
Regular Meeting, Wednesday, January 28, 2009, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: Larry C. Howdyshell, Chairman
Gerald W. Garber, Vice-Chairman
David R. Beyeler
Tracy C. Pyles, Jr.
Wendell L. Coleman
Jeremy L. Shifflett
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Dale L. Cobb, Director of Community Development
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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 28, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233rd year of the Commonwealth....

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Chairman Howdyshell welcomed the audience and reminded them to remove their hats and turn off their cell phones.

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Matt Talhelm, from Channel 29, led the Pledge of Allegiance.

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

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CAMPBE, LLC - REZONING

This being the day and time advertised to consider a request to rezone from Exclusive Agriculture to General Agriculture approximately 8.2 acres owned by Campbe, LLC located on the west side of Miller Farm Road (Route 711) approximately 1.1 miles north of the intersection of Miller Farm Road (Route 711) and Baylor Mill Road (Route 841) (Riverheads District). The Planning Commission recommends approval.

Becky Earhart, Senior Planner, displayed property outlined in pink and noted that it is currently zoned Exclusive Agriculture and is surrounded by property that is zoned General Agriculture. The property has been zoned Exclusive Agriculture since December of 1995 (when two Agricultural districts were established) and is in an Agricultural Conservation Area. The reason for rezoning is in order to have a boundary line adjustment to create a smaller lot and allow the remainder of the 8-acre tract to be combined with the surrounding farm.

Douglas Campbell, managing member of Campbe, LLC, was available to answer questions.

The Chairman declared the public hearing open.

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

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CAMPBE, LLC – REZONING (cont'd)

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance with revised proffers:

A request to rezone from Exclusive Agriculture to General Agriculture approximately 8.2 acres owned by Campbe, LLC located on the west side of Miller Farm Road (Route 711) approximately 1.1 miles north of the intersection of Miller Farm Road (Route 711) and Baylor Mill Road (Route 841) in the Riverheads District.

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

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

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

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

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

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

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

Parcel number 24C on tax map number 53 containing approximately 8.17 acres is changed from Exclusive Agriculture to General Agriculture.

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

Nays: None

Motion carried.

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ROBERT K. POWELL OR JOSEPH B. ORLICK AND CHARLES GLENN OR CAROL PHYLLIS CAMPBELL - REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to Rural Residential and 5.45 acres from Rural Residential to General Agriculture owned by Robert K. Powell or Joseph B. Orlick and Charles Glenn or Carol Phyllis Campbell located on the west side of Buffalo Gap Highway (Route 42) at the intersection with Last Raid Lane (Pastures District). The Planning Commission recommends approval.

Ms. Earhart displayed property indicating a fence that is not on the property line; therefore, a boundary line adjustment is requested to get the property lines to match up with the fence. About 5 acres of the Powell/Orlick property is currently zoned Rural Residential and they would like to rezone the property to General Agriculture. The

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ROBERT K. POWELL OR JOSEPH B. ORLICK AND CHARLES GLENN OR CAROL PHYLLIS CAMPBELL – REZONING (cont'd)

property has been zoned General Agriculture since December of 1995. The Rural Residential has been zoned since July of 1975. It is in a Rural Conservation Area and a Community Development Area, slated for Low Density Residential Development. Public water is available; however, there is no public sewer available.

Jim Brenneman, representative, advised that they would like the property line to be the same as the fence line without removing the tree border.

The Chairman declared the public hearing open.

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

Mr. Pyles moved, seconded by Mr. Coleman, that the Board adopt the following ordinance with revised proffers:

A request to rezone from General Agriculture to Rural Residential and 5.45 acres from Rural Residential to General Agriculture owned by Robert K. Powell or Joseph B. Orlick and Charles Glenn or Carol Phyllis Campbell located on the west side of Buffalo Gap Highway (Route 42) at the intersection with Last Raid Lane in the Pastures District.

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

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

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

Parcel number 38M (portion) on tax map number 33 containing approximately 1.5 acres is changed from General Agriculture to Rural Residential, parcel number 38M (portion) on tax map number 33 containing approximately 4.93 acres is changed from Rural Residential to General Agriculture, and parcel number 38S (portion) on tax map number 33 containing approximately 0.52 acres is changed from Rural Residential to General Agriculture.

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

Nays: None

Motion carried.

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FISHERSVILLE SMALL AREA PLAN

This being the day and time advertised to consider a request to amend the Augusta County Comprehensive Plan 2007-2027 by adopting the Fishersville Small Area Plan, changing the target density for medium density residential development, and making changes to the land use designations for parcels currently planned for mixed use development. The Planning Commission recommends approval of (1) the Fishersville Small Area Plan, as revised, and that it be made a part of the County's Comprehensive Plan, (2) approval of the amendments to the Countywide Future Land Use Map, and (3) approval of the text changes to the County's Comprehensive Plan.

Ms. Earhart advised that this is the second public hearing with modifications to the Fishersville Small Area Plan as well as the changes to the County's overall Comprehensive Plan suggested at the first public hearing. As an introduction to the audience, she displayed maps and mentioned that the Fishersville Small Area Plan is a result of the Comprehensive Plan that was adopted in April of 2007. One of the things that the Comprehensive Plan recommended was that we do Small Area Plans, and take a closer look at some of our growth areas in the County. This does not supersede the Comprehensive Plan; it is just a more in-depth look that allows a 20-year vision for Fishersville, especially concentrated on the land use and transportation issues facing that community.

Changes to the Land Use Categories:

- **Medium Density Residential** areas should have densities between three to four dwelling units per acre. This would include single family detached houses on public water and public sewer.
- **Neighborhood Mixed Use** may include a variety of residential uses at a density of four to eight dwelling units per acre and convenience retail and office uses on up to 20 percent of the total land area.
- **Community Mixed Use** may include a variety of residential uses at a density of six to twelve dwelling units per acre and, on up to 40% of the total land area, retail and office uses and in some, but not all, cases industrial uses.
- **Planned Residential** may include a variety of residential uses at a density of four to eight dwelling units per acre.

