

Regular Meeting, Wednesday, May 28, 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  
Patrick J. Morgan, County Attorney  
Becky Earhart, Community Development  
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

ABSENT: Nancy Taylor Sorrells

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, May 28, 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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Richard Fox, Mayor of the Town of Craigsville, led the Pledge of Allegiance.

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

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WILLIAM W. LITTLE – REZONING

This being the day and time advertised to consider a request to rezone approximately 2.5 acres from General Agriculture to General Business with proffers owned by William W. Little, located on the north side of Stuarts Draft Highway (Route 340) approximately 0.2 of a mile east of the intersection of Stuarts Draft Highway (Route 340) and White Hill Road (Route 654) in Stuarts Draft (South River District). The Planning Commission recommends approval with proffer #1 only.

Becky Earhart, Senior Planner, displayed property and noted that the property shaded in red is zoned General Business; property outlined in blue is currently zoned General Agriculture. She advised that the applicant submitted the following proffers:

1. There shall be no entrance onto Route 340 installed along the frontage of this property. Access will be through a shared entrance with an adjacent parcel.
2. A buffer consisting of a single row of Arborvitae (4' tall at time of planting) planted 20' on center along the eastern property line (TM 84D (1) 2) will be established prior to development of the site if that property (TM 84D (1) 2) is still zoned General Agriculture. The buffer will be maintained until such time as the use of zoning of the property is changed to business.

The property has been zoned General Agriculture since December of 1995; is in an Urban Service Area; and slated for Business development. It has public water and public sewer.

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WILLIAM W. LITTLE – REZONING (cont'd)

William Little, applicant, asked for the rezoning to enable him to display his machinery next to his business "Mule Motor Machines".

The Chairman declared the public hearing open.

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

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board adopt the following ordinance with only Proffer #1:

A request to rezone approximately 2.5 acres from General Agriculture to General Business with proffers owned by William W. Little, located on the north side of Stuarts Draft Highway (Route 340) approximately 0.2 of a mile east of the intersection of Stuarts Draft Highway (Route 340) and White Hill Road (Route 654) in Stuarts Draft in the South River District. The applicant has proffered access to the parcel will be through a shared entrance with an adjacent property and there will be no entrance onto Stuarts Draft Highway (Route 340) along the frontage of this property. The applicant has also proffered to plant a tree buffer along the northern property line and maintain it until such time as the use or zoning of the adjacent property is changed to business. The proposed general usage of the property is Business. The general usage stated in the Comprehensive Plan is Business.

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 numbers 1 and 1A on tax map number 84D (1) containing approximately 2.5 acres are changed from General Agriculture to General Business with the following proffer:

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WILLIAM W. LITTLE – REZONING (cont'd)

1. There shall be no entrance onto Route 340 installed along the frontage of this property. Access will be through a shared entrance with an adjacent parcel.

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

Nays: None

Absent: Sorrells

Motion carried.

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TOWN OF CRAIGSVILLE AND GORDON A PAINTER – 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 1.1 acres of land owned by the Town of Craigsville and Gordon A. Painter located on the south side of Estaline Valley Road (Route 601) approximately 0.1 of a mile west of the intersection of Estaline Valley Road (Route 601) and Furnace Road (Route 862) (Pastures District). The Planning Commission recommends approval with proffer.

Ms. Earhart displayed the property outlined in pink which is the current site of Craigsville water treatment facility. Craigsville is acquiring the additional acre to enlarge their treatment plant to meet the requirements of the state. The property is zoned General Agriculture; is in a Community Development Area; and slated for Low Density Residential development. Public water is available; no public sewer.

Ms. Earhart advised that the applicant submitted the following proffer:

1. Additional permitted uses at this site will be:
  - a. Water treatment plants

Mayor Richard Fox, applicant, reported that their spring was disconnected in February 2008 due to getting surface water in the spring. The spring puts out about 285,000 gallons of water a day. Currently, they are operating on three wells. To comply with the Health Department requirements, they need to install a \$1.2 million water treatment facility which caused the need for the Public Use Overlay.

The Chairman declared the public hearing open.

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

Mr. Pyles moved, seconded by Mr. Coleman, that the Board adopt the following ordinance with proffer:

A request to add the Public Use Overlay zoning designation with proffers to approximately 1.1 acres of land owned by the Town of Craigsville and Gordon A. Painter located on the south side of Estaline Valley Road (Route 601) approximately 0.1 of a mile west of the intersection of Estaline Valley Road (Route 601) and Furnace Road (Route 862) in the Pastures District.

