
Regular Meeting, Wednesday, May 14, 2008, 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
Dale L. Cobb, Director of Community Development
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, May 14, 2008, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 232nd year of the Commonwealth....

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Chairman Beyeler welcomed the citizens present and reminded them to remove their hats and turn off their cell phones.

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Jake Koons, a junior at Riverheads High School, led the Pledge of Allegiance. Jake is an avid bicyclist and enjoys working on old cars. He hopes to become a weatherman.

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Tracy C. Pyles, Jr., Supervisor for the Pastures District, delivered invocation.

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MENTAL HEALTH MONTH PROCLAMATION

Chairman Beyeler presented a proclamation designating the month of May, 2008, as Mental Health Month to Mickey C. DeCarr, L.P.C.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board adopt the proclamation designating the month of May, 2008 as Mental Health Month.

Dr. DeCarr appreciated the ongoing commitment of the Board of Supervisors to support local efforts to encourage people to seek mental health treatment.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Jake Koons highlighted Governor Kaine's proclamation for Bike Month:

- Bicycling is the most efficient form of transportation and offers independent mobility for many Virginians traveling between work, school, and home, and the use of bicycles for transportation benefits all residents of Virginia by easing traffic congestion, reducing air pollution, and saving highway construction dollars.

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

- The Commonwealth contains more miles of the U.S. Numbered Bicycle Route System than any other state, and is the only place where two routes intersect, and Virginia is fortunate to play host to many organized recreational, charitable, and competitive bicycling events, each of which contributes much to Virginia's economy.
- Bike Month provides an opportunity to increase public awareness of the many benefits of bicycling, to promote bicycle safety, and to encourage bike riding through organized activities such as Bike-to-Work events, club rides, family rides, and bike rodeos for children.

Ms. Sorrells mentioned that Mr. Koons is an active member of the Central Shenandoah Planning District's Bike Pedestrian Committee. He started a group of bicyclists to Riverheads and noted that Friday is Bike-to-Work Day. Ms. Sorrells distributed a copy of the proclamation and a press release to the Board. "It is always good to celebrate burning calories instead of burning gas and bringing in tourism to the area."

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Coleman:

1. James Kirkland, with H&M Company, Inc. and a contractor for MeadwestVaco, described the County's permitting process to be "well-organized and efficient" when compared with their experiences in places like Florida, Georgia, Texas, Arizona, California, and many other states. The County's communication and coordination of the plan review process "has been outstanding. The permitting process can really be a headache when local authorities are not organized. We are certainly happy to be working in a location that is organized. Thanks to the Community Development Department for their help in making this process as a smooth one so far."
2. John and Shelby Higgs, owners of the newly opened Barrenridge Vineyard and Winery in Fishersville, "were extremely pleased with the professionalism that they were displayed during the process of opening their new business. The departments of Health, Zoning, Engineering, Environment, and VDOT all provided excellent services and was much appreciated". Mr. Higgs noted that "having worked on projects in other areas in the United States and many places overseas, he has learned to appreciate the difficult job local government administrators have. Seeing Augusta County offices work effectively made him proud to be a part of this community, again."
3. Parks and Recreation landscape – Complimented Mr. Sites and staff on the landscaping at the Government Center.

Mr. Howdyshell: Fire and Rescue Equipment Grant Funding Committee additional appointee – mentioned at a previous meeting. Jim Bailey is interested in serving.

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FIRE AND RESCUE EQUIPMENT GRANT FUNDING COMMITTEE APPOINTMENT

Mr. Howdyshell moved, seconded by Ms. Sorrells, that the Board appoint F. James Bailey to serve on the Fire and Rescue Equipment Grant Funding Committee, effective immediately.

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

Motion carried.

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

Ms. Sorrells: Attended the following:

- a. Library Volunteer Recognition Luncheon
- b. MeadewestVaco Groundbreaking – adding 400,000 square feet of building space and working closely with railroad to get intermodal shipping
- c. Riverheads High School – Soccer field lights dedication
- d. Middlebrook Day Open House for new library site

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

MIDDLE RIVER AND CRIMORA-MADRID AGRICULTURAL FORESTAL DISTRICTS

Mr. Garber: Middle River and Crimora-Madrid Agricultural Forestal Districts – Expire on November 24, 2008.

Mr. Garber moved, seconded by Ms. Sorrells, that the Board authorize staff to do an official review. This would require staff to send a letter requesting people to sign up and have a meeting in those areas to allow people an opportunity to resign the document in order to stay in the district.

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

Nays: None

Motion carried.

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

Chairman Beyeler: Barrenridge Winery – First winery in Augusta County! Beautiful place!

