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Regular Meeting, Wednesday, September 10, 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, September 10, 2008, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233<sup>rd</sup> 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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Wendell L. Coleman, Wayne District Supervisor, delivered invocation.

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Dexter Wimer, a twelfth grader of Buffalo Gap High School, led the Pledge of Allegiance. Dexter enjoys cross country, soccer, and wrestling. He plans on attending the University of Virginia in pre-med and hopes to specialize in orthopedics.

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MATTERS TO BE PRESENTED BY THE PUBLIC

EROSION AND SEDIMENT WAIVER REQUEST

William Cason, of Fishersville, advised that he had started on a house in February 2008 and finished it at the end of June. He stated that the Building Inspection office had instructed him to build a silt fence between the two driveways and well. He built two ponds near the well and a silt fence around the ponds. The house remained empty after it was built. On July 21<sup>st</sup>, a Building Inspection officer left a notice in the front door instructing him that a silt fence needed to be built across the front of the house. No one saw the notice until two and one-half weeks later. When the notice was found, Mr. Cason attempted to install a silt fence on Wednesday, August 20<sup>th</sup>. Because of the hard ground he found it difficult to install the fence. On Saturday, August 23<sup>rd</sup>, he used a masonry drill to put the silt fence in. Another notice was found in the door that Saturday informing him that he was fined \$250 because the silt fence was not installed on Thursday, August 21<sup>st</sup>. Mr. Cason expressed concerns that the notice was placed in the door where no one was made aware of the notice until two weeks later. He suggested that the notice should have been mailed and would have eliminated the fine.

Dale L. Cobb, Director of Community Development, explained that the Building Inspections office had provided a report that indicated that Mr. Cason got a permit for a home on February 19, 2008; several inspections were made up through May; two violations were found on the site on July 24<sup>th</sup>. Mr. Cobb noted that this was when Building Inspectors started making the inspections regarding erosion and sediment control. He reiterated that the two violations were that a silt fence was needed and

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

EROSION AND SEDIMENT WAIVER REQUEST (cont'd)

stabilization of the bare ground. This was noted on August 7<sup>th</sup>. Two weeks later, another inspection was made and it was found that the site remained the same. At that time, a notice to comply was issued. On August 21<sup>st</sup>, those items had not been complied with; therefore, a fine of \$250 was issued. On August 26<sup>th</sup>, Building Inspections had determined that the silt fence had been installed incorrectly.

Patrick J. Coffield, County Administrator, circulated pictures to the Board. Mr. Coffield advised that the procedures for the Building Inspections office is to leave their report at the site. When there is a violation, a letter is mailed. Mr. Cobb explained that the process is quicker by leaving a notice at the property. You have two weeks, according to the law, to correct the violation. By the time the Building Inspector comes back from inspection, a report is filed, a letter is typed and mailed, you have lost a week. Chairman Beyeler stated that, in this case, the house was finished and no one was on the property.

Mr. Pyles stated that this is a new process and that the fine should be suspended. He suggested that when a notice was left at the property, a follow-up letter should be mailed.

Mr. Coffield asked if Mr. Cason was currently in violation. Mr. Cobb said that an inspection is scheduled for tomorrow, Thursday, September 11<sup>th</sup>. Mr. Cason felt that he was in compliance.

Mr. Garber moved, seconded by Mr. Coleman, that the Board delay action until inspection is completed and a report of compliance is submitted.

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

Nays: None

Motion carried.

Ms. Sorrells suggested that if an inspector goes out on site and finds no one there, that a notice is left, but as follow-up, a letter be mailed. It was also suggested that a notice be e-mailed when possible. Mr. Cobb explained that it had been decided that a notice was to be left on site because it would speed up the process and less costly. If a letter is sent out, it should be certified for assurance that someone has received the letter.

Mr. Pyles pointed out that this incident showed a lack of communication. It was suggested by the Board that a letter be mailed out as a follow-up when no one was on site to receive the notice and that it did not need to be certified.

Mr. Coleman added that this was a state program with little flexibility and noted that the county was non-compliant in some issues.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Coleman: Attended the following meetings:

1. Hansen Transmission expansion ribbon cutting ceremony – “excellent event and well-attended!”
2. Welcome reception for the Greater Augusta Chamber of Commerce Leadership Program at the Artisans Center of Virginia
3. 50<sup>th</sup> Anniversary of Wilson Elementary School – “quite enjoyable!”

