
Regular Meeting, Wednesday, January 10, 2007, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Nancy Taylor Sorrells, Chairwoman
David R. Beyeler, Vice-Chairman
F. James Bailey, Jr.
Wendell L. Coleman
Kay D. Frye
Larry C. Howdyshell
Tracy C. Pyles, Jr.
Steven L. Rosenberg, County Attorney
Dale L. Cobb, Director of Community Development
Joseph W. Davis, 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, January 10, 2007, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 231st year of the Commonwealth....

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

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A. J. Tidd and Marisa Strickler, eighth graders at Stuarts Draft Middle School, led us with the Pledge of Allegiance. A.J. enjoys football and Marisa enjoys softball and acting.

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Wendell L. Coleman, Supervisor for the Wayne District, delivered invocation.

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COMMITTEES & COMMISSIONS FOR 2007 APPOINTED BY THE BOARD

On motion of Mr. Coleman, seconded by Mr. Beyeler, the Board made the following appointments:

LOCAL EMERGENCY PLANNING COMMISSION

Reappointed John C. McGehee and Tracy C. Pyles, Jr., to the Local Emergency Planning Commission for a one-year period.

EMPLOYER ADVISORY COMMITTEE (VIRGINIA EMPLOYMENT COMMISSION)

Reappointed Faith Souder to the Employer Advisory Committee for a one-year period.

AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE

Reappointed Earl Reeves, Roger Hammond, Nancy T. Sorrells, Randy Roller, Joseph Zapotoczny, W. Jean Shrewsbury, W. Douglas Riley, and David R. Beyeler and appointed Charles W. Curry and Betty Jo Hamilton to the Agricultural and Forestal District Committee for a one-year period.

EMERGENCY MANAGEMENT DIRECTOR

Appointed Chairwoman of the Board of Supervisors, Nancy Taylor Sorrells, as Emergency Management Director.

EMERGENCY MANAGEMENT CO-DIRECTOR

Reappointed John C. McGehee, Assistant County Administrator, as Emergency Management Co-Director.

January 10, 2007, at 7:00 p.m.

COMMITTEES & COMMISSIONS FOR 2007 APPOINTED BY THE BOARD
(cont'd)

EMERGENCY MANAGEMENT COORDINATOR

Reappointed Fire Chief Bruce Crow as Emergency Management Coordinator.

ASSISTANT EMERGENCY MANAGEMENT COORDINATOR

Reappointed EOC Director Donna Good as Assistant Emergency Management Coordinator.

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

Nays: None

Motion carried.

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COMMITTEES FOR 2007 - APPOINTED BY THE CHAIRWOMAN

Mr. Beyeler moved, seconded by Mr. Coleman, that the following committees appointed by the Chairwoman be approved:

- Emergency Services Committee: Larry C. Howdyshell and F. James Bailey, Jr.
- Property Committee: Larry C. Howdyshell and Tracy C. Pyles, Jr.
- Parks and Recreation Liaison: Wendell L. Coleman
- Valley Program for Aging Services, Inc.: Ronald H. Sites
- Library Board Liaison: Kay D. Frye
- Recycling Committee Liaison: Nancy T. Sorrells
- Board & Commission Liaison: David R. Beyeler
- General Assembly/VACo Liaison: David R. Beyeler
- Governmental Opportunities Committee with Cities of Staunton and Waynesboro Liaisons: Nancy T. Sorrells and Wendell L. Coleman
- Rockingham/Augusta Liaisons: Larry C. Howdyshell and Kay D. Frye
- Reassessment Liaisons: Wendell L. Coleman and F. James Bailey, Jr.

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

Nays: None

Motion carried.

January 10, 2007, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Chairwoman Sorrells explained the procedure for “Matters to be Presented by the Public” and stated that persons who have signed up may speak at this particular time, or choose to speak when a particular item on the agenda occurs.

Lawrence Campbell expressed his disappointment of the response from the County regarding drainage problems in Courtney Woods. He circulated pictures and a letter from Carl Woods, a neighbor, to the Board. Chairwoman Sorrells advised that staff was continuing to work on these 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. Ribbon cutting ceremony at McDonald’s in Verona on Saturday, which was well-attended.
2. VDOT meeting in Waynesboro on January 7th regarding access points at Valley Village (former Outlet Village).
3. Meeting with Jeremy Harris, Preston L. Yancey Fire Company regarding full-time staff request. Fire Chief Crow has been asked to provide information on procedure for recruitment of volunteers and data of calls for a period of two years.

Chairwoman Sorrells:

1. Riverheads Water Tank Feasibility Study – received a favorable report. Designs are being studied and are exploring funding options and partnering possibilities.
2. Middlebrook Water System - continues to see improvements – Last year, issues with contamination—ACSA corrected problems and improved system by adding fluoride.
3. Comprehensive Plan - near completion – public meetings in late January. Draft has been distributed to Board. Urged comments to be submitted as soon as possible for Steering Committee to review. Community Development has invited Supervisors to attend as many meetings as possible and to inform them of schedules or assignments can be made. Encouraged public to attend meetings to give their input.