In using the Mixed Use categories, the County's countywide Comprehensive Plan was changed so that every parcel that was identified as Mixed Use in 2007 had a new land use attached to those. Maps are available for review. Before the Board tonight, the request is for the Board to:

- Adopt the Fishersville Small Area Plan as part of the County's Comprehensive Plan
- Redefine Medium Density Residential countywide to mean three to four units per acre
- Add the new land use categories: Neighborhood Mixed Use, Community Mixed Use, and Planned Residential
- Redesignate all the mixed use parcels countywide
- Amend the text of the County's Comprehensive Plan to reflect the new land use categories and the Fishersville Small Area Plan

The Chairman declared the public hearing open.

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

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FISHERSVILLE SMALL AREA PLAN (cont'd)

Mr. Coleman reiterated that there had been several public meetings with people in the Fishersville area and two public hearings. The purpose of the first public hearing was to receive input and make modifications. The Planning Commission and Board of Supervisors took several days to view the areas that were identified as mixed use and make these recommendations. He encouraged those who enjoyed the rural area to recognize where growth needed to occur.

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

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

Nays: None

Motion carried.

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(END OF PUBLIC HEARINGS)
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MATTERS TO BE PRESENTED BY THE PUBLIC

There following citizens spoke in opposition of the 2009 Reassessment:

Dale Hewitt, Marshall Pattie, M. C. Ashby, Edward Gordon, Jesse Bridge, Eric Walton, Susan Cromer, Bruce Rogers, Brian Holsopple, Donald Wright, Gary Summers, Mark Poe, Earl Haus, and Jerol Kinder

These speakers asked that the 2005 Reassessment be used instead of 2009. With the economy as it is, and people with fixed incomes, they felt that they were unable to meet their needs and pay increased taxes. It was noted that a large increase was assessed on land with no structure. It was questioned how land that could not even perk be assessed higher than other properties that could. They expressed concern about the methodology used by Blue Ridge Mass Appraisal and asked to be educated on the process. Mr. Pattie suggested that the taxes be frozen for a year to see what happens to the economy and then "assess it correctly to determine the fair market value". Others suggested that the rate be reduced and increased only when needed to fund services.

Chairman Howdyshell advised that this was a process that began two years ago. The Board or Supervisors requested and was granted a three-month extension that was the extent allowed by law.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Chairman Howdyshell made the following comment:

We know we're in difficult times. This is just as trying for the Board as it is for citizens such as you. We got the same reassessments. There are opportunities to appeal, to talk to the Board of Assessors to look and see if they made a mistake and compare it with others. There is another appeal beyond that with the Board of Equalization; and, yet, another with the Circuit Court beyond that. There is assistance for the elderly. With all these things said, this has been a long drawn out process and we need to finish the process before we make our decisions regarding the tax rate.

I am going to make some recommendations to the Board:

1. I am going to make the recommendation that we direct the County Administrator to balance the Operating and Capital Budget based upon our current revenues without reassessments.

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

2. I would recommend that we direct the County Administrator to reduce the Board of Supervisors' salary by 5%.
3. I would recommend that we direct the County Administrator to freeze any Cost of Living or Merit raises for our County employees.

That's a first step in this long journey. There are a lot of other things to come before us. There will be a lot of things in our budget that are nice and we will be looking at them and see if they are necessary. There may be some people that are going to be unhappy with our decisions, but we are in tough times. We look at assessments and we say 'tax rate'. Well, it's a little different. We have an assessment, but where we set the rate is where the rubber hits the road.

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board approve the Chairman's three recommendations.

Mr. Pyles made the following statement:

The question here on the budget is one thing and I applaud those recommendations, although, I would recommend that one of the things we should do is eliminate the travel expenses—yourself, Ms. Sorrells, and Mr. Coleman, I think, have abused travel and I think we can simply cut them out.

To the issue that the folks are here about, the reassessments, as you know I brought up in October before it hit the fan to try to avoid our people going through this. It wasn't at the beginning of the process. It was at the point where the process was supposed to be done. I looked at those numbers and I saw that the values were going up 42%, which was contrary to what the whole world was showing, and I saw that as a problem. I researched this and I brought to the Board not only the law that says that we must reassess, but the option that allows us not to reassess. This is the Code . . . and I'll read it to you:

'58.1-3259. Failure of county or city to comply with law on general reassessment of real estate. – If any county or city fails to comply with the provisions of this article requiring a general reassessment of real estate periodically in such county or city by omitting such general reassessment in the year required by this article, or by failing to comply with the provisions of § 58.1-3201 requiring assessment at 100 percent fair market value, the Department, on receiving proof of such delinquency, shall so notify the Comptroller, whereupon the Comptroller shall withhold from such county or city the payment of its share of the net profits of the operation of the alcoholic beverage control system as provided for by § 4.1-117 until such time as the provisions of § 58.1-3201 have been complied with in such county or city.'

In our budget, that is \$38,000 that we would lose. That is the State saying we expect that some people will not comply for whatever reasons – good or bad – and we have just this penalty. I think when we look at this and we see that it says that we are only allowed to go to 100 percent of fair market value. I think we can find many instances in our 38,000 lots that are above fair market value. I think we are in conflict with the law if we were to go into that assessment that is not real.

When I brought the information to you back in October, I also brought an article about Bath County, the same company, Blue Ridge Mass Appraisal, had done their reassessment out there. It was so bad that they threw it out. They just wasted their money. There was an opinion in the News Virginian and I don't have the proof of this, I didn't look it up, but I take the editor at his word, saying that in Gloucester County, the same group went there and it was so bad that the Supervisors voted not to pay them. I think there are real questions about voracity of these assessments. I have tried my best to look in on what they are doing. I think that's our responsibility. I have been shut out, except for six numbers. Now, why is that important? They are certified assessors. That doesn't make it so. I think if you look at what's happening in our financial markets, the biggest thing is toxic assets. Its mortgages that can't be paid. How did that happen? Well, some money was loaned on a piece of property. What verified the loan? Somebody did an appraisal. They said, 'okay, it's worth \$500,000'. The appraiser put it

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

out. They got the money. Nobody looked at it. They just turned their head. He said it was worth it, so . . . in the conversations I have had with people over the years, everybody is scratching their head on how these values could go up so high. They knew it would fall. They weren't right then. These things aren't right now. When you say, Mr. Chairman, that we are all hit with these assessments. Well, we all sit with assessments, but we are not all hit with the same tax liability. In October, Mr. Beyeler shared with us that he looked at all of our tax assessments, and he found that my tax assessment was the least for whatever value that is. It just means I'm a poor guy. But what I think we should realize, now, is I think, since he brought up my property value, I should bring up his. I look at the two reassessments. Both of our assessments went up 20%, but because Mr. Beyeler is in land use, his tax liability only went up 6%. If you balance the revenue to come out even, what will happen is that Mr. Beyeler's taxes will go down and mine will go up. I don't think that's fair. I don't think that's equitable. And when you, Mr. Chairman, say that's where the rubber hits the road, you are not getting the same tax increase based upon evaluation because of your land and land use. Now, what I sent to each Board member today was a recommendation that we should send this letter to the Department of Taxation and I would like to read that:

Dear Sir,

We wish to advise you of what we see as contradictory requirements in State Law and how we have chosen to proceed.

