
Regular Meeting, Wednesday, October 22, 2008, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: David R. Beyeler, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Wendell L. Coleman
Gerald W. Garber
Larry C. Howdyshell
Jeremy L. Shifflett
Nancy T. Sorrells
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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, October 22, 2008, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233rd 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. He advised that the citizens could speak under "Matters to be Presented by the Public", or wait and speak under a particular item on the agenda.

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Lindsay Iseli, a senior at Stuarts Draft High School, led the Pledge of Allegiance. Lindsay plays volleyball, softball, and is a class officer. She plans to attend Virginia Tech University and major in Education.

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

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MARY L. THOMAS - REZONING

This being the day and time advertised to consider a request to rezone from General Business to Single Family Residential less than 0.5 of an acre owned by Mary L. Thomas located on the south side of Church Street (Route 1202) just west of the intersection of Church Street (Route 1202) and Lee-Jackson Highway (Route 11) in Greenville (Riverheads District). The Planning Commission recommends approval.

Becky Earhart, Senior Planner, displayed property outlined in blue and noted that the property shaded in red is zoned General Business currently; property shaded in green is zoned Single Family Residential. The property has been split-zoned since October 1947. It is in a Comprehensive Plan Policy Area of Community Development with a future land use slated for Business development. While this request is not in compliance with the Comprehensive Plan, it is compatible with the existing use of the property as a residence. The property owner is attempting to sell the property and the mortgage company is requiring that the property be rezoned to Single Family Residential in order to facilitate the financing of the property. Public water is available to the site; no public sewer is available.

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MARY L. THOMAS – REZONING (cont'd)

Mary Burtlesor, daughter of Mary L. Thomas, applicant, reiterated that the property is currently pending sale and that the mortgage lender needs the property to be rezoned to Single Family Residential.

The Chairman declared the public hearing open.

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

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

A request to rezone from General Business to Single Family Residential less than 0.5 of an acre owned by Mary L. Thomas located on the south side of Church Street (Route 1202) just west of the intersection of Church Street (Route 1202) and Lee-Jackson Highway (Route 11) in Greenville in the Riverheads District.

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

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

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

WHEREAS, the Board of Supervisors has conducted a public hearing,

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

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

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

Parcel numbers 4 (portion) and 8 (portion) on tax map number 82A (8) containing approximately 0.5 of an acre are changed from General Business to Single Family Residential.

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

Nays: None

Motion carried.

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AGRICULTURAL AND FORESTAL DISTRICTS

The Board considered request for renewal of the Crimora-Madrid and Middle River Agricultural and Forestal Districts.

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AGRICULTURAL AND FORESTAL DISTRICTS (cont'd)

Dale L. Cobb, Director of Community Development, reported that there are currently four Agricultural and Forestal Districts in Augusta County. Middle River Agricultural and Forestal District and Crimora-Madrid Agricultural and Forestal District are up for renewal. A map was displayed of the Middle River area. All property shaded in green are the parcels of individuals who wanted to be included back into the district. This district was originally developed in 1990; for a period of seven years it consisted of approximately 6,000 acres. In 1997, it was renewed for ten years; shortly, thereafter in April, another request was to add approximately 3,000 acres to that district. When the advanced agenda package was distributed to the Board, there was 5,435 acres that had re-signed up to get back in to the Middle River Agricultural and Forestal District. Another 2,600 acres indicated that they wanted their property withdrawn; there was 726 acres not heard from. After the package was sent out, staff did receive the following responses:

1. Fulton – wanted to take 133 acres out.
2. Braunworth – wanted to take 100 acres out.
3. Winding River – wanted to put 180 acres in.

Since the meeting on Monday, October 20th, Betty Hawpe has presented a plat where she wants 17.44 acres out of the district, leaving 61.52. Von Hardesty has two parcels containing over 10 acres. He wants both of his tracks to be put back in.

Regarding the Crimora-Madrid Agricultural and Forestal District, when the agenda package was sent out, there was 648 acres confirmed in the district; 799 confirmed that they wanted to be out.

Mr. Cobb noted that the Agricultural and Forestal District Advisory Committee and the Planning Commission recommended that both districts be renewed for a period of ten years with the following conditions:

- A. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.
- B. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestall operations on the same property, or for members of the immediate family of the owner is permitted.
- C. All included tracts shall be shown as separate parcels on the County Real Estate records.

Mr. Garber expressed appreciation of staff and the landowners. "This is the case where people are putting their money where their mouth is. This is what the people are doing with their land. This is what they say they want; this is what they're doing!" He noted that there had been some questions about procedures which could be made at tonight's meeting.

Mr. Garber moved, seconded by Ms. Sorrells, that the Board approve the requests with the following language to be added:

A corporation or limited liability company consisting exclusively of family members shall be considered the same as a family property owner under the following circumstances:

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AGRICULTURAL AND FORESTAL DISTRICTS (cont'd)

1. The corporation or limited liability company is the grantor and not the grantee of the purchase or gift of the lot.
2. For purposes of this provision only, family members shall be limited to husband, wife, their children and grandchildren.
3. A corporation or limited liability company may grant only one conveyance for each family member.

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:

Mr. Coleman:

1. Teaverton Drainage – Discussed at Staff Briefing on Monday. Bids had been received. Property owners were asked if interested in splitting the cost to extend the concrete channel beyond the scope of the project across their property lines. One property owner requested to participate. The total cost is \$1,712.50 (1/2 would be \$856.25).

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the appropriation of \$856.25 out of Wayne Infrastructure Account #80000-8017-57.

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

Nays: None

Motion carried.

