Regular Meeting, Wednesday, December 10, 2008, 7:00 p.m. Government Center, Verona, VA.

PRESENT: David R. Beyeler, Chairman

Tracy C. Pyles, Jr., Vice-Chairman

Wendell L. Coleman Gerald W. Garber Larry C. Howdyshell Jeremy L. Shifflett Nancy Taylor Sorrells

Patrick J. Morgan, County Attorney

Dale L. Cobb, Director of Community Development

Jennifer M. Whetzel, Director of Finance

John C. McGehee, Assistant County Administrator

Patrick J. Coffield, County Administrator Rita R. Austin, CMC, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of

Supervisors held on Wednesday, December 10, 2008, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233<sup>rd</sup> year of the Commonwealth....

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Chairman Beyeler welcomed the citizens present.

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Joey Capuano, a sixth grader at Stewart Middle School, led the Pledge of Allegiance. Joey enjoys playing the guitar and participating in the band and ran cross country. Chairman Beyeler noted that Joey wanted to be a veterinarian.

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

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## **ELDERLY AND DISABLED TAX RELIEF - ORDINANCE**

This being the day and time advertised to consider ordinance to amend the Code of Augusta County, Virginia, to adjust the criteria for exemption from real estate taxation for elderly and disabled persons, including an increase in the amount of the income limit from \$30,000 to \$32,000 to increase the land area of equitable interest excluded from determining financial worth from a dwelling and one acre of land to a dwelling and five acres of land, and to repeal the automatic forfeiture of the exemption in the event that taxes are not completely paid by the due date.

Jean Shrewsbury, Commissioner of Revenue, was available to answer questions.

The Chairman declared the public hearing open.

Ms. Sorrells asked for clarification of what was determined as the exemption. Ms. Shrewsbury said that when you are calculating the total net worth, you would use all the acreage owned, but the exemption would only apply to the parcel that the house sits on. Ms. Sorrells asked if there was any flexibility to change. Ms. Shrewsbury said that it would be a procedural process in her office.

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

## <u>ELDERLY AND DISABLED TAX RELIEF – ORDINANCE</u> (cont'd)

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

AN ORDINANCE TO AMEND SECTION 22-12 OF THE CODE OF THE COUNTY OF AUGUSTA, VIRGINIA, TO ADJUST THE CRITERIA FOR EXEMPTION FROM REAL ESTATE TAX FOR THE ELDERLY AND DISABLED

WHEREAS, Chapter 32, Article 2, of Title 58.1 of the Code of Virginia authorizes the Board of Supervisors to establish a program of exemptions and deferrals of real property tax for the elderly and disabled; and

WHEREAS, from time to time the Board of Supervisors finds it desirable to adjust the criteria for determining property owners who are qualified for exemptions or deferrals;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that Section 22-12 of the Code of Augusta County is amended to read as follows:

#### § 22-12. Exemption for elderly and disabled persons.

- A. <u>Definitions</u>. The words and phrases used in this section shall, for the purposes of this section, have the meanings respectively assigned to them in Article 2, Chapter 32, Title 58.1, of the Code of Virginia (1950), as amended.
- B. <u>Exemption granted</u>. The following real estate is exempt to the extent provided for in this section from the county real estate tax:
- 1. Real estate and manufactured homes owned on January first of the taxable year by and occupied as the sole dwelling of anyone at least sixty-five (65) years of age; or
- 2. Real estate and manufactured homes owned on January first of the taxable year by and occupied as the sole dwelling of anyone found to be permanently and totally disabled; or
- 3. A dwelling jointly held on January first of the taxable year by a husband and wife if either spouse is sixty-five (65) years of age or over or is permanently and totally disabled.
- C. <u>Administration</u>. The exemption shall be administered by the Commissioner of the Revenue according to the general provisions contained in this section. The Commissioner of the Revenue is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations in conformity with the general provisions of this section, including the requirements of answers under oath, as may be necessary, to determine qualifications for exemption as specified by this section. The Commissioner of the Revenue may require the production of certified tax returns and appraisal reports to establish income or financial worth.
- D. <u>Restrictions and conditions</u>. Any exemption under this section shall be subject to the following restrictions and conditions:
- 1. The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein, and of the owners' relative living in the dwelling, shall not exceed thirty-**two** thousand dollars (\$30,000.00-32,000.00); provided, that the first seven thousand five hundred dollars (\$7,500.00) of income of such relative, other than spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.
- 2. The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one aere **five acres**, upon which it is situated, shall not exceed seventy-five thousand dollars (\$75,000.00).
- E. <u>Application for exemption</u>. The person claiming such exemption shall file annually after January 1 but not later than April 1 with the Commissioner of the Revenue an affidavit setting forth the information required by § 58.1-3213 of the Code of Virginia (1950), as amended.
- F. <u>Calculation of amount of exemption</u>. The person or persons qualifying for and claiming exemption shall be relieved of the portion of the real estate tax levied on the qualifying dwelling and land in the amount calculated in accordance with the following schedule:

