

Regular Meeting, Wednesday, April 23, 2008, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: David R. Beyeler, Chairman  
Tracy C. Pyles, Jr., Vice-Chairman  
Wendell L. Coleman  
Gerald W. Garber  
Larry C. Howdyshell  
Jeremy L. Shifflett  
Nancy Taylor Sorrells  
Patrick J. Morgan, County Attorney  
Becky Earhart, Community Development  
Jennifer M. Whetzel, Director of Finance  
John C. McGehee, Assistant County Administrator  
Patrick J. Coffield, County Administrator  
Linda Hughes, Administrative Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, April 23, 2008, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 232<sup>nd</sup> year of the Commonwealth....

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Chairman Beyeler welcomed the citizens in the audience and asked that a form be completed by anyone who plans to speak.

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Cody Via and Alex Traugutt, seniors at Wilson Memorial High School, led the Pledge of Allegiance. Cody currently plays baseball for Wilson and plans to attend West Virginia University and major in pre-med. Alex will attend Union College in Ohio and major in economics and minor in environmental studies. Both are taking AP Government at Wilson.

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Larry C. Howdyshell, Supervisor for the North River District, delivered the invocation.

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COUNTY OF AUGUSTA – PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add the Public Use Overlay zoning designation with proffers to approximately 25 acres of land owned by the County of Augusta, located on the north side of Augusta Springs Road (Route 811) just west of the intersection with Kunkle Tanyard Road (Route 859) in Augusta Springs (Pastures District). The Planning Commission recommends approval with proffers.

Becky Earhart, Senior Planner, advised that the applicant submitted the following proffer:

1. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities to include:
    - Baseball fields, soccer fields, and basketball courts (unlighted)
    - Walking trail
    - Picnic shelters, picnic tables, grills, and benches
    - Playgrounds
  - b. Recycling centers, dumpster sites or solid waste transfer stations.
  - c. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Ms. Earhart displayed the property outlined in purple. The request is to add the Public Use Overlay to the entire 25 acres that the county acquired from Stillwater and to develop it as a park facility in addition to the solid waste recycling center. Pictures of the site were shown. Ms. Earhart noted that it will include moving the existing playground

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COUNTY OF AUGUSTA – PUBLIC USE OVERLAY (cont'd)

facility to the new parks facility.

The Chairman declared the public hearing open.

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

Mr. Pyles explained that much planning has been done on this property and it promises to be a definite plus for the community. This property lies along Augusta Springs Road (Route 811) and will be developed to offer many recreational opportunities. The County's Parks & Recreation Department will assist in this endeavor.

Mr. Pyles moved, seconded by Ms. Sorrells that the Board adopt the following ordinance:

A request to add the Public Use Overlay zoning designation with proffers to approximately 25 acres of land owned by the County of Augusta, located on the north side of Augusta Springs Road (Route 811) just west of the intersection with Kunkle Tanyard Road (Route 859) in Augusta Springs in the Pastures District.

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

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

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

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

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

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

Parcel number A on tax map number 62A (1) containing approximately 25 acres is changed to add the Public Use Overlay designation with the following proffer:

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COUNTY OF AUGUSTA – PUBLIC USE OVERLAY (cont'd)

- 1. Additional permitted uses will be limited to:
  - a. Active and passive recreational facilities to include:
    - i. Baseball fields, soccer fields, and basketball courts (unlighted)
    - ii. Walking trail
    - iii. Picnic shelters, picnic tables, grills, and benches
    - iv. Playgrounds
  - b. Recycling centers, dumpster sites or solid waste transfer stations.
  - c. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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ADULT BUSINESS – ORDINANCES

The Board considered ordinances to:

- 1. Amend the provisions of Chapter 25, Title Zoning, of the Augusta County Code, to permit adult businesses which may be operated in a General Business district when the business shall be located at least 500 feet away from any residential zoning district, and at least 500 feet from the property line of any land used for any of the following: a dwelling, a residential care facility; a day care center; a public or private school; a public park; a community center; a public or private library, museum or cultural center; a place of worship or religious institution; a hotel, motel, bed and breakfast, boardinghouse or tourist home; and any other adult business. The Ordinance also controls signage and hours of operation; prohibits viewing by specified means of sexual activities or specified anatomical areas; requires a separate, conspicuously marked room for adult merchandise, inaccessible to persons under eighteen years of age; requires security cameras and videotaping, monitoring and recording; prescribes adequate lighting; and requires all owners, operators, managers, employees, associates and entertainers to be over eighteen years of age. The Planning Commission recommends approval of the Ordinance with the following language to be included under § 25-310 of the Ordinance, "Adult businesses will be allowed in General Business Districts only."
- 2. Amend the Provisions of Chapters 6 & 7 of the Augusta County Code to Regulate Adult Businesses and to Prohibit Public Nudity. This Ordinance establishes definitions relating to adult businesses; requires obtaining a permit from the Sheriff's Department; regulates grounds for the Sheriff's Department to revoke or deny a permit and an appeal process for the applicant; permits representatives of county departments to inspect adult businesses; establishes requirements to regulate adult businesses that provide adult entertainment; regulates adult motels; and prohibits the transfer of adult business permits and public nudity.

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ADULT BUSINESS – ORDINANCES (cont'd)

The Chairman declared the public hearing open.

Becky Earhart, Senior Planner, read the following statement to the Members of the Board for purposes of the State and Local Government Conflict of Interests Act:

Normally, as planner for the County, I would be involved in the drafting of zoning ordinance amendments. However, since my husband and I own business property in the County which may be impacted by this ordinance, I have not participated in the drafting of the proposed ordinance nor will I be participating in the discussion on this issue. I have filed a formal declaration of personal interest form for the official record.

John Wilkinson, of the Community Development Department, gave an overview of all facets of the ordinances, presenting descriptions and regulations.

The Chairman declared the public hearing open.

Bill Shirley, of Churchville, spoke to endorse the ordinance.

Kurt Michael, of Emerald Hills Drive, expressed his appreciation to the Board and the Planning Commission for their work on this ordinance and especially to Mr. Howdysshell, who has taken a lead on this project.

Sydney Gorby, of Fishersville, expressed her support and thanks.

Andrea Oakes, of Staunton, said that adult businesses have secondary effects to the community; especially the children and they also lower property values. She commended the Board for its efforts.

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

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board adopt the following ordinances regulating adult businesses in Augusta County:

**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF  
AUGUSTA, VIRGINIA, RELATING TO ADULT BUSINESSES**

WHEREAS, Virginia Code § 15.2-2280 *et seq.* authorizes the County of Augusta through its zoning ordinance to regulate the uses of property in the County.

WHEREAS, the County of Augusta is concerned about adverse secondary effects upon the citizens and businesses within the County from adult businesses that operate or may wish to operate within the County.

WHEREAS, adult businesses as defined in this ordinance require special supervision from public safety agencies of the County in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens and businesses of the County.

WHEREAS, adult businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

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**ADULT BUSINESS – ORDINANCES (cont'd)**

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens.

WHEREAS, there is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both businesses around them and surrounding areas, causing increased crime, the diminution of property values, and other adverse effects.

WHEREAS, it is recognized that adult businesses, due to their nature, have serious objectionable operational characteristics that contribute to the downgrading of the quality of life in surrounding areas.

WHEREAS, the Board of Supervisors of Augusta County, Virginia (the "Board") desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens and businesses from increased crime; preserve the quality of life; and preserve and enhance property values and the character of surrounding areas.

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult businesses.

WHEREAS, the Augusta County Planning Commission (the "Planning Commission") and the Board have considered various evidence concerning the adverse secondary effects of adult businesses on the community, including testimony presented in public hearings, and findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000), and *Steakhouse, Inc. v. City of Raleigh*, 166 F.3d 634 (4<sup>th</sup> Cir. 1999), cert. denied, 534 U.S. 1113 (2002); in studies conducted in other communities including Henrico County, Virginia; Phoenix, Arizona; Tucson, Arizona; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Austin, Texas; in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* (June 6, 1989, State of Minnesota); and in the *Report to: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses* (March 31, 1996, ERG/Environmental Research Group, Peter R. Hecht, Ph.D.), copies of which were made available to the Planning Commission and the Board and are maintained in the Augusta County Community Development Department.