The contradictions lie with the requirement to do reassessments every 4 years and the requirement to set these properties at 100% of fair market value. If we set the assessments as given to us by the Assessor many properties will be valued in excess of Fair Market as of January 1, 2009.

We are choosing to hold property values at last year's numbers. We do this not despite new reassessment computations but because of them. In July the values produced by Blue Ridge Mass Appraisals were up 54%, lowered then to 42% in October and lowered again to 27% in January. These are not anomalous, insignificant evaluations. Instead they are a series of calculations reflecting a de-valuation of property at a velocity unseen since the Great Depression of the 1930's.

We have looked at these general numbers and we have looked at specific values within the calculations. In October our largest manufacturing company's facility was assessed at \$41,208,800. Now just 3 months later that value, computed by the same assessor using the same methodology, is \$33,571,700. A loss of value in 3 months of \$7,637,100, or 18.5%, is not something to just dismiss as inconsequential. Similarly another manufacturing concern dropped from \$5,571,800 to \$4,553,300 also an 18% drop in 3 months.

Had we not postponed the reassessment by 3 months we would now be taxing these companies at values 18% above fair market. This is as impermissible by the law as not reassessing.

All empirical data indicates that a continued loss of property value is taking place. Chesterfield County just released a new assessment lowering their values by 1.5%. That now puts the average home value in relatively affluent Chesterfield County (Median Household Income \$70,350) at \$216,000. While in Augusta County, (Median Household Income \$47,745); were we to enact the reassessment, our average home value would be \$223,000. It simply does not seem credible to us that our residents with 30% less income would have more expensive homes than the homeowners in Chesterfield County.

Given the problems in our economy, that seem more pressing and dire each day, and our commitment to not set values above Fair Market, we are holding our assessments at the 2005 evaluations.

We will be monitoring the official assessment sales ratio study and should we fall below 70% we will commission a new assessment. We have chosen to be open about the reasons for what we have opted to do. And despite the possible consequences, we feel that this is the most responsible and legal course of action for our community.

One of the gentlemen out there said, 'you're a supervisor and you are supposed to take responsibility'. I think this is taking responsibility. This is saying that we can't accept those assessments. There are so many issues. The markets are falling. We just need to hold off of it. Then if we need to raise revenue by increasing the taxes, let's do it in a fair and honest manner instead of determining our budget to fit the revenues available.

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

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

Nays: None

Motion carried.

Mr. Beyeler asked Mr. Pyles when Chesterfield County assessed. Mr. Pyles said it just came out in yesterday's paper. He said that Chesterfield County has done it every two years. He noted that the most recent assessment was a downward spiral. "As you look at it, their average home values are less than ours will be." Mr. Beyeler pointed out that if they assessed two years ago, that was when the peak was. "We, in three months, have lowered it more than 7 ½ %."

Mr. Beyeler made the following comment:

I served on the Assessors Board and I see one or two Board members in the audience that have served on the Assessors Board. The gentleman who said that he had spoken to the same person that had done the assessment—Yes, they will be there. Each Supervisor appointed one member to that Board. They are the group. There are seven individuals, one from each district. They are the ones that have the final say on the price. Now, the others are staff at this point, but the seven Board members are the ones who have the final say. The assessments – and we are in a crazy time right now – and I, for one, don't want the assessments to be too high, either. Mr. Pyles, mine went up a little over \$100,000 with land use, it will not affect me under land use. Those of you who have Agricultural land, if your land went up and you're in land use, it won't affect you, unless, you get above the threshold of where you can't give the value of that property to your children tax free. I know there is one individual in the County who has told me, "Hey, I don't like these high figures." Well, he's one of the largest landowners in the County. And there is no way he'll be able to give his children that amount of land.

One of the saddest cases I heard, and it wasn't in Augusta County, but it's a little indication of what can happen. A man told me Friday, in another county, where his daughter bought a house last January for \$400,000. She put \$100,000 down, and today that house is worth \$250,000. Now, that's sad. My daughter is in another county. Her house has been on the market for two years. She has tried to sell it for less than assessed value. Now, the assessment in that county was probably too high. We have a good assessment board. Compare your assessments with your neighbors. When someone says, 'right adjacent to mine,' my land is \$1,000 more than my neighbors and it is comparable, you have a good argument to get it reduced. I've gone before the assessors board on mine. I'm not real sure it's right this time. We have a couple of big taxpayers on this board. I'm talking about big taxpayers. If you have a computer, Google Augusta County, go into departments, look up Commissioner of Revenue, and then go under land values, and you can pick up, if you know who owns that real estate, you can pick up the value of every piece of property in Augusta County. If you have access to a computer, I encourage you to do that. If you have three houses in a row, and two of them are assessed at \$100,000 and one is assessed at \$50,000, either one is too low, or the other two are too high. An assessment is supposed to be a willing buyer and a willing seller. That is supposed to be the value. Some people will say, 'Hey, I'll be glad to sell my property for what it is assessed at.' And there is land out there like that. I recall that somebody in Staunton did that one time, and he said, 'if anybody offered me that at this meeting tonight, I'd sell it.' And three people stood up and they sold the property right there. Before you agree to sell it, if you're going to have to replace it, you had better find out what it is going to cost to replace it. I'm not, at this point, willing to throw out the assessments. I would encourage you, if you think yours is unfair, to go before the Board of Assessors. I'm not here to down Mr. Pyles, but, Mr. Pyles was put on the committee two years ago to work with the Assessors Board and Mr. Pyles, you can correct me, but I don't think you ever went to one of the meetings. I have a little problem, when you put somebody on a committee, and they don't attend them, and then you come back at the end of that period and say everything is wrong. If you're going to have input, you should have it at the beginning. To me, let's talk about what is fair and I want it fair, too. Now, Mr. Pyles, have you attended any of those meetings?