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2. Wilson Memorial High School football incident update – Background: Suzanne Lerner, Athletic Trainer, WMHS, the team doctor for Wilson Football and two athletic trainers from WMHS and BGHS were on the field assessing and treating the injured player. Ms. Lerner made the telephone 911 call. Sequence of events: 9:30 p.m., received call by EOC; 9:33 p.m., EOC toned Waynesboro First Aid Crew (WFAC) and Preston L. Yancey Volunteer Fire Company (PLYVFC); 9:36 p.m., PLYVFC arrived on scene (6 minutes); 9:44 p.m., WFAC arrived on scene (11 minutes). Mr. Coleman spoke with Tony Ramsey, Athletic Director at BGHS to check on the athlete and was told he was doing reasonably well and back in school. Mr. Ramsey noted that it was not unusual that rescue squads covering athletic events had to leave from time-to-time to answer other emergencies. Mr. Coleman noted that WFAC provided coverage at the game until the 4th quarter; at which time there were four other emergencies that were happening at the same time. One was in the County and three were in the City of Waynesboro.

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

JUVENILE DETENTION HOME BOARD - REAPPOINTMENT

Mr. Pyles, seconded by Ms. Sorrells, that the Board reappoint Patrick J. Coffield and John C. McGehee (as alternate), to serve another four-year term on the Juvenile Detention Home Board, effective January 1, 2009, to expire December 31, 2012.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY PLANNING COMMISSION - APPOINTMENT

Ms. Sorrells, seconded by Mr. Coleman, that the Board accept the resignation of Joseph Shomo and appoint Gordon Kyle Leonard, Jr. to serve an unexpired four-year term on the Augusta County Planning Commission, effective immediately, to expire December 31, 2009.

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

Nays: None

Motion carried.

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PARKS AND RECREATION COMMISSION - REAPPOINTMENT

Mr. Garber, seconded by Mr. Howdyshell, that the Board reappoint Ronald Houff Ritchie to serve another four-year term on the Parks and Recreation Commission, effective January 1, 2009, to expire December 31, 2012.

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

Nays: None

Motion carried.

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STUARTS DRAFT SIDEWALKS

The Board considered submittal of grant request to VDOT for Transportation Enhancement funding and adopt resolution.

Funding Sources:	South River Infrastructure Account #80000-8016-39	\$4,490
	Beverly Manor Infrastructure Account #80000-8011-19	<u>4,490</u>
		\$8,980

Patrick J. Coffield, County Administrator, advised that the Board received a presentation on Monday at the Staff Briefing of a proposal for submission of a grant. Included in this action would be to submit a request for Phase 3 funding with the required local match of 20%.

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STUARTS DRAFT SIDEWALKS (cont'd)

Mr. Shifflett stated that this project has been ongoing for several years. He felt that if this project had started now, the developer would have been required to install a sidewalk.

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

**RESOLUTION ENDORSING THE
SCHOLASTIC WAY SIDEWALK PROJECT
TRANSPORTATION ENHANCEMENT PROGRAM GRANT APPLICATION**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in Augusta County, Virginia;

NOW BE IT FURTHER RESOLVED, that Augusta County requests the Commonwealth Transportation Board to establish a project for the construction of 3,600 linear feet of curb and gutter with a sidewalk on the east side of Route 649 near Stuarts Draft High School and 1,600 linear feet of sidewalk within the Stuarts Draft Public School Complex and 550 feet of sidewalk from Stuarts Draft Middle School to Route 340; and

BE IT FURTHER RESOLVED that Augusta County hereby agrees to pay twenty (20) percent of the total cost for planning and design, right of way, and construction of Scholastic Way Sidewalk Project and that if Augusta County subsequently elects to cancel the Project, Augusta County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

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

Nays: None

Motion carried.

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2009 REASSESSMENT

The Board considered to postpone for two years.

Mr. Coffield advised that this was discussed at the Staff Briefing on Monday.

Mr. Pyles moved, seconded by Mr. Garber, that the 2009 Reassessment item be removed from the table.

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

Nays: None

Motion carried.

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2009 REASSESSMENT (cont'd)

Mr. Pyles made the following statement:

Since that time, one of the reasons that was given for postponing was to get legal advice to make sure we weren't missing anything. Our fine attorney, Mr. Morgan, did prepare a document. In it, he pointed out, to begin with, the same things I pointed out that it is required, but as he states here, 'Mr. Pyles has correctly drawn the Board's attention to the only section in Title 58.1 that deals with the failure of a local government to comply with the requirement to reassess. § 58.1-3259 does provide for the withholding of alcoholic beverage control profits from the County until it comes into compliance with the law.' In other words, we could lose \$38,000 by doing that. Mr. Morgan also brought up some concerns he had that we may find ourselves at odds with presumption that our assessment is correct and that the Department of Education may find that what we have done was because we wanted to get more money from them than instead of fairly evaluating our property because it is a basis on which our funding is derived. I appreciate the concurrence that our only real loss is to the ABC tax, but I will tell you that I don't think that the other concerns are necessarily valid because my request of postponement was not based on trying to circumvent the system. In fact, it was meant to make sure the system is correct. I think we would be safe because when they talk about the compliance, or not complying, they don't call us and say 'did you do a reassessment?' They go to the comptroller and say, 'have we fallen below?' This technicality—sales price versus assessed price—means we have it assessed at this of \$100,000 and if it is selling at \$70,000, that's the ratio – 70%. If we fall below that, then we by proof—they don't need to do anything further—that we have done the wrong thing, that we have let our values slide too much. As far as refuting that, I point out that in April this year, Mr. Tom Morelli of the Tax Board, indicated that we had fallen to 70%. The most recent number that we received from Blue Ridge Appraisal is that now we are at 76%. So we're over for this year that, normally, you start at 95 to 100, and you fall down to 70—that's the way it usually works in 4 years. We did start at 100, fell down to 70, and then turn around from April to October, we went back up 6%, so the trend is not a normal trend. Home prices are coming down. As further evidence of that, the Blue Ridge Appraisal had done their first numbers. They came up with a cost the value for our property using data from January '06 through July of this year. In so doing, they came up with a value that was 57% increase in real estate values. We had gone from \$5.4 billion to \$8.5 billion of assessed value. From July 7th until October 16th or so, there was a change, and those values fell 10%. The County may know it, but you lost \$771 million in three months. I know everybody understand that is pretty preposterous because you can look at that paper value, but by the same token, you didn't go up \$3.1 billion in those three years. It's just a piece of paper that has numbers written on it that says, 'this is where it might be right now'. I think if you look at the sales ratio, and then it is changed from 70 to 76; if you look at the value from Blue Ridge in over three months, it fell by 10%, you would say the trend is going the other way. I'll get into some other things that say we shouldn't think it is going to change anytime soon. So it is my contention that we hold this back, not to avoid doing right, but because it is the right thing to do because that is where the assessments are heading.

