlined in the ordinance.

Mr. Karaffa moved, seconded by Mr. Shull, that the Board authorize advertisement for public hearing.

Chairman Wills noted that this concern had been presented by a citizen in the Middle River District to the Board at previous meetings.

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

Nays: None

Motion carried.

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ORDINANCE REVIEW COMMITTEE RECOMMENDATIONS (cont'd)

BACKYARD CHICKENS IN RESIDENTIAL DISTRICTS

Mr. Moore said discussion had occurred at Monday’s Staff Briefing. He especially thanked Henry Swinson in speaking before the Board tonight.

Mr. Moore moved, seconded by Ms. Bragg, that the Board authorize advertisement for public hearing.

Mr. Karaffa, at the request of the Agriculture Industry Board, asked that the Board extend an invitation to the State Veterinarian to provide feedback as part of the discussion.

Mr. Pyles, after thorough conversation on Monday and tonight’s conversation, invited the Ordinance Review Committee and this Board out to a Churchville backyard chicken place. He noted that, in Churchville, there were two houses in General Agriculture and further down there was Single Family Residential. The first house is .8 acres General Ag--no chickens; the second house is .34 acres—has chickens; the next house is 4 acres—not allowed to have chickens. He had received information from Mr. Fitzgerald that 80% of County land as the proper zoning allowing residents to raise chickens. Over 19,000 homes (out of 32,000) already have the ability to have chickens. The existing homes with chickens are without complications. The houses that Mr. Pyles referred to are in residential areas. “They have sidewalks, County water and small acreage.” He suggested tabling this item and have the Ordinance Review Committee review how much space is needed. He invited the Board to look at some of these residences and review other ordinances “to see if we can have a less harsh ordinance to go forward to the public”. “There are a lot of people who want this. It is a big deal. It has to do with a lot of good stuff. People being back in the food chain, having healthy food. How can that be wrong in Augusta County?”

Mr. Moore withdrew his motion and suggested that the Board table this item for 30 days (November 24th Staff Briefing) and refer it back to the Ordinance Review Committee for additional information. He asked staff to review other jurisdictional ordinances within the last year and ask those particular jurisdictions to provide information regarding concerns that they have had. He also asked that Animal Control Officers be present at that meeting to provide their concerns.

It was the consensus of the Board to refer this item back to the Ordinance Review Committee for further review.

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BOARD OF SUPERVISORS-SCHOOL BOARD CAPITAL FUNDING

The Board considered meeting/meeting format for joint meeting between School Board and Board of Supervisors.

Chairman Wills advised that a suggestion had been presented at Monday’s Staff Briefing of utilizing a facilitator. He made the following comment:

I feel like that we need to move forward with a meeting in such a manner that, when we finish the meeting that it will be productive—a meeting in which we can discuss topics without throwing stones; a meeting in which we can truly look at the issues that exist, both from the School Board perspective and from the Board of Supervisors perspective. In doing that, it was the reason that I proposed the idea of utilizing a mediator. I am open tonight to hear other suggestions and then see how we can move forward in such a manner that will be productive for our citizens and for our children.

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BOARD OF SUPERVISORS-SCHOOL BOARD CAPITAL FUNDING (cont'd)

Mr. Moore made the following comment:

I agree with Mr. Huewe that I would have a tough time voting to spend those funds when we haven't at least tried to meet. I would like to propose an alternative for discussion. What I would propose is two meetings to precede our joint meeting. The first meeting would be by district that each Board member on our Board meet with their counterpart on the School Board and collectively, between the two of us by district, come up with three topics for discussion at the meeting. They need to be presented by the District. I will meet with Mr. Swortzel from the Wayne District and he and I will come up with the three topics we feel are most pressing and present those from the Wayne District. Mr. Karaffa would meet with Ms. Godfrey and down the line where we have potentially twenty-one different topics for discussion. At that point, I would propose that the Chair and Vice-Chair, along with the Superintendent and County Administrator, have a meeting to go through the recommended topics that are presented by district and come up with a list of topics that are prioritized and can be covered in a three-hour joint meeting. At that point, those topics could be handed back out, collectively, to both Boards with any supporting documentation or anything that goes along with the topics so that when we come together for our joint meeting. This will ensure that everyone is on the same page in terms of what we're going to talk about and, also, everyone will have the same information for the discussion. I would propose that, and at that point, it would be the two Boards working together, first, by district, and then, at the leadership levels, and then, collectively, from the whole Board that, hopefully, we can move our County forward.

