
Regular Meeting, Wednesday, February 25, 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, February 25, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233rd year of the Commonwealth....

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Ryan Pyles, a Senior from Buffalo Gap High School, led the Pledge of Allegiance. Ryan is president of the National Honor Society and the Senior Class SCA. He participates in cross-country, wrestling, and soccer. He hopes to attend either Virginia Tech or University of Virginia.

Sten Cempe, introduced a group of boy scouts from Troop 13 from Greenville to assist in leading the Pledge of Allegiance. He mentioned that the Troop is working on two merit badges: citizenship in the community and communication. He said that they recently participated in the Klondike Camparee in January at Swoope.

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

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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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DELINQUENT TAX COLLECTION - ORDINANCE

This being the day and time advertised to consider an ordinance to enact Section 22-7 of the Code of the County of Augusta, Virginia, to provide for the collection of an administrative fee and a collection agency's fee to cover costs associated with the collection of delinquent taxes.

Richard T. Homes, Treasurer, was available to answer questions. He noted that this ordinance would enable him to generate more tax monies.

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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DELINQUENT TAX COLLECTION – ORDINANCE (cont'd)

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance:

AN ORDINANCE 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 payment of administrative fees, attorney fees and collection agency fees to cover the costs of collecting delinquent taxes; and

WHEREAS, the Board of Supervisors deems it advisable to allow the Treasurer increased flexibility in the way delinquent taxes are collected.

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

A new section to Chapter 22, Section 22-7 of the Code of the County of Augusta, Virginia be, and hereby is, enacted and ordained to read as follows:

§ 22-7. Payment of administrative fees, attorney’s fees, and collection agency’s fees to cover the costs associated with the collection of delinquent taxes

Any person liable for local taxes who fails to pay the taxes on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of delinquent taxes. Such fee shall be imposed no earlier than 30 days after notice of the delinquency had been sent to the taxpayer and shall be equal to the maximum amounts allowed by section 58.1-3958 of the Virginia Code, as amended, or such other Virginia statute regulating the amount of such fees or covering the subject of fees in such cases. In addition to the administrative fee, the Treasurer may add to the delinquent tax bill, any collection agency’s fee or attorney’s fees actually contracted for, not to exceed twenty (20) percent of the delinquent tax bill.

This ordinance shall take effect immediately.

State law reference—Virginia Code §58.1-3958 et seq.

Mr. Beyeler stated that this would not tax people more but would ensure collection. Mr. Homes clarified that this is a collections tool to find people who had been in Augusta County January 1st and have left the state prior to paying their taxes.

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

Nays: None

Motion carried.

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HOMELAND SECURITY – NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

This being the day and time advertised to consider an ordinance to amend Section 2-13 of the Code of the County of Augusta, Virginia.

John C. McGehee, Assistant County Administrator, reported that this request was basically a housekeeping request. He explained that in the current code section, the 911 Center is known as the Emergency Operations Center. Through the federal NIMS training, that was developed after Katrina, the Emergency Operations Center is identified as a temporary operations center that is set up during major disasters. Because of the confusion, it is proposed that the 911 Center, formerly known as the

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HOMELAND SECURITY – NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)
(cont'd)

Emergency Operations Center, be changed to the Emergency Communications Center. He noted that some Emergency Services agencies that are also listed with this code section have been updated to show their official name registered with the State Corporation Commission.

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

**AN ORDINANCE TO AMEND SECTION 2-13 OF THE CODE OF THE
COUNTY OF AUGUSTA, VIRGINIA, TO CLARIFY THE
ORGANIZATION OF THE EMERGENCY SERVICES DEPARTMENT**

WHEREAS, Section 2-13 of the Augusta County Code establishes the Emergency Services Department;
and

WHEREAS, the section, as drafted, has language concerning the organization of the Department that may be considered not consistent with the National Incident Management System;

WHEREAS, there has been some confusion caused by the Emergency Communications Center being called the Emergency Operations Center;

WHEREAS, the names of some of the fire companies or departments and rescue squads listed to qualify for the Virginia Line of Duty Act are not the same as they are of record with the State Corporation Commission;
and

WHEREAS, the names of such organizations are being corrected to reflect their true corporate names.