Whether or not we can change that is a question. Bath County did their general reappraisal in March of this year. Let me read you a headline: 'Bath County residents express taxpayer rage at higher assessments'. This was in the Roanoke paper in April. What would you do if your property assessments arose by 1000%? Residents spoke out and supervisors responded. They can respond. You know, the numbers were there. The reappraisal had taken place and they said, 'no, thanks, we don't need to do it'. Why? Because of people. Let me read you some of these stories. These aren't unique stories to Bath County. These are stories that I would experience, or have been told to me, throughout the Pastures District, because we are very close to being like Bath County. Ellen Andrews has a part-time job at a convenience store, no car, hitchhikes her way around this tourism community and has forsaken even the expense of electricity to heat and cook with a wood stove. 'I lived on \$3,000 last year. I'm about as poor as anybody in Bath County.' But the 52-year-old Andrews is land rich if measured by the reassessment notice that she received in early March on the tiny house and 25 acres she bought for \$40,000 in 1994. 'My assessment went up 300% to \$185,000. It is ridiculous. I can barely afford to feed my dogs.'

Following a public outcry, county supervisors voted to terminate the appraisers contract and stick with previous assessments. Taxpayers' rage took a heavy tow on public officials. 'Three weeks of pure filth. I've never had phone calls like that', said Leta Norfleet, Bath County's Commissioner of Revenue. 'I should have put in for combat pay.' Even though she was the Commissioner of Revenue and she had reappraisal numbers that were given by the same appraisal unit that we have here—Blue Ridge Appraisals, she did not go forward with them because the Board of Supervisors said she should not.

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2009 REASSESSMENT (cont'd)

Of course, she said, in talking about this backlash, 'I think they panicked' (meaning the Board of Supervisors). Norfleet said on the Board of Supervisors' retreat. I tried to think about that—'panicked'. I don't think it is panicking to recognize honesty, to recognize the people's outrage. That is something that, as my dad would say, 'if you told it to a mule, he would kick you.' It is so lacking of commonsense or reality to what they know to be true in their lives. I think the Supervisors merely responded to what they knew to be true, not what was being put down on paper.

I want to go into one other part here. Michael Farrell, 78, owner of 200-acre farm, that his health no longer allows him to work. After his assessment doubled to \$1.4 million, he was teased by a neighbor. 'He shook my hand and congratulated me on being a millionaire.' In fact, the couple was so strapped for money, that Mr. Farrell's wife, Janice drives 72 miles several times a week for a part-time job at a public library in Allegheny County. These values may for some people be up, but the people's capacity to pay, and their ability to sell that land, is not that way.

One of the local realtors told me they're nuts (about what they are saying of the price) was kind enough to bring me the Multiple Listing books from January 12, 2005, the date of which the general appraisal went into effect. This is September of this year. Same number of houses on a page. This thing is more than two times, nearly three times, as large as this. This was a seller's market. You could get your price for your house. This is a buyer's market. You're going to have to fight to get the money that you have owed in your house. About one-third of the mortgage in the U.S., now, are upside down, where people owe more than what their falling values have led them to be. When I look at that and say, we have the evidence. The sales assessment has changed by 10%. The values have fallen by 10% in a mere matter of months. Everything that we can see today indicates that it is not going to go away. Mr. Hickey was the appraisal for that, and at the same time, he defended his appraisal, saying, 'You know that might have been happening in California, but it wasn't happening here.' They go on and tell about how a few folks come in and spend big money for a property, and then that applies to everybody else. There is a fallacy to that that says that you can apply this and it goes across the board. It is like saying that 10 of us have the same job making \$100 a day. Then over time, one guy gets a promotion and he is making \$200 a day. So now, for taxation, we'll assume that everybody is making \$200. Well, not everybody could get that other job. Not everybody could sell their property. Most of the people I know—there are many of them who have been in their homes for 50 years. I've visited their homes when I was a kid and they are still the same. These aren't some kind of money investments to flip. It's where they live. They are also penalized for keeping their house nice. They come out and take a look at it. If you have a well-manicured lawn, you got everything painted, you look nice, your house is worth more, so you're taxed more.

One of the things that is going to be said, I expect tonight, is that, you know, they're just doing the appraisal; we'll set the tax rate and we'll make it right for everybody. Well, there's no evidence that we'll do it. We haven't done it in the past. We have members of this Board who, at the last time, it was a 22% increase, so it didn't change it a whit. Mr. Howdyshell and I tried to change it a mere 2¢. Let me tell you how big that increase was. The last increase we had was 22%. In 2001, our increase was 11%. We had about 1,500 people that showed up then and complained about going up 11%. The last reassessment, when we went up 22%, we had 3,000 people that showed up. How many people are going to show up when it goes up 32%; 5,000; 6,000? The problem with that is because the values are so uncertain because they relate to what the price is today—not at what it was from January '06, not when it was July '06, not when it was January '08. It is only as it is today. That is what the market is. To say that these values have any relevance today is to look at your 401K from Augusta and say that is what it is worth today. It is not. There is a trampoline effect that is going on in the stock market right now and it will settle, but it is going to be lower. What we have to work with, and what people are going to be able to sell their houses for, are going to be less and less.