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RURAL RUSTIC ROADS

The Board considered resolutions for FY-06-07 projects:

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| Route 897 | - | Kerr Lane, Middle River District |
| Route 730 | - | Stribling Spring Road, North River District |
| Route 780 | - | Windswept Road, Middle River District |
| Route 782 | - | Barnhart Road, Middle River District |
| Route 785 | - | Madrid Road, Middle River District |
| Route 797 | - | Miller Road, Wayne District |

January 10, 2007, at 7:00 p.m.

RURAL RUSTIC ROADS (cont'd)

Patrick J. Coffield, County Administrator, advised that four of these roads are part of the Secondary Roads Budget. Routes 897 and 797 are being funded through Infrastructure Accounts. Some of these projects may be completed by this upcoming summer; and some will be completed by the following summer (2008). He cautioned the Board and the public that these roads will not be built to "traditional State standards". He noted that the difference in funding is \$75,000 a mile versus \$600,000+ a mile. He noted that the State requires adoption of a resolution for each project and high-lighted the following paragraph: "Whereas, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process." He explained that the State is saying that these roads are considered for Rural Rustic because they are not envisioned in the Comprehensive Plan for development in the future.

Chairwoman Sorrells echoed Mr. Coffield and added that this has been a good program for Augusta County. "It is a good way to help the people on these roads get out of some of the harsher conditions of these roads without encouraging development in places we don't want to encourage it."

Ms. Frye had asked the VDOT Maintenance Supervisor when these projects would begin and was told as soon as the money is released. Mr. Coffield reminded the Board that the Board did not have its normal November Six-Year Plan Public Hearing because the State of Virginia, in its budgetary process, was going into a Special Session, and the public hearing was deferred. Notice from the State has been received indicating that the funding allocation for 2008 is \$14.7 million (in 2003 the Six-Year funding allocation was \$30.7 million; for the most recent year, it was \$22.1 million). For these funds to be released, it requires a public hearing and Board approval. A Six-Year Plan package was distributed to the Board which included the Notice of Public Hearing (advertised for January 24, 2007 public hearing); a sample resolution which will be required for Board approval; and a draft Six-Year Plan reflecting the \$14.7 million. Mr. Hoke from VDOT will be at the January 22nd Staff Briefing and on January 24th a public hearing will be held. At previous hearings, the Board has added or deleted projects and approved at following meeting (February 14th). He reiterated that once the budget is approved, funding will be available.

Mr. Coleman was excited about this being his first Rural Rustic Roads project and noted that it had been on and off of the Six-Year Plan for the last 35 years.

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

RESOLUTION

WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1,000 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") desires to consider whether Route 897, Kerr Lane, From: Route 927, To: End of State Maintenance, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning

January 10, 2007, at 7:00 p.m.

process; and

RURAL RUSTIC ROADS (cont'd)

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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RESOLUTION

WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1,000 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") desires to consider whether Route 730, Stribling Springs Road, From: Route 756, To: Route 761, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

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BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1,000 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") desires to consider whether Route 780, Windswept Road, From: 0.65 miles West of Route 906, To: Route 906, should be designated a Rural Rustic Road; and

January 10, 2007, at 7:00 p.m.

RURAL RUSTIC ROADS (cont'd)

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

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WHEREAS, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1,000 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") desires to consider whether Route 782, Barnhart Road, From: Route 612, To: Route 617, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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January 10, 2007, at 7:00 p.m.

RURAL RUSTIC ROADS (cont'd)

RESOLUTION

WHEREAS, Section 33.1-70.1 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1,000 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") desires to consider whether Route 785, Madrid Road, From: Route 784, To: 0.35 miles East of Route 782 East, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

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* * *

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WHEREAS, any such road must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 1,000 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") desires to consider whether Route 797, Miller Road, From: Route 608, To: Route 796, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the citizens that utilize this road have been made aware that this road may be paved with minimal improvements; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics and will endeavor to retain these characteristics through its comprehensive planning process; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as

January 10, 2007, at 7:00 p.m.

RURAL RUSTIC ROADS (cont'd)

possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

Mr. Howdysshell noted that the first pilot Rural Rustic Road that VDOT had done was in his district and noted that he had the opportunity to travel that road last week which has held up very well. He hoped that in the future, speed limits could be placed on these roads to enhance the quality of life.

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler, Bailey, Coleman and Pyles

Nays: None

Motion carried.

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STREETLIGHT REPORT

The Board considered recommendation of Committee for the installation and/or upgrading of streetlights on Village Green at the Lake subdivision, off Goose Creek Road.