Based on the evidence concerning such adverse secondary effects, the Board finds:

(1) Adult businesses lend themselves to ancillary unlawful and unhealthy activities. Further, there is presently no mechanism to make the owners of these establishments responsible for such activities that occur on their premises.

(2) Certain employees of adult businesses engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts often occur at many adult businesses.

(4) Offering or providing such space encourages such activities, which creates unhealthy conditions.

(5) Persons often frequent adult theaters and other adult businesses for the purpose of engaging in sex within the premises of such adult businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in adult businesses, including syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.

(8) The Surgeon General of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to the newborn.

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**ADULT BUSINESS – ORDINANCES (cont'd)**

(9) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(10) Sanitary conditions in some adult businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(11) Numerous studies and reports have determined that unsanitary conditions are found in the areas of adult businesses where persons view "adult" oriented films.

(12) Given the largely rural nature of Augusta County, and the relatively small size of its commercial areas, the effects of such adult businesses on surrounding areas are likely to be significant.

(13) The foregoing findings raise substantial governmental concerns.

(14) The general health, safety and welfare of the citizens of Augusta County will be promoted by the enactment of this ordinance.

WHEREAS, the Augusta County Planning Commission has recommended that the Board adopt a zoning ordinance which seeks to minimize the adverse secondary effects occasioned by the operation of adult businesses in the County.

WHEREAS, it is now appropriate to adopt such an ordinance.

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require the adoption of these amendments to the Code of the County of Augusta, Virginia.

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

1. Section 25-302 of The Code of the County of Augusta, Virginia, be, and hereby is, amended by adding thereto new subsection (N) to read as follows:

**§ 25-302. Permitted uses.**

The following uses shall be permitted within General Business Districts without Administrative or Special Use Permit, provided there is no outdoor storage:

N. Adult business, as regulated in § 25-310.

2. Article XXX of Chapter 25, Division E of The Code of the County of Augusta, Virginia be, and hereby is, amended by adding thereto new Section 25-310 to read as follows:

[THE FOLLOWING IS ALL NEW LANGUAGE]

**§ 25-310. Adult businesses.**

Unless otherwise defined or required by the context, terms used in this section relating to adult businesses shall have the same meaning as those terms defined in § 6-41 of this Code. **Adult businesses will be allowed in General Business Districts only.**

In addition to all other requirements, any adult business shall conform to the following requirements:

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**ADULT BUSINESS – ORDINANCES (cont'd)**

A. The business shall be located at least 500 feet away from any residential zoning district, and at least 500 feet from the property line of any land used for any of the following:

1. a dwelling;
2. a residential care facility;
3. a day care center;
4. a public or private school;
5. a public park;
6. a community center;
7. a public or private library, museum or cultural center;
8. a place of worship or religious institution;
9. a hotel, motel, bed and breakfast, boardinghouse or tourist home; and
10. any other adult business.

B. Adult merchandise shall not be visible from any point outside the establishment.

C. Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in § 6-41 of this Code.

D. The business shall not begin service to the public or any outside activity before 7:00 a.m. local time. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 1:00 a.m. local time. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business except an adult motel shall not extend after 12:00 midnight local time.

E. Adult merchandise shall be located in a conspicuously marked separate room or other area inaccessible to persons under 18 years of age. If access to the establishment is limited to persons at least 18 years of age, the requirements of this subsection shall be deemed satisfied.

F. Wide angle mirrors must be used to enable continuous monitoring of all areas of the establishment.

G. The owner or operator shall provide adequate lighting for all entrances, exits and off street parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. "Adequate lighting" means sufficient lighting for clear visual and security camera surveillance and recording of all images on the premises at all times one hour before dusk and one hour after dawn.

H. The owner or operator shall operate and maintain a security camera and videotape or digital file system designed and installed by a private security service business licensed by the Commonwealth of Virginia. Surveillance cameras shall continuously monitor and record images of all entrances, exits, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel.

Such cameras shall provide clear imagery of the establishment's premises, patrons and their vehicles and of any vehicles otherwise entering the premises. Videotapes or digital files systems recording activities in the areas under surveillance shall be preserved for a period of not less than four months. Authorized representatives of the Augusta County Community Development Department shall have prompt access to such videotapes or digital files, upon request, for purposes of enforcement of this chapter. The Augusta County Sheriff's Office shall also have prompt access to such videotapes or digital files, upon request, for law enforcement purposes.

I. In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an emphasis on matter

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**ADULT BUSINESS – ORDINANCES** (cont'd)

depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in § 6-41 of this Code, while on the premises.

J. All owners, operators, managers, employees, associates and entertainers shall be at least 18 years of age.

3. Section 25-45 of The Code of the County of Augusta, Virginia, be, and hereby is, amended by adding thereto new subsection (M) to read as follows:

**§ 25-45. Additional restrictions.**

The following additional restrictions shall apply:

M. Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in § 6-41 of this Code.

4. Subsection (B) of § 25-673 of The Code of the County of Augusta, Virginia, be, and hereby is, amended by adding thereto new subdivision (19) to read as follows:

**§ 25-673. Site plan contents.**

B. Each site plan shall contain or be accompanied by the following:

19. In the case of development of an adult business within a General Business (GB) District, certification of compliance with the requirements of subsections (A - H) of § 25-310 of this Code.

5. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

6. This ordinance shall become effective upon enactment.

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**AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF AUGUSTA, VIRGINIA, RELATING TO ADULT BUSINESSES AND TO PROHIBIT PUBLIC NUDITY**

WHEREAS, the County of Augusta is concerned about adverse secondary effects upon the citizens and businesses within the County from adult businesses that operate or may wish to operate within the County.

WHEREAS, adult businesses as defined in this ordinance require special supervision from public safety agencies of the County in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens and businesses of the County.

WHEREAS, adult businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens.



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### ADULT BUSINESS – ORDINANCES (cont'd)

WHEREAS, there is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both businesses around them and surrounding areas, causing increased crime, the diminution of property values, and other adverse effects.

WHEREAS, it is recognized that adult businesses, due to their nature, have serious objectionable operational characteristics that contribute to the downgrading of the quality of life in surrounding areas.

WHEREAS, the Board of Supervisors of Augusta County, Virginia (the "Board") desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens and businesses from increased crime; preserve the quality of life; and preserve and enhance property values and the character of surrounding areas.

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult businesses.

WHEREAS, the Board has considered various evidence concerning the adverse secondary effects of adult businesses on the community, including testimony presented in public hearings, and findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000), and *Steakhouse, Inc. v. City of Raleigh*, 166 F.3d 634 (4<sup>th</sup> Cir. 1999), cert. denied, 534 U.S. 1113 (2002); in studies conducted in other communities including Henrico County, Virginia; Phoenix, Arizona; Tucson, Arizona; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Austin, Texas; in the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* (June 6, 1989, State of Minnesota); and in the *Report to: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses* (March 31, 1996, ERG/Environmental Research Group, Peter R. Hecht, Ph.D.), copies of which were made available to the Board and are maintained in the office of the County Administrator.

Based on the evidence of concerning such adverse secondary effects, the Board finds:

(1) Adult businesses lend themselves to ancillary unlawful and unhealthy activities. Further, there is presently no mechanism to make the owners of these establishments responsible for such activities that occur on their premises.

(2) Certain employees of adult businesses engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts often occur at many adult businesses.

(4) Offering or providing such space encourages such activities, which creates unhealthy conditions.

(5) Persons often frequent adult theaters and other adult businesses for the purpose of engaging in sex within the premises of such adult businesses.

(6) At least 50 communicable diseases may be spread by activities occurring in adult businesses, including syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.