October 17th, Washington Post talks about Prince William, their single houses family prices 41% from one assessment to another. These things are going to happen to us. They had a similar thing in Fairfax and other counties. It's going on. Where some might like to say that we are in some sort of special oasis that doesn't get affected by what is going on in the economy, it's crazy. There was an article on the internet today

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2009 REASSESSMENT (cont'd)

about a Home Depot and Lowe's being downgraded as to whether or not to buy because the mortgage crunch was so bad, that they expected sales to fall at their stores. Well, guess what? American Safety Razors makes the carpet cutting blades that Home Depot and Lowe's buy. When there are fewer homes, then there is less carpet in it, there is less blades being sold by Lowe's and Home Depot, and American Safety Razors in Verona will be affected by it. The State is now saying, 'we've got to make changes of 5, 10, 15% in the budget'. That hasn't hit, yet; but, when it hits, it will affect all of us. We have Western State Hospital. It's one of our largest employers. People are going to be cut back. There's not going to be overtime. We have Augusta Correctional Center. There is going to be changes made out there. Across the board, there are going to be fewer people. People's jobs are hurting. They cannot afford this kind of an increase. I had an elderly couple call me and said, 'Tracy, we have lived in this house since 1976. We bought it for \$49,000. I can make my tax payments, now, if I cut it back a little back. But it is \$425 every six months--\$850.' If this goes through, it becomes \$1,200. It happens right a way. They say, "We'll lower the tax rate." Unless we take it to 44¢, it's a tax increase. But, until we change it, you have to pay it. When the statements go out in January, they go to your mortgage company and they say, 'Hey, your tax went from \$425 for six months, to \$650 for four months'. Guess what the mortgage company does. They have to change the amount they're getting in to put into the escrow account. So you're going to get a \$30 increase in your mortgage payment immediately. It's going to happen right a way.

What I have asked to do to postpone it is not to denigrate what the appraisers have done. The numbers were what they were, but they are changing. It is to protect those folks from having to listen to all the challenges and having to back off the numbers because it is going to be today's number that is going to be more valid to what their houses are worth. Then once they start to change a bunch of them, unless you change everybody's proportionately, some are going to be at a huge disadvantage. Some people know the system and will come in and challenge and will do a good job. One of the things that bothers me the most is that we have such good people in this county, that they are kind of stoic. They kind of believe that we'll just do the right thing. I hope, tonight, that we do that--that they don't get surprised and have to show up. This is not the time for a tax increase. We have the government trying to do a stimulus package. So they're going to send you money so that you can send it to us. We could save a lot of money by just sending it directly to the County. Don't waste the time by sending it to your house, first, because this tax increase will be \$10 million on the residents of this county; \$5 million will be owed the first six months next year. Some of the people, when they called, they're good people. They were concerned, 'can you afford it? Is the budget going to be hurt?' This first six months, we didn't budget it; so it's not going to be there. They're concerned about the County. The County ought to be concerned about them. What they're going through. What their lives are like. We shouldn't take it up for reasons of numbered changing. It's a change in market. We shouldn't take it up because people can't afford it. It is the wrong time to do it. The right thing to do is to postpone it for two years until things settle down.

Mr. Garber made the following comment:

I only wrote one thing down because it is the one that bothers me the most--'What we know to be true'. Mr. Pyles, I have tried very hard to be patient with you, but I'm tired of hearing about the tax increase because you full well know there is no tax increase until there is a rate. Now, you speculated on what this Board will do. I think that is a little dangerous. I reviewed my notes from the month of October. I have met with everybody on this Board for something, most of them more than once, with the exception of you. I have told my kids; I tell my employees to get over stuff. But since your article came out on the 14th, I have left that on my bathroom sink so that when I turn on the light in the morning, that is the first thing I see. 'County government blind to residents' pain.' I'm not real sure how you know that! I have met with every member of this Board over something in the past month. Every time they are trying to do something for some of their constituents. With a couple of these guys, it's Fire and Rescue. It's a serious problem. They are concerned about it. Mr. Beyeler is over property here where we are trying to get business in our business park. Ms. Sorrells, it's sort of interesting because it is generally issues with land use and with environment. This is a Board of multiple interests. With Mr. Coleman, it has been over our school boundaries and some things like that. There is nobody on here that is not concerned about the residents. If you met with them--and we have not had a lot of discussion--collectively, we have had had no discussion, and I have not had individual discussion about tax rate, but I can tell you, I would be willing tonight to write down in a sealed envelope and give it to the attorney what I think this Board will do. That's how convinced I am of what this Board will do

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2009 REASSESSMENT (cont'd)

because I see the way they are inter-reacting with the citizens. I think to keep saying we're having a tax increase is very, very, reckless and is irresponsible, and I'm tired of hearing it because there is no tax increase. There is no gain. There is no loss. There is no increase until we set a tax rate. I full well think everybody on this Board understands that we are in a time that none of us have ever lived in before. I think we understand that. To throw away \$614,000 on a reassessment because we think it might not be right—and I think it is as right as we can get it—so that's that piece. The other piece is, when we get here four months—five months—from now, and we are forced to set a tax rate; and I have no doubt, that for the first time in my memory, there will be a reduction in the tax rate. Where that will be, I don't know. And I will say, if anybody has ever listened, I have always said, 'I won't vote for a tax decrease, because nobody would appreciate it.' Well, these are different times. These are times that none of us have seen before. We all know full well that we cannot have a 20% tax increase. We know that. That's not even a consideration. Nobody is even going to talk about it. So let's talk about what we know to be true. We sit here and pass laws and we expect people to obey them. We talk about fines when people and developers won't obey the laws. We ask people to pay their taxes on time. And we want to sit here and openly say that we're going to defy the State law? I don't think so. I think, back in January, we all held up our hand and took an oath to uphold the laws in this County and this State. Now, they delayed it to this point to try to be right. If somebody can convince me to delay another 30 days until this settles out, I can support that. There is no way I will support throwing this out for two years, throwing away \$614,000 and trying to convince people that we are doing something because we haven't done anything until we set a tax rate. We can take the old assessment and we could have a tax increase. The realty is, Mr. Pyles, I spent a lot of time with individual Board members in the last month, and that is not where these people are going. They do feel the County's pain. They're working every day, most of them, to try to things for the citizens of this County.