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TOWN OF CRAIGSVILLE AND GORDON A PAINTER – PUBLIC USE OVERLAY  
(cont'd)

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 numbers 55 (portion) and 55A on tax map number 70 containing approximately 1.1 acres are changed to add the Public Use Overlay designation with the following proffer:

1. Additional permitted uses at this site will be:
  - a. Water treatment plants

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

Nays: None

Absent: Sorrells

Motion carried.

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ROAD ABANDONMENT

This being the day and time advertised to consider abandonment of portions of an alley located in Dr. A. C. Byers Subdivision at Weyers Cave (Middle River District).

Patrick J. Morgan, County Attorney, advised that this had been discussed at the Staff Briefing yesterday. He reiterated that this request was to abandon a 10' alley in the Dr. A.

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ROAD ABANDONMENT (cont'd)

C. Byers Subdivision at Weyers Cave. All of the property owners along the alleyway have requested this; the procedure has been followed; the area was marked in three different places that the Board was to consider abandonment; public hearing advertisement had been placed in a newspaper of general circulation twice. A picture of the current state of the alley was displayed. If the Board determines if there is no public purpose to maintain the alley, then it should vote to abandon.

Mr. Garber noted that, due to potential conflict of interest, he would abstain.

James Riddel, applicant, advised that this was an alleyway that was never used.

The Chairman declared the public hearing open.

There being no one present to speak for or against, the Chairwoman declared the public hearing closed.

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

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, James N. Riddel, III and Sandra S. Riddel, Courtney A. Crawford and Everette E. Breeden, Geneva G. Jackson, J. Paul Wilson and Martha Hall Carper (collectively, the "Owners") are the owners of the real estate abutting the alley designed as "Existing 10' Wide Alley to be Vacated" in the Middle River District of Augusta County, Virginia, as more particularly shown on the attached plat entitled "Vacation of Alley Dr. A. C. Byers Subdivision, Village of Weyers Cave, Middle River District Augusta County, VA" dated June 11, 2007, plotted April 9, 2008, and prepared by Brunk & Hylton Engineering, Inc. (the "Plat").

WHEREAS, the Owners have petitioned the Board of Supervisors of Augusta County, Virginia ("Board") for the abandonment of an existing 10 foot wide alley as shown on the Plat pursuant to Virginia Code §33.1-156, *et seq.*

WHEREAS, a public notice was posted and published as prescribed under Virginia Code §33.1-158 announcing (a) the intention of the Board to abandon such Alley as a public alley, and (b) a public hearing to receive comments concerning such abandonment.

WHEREAS, the Board has conducted the public hearing previously noticed under Virginia Code § 33.1-158, to receive comments concerning the proposed abandonment of such Alley.

WHEREAS, after considering such comments and all other evidence available, the Board is satisfied that such Alley is no longer necessary for public use, and the safety and welfare of the public would be best served by the abandonment of same.

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

1. That the Board abandons the existing 10' wide Alley shown on the Plat, as described above, as a public alley, pursuant to Virginia Code § 33.1-156, *et seq.*, subject, however to the condition that within sixty (60) days of the date of this resolution, a consolidation plat shall be submitted to the subdivision agent to consolidate the abandoned Alley and the adjacent properties into a single parcel, in accordance with the subdivision ordinance of Augusta County, Virginia.
2. That the effect of this abandonment shall be to vest fee simple title to the centerline of such portion of the Alley so abandoned in the owners of the abutting lots free and clear of an rights of the public, but subject to the rights of owners of any public utility installations which have been previously erected therein.
3. That a certified copy of this resolution shall be recorded in the Office of the Clerk of the Circuit Court of Augusta County, Virginia

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ROAD ABANDONMENT (cont'd)

and the Clerk of this Court shall enter this resolution upon the public land records of the Court.

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

Nays: None

Absent: Sorrells

Abstained: Garber

Motion carried.

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**(END OF PUBLIC HEARINGS)**  
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MATTERS TO BE PRESENTED BY THE PUBLIC

Buck Kent advised that the new playground in Augusta Springs was a good plan, but wished that the community was able to give more input before making the change of location. He felt that "if the Augusta Springs community had some ownership in the decision-making process, this directly cuts down negativeness and encourages volunteerism".