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

Mr. Pyles' response:

Mr. Beyeler, I asked for information. Getting no information did not serve my purposes. I talked to Mr. Hickey. I couldn't get information. I asked Ms. Shrewsbury for information. Just to be given the pabulum that they spew of those things is not the same as saying, 'I want to look at the methodology.' Mr. Hickey would not reveal it. Ms. Shrewsbury would not give me any numbers. I asked and asked to say, 'I want to look at this!' As a committee member, I couldn't get information except what they wanted to give me. So what's the value of my time? Up until Saturday, Ms. Shrewsbury said she couldn't give me because of confidentiality. Since then, I'm told that I can't get the numbers because they're too busy. What numbers I have had, I have had to pull like teeth. So if they want me to just show up and listen to whatever they want to give me and not answer my questions, it is a waste of my time.

Mr. Beyeler's response:

Mr. Pyles, the first meeting of the Assessors Board is when they tell you the methodology that they are using. That's the point where they start setting values. All of us know that since two years ago when it started, values have gone down. But we're talking about a four-year assessment. But we set the values when I was on that Board and, if you're on a committee, you ought to go to the meeting and have some input and not call them up after the fact and ask for information.

Mr. Pyles' response:

Mr. Beyeler, things that I would like to find out that I couldn't find out is your property on 340, with water and accessibility to sewer, is valued at \$6,000 or so. A gentleman on Morris Mill, with the only way to access his property is through a 12-foot right-of-way without water or sewer, is valued at a higher value than yours. That doesn't make sense. I would like to find out how you could have something that is not on 340, doesn't have water, and doesn't have sewer can be worth more. They don't look at things like, 'can it be perked or not?' They don't look at how much it is going to cost to take this home site that is on a hillside to make it feasible to be a home site. Those are the kind of things that they show on math, to say, 'we put in this, we do that, we multiply it by that.' That doesn't give me my answer. How do they weigh these things? We have a large and adverse county. The things that are happening in Fishersville is not the same thing that is happening in Augusta Springs. So how do they differentiate for that? But, yet, I see on Estaline Valley Road that they are charging much more for property out there as they are in Fishersville. That's not logical. That is one of the poorest areas in our five-county area, and to think that those properties are the same as Fishersville is not accurate. And why I can't get answers to those particular questions, then it is not worth my time just to have somebody show me something that they want me to see.

Mr. Beyeler's response:

While there is public water out along the road in front of my property, I am not hooked to it. There is no public sewer. Now, I'm not going to sit up here and say your assessment is right. What I'm saying is look at your assessment, compare it with your neighbors, and, if you don't think it is right, I would encourage you to go and try to get it changed. Each Board member up here put one member on that board. It is their job to do that. Now, we can lower the rate, but I understand if assessment is way too high, it helps some, but won't help others. I was on the last board, and I think that I'm the only one on the board, that reduced the rate. Back in the early 80's, we reduced the rate 2¢ after an assessment, so it's a possibility to be reduced.

Mr. Pyles' response:

I would like to correct something from Mr. Beyeler. He said he's the only one that voted to decrease the tax rate. I did four years ago, but Mr. Beyeler, Ms. Sorrells, Mr. Coleman all voted to hold the rate back then even though the assessments were the greatest increase in Augusta County by double.

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

Mr. Shiflett asked:

With the fairness of the reassessment, it sounds like it's got a lot to do with Blue Ridge Mass Appraisal. The question I have is who was on the committee that was responsible for hiring Blue Ridge Mass Appraisal?

Patrick J. Coffield's, County Administrator, response:

There was an RFP and the last Board approved the contract.

Mr. Shiflett asked:

Who was it? This is new territory for me.

Mr. Coffield's response:

The Finance Department prepared the RFP. We got one bid. We took that bid to the Board.

Mr. Beyeler's response:

To follow up what he is saying. Mr. Shiflett, you weren't on the Board. Mr. Garber wasn't on the Board. The five others were on there when we selected Blue Ridge Appraisal. Mr. Coleman and Mr. Pyles was put on the committee to work with them.

Ms. Sorrells made the following comment:

First I would like to make a comment about land use. For those of you who don't know, land use is a separate type of tax. It is put on land that is agriculturally productive. People who are in land use have to produce so much agriculturally or have timberland and their tax is quite a bit lower, but it is a deal that's made with the County. Their tax is lower because they are not requiring the services of property that has development on it. So they are actually paying more for the services they get in return than if they were paying the full assessed value of it. It's a way to keep our agricultural production strong. We have the second strongest agricultural economy in the State of Virginia and it is a way to keep your taxes low by defraying services to that land that is under agricultural or forestal production.

About the assessment itself, what you got in the mail was not a tax ticket. It was part of the process and it is a reassessment. There are many steps in the process before you get to your tax ticket. This reassessment was done according to the law in order to determine a fair market value on your property. Some of you had questions about how that's determined. That's determined on sales of like properties in your area. Like size land, like size housing structures. It does not compare properties in Fort Defiance to those in Spottswood. It is what is around the Spottswood area, what's around the Fort Defiance area. So it's like you won't be comparing apples to oranges. That said, a mass appraisal is a sweep over almost 40,000 parcels of land. Your piece of paper is a specific to your property. Look it over carefully. Use the VamaNet (Virginia Mass Appraisal) or come down here if you don't have access to the internet and look up like properties and compare them because when you come in, you do have the ability to say, 'wait, I have pastureland here and my neighbor down the road has pastureland and it is valued differently, what's going on?' Ask those people that you sit down with, which is a citizen just like you who has bravely volunteered to meet with the citizens who come in along with someone from Blue Ridge Mass Appraisal. Talk to them. Ask them specifics about it. Ask them to see comparable pieces of property that sold and what they are comparing it to. Tell them what your property is like. If there is an easement across your property, a power line or something like that, that they didn't pick up on, tell them that. Look and make sure that they have the right kind of structure, that they have the right kind of utilities on your property. All those things make a difference in the specifics when you go down and talk to them about it. If that process does not give you satisfaction, then you can go to the Board of Equalization, which we are in the process of setting up now. Further after that, you can go to court. So you do have a process for trying to get your land correctly assessed.