(8) The Surgeon General of the United States in his report of October 22, 1986, advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to the newborn.

(9) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

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**ADULT BUSINESS – ORDINANCES (cont'd)**

(10) Sanitary conditions in some adult businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(11) Numerous studies and reports have determined that unsanitary conditions are found in the areas of adult businesses where persons view "adult" oriented films.

(12) Given the largely rural nature of Augusta County, and the relatively small size of its commercial areas, the effects of such adult businesses on surrounding areas are likely to be significant.

(13) The foregoing findings raise substantial governmental concerns.

(14) The general health, safety and welfare of the citizens of Augusta County will be promoted by the enactment of this ordinance.

WHEREAS, it is now appropriate to adopt an ordinance which seeks to minimize the adverse secondary effects occasioned by the operation of adult businesses in the County.

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

1. Chapter 6 of The Code of the County of Augusta, Virginia, be, and hereby is, amended by adding thereto new Article IV to read as follows:

[THE FOLLOWING IS ALL NEW LANGUAGE]

Article IV. Adult Businesses.

**§ 6-41. Definitions.**

The following words, terms and phrases, when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Adult bookstore" or "adult video store" means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

"Adult business" means any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

"Adult entertainment" means dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

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ADULT BUSINESS – ORDINANCES (cont'd)

“Adult merchandise” means magazines, books, other periodicals, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

“Adult model studio” means a commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

“Adult motel” means a motel, hotel, or similar commercial establishment that: (i) provides patrons with closed-circuit television transmissions, satellite transmissions, internet, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (ii) offers a sleeping room for rent for a time period of less than ten hours; or (iii) allows a tenant or occupant to sub rent the sleeping room for a time period of less than ten hours.

“Adult movie theater” means an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons, excluding movies that have been rated “G,” “PG,” “PG-13,” or “R” by the Motion Picture Association of America.

“Adult nightclub” means a restaurant, bar, club, or similar establishment that regularly features adult entertainment.

“Adult store” means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

“Associate” means any entity or person acting in concert with an owner, operator, manager or employee in the management or control of the adult business, whether or not compensated.

“Employee” means an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the permittee or manager for the right to perform or entertain in the adult business.

“Live entertainment” means entertainment provided in person including, but not limited to, musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.

“Specified anatomical areas” means less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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**ADULT BUSINESS – ORDINANCES (cont'd)**

“Specified sexual activities” means human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

**§ 6-42. Permit required from sheriff—Application; issuance; duration; renewal.**

A. Every person either operating or desiring to operate an adult business, in addition to obtaining any required business license from the commissioner of revenue, shall apply to the sheriff, or designee, for a permit to conduct such activity. Each such application shall be accompanied by a fee in the amount of \$300.00.

B. Information required on and with the permit application shall include, but not be limited to, the following:

1. The applicant’s full name, any previous or current aliases, age, sex, race, weight, height, hair and eye color, address, telephone number, date and place of birth and social security number.
2. Names and addresses of at least three references.
3. Whether the applicant has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.
4. Whether the applicant holds or has held, in the name of this business or any other, any other permits under this article or similar adult-use regulations of another locality within the past five years, and, if so, the names and locations of such other permitted businesses.
5. Whether the applicant has been denied a permit or has had a permit revoked or suspended under any statute or ordinance requiring a permit to operate an adult business and, if so, when and where the denial, revocation or suspension occurred.
6. Photograph and fingerprints of applicant.
7. Name, including any fictitious names, and address of the business for which a permit is sought.
8. A criminal records check of the applicant shall be provided by the applicant with the application, along with the applicant’s written authorization to investigate whether the information provided by the applicant is true.
9. A description of the intended business activity and, if adult entertainment is to be provided, a detailed description of such entertainment.
10. Written declaration, dated and signed by the applicant, in affidavit form that the information contained in the application is true and correct.

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ADULT BUSINESS – ORDINANCES (cont'd)

C. For a corporation, partnership, limited liability company or other legal entity, “applicant” includes each officer, director, partner, member or principal of the entity and the managers and other associates of the business.

D. The sheriff or designee shall act on the application within 30 days of the filing of an application containing all the information required by this section, unless information requested from other law enforcement agencies is not received within that 30-day period, in which case the sheriff or designee shall have an additional 30 days to act on the application. Upon the expiration of the applicable time period, unless the applicant requests and is granted a reasonable extension of time, the applicant may, at its option, begin operating the business for which the permit is sought, unless and until the sheriff or designee notifies the applicant of a denial of the application and states the reasons for denial.

E. The applicant shall be issued a permit unless the investigation or the information furnished by the applicant shows any of the following:

1. The applicant has failed to provide information required by this section or has falsely or misleadingly answered a question.
2. The applicant has been convicted of a felony within the past five years.
3. The applicant has been convicted of a crime of moral turpitude or a crime involving obscenity laws within the past five years.
4. The applicant has been denied a permit or has had a permit revoked or suspended within the past 12 months under any statute or ordinance requiring a permit to operate an adult business.
5. Failure of the applicant’s business to comply with the county’s business license, zoning, building, plumbing, utility, health, electric or fire prevention codes, or with any other applicable county or state laws or regulations.
6. The application fee has not been paid.

F. If the application is denied, the sheriff or designee shall notify the applicant of the denial and state the reasons for the denial.

G. The permit shall be valid for 12 months from the date thereof and may be renewed in the same manner as it was initially obtained. The application fee for a renewal permit shall be \$300.00. No permit shall be transferable.

H. Any changes in the ownership or principals of the business entity to which the permit is issued or in the managers or other associates of the business will automatically make the permit void. Such changes shall be immediately reported to the sheriff or designee, and a new application may be submitted for review.

**§ 6-43. Same—Grounds for revocation.**

The sheriff or designee may revoke any permit issued pursuant to this article for the following:

A. Fraud, misrepresentation or any false or misleading statement contained in the application.

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April 23, 2008, at 7:00 p.m.

ADULT BUSINESS – ORDINANCES (cont'd)

B. Conviction of the permittee for any felony, crime involving moral turpitude, or crime involving the obscenity laws after the permit is issued.

C. The permittee or an employee or associate of the permittee has knowingly allowed possession, use or sale of illegal controlled substances in or on the premises.

D. The permittee or an employee or associate of the permittee has knowingly allowed prostitution on the premises.

E. The permittee or an employee or associate has refused to allow an inspection of the adult business premises as authorized by this article.

F. On two or more occasions within a 12-month period, employees or associates of the adult business at the time of the offenses committed an offense in or on the permitted premises for which a conviction has been obtained constituting:

1. aiding, abetting or harboring a runaway child;
2. prostitution or promotion of prostitution;
3. exposing minors to harmful materials;
4. dissemination of obscenity;
5. sexual assault; or
6. violation of § 7-21 of this Code.

The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

G. The permittee is convicted of violations regarding any taxes or fees related to the adult business.

H. The permittee has failed to operate or manage an adult business in a peaceful and law-abiding manner.

I. The permittee or an employee of the permittee, except a permittee or employee of a permittee of an adult motel, has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual activity to occur in or on the permitted premises.

J. The permittee has been operating an adult business not approved under the applicable permit.

K. The permittee has failed to comply with the provisions of this article.

L. The permittee's business fails to comply with other applicable county or state laws or regulations.

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April 23, 2008, at 7:00 p.m.

**ADULT BUSINESS – ORDINANCES (cont'd)**

**§ 6-44. Procedure upon denial of an application or revocation of a permit.**

A. If the sheriff or designee denies an application or revokes a permit, the sheriff shall notify the applicant or permittee in writing of such action, the reasons therefor, and the right to request a hearing. To receive a hearing, the applicant or permittee must make a written hearing request which must be received by the sheriff or designee within ten days of the date of the notice of denial or revocation. If a timely hearing request is not received by the sheriff or designee, the decision of the sheriff or designee shall be final. If a hearing is properly requested, it shall be held within ten days from receipt of the hearing request. The hearing shall be presided over by the sheriff or designee. The applicant or permittee shall have the right to present evidence and argument or to have counsel do so. Within five days of the hearing, the sheriff or designee shall render a decision which shall be final. A permittee must discontinue operation of its business when the decision to revoke the permit becomes final.