Mr. Coleman, as Board Liaison for Parks and Recreation, explained that there is a representative from the Pastures District on the Parks and Recreation Commission in terms of the public involvement.

Mr. Pyles expressed that there had been a series of things done such as the overall recreation plan in which Mr. Kent was involved. The change in location is due primarily to the original site being in/or adjacent to the flood plain. He stated that this was for the benefit of the people and that he had received much input. He noted that the Board had done quite a bit to improve the community.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following:

Mr. Coleman:

1. Completed the final public meeting regarding the Fishersville Small Area Plan – "Well attended!" Thank you to staff.
2. Crimora Park dedication – Road named Kay Frye - Commended staff and inmates for an "outstanding job".
3. Route 250/Woodrow Wilson Rehabilitation Center – The proposed connector road will be a welcomed addition! Property rezoning and TIF agreement will be on future agenda.

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

Mr. Shifflett:

1. VDOT open house for Frontier Drive – “Good turnout!”
2. Grant funding for intersection of Route 612/792 improvements has been received.

Mr. Garber: Airport has more than doubled passengers!

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

YOUTH COMMISSION – REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Coleman, that the Board reappoint Linda Yancey, to serve another four-year term on the Youth Commission, effective July 1, 2008, to expire June 30, 2012.

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

Nays: None

Absent: Sorrells

Motion carried.

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YOUTH COMMISSION – APPOINTMENT

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board appoint Courtney Yancey, to serve a one-year term on the Youth Commission, effective July 1, 2008, to expire June 30, 2009.

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

Nays: None

Absent: Sorrells

Motion carried.

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CIRCUIT COURT STENOGRAPHER

The Board considered proposal to provide stenographer services for Circuit Court with funding from State Supreme Court.

John Davis, Clerk for Augusta County Circuit Court, read the following statement:

This position will allow our office to have, for the first time, a full time Court recorder/stenographer. One person to record, track, transcribe and file felony case criminal proceedings with the exacting accuracy that these matters require. I have wanted to add this position for the past several years and I believe the time is right to do so now.

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CIRCUIT COURT STENOGRAPHER (cont'd)

Currently, we rely on my deputy clerks to perform a dual role in the courtroom, that of deputy clerk and court recorder. This dual responsibility has become increasingly difficult to perform due to the complex nature of court proceedings and the Orders that must be processed from those proceedings and the continuing increase in our criminal court docket load. In the role of court recorder our office has been performing that function without compensation from the Commonwealth of Virginia.

The stenographer part of this position is currently being performed by a decreasingly available (and reliable) pool of part time folks. (We do not any longer have a private court recording service available in Staunton).

This function of our office is vitally important in the Judicial Process, and to be able to have the same person who records the court proceedings, actually doing the transcribing, will be of tremendous benefit when it comes to the accuracy of the product. It also will help to get the transcripts filed on time, which has been a problem for us in the past when using part time folks. (We are under strict filing deadlines once a case is appealed.)

I think Mr. Coffield, in the staff briefing, went over the funding numbers with you, as well as some of the additional benefits that will occur if this position is established. I would be happy to answer any questions you might have ...

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board approve proposal to provide stenographer services for Augusta County Circuit Court.

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

Motion carried.

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JUDGE THOMAS WOOD – RECOGNITION

Mr. Pyles felt that Judge Wood has been very cooperative with the Board of Supervisors and asked if Mr. Davis could suggest a token of appreciation such as the County seal or County chair.

Mr. Coffield stated that Judge Wood has noticed the Augusta County chair every time he has come into the office.

Mr. Pyles moved, seconded by Mr. Garber, that the Board present an Augusta County chair to Judge Wood.

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

Motion carried.

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May 28, 2008, at 7:00 p.m.

## TRANSPORTATION FUNDING

The Board considered support for statewide Transportation funding initiatives to address maintenance and construction needs.

John C. McGehee, Assistant County Administrator, advised that a letter has been drafted for the Chairman's signature that expresses the opinion of the Board with respect to the issue of transportation funding in the Commonwealth of Virginia. Mr. McGehee read the following:

The Augusta County Board of Supervisors commends you for promoting a statewide transportation funding solution. There was a time, in the not too distant past, that the Virginia Department of Transportation's highway road system was a model throughout the country. Most states envy Virginia's system. An effective transportation network throughout the Commonwealth assures the citizens of the Commonwealth economic growth, a cleaner environment and enhanced public safety. With a statewide transportation funding solution, the citizens of the Commonwealth would increase daily productivity and save thousands, if not millions, barrels of oil.