Dale Cobb, Director of Community Development, reported that a request was received from the developer concerning streetlights that have already been installed. The County has approved 14 lights in the subdivision, and the developer has asked the County to take over the next three. On December 13, 2006, the streetlight viewing committee (consisting of Jim Mowbray and Bob Tait, of VDOT; Kevin Swisher, of Virginia Power; Supervisor Wendell Coleman; and Todd Flippen, Engineer I, viewed the location and gave the following recommendation:

The Committee determined that these three streetlights (one on Wesleigh Manor Road and two on Brighton Circle) meet the County policy. During a previous viewing, the streetlights had been denied for lack of houses in the proximity, but with recent construction, these lights are acceptable. The Committee recommends approval.

Mr. Coleman assured Mr. Howdysshell that this subdivision predated the practice of requiring Homeowner Associations to maintain streetlights. Mr. Howdysshell agreed with Mr. Coleman. He noted that Augusta County is paying over \$100,000 for streetlights.

Mr. Coleman moved, seconded by Ms. Frye, that the Board approve the recommendation.

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler, Bailey, Coleman and Pyles

Nays: None

Motion carried.

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January 10, 2007, at 7:00 p.m.

RAILSIDE INDUSTRIES, INC. – TIF

The Board considered approval of development agreement with Railside Industries, Inc. and contribution agreement with IDA to construct rail siding.

Mr. Coffield advised that at a previous meeting this proposal had been considered. An application has been submitted to the State and a \$300,000 grant has been awarded. In addition, there is an opportunity for costs above \$300,000 to be shared with the State on a cost-sharing basis. For each dollar provided, the State matches up to \$150,000. What is brought before the Board is a proposal for Tax Increment Financing (TIF) whereas, the developer would pay their taxes and the local share would be reimbursed from increased taxes generated from the development. The developer would be reimbursed over a five-year period up to the \$125,000. He suggested that while moving forward with the \$125,000, that once the project is constructed, if it runs above \$125,000, that the County be prepared to revisit up to the \$150,000 and extend the time based upon the circumstances.

Steven L. Rosenberg, County Attorney, distributed a resolution to the Board. This resolution is similar to those adopted for the last two TIF arrangements—Neff Interstate Business Park and Hansen Transmissions. This resolution approves the documents previously submitted to the Board and authorizes the Chairwoman to execute those documents and any other documents that may be necessary in connection with the transaction and it ratifies the prior actions of County officials in connection with the proposed transaction.

Ms. Frye noted that this request benefits two local businesses – Houff's Feed and Fertilizer and IDM Trucking. The documents indicate that the two businesses are expected to employ local people. She pointed out that a few months ago, it was noted that the company would pay \$140,000 in taxes in one year. That is why the agreement will be paid off in five years.

Ms. Frye moved, seconded by Mr. Beyeler that the Board approve the request including Mr. Coffield's recommendation to reconsider amount and term if needed and to adopt the following resolution:

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

WHEREAS, Railside Industries, Inc., a Virginia corporation (the "Company") is the owner of certain real property located in Augusta County, Virginia, at 97 Railside Drive, Weyers Cave, Virginia, and designated as Augusta County Tax Map Parcel No. 27C1-(1)-12 (the "Property"), as shown on a site plan submitted to the County's Department of Community Development entitled "Site Plans for Railside Industries, Inc." dated August 25, 2006, revised September 19, 2006, and approved by the County on September 20, 2006, and prepared by Brunk & Hylton Engineering, Inc. (the "Site Plan").

WHEREAS, the Company intends to develop a warehouse, salt storage building and rail siding extension on the Property (the "Project") substantially in accordance with the Site Plan.

WHEREAS, the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") has received and reviewed the proposal of the Company to develop and operate the Project.

WHEREAS, local employees are expected to be employed, and local suppliers, contractors and services are expected to be utilized, in connection with the development and operation of the Project.

WHEREAS, the Project is expected to generate increased real property, machinery and tools, personal property and business license tax revenues for Augusta County, Virginia (the "County"), which can then be used for the further benefit of the residents of

January 10, 2007, at 7:00 p.m.

RAILSIDE INDUSTRIES, INC. – TIF (cont'd)
the County.

WHEREAS, the Project is in accordance with the desire of the County to attract commercial enterprises to the County to diversify and strengthen its economic base, provide jobs for its citizens and otherwise provide for controlled development of its land with minimal negative impact on its environment and resources.

WHEREAS, the Board of Supervisors desires to facilitate the Company's location of the Project in the County.

WHEREAS, to that end there have been presented to this meeting preliminary drafts of the following documents (collectively, the "Documents") copies of which shall be filed with the records of the Board of Supervisors:

(a) Development Agreement by and between the County and the Company (the "Development Agreement").

(b) Contribution Agreement by and between the County and the Industrial Development Authority of Augusta County, Virginia (the "Contribution Agreement").