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

That said, the reassessment must take place by law. It's the way we determine what kind of school funding we get. It's the way we determine how we operate with the State. Yes, we wouldn't get our state ABC's sales taxes from that. But there are a lot of other factors that figure in there because the State says that we have to have a fair market value to properly levy our taxes and our other fundings do hinge on that number being there. To throw out an assessment does compromise some of those other interactions we have with the State. In looking at what's been unfolding, and Mr. Haus, I didn't get to you because you were one of about 20 today, and I got to all but about two of them, so I have you to talk to and I'll give you a call tomorrow, and I've got another person to talk to after that unless some other people have called while I've been here at this meeting, which is probably the case. A lot of you have said this tonight. It's not necessarily about the structures that have gone up at what appears to be an outrageous amount, it's the land. Unfortunately, they are not making any more of it. The land in Augusta County is great land. It's what is the most – what we think is most inflated, but it is a hot item, and it is still selling despite the fact that houses, themselves, are not selling, but the land is. In some ways, I think, collectively, the supervisors and the citizens have created the scenario that we are now all feeling very painfully. We have a Comp Plan that says we only want 10% of our growth to go in our most rural areas—the areas that are on the Comp Plan are colored green and yellow. We only want 10% of our growth, but right now, 50% of our growth – more than half - is going in this rural area. It's not the vision that's happening, but when we make it easier to build in those areas and less expensive to build in those areas, then in our developed areas, where you get more bang for your tax dollar, say in Fishersville or Stuarts Draft, when we have lenient rules on lot cutoff, and family member exception, and boundary line adjustment, when we don't restrict building on steep slopes or on ridgelines, and we allow engineered systems anywhere, we are saying that every piece of land – the highest and best use – is as a building site. When you have raw land, every piece of land has one acre, that's valued as a building site. It is a scenario that we have collectively created. I don't know if there is an answer to it; we have people from out of the area, out of the County, other states, who say, we've got great land. 'To us, this is inexpensive land. We're going to buy it. We're going to pay what is to us is a good price tag.' Soon as you pay more than what it is assessed at, then everybody else's property goes up in assessed value because it is based on like sales.

That said, we can't in good conscience lay such a tax burden on the people. There is no doubt that we have to adjust the tax rate. That is an absolute given. Every supervisor on this board has publicly stated a willingness to do this since this process began. However, at this point, we can't arbitrarily pick a number. We can't say it's going to be revenue neutral; we're going to go from 58¢ to 50¢ to 48¢. It would be fiscally irresponsible for us, at this time, to pick a number. I don't think that I could go to sleep at night saying I picked a number that said no fire truck shows up at your house next week because we've had to cut it that much. Can it be revenue neutral? I think we have to wait and see. We have to wait until we go through all of these adjustments that people are lining up to go through. We have to look at . . . We have expanded our relief for the elderly and the disabled. We have to look and see what's that going to do to the revenues that might be coming in. We have to look and see what land use takes out the pile of assessment money.

There are a lot of things to think about: Since the last reassessment, we are not population neutral. We have over 3,000 new people. That's two new sheriff's deputies. The state helps us pay for that, but we have to buy their equipment. We have to put them out there. The State says that our schools might take a \$4.7 million cut. If they have to cut, they may be looking to us to help them make up the difference. When I came on the board, VDOT gave us over \$30 million over six years for roads; now we're looking at \$9.5 million. In that time, since I've been on the board, we haven't rolled up and closed off a single road. We have road needs that are probably going to have to come out of local dollars. We have flood control dams that are over 50 years old that need upgrading and repair for the safety of the people. We have schools that are getting older. We have Fire and Rescue needs. In the Riverheads District, I have huge needs for fire and rescue that I have to address whether we have any tax money or not. We have to be creative about this. We're going to have to tighten our budget and Mr. Howdyshell took some wonderful first steps to do that. We're going to have to through line-by-line and we're going to have to take the hard hits just like everybody else. In tight times, we all have to do that. We have to be creative about it. We have to be smart about it; and we have to go through the process. I invite you to be a part of that process.

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

Know that everyone of us cares deeply about what is going on. We want to get through this time together in a fiscally responsible way.

Thank you all for coming tonight. Your concerns are definitely heard and I appreciate you being here. Come to all of our meetings. Don't just come when you're agitated. Come to them all.

Mr. Garber made the following comments:

One thing that jumped out at me is that we only had one bidder for this. It strikes me that, either it is a really good business that somebody ought to get into, or it is so bad that nobody wants in it. I'm not sure which it is.

One thing that I would like to make clear that I have tried to make clear to the people who have called me; and I have become on a first-name basis with a number of my constituents in the past week. This is set up for the Board to keep their hands off the assessment. You know, I have had a lot of people say, 'what are you going to do about the assessment?' The answer to that is 'nothing'. It is set up for us to keep our hands off the assessment, and it needs to be that way. You don't want people up here being involved with your assessment. You don't want that at all. That's a very individual thing. Is your assessment right? Beats me. I don't know. I don't know all the ins and outs, but, if you think it's wrong, I encourage you to come over and discuss it. There will be some mistakes. There will be some blatant mistakes. I feel sure. Ironically, the first person that called me and said they thought their assessment was wrong is seated up here with me. It was a member of this Board. I didn't know the assessments were in the mailbox. I was blissfully down over the hill moving dirt, just having a good old time with the ducks and the cedar trees, and so I went to look at mine. The first one I looked at was about 300%. Yeah, I share your pain. Then the pain that followed was the realization that this is the second invasion of the Yankees, because my assessment was set by the piece of property next door that somebody paid way too much for in my opinion, but they paid it. So, they are out here working, they are saying, 'what was land selling for down that road?' That was what it was selling for--\$10,000 an acre. It doesn't make a bit of sense to me, but it sold for it. That's part of the problem. But I want to reiterate, it is set up for us to keep our hands off the assessment. Our issue becomes tax rate and how we're going to deal with this. I know a few of you have said that you are more concerned about the assessment than you are the tax rate. I think most people are concerned about the bottom line on the tax bill. I think that really is where it's going to be. I've told everyone that's called me that I am committed that we will make cuts in what we've been doing. We will do that. We have no choice. People are doing that at every level. People are doing that individually. We will have to make cuts. But I've told every person, I will not vote for a budget that will be presented to us in three months. Any place that I'm involved; any business that I have money, if someone who worked for me presented me a budget and asked me to approve it, and then told me in three months they would fill in the blanks, I would ask them to clean up their desk. I will not commit to a budget that I have not seen, but I will commit to a process that says we will have to tighten our belts and we will be looking at the tax rate. That's what we have to deal with! To say otherwise, is pretty disingenuous because we are supposed to keep our hands off the assessment. I understand why you call. I take every call. I've taken a call from one gentleman three days in a row. And three days in a row, we've had the same conversation. And he is very polite, I will say that, and he will probably call me, again, tomorrow. But that is the process; and, yes, we will have to deal with the bottom line, which is your taxes, and, obviously, it is not a good time to raise taxes. People do not have extra money. I, personally, can tell you I understand that.