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MIDDLEBROOK BOOK STATION

The Board considered funding of start-up costs from Riverheads Infrastructure Account. Funding Source: Riverheads Infrastructure Account (#80000-8014-44) \$4,905

Diantha McCauley, Librarian, expressed appreciation to the Board for its support of the Middlebrook Book Station. She distributed a flyer with tentative hours for the new station. They hope to open in September on Tuesdays and Thursdays from 3-9:00 p.m.; Wednesdays from 9:00 a.m. to 3:00 p.m., and on Saturdays from 10:00 a.m. to 1:00 p.m. The library will include a collection of about 5,000 items, including books, videos, DVDs, books on CD and tape, magazines and newspapers, and will offer regularly scheduled programs, including story times for preschoolers, high-speed Internet, and Wi-Fi. Residents also will be able to order materials from any Valley Connections Library, which will be delivered on a weekly basis. Jack Holt, Churchville Branch Manager, who also serves as the liaison for the Craigsville and Deerfield stations will be the liaison for Middlebrook. The bulk of the materials will come from the County library collection.

Ms. Sorrells added that the start-up costs would be taken out of the Riverheads Infrastructure Account. She felt that the costs would be lower due to donations.

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MIDDLEBROOK BOOK STATION (cont'd)

Ms. Sorrells moved, seconded by Mr. Garber, that the Board approve the expenditure for the start-up costs for the Middlebrook Book Station up to \$4,905 be taken out of the Riverheads Infrastructure Account (#80000-8014-44).

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

Nays: None

Motion carried.

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MIDDLEBROOK BOOK STATION

The Board considered approval of lease agreement.

Joseph Zapotoczny, Chairman of the Library Board, thanked the Board of Supervisors for its support and for the dedicated staff for "making it happen." He also thanked the Board for Phase 1 – the Children’s Wing. He also attended Middlebrook Day and stated that the people were very appreciative of having library services available.

Patrick J. Coffield, County Administrator, advised that in working with the property owner, the Librarian and the County Attorney, it was decided that the following wording be added to the lease (Paragraph No. 3, Rent): "It is recognized by both parties hereto that the costs of providing utilities has been factored into the sum of the rent. At the time this agreement is executed, the cost of fuel oil is Three Dollars (\$3.00) per gallon. Lessee agrees to pay Lessor any amount in excess of \$3.00 per gallon due to an increase in the price of fuel oil. For example, if the price of fuel oil is increased to Four Dollars (\$4.00) a gallon, the Lessee shall pay Lessor One Dollar (\$1.00) per gallon for each gallon of fuel oil purchased at the increased price. Chairman Beyeler asked if the beginning date was July 1st. Ms. Sorrells said it would be July 1 if approved tonight. Chairman Beyeler referred to the fuel rate and asked if the heating was prorated. Ms. Sorrells said that two separate heating systems are being installed.

Ms. Sorrells moved, seconded by Mr. Shifflett, that the Board approve the lease agreement with revisions.

Mr. Howdyshell referred to Paragraph 3 and asked that it be clarified as a five-year lease.

Ms. Sorrells noted that the price is set as a five-year lease, but that there is a 90-day notice of termination, and that this will be reviewed during the budget process. If it is not funded in the budget, it will be terminated at the end of the budget year. Ms. Sorrells advised that a Public Use Overlay will be coming before the Board in the near future.

Patrick J. Morgan, County Attorney, noted that Paragraph 2 would read as follows: "INITIAL TERM OF LEASE. The Demised Premises are leased to Lessee for a period of five year(s), beginning on July 1, 2008, and terminating on June 30, 2013 (the "Initial Term")."

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

Nays: None

Motion carried.

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LIGHTING ORDINANCE WAIVER – CHURCHVILLE ELEMENTARY SCHOOL

The Board considered School Board request for waiver from spillover related to the small Little League baseball field at the Churchville Elementary School (Pastures District).

John Wilkinson, Zoning Administrator, advised that the Augusta County School Board has requested a waiver from the ordinance requirements in order to install lighting on the small Little League baseball field at the Churchville Elementary School. Section 25-63 of the Lighting Ordinance states that “the spillover of lighting from outdoor luminaries onto public streets and property within a residential or agricultural zoning district or used for residential or agricultural purposes shall not exceed 0.5 foot candle.” Documentation from the lighting engineer shows that the site cannot meet the requirements of the lighting ordinance and provide the required amount of light for the facility due to light spillover. Under Section 25-65, the Lighting Ordinance provides an option of applying for a waiver from the Board of Supervisors.

Mr. Pyles stated that where the field is situated, it will have very little impact.

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

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

Nays: None

Motion carried.