If gross combined income as described

# ELDERLY AND DISABLED TAX RELIEF - ORDINANCE (cont'd)

in subsection (1) of pabove is		relief that may be claimed <u>:</u>						
\$15,001 through \$4 \$17,001 \$20,001 th \$19,001 \$22,001 th \$21,001 \$24,001 th \$23,001 \$26,001 th \$25,001 \$28,001 th \$27,001 \$29,001 th	17,000 \$20,000  170ugh \$19,000 \$2:  170ugh \$21,000 \$2:  170ugh \$23,000 \$2:  170ugh \$25,000 \$2:  170ugh \$29,000 \$3:  170ugh \$30,000 \$3:	90%						
Over <del>\$30,000</del> <b>\$32,0</b>	000	0%						

Tax exemption or

subject to adjustment as follows:

If total combined fin described in subsecti paragraph D above i	Above tax exemption or relief is reduced by:	
\$20,000 or le	ess	08
\$20,001 thro	ıgh \$30,000	
\$30,001 thro	ıgh \$40,000	20%

and the resultant exemption to be allowed shall be:

## NET WORTH RANGE

RANGE OF INCOME	20001		0001 5	0001 5	<del>5001 €</del>	<del>50001 6</del> :	<del>5001-70</del>	0001	
	<del>to </del>	<del>to</del>	<del>to</del>	<del>to</del>	to	to	to	to	to——
	20000	30000	40000	50000	55000	60000	65000	70000	75000
0 - 15,000		81%	72%	63%	54%	45%	36%	27%	<del>18%</del>
15,001 17,000	80%	72%	64%	56%	48%	40%	32%	24%	<del>-16%</del>
<del>17,001 19,000 </del>	70%	63%	56%	49%	42%	35%	28%	21%	14%
<del>19,001 - 21,000</del>	60%	54%	48%	42%	36%	30%	24%	18%	12%
21,001 23,000	50%	45%	40%	35%	30%	25%	20%	15%	10%
23,001 25,000	40%	36%	32%	28%	24%	20%	16%	12%	8%
25,001 - 27,000	30%	27%	24%	21%	18%	15%	12%	9%	<del>- 6%</del>
27,001 29,000	20%	18%	16%	14%	12%	10%	8%	6%	4%
29,001 30,000	10%	9%	8%	7%	6%	5%	4%	3%	2%
Over 30,000		0%	0%	0%	-0%	0%	<del></del>	-0%	<del>0%</del>

#### **NET WORTH RANGE**

RANGE OF INCOME		2000	1 30001	4000	1 50001	55001	1 60001	65001 7	0001
	to	to	to	to	to	to	to	to t	0
	20000	30000	40000	50000	55000	60000	65000 '	70000 75	<b>5000</b>
0 - 15.000	90%	81%	<b>72%</b>	63%	54%	45%	36%	27%	18%
15,001 - 20,000	80%	<b>72%</b>	64%	<b>56%</b>	48%	40%	32%	24%	16%
20,001 - 22,000	<b>70%</b>	63%	56%	49%	42%	35%	28%	21%	14%
22,001 – 24,000	60%	54%	48%	42%	36%	30%	24%	18%	12%
24,001 – 26,000	50%	45%	40%	35%	30%	25%	20%	15%	10%
26,001 – 28,000	40%	36%	32%	28%	24%	20%	16%	12%	8%
28,001 - 29,000	30%	27%	24%	21%	18%	15%	12%	9%	6%
29,001 – 30,000	20%	18%	16%	14%	12%	10%	8%	6%	4%
30,001 - 31,000	10%	9%	8%	<b>7%</b>	6%	5%	4%	3%	2%
31,001 – 32,000	6%	5%	4%	3%	2%	1%	0%	0%	0%