As you are aware, the Commonwealth faces a documented transportation funding shortfall including a recurring and inflating road maintenance funding shortfall resulting in the Commonwealth Transportation Board eliminating and reducing programmed project spending totaling \$1.1 billion in the new six-year transportation program. In Augusta County, in 2003, our six-year plan totaled \$30,689,000. In 2009, that secondary road figure is \$16,893,708, which is over a 45% decrease. In addition to the cut, projects are affected by significant material increases, labor costs, and additional regulations that have occurred since 2003.

Our Board of Supervisors does not support transferring state general funds for transportation purposes. We believe that a dedicated source of revenue reserved for transportation only is the fairest way to fund the increasing transportation needs. We also believe that revenue sources should be found that maximize the payments by out-of-state drivers that travel the Virginia Transportation system.

The Board is committed to work with our General Assembly representation to facilitate a statewide transportation funding initiative during the forthcoming special session of the General Assembly.

Thank you for your continued leadership.

Chairman Beyeler stated "nobody likes additional taxes and no one hates taxes more than I do. I consider myself conservative. You got a tire going flat, you're going to fix it before it wears out. We need to continually fix our roads and not let them get in such shape that it is going to cost us a whole lot more to fix them in the long run. We are not telling them what to do, but we are suggesting that they look at new methods to pay for the maintenance of these roads and the building of the new roads. We may not be in a crisis now, but we will be in a crisis if we don't do something pretty soon."

Mr. Pyles felt that this letter was very diplomatic and reinforced the point that a copy of it go to the local legislative delegation.

Mr. Garber stated "bad roads are a tax".

Mr. Garber moved, seconded by Mr. Pyles, that the Board authorize staff to submit letter to Governor Kaine and local legislators.

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TRANSPORTATION FUNDING (cont'd)

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

Nays: None

Absent: Sorrells

Motion carried.

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AUGUSTA SPRINGS PARK

The Board considered funding proposal for Park.

Funding Sources:

A) Pastures Recreation Account	#80000-8024-18	\$100,000
B) Pastures Infrastructure Account	#80000-8014-52	<u>132,555</u>
		\$232,555

Mr. Coffield stated that the Board received a presentation at the Staff Briefing from the Director of Parks and Recreation. He remarked that the original intent was to use the land on the river, but it has flooded and needs to be relocated. There are more needs for the community than what the original site allows; the new property is sufficient to meet all needs.

Mr. Pyles emphasized that this was a personal and important project. In the beginning, the original property did not have ownership and had been abandoned. The County Attorney was able to do research and have it deeded to the community group. In order to get funding, road improvement funding went to the group and then came back to the Board to complete certain projects (take down building, remove asbestos, etc.) To avoid the community group having to provide insurance, the County took ownership of the property. When Stillwater was in bankruptcy, it could not sell the land. When the opportunity arose to purchase the property, it was also part of the need for the County to buy the property where the recycling center was located and a decision had to be made of whether to use the three acres on a flood plain or on twenty-five acres that was not on a flood plain and was more appropriate to meet the needs of the community. He noted that this has been 100% funding from County sources whereas most communities have to contribute matching funds. "We have gone over and above every time for this community, but too often, we have a naysayer where we just didn't do it right."

Mr. Pyles moves, seconded by Mr. Coleman, that the Board approve the request.

Mr. Coleman referred to engaging a community two years ago in a park that is going to eventually be built in the Beverley Manor District in Verona (near ASR). He sees this as a similar situation as the Augusta Springs property where someone may state that "they

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AUGUSTA SPRINGS PARK (cont'd)

knew nothing about it. The community was not involved.” Mr. Coleman said that the community has been involved.

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

Nays: None

Absent: Sorrells

Motion carried.

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LIBRARY IMPROVEMENTS PHASE II

The Board considered request of Library Board to proceed with A/E services associated with proposed project.

Funding Source: #80000-8051 \$161,020

Mr. McGehee advised that he and Tom Clayton had attended the Library Board meeting last Wednesday, and made a presentation concerning updated costs for Phase II of the Library. Phase I was the new Children’s Wing. The Library Board wanted this proposal to be given to the Board of Supervisors for their consideration. A presentation was given at the Staff Briefing. Mr. McGehee was available to answer any questions.