Chairman Wills' comment:

I'm going to ask each Board member to make comments and then, after these comments, we will try to come together on an agreement on how we will approach it.

Mr. Karaffa's comments:

I have to say that I, also, met with one of our regulars in the hallway about the idea of the facilitator. I don't mind the facilitator, but I do mind the cost. I think it is perfectly reasonable to expect our leaders to be able to sit down and talk with one another; not that Ms. Godfrey and I haven't done so in the past; we have; and continue to do so. I can say that I will definitely give her a call and ask her to sit down and talk and see if we can come up with some topics, but, also, some solutions that we can suggest and bring forward to the rest of the group. I do hope that we can move forward not just on Riverheads Elementary and the solution there, but, a County-wide solution and vision for education moving forward.

Ms. Bragg's comments:

I think the joining of the two Boards and the working together and talking together is long overdue. It's been a long time, I understand, that they sat down and met. I do agree that I like Mr. Moore's idea that we do a district-type approach and then come into a bigger group. I think we need to try it. I am in support of his suggestion.

Mr. Pyles' comments:

It's been since March of last year since we've met. That's a problem. We need to meet more regularly. Even if there is not kumbaya at every meeting, I think the exchange of ideas and hearing one another can clear the air and help lead things forward. When we met before and we may have been more frank, what we came up with was the School Board moving here. Their intent had been a \$5 million stand-alone building. We talked about how we had space and there were other ways to go. Low and behold it worked! I think it worked very well. I think it was the best solution. I think, sometimes, you just have to put things out there. Now, as I have been reading in the paper... I have met with another School Board member and with Dr. Bond since that time trying to share thoughts. My meeting with a School Board member was very amicable and, I think, helpful. Why I presented the suggestion at the last meeting that we meet on November 22nd was with the idea that we could still do something with Riverheads. I read in the paper, now, that is absolutely dead because we don't have enough time. I think that one of the things we talked about was using an existing plan. When Riverheads changed, as

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Ms. Bragg eluded to at the last Board meeting, they had gone from a three-tier facility to a two-story facility. They said they had gone to Churchville and thought that design looked pretty good. I asked Dr. Bond what about using the plans for Churchville with more rooms at Riverheads. He said, "Well, we talked to the architect, and he said, 'we can do anything, but it is going to cost'." I didn't think that was a responsive answer. I think that somebody ought to say right now it's this many square feet to do this; to do Churchville, it's this many square feet. I bring that up because we had asked before could you use Clymore's plan; could you do something else? But the Churchville plans aren't that old. If they could fit at Riverheads, you save a lot of time, you save a lot of money, and you can move forward. What I heard from this Board is as if they had a reason to believe the future was clear that we were willing to help with Riverheads and some other things. I don't know that we ought to say it is dead. Still with that, do they have to open in August, if they're in the old building for a couple of months, in time to get the new one? Doesn't that help? All I'm saying is we do need to meet; we do need to bring up some things together; but I wouldn't want to say right now that Riverheads is dead or anything is dead. Let's meet soon enough that if we come to a meeting of the minds that we can do something else. I'm willing to do that.

As far as meeting with our counter-parts, I'm fine with that, but I don't think schools are something that are restricted to just what is good for the Pastures District. This is a big picture. The money is spread from our district to your district and your district to my district. We need to think of some things in a universal way, a complete way. When I meet with my representative, I will be talking not just about what's good for Churchville, but what's good for Verona and what is good for everybody.

