
Regular Meeting, Wednesday, June 11, 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, June 11, 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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Patrick J. Morgan, County Attorney, delivered invocation.

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Doug Wolfe, County Engineer, led the Pledge of Allegiance.

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TANGIBLE PERSONAL PROPERTY ORDINANCE

This being the day and time advertised to consider an ordinance to amend the Code of Augusta County, Virginia, to confirm the tangible personal property tax rate on certain other classes of property.

Patrick J. Coffield, County Administrator, advised that when the ordinance was adopted a few months ago, an increase was to apply only to those items specified: motor vehicles and motorcycles. Since that time, according to the Code, it has been determined that the increased rate (\$2.25) should apply to all personal property; however, the Board of Supervisors has the option to reduce those other classes (such as boats, aircraft, etc.) The County Attorney has worked with the Commissioner of Revenue to ensure the correct wording.

Patrick J. Morgan, County Attorney, added that this was a housekeeping effort.

The Chairman declared the public hearing open.

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

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

June 11, 2008, at 7:00 p.m.

TANGIBLE PERSONAL PROPERTY ORDINANCE (cont'd)

AN ORDINANCE TO AMEND THE CODE OF AUGUSTA COUNTY, VIRGINIA, TO CONFIRM THE TANGIBLE PERSONAL PROPERTY TAX RATE ON CERTAIN OTHER CLASSES OF PROPERTY

WHEREAS, the Decal was eliminated effective March 31, 2009.

WHEREAS, the tangible personal property tax rate in Augusta County was changed from \$1.90 per hundred to \$2.25 per hundred.

WHEREAS, the original Ordinance changed the personal property tax rate without specifying any classes of property.

WHEREAS, it was not the intention of the original Ordinance to change the personal property tax rate on all classes of property.

WHEREAS, the Code of Virginia specifies the other classes of tangible personal property that may be taxed at a different rate from the tax levied on the general class of tangible personal property.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that the tangible personal property tax rate in Augusta County shall be \$2.25 per hundred dollars assessed value for the general classification of tangible personal property.

NOW, FURTHERMORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that the tangible personal property tax rate in Augusta County shall be changed from \$2.25 per hundred dollars assessed value to \$1.90 per hundred dollars assessed value for certain other classifications of tangible personal property as defined § 58.1-3506 of the Code of Virginia: camping trailers, travel trailers, motor homes, trailers, boats, watercrafts, aircrafts, heavy construction machinery; forest harvesting and silvicultural equipment; large trucks, trailers and semitrailers with a gross weight of 10,000 pounds or more; computer hardware; programmable computer equipment and peripherals; tangible personal property used in research and development; all tangible personal property employed in a trade or business other than that described in subdivisions A1 through A18, of § 58.1-3503 of the Code of Virginia; machinery and tools as defined in § 58.1-3507(A), § 58.1-3508 and § 58.1-3508.1 of the Code of Virginia.

NOW, FURTHERMORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that the tangible personal property tax rate in Augusta County shall be changed from \$2.25 per hundred dollars assessed value to \$.58 per hundred dollars assessed value for the other classification of manufactured homes as defined in § 36-85.3 of the Code of Virginia.

This Ordinance unless otherwise specified herein shall become effective upon enactment.

State law reference—Virginia Code § 58.1-3506

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

Nays: None

Motion carried.

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June 11, 2008, at 7:00 p.m.

EROSION AND SEDIMENT ORDINANCE

This being the day and time advertised to consider an ordinance to Replace the Provisions of Chapter 9 of the Augusta County Code Pertaining to Erosion and Sediment Control. This Ordinance establishes definitions relating to Erosion and Sediment Control; Erosion and Sediment Control Plan submittal and permit process; New Erosion and Sediment Control fee structure in regards to site development and home construction; and new enforcement measures for non-compliance.