B. When an imminent threat of substantial harm to public health or safety requires such action, unless the matter is one for which another county official has specific enforcement authority, the sheriff or designee may immediately revoke a permit issued under this article by so stating in a written notice to the permittee. When action is taken pursuant to this subsection, the permittee shall immediately discontinue operation of its business, but shall have the right to a hearing as stated in subsection (A) of this section.

**§ 6-45. Availability of prompt judicial review and determination.**

After denial of an initial or renewal application or after revocation of a permit by the sheriff or designee, the applicant or permittee may seek prompt judicial review of such administrative action in the circuit court of the county. Any such request for judicial review shall be filed within 30 days of when the administrative action becomes final. The county will facilitate the applicant's obtaining prompt review and determination.

**§ 6-46. Inspection.**

A. In addition to any existing legal authority, representatives of county departments shall have the authority to inspect an adult business for the purpose of determining compliance with the provisions of this article.

B. The provisions of subsection (A) of this section shall not apply to sleeping rooms of an adult motel which are currently being rented by a customer.

**§ 6-47. Regulations pertaining to adult businesses providing adult entertainment.**

A. For purposes of this section, adult entertainment is defined as dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

B. No person shall provide adult entertainment for patrons of an adult business except upon a stage located in an area open to all patrons of the business. The stage shall be at least 18 inches above the level of the floor and separated by a distance of at least three feet from the nearest area occupied by patrons. No patron shall be permitted within three feet of the stage while the stage is occupied by an entertainer.

C. The adult business shall provide separate dressing room facilities for female and male entertainers, which shall not be occupied or used in any way by anyone other than them.

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April 23, 2008, at 7:00 p.m.

**ADULT BUSINESS – ORDINANCES (cont'd)**

D. The adult business shall provide entertainers access between the stage and the dressing rooms which is completely separated from the patrons. If separate access is not physically feasible, the establishment shall provide a walk aisle at least four feet wide for entertainers between the dressing room area and the stage with a railing, fence or other barrier separating the patrons and the entertainers which prevents any physical contact between patrons and entertainers.

E. No entertainer shall have physical contact with any patron and no patron shall have physical contact with any entertainer while in or on the premises of the adult business.

F. No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to an entertainer shall place the gratuity in a container that is at all times located separately from the entertainers for the purpose of preventing any physical contact between a patron and an entertainer. No entertainer shall solicit any gratuity from any patron.

G. Patrons must be at least 18 years of age.

H. No operator or manager of an adult business shall cause or allow an entertainer to contract to or engage in any entertainment such as a "couch," a "straddle," or "lap" dance with a patron while in or on the premises of an adult business. No entertainer shall contract to or engage in a "couch," "straddle," or "lap" dance with a patron while in or on the premises of an adult business. For purposes of this subsection, "couch," "straddle," or "lap" dance is defined as an employee of the establishment intentionally touching any patron while engaged in any specified sexual activity or other activity intended for the sexual stimulation or titillation of patrons, or the exposure of any specified anatomical area.

I. This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess, or bartender, comes within three feet of a patron. No employee shall engage in any specified sexual activity or other activity intended for the sexual stimulation or titillation of patrons, or expose any specified anatomical area while acting as a waiter, waitress, host, hostess, or bartender.

**§ 6-48. Regulations pertaining to adult motels.**

A. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in § 6-41.

B. No person who is in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have an adult business permit shall rent or subrent a sleeping room to a person, and within ten hours from the time the room is rented, rent or subrent the same sleeping room again.

C. For purposes of subsection (C) of this section, the terms rent or subrent mean the act of permitting a room to be occupied for any form of consideration.



April 23, 2008, at 7:00 p.m.

**ADULT BUSINESS – ORDINANCES (cont'd)**

**§ 6-49. Transfer of permit prohibited.**

A. A permittee shall not operate an adult business at any place other than at the address designated in the approved permit.

B. A permittee shall not transfer its permit to another person.

**§ 6-50. Public nudity prohibited.**

Nothing in this article shall be construed to permit any conduct which violated § 7-21 of this Code.

**§ 6-51. Violations.**

Except as permitted in § 6-42(D), operation of an adult business without a permit is prohibited. Violations of this article shall be unlawful and subject to the provisions of § 1-11.

3. The Code of the County of Augusta, Virginia be, and hereby is, amended by the enactment of a new Chapter 7, entitled "Offenses," as follows:

[THE FOLLOWING IS ALL NEW LANGUAGE]

CHAPTER 7. OFFENSES.

Article I. In General.

Sections 7-1 through 7-20 reserved.

Article II. Miscellaneous Offenses.

**§ 7-21. Public nudity.**

A. As used in this section, the term "state of nudity" means a state of undress so as to expose the human male or female genitals, pubic area or buttocks or to cover any of them with less than a fully opaque covering, or the showing of the female breast or any portion thereof below the top of the nipple, or the covering of the breast or any portion thereof below the top of the nipple with less than a fully opaque covering.

B. Every person who knowingly, voluntarily and intentionally appears in public or in a public place or in a place open to the public or open to public view in a state of nudity, or employs, encourages or procures another person so to appear, shall be guilty of a misdemeanor punishable by confinement in jail for not more than six months or a fine of not more than \$500.00, or both.

C. Nothing contained in this section shall be construed to apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, art or drama as differentiated from commercial or business advertising, promotion or exploitation of nudity for the purpose of advertising, promoting, selling or serving products or services or otherwise advancing the economic welfare of a commercial or business enterprise, such as a hotel, motel, bar, nightclub, restaurant, tavern, or dance hall.

D. No person shall be in violation of this section for breast feeding a child in any public place or any place where others are present.

4. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

April 23, 2008, at 7:00 p.m.

ADULT BUSINESS – ORDINANCES (cont'd)

5. This ordinance shall become effective upon enactment; provided, however, any adult business currently operating in the county shall have thirty (30) days from the effective date to apply for a permit and ninety (90) days after obtaining the permit to comply with any other applicable new requirements of this ordinance.

\* \* \*

ADULT BUSINESS – ORDINANCES (cont'd)

Comment from Mr. Howdysshell: This ordinance has been in the works for approximately six months and has gone through due diligence to be as refined as possible without us breaking the law. We have had a lot of community support. I am happy we could bring this to the table. I hope we can keep Augusta County what it is, a family-based county.

Comment from Mr. Pyles: I wouldn't want the public to think that the lack of discussion on this topic to mean that we don't have well-founded beliefs. We represent lawmakers, judges, etc. and if our actions seem to be of bad faith, it could corrupt the ordinance in the laws we put in place, and for that reason it is important for us not to go too far in our beliefs on this.

Comment from Mr. Coleman: We have had calls from those who believe we could just say no to adult businesses. These businesses have rights and protection under the U.S. Constitution. I want to reinforce that we have tried to do what we can do, that is to regulate the adverse secondary effects. This Board and the Planning Commission have taken a very comprehensive approach, not only looking at it from a zoning standpoint, but from a police power standpoint.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*  
**(END OF PUBLIC HEARINGS)**  
\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE PUBLIC

Buck Kent, Augusta Springs, approached the Board in regard to the decision to move the Augusta Springs playground from the original site to the new site. He inquired as to the disposition of the old site and asked if the public will have input, will it be maintained or sold. Mr. Pyles replied that although he has had contact with several citizens, a decision has not been made. Mr. Pyles stated that land has limited value due to flooding and should have nothing between the road and the river.

April 23, 2008, at 7:00 p.m.

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

Mr. Beyeler suggested a meeting with Parks & Recreation, Mr. Coleman, Mr. Pyles, and citizens to resolve this matter.