## ELDERLY AND DISABLED TAX RELIEF - ORDINANCE (cont'd)

The above exemption shall be prorated so that one-half of the exemption shall apply to the real estate tax due on June fifth, and one-half of the exemption shall apply to the real estate tax due on December fifth.

- G. <u>Determination of exemption</u>. If, after audit and investigation, the Commissioner of the Revenue determines that such person or persons are qualified for exemption, he shall issue to such person a certificate which shall show the amount of the exemption from the claimant's real estate tax liability.
  - H. Penalties for violation of section.
- 1. Failure to pay the difference between the exemption and the full amount of taxes levied on the property for which the exemption is issued by a due date of the tax for which such exemption is issued shall constitute a forfeiture of the exemption for that tax period.
- 2. 1. Any person who shall falsely claim the exemption provided for in this section shall pay the Treasurer one hundred ten percent (110%) of such exemption.
- 3. 2. The willful false claiming of the exemption authorized in this article shall constitute a misdemeanor and shall, upon conviction thereof, be punished in accordance with the provisions of chapter 1 of this code. The exemption herein authorized shall be effective for the tax year commencing January 1, 1993, and for each tax year thereafter until otherwise provided by law or ordinance.

Ms. Sorrells commended the Commission of Revenue for her recommendations. She suggested that the exemption be increased from five acres to ten acres. "These people truly do not have a lot in life, but what they might have is a little bit of land that has been passed down through a couple of generations. This is not land that they could have ever afforded to buy themselves, but it has been passed down through the family and it is the one thing that the value of the land has increased in all those years and it is the one thing that it is keeping them out of the possibility of getting some kind of tax relief."

Vote was as follows: Yeas: Howdyshell, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: Sorrells

Motion carried.

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#### MATTERS TO BE PRESENTED BY THE PUBLIC

Don Lewis advised that, as of December 2<sup>nd</sup>, he became the new Executor Director of Valley Community Services Board and would like to introduce himself to the Board. He hoped to attend several of the meetings to learn what is going on in the County. He also would like to schedule twice a year to give an update on Valley Community Services Board.

John Morse, of New Hope Ruritan Club, invited the Board to a dinner on January 8<sup>th</sup> at 6:30 p.m. Chairman Beyeler asked how the building was coming. Mr. Morse said the dining room was about <sup>3</sup>/<sub>4</sub> completed and that the kitchen is nearly complete. "It's coming along really well!"

#### MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

#### Mr. Coleman:

1. Salvation Army – "Enjoyed ringing the bell!" Hoped to make this an annual event.

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

2. Spoke at Staunton Kiwanis Club meeting – noted that 1/3 of the members were residents of Augusta County.

Mr. Howdyshell:

Regional Water Resource Policy meeting today – Distributed draft resolution from Shenandoah Valley Network that will be presented to Central Shenandoah Planning District Commission. Asked that if the Board has any comments to give to Messrs. Pyles and Beyeler. The Forest Planner was present at the meeting and noted that that was their main concern – water quality that flows out of the national forest or state parks.

#### Mr. Pyles:

- 1. Shenandoah Valley Network draft resolution "Thank you for a heads-up."
- 2. Merck water filtration Need to encourage legislators to meet wastewater standards. "Need industries to stay in place and water clean."
- 3. Buffalo Gap High School <u>Staunton News Leader</u> article Buffalo Gap High School is rated as one of the finest high schools in the nation. Rated at the bronze level.

Ms. Sorrells:

Shenandoah Valley Network draft resolution – "Thank you. We sometimes take it for granted how important our water resources are here in Augusta County. I believe we are the only county in the state where no water flows in; it all starts here and flows out."

Mr. Shifflett:

Salvation Army – "Thoroughly enjoyed." Hopes that it will become a tradition.