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

1. The Board of Supervisors hereby finds and determines that the Project will provide substantial economic and other benefits to the County through the creation of jobs, increase of tax revenues, enhancement of the commercial and industrial base and utilization of local suppliers, contractors and services.
2. The animating purpose for the County's undertakings under the Documents is the public benefit derived from the Project.
3. The Chairman and Vice Chairman of the Board of Supervisors, either of whom may act, are hereby authorized and directed to execute the Documents and to deliver the Documents to the other parties thereto.
4. The Documents shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be subsequently approved by the Chairman or Vice Chairman of the Board of Supervisors, which approval shall be evidenced conclusively by the execution and delivery of the Documents by the Chairman or Vice Chairman.
5. The Clerk of the Board of Supervisors is authorized to affix the seal of the County to the Documents and to attest such seal.
6. Each officer of the County is authorized to execute and deliver on behalf of the County such other instruments, documents or certificates and to do and perform such things and acts, as they shall deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Documents.
7. All acts of the Chairman or Vice Chairman of the Board of Supervisors and other officers of the County, including without limitation, the County Administrator, the Director of Finance and the County Attorney, regardless of whether such acts occurred prior to or occur after the adoption of this Resolution, that are in conformity with the purposes and intent of this Resolution and in furtherance of the undertaking of the Project are hereby approved and ratified.
8. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments under the Contribution Agreement and hereby recommends that future Boards of Supervisors do likewise during the term of the Contribution Agreement. The County Administrator is directed to submit for each fiscal year a

January 10, 2007, at 7:00 p.m.

RAILSIDE INDUSTRIES, INC. – TIF (cont'd)

request to the Board of Supervisors for an appropriation to the Authority separate from all other appropriations to the Authority for an amount equal to the payments that are due under the Contribution Agreement for the next fiscal year. The County's obligations to make payments to the Authority pursuant to this Resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this Resolution, the Development Agreement or the Contribution Agreement shall constitute a pledge of the full faith and credit of the County beyond the constitutionally permitted annual appropriations.

9. This Resolution shall take effect immediately upon its adoption.

Mr. Pyles felt that TIFs were an excellent process of getting a developer to build public improvements with revenues that would not have been gotten without the roads and that they were not coming out of the Six-Year Plan. Demands have been increased, without the help from the State. "The County has done all it can to maximize leveraged dollars to build roads. We have increased the amount of money from our General Fund to build roads, but this, for every step forward, is five steps backwards from the legislature (from \$30 million to \$14 million for the same plan). We don't have lesser road needs, now; we don't have fewer people traveling our roads. Our bridges are not getting newer. We are not keeping up. I wish we had leaders in Richmond that would help us maintain a first-class road system and a safe road system."

Ms. Frye added that this is an instance where the County is supporting an industry that is already here. "We continually seek good industry for the County, but we also pay attention to fostering the businesses that are already here."

Mr. Howdysshell asked for clarification under the Grant Agreement, Item #4.E, "Events of Default," taxes assessed against the Property. As he understood it, if the developer or Houff's Feed and Fertilizer and IDM Trucking does not pay their taxes, they are in default of the contract.

Mr. Rosenberg stated that would be for any taxes – real property, machinery and tools, personal property, business license taxes of Railside Industries, Houff's Feed and Fertilizer and IDM Trucking. If any of those are not paid, then there is a default under the agreement which would allow a termination of the agreement. Mr. Howdysshell asked if this were to happen in year 3, would they have to recap 1 and 2 if they were in default. Mr. Rosenberg said a provision was not included to require a refunding, but it would terminate any obligation to disburse further amounts to the developer of the project.

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler, Bailey, Coleman and Pyles

Nays: None

Motion carried.

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January 10, 2007, at 7:00 p.m.

SPY RUN/ST. MARY'S IMPROVEMENTS

The Board considered improvements to Spy Run/St. Mary's not to exceed \$7,500. Funding source: Riverheads Infrastructure Account #80000-8015-22

Mr. Coffield advised that this was discussed at a previous meeting. Improvements were needed due to the recent rains. He noted that this project has been devastating for the community. Capital funds have been expended over the last 5-7 years have been. The \$7,500 is basically to keep control of the problem. Chairwoman Sorrells reiterated that just to repair the road section that was washed out in Hurricane Isabel that resulted in these infrastructure improvements in the river was approximately \$500,000. "When you build a house, and you have to maintain the roof, and make repairs, it is the same type of thing."

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

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler,
 Bailey, Coleman and Pyles
 Nays: None

Motion carried.

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AUGUSTA SPRINGS

The Board considered funding for flood plain elevation survey needed for development of recreation master plan in an amount not to exceed \$2,200. Funding Source: Pastures Recreation Account #80000-8024-18.

Ronald H. Sites, Director of Parks and Recreation, advised that about a year ago Mr. Pyles took the Board and staff on a tour in Pastures Districts. Along the way, he spoke of a potential new building for Craigsville and made a stop to view a potential area which was under consideration for purchase on the corner of Estaline Valley Road and Augusta Springs Road. Since that time, this land has been purchased. Staff is ready to move forward with master planning of that property. With the land lying in a flood plain, preliminary survey work is needed at a cost not to exceed \$2,200.