Mr. Coffield and Mr. Garber noted that a similar situation exists along the river in the flood plain in the Middle River District; however, with using the upper level to house restrooms, etc. and the lower level with grassy areas and paths to the river, this problem was solved.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following:

Mr. Garber: Bill Patterson, Chairman of the Agriculture Industry Board, would like to meet with the Board of Supervisors to discuss agricultural issues and to determine the direction their Board needs to take. A decision was made for the full board to meet with this group on June 23, the time and place to be determined at a later time.

Mr. Shifflett: He and Larry Howdyshell attended the meeting of the Emergency Services Officers committee. They had good presentations from DEQ and other agencies. The committee was receptive to ideas which came from budget meetings and new technology coming from the fire departments and emergency personnel.

Ms. Sorrells: In writing a story on Armstrong Shifflett, I learned that he was ahead of his time in many things. He was one of the first organizers for the Ag Forestal District in Augusta County. I was impressed with his deep love of the land and the history of the area.

Mr. Howdyshell: Attended a ceremony to cut the ribbon for the new lights on the tennis court at Ft. Defiance High School.

Mr. Pyles: Presented the resolution commending the Buffalo Gap Girls Basketball Team on their 2008 State Championship win. Mr. Deardoff, principal of the high school, accepted the resolution.

\* \* \* \* \*

PARKS AND RECREATION MATCHING GRANT – WILSON ATHLETIC BOOSTERS

The Board considered (a) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$34,725 for upgrading existing softball/youth baseball game field and construction of new softball/youth baseball practice field with backstop; and (b) approval of grant agreement.

Funding Source: Wayne Recreation Account #80000-8027-34 \$34,725

Kathy McQuain, Assistant Director for Parks and Recreation, presented the Board with an overview of the project.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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April 23, 2008, at 7:00 p.m.

\* \* \* \* \*

HABITAT FOR HUMANITY

The Board considered a donation in an amount not to exceed \$17,210 for two sewer and water connections in the Pastures District.

Funding Source: Pastures Infrastructure #80000-8014-51

Mr. Coffield explained the nature of the donation. Rhonda Howdysshell, Director of Habitat, expressed her appreciation to the Board and gave some background information on the organization.

Tracy Pyles stated that he believed the word "donation" should be changed to "investment" in this instance and commended Habitat for their good work.

Mr. Pyles moved, seconded by Mr. Garber, that the Board approve the request.

Vote was as follows:          Yeas: Howdysshell, Sorrells, Garber, Beyeler,  
  Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

FIRE FLOW

The Board considered proposed revisions to Fire Flow policy and authorized staff to draft an ordinance.

John C. McGehee, Assistant County Administrator, stated that the Board has studied and understands the issues involved in this proposed ordinance. He recommended that the proposed Fire Flow policy become a County ordinance.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board authorize the County Attorney to draft an ordinance to include the proposed revisions to the Fire Flow Policy and present to Board prior to advertisement.

Vote was as follows:          Yeas: Howdysshell, Sorrells, Garber, Beyeler,  
  Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

April 23, 2008, at 7:00 p.m.

### REVENUE SHARING

The Board considered resolution for reallocation of Revenue Sharing funding from Route 662 (Greenville School Road) - \$1,043,107 to:

Route 659, Patton Hill Road	\$ 45,408.16
Route 652, Guthrie Road	\$127,883.84
Route 652, University Farm Road	\$257,651.52
Route 652, University Farm Road	\$191,048.48
Route 694, Virginia Institute Way	\$192,009.14
Route 694, Swartzel Shop Road	\$229,105.86

Mr. Coffield gave an explanation of the resolutions.

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board adopt the following resolutions:

**WHEREAS**, project 0662-007-4040N501(UPC57351) is completed and there is a balance of funds remaining of \$1,043,107.00 (\$521,553.50county share and \$521,553.50 VDOT share), and

**WHEREAS**, the Augusta County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project # 0659-007-P52-N501(UPC 80273 as a revenue sharing project; Route659, known as Patton Hill Road, to be constructed as a Rural Rustic Road from Route 11 to Route657, and

**WHEREAS**, project 659-007-P52-N501(UPC80273) has an established ad date of April 21, 2014 and to ensure this ad date is met the County of Augusta would like transfer the funds to this project from 0662-007-404-N501(UPC 57351), totaling \$45,408.16,

**BE IT RESOLVED**, that the Augusta County Board of Supervisors requests that the revenue sharing funds in the amount of \$45,408.16 (total) be transferred from project # 0662-007-404-N501(UPC 57351) to the new project described above.

\* \* \*

**WHEREAS**, project 0662-007-4040N501(UPC57351) is completed and there is a balance of funds remaining of \$1,043,107.00 (\$521,553.50county share and \$521,553.50 VDOT share), and

**WHEREAS**, the Augusta County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project # 0652-007-P56-N501(UPC 80277 as a revenue sharing project; Route652, known as Guthrie Road, to be constructed as a Rural Rustic Road from Route 831 to Route654, and

**WHEREAS**, project 652-007-P56-N501(UPC80277) has an established ad date of April 21, 2015 and to ensure this ad date is met the County of Augusta would like transfer the funds to this project from 0662-007-404-N501(UPC 57351), totaling \$127,883.84,

**BE IT RESOLVED**, that the Augusta County Board of Supervisors requests that the revenue sharing funds in the amount of \$127,883.84 (total) be transferred from project # 0662-007-404-N501(UPC 57351) to the new project described above.

\* \* \*

**WHEREAS**, project 0662-007-4040N501(UPC57351) is completed and there is a balance of funds remaining of \$1,043,107.00 (\$521,553.50county share and \$521,553.50 VDOT share), and

**WHEREAS**, the Augusta County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project # 0652-007-P55-N501(UPC 80276 as a revenue sharing project; Route 652, known as University Farm Road, to be constructed as a Rural Rustic Road from Route .5 miles South of Rte. 340 to Route 340, and

**WHEREAS**, project 652-007-P55-N501(UPC80276) has an established ad date of April 21, 2015 and to ensure this ad date is met the County of Augusta would like transfer the funds to this project from 0662-007-404-N501(UPC 57351), totaling \$257,651.52,

April 23, 2008, at 7:00 p.m.

**REVENUE SHARING** (cont'd)

**BE IT RESOLVED**, that the Augusta County Board of Supervisors requests that the revenue sharing funds in the amount of \$257,651.52 (total) be transferred from project # 0662-007-404-N501(UPC 57351) to the new project described above.

\* \* \*

**WHEREAS**, project 0662-007-404-N501 (UPC57351) is completed and there is a balance of funds remaining of \$1,043,107.00 (\$521,553.50 county share and \$521,553.50 VDOT share), and

**WHEREAS**, the Augusta County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project # 0694-007-P54 -N501 (UPC) 80275 as a revenue sharing project; Route 652, known as Chesnut Ridge Road, to be constructed as a Rural Rustic Road from Route .1 mile west of Rte. 693 to Route 695, and

**WHEREAS**, project 0694-007-P54-N501 (UPC80275) has an established ad date of April 15, 2014 and to ensure this ad date is met the County of Augusta would like transfer the funds to this project from 0662-007-404-N501 (UPC 57351), totaling \$191,048.48,

**BE IT RESOLVED**, that the Augusta County Board of Supervisors requests that the revenue sharing funds in the amount of \$191,048.48 (total) be transferred from project # 0662-007-404-N501 (UPC 57351) to the new project described above.

\* \* \*

**WHEREAS**, project 0662-007-4040N501(UPC57351) is completed and there is a balance of funds remaining of \$1,043,107.00 (\$521,553.50county share and \$521,553.50 VDOT share), and

**WHEREAS**, the Augusta County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project # 0694-007-P53-N501(UPC 80274 as a revenue sharing project; Route694, known as Virginia Institute Way, to be constructed as a Rural Rustic Road from Route .5 miles South of Rte. 711 to Route 711, and

**WHEREAS**, project 694-007-P53-N501(UPC80274) has an established ad date of April 15, 2014 and to ensure this ad date is met the County of Augusta would like transfer the funds to this project from 0662-007-404-N501(UPC 57351), totaling \$192,009.14,

**BE IT RESOLVED**, that the Augusta County Board of Supervisors requests that the revenue sharing funds in the amount of \$192,009.14 (total) be transferred from project # 0662-007-404-N501(UPC 57351) to the new project described above.