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

Section 2-13 of the Code of the County of Augusta, Virginia be, and hereby is, amended to read as follows:

§ 2-13. Emergency Services Department.

A. The administration of county policies and ordinances with respect to fire and rescue services and the operation of the Emergency Operation Center and the Emergency Communications Center shall be the responsibility of the Emergency Services Department.

B. The department shall consist of the Chief of Fire and Rescue, Emergency Communications Center, the Director of the Emergency ~~Operation~~ Communications Center, Emergency Services Coordinator, and such additional employees as may be necessary to administer fire and rescue services and to operate the Emergency Operation Center.

C. The county has recognized the following fire companies or departments or rescue squads as an integral part of the official safety program of the county for the purpose of qualifying them under the Virginia Line of Duty Act:

- i. Augusta County Fire Department ~~No. 1~~ Volunteers, Inc.
- ii. Craigsville Volunteer Fire Department, Incorporated.
- iii. Churchville Volunteer Fire Department and First Aid Crew, Incorporated.
- iv. Deerfield Valley Volunteer Fire Department ~~and Rescue Squad~~, Inc.
- v. Dooms Volunteer Fire Company, Incorporated.
- vi. Middlebrook Volunteer Fire Department, Incorporated.
- vii. Stuarts Draft Volunteer Fire Company, Incorporated.

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HOMELAND SECURITY – NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)
(cont'd)

- viii. Verona Volunteer Fire Company, Incorporated.
- ix. Weyers Cave Volunteer Fire Department, Incorporated.
- x. Bridgewater Volunteer Fire Company, Incorporated.
- xi. Raphine Volunteer Fire Company, Inc.
- xii. Grottoes Volunteer Fire Department, Incorporated.
- xiii. The Staunton-Augusta County First Aid and Rescue Squad, Inc.
- xiv. Waynesboro First Aid Crew, Incorporated.
- xv. Goshen First Aid Crew, ~~Inc.~~
- xvi. Grottoes Rescue Squad, Inc.
- xvii. Fairfield Volunteer ~~First Aid Crew~~ Rescue Squad, Inc.
- xviii. Stuarts Draft Rescue Squad, Inc.
- xix. Craigsville and Augusta Springs First Aid Crew, Inc.
- xx. Bridgewater Volunteer Rescue Squad, Inc
- xxi. Preston L. Yancey Volunteer Fire Company Inc.
- xxii. Swoope Volunteer Fire Company.
- xxiii. Wilson ~~Station Fire Co.~~ Volunteer Fire Company.
- xxiv. Mt. Solon Volunteer Fire Co. & Rescue Squad, Inc.
- xxv. New Hope Volunteer Fire ~~Co.~~ Department, Inc.

D. There is hereby established within the department the Augusta County Emergency Officers Association which may adopt policies and procedures governing the operations of its represented organizations consistent with applicable state and county laws and policies and subject to the approval of the board of supervisors. The Association shall consist of the chief officer, or his designee, of each of the fire companies or departments or rescue squads listed in subparagraph C of this section who shall represent their respective organizations within the Association.

State law reference—Virginia Code §§ 9.1-400 et seq.

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

VARIANCE REQUEST

Frank Nolen requested that the Board consider granting a variance of the Subdivision Ordinance under § 21-22(B)1 that requires subdivision plats to create lots must be accompanied by written confirmation that they have been approved for an onsite

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

VARIANCE REQUEST (cont'd)

sewage disposal system if not served by public sewer. Mr. Nolan stated the lot is being created for agricultural purposes and they have no plans to build a dwelling on the lot. Staff has recommended that the following conditions be adopted if the variance is granted:

1. A note be included on the subdivision plat stating the lot is being created without septic approval.
2. The lots can not be joined back together into one lot by boundary line adjustment as this would make the proposed barn an illegal structure.

Mr. Garber 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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MATTERS TO BE PRESENTED BY THE PUBLIC (cont'd)

NOISE ORDINANCE

Kenneth Kestner, in the Wayne District, asked that the Board amend the Noise Ordinance. He and many of his neighbors are experiencing a problem with a neighbor playing loud music. Chairman Howdyshell stated that this would be taken under advisement.

