
Regular Meeting, Wednesday, November 12, 2008, 7:00 p.m. Government Center, Verona, VA.

PRESENT: David R. Beyeler, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Wendell L. Coleman
Gerald W. Garber
Larry C. Howdyshell
Jeremy L. Shifflett
Patrick J. Morgan, County Attorney
Becky Earhart, Senior Planner
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

ABSENT: Nancy Taylor Sorrells

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, November 12, 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 present.

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Jessica Arbogast, a senior at Wilson Memorial High School, led the Pledge of Allegiance. Jessica is a volleyball player and plans to attend Virginia Tech and major in Architecture.

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

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NATIONAL PHILANTHROPY DAY – PROCLAMATION

Rita Austin, Executive Secretary, reported that Ms. Brenda Wilberger, Past-President of the Association of FundRaising Professionals – Shenandoah Chapter, had requested that the Board adopt a National Philanthropy Day Proclamation for November 24, 2008. This had been the third year that such a proclamation has been considered.

Mr. Coleman moved, seconded by Mr. Pyles, that the Board adopt the following proclamation:

PROCLAMATION

WHEREAS, philanthropy is a vital aspect of any community and is a necessity in the County of Augusta; and

WHEREAS, American philanthropy is responsible for the creation of life-saving fire departments and rescue squads, educational libraries and schools, care-giving homes for those in need, and nearly any other service where it is considered necessary; and

WHEREAS, the County of Augusta recognizes the importance of volunteering and donating as acts of charity in the community; and

WHEREAS, the Association of Fundraising Professionals, with its high ethical and developmental standards, observes the annual National Philanthropy Day on the twentieth day of November; and

WHEREAS, the Shenandoah Chapter of the Association of Fundraising Professionals will be hosting an award luncheon honoring local philanthropists, donors, and volunteers both individual and corporate; and

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NATIONAL PHILANTHROPY DAY – PROCLAMATION (cont'd)

WHEREAS, local philanthropists, donors, and volunteers, whether individual or corporate, should be recognized for their efforts to educate the public and enrich American society; and

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors hereby proclaims November 24, 2008 as National Philanthropy Day in Augusta County, and encourages all citizens of the area to acknowledge and participate in acts of philanthropy so that our community might continue to strengthen and progress with the help of its residents.

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

Nays: None

Absent: Sorrells

Motion carried.

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BOUNDARY LINE ADJUSTMENT

This being the day and time advertised to consider agreement to change the boundary line between the City of Staunton and the County of Augusta. Consideration of approval will be scheduled for Tuesday, November 25th Board meeting.

Patrick J. Morgan, County Attorney, advised that this was requested by the developer of Byrd Hill Subdivision in Staunton. He noted that 2.252 acres north of State Route 613 was in Augusta County. Part of 26.3 acres is to be subdivided by developer into approximately 73 lots. The boundary line adjustment would make road maintenance and provision of emergency services easier. It would also provide for uniform zoning regarding lot size and setback requirements. He noted that the proposed joint agreement was drafted by the City and County Attorneys. An aerial was displayed indicating the property. Virginia Code, § 15.2-3107, requires that a public hearing be held. Consideration of approval will be scheduled for Tuesday, November 25th Board meeting.

The Chairman declared the public hearing open.

Danny O’Neil and Deborah O’Neil spoke in opposition of the request. They expressed concerns of part of their property being taken away from them; increased traffic and drainage problems. They also felt that the development was not going to be aesthetic pleasing. Ms. O’Neil was concerned that Staunton did not follow the same VDOT regulations that the County did.

Kim Byrd, applicant, reported that the road has been approved by VDOT and would not be taking anyone’s property.

Mr. Coleman asked if there had been a Traffic Impact Analysis to determine if a traffic signal was needed. Ms. Byrd said that it had been discussed and determined that there was no need for a signal.

Bill Tueting expressed concern of others making a similar request if this was approved.

Patrick J. Coffield, County Administrator, mentioned that because of a culvert/bridge being needed, there would be increased maintenance required by VDOT and it was staff’s recommendation that it should be under the City’s maintenance.

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BOUNDARY LINE ADJUSTMENT (cont'd)

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

Mr. Shifflett moved, seconded by Mr. Coleman, that consideration be scheduled for Tuesday, November 25th Board meeting.

Mr. Pyles felt that Staunton should take action prior to the County. Mr. Shifflett said that Staunton would conduct its public hearing on Thursday. If they chose to deny the request, then Augusta County would not proceed. County Attorney indicated it would take approval from both jurisdictions to proceed.

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

Nays: None

Absent: Sorrells

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC – NONE

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Coleman:

- 1. Broadband – Commonwealth’s presentation – information distributed to Board.
- 2. Shenandoah Valley Partnership Update distributed to Board.