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

Mr. Howdyshell: Forest Service Department of Agriculture – public workshops on potential wilderness areas and roadless area management to be held as part of the George Washington National Forest Plan Revision. There are two workshops: Turner Ashby High School, September 11 from 6:30 p.m. until 9:00 p.m.; and Rockbridge High School, September 13, from noon until 4:00 p.m. Mr. Howdyshell asked for the Board's input.

John C. McGehee, Assistant County Administrator, advised that he had spoken with Debbie Garrett, Congressman Goodlatte's aide and felt that this is an overall master plan of the forest which may include roadless and wilderness areas. He understood it to be preliminary hearings on what the public may want to have in the national forest. Traditionally, the past boards have been against any additional wilderness areas in the County. He noted that Congressman Goodlatte has stated in prior years that he would not support any additional wilderness area unless the governing body of that jurisdiction supported it as well.

Chairman Beyeler said that he had spoken with a person involved in the Forest Service who indicated that additional wilderness areas would qualify in Augusta County.

Ms. Sorrells pointed out that these were not hearings; they were workshops. It is part of the National Forest Management Plan which is done about every 10 years. It was started two years ago with a series of meetings. She had attended one at Rockbridge which got input of all the different users of the forest – timber harvest, hikers, hunters, ATV users, etc. It was suspended for a year and then began again a couple of months ago. She felt that the maps needed to be closely reviewed.

Mr. Pyles felt that there needed to be more input from the localities on specific things that the Forest Service wanted to do. He noted that there were more regulations being placed to tighten uses. He felt that more control needed to be given to the localities that can look at things specifically such as stormwater runoff from timber operations clear-cut.

Ms. Sorrells asked that they be invited to the Board's next Staff Briefing. Mr. Coffield said that they were interested in a "non-public meeting with the Board to give a more detailed information on their planning process".

Mr. Howdyshell stated that he has seen where "this has become a sandbox of the employees that work for the National Forest Service". He said that he would express that the Board did not feel that they needed to expand wilderness and roadless areas or want any more regulations.

Ms. Sorrells: Middlebrook Library opened yesterday. Great success! Saturday, September 13<sup>th</sup>, official opening from 10:00 a.m. to 2:00 pm. – ribbon cutting at noon.

Mr. Shifflett: Attended the following:

1. Hansen Transmission expansion ribbon cutting ceremony – very impressed with growth of the business!
2. 58<sup>th</sup> Annual Farm Bureau dinner meeting – well-attended event!

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

Mr. Garber: Drought was discussed at last meeting – was glad to see the rain! “For a lot of things, it’s a little bit too late.”

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MAIN STREET – TRAFFIC CONTROL

The Board considered request of Main Street residents in Riverheads District to erect “Watch for Children” signage. Estimated Cost: \$150 per sign.

Funding Source: Riverheads Infrastructure Account #80000-8015-46 \$450

Rita Austin, Executive Secretary, reported that a request of Main Street residents in the Riverheads District to erect “Watch for Children” had been submitted. Copies of the petition, a map designating the location of the signs, and a draft resolution were enclosed with the agenda package.

Ms. Sorrells said that the sign designations were at each end of Main Street and one close to the ball diamond.

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

**RESOLUTION**

**WATCH FOR CHILDREN SIGNAGE**

**WHEREAS**, the 1997 Session of the Virginia General Assembly has enacted an amendment to the Code of Virginia by adding Section 33.1-210.2 relating to the installation and maintenance of signs alerting motorists that children may be at play nearby; and

**WHEREAS**, this act provides for the adoption of a resolution by the local governing body requesting the Department of Transportation consider the installation of such signage; and

**WHEREAS**, the resolution shall include the source of funding for the installation of such signage along with specifying the recommended locations.

**BE IT THEREFORE RESOLVED**, that the Board of Supervisors hereby requests the Department of Transportation to install signage at the following locations:

Main Street

**BE IT FURTHER RESOLVED**, that the Augusta County Board of Supervisors does hereby authorize County funding for the cost of installation of such signage in the amount of \$450 from the Riverheads Infrastructure Account #80000-8015-46.

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

Nays: None

Motion carried.