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

2009 REASSESSMENT

The following spoke in opposition of the 2009 Reassessment:

John L. Coffman, Jr.; Ronald Lee Karr; James Champion; Page Graves, Jerry Pendley; Mark Poe; Kenneth Cunningham; Arnold Hildebrand

The speakers asked that the Board consider the best interest of all the people in Augusta County. They pointed out that, because of the economy, they could not afford an increase. The methodology in determining the reassessments was questioned. They felt that the process with the Board of Assessors was confusing.

Mr. Champion suggested that the Board of Supervisors use its resources as representatives of the people to the government; to acknowledge that there is a problem and use its resources to find a solution.

Mr. Pendley distributed a handout to the Board reflecting his concerns that the reassessments were not based on a fair market value. He questioned the procedures used related to the procurement of services regarding the 2009 reassessment effort. He also referred to the May 9, 2007 minutes on Reassessment 2009.

Mr. Pyles reminded the public that there would be further discussion on reassessment later in the meeting.

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February 25, 2009, at 7:00 p.m.

AUGUSTA REGIONAL DENTAL CLINIC – PROCLAMATION

The Board considered proclamation of the month of February as Augusta Regional Dental Clinic Month.

Patrick J. Coffield, County Administrator, advised that the Augusta Regional Dental Clinic gave a presentation at the Staff Briefing on Monday and read the proclamation.

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

PROCLAMATION

WHEREAS, the mission of the Augusta Regional Dental Clinic, Inc., is to provide dental related services to those persons and their families, who are income qualified, uninsured or state health plan sponsored, but who do not have the means to pay the full cost for such services; and

WHEREAS, the Clinic serves residents of Augusta County, Staunton and Waynesboro; and

WHEREAS, in fulfilling its mission, the Clinic provides dental related treatment to patients to include Preventive Dentistry, Restorative Dentistry, and Limited Extractions; and

WHEREAS, using staff and volunteers, the Clinic provides treatment to 6,000 residents of Augusta County, Staunton and Waynesboro; and

WHEREAS, the Augusta Regional Dental Clinic provides dental health care and dental education and is able to deliver low or no cost services at a returning value far exceeding the amount of monetary support provided by the community; and

WHEREAS, the Augusta Regional Dental Clinic contributes significantly to the good health of Augusta County, Staunton and Waynesboro citizens; and

WHEREAS, healthy citizens create healthy families and are able to be more productive citizens of the community;

NOW, THEREFORE, the Board of Supervisors of Augusta County, Virginia does praise the work of the Augusta Regional Dental Clinic and hereby proclaims the month of February as

“AUGUSTA REGIONAL DENTAL CLINIC MONTH”

encouraging all citizens to support the Clinic and its programs.

Ms. Sorrells praised the Clinic for the services it provides. “There are many people out there who have health insurance but not dental. In rural areas, they don’t have access to public water, which provides for fluoride treatment. If you have dental problems that aren’t taken care of, you have many secondary health issues like heart disease, diabetes, and infections that keep people out of the workforce. It is a severe impact to our workforce. What they’re doing is helping our workforce, our economy, our public health, and our quality of life.”

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

Nays: None

Motion carried.

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February 25, 2009, at 7:00 p.m.

PARKS AND RECREATION MATCHING GRANT – CHURCHVILLE RURITAN CLUB

The Board considered (A) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$8,975 for installation of ball field lights and refurbishment of the restrooms at Churchville Elementary; and (B) approval of grant agreement.

Funding Sources:	Pastures Recreation Account	#80000-8024-21	\$5,385 (60%)
	North River Recreation Account	#80000-8023-28	\$3,590 (40%)

Mr. Coffield advised that a presentation was given at the Staff Briefing on Monday. At that meeting, there was an additional consideration regarding an appropriate split between Pastures and North River Recreation Accounts. In consultation with the Churchville Elementary School, the split was identified as 60-40.

Mr. Pyles moved, seconded by Mr. Garber, 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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PARKS AND RECREATION MATCHING GRANT – WILSON ATHLETIC BOOSTERS

The Board considered (A) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$36,464 for expanding the spectator bleachers on the home side of football stadium, with handicapped accessibility, press box upgrades to include new windows, interior carpet, paint and new roof access, and update the stadium PA; and (B) approval of a grant agreement.