Mr. Howdysshell:

- 1. Broadband – Good input at session on Monday – hopes to bring back to Board for further discussion.
- 2. Emergency Services – Mount Solon Fire and Rescue request – will be discussed at future Board meeting.

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- 3. Federal Mandate (unfunded) – High Visibility Safety Vests

A new federal mandate (23 CFR 634) states that anyone working on federal and U.S. highways are required to wear high visibility clothing that meets the requirements of ANSI/ISEA 107: 2004 edition, class 2 or 3. This standard goes into effect on Monday, November 23, 2008. It has been proposed that this be funded through the Fire and Rescue Equipment Grant Fund. In researching the amount of vests needed and the cost, it has been determined the totals will be 378 vest at an estimated cost of \$7,938 (\$22 each for generic vests).

Mr. Howdysshell moved, seconded by Mr. Shifflett, that the Board approve the request. Funding Source will be #80000-8152.

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

Nays: None

Motion carried.

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

Mr. Pyles:

- 1. VACo – attended Education Steering Committee meeting – mentioned mandates – relief to the School Board.
- 2. Broadband – “If Bath and Highland Counties have, why can't Pastures?”
- 3. Reassessment delay - against State Code – Consider asking legislators to raise to 6 years. Proposed discussing at November 24th Staff Briefing.

Mr. Shifflett: Mentorship program for farming – will be bringing it back to the Board for consideration after the first of the year.

Chairman Beyeler: Mill Place Commerce Park guidelines to be discussed at next Staff Briefing.

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

AUGUSTA COUNTY PLANNING COMMISSION - REAPPOINTMENT

Mr. Garber moved, seconded by Mr. Howdyshell, that the Board reappoint Kitra A. Shiflett to serve another four-year term on the Augusta County Planning Commission, effective January 1, 2009, to expire December 31, 2012.

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

Motion carried.

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AGRICULTURE INDUSTRY BOARD - REAPPOINTMENT

Mr. Shifflett moved, seconded by Mr. Coleman, that the Board reappoint Jerry O. Cleveland to serve another two-year term on the Agriculture Industry Board, effective January 1, 2009, to expire December 31, 2010.

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

Motion carried.

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PARKS AND RECREATION COMMISSION - REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Garber, that the Board reappoint Jody L. Marion 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, Pyles, Garber, Beyeler,
Shifflett, and Coleman
Nays: None
Absent: Sorrells

Motion carried.

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November 12, 2008, at 7:00 p.m.

NATIONAL FOREST SERVICE FUNDING

The Board considered selection of funding formula for Secure Rural Schools and Community Self-Determination Act.

Jennifer Whetzel, Director of Finance, reported that in 2000 the Secure Rural Schools and Self Determination Act was enacted to provide assistance to counties. The County has received approximately \$115,000 each year, of which 85% is for Schools and 15% is for forest fighting efforts in the County. The Act was reauthorized and amended in 2008. The County is required to elect one of two payment options. Option one is a flat payment of approximately \$54,000 per year. Option 2 is for a four year payment totaling \$962,000 but is subject to change based upon actual timber sales on federal properties. The County received payments through Option 2 in the past. Payments under Option 2 are almost double the amount previously paid.

Mr. Pyles asked how much of an increase would be given to the school. Ms. Whetzel reported that, currently, it would be \$204,000 yearly; in the past it was \$98,000. He noted that the Schools should be informed that this is an increase in their funding.

Mr. Pyles moved, seconded by Mr. Garber, that the Board approve the four-year funding option.

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

Nays: None

Absent: Sorrells

Motion carried.

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ELDERLY AND DISABLED TAX RELIEF

The Board considered draft ordinance to implement recommended changes to program.

Jean Shrewsbury, Commissioner of Revenue, was available to answer any questions on what was previously presented.

The Board had general discussion of increasing acreage from the five acres being proposed to a larger number such as 10 acres as proposed by Supervisor Sorrells. Mr. Morgan indicated that if the Board desired to increase, the ordinance would not have to be re-advertised.

Ms. Shrewsbury noted that the makeup of this group were prideful people who were very thankful for the program. She felt that this program did serve the target market that was intended.

Mr. Garber moved, seconded by Mr. Howdyshell, that the Board authorize staff to advertise as presented for public hearing.

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

Nays: None

Absent: Sorrells

Motion carried.

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DMV ANIMAL FRIENDLY LICENSE PLATES

The Board considered allocation of funds from DMV (\$1,380) to support sterilization programs for dogs and cats.