Mr. Moore's response:

I didn't necessarily mean that. I thought the meeting by district would start the dialogue and it doesn't have to be about just my district.

Mr. Pyles' response:

I would just hope the meeting would be, you know, we can't leave it to our administrators, our staff, to come up with a good agenda seems to reflect the Board. We'll take time to talk about it. I think if people have a chance to speak, each in how they feel, I think it will be helpful and we will be able to make some progress.

Dr. Pattie's comments:

I am certainly supportive of the joint meeting. I think we all have talked about that at different times. I think that will be a good thing. I'm not for the \$2,000 facilitator. I think that is not necessary at this point. I think, really, if you look at any of the conflict in the past, it is because the restriction of information flowing back and forth; decision making by a handful of people. It's not getting answers to questions. I think that what we need is a free exchange of ideas. I hope that a meeting would represent that in the future. We can sit there and talk as long as we want on any issue and not necessarily about the topics on the agenda.

Mr. Shull's comments:

I agree with Mr. Moore. I think I made this suggestion at the meeting we had on the 8th to be good public servants and serve the public. I suggested at that time to meet with our counter-part and that would show good faith to the public out here that we are trying to work together. If we're not working together, we're not good public servants. I think we're approaching this in the right respective to move forward and do our due diligence to give the best benefits to the County and to our students. I think, once we start with this process, this needs to continue not only for this, and I hope for next year that we sort of meet collectively with the School Board and Service Authority a couple of times a year here and I would hope that we could meet quarterly; that we can have a discussion of where we have gone and what's in the future. As far as the information there, and that is why I wanted us to work with our counterparts and work with the School Board; the information is there. They have it. They are willing to give it out. If you go ask the School Board for anything, they will give it to you; they're willing to work with you; but all you have to do is ask. I like this process. I'm not one that wants to give our money

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away. This is \$6,000 that could be going to our schools. I'm all for this process and I hope that we will work together and I know we can make it work. If we set our personal feelings aside, we can make it work, and that's what we need to do. We need to do it for the public.

Chairman Wills' comments:

As most of you all know, I have tried diligently this year to try to work between the two groups and keep as much dissention down as possible. I hope that this will work. I hope if we go into this that we don't get the point that we're casting stones. That is my fear. All that brings about is retaliation from the opposite side. I will be happy to work with this.

I will be happy to try to move through the process as Mr. Moore described and be fully supportive. I will make a comment that if we do this, and Mr. Collins and I are the ones who are running the meeting, if I feel like a member is out of line with what he is saying, I want to have the freedom to call him down because we've got to go into this meeting with the idea of making progress of dealing with issues, not dealing with personalities. One of the things that I really have problems with right now is the School Board comes to us with a 7-0 and I'm not sure we're together as a Board. I don't know if we know where we are.

We have one individual that is pushing K-7; we have another individual that doesn't want to do any construction; we have another one that wants to band-aid; and we have some that wants to give carte blanche. We have got to somehow come together as a Board and decide what we really want. The School Board, I give them credit at times; they have been unified in what they have asked for; we have not been unified in our response.

I think what my hope was that through the utilization of someone on the outside, that not only could we get in a pattern with the School Board where they knew what we were thinking and we knew where they were going, and have a vision for education in this County, but as a Board, we can become solidified. To continue, and Mr. Pyles, I'm sorry if this insults you, but to continue to bring up a subject that you have been told by three different Superintendents is not what they want to do educational-wise, and to continue to bring that topic up, serves no purpose. The School Board is tasked with the responsibility of an educational decision. That is an educational decision. Our decision is money. If that is the topic that is going to be brought up, we're going to be dead before we get there. If we talk about a band-aid approach, I think we're going to be dead before we get there. We have got to have some good ideas going in and find ways that we can be supportive rather than to be negative. I will open the floor for a motion.