Funding Sources:	Wayne Recreation Account	#80000-8027-36	\$23,702 (65%)
	Beverley Manor Recreation Account	#80000-8021-42	\$ 5,470 (15%)
	Middle River Recreation Account	#80000-8022-38	\$ 7,292 (20%)

Mr. Coffield advised that a presentation was given at the Staff Briefing on Monday. There was discussion regarding magisterial districts which have children attending the Wilson High School. A review of the school attendance reflects that the appropriate split is 65% for Wayne, 15% for Beverley Manor, and 20% for Middle River.

Mr. Coleman 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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PARKS AND RECREATION MATCHING GRANT – FORT DEFIANCE HIGH SCHOOL SPORTSMAN'S CLUB

The Board considered (A) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$15,480 for an irrigation system for the baseball and softball outfields; and (B) approval of a grant agreement.

Funding Sources:	Beverley Manor Recreation Account	#80000-8021-43	\$5,160 (33.3%)
	Middle River Recreation Account	#80000-8022-39	\$5,160 (33.3%)
	North River Recreation Account	#80000-8023-29	\$5,160 (33.3%)

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PARKS AND RECREATION MATCHING GRANT – FORT DEFIANCE HIGH SCHOOL SPORTSMAN’S CLUB (cont’d)

Mr. Coffield advised that a presentation was given at the Staff Briefing on Monday. He noted that there was an equal split between Beverley Manor, Middle River and North River.

Mr. Garber 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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PARKS AND RECREATION MATCHING GRANT – DRAFT DIAMOND CLUB

The Board considered (A) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$10,000 for an addition to install a warning track at the edge of the existing outfield, purchase of pipe and net expansion to protect the fire department roof and replacing roof on two dugouts; and (B) approval of grant agreement.

Funding Sources:	South River Recreation Account	#80000-8026-23	\$5,000 (50%)
	Riverheads Recreation Account	#80000-8025-30	\$3,000 (30%)
	Beverley Manor Recreation Account	#80000-8021-44	\$1,000 (10%)
	Wayne Recreation Account	#80000-8027-37	\$1,000 (10%)

Mr. Coffield advised that a presentation was given at the Staff Briefing on Monday and noted that there were four magisterial districts involved.

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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Chairman Howdysshell explained to the public that the four Parks and Recreation Matching grants discussed tonight involve magisterial recreation accounts. Requests are submitted to the Parks and Recreation Commission and then submitted to the Board of Supervisors for approval. Communities match the funding for these projects.

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MILL PLACE COMMERCE PARK

The Board considered proposal to complete dam hazard analysis and coordinate with Division of Dam Safety.

Funding Source: CIP Account #80000-8145 \$9,070

Dale L. Cobb, Director of Community Development, advised that a presentation was given at the Staff Briefing on Monday. He explained that this is the regional BMP behind the jail. Presently, it is operated under a conditional operation and maintenance permit

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MILL PLACE COMMERCE PARK (cont'd)

that is to expire March 31, 2009. The Department of Conservation and Recreation, Division of Dam Safety is asking the County to demonstrate that the regional BMP is not a high hazard structure. Timmons Group has proposed to run the computer modeling and survey. There is an additional \$500 conditional certification fee required in order to renew the permit, totaling \$9,070.

Mr. Coleman 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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SPECIAL USE PERMITS

The Board considered code modifications to allow Board of Supervisors to consider Special Use Permits requests. **This item was tabled at the January 28, 2009 meeting to the February 23rd Staff Briefing meeting.**

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board remove this item from the table.

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

Nays: None

Motion carried.

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John Wilkinson, Zoning Administrator, advised that a presentation was given at the Staff Briefing on Monday regarding the Board of Supervisors' interest in handling Special Use Permits, which are currently handled by the Board of Zoning Appeals (BZA). Information had previously been distributed to the Board of Supervisors outlining how localities, which handle Special Use Permits, conduct their hearings.

Mr. Pyles concluded that it would be best to leave things as they are. Mr. Coleman, Mr. Shifflett and Ms. Sorrells agreed. Chairman Howdyshell pointed out that the BZA is appointed by the Circuit Court Judge and suggested that terms of members be limited.