Todd Flippen, Community Development Engineer, gave an overview of what has previously been presented to the Board regarding the County's compliance with the State. Deadline approval date is July 31st. He noted that the Department of Conservation Recreation reviewed the County's E&S program in August 2007. One aspect dealt with was Program Administration which was worth 100 points; Augusta County received 55 points; the other 45 points pertained to the ordinance, which Augusta County received no points. The Corrective Action Agreement was signed on March 1, 2008. Item 2 of the agreement stated "the Erosion Ordinance shall be revised to reflect the current versions of the Virginia Sediment Control Law and the Virginia Erosion Sediment Control Regulations". The draft ordinance presented to the Board for consideration addresses those items. Deadline date for the Corrective Action Agreement is July 31st. At that time, State will do a secondary review of the County's status. He stated that the draft ordinance and DCR's checklist was posted on the website for public review to receive feedback. He noted that the checklist has been marked "yes" except for the one designating inspection authority. The ordinance has been revised to reflect the inspection authority. Mr. Flippen noted the suggested changes of the ordinance. He mentioned the new items in the ordinance: Fee Structure and Enforcement Action with Single-Family dwellings to make sure that they were addressing erosion violations. Also, perimeter erosion measures will be installed prior to issuance of land disturbance permit.

The Chairman declared the public hearing open.

Danny Caporelli, developer, expressed his opposition to the fee increases. He disagreed with securing the perimeter with a silt fence when it was not needed. He felt that commonsense needed to be used. He invited the Board to come and look at his subdivision and determine what was needed (or not needed).

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

Ms. Sorrells asked if the ordinance could be adopted without increasing the fees.

Mr. Morgan explained that if the ordinance was adopted and the Board wanted to adjust the fees, there would have to be another public hearing advertised.

Chairman Beyeler reminded the Board that the ordinance would need to be adopted by July 31st. He pointed out that it could be tabled for now if the Board wished.

Mr. Garber asked if this item was tabled, and the fees were changed, would it have to be re-advertised. Mr. Morgan said that if it were tabled, the fees could be adjusted without re-advertising. Mr. Garber felt that we should provide incentives to developments which will build consistent with the goals of our Comprehensive Plan and charge more for those that work against goals of the Comprehensive Plan . . . rural lots, etc.

Mr. Garber moved, seconded by Mr. Howdyshell, that the Board table this item until June 23, 2008 Staff Briefing.

Mr. Howdyshell felt that it was a good concept to be concerned about the environment and conservation, but "when you get legislation that demands it and says that you **will** do it, that gives me some heartburn. It seems like when we get an ordinance of this nature, commonsense goes out the window."

Mr. Pyles stated that the Board tries, at the local level, to do what is appropriate. "We

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EROSION AND SEDIMENT ORDINANCE (cont'd)

have to protect the things that need protecting.” He realized that Mr. Coleman has to deal with a lot of irresponsible builders. “Too often we penalize the good because we have to catch the bad.” He asked what would happen if the Board just said “NO”.

Chairman Beyeler agreed that commonsense should be used. Chairman Beyeler asked that the County Attorney find out what would happen if the Board said no. Chairman Beyeler noted that this was a federal mandate, not state.

Ms. Sorrells mentioned that increased fees would affect the Comp Plan. When the Annual Scorecard was discussed at the last meeting, 50% of housing is not where it is supposed to be. “Are we going to make it so expensive to build in the right place that we push people out to farmland where it will cost us more money in infrastructure needs and dilutes our tax base?” She asked the Board to consider making it easier to build in the subdivisions and Community Development Urban Service Areas. “Even if we don’t increase the fees, but we have to subsidize it from the County, aren’t we making the Comp Plan work and isn’t it going to save us money in the long run to do that?”

Mr. Coleman stated that he was a strong proponent for the ordinance and was open to have further discussion. He noted the high costs that the developer incurs prior to even beginning development.

Mr. Pyles suggested that if there is an erosion problem, there should be a large fine if not corrected.

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

Nays: None

Motion carried.

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(END OF PUBLIC HEARINGS)
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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

CANCELLATION OF BOARD OF SUPERVISORS MEETING

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

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, by resolution adopted at its organizational meeting on January 9, 2008, the Board of Supervisors of Augusta County, Virginia established a schedule for its meetings during 2008.

WHEREAS, pursuant to the established schedule, the Board of Supervisors is scheduled to conduct a regular meeting on Wednesday, July 9, 2008, at 7:00 p.m.

WHEREAS, the Board of Supervisors desires to cancel its scheduled regular meeting.

June 11, 2008, at 7:00 p.m.