Mr. Moore understands that the School Board meets on November 6th and asked, depending on the vote tonight, that the School Board have public comment on this format, also; and hoped that they would be supportive of this approach. He hoped that Board members could meet by districts the following week and then meet in a joint meeting in November. Chairman Wills explained that there are meetings that both Boards are obligated to attend in two weeks of November. Mr. Moore suggested that meetings occur between the individual district counterparts and then possibly have a joint meeting in December.

Mr. Moore moved, seconded by Mr. Shull, that the Board approve moving forward with individual districts counterparts meeting to determine discussion topics. After those individual meetings have occurred, the Chairman, Vice-Chairman, Superintendent, and County Administrator will then meet to prioritize topics and provide an agenda for a joint meeting.

Dr. Pattie's response:

The problem with the agenda, again, is it is restrictive. There is a minority opinion on this Board that has been voided and not allowed to voice their opinions throughout this process. An agenda that is restrictive only continues the issues that we have had in the past. I would also suggest that Robin Sullenberger to mediate if we are going to have a mediator.

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Mr. Pyles' response:

I certainly take exception at your remarks. My efforts have been to move things forward and move them forward for my district. Our kids are paralyzed by Beverley Manor Middle School. While they have a plan that may be ten years out, it's going to be this other thing that flies against reality. If you are going to open two more schools at the same time, we're going down. My hope is that we can be smarter in how we use people. And to think that we're going into this meeting, and you've already decided that I can't bring up something I think is important, is wrong. Maybe, I'll need a Sargent-at-arms there, but I think it's important that you hear from people; not, you, already decide what you've decided before; but allow people to speak. That's part of the problem. Mr. Shull says we get information. I've asked them repeatedly where the Verona kids will go when they close it. They still don't know. How can you decide to close a school when you don't know if you're going to have room for the kids or where they are going to go, or if the parents are going to want it? I want something that has public input, not just the same old minds fighting the same old things. If we can't have an open meeting, then what's the point? You guys decide. You haven't tried pulling this Board together. You all have talked to Mr. Collins, but when have you talked to any of us in how we ought to move forward? If we're going to have a meeting; let's have an open meeting; let's keep it right; but let's not go ahead and shut people up before we get there.

Mr. Moore's response:

The intention of having the meetings by district is to come up with the topics that everyone wants to talk about. Dr. Ocheltree and you represent the same people in the Pastures District. If you all have a meeting and Dr. Ocheltree agree that's an idea that represents your people, then you present it as one of your three topics. This Board is not to say that K-7 to K-12 is not a topic that should be at the meeting. As a district, you just agree that is something that should be one of the topics.

Mr. Pyles' response:

We are two different people. I've been elected 5 times to represent these people. I'm going to continue to represent them. I've got things that ought to be known to the public. If I'm not allowed to share, why are we having a meeting? Just do it without me.

Chairman Wills' response:

We have shared for years on it and been told the same thing every time, Mr. Pyles.

Mr. Pyles' response:

You know, I was told no for staggered terms for years; but, eventually, I got it. I keep pressing because it's the right thing. When our people are ten years out and they're still losing 13 days of school a year because they were on the bus, because we have such long distances to go and two different transfers, then, maybe, they'll think about it.

Chairman Wills' response:

That's an educational decision. That's where the two Boards are separate. They are elected and that's an educational decision.

Mr. Pyles' response:

This is a financial decision. The amount of money we can save. I'm looking out for the money, too. That's what I can do. I can't share it; is that what you're saying?

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Chairman Wills' response:

I'm saying to bring up old topics that has already been, by their Board and by the Superintendent, and previous Superintendents, have said that it is not a good educational move for the County, is just flying in the face and doing the very thing that they say which is we're interfering with their ability as an elected board to do their job.