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VDOT – ROUTE 699 PROJECT

The Board considered allocation of funding for design services associated with realignment of road in an amount not to exceed \$1,925.

Funding Source: North River Infrastructure Account #80000-8013-25

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VDOT – ROUTE 699 PROJECT (cont'd)

Mr. Coffield advised that the design cost and report had been presented to the Board at the Staff Briefing on Monday for its consideration tonight.

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

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

Nays: None

Motion carried.

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BOYS AND GIRLS CLUB

The Board considered request for local government funding assistance in the amount of \$15,000.

John Rorrer, President of the Boys & Girls Club, advised that they operate five SMART Centers in Augusta County (Hugh K. Cassell Elementary, Craigsville Elementary, North River Elementary, Riverheads Elementary, and Beverley Manor Elementary Schools). He thanked the County and the school system for providing them with the buildings and bus service. He mentioned that this began in Riverheads with a generous donation from Charlie Obaugh. Over the last 10 years, the Boys & Girls Club has invested over \$100,000 of donor contributions to run the SMART Centers. They average 259 Augusta County school children a day. They provide tutors for the five programs and are able to drop the teacher ratio to 10-1. If funding is discontinued, the teacher ration for the after school program will go 20-1. Mr. Rorrer added that Craigsville is “one of the shining jewels in this program”. Over 50% of the children that go to Craigsville Elementary are enrolled in the Boys & Girls Club SMART program. The average daily attendance, is 65 (150 children at Craigsville Elementary). The SOL passing rate for these students was 85% in math and reading. Hugh K. Cassell had a 92% in reading. “None of the other schools matched the effort in Craigsville.”

Grant Doyle, on the Board of the Boys & Girls Club, added that the Boys & Girls Club have operated the SMART Centers program for approximately 10 years without asking Augusta County for assistance in funding. They have received funding from Staunton and Waynesboro. Because of the economy, donations are down. These afternoon programs allow the students to be tutored and do their homework. Children in these programs are disadvantaged and do not have the benefits that others have.

Mr. Coleman advised that this had been discussed at the Monday Staff Briefing. After that meeting, he spoke with Lori Cox, Curriculum Supervisor for Augusta County Schools; and Thomas L. Shields, Jr., who is actively involved with this program. Ms. Cox indicated that the actual amount needed was \$11,174 (instead of \$15,000) to continue the program through the remainder of the school year. This matter has been discussed with several other supervisors. Ms. Sorrells and he are requesting that the Board allows them to split the cost out of their infrastructure accounts. He asked if there was interest of any of the other Board members to participate. Mr. Coleman expressed that this funding would only be a commitment through the end of the current school year. If it is not supported, the program will terminate February 1st.

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BOYS AND GIRLS CLUB (cont'd)

Mr. Coleman moved, seconded by Ms. Sorrells that the Board approve funding the program in an amount not to exceed \$11,174 to the end of its school year term this year from the Wayne and Riverheads infrastructure accounts equally.

Mr. Beyeler offered contributing out of his infrastructure account.

Mr. Shifflett offered contributing out of his infrastructure account. He supported completing the school year term, but would not support it being in the yearly budget. Mr. Coleman agreed with Mr. Shifflett, adding that the Boys & Girls Club would need approximately \$18,000 annually and could not guarantee that it would be included in the budget.

Chairman Howdysshell asked what the policy was when four districts participated in this type of program; if it should be divided equally among all seven districts. Mr. Coffield stated that this was routinely done with Recreation matching funds; but not with infrastructure funding.

Ms. Sorrells added that this program may be the only opportunity for these children. "It is essential for these children. It's going to make a huge difference down the road. It's a difference between having a productive citizen. This is the place to make a difference."

Chairman Howdysshell offered contributing out of his infrastructure account with no commitment beyond the year end.

Mr. Garber offered contributing out of his infrastructure account.

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

Nays: Pyles

Original motion as amended carried.

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Mr. Beyeler moved, seconded by Ms. Sorrells, that the motion be amended that the Board approve funding the program in an amount not to exceed \$11,174 to the end of its school year term this year from the following infrastructure accounts:

Beverley Manor	#80000-8011-35	\$ 1,596
Middle River	#80000-8012-59	\$ 1,596
North River	#80000-8013-26	\$ 1,596
Pastures	#80000-8014-55	\$ 1,596
Riverheads	#80000-8015-49	\$ 1,597
South River	#80000-8016-47	\$ 1,596
Wayne	#80000-8017-58	\$ 1,597
		<u>\$11,174</u>

Mr. Pyles made the following comment:

This kind of thing grew, didn't it? It was going to be two, then three, then four, then six. So, now, it's like, well, I'm odd man out. I was ready to support what was going on but I don't think you should reach into my infrastructure and take it even though there are kids participating in my district. I use my infrastructure very much for that community. We're funding a community center out there has a library and recreation center for those folks. We're going forward with a playground for those folks out there. We continue to do