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

CANCELLATION OF BOARD OF SUPERVISORS MEETING (cont'd)

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that its regular meeting scheduled on Wednesday, July 9, 2008, at 7 p.m. be, and hereby is, cancelled.

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)

Mr. Pyles:

- 1. Building Inspection Department commended for diligence with rebuilding of church. "While he found Mr. Nickell extremely fair in pointing out things needed conformance, he felt it appropriate and liked the manner in which it was done."
- 2. Buckingham Railroad – Asked that Mr. Coffield extend appreciation to CSX Railroad for fixing cross section in Augusta Springs.
- 3. Caporellis – represent a four times state champion from Buffalo Gap. "Amanda a super athlete!"

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VALLEY COMMUNITY SERVICES BOARD - REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board reappoint Bobbie Jean Sprouse to serve another three-year term on the Valley Community Services Board, 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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VALLEY COMMUNITY SERVICES BOARD - REAPPOINTMENT

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board reappoint Stella-Louise Sabados to serve another three-year term on the Valley Community Services Board, 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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MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Coleman: CSX Buckingham Railroad – Asked that potholes be fixed on Mule Academy Road near the hospital.

Mr. Garber: Power outage from last storm – community-wide concern. Virginia Power e-mail is incorrect information. His concern was this was a small incident and not a good response. He expressed concern of a serious incident and not being prepared.

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

LIBRARY IMPROVEMENTS PHASE II

Ms. Sorrells noted that she had been absent on the May 28th meeting where a motion to support architecture and engineering plans for Phase II of the Augusta County Public Library in Fishersville failed; a motion to table also failed. Ms. Sorrells asked why this happened.

Mr. Pyles had intended to support a 30-day deferral but motion failed.

Ms. Sorrells asked what should be done to keep this issue active.

Ms. Sorrells moved, seconded by Mr. Shifflett, that the Board authorize the Library Board to proceed with A/E services associated with proposed project in an amount not to exceed \$161,020, with the stipulation that this does not guarantee that the Board will decide to carry out the renovations. Funding Source: #80000-8051

Mr. Pyles asked if there was going be enough money. He wanted to be sure that the Library Board understood that this project may not go further. He felt that the money should be applied to other needs of the Library.

Mr. Garber said that he was not interested in engineering if the Board has not agreed to proceed.

Mr. Howdysshell emphasized needs in the remote areas and felt that it would take several years to fund the library renovations.

Mr. Garber asked about a Master Plan for the library. He did not oppose branches or book stations but felt that a plan was needed.

Mr. Shifflett said that the Library Board is receptive of placing branch libraries in the North River and Middle River Districts with the cooperation of the respective Supervisors.

Mr. Howdysshell agreed that there needed to be a Master Plan and that it also needed to consider services to remote locations in the County.

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

Nays: Garber, Pyles and Howdysshell

Motion carried.

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Tuesday, May 27, 2008
- Joint Meeting, Tuesday, May 27, 2008
- Regular Meeting, Wednesday, May 28, 2008

CLAIMS

Approved claims paid since May 14, 2008.

June 11, 2008, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

Property Committee Meeting (cont'd)

3. CIP

- A) Fueling Bays
 - Closing in \$200,000
- B) Truck Wash Bay
 - Remove \$ 5,000
- C) Library Services Master Plan Committee
 - Branches/Book Station

4. Government Center Master Plan

- A) Review Moseley Proposal
- B) Review County/Staff Comments
- C) School Space Allocation
 - Admin/Meeting room analysis
 - Garage analysis
 - Building and Grounds analysis
 - Warehousing analysis

5. Topics for BOS

- A) Committee Input/recommendations

Chairman Beyeler suggested that staff proceed with procurement and bidding to remove Truck Wash Bay and small outbuilding. It was the consensus of the Board to authorize staff to proceed with quotes for removal.

Mr. Pyles questioned need for second Sheriff's Department ramp.

Mr. Howdysshell agreed that the Food Bank needed upgraded lighting.

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- 7. E&S Ordinance Tabled – Dale L. Cobb, Director of Community Development, suggested that the Board set up individual meetings with Mr. Flippen to view E&S sites in their districts and meet with developers.

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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
H6-11min.08

County Administrator