Ms. Sorrells moved, seconded by Mr. Pyles, that the Board approve that the process remain status quo.

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

Nays: None

Motion carried.

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CONSENT AGENDA

Mr. Nolen said that he would appreciate the Board of Supervisors' approval on both resolutions regarding rail improvements.

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

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CONSENT AGENDA (cont'd)

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, February 11, 2009

SHENANDOAH VALLEY RAILROAD COMPANY

Adopted the following resolution supporting state funding request by SVRR for rail improvements:

**RESOLUTION
RAIL PRESERVATION APPLICATION
SHENANDOAH VALLEY RAILROAD COMPANY**

WHEREAS, the Shenandoah Valley Railroad Company (SVRR) desires to file an application with the Virginia Department of Rail and Public Transportation to rehabilitate areas of poor trackage and drainage in addition to replacing bridge timbers on four older trestles and a failing retaining wall on the fifth bridge, installation of 1,100 railroad ties and 500 tons of ballast, in addition to 2 miles of surfacing, 2 miles of ditching and the replacement of 38 bridge timbers; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for rehabilitation funding for improvement of railways in the Commonwealth of Virginia; and

WHEREAS, the SVRR is an important element of the Augusta County transportation system; and

WHEREAS, the SVRR is instrumental in the economic development of the Augusta County area, and provides relief to the highway system by transporting freight, and provides an alternate means of transporting commodities; and

WHEREAS, the County of Augusta supports the project and the retention of the rail service along this rail corridor; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided; and

NOW, THEREFORE, BE IT RESOLVED that the County of Augusta does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Shenandoah Valley Railroad Company totaling \$122,395.00 for this funding cycle.

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BUCKINGHAM BRANCH RAILROAD COMPANY

Adopted the following resolution supporting state funding request by BBRC for rail improvements:

**RESOLUTION ENDORSING
RAIL PRESERVATION APPLICATION OF
BUCKINGHAM BRANCH RAILROAD COMPANY**

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the projects; and

WHEREAS, the Buckingham Branch Railroad has identified projects that are estimated to cost \$1,022,143; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

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CONSENT AGENDA (cont'd)

BUCKINGHAM BRANCH RAILROAD COMPANY (cont'd)

WHEREAS, the Buckingham Branch Railroad is an important element of the County of Augusta transportation system; and

WHEREAS, the Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transporting commodities; and

WHEREAS, the County of Augusta supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

NOW, THEREFORE, BE IT RESOLVED, that the County of Augusta Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes and sent to Buckingham Branch Railroad.

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SCHOLASTIC WAY – RESOLUTION

Adopted the following resolution accepting the Project Administration Agreement for Scholastic Way Transportation Enhancement Grant Program:

**Resolution Accepting the Project Administration Agreement
For Transportation Enhancement Grant Program Project
Scholastic Way**

WHEREAS, Augusta County was notified that the Commonwealth Transportation Board awarded Transportation Enhancement Grant funding for Scholastic Way in June 2008;

WHEREAS, in accordance with Commonwealth Transportation Board's Transportation Enhancement Grant procedures, it is necessary that a resolution be received from the local government authorizing the County Administrator to execute the Standard Project Administration Agreement with the Commonwealth Transportation Board for the Scholastic Way Sidewalk Project;

NOW BE IT FURTHER RESOLVED, by Augusta County Board of Supervisors this 25th day of February, 2009, that the Board of Supervisors does hereby authorize the County Administrator to execute the Standard Project Administration Agreement with the Commonwealth Transportation Board, Transportation Enhancement Program for Scholastic Way that awards \$85,000 to design and construct a sidewalk system on Rt. 649 near Stuarts Draft High School and to State Route 340 and within the Stuarts Draft Public School Complex.

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NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS

Approved three non-conventional systems in Shannon Lea Subdivision on Lot 10 (#84H((1))10), Lot 17 (#84H((1))17) and Lot 18 (#84H((1))18).

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

Motion carried.