Mr. Pyles commended Mr. Sites and Mr. Wolfe for contributing resources at no cost, but realized that some things needed professional help.

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

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler,
 Bailey, Coleman and Pyles
 Nays: None

Motion carried.

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PARKS AND RECREATION MATCHING GRANT-FORT DEFIANCE SPORTSMAN'S CLUB

The Board considered (A) recommendation of Parks and Recreation Commission to award a grant in the amount of \$\$6,839.54 for lighting of three tennis courts on school property, and (B) approval of grant agreement.

Funding Sources:	Beverly Manor Recreation Account #80000-8021-39	\$1,367.90
	Middle River Recreation Account #80000-8022-33	\$2,735.82
	North River Recreation Account #80000-8023-25	<u>\$2,735.82</u>
		\$6,839.54

January 10, 2007, at 7:00 p.m.

PARKS AND RECREATION MATCHING GRANT—FORT DEFIANCE SPORTSMAN'S CLUB
(cont'd)

Kathy McQuain, Assistant Director of Parks and Recreation, was available to answer questions.

Mr. Howdysshell asked if the lighting complied with the Dark Sky Ordinance. Ms. McQuain said that Community Development staff is looking at the outdoor lighting plan to make sure it is filtered correctly.

Mr. Rosenberg also noted that the grant agreement before the Board for approval in connection with this matter specifically requires that the project comply with those requirements of the Zoning Ordinance.

Mr. Beyeler asked why the Sportsman Club needed to maintain control with it being on school property. He was asking, specifically, why the Sportsman's Club was responsible for liability insurance.

Mr. Rosenberg explained that this is a facility of the volunteer organization which is operated and maintained by the volunteer organization on property owned by the School Board with the permission of the School Board. If that is correct, it makes sense since it is being maintained and operated by a party other than the School Board, to require that party to maintain insurance.

Mr. Sites explained that the public component of all of these grants is what is considered. Having that insurance ensures that if there is a problem on school property, insurance would cover that. Mr. Beyeler asked where these tennis courts were located. Mr. Sites said they were at the middle school, but noted that they were high school tennis courts. Mr. Beyeler asked if a Sportsman's Club at Stuarts Draft would want to put up money to help light tennis courts at Stuarts Draft would it become a liability of the Sportsman's Club. Mr. Coffield said it would unless the schools would accept that liability. Mr. Beyeler did not feel that it should be a Sportsman's Club liability. Mr. Pyles pointed out that it may be an issue of control—if they gave it over to the School Board, then they would lose their ownership of it and their rights to schedule as they see fit. Mr. Beyeler felt that control on school property should not be a problem.

Mr. Sites said that every grant that has been done since 2004, there were Sportsman's Club projects with insurance coverage. He suggested bringing up this issue with the Parks and Recreation Commission next week.

John Edgecomb, Fort Defiance teacher and coach for Girl's Tennis, submitted the grant for the Sportsman's Club and was unaware of the insurance requirement. He noted that the tennis courts were open to public.

Mr. Coffield suggested to go forward with this request. He stated that it needed to be insured either by the school or by the Club and promised to have further discussion with the Superintendent, Director of Parks and Recreation, and County Attorney to resolve the matter.

Mr. Bailey suggested tabling the request to a future meeting. He felt it apparent that the applicant for this grant was unaware of the insurance requirement and that the Sportsman's Club had not been fully briefed. He would like to receive some direct answers before taking action.

January 10, 2007, at 7:00 p.m.

PARKS AND RECREATION MATCHING GRANT-FORT DEFIANCE SPORTSMAN'S CLUB
(cont'd)

Mr. Beyeler asked if the project has been completed and if a delay would jeopardize the construction schedule. Coach Edgecomb said the project is not completed.

Mr. Bailey moved, seconded by Mr. Beyeler, that the Board table the request to January 24, 2007.

Mr. Coleman mentioned that the 501(c)(3) non-profit entities have liability coverage to protect them for events that they are actually sponsoring on school property in case something would happen, i.e., Booster Clubs, Little League football, etc.

Mr. Coffield suggested that in the future similar contracts will be signed before placing on agenda.

Mr. Rosenberg observed that, based on Coach Edgecomb's comments, there are other provisions that need further review. He stated that this is a form agreement that is intended to be used for these grants, but it assumes a certain amount of control on the part of the grant recipient of the facility in terms of controlling scheduling and use. This form has been used for all of the grants made for facilities on school property and they have been signed on behalf of the School Board in each instance. Because of Coach Edgecomb's comments, Mr. Rosenberg opined that in this instance, if not others concerning the use of school property or facilities on school property, changes may need to be made on this particular agreement to reflect what entity actually does control the facilities and is able to schedule the facilities. He did not want to see a non-profit organization have the rights of scheduling and control that is not the intention of the Board of Supervisors or the School Board to relinquish.