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TRAFFIC CONTROL – GREENVILLE

The Board considered request for traffic safety enforcement.

Funding Source: Riverheads Infrastructure Account #80000-8015-47 \$15,210

Mr. Coffield stated there has been some requests for traffic control, not only for speeding, but more directly with illegal truck movements and educating the public as to traffic safety. Ms. Sorrells has requested that this traffic safety enforcement effort be concentrated over a three-week period.

**TRAFFIC CONTROL – GREENVILLE (cont'd)**

Ms. Sorrells reiterated that this has been discussed for quite a while. Recently, because of some other commercial interest, there has been a renewed interest by Pilot and Mr. Rasnick to address these issues that have been ongoing. She noted that when she distributed information in the spring, she had received a suggestion from Mr. Pyles in an e-mail to use two approaches:

- 1. TIF with Pilot and Mr. Rasnick on a second entrance and a bridge; and
- 2. Increase law enforcement for a concentrated period of time.

The proposed traffic enforcement is part of a larger approach to issues at that intersection. As an example of other things occurring there, Ms. Sorrells distributed a letter addressed to Pilot Travel Centers LLC that was the result of meetings with Pilot and Mr. Rasnick on a separate issue regarding Pilot’s interest in expansion.

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

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

Nays: None

Motion carried.

Mr. Coleman added that he had viewed the area and found the damage consistently done to residential and business property.

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**STREET ADDITION**

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. Grassmere Subdivision (Riverheads District)

Mr. Cobb stated that the street addition is in the Grassmere Subdivision in Greenville and lies between Route 11 and Interstate 81 and is called Kerry Lane, which is 0.27 of a mile south of Route 11.

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

**GRASSMERE SUBDIVISION - STREET ADDITION**

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 **GRASSMERE SUBDIVISION**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

<u>Kerry Lane</u>	
From:	Route 11
To:	0.27 miles south of Route 11
Length:	0.27 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 020010026, Plat Book 1, Pages 5353 and 5354, recorded August 5, 2002.

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### STREET ADDITION (cont'd)

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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### RURAL RUSTIC ROAD – ROUTE 642

The Board considered request for road improvements to Route 642.

Funding Source: Wayne Infrastructure Account #80000-8017-55 \$68,000

Mr. Coffield advised that Mr. Coleman has requested road improvement on a section of Route 642 (Barrenridge Road) from the intersection of Route 796 (St. James Road) south .2 miles. VDOT's estimate is \$68,000. It was Mr. Coleman's desire to use his infrastructure funds to move the project forward since secondary road funds are not available. Mr. Coffield had advised the following steps required prior to the project being approved:

1. Identify funding
2. Consider and adopt as part of the Six-Year Plan
3. Rural Rustic Road resolution adopted
4. Prioritize project and put into an implementation schedule

Mr. Coleman 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.

Mr. Pyles expressed concerns of this project "bumping" other road projects. He asked Mr. Coffield to have Mr. Fitzgerald provide a list of projects and a construction schedule.

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### HUGH CASSELL ELEMENTARY SCHOOL

The Board considered request for repairs to elementary school track.

Funding Sources:	Wayne Infrastructure Account	#80000-8017-56	\$ 6,411
	Middle River Infrastructure Account	#80000-8012-58	<u>6,411</u>
			\$12,822

Mr. Garber abstained from any conversation or vote on this item.

Mr. Coffield advised that there is an existing track at Hugh Cassell Elementary School in need of improvements. The School Board has sought three proposals with Moffett Paving & Excavating Corporation with the lowest bid of \$12,822. The proposal is for a split funding from the Wayne and Middle River Infrastructure Accounts.

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HUGH CASSELL ELEMENTARY SCHOOL (cont'd)

Chairman Beyeler added that, after looking at the bids, "That's a good indication of what can be done if you bid it."

Mr. Coleman reported that he has been talking with the principal of the school regarding various projects. He initially indicated to her that it would be important to know that she has gone through the right process to determine if funds would be available. The track is in tremendous need for repair; if delayed, it will have to be replaced completely at a higher cost. This track is used for the Parks and Recreation After School Program and by the residents of the Cassell community.

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

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

Nays: None

Abstained: Garber

Motion carried.