Ms. Austin reported that this program began in 1999 and the Board has the discretion of giving the funds to an organization that supports sterilization programs for dogs and cats. A request has been submitted by Kindred Spirits. The Department of Motor Vehicles sells the Animal Friendly license plate which is authorized by Virginia Code § 46.2-749, as part of its special license plate program. Augusta County is due \$1,380 from this fund. The form needs to be returned no later than December 1, 2008. Money has been appropriated to Kindred Spirits for the last five years.

Mr. Howdysshell moved, seconded by Mr. Shifflett, that the Board allocate \$1,380 to Kindred Spirits.

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

Nays: None

Absent: Sorrells

Motion carried.

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ROUTE 699/ROUTE 646 INTERSECTION RELOCATION

The Board considered allocation of infrastructure funding to assist with intersection relocation costs.

Funding Source: North River Infrastructure Account (#80000-8013-25) \$4,000

Mr. Coffield advised that this project was funded in VDOT's Six-Year Plan. Proposed realignment will reduce construction costs significantly. Mr. Howdysshell and staff have met and discussed impact of road realignment on existing septic drainfield. Health Department is to identify site for relocated drainfield. VDOT will survey new alignment as part of project costs. County will fund cost(s) associated with securing Health Department certification letter (up to \$1,000). County will compensate up to \$3,000 for lost realtor fee. Property owner, Mr. Howdysshell, and staff will work cooperatively to address lot line adjustments and creation of additional lots within current subdivision and zoning ordinances authority.

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

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

Nays: None

Absent: Sorrells

Motion carried.

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FIRE AND RESCUE – REVENUE RECOVERY

The Board received a presentation by staff on analysis of implementing county-wide Revenue Recovery program.

John C. McGehee, Assistant County Administrator, reported that in October 2008, Augusta County had received a request from Churchville Fire & Rescue to implement revenue recovery. He noted that the programs were implemented by Staunton-Augusta

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FIRE AND RESCUE – REVENUE RECOVERY (cont'd)

Rescue Squad (SARS) in February 2005 and by Waynesboro First Aid Crew (WFAC) in 2006. County staff has begun analyzing the impact of revenue recovery on the County's Fire and Rescue system. Emergency Services Support, LLC (the billing service company established by SARS and WFAC) was contacted and presentations were made to both the Emergency Services Committee and the Board of Supervisors concerning revenue recovery. Included in the presentations were estimates of potential revenue for the remaining rescue squads located within Augusta County.

Augusta County is very diverse, with urbanizing areas to the east and rural areas remaining in the western part of the County. Likewise, the call volume in the remaining rescue squads varies greatly. Therefore, the potential revenue that would be realized by the remaining agencies would also vary greatly.

After reviewing the information provided by Emergency Services Support, LLC, and talking to other jurisdictions within the Commonwealth of Virginia, staff feels that (1) the remaining parts of the County which do not currently have revenue recovery should proceed with the program, (2) that this program should be implemented by Augusta County, and (3) revenues should be collected by the County and redistributed to the County's emergency services agencies.

Because Augusta County is a government entity and has to abide by the Virginia Procurement Act, an RFP will be sent out to a list of agencies that provide revenue recovery service (including Emergency Services Support, LLC). The proposals submitted would be evaluated and the best company would be hired.

The Emergency Services Committee met with the five rescue squads that would be affected. Comments and questions were included in the agenda package. Mr. McGehee stated that there needed to be a lot of discussion on this matter and if the Board decided to move forward, it would take approximately 10 to 14 months for implementation.

Mr. Howdyshell suggested that the County's rescue services be consistent with SARS and WFAC. "This is a very pressing issue. I think this is something we need to seriously look at and do as an entire county to give us another ability to meet our funding, our needs to pay people, our needs for apparatus, our needs for electricity and for the volunteers."

Mr. Shifflett said that he would like to see a detailed plan for distribution of money.

Mr. Pyles stated that should the revenue recovery occur, it must be done so that Augusta County has a professional system of trained personnel. "While volunteers have served the County ably for decades," Mr. Pyles said, "the percentage of volunteers is decreasing. We don't have the people as the population grows and ages." Mr. Pyles said that the County's system needed to cover all areas at all times. He stated that emphasis needed to be placed on "delivering the best service at all times".

Mr. Garber suggested that, with Rockingham County having similar problems, that the County should be in communication with Rockingham County during the implementation process to share ideas and if possible regionalize the proposed Revenue Recovery service. Chairman Beyeler suggested that Rockbridge County also be considered.

Chairman Beyeler said a possible decision to move from the mostly volunteer staff to a paid staff augmented by volunteers would not be a criticism of the volunteers, but instead would be made in the interest of providing rescue services with more resources to do their job. "Our volunteers are qualified to do it as much as paid staff. But the bottom line is that when you call 911, you want someone there, and that is what this is all about."