Mr. Pyles' response:

Mr. Garber, when will the tax assessments go out?

Mr. Garber's response:

That is what we have to decide.

Mr. Pyles' response:

If we don't change anything, when will the tax assessments go out?

Mr. Coffield's response:

It is currently set to go out November 6th or 7th.

Mr. Pyles' response:

When will their bills go out? When will they get their tax notice?

Mr. Coffield's response:

Their tax notices will go out, probably dependent upon when the Board acts on the budget—generally, it's like the first week of May.

Mr. Pyles' response:

There won't be anything going out in January?

Mr. Coffield's response:

No tax bill will go out in January. Correct.

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Mr. Pyles' response:

When you talk about laws, I try to make this thing. The law says, here's your option. It says if you don't do this, this is the remedy. We have to have, you know, it's in the Code. It doesn't say you can't do it. If they want to stop us from doing something, they can do it \$10,000 a day—that sort of thing. But they're saying, no, if you don't want to do this, this is the penalty you pay. I don't see us breaking the law as much as taking an option for another part of the law. What is going to happen is, everybody is going to have to go out with the assumption that the tax rate is 58¢. They can say it's going to go down, but they have to come and put people through heck for two months to try and say, 'my house isn't worth that'. As far as blind to the peoples' needs. . . . When we spend \$4.2 million to give up that revenue to help a developer build a development, that was what my article was about. That was included in that. If you ask these folks if \$4.2 million should go to a developer to help him build 500 homes in Wilson so we'll have to increase the size of the schools there to satisfy that. That is being blind to the needs of the community.

Mr. Shifflett made the following comment:

The only thing that I'm going to say about this is what's being proposed here is to delay the reassessment for two years. This sounds good, and if it were allowed by Virginia law, I would support it, Mr. Pyles. However, delaying the reassessment beyond four years is not allowed. I want to do everything that I possibly can do to ease the burden of a reassessment on our citizens as long as it is within the confines of the law. We can delay this reassessment until December 31st and then, with just cause, send reason to the Circuit Court to delay the reassessment for an additional 90 days. The actions are allowed by law. If the reassessment comes back as 33%, then we lower the tax rate however far we have to lower it to offset it. In breaking the law, that is something that I have never done as a private citizen, and I did not seek public office to justify breaking the law. If this Board, of any of its members, makes a proposal or motion that ultimately is breaking Virginia law, then I want no part of it. For this reason, I will not be voting to break the law, and, therefore, I will not be supporting this proposal to delay the reassessment longer than what is allowed by Virginia law.

Ms. Sorrell made the following comment:

First, I would like to make a comment on the Bath County reassessment. State Code is a complicated thing. Different counties have different rules that they have to live by. Because Bath County's population is such, smaller than us—under 50,000, they only have to have a general reassessment every six years. What Bath County was doing, was having a general reassessment—trying to have a general reassessment in four years instead of six. They had the right to test the waters and throw it out. That was all totally legal. It would be like if Augusta County, which under our rules with the State, we have to have it every four years. If we had done it in two years to test the waters, and see what was out there, then decided that it wasn't a good reassessment and had thrown it out. Again, it would have been perfectly legal. But what I can't understand is why, when we're through—this is a very painful process. It is painful process for the Board, for the people doing the reassessment, and most of all for the citizens of Augusta County. We're doing everything in our power to try to do it right. That's why we have delayed it so far to try to make sure that we get to market as up-to-date as possible. We have been tweaking and recalculating the formulas daily to try to get it right. We have been doing that within the law, within the budget that we set to do this. We have a Board of Assessors, very brave citizens that have volunteered to do this, and some of them volunteered multiple occasions to do this. I do question their sanity, but I thank them for sticking with us and seeing us through this process. What I cannot understand is why we would leapfrog over the process the State sets up for us and go straight to something that is not part of that State Code. What we have before us, as Mr. Shifflett suggested, is the ability to ask for an extension from the State up to 90 days and then ask for the Circuit Court for another extension. I would support us asking for that extension so that we can make sure that we have a market that is as stable as possible when we put those final assessments out. We also have the ability, during our budget hearing, to lower the tax rate. I think, in these tough economic times, we have to think long and hard about making an adjustment so that the taxpayers can not assume a burden that they can't handle during these tough economic times. I think we need to delay the assessment within the bounds of the law. We need to look at lowering the tax rate. I think the other thing that I would like to ask the Board to consider is we have a tax relief for the elderly and disabled. We have not come near to making that the amount allowable by law. I would like to make sure that we make that cap whatever the State

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allows us to do because these are citizens who have put in a lifetime already on their property. They deserve to be able to pay their taxes and buy food. They shouldn't have to make the choice between the two and I would like us to look at those numbers again and make that tax relief to the full extent allowed by law. Finally, just in the research that our attorney did and presented back to us about the legality of this, I think that if we would go down the path of delaying the reassessments for two years, what the attorney says, 'Of immediate importance is that not completing the reassessment in the time required by the statutes could expose the County to a challenge that in the annual levy of taxes ' the property in question is valued at more than its fair market value or that the assessment is not uniform in its application, or that the assessment is otherwise invalid or illegal.' To me, that means that we would be breaking the law. I think we need to do everything we can to help the citizens in these tough economic times to the full extent of the law. I think we do. I think we have a Board that would rise to the challenge and make sure that we all weather this storm together.