Mr. Pyles reiterated Chairman Beyeler on the value of bidding. "That was my point on the Crescent Development road of \$4.2 million that there was no bidding on to understand if we got a good value. I think if we worry about it for \$12,000, we ought to worry about it for \$4.2 million."

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CONSENT AGENDA

Mr. Howdyshell moved, seconded by Ms. Sorrells, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, August 13, 2008
- Staff Briefing Meeting, Monday, August 25, 2008
- Regular Meeting, Wednesday, August 27, 2008

CLAIMS

Approved claims paid since August 13, 2008.

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

Nays: None

Motion carried.

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September 10, 2008, at 7:00 p.m.

**MATTERS TO BE PRESENTED BY STAFF**

Staff discussed the following:

1. **AGRICULTURAL INDUSTRY BOARD FUNDING PROPOSALS** – Jason Carter, Unit Director, Extension, presented the following:

**Transportation of donated hay from Page County to Augusta County –**

Donors in Page County have assembled some 30 tractor-trailer loads of round bale hay to assist Augusta County farmers impacted by drought conditions this summer. The Blue Ridge Commercial Driving School, with Mike Eller serving as liaison, has agreed to transport the hay but they need some assistance with covering fuel costs of \$60 per load: **\$ 1,800.00**

**Electronic Weather stations positioned around the County to provide continuous monitoring of weather conditions –**

Portions of Augusta County have experienced drought like conditions for the second year in a row that have placed additional burden for feed resources for area livestock producers with hay and pasture production having been negatively affected. The recently adopted 2008 Farm Bill places new criteria for livestock producers to be eligible for potential drought disaster compensation programs. Specifically, the U.S. Drought Monitor will be the tool to determine if localities are severe drought affected during the grazing season for a period of 8 consecutive weeks. Currently the only approved precipitation measuring device accumulating this information for National Oceanic and Atmospheric Administration (NOAA) is found at the Shenandoah Valley Regional Airport in Weyers Cave. The AIB is recommending the purchase of six more units to be placed strategically in agricultural production areas in the remaining 6 magisterial districts within Augusta County (\$616 apiece): **\$ 3,702.00**

**Extension education activities that benefit youth and innovative farmers –**

Extension Agents propose a series of projects and events that will take place between October 2008 and July 2009. These activities include expenditures to enhance an existing youth oriented animal agriculture education exhibits, support a dairy grazing field day and the Dairy Management Institute, facilitate improved marketing of Augusta County feeder cattle, and underwrite cropping systems research and education in Augusta County. **\$ 5,950.00**

**Total: \$11,452.00**

Mr. Carter expressed that AIB wanted to stipulate that any of the monies that are granted to the Extension would only be granted as an as-needed basis with no expectations that all of it would be spent.

Mr. Pyles asked Mr. Carter if a smaller area of the County regarding a drought would ever be considered rather than looking at the entire County. Mr. Carter said that it would have to be county-wide in a severe drought situation.

Mr. Garber felt that it was unfair of the drought consideration where some areas received rain and other areas did not. He felt that this was a positive request.

Mr. Howdyshell asked if other weather reporting could be considered. Mr. Carter stated, that for agricultural purposes, there is only one unit in the County that NOAA uses for drought consideration. Many that are in place in the County, now, that are NOAA compliant are outside of the primary agricultural production areas because they are in place for flood potential flood-warning and control.

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



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MATTERS TO BE PRESENTED BY STAFF (cont'd)

AGRICULTURAL INDUSTRY BOARD FUNDING PROPOSALS (cont'd)

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 STAFF (cont'd)

- 2. State Revenue Projections – Finance Director has been asked to monitor and analyze what impact it would have on any of the County’s revenue sources. Superintendent of Augusta County Schools plans on meeting with other superintendents to get a briefing from the state on how this may or will impact school budgets.
- 3. Toms Branch – continue to work with Headwaters on right-of-way and easements. Will be brought back to the Board for consideration.

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- 4. SPAY AND NEUTER DISTRIBUTION FROM TAX PROGRAM – Annually, the County receives money through the DMV Animal Friendly license plates. Kindred Spirits was chosen to receive \$1,710. The County has received \$136.80 from Virginia income tax refund contributions for low-cost spay and neuter surgeries. It was suggested that the recipient of the DMV Animal Friendly license plates also receive the Virginia income tax refund contributions.