FIRE AND RESCUE – REVENUE RECOVERY (cont'd)

Deputy Fire Chief Carson Holloway said that, based on their need for staff members, he believes the County is headed for revenue recovery. "I think the County has a lot of professional volunteers and professional career people, but the numbers are not there. It's a fact of life that there has been a drop across the nation, and it's catching up to us."

George Maupin, of Lyndhurst, thanked the Board for allowing WFAC to use the revenue recovery program. He felt that it had been very successful and that it was a great working relationship with staff.

Chairman Beyeler asked that Messrs. Shifflett and Howdysshell continue studying revenue recovery and report back to the Board.

CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, October 8, 2008
- Staff Briefing Meeting, Monday, October 20, 2008
- Regular Meeting, Wednesday, October 22, 2008

CLAIMS

Approved claims paid since October 8, 2008

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

Nays: None

Absent: Sorrells

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. 2009 Budget – Four scenarios regarding FY09-FY10 budget schedule were submitted to the Board. Board concurred to place on next Staff Briefing.
2. 2009 Reassessment – At the Board's request, a Public Information Session has been scheduled for area realtors, appraisers, etc. regarding Reassessment process – Thursday, November 14th, at 2:00 p.m.
3. Watershed Assessment – DCR/NRCS study has been published for the South Fork of the Shenandoah. County staff is analyzing impact on Augusta County.
4. Regional Bikeway Press Release – Regional Bike Advocacy Group launches website. Press release shared with the Board. Nancy Sorrells is Chairman of the Regional Bike Pedestrian Committee through Central Shenandoah Planning District Commission.
5. General Assembly Mandates – Copy of staff report, as submitted at Regional Mandate Meeting, shared with the Board. Legislators and area jurisdictions complimented Augusta County for the work done to identify mandates that affect local governments.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 6. 2008 Stuarts Draft Pool Report – Shared annual report on operation of pool indicated that revenues offset costs 86%. Park and Recreation staff and Commission have developed several scenarios for modifying 2009 season schedule. Chairman Beyeler requested report for 2007 on number of days opened and daily attendance. Board concurred to place on next Staff Briefing.
- 7. Agriculture Industry Board (AIB) – AIB update shared with the Board. AIB has proposed terminating the Invasive Species Program and halting the Coyote Bounty Program. AIB has received report that gypsy moths are increasing in our area and has proposed considering for budget year 2010. Concern was noted regarding cost benefit of using local government resources for land adjacent to the national forest (which are untreated).
- 8. Salvation Army Challenge – Chairman Beyeler solicited Board's support for volunteering during Christmas season. Suggested the Mall location. Board concurred and requested staff to coordinate.
- 9. Animal Control and Licenses – Briefed Board that Treasurer has forwarded list of 1,800 animals without County licenses. Information has been generated from the requirement that local veterinarians forward to the County records relating to rabies vaccinations. County Administrator indicated that to follow-up on these violations, it is required that written notice of the Animal Warden be mailed. If no response is received, a second follow-up by "certified mail" is mailed out. Board suggested that the County Attorney work with staff to develop proposal for County Code modification.
- 10. General Assembly Commending Resolutions – Delegate Cline has inquired if there are elected officials who retired in 2008 that the Board would like to nominate for commending resolutions. Board consensus was to not initiate such resolutions for former Board of Supervisors.
- 11. Disability Services Board – Circulated report highlighting successes of three recent projects.
- 12. General Engineering Services contracts – Shared with Board background information and indicated that a briefing would be forthcoming at next Staff Briefing.
- 13. Green Team Projects – Shared with Board an update of projects at Government Center.
- 14. Grottoes Rescue Squad – Briefed Board on Rockingham/Augusta Liaison Committee meeting and recommendations regarding Grottoes Rescue Squad. Board consensus to proceed with developing a provisional agreement for current Fiscal Year as well as requesting State Fire Board to develop a team to advise Rockingham and Augusta County on shared services.

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CLOSED SESSION

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

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

A) Off of Route 11 in Beverley Manor District

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

Nays: None

Absent: Sorrells

Motion carried.

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CLOSED SESSION (cont'd)

On motion of Mr. Pyles, seconded by Mr. Coleman, the Board came out of Closed Session.

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

Nays: None

Absent: Sorrells

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: Shifflett, Coleman, Garber, Howdysshell, Pyles and Beyeler
NAY: None
ABSENT: Sorrells

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

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ADJOURNMENT

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

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

Nays: None

Absent: Sorrells

Motion carried.

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Chairman

County Administrator