Mr. Howdysshell made the following comment:

I don't know how much more I can say with what has already been said, but I reckon everybody wants to hear my position. I'm not in favor of breaking State law. We had a group of people out there—the Board of Assessors, that have worked very hard and very diligently. They have come up to this final hour that we are supposed to send out the notices to try to make sure this thing is right. We hope it will be right. I like what Mr. Shifflett brought up that we can ask for an extension of 90 days. This may be a good thing to do to let this market settle out. Once the market does settle out. . . I know Mr. Pyles' concern that this new reassessment will be over the 100% of the true value. Well, it is a true concern, but if it doesn't, and after the 90 days, once we book this thing, book the assessment, move forward, and if we can extend it for 90 days, let's do that if we can and move through the process. If this economic downturn—everybody knows, I'm in favor of cuts. I don't have a problem with lowering the rate to whatever it needs to be. If this thing stays the way it is, I would like to see revenue neutral. If we have things that need to be done—our basic things that deal with education, safety and health, I'm in favor of cutting other programs to come up with that money. Maybe, nobody else on this Board would, but I don't have a problem with it. We need to get back to basics! The reassessment process we're going through, I'm comfortable with it, but if we need more time, if we can do it within the law to ask for an extension of 90 days, I would go along with that.

Mr. Coleman made the following comment:

Mr. Chairman, I have attempted to take the high road, but I'm going to use one example before I get into my prepared remarks regarding the 2009 reassessment. Because one of the things I keep getting reminded of . . . when comments keep getting made and I just kind of sit here, or other people sit here, the media picks up stuff; you all leave with a certain assumption; and here, again, tonight, we're talking about a reassessment and my friend, Mr. Pyles, wants to bring up, again, Route 636 relocated over in Fishersville that this Board has clearly spoken and is a priority and he describes it as a "road to nowhere". Let me remind you of an example of a "road to nowhere" in the Pastures District. It's called Marble Valley Road in Deerfield into Rockbridge County. He actually spent around approximately \$3.6 million that we upgraded a dirt road to a paved road—not a Rural Rustic road—a paved road. And then he wants to sit here and tell us about being good stewards of taxpayer money and that we are going to waste over in Fishersville, and this Board is going to waste paying some developer \$4.2 million?

In terms of the general reassessment, I feel we should proceed I feel that we should proceed with the General Reassessment and that this board should be prepared next year to equalize a significant part or all of the reassessment. Now, I understand that is easy for me to say, and I know it creates some question in your mind. We heard reference, tonight, that that was certainly not the position of most of this Board in 2005 because we, at that point, took half of the new reassessment and built a middle school. I can assure you that there have been no conversations at any time through this process about earmarking, or setting aside, any of that money. We have remained open. We very much recognized the

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economic impact on our citizens and that most residents are facing tough times with things that you know so well—rising fuel costs, work-related issues, hours being cut back, loss of jobs, increased utilities. Of course, you heard the thing about State law requires that we do this every four years--the purpose of the reassessment. I think it important that you understand why it is the State has set this up. It is to bring real estate values in line with the market, thus equalizing the tax obligation equitably across all taxpayers. In my opinion, there are moral and possible legal ramifications. Mr. Pyles talked about something that, without question, is in State Code in terms of the ABC profits. He also referenced a communication that came from our attorney regarding some other things that have actually happened to localities throughout the Commonwealth. That is why I reference it as possible legal ramifications of the land use assessment which could impact things such as school funding, individual property values. I am not going to support violating the law because I'm one who's absolutely a stickler. I'm telling people all the time, 'I hear you what you're saying. It's State law. We are a Dillon Rule state, which means we get what authority we got from the State. That is something that they require us to do and that's a risk that, at this point, I'm not willing to be a part of in terms of the potential ultimate costs to the taxpayers in terms of legal fees. I certainly recognize the economic impact on our citizens and that most residents are facing tough economic times (rising fuel costs, work related issues – hours cut back, loss of jobs, increased utility costs, etc.) State Law requires given the population of Augusta County, that we complete a General Reassessment every four (4) years. The Board has hired Blue Ridge Mass Appraisal to conduct our general reassessment and also appointed a citizen's Board of Assessors to work with the contractor through the reassessment process. Our Board of Assessors has recommended that we proceed with the general reassessment. A number of us on this Board have gone out and asked hard questions and sought out information from the best people that are there that we can get this information from. I have, personally, talked to the owner of Blue Ridge Mass Appraisal, Dave Hickey. I am the staff liaison, along with Mr. Pyles, to the Board of Assessors. I attend their meetings. I know these citizens just like you or I and some of these people are here tonight. They traveled all over this County in working with the contractor in terms of how it is that they do what they do and how it is that they end up putting that number on our land or on our dwelling and things of that sort. I support their recommendation and have the confidence that this Board will do the right thing when required to set the new real estate tax rate in 2009. I'm telling you here tonight—take it home, we're going to lower the rate. I would be irresponsible because I don't even know what it is. Right now, we're throwing out 33%. I read that in the paper the same time some of you read it in there. Somebody pushed somebody for a number. Somebody threw the number out there; so that's the number that people are talking about out there, now. I, like Mr. Garber, talked to individual people. I know it may not be for you to sit out here this and have any real trust and confidence that we're going to step up in March or April and do the right thing. The right thing is to lower that rate. I am open if it indicates at that time, that it comes to that, that we equalize the rate. What, in fact, that means to you, as you're paying this—even though your property value went up, you're paying the same tax that you were paying for the last four years. The last thing I want to do, which is what some of our friends in the cities do, they go cut the tax rate and then they turn around and start upping the tax rate again. That's why I'm saying to you that I think it be irresponsible for me, at this point in time, to say to you that I am going to support lowering that rate. How far—we need to know what it ends up coming in at and have that discussion. I hope you be there when that discussion transpires and I would encourage you to hold me and hold other members of this Board accountable that we are going to do what we are telling you tonight that we're going to do. Thank you for being here.