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STREETLIGHT REQUESTS

The Board considered requests for the installation and/or upgrading of streetlights for referral to Streetlight Committee at the following locations:

1. At the intersection of Birchwood Road, Woodlawn Drive, and Gish Lane, Staunton (Wayne District).
2. Route 250, Windsor Drive (Wayne District)

Dale L. Cobb, Director of Community Development, stated that there were two requests for streetlights in Wayne District. He noted that the developer has installed nine lights along Windsor Drive, but the Occupancy Permits, where he has three dwellings only meets at the intersection of Barrenridge Road and Windsor Drive. He suggested that the Board create a committee to review the requests.

Chairman Beyeler suggested that Mr. Coleman serve on the committee. Mr. Howdysshell stated that the normal practice was that the Magisterial District Supervisor, staff and electric company serve on the committee.

Mr. Howdysshell agreed that the streetlights were good as long as they were in a planned development and a citizen group pay for them. “We are sitting on more than \$100,000 paying for private citizens’ lights. Not everyone in the County has that benefit. This thing is going to balloon from \$100,000; within the next couple of years, it may reach \$200,000 we’re paying to light a few people’s sidewalks. I think it is an injustice for the people that are not able to benefit from this. We’re paying for their security. In a way, it is not fair.” Mr. Coleman asked if there was something different that could be done to change the process. Chairman Beyeler agreed with Mr.

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STREETLIGHT REQUESTS (cont'd)

Howdysshell that the County was giving them security light, but that was part of the County's purpose. "Yes, it did need to meet the criteria."

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EROSION AND SEDIMENT – DRAFT ORDINANCE

The Board considered draft ordinance and authorization to advertise for public hearing on June 11, 2008.

Mr. Cobb advised that Mr. Flippen has given several presentations on the DCR review and the ordinance. Changes to the ordinance have been made and reviewed by DCR. The County needs to be in compliance by July 31, 2008. Mr. Cobb is recommending that the ordinance be advertised for public hearing on June 11, 2008.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board authorize staff to advertise for public hearing on June 11, 2008.

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

Nays: None

Motion carried.

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BROADMOOR DRAINAGE PROJECT

The Board considered construction of fence to screen commercial area from drainage/residential area.

Funding Source: South River Infrastructure Account #80000-8016-44 \$7,220

Mr. Cobb advised that a proposal was included in the Board package to construct a fence in the amount of \$7,219 next to the Broadmoor Shopping Center. Some pine trees that were located along the drainage ditch were removed when the drainage channel was reworked. The property owner, who lives on the corner next to the Broadmoor Shopping Center parking lot, has asked that a fence be installed which would be four feet out in the front yard, four feet tall, and goes to six feet and transitions to eight feet.

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

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

Nays: None

Motion carried.

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STREET ADDITIONS

The Board considered Community Development's recommendations to adopt resolution for acceptance of the following streets into the secondary road system in accordance with VDOT request:

1. Ivy Ridge Industrial Park (South River District)

Mr. Cobb advised that there are three streets to be considered in Ivy Ridge Industrial Park: Ivy Ridge Lane (.27 miles); Westbrook Court (.09 miles); and Wilshire Court (.11 miles).

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board adopt the following resolution:

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996 for comprehensive stormwater detention which applies to this request for addition.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **IVY RIDGE INDUSTRIAL PARK**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Ivy Ridge Lane

From: Route 608
To: 0.27 miles south of Route 608
Length: 0.27 miles

Westbrook Court

From: Intersection of Ivy Ridge Lane (Route 1164)
To: 0.09 miles east of Ivy Ridge Lane
Length: 0.09 miles

Wilshire Court

From: Intersection of Ivy Ridge Lane (Route 1164)
To: 0.11 miles west of Ivy Ridge Lane
Length: 0.11 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right of way of 50 feet with necessary easements, for cuts, fills, and drainage as recorded in Instrument 010010980, Plat Book 1, Pages 5027 and 5028, recorded September 13, 2001.

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

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

Nays: None

Motion carried.

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WHISTLE LANE – TRAFFIC CONTROL

The Board considered request of Whistle Lane residents to erect "Watch for Children" signage. Estimated cost: \$150 (Middle River District).

Funding Source: Middle River Infrastructure Account #80000-8012-54

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WHISTLE LANE – TRAFFIC CONTROL (cont'd)

Rita Austin, Executive Secretary, reported that a request had been submitted to erect "Watch for Children" signage. The request, a petition, and a map indicating the location of the sign had been included with the agenda package. Ms. Austin had spoken with Mr. Garber to confirm that he supported the request and that it would be taken out of his infrastructure account.

Mr. Garber moved, seconded by Ms. Sorrells, that the Board approve the request of erecting one sign on Whistle Lane.