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# AGRICULTURE INDUSTRY BOARD - APPOINTMENT

Mr. Garber moved, seconded by Mr. Shifflett, that the Board accept the resignation of William B. Patterson, Jr. and appoint Bud Shaver to serve an unexpired four-year term on the Agriculture Industry Board, effective immediately, to expire December 31, 2010.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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## Chm. Beyeler:

- 1. Salvation Army Enjoyed ringing the bell and hoped that it would become an annual tradition.
- 2. Deer carcass disposal complaint asked that this be discussed at a future meeting. Joshua Dudley and Kevin Chambers, high school students in the audience, stated that they were deer hunters and that the carcass can be taken to the landfill.
- 3. Road funding Asked that Messrs. Coleman and Garber be appointed to committee to work with Mr. Fitzgerald at VDOT. It was the consensus of the Board that these gentlemen serve on the committee.

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## **STREET ADDITION**

The Board considered Community Development's recommendation to adopt resolution for acceptance of Hampton's at Kennedy Creek, Section 2 into the secondary road system in accordance with VDOT request.

#### STREET ADDITION (cont'd)

Dale L. Cobb, Director of Community Development, stated that the four streets additions, combined, are approximately .5 mile in the Hampton's at Kennedy Creek, Section 2 and meet the VDOT standards.

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

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 **HAMPTON'S AT KENNEDY CREEK, SECTION 2,** into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Hampton Drive

From: 0.02 miles west of Queens Court
To: Intersection of Kennedy Ridge Court

Length: 0.20 miles

Kennedy Ridge Court

From: Intersection of Hampton Drive (Route 1150)

To: 0.20 miles north of Hampton Drive

Length: 0.20 miles

Emperor Court

From: Intersection of Ivy Hampton Drive (Route 1150)

To: 0.11 miles south of Hampton Drive

Length: 0.11 miles

Prince Court

From: Intersection of Emperor Court
To: 0.09 miles east of Emperor Court

Length: 0.09 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 050008592, Plat Book 1, Pages 6262-6264, recorded June 23, 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.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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#### **VIRGINIA REGIONAL TRANSIT - PRESENTATION**

The Board received a presentation regarding the Transit Development Plan.

Jennifer M. Whetzel, Director of Finance, introduced members of the Virginia Regional Transit (VRT) and consulting firm (DMJM) to give a presentation on their six-year Transit Development Plan. The full report has been given to Mr. Coffield. Excerpts related to

# VIRGINIA REGIONAL TRANSIT - PRESENTATION (cont'd)

Augusta County had been copied out of the Plan and distributed to the Board. The Plan is for fiscal impact and service needs within the areas that Virginia Regional Transit serves. They are the managers for the Coordinated Area Transportation Systems (CATS), as well as the Staunton trolley and other areas in Virginia. Augusta County currently has one demand bus that the County funds. The appointments for Augusta County to the CATS Board are Harold Armstrong and Ms. Whetzel. Chris Bell, of DMJM; Mike Socha and John Mayer of VRT were available to answer questions.

Chris Bell, Project Consultant for DMJM, provided their report.

The Plan outlined service, facility and staffing recommendations, as well as a needs analysis examining the potential to add three new routes to existing transportation lines already in place. The proposed routes included an express shuttle from Staunton and Waynesboro to Charlottesville, an Interstate 81 express service from Lexington to Harrisonburg, and a shuttle that would serve the U.S. 340 corridor between Grottoes, Waynesboro and Stuarts Draft.

The proposed Plan would cost approximately \$114,000 annually for all participating localities, with Augusta County paying a definite amount of \$19,950 to county-specific projects, and the remaining \$94,050 being divided up among the County and other localities, including Staunton, Waynesboro and surrounding counties.

Mr. Bell emphasized that this presentation was to present recommendations and to prioritize implementation at a later date as resources become available.