Mr. Pyles' response:

If we're going to have an open meeting, let's have an open meeting; and people can say, 'No; No; No'. If I bring up something to think about, I'm going to bring something that the public can think about, how we save money, how we move forward, how we put everybody in a good school, how we address this. When I try to take it to the public, at your suggestion, you said you have to go and get your people behind you, I went out to Craigsville to meet; they are all behind me. But Dr. Ocheltree and Lee Godfrey and Ms. Sensabaugh were there and they were just undermining everything I said with things that were wrong—that the people out there knew they were wrong—things that I corrected by going to the Board of Education and telling them that they were wrong. I'm trying to get people to know this and then people were telling them things that were wrong.

Chairman Wills' response:

We're not the School Board.

Mr. Pyles' response:

Yeah; but we have responsibility for the education of these kids. We are as responsible as anybody. We're told that. Every March, April and May, the people walk in here and they say, 'We need money for our schools'. They think we're responsible for education. I want to satisfy them financially and I want to satisfy them educationally. I think I ought to be allowed to say that.

Chairman Wills' response:

Hence my point; this Board needs to get together and decide what we want as a Board, or we're not going to do anything.

Mr. Pyles' response:

Why don't you try and get us together? You have not done one thing this year to try to bring this Board together. You had things that are in the paper that you have talked about that you have never talked to us about.

Mr. Moore's response:

Dr. Pattie, you have brought up several times of a plan moving forward. To go into the meeting without any type of plan on what we're going to talk about, I don't think is prudent. I think we need to have some guidance on what we're going to talk about in the meeting. If we just open it completely up to whatever anybody wants to talk about, I don't know if we're going to come out four hours later with any progress. I hope you would agree with me that there needs to be some type of structure for 14 people getting together.

Dr. Pattie's response:

It needs to be a process, but not just not a set agenda. Our School Board has talked about construction; it's talked about computers; but one thing that we haven't talked about anywhere in the County is the performance and how to improve instruction. If we take all the topics that we have talked about for the last three years, we're not going to get to the most important one.

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Mr. Karaffa's response:

I will call Ms. Godfrey and we will through rocks in my house and break all the windows and we will see if we can come to some consensus and some solutions to bring forward. I agree that we shouldn't block out all discussions from being able to be brought up; however, if one person and their associated School Board member can't come together on an idea or a solution of moving forward. We need to move forward. That's what this whole thing is about. Sure, there are many things that we all have our own opinions on that divide us. I think the biggest issues that are at hand are a long-term ten year Plan, and what to do about Riverheads Elementary School. When I call Ms. Godfrey, that will be the first thing that we talk about—is where are we going to go forward instructionally, maintenance, capital, buses, for the next ten years. Also, what are we going to do immediately about Riverheads Elementary School? At least come together with some options that we can bring forward. I promise at the joint meeting I will behave.

Mr. Shull's response:

We asked the School Board to come up with a plan. They came up with a plan. We asked them to do a Boundary Line Study. They're working on that Boundary Line Study. They've been doing what we asked them to do. As far as instruction, SOL tests, we look at results and things; maybe, it's not what it should be, but when it comes to instruction, or the way it's done, that's what the School Board is there for—an elected Board. Let them do their job. If we get into managing how it is taught, everything that is done with the School Board, what is the purpose of the School Board? Are they even needed? Are we going to look at every little thing that they do? We're here to provide the funding for them. We've discussed the way that it is going to be funded. We explained to them if we don't have the money, what cuts are needed. We approach that as it comes. If we do have the money, we say we can fund that. As two Boards, you have to work together in those ideas, but you have to let them do what the School Board needs to do.

Mr. Karaffa's response:

To the point that I think they have the responsibility, yes. To the point where I'm willing to write the School Board a blank check, carteblanche on what they say they need; I do take opposition to that. We need the ability to question capital expenditures.

Mr. Shull's response:

Didn't I just say that we work together? If we have the money, we go that approach; if we don't have the money, we explain to them and go the other way. I think that's what I just said.