Mr. Howdyshell moved, seconded by Mr. Coleman, that the Board approve awarding the \$136.80 contribution to Kindred Spirits.

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 STAFF (cont'd)

- 5. E&S letter regarding Expo distributed to the Board.
- 6. Virginia Commonwealth Transportation Board Reception and Dinner – September 17<sup>th</sup>, at 5:30 in Winchester. Mayors/Chairmen and Managers and Administrators are invited.
- 7. Board of Assessors Public Information Meeting – October 7<sup>th</sup>, 3:00 p.m. and 7:00 p.m. at the Government Center. Minutes distributed to Board.
- 8. Legislative Dinner – October 20<sup>th</sup> at 5:30 p.m.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 9. SCHOOL BOARD CAPITAL REQUEST- Letter distributed to Board informing them that the fund balance for the operational budget for the 2007-08 school term is \$1,236,764.85 and a request that it be placed in the school capital account to fund future emergency or capital projects.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve allocating the School Board’s FY07-08 fund balance in the amount of \$1,236,764.85 to the School’s CIP Account #80000-8134.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

SCHOOL BOARD CAPITAL REQUEST (cont'd)

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 (cont'd)

- 10. VDOT ROUTE 42 - Primary road project – historical 1700's house. A public hearing was held May 15<sup>th</sup> with an agreement to relocate the road and make turn safer.
- 11. Shenandoah Valley Partnership – “Strengthen Agriculture in the Shenandoah Valley” – September 22<sup>nd</sup>, at Shenandoah County; September 23<sup>rd</sup>, Page County; September 24<sup>th</sup>, Augusta County. Flyer was distributed to Board.
- 12. Decal/Transition – information distributed to Board on decal cost and refund timeline. Decal sales will end December 31, 2008 (tickets will still be written by county and state police for those not having them displayed on vehicles till this time). All decals will be half price starting October 1, 2008 for all new/used vehicles bought after this date in our locality. Refunds will continue until December 31, 2008 for half of the purchase price of the decal. After this date there will be no more refunds. For any vehicle that has been here since January 1, the cost will still be \$25.00 (this is because these vehicles should have bought decals prior to March 31 and they will not be eligible for any reduction in cost).

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

13. Route 649 – Drainage Project - VDOT has relocated and enlarged a pipe underneath the road to channel the water. The second phase is to go across private property until it can go back into the natural channel. An estimated cost of the project:

VDOT Estimate	\$24,636.07
Plat Prop.	2,400.00
Closing	1,000.00
Contingency	463.93
	<u>\$28,500.00</u>

Mr. Shifflett added that this was not only a nuisance problem, but the first step of having easements ready for future development.

Mr. Shifflett moved, seconded by Ms. Sorrells, that the Board authorize up to \$28,500 from Beverley Manor Infrastructure Account (80000-8011-34) to fund County share of VDOT/County project to secure easements and construct drainage improvements.

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 (cont'd)

14. School Board financial summary – Mr. Pyles pointed out that the expenditure balance was \$1.5 million; \$1.2 million of it came from classroom instruction (teachers' salaries). That happens when retirements occur and new employees are replaced at a lower pay scale. He suggested that the School Board seriously look at this annually. He noted that this was done with the Service Authority. "We plan on retirement and replacing them with some money savings." He also commended them on the transportation costs that were only off \$24,000 on a \$5 million budget.

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CLOSED SESSION

On motion of Mr. Pyles, seconded by Mr. Shifflett, the Board went into closed session pursuant to:

**(1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)**  
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Boards and Commissions

**(2) economic development exemption under Virginia Code § 2.2-3711(A)(5)**  
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

A) Industrial and Commercial Prospect(s)

**(3) the real property exemption under Virginia Code § 2.2-3711(A)(3)**  
[discussion of the acquisition for a public purpose, or disposition, of real property]:

A) Off of Route 612 in Beverley Manor District

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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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.

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CLOSED SESSION (cont'd)

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, Howdysshell, Sorrells, Pyles 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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MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

SHENANDOAH VALLEY WORKFORCE INVESTMENT BOARD - APPOINTMENT

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board appoint Sharon H. Johnson to serve a two-year term on the Shenandoah Valley Workforce Investment Board, effective immediately, to expire June 30, 2010.

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. Shifflett, 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  
H9-10min.08

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County Administrator