Mr. Pyles asked how many people could get on a vehicle. Mr. Bell said the vehicles for the local service held approximately 20 people. The vehicles running to Charlottesville held approximately 40 people. Mr. Pyles asked if there was space for groceries on the vehicles. Mr. Bell said that the seats could be configured to accommodate space for packages. Mr. Pyles asked how much the fare was. Mr. Bell said that the fare would be determined by the locality - CATS. CATS is the policy board that VRT is a contract operator. Mr. Pyles stated that if this service was provided for Craigsville and Deerfield once a month, after Social Security checks were received, it would be a great asset. Mr. Bell stated that a vehicle would possibly be available for that purpose.

Mr. Howdyshell said that the elderly people in his area could also need this type of service. Mr. Bell advised that the demand response service that would go to these less accessible areas would still be in place. Today, some one who may have access to one of the fixed routes recommended, now has to use the demand response service. The recommendation is to use the fixed route service to free up the demand response service to be better able to serve people who do not have access who are living in the more remote parts of the County.

Ms. Sorrells asked how often during the day was the express service to Charlottesville. Mr. Bell recommended three trips in the morning and three trips back in the afternoon.

Mr. Shifflett asked if the study took into account neighborhood-by-neighborhood for the elderly populations, possibly a stop at the end of the subdivision. Mr. Bell stated that that detailed service design-stop locations—if a decision to implement that service, would be done in conjunction with VRT.

Chm. Beyeler mentioned the service recommendation of going to the Colonial Mall every hour instead of every two hours. He said he would like to see that implemented tomorrow. Mr. Mayer reported that the 250 connector recently was modified to go to the Mall every hour.

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#### CONSENT AGENDA

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

## **MINUTES**

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, November 24, 2008
- Joint Meeting, Monday, November 24, 2008
- Regular Meeting, Tuesday, November 25, 2008

#### **CLAIMS**

Approved claims paid since November 12, 2008

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

Staff discussed the following:

- 1. Parks and Recreation new van 3-month review to determine if two vans are needed.
- 2. Route 250 Multi-Modal Corridor Study January 21, 2009, at 7:00 p.m., at the Frontier Culture Museum
- 3. Flood Control Dams Report from NRCS distributed to Board of the Watershed Rehabilitation Program Progress Report for Fiscal Year 2008. Three projects completed: Marrowbone Creek Dam (Henry County); Robinson Hollow and Inch Branch (Augusta County); Rehabilitation projects in design: Tom's Branch; Applications pending: 4 in South River; 1 in North River
- 4. Lectern fixed. Will continue to monitor.

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5. <u>Grottoes Fire and Rescue</u> – Draft proposal submitted to Board.

John C. McGehee, Assistant County Administrator, reported that, as of December 1<sup>st</sup>, two Augusta County staff are at Grottoes. He commended Augusta County and Rockingham staff working well together to get that accomplished. This agreement was drafted by Rockingham County with Augusta County's recommended changes. Mr. McGehee noted that this agreement did not include the payment to Rockingham County for services rendered from Bridgewater Fire and Rescue on daylight that they have had for the last six or seven years.

Mr. Garber felt that this was the best that could be done at the moment. This agreement shall be in effect until June 30, 2009. "I'm sure that we will have to have a lot more discussion. Every one of you are aware that this is not the only problem area. Mr. Howdyshell and Mr. Shifflett have been working on how to approach this. It is a very large problem. It is a very real problem. I know staff has done a good job working through this. They have tried making it something workable—try to make it something that makes sense financially. This is only a piece of our problem. Only a piece of our solution."

Mr. Garber moved, seconded by Mr. Howdyshell, that the Board approve the agreement.

# MATTERS TO BE PRESENTED BY STAFF (cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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# **CLOSED SESSION**

On motion of Mr. Pyles, seconded by Mr. Garber, 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
- (3) the real property exemption under Virginia Code § 2.2-3711(A)(3) [discussion of the acquisition for a public purpose, or disposition, of real property]:
  - A) Off of Route 623 (South River District)
  - B) Off of Route 11 (Beverley Manor District)

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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

Vote was as follows: Yeas: Howdyshell, Garber, Beyeler,

Sorrells, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

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, Howdyshell, Sorrells, Pyles and Beyeler

NAY: None

<b>CLOSED SESSION</b> (cont'd
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The	Chairman	authorized	the	County	Administrator/Clerk	of	the	Board	to	record	this
certification in the minutes.											

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

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Motion carried.

Chairman County Administrator

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