Mr. Karaffa's response:

What I would say is, you know, we've expressed in the past where money concerns are present and we get a room full of cafeteria workers and bus drivers who have been upset because they're going to cancel their health benefits. Or we get a room full of Verona parents who are upset because the Board of Supervisors is going to close their schools. There are politics being played here that I think both Boards need to lay that to rest and recognize that our responsibility, as it pertains to the schools, is to make sure that this County is financially successful, strong and stable. I think that the School Board doesn't necessarily take that into account in terms of our financial stability. We hear their needs, but we have to weigh that against our bottom line in how we're going to keep this County successful. I think that's where the disconnect is. I think it is actually designed to have that conflict there—that check on each other that one is looking out for the instruction in how it is going forward. I don't want to tell schools how many kids they can have in a classroom or what SOL topics they need to cover or how to even improve the SOL scores. That's their domain. But when it comes to building things and taking on debt and increased costs, I definitely believe that we have a purpose at the table in terms of the financial stability of this County.

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

Nays: None

Motion carried.

Chairman Wills clarified that this would be presented to the School Board. Once they have had their discussion on November 6th, if agreed with the format, the supervisors are asked to meet with their counterparts.

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WAIVERS/VARIANCES – NONE

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, October 8, 2014

2015 PROPOSED HOLIDAY SCHEDULE

Considered 2015 Proposed Holiday Schedule.

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 BOARD

The Board expressed their condolences to the Burnett family.

Mr. Pyles: He brought a joy of life to things and a positive attitude. Beyond a resolution, suggested that a street in the Industrial Park be named in Dennis Burnett’s memory as “a lasting testimony to this man’s energy”.

Dr. Pattie: Absolutely wonderful person. Never said anything bad about anyone. Great loss to our community.

Mr. Shull: Dennis loved Augusta County! He went above and beyond the call of duty. He was full of energy and put forth that energy for Augusta County. He was still looking out for Augusta County when he went to Shenandoah Valley Partnership. He will be sadly missed.

Mr. Karaffa: Such a wonderful uplifting guy. Never saw Dennis at a moment when he wasn’t trying to see the absolute best in a situation or in a person.

Mr. Moore: He was a good friend and a great spokesperson for this County.

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MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Ms. Bragg: Did not have the honor of working with Dennis. Had the privilege of meeting him and getting to know him. He always volunteered to help and answer questions. My heart goes out to his family and all of those who had a pleasure of knowing him.

Chairman Wills: Dennis was special not only to us, but to the people he worked with and he attracted here. He was mentioned at the celebration at DASCOTM today. Shamrock expressed its strong loss in Dennis' passing. Dennis was a friend to everybody. He always convinced you that he had your best interest in mind. He was a salesman. He was genuine. He was a hard worker. "I don't think anyone on this Board can express at all the loss that is out there. We certainly pray for his family."

Mr. Shull: "I guess he and Dave are looking down laughing at us."

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ECONOMIC DEVELOPMENT AUTHORITY - APPOINTMENT

Mr. Pyles moved, seconded by Dr. Pattie, that the Board accept the resignation of John Bowers, and appoint Michael A. Godfrey, to serve an unexpired 4-year term on the Economic Development Authority, to begin immediately and expire March 25, 2015.

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 STAFF - NONE

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CLOSED SESSION

On motion of Mr. Shull, seconded by Ms. Bragg, 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 Prospects

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CLOSED SESSION (cont'd)

(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) Greenville Sewer

On motion of Ms. Bragg, seconded by Dr. Pattie, 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
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, Moore, Shull, 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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ADJOURNMENT

There being no other business to come before the Board, Ms. Bragg moved, seconded by Dr. Pattie, the Board adjourned subject to call of the Chairman.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Moore, Bragg, Wills and Pyles
Nays: None

Motion carried.

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Chairman

County Administrator