Mr. Beyeler mentioned that most Sportsman's Clubs, that he was aware of that raise money for schools, are just an "arm" of the school. "They help raise money. It all turns over to the school and it becomes part of the school."

John C. McGehee, Assistant County Administrator, said that the Sportsman's Clubs are improving School Board property. He said that the Diamond Club or the Fishersville Ruritan Club, that leases property from the County, are in charge of scheduling and everything. The property is turned over to those groups and they should have liability insurance. However, with the Sportsman's Club, in making improvements of School Board property, he opined that if the schools approve the project, they are probably assuming the liability of that improvement. Mr. Beyeler added that there should not be any improvement on school property without School Board approval. Mr. Rosenberg stated that the School Board approves by executing the agreement.

Mr. Sites reiterated that this issue would be brought before the Parks and Recreation Commission for consideration and then the Board of Supervisors.

Coach Edgecomb stated that before submitting application, he had to submit a request to the School Board which was signed off by the Superintendent. His only issue was the insurance responsibility.

Mr. Howdyshell asked if this were tabled, would two weeks cause further delay. Coach Edgecomb said there were other issues that needed to be resolved.

Mr. Bailey commented that it was not his intention to delay the project. He supported the concept but felt that the issue needed to be resolved.

January 10, 2007, at 7:00 p.m.

PARKS AND RECREATION MATCHING GRANT-FORT DEFIANCE SPORTSMAN'S CLUB
(cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Frye, Beyeler,
Bailey, Coleman and Pyles
Nays: None

Motion carried.

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GRANDMA MOSES/YOUNT-GOCHENOUR HOUSES

The Board considered response received from Frontier Culture Museum.

Mr. Coffield advised that in a previous meeting, there was a request to ask the Frontier Culture Museum for their interest in the two houses. That response has been received and included in the Board's package. With that submittal, staff seeks Board's direction.

Robert Hanna, President of Shenandoah Valley Rural Heritage Foundation, pointed out that the Foundation did not hand back the property to Augusta County in the same condition as received. The Foundation did stabilization that was needed, removed asbestos, removed old shag carpets, put Lucite on windows, graveled driveway to the Moses' house, etc. They also paid for engineering studies and an analysis of interior and exterior. He expressed concern of what was going to happen to these properties and asked for the Board's consideration of creating a public/private committee to revisit alternatives for the properties.

Linda Petzke, President of Augusta County Historical Society and a professional educator, urged the Board to consider mothballing the houses in order to examine all educational, archeological, and financial avenues in an effort to eventually preserve these properties.

Michael Godfrey, of Cattleman Road, Swoope, Virginia, expressed his interest in the legacy of Grandma Moses. He mentioned that he had purchased a house which was associated with the former Swoope Mill which burned in the 1950's. He learned in the last two weeks that this was the first house Grandma Moses lived in in Augusta County and advised that the house is in good shape.

Chairwoman Sorrells read the following e-mail that was sent by Sue Simmons, who lives on Hupman Road, and is a teacher and a school librarian, who was unable to be present tonight:

I hope it is not imposition but I would like you to convey my concerns to the Board of Supervisors regarding the Grandma Moses House and the Gochenour-Yount House. I have a church board meeting tonight, which I must attend. Otherwise I would make these comments in person.

My AP history class at Fort Defiance High School conducted an architectural survey of the Gochenour-Yount House in the spring of 1997; a subsequent history class did a similar project at the Grandma Moses house. Their research generated unexpected interest in and efforts to preserve both houses. While it is distressing that the recent preservation attempt failed, it was a worthwhile and valuable initiative. I certainly hope the Board of Supervisors will not be too quick to throw in the towel. I urge them to explore every option available with regard to the houses--and there are many. It may seem like the two structures have been an issue for far too long but it is important to keep a little perspective. The Gochenour-Yount house was built in the last year of James Madison's presidency. Residents of both houses witnessed Union troops sweep through the Valley and later occupy it. They

January 10, 2007, at 7:00 p.m.

GRANDMA MOSES/YOUNT-GOCHENOUR HOUSES (cont'd)

witnessed soldiers march off to other wars; experienced prosperity and hard times; and saw American democracy expand to include everyone.

The houses have been there a long time. They are a reminder of our history. Like an elderly member of our family, they deserve respect, patience, and the luxury of a little more time to decide their fate. In a real sense those houses belong to all of the citizens of Augusta County. As such please urge the board not to be hasty. Please urge them to be open to all the possibilities.

Mr. Beyeler advised that the Board had asked the Frontier Culture for an answer and they have responded and suggested that staff respond.

Mr. Beyeler moved, seconded by Mr. Bailey, that the Board authorize staff to inform the Frontier Culture of the Board's refusal to place the houses on the Frontier Culture Museum property at the County's expense.