\* \* \*

**WHEREAS**, project 0662-007-4040N501(UPC57351) is completed and there is a balance of funds remaining of \$1,043,107.00 (\$521,553.50county share and \$521,553.50 VDOT share), and

**WHEREAS**, the Augusta County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project # 0694-007-R99-N501(UPC 90314 as a revenue sharing project; Route 694, known as Swartzel Shop Road, to be constructed as a Rural Rustic Road from Route . to Route 340, and

**WHEREAS**, project 694-007-R99-N501(UPC90314) has an established ad date of February 24, 2009 and to ensure this ad date is met the County of Augusta would like transfer the funds to this project from 0662-007-404-N501(UPC 57351), totaling \$229,105.86,

April 23, 2008, at 7:00 p.m.

REVENUE SHARING (cont'd)

**BE IT RESOLVED**, that the Augusta County Board of Supervisors requests that the revenue sharing funds in the amount of \$229,105.86 (total) be transferred from project # 0662-007-404-N501(UPC 57351) to the new project described above.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

SECONDARY ROADS SIX-YEAR PLAN REVISIONS

The Board considered proposed revisions to Six-Year Plan.

Mr. Coffield advised that this had been discussed at the Monday Staff Briefing.

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board approve the proposed revisions to the Six-Year Plan.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

2008 TAX RATES

The Board considered adoption of real and personal tax rates for 2008, as proposed at a public hearing held on April 16, 2008.

Jennifer M. Whetzel, Director of Finance, requested that the Board adopt the following rates:

Real Estate	58¢
Vehicles and Motorcycles Tangible Personal Property	\$2.25
Machinery and Tools and all other Tangible Personal Property	\$1.90

These rates were used in preparation of the FY09 budget. Upon approval of the rates, the Treasurer is ready to finalize preparation of the tax tickets for mailing for the June 5<sup>th</sup> deadline.

On motion of Mr. Howdyshell, seconded by Mr. Coleman, that the Board adopt the County tax rate for Real Estate levy be set at 58¢ per \$100, and Tangible Personal Property levy for vehicles and motorcycles be set at \$2.25 per \$100, and Tangible Personal Property levy for all other classes be set at \$1.90 per \$100 for Tax Year 2008.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

April 23, 2008, at 7:00 p.m.

\* \* \* \* \*

REVISED BUDGET FOR FY2007-2008

The Board considered revised budget for Fiscal Year 2007-2008.

Jennifer M. Whetzel, Director of Finance, reported that the revised budget was discussed at the April 16<sup>th</sup> meeting and noted that the revised budget revenue totals \$176,678,766 and expenditures total \$179,090,958.

Mr. Coleman moved, seconded by Howdysshell, that the revised budget and appropriations for the fiscal year 2007-08, as presented at the public hearing held on April 16, 2008, be approved.

BE IT RESOLVED by the Board of Supervisors of the County of Augusta, Virginia, that the following appropriation be made for the fiscal year 2007-2008 from the funds and for the functions or purposes indicated:

BE IT FURTHER RESOLVED that the Treasurer be, and is hereby authorized to transfer to other funds from the GENERAL OPERATING FUND from time to time as money becomes available, sums equal to, but not in excess of the appropriations made to these funds from GENERAL OPERATING FUND for the period covered by the appropriation.

BE IT STILL RESOLVED that the County Administrator is authorized, pursuant to a resolution adopted by this Board of Supervisors on November, 11, 1959, to pay all normal and routine claims, when presented for which appropriations are hereinafter made, with his own warrant.

GENERAL OPERATING FUND

11010	BOARD OF SUPERVISORS	255,190
12010	COUNTY ADMINISTRATOR	624,580
12030	PERSONNEL	193,650
12040	LEGAL SERVICES	233,070
12090	COMMISSIONER OF REVENUE	822,530
12100	BOARD OF ASSESSORS	428,000
12110	BOARD OF EQUALIZATION	0
12130	TREASURER	566,080
12150	CENTRAL ACCOUNTING MANAGEMENT INFORMATION	339,420
12200	SYSTEMS	551,345
13010	BOARD OF ELECTIONS	270,440
21010	CIRCUIT COURT	90,525
21020	GENERAL DISTRICT COURT	4,600
21030	MAGISTRATE	6,850
21060	CLERK OF THE CIRCUIT COURT	953,560



April 23, 2008, at 7:00 p.m.

22010	COMMONWEALTH ATTORNEY	920,645
31020	SHERIFF	5,901,820
31040	EMERGENCY SERVICES OPERATIONS	1,482,970
32010	FIRE DEPARTMENT	2,595,800
32020	EMERGENCY SERVICES - VOLUNTEERS	2,385,705
32030	FIRE TRAINING CENTER	301,285
33030	JUVENILE PROBATION & DETENTION	982,490
34010	BUILDING INSPECTIONS	559,750
35010	ANIMAL CONTROL	315,785
41020	HIGHWAYS & ROADS	88,000
41040	STREET LIGHTS	95,000
42010	SANITATION & WASTE	1,559,650
42020	RECYCLING	133,500
43010	BUILDING & GROUNDS	1,329,180
51010	HEALTH DEPARTMENT	532,800
71010	PARKS & REC	1,409,220
73010	LIBRARY-FISHERSVILLE	1,089,841
73020	LIBRARY-CHURCHVILLE	109,700
81010	COMMUNITY DEVELOPMENT TOURISM & ECONOMIC	949,040
81020	DEVELOPMENT	514,495
82010	ENVIRONMENTAL MGMT. SYSTEMS	65,760
83010	EXTENSION OFFICE	127,880
83020	AGRICULTURAL DEVELOPMENT	66,440
83050	COUNTY FARM	3,000
92020	OTHER OPERATIONAL FUNCTIONS	112,750
92030	CONTRIBUTIONS	257,437
92040	CONTINGENCIES	25,000
94000	TRANSFERS TO OTHER FUNDS	<u>51,822,259</u>

GRAND TOTAL - GENERAL OPERATING 81,077,042

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FROM: Fire Revolving Loan Fund (12)  
TO: Fire Revolving Loan Fund (12)

50000 Disbursement of Loans 330,000

Grand Total - Fire Revolving Loan Fund (12) 330,000

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FROM: Drug Enforcement Fund (13)  
TO: Drug Enforcement Fund (13)

31030 – Operations 179,200

Grand Total - Drug Enforcement Fund (13) 179,200

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FROM: Industrial Development Fund (14)  
TO: Industrial Development Fund (14)

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April 23, 2008, at 7:00 p.m.