Mr. Shifflett reiterated that the price has already increased since Phase I. He emphasized that the library is more than a place to check out books. “It is a gathering place—plenty of activities for children and adults. The attendance at the library is close to 80,000.”

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

Mr. Howdyshell stated that he could not support the motion. He said there was too much of a difference in the cost as to what is in the fund balance (\$670,000). He stated that when Phase I was approved, he agreed to do away with the bookmobile so it could have enough funding to proceed with Phase I. He felt it more prudent to look at supplying library services to more remote areas of Augusta County than a continued expansion of the main Fishersville library.

Mr. Pyles agreed with Mr. Howdyshell and stated that the County had many considerations at this point, including a new recreation center and emergency service equipment and facility needs. He stated that the Board needed to look at the other needs and prioritize. He mentioned that even if the architecture work was done, funding the library project would not be certain.

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LIBRARY IMPROVEMENTS PHASE II (cont'd)

Vote was as follows: Yeas: Shifflett, Beyeler and Coleman

Nays: Howdyshell, Garber and Pyles

Absent: Sorrells

Motion failed.

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Mr. Garber was not ready to vote at this time. He felt that he needed more time to review.

Mr. Garber moved, seconded by Mr. Pyles, that the Board table this item for 30 days.

Vote was as follows: Yeas: Howdyshell, Garber and Pyles

Nays: Shifflett, Beyeler and Coleman

Absent: Sorrells

Motion failed.

Mr. Garber stated to the three in favor that he was not opposed to the proposal, but felt that more time was needed. "We do need to be mindful that we have needs and the people putting money in here have personal needs."

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FIRE AND RESCUE EQUIPMENT REVOLVING LOAN PROGRAM

The Board considered Committee's recommendations as it relates to equipment revolving loan request from the following agency:

<u>Agency</u>	<u>Request</u>	<u>Committee Recommendation</u>
Weyers Cave F&R	\$200,000	\$200,000

Mr. McGehee stated that an application by Weyers Cave Fire and Rescue for a loan through the Revolving Loan Fund was discussed at the Staff Briefing. He stated they were going to buy a tanker (\$463,000). There is a two-thirds funding up to \$200,000. This is a loan that is repaid to the County over a ten-year period interest-free. The Emergency Services Committee has approved this request and asked the Board to consider.

Mr. Shifflett moved, seconded by Mr. Howdyshell, that the Board approve the request.

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

Nays: None

Absent: Sorrells

Motion carried.

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DSS LEASE

The Board considered updated lease agreement to comply with state requirements.

Jennifer Whetzel, Director of Finance, advised that a Deed of Lease for the Department of Social Services at the Government Center Complex had been discussed at the Staff Briefing. She noted that the federal government has mandated that states closely monitor their local Social Services leases. They want the leases to be based on actual cost or facility-use cost. This lease has been reviewed by the State and County Attorney and approved. Approval of the lease is needed to receive reimbursement in June for the facility costs.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the lease.

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

Nays: None

Absent: Sorrells

Motion carried.

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PANORAMA SUBDIVISION – RESOLUTION

The Board considered resolution reducing right-of-way and substituting an easement related to the Secondary Road System.

Patrick J. Coffield, County Administrator, advised that this had been discussed at the Staff Briefing.

Mr. Coleman added that, if this resolution is adopted, the owners are prepared to modify the structure.

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

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF AUGUSTA COUNTY, VIRIGNIA

WHEREAS, on April 26, 2006 the Board of Supervisors adopted a resolution requesting that the Department of Transportation accept certain roads in Panorama Subdivision, sections 1C, 1D, and 1E as part of the State Secondary Road System, and

WHEREAS, the Virginia Department of Transportation accepted said roads with a sixty foot right of way into the state Secondary Road System on February 12, 2007, and

WHEREAS, the Board of Supervisors has an interest in reducing the right of way on Alba Circle, along lot number 18 by 14.9 feet along the entire length of lot as shown on the attached plat of survey made by Stephen W. Ellinger of EGS & Associates, Inc., dated March 24, 2008 , and

WHEREAS, in place of the right of way, a permanent easement will be dedicated over the same area described on an attached plat of survey entitled, "Plat of a Portion of Alba Circle to be combined with Lot 18, Panorama Estates, Section 1-C" made by Stephen W. Ellinger of EGS & Associates, Inc, dated April 23, 2008, and

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**PANORAMA SUBDIVISION – RESOLUTION (cont'd)**

WHEREAS, this proposed action has been reviewed by the Virginia Department of Transportation and the Department has determined that the proposed action is acceptable for the continued maintenance of the State Highway described as Alba Circle.