Mr. Coleman clarified to the public that the response from Frontier Culture Museum was that the Executive Committee of the Board of Trustees of the Frontier Culture Museum "concluded that the houses do not fall within the scope of the Museum's mission or long-range plans. However, as a community service and because of the significance of at least one of the structures, the Museum will consider accepting the gifts under certain circumstances:

1. That Augusta County or another entity, fully restore these houses on Museum property;
2. That the restoration and relocation process, to include site preparation at a designated location on the Museum's property, must fully conform to all necessary requirements, including approvals, permitting and review by the locality and state; and
3. These permitting processes must be supported by appropriate advice and support from local and state historic preservation organizations; and
4. The Museum will not bear any financial responsibility for the removal, conservation or restoration of the buildings."

Vote was as follows: Yeas: Howdysshell, Sorrells, Frye, Beyeler,
 Bailey, Coleman and Pyles
 Nays: None

Motion carried.

Ms. Frye asked the Chairwoman to ask people to stand in support of the continued existence of the houses. Approximately 20 people stood.

Mr. Bailey stated that these houses are in the Beverley Manor District and wanted to address the issue from his perspective and made the following statement:

Many of the folks that stood up tonight, I have seen at similar meetings regarding the Gochenour and Moses houses. This has been a matter of County debate and concern for about a decade. Certainly, for the last five years that I have been on this Board, there has been lots of talk and lots of effort. The Shenandoah Valley Rural Heritage Foundation made some commitments which I don't think were really tied to an unrealistic time table because everyone that had attended meetings had represented there was mass public support and they would not have any difficulty in securing the necessary membership and they would not have any difficulty in securing the necessary funding for the full stabilization and restoration. But that has not come to pass. It has been said that the houses are in good condition considering their age. Well, I think I am in pretty good condition considering my age, too, but I am about ready to fall apart myself so much like

January 10, 2007, at 7:00 p.m.

GRANDMA MOSES/YOUNT-GOCHENOUR HOUSES (cont'd)

the two houses. The houses are not really in great condition if you can stick your arm through the side of the wall and be outside. They are an attractive nuisance. If we go to the point of getting public support and public attendance, I am sure we can fill this room and the other room with equal numbers of people that say we don't care about it or we do care about it. The Frontier Culture Museum is in the process of developing a village of fifty houses, stores and churches but these two houses really cannot be moved. They cannot be dismantled and reassembled again because the interior brick is so crumbly you can actually crumble a brick in your hand. The exterior brick is okay in places where it has not been replaced with brick of the 20th Century, but the houses are in poor condition. We are talking about a house—when you talk about Grandma Moses, where she resided in for a short period of her life. In upper New York, there is a museum where works of art where her life is recounted which gives Augusta County credit for some of her creative years. The County land where the Moses House stands is zoned Industrial and has been zoned that way for a long while. If we had the public support that many of you in the audience present tonight say that we have, the Shenandoah Valley Rural Heritage Foundation would have been successful. The County made a good-faith effort to try to do what we could do to these houses. In the past decade, and most importantly the past four years, the community has demonstrated there is not a sufficient base of support to continue these houses.

Mr. Bailey moved that the County take immediate efforts to advertise for bids for the demolition of the two houses on this property. There was no second.

Ms. Frye moved that the Board table the request for advertisement for demolition. There was no second.

Vote was as follows: Yeas: Sorrells, Frye, Beyeler and Pyles

Nays: Bailey, Howdyshell and Coleman

Motion carried.

Chairwoman Sorrells made the following comment:

I would like to thank the Frontier Culture Museum for their thoughtful consideration of our offer. Although they are not able to help by taking the buildings, they might be able to help us in an advisory capacity as we explore our next options. I also would like to thank the people who have written or spoken in favor of finding a future for these historic houses. I will point out that these houses belong to the people of Augusta County. It is their heritage. They are the taxpayers. They own it.

The people of Augusta have on numerous occasions spoken quite adamantly about preserving our history and heritage. They recognize that this is what defines who we are and what makes us special.

I feel that the next step should be to carefully consider the future uses of these houses – all of them – of these two buildings. While I can see good reason for the frustration by some in how long these houses have been facing an uncertain future, as Mr. Hanna pointed out, great progress has been made. The Shenandoah Valley Rural Heritage Foundation did a great job in researching and documenting the houses as well as analyzing the structural and restoration needs of the buildings. They laid the foundation.

What they never did – what has never been done as a matter of fact – is examine the future uses of the houses. These uses are many and we don't know all of them. Everything from housing private commercial or industrial enterprises, to becoming county office buildings or meeting space or conference rooms to museum space...the list and the economic possibilities are ripe for exploration. In recent days several private citizens have approached us with an interest. The Association for the Preservation for Virginia Antiquities has approached us to offer help in matching interested people with the houses and helping to examine all the economic possibilities including tax credits.

January 10, 2007, at 7:00 p.m.