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

Nays: None

Motion carried.

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TANGIBLE PERSONAL PROPERTY ORDINANCE

The Board considered advertisement for public hearing an ordinance to ratify classifications of TPP, other than for vehicles and motorcycles, to remain at \$1.90.

Mr. Coffield explained to the Board, to be in compliance with the State Code, classifications of Tangible Personal Property needed to be confirmed designating what falls in the \$2.25 category and what falls in the \$1.90 category. The Board adopted an ordinance on March 26, 2008 designating motor vehicles and motorcycles in the \$2.25 bracket.

Mr. Morgan added that, as a housekeeping effort, the Commissioner of Revenue recommended an advertisement for public hearing to ratify the classifications. He agreed with the recommendation.

Mr. Coleman moved, seconded by Mr. Garber, that the Board authorize staff to advertise for public hearing an ordinance to confirm classifications of Tangible Personal Property other than that for vehicles and motorcycles, to remain at \$1.90.

Mr. Pyles asked where farm vehicles were designated on personal property. Mr. Howdysshell said they were listed as motor vehicles. Mr. Pyles felt that farm vehicles should be included in Farm Machinery.

Mr. Morgan said that farm machinery was a separate classification. Mr. Howdysshell stated that if it had a DMV registration, it was considered as motor vehicles. Mr. Morgan stated that automobiles that are exempted from the general class of automobiles are antique motor vehicles, taxicabs and motor vehicles with specially designed equipment for use by the handicapped.

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

Nays: None

Motion carried.

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May 14, 2008, at 7:00 p.m.

CONSENT AGENDA

Mr. Howdysshell moved, seconded by Mr. Pyles, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Budget Hearing Meeting, Wednesday, April 16, 2008
- Staff Briefing Meeting, Monday, April 21, 2008
- Regular Meeting, Wednesday, April 23, 2008

CLAIMS

Approved claims paid since April 9, 2008.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Inch Run – project up and running! Distributed photographs.
2. Dominion Virginia Power – filed with the SCC for an 18% increase. Candy Hensley, Environmental Programs Manager, is creating a staff working committee to address Government Center energy usage and possible reductions.
3. Parks and Recreation minibus to be viewed May 27th at 1:00 p.m.
4. Meetings:
 - a. Board of Supervisors/Agriculture Industry Board joint meeting to be rescheduled. It was the consensus of the Board to reschedule meeting on May 27th at 6:30 p.m.
 - b. Fishersville Small Area – May 20th, at 7:00 p.m., Wilson Middle School
 - c. Frontier Drive – May 21st, 4-6:00 p.m., Government Center
5. School Board – Growth Calculation – letter drafted, with attachments distributed to Board. Consensus of the Board to place on Staff Briefing, May 27th
6. Regional Dinner – Staunton, Augusta County, and Waynesboro – to be scheduled some time after July 1st.

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7. HAZMAT GRANT

John C. McGehee, Assistant County Administrator, advised that the City of Harrisonburg, Rockingham County and Augusta County will receive a total of \$150,900 from available grant funds (\$50,300 for Augusta County). The application is due Thursday, May 15th, with a resolution.

Mr. Shifflett moved, seconded by Mr. Howdysshell, that the Board adopt the following resolution:

BE IT RESOLVED BY THE Augusta County Board of Supervisors of the County of Augusta that Bruce W. Crow, Fire-Rescue Chief, or John McGehee, Assistant County Administrator, is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

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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) Pending litigation

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

Nays: None

Motion carried.

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CLOSED SESSION (cont'd)

On motion of Mr. Pyles, seconded by Ms. Sorrells, the Board came out of Closed Session.

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

Nays: None

Motion carried.

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CLOSED SESSION (cont'd)

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: Shifflett, Coleman, Garber, Pyles, Howdyshell, Sorrells and Beyeler

NAY: None

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

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CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION REAPPOINTMENT

Mr. Garber moved, seconded by Ms. Sorrells, that the Board reappoint Kay D. Frye to serve another three-year term on the Central Shenandoah Planning District Commission, effective July 1, 2008, to expire June 30, 2011.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY LIBRARY BOARD REAPPOINTMENT

Mr. Garber moved, seconded by Mr. Shifflett, that the Board appoint Susan A. Thacker to serve a four-year term on the Augusta County Library , effective July 1, 2008, to expire June 30, 2012.

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

Nays: None

Motion carried.

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ESTATE OF SABRINA LEE SHIFLETT CLAIM

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board deny the claim of the Estate of Sabrina Lee Shifflett. The Clerk is directed to provide notice of this denial as provided by law.

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

Nays: None

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Pyles moved, seconded by Mr. Howdysshell, 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