Chairman Beyeler made the following comments:

Before I open it up to the public, let me make a couple of comments. I served on the Assessment Board in 1970 or in that time frame. I'm not picking at any particular area, but I recall an area where we assessed the land at \$100 an acre. The person who was on the Assessment Board from that area said, 'no way, you can't do that'. Well, the land was selling for \$100 to \$150 an acre. Now, the assessment on that land was \$10 an acre. That's what the assessment was. We went up 10 times and he said, 'you can't do that'. I'm here to tell you we did do that because that's what it was selling for! Now, take somewhere else with a house and that house was selling for, let's say, \$100,000 and you had \$10,000 on it and it was selling for \$100,000. Would you agree, or not agree, that that assessment needed to go up? The assessment is supposed to be a true value of a willing buyer and a willing seller. That's all it is. Now, having served on the Assessment Board, and been around as long as I have, I know sometimes the assessment may not be right. I know that. Everybody has an opportunity to come in and express an opinion on why their assessment is wrong. If you come in, check with your neighbor. If you don't

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know what your neighbor's assessment is, if you have a computer, go into Augusta County, go into Commissioner of Revenue, go into Assessments, and if you know the name of the person that owns that land, you can pull up every assessment in Augusta County. It's right on the computer. You don't have to go anywhere else. The assessment—you want it to be right. Now, Mr. Pyles brought up in trying to stir the pot that, hey, we're going to up your tax rate. You've heard these other members. We all know what the economy is doing. Mr. Pyles works at ASR. My other income is farming.

I dare say Mr. Pyles did not have a 25% decrease in his salary this year. But I have you to know I had a decrease of that in my product. And I pay twice as much tax as he does.

I went back a couple of years ago and looked at what every Board member pay taxes in this County. I'm not picking on Mr. Pyles saying this, but he was paying the least. Mr. Howdysshell was paying the most. Matter of fact, Mr. Howdysshell was paying as much tax as all of the other six Board members put together. Now, when you talk about a tax increase, Mr. Howdysshell understands a tax increase. I think every member on this Board understands a tax increase. The Assessment Board has done a great job. My advice to them has always been, 'we're in a time where we don't know what's happening. Make sure that you're not over the 100%'. I always made the argument, and I've been told I'm wrong on that, that you would want 100% assessment. Well, I'm going to use the figure, again, \$100,000. If you sell that house, the realtor is going to take 6%, so you got 94%. I would rather have the assessment on 94% than on 100% because 94% is all you're going to get, but they say you need it on the other, too. But, Mr. Pyles . . . and he told no one about what he was doing prior to coming in here and then putting a motion on the floor that is in violation of State law. I have you know that there is six members on this Board who is not willing to break the State law for this issue.

Now, some of you may think that's wrong, but that's what's wrong with this country. We think we can do anything we want to as long as we can get by with it. I'm here to say that is the reason we're in the shape we're in. You look at the economy why we're in the shape we're in and it is because of the people that didn't abide by the law or got way too greedy.

The following people spoke in support of extending the reassessment:

Justine Tilghman, Steve Morris, William Bashaw, William Carter, Kevin Lacey (Augusta County Realtor), Glen Worrell, Keith Willis, June Wilson, Paul Wilthorne, Randy Garber, D. E. Hite

Mr. Lacey disputed the 33% projected residential increase. He has sold approximately 1,700 homes in the area and stated that the real estate prices have increased just under 12% in the past four years in Augusta County. He stated that prices would drop until about this time in 2009. He predicted that it would take until 2012 before prices were where they are today. Mr. Lacey suggested that the Board allow the Board of Realtors Legislative Committee provide figures to help the Board in making a decision. Mr. Carter said that the Board should be less concerned about the legalities of the postponement and more about how the two-year delay could help the community. Mr. Wilthorne asked that Mr. Morgan clarify the law.

Patrick J. Morgan, County Attorney, stated that § 58.1-3252, of the Code of Virginia, allows that only counties with populations of 50,000 people or less may delay reassessments to a fifth or sixth year. § 58.1-3259 provides for the withholding of alcoholic beverage control profits from the County until it comes into compliance with the law. The only extension that is provided for a county with the population of Augusta is found in § 58.1-3257 of the Code. That section allows the Circuit Court to extend the time to complete the work on the reassessment for good cause shown for three months from December 31. Mr. Morgan expressed concern that when an assessment is done, there is a presumption in the law that it is correct. If a taxpayer challenges the assessment in court, the County would have the benefit of that presumption of correctness when the trial court hears the case. That is based on the fact the reassessments are done on a regular basis. If it is not done, that presumption may be lost. He cited the case of *City of Martinsville v. Commonwealth Blvd. Assoc.* where the State Supreme Court decided in 2004 that if an assessment is correct one year, it does

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not necessarily mean that it will be correct several years down the pike. "If we do not follow the State Code in reassessment in four years, we may lose that presumption. A taxpayer who challenges his current assessment, which would be more than four years old, may have a considerable advantage over the County in a lawsuit of us having outdated figures in a court knowing that we should have pursued a four-year reassessment."

Mr. Garber asked how property can be reassessed at more than it was worth and be legal.

Chairman Beyeler commented, "I do not want to see anybody's property, and I don't think this Board does, and I don't think the Assessment Board does, want to see it above what they think the fair market value is. Fair market value means exactly what it says."