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BOYS AND GIRLS CLUB (cont'd)

things out there. My own company, we took \$5,000 out to the Food Bank there. If you want to look at needs, I encourage you to go out there to the Food Bank. In November, during Thanksgiving time, they had 250 turkeys for the families and it wasn't enough. We needed 272. You see those folks come through there and say, 'Well, what should we do about that?' There are a lot of needs out there and they don't go away. I know folks think it's fine to just go ahead and take the money from somebody else's infrastructure. I don't think you should do that. I assess my needs. What we've done in Craigs ville has been substantial. Putting that school out there and renovating that school has stabilized that community. And those results that they are talking about, there have been growing results out there since we put that school in. They have one of the lowest student-to-teacher ratios. They are a model in their teaching -- that schools from Staunton, they send teachers to Craigs ville to learn how to teach. There are a lot of things that go into that. I've been out there for the morning breakfast which is provided because of the problems with income out there. Nearly, all of them are eligible for a free breakfast, and I have participated in that. And I see what all we do out there. And we do it a lot of different ways. We appreciate what the Boys & Girls Clubs are doing, but there are a lot of different challenges out there. On Monday, Carol Blair came in here and told us about all the programs that were being cut—all the good programs. In order to pick out one, that's good, and we are not even putting it in relationship to all the other programs that are being cut and are not being funded, which are just as good, or maybe, even better. So, you know, if you wanted to do that with your infrastructure, I applaud you, but it wasn't appropriate to reach into mine when I'm doing what I can for that community on my own.

The Chairman then called for a vote on the amendment to the motion:

Vote was as follows: Yeas: Howdys hell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Nays: Pyles

Amended motion carried.

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A five-minute recess was taken at 8:50

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DELINQUENT TAX COLLECTION

The Board considered Treasurer's recommendation to advertise for public hearing an ordinance to expand delinquent collections efforts.

Mr. Coffield advised that the Board received a proposal from the Treasurer at Monday's Staff Briefing to advertise for public hearing an ordinance to expand delinquent collections efforts.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board adopt the following resolution and authorize staff to advertise for public hearing:

A RESOLUTION TO PROVIDE FOR THE COLLECTION OF ATTORNEY'S FEES TO COVER COSTS ASSOCIATED WITH THE COLLECTION OF DELINQUENT REAL ESTATE TAXES

WHEREAS, the County Treasurer has asked that the Board of Supervisors authorize the County Attorney's Office to file suits to collect delinquent real estate taxes; and

WHEREAS, Section 58.1-3965 provides for the collection of reasonable attorney's fees in connection with the institution of legal action and for the sale of real estate to collect delinquent real estate taxes.

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DELINQUENT TAX COLLECTION (cont'd)

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Augusta County, Virginia, that:

1. County Attorney, Patrick J. Morgan, is authorized to file such legal actions as are necessary to collect delinquent real estate tax, pursuant to Chapter 39 of Title 58.1 of the Code of Virginia.
2. The Board of Supervisors does not deem it necessary that the County Attorney post a bond as is authorized, but not required, under the provisions of Section 58.1-3966 of the Code of Virginia.
3. The County Attorney is authorized to collect the following attorney's fees for the collection of delinquent real estate taxes:
 - a. Fee when title work is done and owner redeems prior to filing suit: \$125.00 plus costs
 - b. Fee when title work is done, suit is filed and owner redeems prior to sale: \$250.00 plus costs
 - c. Fee when sale is completed: \$500.00 plus costs.

State law reference—Virginia Code §58.1-3965 et seq.

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

Nays: None

Motion carried.

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RIVERHEADS HIGH SCHOOL DRAINAGE

The Board considered proposal to make modifications to current drainage detention facility to improve storm runoff.

Funding Source: Riverheads Infrastructure Account #80000-8015-48 \$4,550

Mr. Coffield advised that a presentation was given by the County Engineer at the Staff Briefing on Monday who discussed in detail what the problem is and how it can be rectified.

Ms. Sorrells added that this was brought to her attention when they had the rezoning of the subdivision next to the school. One of the landowners, at that time, brought the drainage issue to her attention.

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

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

Nays: None

Motion carried.

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GREENVILLE STREETLIGHT

The Board considered request to authorize an additional \$7,500 to fund the streetlight request at Route 11 and I-81 southbound ramp intersection.

Funding Source: Riverheads Infrastructure Account #80000-8015-43

Mr. Coffield reported that the Board had previously authorized \$6,500 for a light at an intersection on Route 11 and I-81 southbound ramp intersection. He noted that it was dark and that a number of truckers leaving Pilot, as well as the food establishments, missed the turn; hopefully, the light would better identify the turn and keep trucks from having to go to the high school parking lot and turn around. The \$6,500 was an earlier estimate; unfortunately, that estimate increased. Ms. Sorrells asked about solar and we learned that it cost more but, with the reduced amount of power usage, would pay for itself over time. The \$7,500 would supplement the \$6,500 that was previously approved.

Ms. Sorrells added that the light would do two things:

1. It will keep the truck from missing the turn; and
2. Will provide better lighting for the exit ramp and, hopefully, will eliminate a traffic hazard.

The actual difference between the electric light and solar light is approximately \$4,000. The electric bill is a little over \$800 a year; therefore, in five years, it would pay for itself. Solar panels require a little more maintenance.

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

Chairman Howdyshell commented that he would not be able to support this request because he felt that VDOT and/or the federal government should help with funding because of it being near the interstate. He felt that green energy was good but expressed concern for vandalism. He noted that by 2025 that it is mandated that energy come from renewable energy sources.

Mr. Garber pointed out that the VDOT and transportation cuts were discussed at the Staff Briefing on Monday.

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

Nays: Howdyshell

Motion carried.

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MILL PLACE COMMERCE PARK GRADING

The Board considered cost for grading work on Lots 8 and 9.

Funding Source: CIP Account #80000-8145 \$101,200

Mr. Coffield stated that the Board received a briefing from the County Engineer at the Staff Briefing on Monday. Bids received for this project were shared with the Board. He noted that the price was competitive and more than 100% less than what was estimated a few months ago.

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

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MILL PLACE COMMERCE PARK GRADING (cont'd)

Mr. Pyles stated that he was the only one that was still on the Board that, at first, voted to put this park in. He voted each time for the different infrastructure and improvements. He felt that too much money has been spent on this property with only one facility. Because of an increasing number of empty facilities in the County, he felt that this property should be sold rather than vesting more money in it.

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

Nays: Pyles

Motion carried.