53000 - Payments to I.D.A.	245,000
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Grand Total - Industrial Development Fund	245,000
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FROM: Virginia Public Assistance Fund (23)

TO: Virginia Public Assistance Fund (23)

For the operation of the Augusta County Department of Public Welfare, Virginia Public Assistance Fund and to be expended only on order of the Board of Welfare for the functions and objects as outlined in the budget requests as presented to the Board of Supervisors for informative and fiscal purposes only:

53010 - Administration	6,063,400
53020 - Public Assistance	3,026,600
53060 - Comprehensive Services	3,506,000
53070 - Family Resource Center	233,000

Grand Total - Virginia Public Assistance Fund (23)	12,829,000
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FROM: School Operating Fund (41)

TO: School Operating Fund (41)

For the operation of the Public Schools of the School Operating Fund (41) and to be expended only on order of the Augusta County School Board of Augusta County, Virginia, for the functions and objects a contained in their budget requests as presented to the Board of Supervisors for financial and fiscal purposes:

11000 - Instruction	80,575,610
20000 - Admin/Attend/Health	3,122,163
30000 - Pupil Transportation	5,294,747
40000 - Operation/Maintenance	9,347,268

Grand Total - School Operating Fund	98,339,788
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FROM: School Cafeteria Fund (43)

TO: School Cafeteria Fund (43)

To be expended on order of the Augusta County School Board for the operation

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April 23, 2008, at 7:00 p.m.

of the School Cafeteria Fund:

50000 - School Food Services	<u>4,320,722</u>
Grand Total - School Cafeteria Fund (43)	4,320,722

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FROM: School Capital Improvement Fund (44)  
TO: School Capital Improvement Fund (44)

12100 - Capital Replacement	400,145
34000 - Transportation	794,920
42000 - Building Services	394,508
62440 - Stuarts Draft High School	5,459,410
62450 - Wilson Memorial High School	5,284,980
62460 - Buffalo Gap High School	<u>790,000</u>
Grand Total - School Capital Improvement Fund (44)	13,123,963

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FROM: School Debt Fund (45)  
TO: School Debt Fund (45)

92050 - Debt Service	<u>8,369,000</u>
Grand Total - School Debt Service	8,369,000

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FROM: Head Start Fund (47)  
TO: Head Start Fund (47)

10000 - Instruction	1,805,159
20000 - Admin/Attend/Health	278,947
30000 - Pupil Transportation	56,909
42000 - Maintenance Services	<u>8,370</u>
Grand Total - Head Start Fund ( 47)	2,149,385

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FROM: Governor's School Fund (48)  
TO: Governor's School Fund (48)

11000 - Instruction	1,207,592
40000 - Operations/Maintenance	28,700
66000 - Building Service	<u>5,000</u>
Grand Total - Governor's School Fund (48)	1,241,292

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April 23, 2008, at 7:00 p.m.

FROM: County Capital Improvement Fund (70)  
TO: County Capital Improvement Fund (70)

8011- Infrastructure - Beverley Manor	200,000
8012 - Infrastructure - Middle River	200,000
8013 - Infrastructure - North River	200,000
8014 - Infrastructure - Pastures	200,000
8015 - Infrastructure - Riverheads	200,000
8016 - Infrastructure - South River	200,000
8017 - Infrastructure - Wayne	200,000
8021 - Matching Grants - Beverley Manor	30,000
8022 - Matching Grants - Middle River	30,000
8023 - Matching Grants - North River	30,000
8024 - Matching Grants - Pastures	30,000
8025 - Matching Grants - Riverheads	30,000
8026 - Matching Grants - South River	30,000
8027 - Matching Grants - Wayne	30,000
8030 - Solid Waste Centers	250,000
8051 - Library - Phase II	500,000
8052 - Library - Children's Wing	100,000
8053 - Library - Automation	20,000
8054 - Craigsville Book Station	50,000
8056 - County Fire Station	100,000
8057 - Vehicle Replace. - Fire Apparatus	100,000
8058 - Emergency Communications	200,000
8059 - Fire Training Center	200,000
8073 - Recreation Facilities	750,000
8134 - County School	931,325
8136 - Juvenile Detention Center	118,000
8139 - Tourist Information Center	10,000
8141 - Geographical Information System	40,000
8144 - Information Technology	150,000
8145 - Economic Development	300,000
8146 - Firing Range	5,000
8147 - Government Center Expansion	200,000
8148 - County Courthouse	300,000
8149 - A.C.S.A. Contribution	200,000
8150 - DSS Building	100,000
8151 - Flood Control Dams	100,000
8152 - Fire & Rescue Equipment	200,000
8161 - Blue Ridge Community College	85,000

April 23, 2008, at 7:00 p.m.

8162 - Secondary Roads - Revenue Sharing	1,150,000
8164 - Storm Water Management	50,000
8165 - Homeland Security	28,000
8167 - Agricultural Development	419,500
8198 - Building Sinking Fund	442,000
94000 - Transfers To Other Funds	941,982
Grand Total - Capital Improvement Fund (70)	9,650,807

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GRAND TOTAL - APPROPRIATIONS (All Funds)	231,855,199
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Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

\* \* \* \* \*

PROPOSED BUDGET FOR FY2008-2009

The Board considered proposed budget for Fiscal Year 2008-2009 as presented at a public hearing held on April 16, 2008.

Ms. Whetzel requested that the Board of Supervisors consider the proposed budget and appropriations for FY2008-2009, as presented at the public hearing held on April 16, 2008. The advertised budget revenues totaled \$166,752,685; the advertised expenditures totaled \$171,401,629. At the last meeting, there was a handout of possible changes for the Fire and Rescue Committee amounts totaling \$27,635 and for possible changes for payment to Craigsville to reimburse them for the elimination of their decals totaling \$18,575. These two amounts were not included in the advertised budget; therefore, any changes from the advertised budget amounts would need to be incorporated into the motion to approve the budget and appropriations.

Mr. Howdyshell moved, seconded by Mr. Pyles, that the proposed budget and appropriations for the fiscal year 2008-09, as presented at the public hearing held on April 16, 2008, and as revised, be approved.

13010-6001 Fax/Copier	\$ 1,194
32010-1200 F&R Overtime	<\$ 5,000>
32020-3320 F&R Maintenance Cont.	\$ 9,435
32020-6010 F&R Personal Property	\$13,200
32020-6014 F&R Mapping	\$ 5,000
32030-1200 F&R Overtime	\$ 5,000
92030-5720 Craigsville TPP	\$18,575
92040-9999 Contingency	<\$47,404>

April 23, 2008, at 7:00 p.m.

**PROPOSED BUDGET FOR FY2008-2009 (cont'd)**

BE IT RESOLVED by the Board of Supervisors of the County of Augusta, Virginia, that the following appropriation be made for the fiscal year **2008-2009** from the funds and for the functions or purposes indicated:

BE IT FURTHER RESOLVED that the Treasurer be, and is hereby authorized to transfer to other funds from the GENERAL OPERATING FUND from time to time as money becomes available, sums equal to, but not in excess of the appropriations made to these funds from GENERAL OPERATING FUND for the period covered by the appropriation.

BE IT STILL RESOLVED that the County Administrator is authorized, pursuant to a resolution adopted by this Board of Supervisors on November, 11, 1959, to pay all normal and routine claims, when presented for which appropriations are hereinafter made, with his own warrant.

GENERAL OPERATING FUND

11010	BOARD OF SUPERVISORS	359,230
12010	COUNTY ADMINISTRATOR	623,260
12030	PERSONNEL	196,755
12040	LEGAL SERVICES	196,625
12090	COMMISSIONER OF REVENUE	881,270
12100	BOARD OF ASSESSORS	182,200
12110	BOARD OF EQUALIZATION	4,475
12130	TREASURER	549,120
12150	CENTRAL ACCOUNTING	312,740
12200	MANAGEMENT INFORMATION SYSTEMS	586,820
13010	BOARD OF ELECTIONS	254,329
21010	CIRCUIT COURT	91,120
21020	GENERAL DISTRICT COURT	4,800
21030	MAGISTRATE	7,650
21060	CLERK OF THE CIRCUIT COURT	711,480
22010	COMMONWEALTH ATTORNEY	929,640
31020	SHERIFF	5,621,380
31040	EMERGENCY SERVICES OPERATIONS	1,583,590
32010	FIRE DEPARTMENT	2,655,350
32020	EMERGENCY SERVICES - VOLUNTEERS	2,462,148
32030	FIRE TRAINING CENTER	305,005
33030	J&D COURT	25,510
33040	COURT SERVICES	6,140
33050	JUVENILE & PROBATION	1,090,500
34010	BUILDING INSPECTIONS	568,860
35010	ANIMAL CONTROL	320,185

April 23, 2008, at 7:00 p.m.