Mr. Coffield made the following comment:

The Board of Assessors, when they met last, they had the values up to September 30th. The number that was quoted—33%--the one the Board talked about and the one that Mr. Lacey talked about—was the September 30th number. Mr. Hickey is going to be attending the next Board of Assessors meeting on October 30th at 9:00 o'clock at the Government Center. At that time, Mr. Hickey and Blue Ridge will provide the Board of Assessors with their best information. If they felt the market had settled down, they would recommend to go forward on sending out the notices on the 6th and 7th. One of the co-chairmen is here; a representative for the contractor is here. We will be conveying the Board's direction and guidance back to that group. The button has not been pushed. The contractor asked for a deferral; they were granted by the Board of Assessors a deferral. And we are still in that evaluation process. Whether it is 33% or some other number, we will have a better number on October 30th.

Mr. Coleman commented that he had a spreadsheet from January to July indicating 88 parcels sold in Wayne District more than 11%.

Mr. Pyles moved, (no second), that the Board postpone the reassessment for two years.

Vote was as follows: Yeas: Pyles

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

Motion failed.

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2009 REASSESSMENT (cont'd)

Mr. Shifflett moved, seconded by Ms. Sorrells, that the Board recommend to the Board of Assessors to delay mailing of reassessment notices until after December 31, 2008 and that the Board of Assessors convene on January 8, 2009 to establish a schedule for mailing of notices and hearings.

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

Nays: None

Motion carried.

Mr. Coffield clarified that he would work with the Attorney and the Commissioner of Revenue to request a 90 day extension as permitted by law.

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Chairman Beyeler expressed appreciation of the citizens' input tonight. "Most everything that was said here tonight, I, basically, can agree with. We are in a time now that nobody knows. We up here don't know anymore than you do. Hopefully, we would know a little more, but I don't know. Hopefully, things will settle down after the election because it's a little bit scary out there on what's going on. It will settle down. When? We don't know." He suggested that they contact their supervisors. "We want your input. Hopefully, what we do in the end will be beneficial to this County because that's what it is all about."

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A five-minute recess was taken at 9:08 p.m.

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CSPDC – STRATEGIC INITIATIVES

The Board considered endorsement of strategic initiatives and amendments.

Mr. Coffield advised that this item had been discussed at the Staff Briefing on Monday and noted that this is reviewed annually. The Board asked that this be placed on the Regular agenda for consideration.

Mr. Howdyshell moved, seconded by Mr. Pyles, that the Board approve the strategic initiatives and that due diligence be given in light of current economic and budgetary restraints.

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

Nays: None

Motion carried.

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FIRE AND RESCUE EQUIPMENT GRANT PROGRAM

The Board considered Committee's recommendations as it relates to Equipment Grant request from the following agency:

<u>Agency</u>	<u>Request</u>	<u>Funding Source</u>
Verona Volunteer Fire Company	\$11,057.50	80000-8152

John C. McGehee, Assistant County Administrator, advised that Mr. Howdyshell reported on Monday at the Staff Briefing that the Committee on the Fire and Rescue Equipment Grant met and approved \$11,057.50 to the Verona Volunteer Fire Company for 50% of the Automatic Defibulators, Suction Unit, and Airway Kit. The received a rescue squad assistant grant through the State for the other 50%. The Committee recommends that the Board approve the request.

Mr. Howdyshell added that Craigsville Fire Company had made a request. They applied for a grant. It was not approved. Part of the procedure is that they needed to apply for the grant before the request a County grant. Minday Craun is working with them apply for another grant.

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FIRE AND RESCUE EQUIPMENT GRANT PROGRAM

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

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

Motion carried.

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CONSENT AGENDA

A request was made to remove VILLAGE ON GOOSE CREEK, PHASE 2 – PRELIMINARY PLAT from the Consent Agenda.

* * *

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

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, September 24, 2008

STREET ADDITION

Approved recommendation to adopt the following resolution for acceptance of Falcon Lane (Harshbarger, Section 20), into the secondary road system (Middle River District):

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 **HARSHBARGER SUBDIVISION, SECTION 20**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Falcon Lane
From: 0.07 miles east of Lofton Drive (Route 2012)
To: 0.23 miles east of Lofton Drive
Length: 0.16 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 050004506, Plat Book 1, Pages 6200, 6201 and 6202, recorded April 7, 2005.

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.

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VALLEY MANOR SUBDIVISION – PRELIMINARY PLAT

The Board considered Valley Manor Subdivision, containing 21 lots zoned Single Family Residential located on Cedar Green Road (Route 693) between Cedar Green Road and Buttermilk Spring Road (Route 703) (Pastures District). The Planning Commission recommends approval. Preliminary Plat approval also approves non-conventional sewage disposal systems for lots 1-21.

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

Motion carried.

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(END OF CONSENT AGENDA)

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VILLAGE ON GOOSE CREEK, PHASE 2 – PRELIMINARY PLAT

The Board considered Village on Goose Creek, Phase 2, containing 188 lots zoned Townhouse Residential located on the south side of Goose Creek Road (Route 636) and southwest of the Augusta Medical Center Campus (Wayne District). The Planning Commission recommends approval.

Neige Diehl expressed a concern with drainage in the area, especially, with additional development.

Chairman Beyeler pointed out that this subdivision was approved before. It is up for approval again because of the time running out. He noted that they are required to have detention.

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

Mr. Shifflett added that this was rezoned before he became supervisor and he did not agree with the rezoning at that time. He could not support the request tonight.

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

Nays: Shifflett

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Satellite providers – letter from Congressman Goodlatte distributed to Board.
2. VDOT Six-Year Plan – Consensus of the Board on Monday at the Staff Briefing was to move forward with public hearing on November 12th. Mr. Coffield has learned from Mr. Fitzgerald, of VDOT, that the current fiscal year budget has to be revised for the fourth time and has suggested that this public hearing be postponed until either January or February. A resolution will be revised and submitted to the Board for consideration.

Mr. Garber moved, seconded by Mr. Howdyshell, that the Board postpone the public hearing until January or February 2009.

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)

3. Marble Valley Road - Mr. Pyles asked Mr. Coffield to provide information when it began, what Board started it, when it was finished and when Rural Rustic Roads were brought into play.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman

County Administrator