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

That the Augusta County Board Supervisors abandons any interest that it has or may have in a portion of the right of way along Alba Circle, Panorama Subdivision, section 1C, comprised of a 14.9 foot strip, containing .077 acres of land along lot 18 as depicted in a plat of survey made by Stephen W. Ellinger of EGS & Associates, Inc., dated March 24, 2008, reducing said right of way to the limits on the aforesaid plat and requests that the Department of Transportation accept the permanent easement to be created as described on an attached plat of survey entitled, "Plat of a Portion of Alba Circle to be combined with Lot 18, Panorama Estates, Section 1-C" made by Stephen W. Ellinger of EGS & Associates, Inc, dated April 23, 2008.

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

Nays: Shifflett

Absent: Sorrells

Motion carried.

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**CONSENT AGENDA**

Mr. Howdysshell moved, seconded by Mr. Garber, that the Board approve the following consent agenda:

**MINUTES**

- Approved minutes of the following meeting:
• Regular Meeting, Wednesday, May 14, 2008.

**NACo 2008 VOTING CREDENTIALS**

Approved NACo 2008 Voting Credentials.

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**(END OF CONSENT AGENDA)**

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**MATTERS TO BE PRESENTED BY STAFF**

Staff discussed the following:

- 1. Disability Services Board (office space in Government Center) – Augusta County as fiscal agent.
2. Red Cross small office space requested in Government Center (Historical Society previously located)

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

Red Cross Office Space (cont'd)

Mr. Howdysshell moved, seconded by Mr. Pyles, that the Board approve office space for the Red Cross in the Government Center.

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

Nays: None

Absent: Sorrells

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 3. State Storm Water dispute information from Jane Woods, Legislative Liaison, distributed to Board.
- 4. Inch Branch Dam Update – Pictures distributed to Board. Two-thirds near completion.
- 5. Comprehensive Plan Annual Scorecard demographics (Employment and Wages; Median Household Income; Tourism-related data) distributed to Board.
- 6. Major Projects CIP Account (FY08-09) – Draft distributed to Board.
- 7. Airport Commission Appointment – Possibly a conflict of interest – Went to Commonwealth Attorney to determine – Not a conflict – Appointment made under the newly seated Board.
- 8. General Reassessment – Information distributed to Board. Ms. Whetzel explained the first page as the 2008 Estimated Ratio from the Department of Taxation (70.4%). She also stated that the graph distributed was prepared by the Commissioner of Revenue’s office showing the various reassessments over the last 15 years. Each year with a spike indicated previous reassessment years.
- 9. Youth Commission – Carol Fortune resume distributed to Board.

YOUTH COMMISSION – REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board reappoint Carol Fortune, to serve another two-year term on the Youth Commission, effective July 1, 2008, to expire June 30, 2010.

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

Nays: None

Absent: Sorrells

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 10. Contributions to School Board separate from CIP account - \$4.2 million – distributed to Board.
- 11. Mr. Garber reported problems he is having with his phone indicating a phone number that he cannot call back and asked if this could be checked into.

May 28, 2008, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

12. Mr. Beyeler reported that the clean-up in Ridgeview Acres has not been done and asked if another letter could be sent out.

Mr. Morgan commented that he needed specific direction from the Board to have the property cleaned up by a certain date. If it is not cleaned up, staff will have it cleaned up.

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board authorize County Attorney to submit a letter of notice to clean up residence.

Mr. Pyles felt that this was going beyond what Government was about and could not support the motion.

Mr. McGehee suggested that it come out of the contingency fund. Mr. Coffield explained that this money could be collected if the property is ever sold and could go back into the General Fund. Ms. Whetzel said it could be taken out of the same account that is used for grass violations.

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

Nays: Pyles and Howdyshell

Absent: Sorrells

Motion carried.

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ADJOURNMENT

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

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

Nays: None

Absent: Sorrells

Motion carried.

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Chairman

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County Administrator