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AUGUSTA COUNTY FIRE AND RESCUE

The Board considered allocation of funding to purchase and equip a used Rescue Squad vehicle in an amount not to exceed \$9,000.

Funding Source: Pastures Infrastructure Account #80000-8014-54

John C. McGehee, Assistant County Administrator, distributed to the Board a memorandum from Interim Chief Carson Holloway proposing the purchase of a used ambulance from the Deerfield Volunteer Rescue Squad in the amount of \$9,000. Also, identified in the memorandum was approximately \$35,000 in rescue equipment for initial startup. Funding Sources would be:

Pastures Infrastructure Account #80000-8014-54	\$ 9,000
Fire-Rescue Grant Fund Account #80000-8152	<u>\$35,775</u>
	\$44,775

Mr. Coleman asked if they were properly licensed. Mr. McGehee said that the County has an ALS license and has a Fire and Rescue license through EMS. Mr. McGehee noted that the unit would have to be inspected.

Mr. Beyeler supported the request but felt that there were issues that needed to be addressed. Mr. Coleman agreed. "It is just a matter of time that we are going to have to have a transport unit in Preston Yancey. When you're working out there with the volunteer agencies and our career staff, there are issues that come up and have to be dealt with. This is certainly going to improve things in terms of Craigsville."

Mr. Pyles stated that he was not happy with the situation, either, but was following the recommendations and request of staff and made the following statement:

This is an example of \$9,000 coming out of my infrastructure. It is not the first time that funds have come out of my infrastructure for Fire and Rescue. We paid \$40,000 for a vehicle that is in Craigsville-Augusta Springs Rescue Squad. We paid \$25,000 for a generator out at Deerfield. I paid \$85,000 so Craigsville could buy its own fire department. I have significant needs out in my area where I can use my funds and I would think in this case the funds necessary for this transport unit, at the staff request, is appropriate for me to pay it, but I don't appreciate that my funds have been reduced for something that I don't think I should have paid for. Anybody who wants to jump in on this one and share it, they are certainly welcome to.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the request of funding the \$9,000 out of the Infrastructure Account and \$35,000 out of the Fire-Rescue Grant Account.

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AUGUSTA COUNTY FIRE AND RESCUE (cont'd)

Mr. Beyeler made the following comment:

Since we're putting it all out there, tonight, last month, we funded a program at Churchville that did not come all out of infrastructure. Some of it came out of the funds that some of this Board voted for four years ago that we got criticized even tonight for agreeing to it. I'm getting sick and tired of hearing people talk about funds, but we're using funds in the area that we're being criticized from that we shouldn't have these funds. Well, if we didn't have those funds, then that would have never happened. Let's be fair about what we're talking about.

Mr. Pyles' response:

That fund has just been left there floating to be used. There are plenty of other places in the budget that we increased because of that that we need not have increased. We fund for Stuarts Draft for a long time out of everybody's. We have funded Preston Yancey for a long time. I made a simple request back in the fall that we compensate Churchville a little better because they were the highest running calls without any support of staff and this Board turned it down because it was not in the budget cycle. As opposed to tonight, we approved something that wasn't in the budget cycle.

There are a lot of things that go on. I would certainly do that. There are plenty of places to take funds. We have a lot of fat in our budget that we have built up and I have identified it for you in documents I sent you. If you don't want to do this, Mr. Beyeler, don't vote for it.

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

Nays: None

Motion carried.

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SPECIAL USE PERMITS

The Board considered Code modifications to allow the Board of Supervisors to consider Special Use Permits requests.

Mr. Coffield advised that this had been discussed at the Staff Briefing on Monday and the Board asked to roll over the discussion of Special Use Permits to allow Chairman Howdyshell, who was absent, to participate. Staff had been asked to prepare a list of typical things that are submitted under Special Use Permits. That list was distributed to the Board.

John Wilkinson, Zoning Administrator, advised that the list included items that typically had a larger impact to adjoining neighbors. The Board of Zoning Appeals 2007 Annual Report reflected 55 Special Use Permits; 19 out of the 55 were the higher impact-type issues in 2008 (30%).

Mr. Beyeler reiterated that Mr. Pyles and he had brought this to the Board because of the impact on the "ordinance review" process.

Mr. Coleman noted that, as part of his learning process, he attended a number of the Board of Zoning Appeals meetings. For the past four years, he was unaware of any problems with the current arrangement and questioned why a change needed to be made. He felt that the ordinances could designate restrictions or limitations that the

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SPECIAL USE PERMITS (cont'd)

Board would like to occur as opposed to the Board of Supervisors being responsible. He was concerned with the tremendous increase in workload and asked if the change would be an improvement.

Ms. Sorrells, in the past, has felt that elected officials should make these types of decisions. She had also attended some of those meetings and noted that even though a lot of them had been approved, the meetings were quite lengthy before getting to the final vote and agreed with Mr. Coleman that the workload would be incredible.

Chairman Howdysshell stated that he was comfortable with the process now in use but asked if the Judge could limit the number of terms that a member could serve on the Board of Zoning Appeals. The County Attorney said that he would do some research and have an answer at the next Board meeting.

Mr. Beyeler felt that the elected officials should be making these kinds of decisions instead of appointed. He felt that some decisions could be made administratively instead of by public hearings.

Mr. Shifflett stated that before he made a decision, he would like to learn more about what would be involved in the process as far as the workload.

Mr. Shifflett moved, seconded by Mr. Beyeler, that the Board table this item until the Staff Briefing in February (February 23rd).

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

Nays: None

Motion carried.

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CONSENT AGENDA

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

MINUTES

Approved the following minutes:

- Organizational Meeting, Wednesday, January 7, 2009
- Regular Meeting, Wednesday, January 14, 2009, as revised

MULTI-YEAR ANIMAL LICENSE

Considered proposal to have County Attorney draft ordinance to implement multi-year animal license.

HOMELAND SECURITY – NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

Considered proposal to advertise for public hearing an ordinance for renaming Emergency Operations Center to Emergency Communication Center consistent with National Incident Management System (NIMS) terminology.

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

Nays: None

Motion carried.

January 28, 2009, at 7:00 p.m.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Economic Development Executive Summary distributed to Board for its review.
Appointed committee is to provide recommendations to the Board.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman

County Administrator