GRANDMA MOSES/YOUNT-GOCHENOUR HOUSES (cont'd)

Augusta County already has a pretty good track record for adaptive reuse of structures. We are sitting in a huge success story – this Government Center. There is also the Sheriff's Department, the Berry Farm house, and another huge success story – the County Library at Fishersville. Let's continue down the right road.

I would like for the Board to allow me to create a committee made up of county personnel, preservation representatives (including someone from the Frontier Museum), and business people to look at all the possibilities and make a recommendation back to the Board later this year about what to do. All things would be on the table, including potential demolition if there are no other possibilities.

I think we owe it to the county taxpayers to explore all the options in regard to the future of their historic buildings. It makes good economic sense and it is the right thing to do. The houses have been there for almost 200 years so a few more months won't make a big difference.

Mr. Beyeler stated that he enjoyed old buildings but pointed out that it is all right to restore the buildings but what happens after completion. "There is no need to restore something, if you don't have a use for it in the end." He felt that there was a problem with the land being zoned Industrial. He stated, "If we don't do something within this year, those things are going to bite the dust."

Mr. Beyeler moved, seconded by Ms. Frye, that the Board create a committee.

Ms. Frye made the following comment:

I am quoting the County's Chief Building Inspector. His name is Mike Nickell. I was standing next to the Moses house when he said this about six weeks ago. First, I asked him the question: 'Are these houses structurally sound?' His answer was: 'They are structurally sound and considering their age, they are in good condition.' So they are not about to fall down if you want to go by the opinion of the Chief Building Inspector.

Mr. Coleman asked for clarification of the motion that the Board had already tabled and asked if another motion could be made.

Mr. Rosenberg explained that the item that was tabled concerned the demolition of the properties. The motion brought before the Board is a motion that concerns a separate specific matter, which is the appointment of a committee to consider the long-term use or disposition of these properties. If the motion to appoint a committee is adopted this evening, and the matter that has been tabled comes back before the Board in two weeks (January 22nd), if the motion were to succeed, Mr. Rosenberg suggested to the Board that it would cut short what happens tonight in the form of creating a committee.

Mr. Howdyshell said that a lot of discussion has been brought out tonight and suggested that Mr. Beyeler's motion be amended to state that no County funds will be used towards this project.

Mr. Bailey said he had no issues with creating a committee, but objected only one person establishing all committee members. He felt that if a committee were to be created, the composition should be addressed similar to other various boards and commissions.

Mr. Beyeler withdrew the motion and suggested it be discussed at the Staff Briefing on January 22nd.

Chairwoman Sorrells suggested that she would produce a potential list of committee members for the Board to consider.

January 10, 2007, at 7:00 p.m.

GRANDMA MOSES/YOUNT-GOCHENOUR HOUSES (cont'd)

Tessi Lamb, a member of the Shenandoah Valley Rural Heritage Foundation, stated that she and her husband have been doing restoration work for approximately 30 years. She mentioned of a similar situation in Orange where a business bought the house and restored it and used it as an office and suggested that these houses could be used as an office building.

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CONSENT AGENDA

Mr. Beyeler moved, seconded by Mr. Coleman that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Joint Meeting, Thursday, November 30, 2006, as amended
- Regular Meeting, Wednesday, December 13, 2006

CLAIMS

Approved claims paid since December 13, 2006.

Vote was as follows:

Yeas: Sorrells, Frye, Beyeler, Howdysshell
Bailey, Coleman and Pyles

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Staunton News Leader – David Royer will be replacing Joel Baird
2. Shenandoah Valley Social Services – Elizabeth B. Middleton has been appointed as new Director, with the assistance of Joe Davis, Director of Finance, and Doug Walker, Waynesboro City Manager, and Jim Halasz, Acting Staunton City Manager
3. Coyote Report – annual report has been placed in Board’s mail slots.
4. Comprehensive Plan has been distributed to the Board.

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CLOSED SESSION

On motion of Mr. Beyeler, seconded by Mr. Pyles, 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

January 10, 2007, at 7:00 p.m.

CLOSED SESSION (cont'd)

(2) the 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) Pending Industrial Prospect(s)

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

Nays: None

Motion carried.

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CLOSED SESSION (cont'd)

On motion of Mr. Beyeler, seconded by Mr. Howdyshell, the Board came out of Closed Session.

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

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.

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: Howdyshell, Frye, Bailey, Coleman, Pyles, Sorrells and Beyeler
NAY: None

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

January 10, 2007, at 7:00 p.m.

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

AGRICULTURE INDUSTRY BOARD – APPOINTMENT

Ms. Frye moved, seconded by Mr. Bailey, that the Board appoint William B. Patterson, Jr. to a 4-year term on the Agriculture Industry Board, effective January 1, 2007, to expire December 31, 2010.

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

 Nays: None

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Bailey moved, seconded by Mr. Pyles, the Board adjourned subject to call of the Chairwoman.

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

 Nays: None

Motion carried.

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Chairwoman

County Administrator