	41020	HIGHWAYS & ROADS	88,000
	41040	STREET LIGHTS	95,000
	42010	SANITATION & WASTE	1,736,400
	42020	RECYCLING	134,000
	43010	BUILDING & GROUNDS	1,363,700
	51010	HEALTH DEPARTMENT	551,350
	71010	PARKS & REC	1,371,750
	73010	LIBRARY-FISHERSVILLE	1,130,074
	73020	LIBRARY-CHURCHVILLE	113,160
	81010	COMMUNITY DEVELOPMENT	1,043,587
	81020	TOURISM & ECONOMIC DEVELOPMENT	503,065
	82010	ENVIRONMENTAL MGMT. SYSTEMS	66,160
	83010	EXTENSION OFFICE	181,292
	83020	AGRICULTURAL DEVELOPMENT	0
	83050	COUNTY FARM	3,000
	92020	OTHER OPERATIONAL FUNCTIONS	838,710
	92030	CONTRIBUTIONS	300,370
	92040	CONTINGENCIES	456,527
	94000	TRANSFERS TO OTHER FUNDS	<u>50,558,417</u>
		GRAND TOTAL - GENERAL OPERATING	81,064,744
FROM:		Fire Revolving Loan Fund (12)	
TO:		Fire Revolving Loan Fund (12)	
		50000 Disbursement of Loans	<u>330,000</u>
		Grand Total - Fire Revolving Loan Fund (12)	330,000
FROM:		Drug Enforcement Fund (13)	
TO:		Drug Enforcement Fund (13)	
		31030 - Operations	<u>20,000</u>
		Grand Total - Drug Enforcement Fund (13)	20,000
FROM:		Industrial Development Fund (14)	
TO:		Industrial Development Fund (14)	
		53000 - Payments to I.D.A.	<u>245,000</u>
		Grand Total - Industrial Development Fund	245,000
FROM:		Virginia Public Assistance Fund (23)	
TO:		Virginia Public Assistance Fund (23)	

For the operation of the Augusta County Department of Public Welfare, Virginia Public Assistance

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April 23, 2008, at 7:00 p.m.

Fund and to be expended only on order of the Board of Welfare for the functions and objects as outlined in the budget requests as presented to the Board of Supervisors for informative and fiscal purposes only:

53010 - Administration	6,415,300
53020 - Public Assistance	3,422,000
53060 - Comprehensive Services	3,544,400
53070 - Family Resource Center	<u>285,000</u>
Grand Total - Virginia Public Assistance Fund (23)	13,666,700

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FROM: School Operating Fund (41)  
TO: School Operating Fund (41)

For the operation of the Public Schools of the School Operating Fund (41) and to be expended only on order of the Augusta County School Board of Augusta County, Virginia, for the functions and objects a contained in their budget requests as presented to the Board of Supervisors for financial and fiscal purposes:

11000 - Instruction	83,208,339
20000 - Admin/Attend/Health	3,298,064
30000 - Pupil Transportation	5,536,448
40000 - Operation/Maintenance	<u>10,003,556</u>
Grand Total - School Operating Fund	102,046,407

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FROM: School Cafeteria Fund (43)  
TO: School Cafeteria Fund (43)

To be expended on order of the Augusta County School Board for the operation of the School Cafeteria Fund:

50000 - School Food Services	<u>4,700,962</u>
Grand Total - School Cafeteria Fund (43)	4,700,962

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FROM: School Capital Improvement Fund (44)  
TO: School Capital Improvement Fund (44)



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April 23, 2008, at 7:00 p.m.

34000 - Transportation	846,986
42000 - Building Services	<u>250,000</u>
Grand Total - School Capital Improvement Fund (44)	1,096,986

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FROM:	School Debt Fund (45)	
TO:	School Debt Fund (45)	
	92050 - Debt Service	<u>9,106,000</u>
	Grand Total - School Debt Service	9,106,000

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FROM:	Head Start Fund (47)	
TO:	Head Start Fund (47)	
	10000 - Instruction	1,886,562
	20000 - Admin/Attend/Health	318,401
	30000 - Pupil Transportation	59,526
	40000 - Maintenance Services	<u>3,630</u>
	Grand Total - Head Start Fund ( 47)	2,268,119

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FROM:	Governor's School Fund (48)	
TO:	Governor's School Fund (48)	
	11000 - Instruction	1,293,428
	40000 - Operations/Maintenance	28,700
	66000 - Building Service	<u>5,000</u>
	Grand Total - Governor's School Fund (48)	1,327,128

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FROM:	County Capital Improvement Fund (70)	
TO:	County Capital Improvement Fund (70)	
	8005 - Landfill	688,000
	8011- Infrastructure - Beverley Manor	200,000
	8012 - Infrastructure - Middle River	200,000
	8013 - Infrastructure - North River	200,000
	8014 - Infrastructure - Pastures	200,000
	8015 - Infrastructure - Riverheads	200,000
	8016 - Infrastructure - South River	200,000
	8017 - Infrastructure - Wayne	200,000
	8021 - Matching Grants - Beverley Manor	30,000
	8022 - Matching Grants - Middle River	30,000

April 23, 2008, at 7:00 p.m.

8023 - Matching Grants - North River	30,000
8024 - Matching Grants - Pastures	30,000
8025 - Matching Grants - Riverheads	30,000
8026 - Matching Grants - South River	30,000
8027 - Matching Grants - Wayne	30,000
8030 - Solid Waste Centers	250,000
8051 - Library Phase II	200,000
8053 - Library - Automation	20,000
8056 - County Fire Station	100,000
8057 - Vehicle Replace. - Fire Apparatus	100,000
8058 - Emergency Communications	250,000
8059 - Fire Training Center	200,000
8073 - Recreation Facilities	500,000
8136 - Juvenile Detention Center	132,000
8139 - Tourist Information Center	10,000
8141 - Geographical Information System	40,000
8144 - Information Technology	150,000
8145 - Economic Development	300,000
8146 - Firing Range	52,000
8147 - Government Center Expansion	200,000
8148 - County Courthouse	300,000
8149 - A.C.S.A.Contribution	200,000
8150 - D.S.S. Building	100,000
8161 - Blue Ridge Community College	85,000
8162 - Secondary Roads - Revenue Sharing	68,000
8164 - Storm Water Management	50,000
8165 - Homeland Security-Local	30,000
8167 - Agricultural Development	0
8198 - Building Sinking Fund	453,000
94000 - Transfers To Other Funds	250,000
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Grand Total - Capital Improvement Fund (70)	6,338,000

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GRAND TOTAL - APPROPRIATIONS (All Funds) 222,210,046

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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April 23, 2008, at 7:00 p.m.

PROPOSED BUDGET FOR FY2008-2009 (cont'd)

Ms. Sorrells noted that a request from the Registrar for a copy machine and some staffing be considered. Chairman Beyeler agreed that the additional \$1,194 appropriation be made for the copier and fax machine.

Mr. Coleman thought the Board should leave the task of assigning copier locations to the Administrator.

After some discussion, Ms. Sorrells moved, seconded by Mr. Pyles, to amend the budget to include the Registrar's request for \$1,194 to cover the fax and copier.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett and Pyles  
Nays: Coleman

Amended motion carried.

\* \* \* \* \*

CONSENT AGENDA

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board approve the following consent agenda:

MINUTES

Approved minutes of the following meeting:  
• Regular Meeting, Wednesday, April 9, 2008.

VDOT FY2009-2014 SIX-YEAR IMPROVEMENT PROGRAM

Approved Interstate and Primary System Preallocation hearing comments for presentation by Vice-Chairman.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman  
Nays: None

Motion carried.

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**(END OF CONSENT AGENDA)**

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Concerning the withdrawn agenda item (Edenbrook), Ms. Earhart indicated that the applicant would resubmit the plat with another lot. The Board and Planning Commission work session on July 21, 2008, will be changed to 5:30pm on July 30th.

\* \* \* \* \*

ADJOURNMENT

There being no other business to come before the Board, Mr. Pyles moved, seconded by Ms. Sorrells, that the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman  
Nays: None

Motion carried.

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
County Administrator