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(END OF CONSENT AGENDA)
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February 25, 2009, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

REASSESSMENT

Mr. Pyles made the following comment:

I don't think that this is a particularly good week for democracy in Augusta County. Mr. Champion, I think, started it off by saying, "let's not put so many of the government resources trying to prove us correct. Let's use the resources to, maybe, make right what the people want to have done. When Mr. Morgan made his presentation . . . I never heard an attorney so certain that there was nothing to be done. But when you hear Mr. Pendley speak what he says, when you heard the gentleman from the Riverheads District tell about the research, the amount of work that they went into to consider the assessments of what might be problematic with the contract, or with the way it was done, I think that is something that could be looked into because I said, "It is also our obligation to have a fair market value," and the response was, "We have to presume that what they've done is correct." I don't know that we ought to presume that by any stretch. It's all against the people. We spend a half million dollars to do a mass appraisal that costs, maybe, \$15 a lot and, you know, when it should take \$200 or \$300 to do it right. Yet, those folks can't appeal in mass; it has to be individually. I think that we use resources from this Board to get the result we wanted instead of the problem resolved. That's from our Legislative Branch. Then we look at our Executive Branch. There was an article, today, in the paper about a petition that someone wanted to be put in the library and it was stopped by our Executive of the County, who said, "no, that can't be." And so, the Attorney supported that and said, Oh, you have to be content neutral. You know there are not many libraries that have content neutral. But when you look at the law and see that, you say, "Okay, you can stop it. It can be done." But is that really what we want to do? Same petition. It goes down to the Clerk of Court instead of allowing it to go through for a price of \$94 per petition, or \$94 a signature, so the price goes way up. Yeah, government can thwart the people. It's a little secret that is one of the worst parts of our history that has gone on a long time. It was the backbone of segregation for so many years for Jim Crow laws. Until 1966, we had a poll tax in Virginia so that you had to pay to be able to vote. In 1966, the Supreme Court knocked it down saying, "We can't have rights that are only available to the affluent." It has to be available to everyone. If you have a petition and you want to take it, it is going to cost you \$100,000 to present it, only the affluent can get those rights. We are built on a Constitution. We were told the other day that we are a Dillon state. Well, yeah, we're a Dillon state, but we are also a U.S. Constitution state. We have the right to petition. Now, there are things that we can do to protect ourselves, but it seems like we're picking and choosing when we use these restrictions. I remember the ACCESS group that was a radical group from Fishersville that was very concerned about education. They met at that very library. They signed things there. They wanted to get things done. It was okay. Maybe they were more gentle than the rabble rousers from my end of the county, but that shouldn't stop them from being allowed to exercise their rights. So we had our Judicial Branch putting up a problem with costs. We had our Executive Branch saying this is a hoop; you can't meet there. We have our Legislative Branch saying, "Oh, you're wrong." I think that, while we may disagree on policy on this Board, we ought to agree on principles. And the principles that we ought to agree on is that we should help our citizens to the greatest extent possible enjoy and exercise the rights that this government pretends to afford to them. Instead of restricting them from signing a petition, we should accommodate them. We should find a way to get it so that it doesn't interfere with the course of business at the library. We were going to accommodate a guy who was going to burn a flag during the election. We were going to make arrangements for him. And we did that not because we support flag burning, but we support his right. And we need to support those rights. I am not proud of Augusta County this week in the efforts it is using by its governmental means to hold up what is a simple request by the people that say, "take a look at this stuff. It doesn't make sense." As you look at those things, you'll see there are major questions with it. When I ran the numbers for the different districts, the three largest districts – North River, Riverheads, and Pastures—were the ones that were taxed over 40% on average—40-47%. When we talk about the costs of government going up, we talk about where the services are used. And that's in the more urbanized areas. Yet, they didn't have near the increases. It was

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

all about land and the indiscriminate applications of a value. It didn't matter if you could build a house there or not. It was considered a home site.

I was just in a meeting today on something different. The guy said his neighbor had a lot go up from \$6,000 to \$50,000. I've heard those stories 100 times. But something happened this week that should make this Board happy because this Board has consistently said . . . I thought they did, and I said it to the citizens . . . 'if we have a way to put off this reassessment legally, we will.' We have that now thanks to Senator Emmett Hanger. This Board voted unanimously for the authority to be on a six-year cycle for the appraisal instead of a four. At the time we did it, we didn't think we could get it done this year because it was past the filing deadline for the legislature. But this bill was whisked through the legislature because it made so much since. 22-0 vote coming out of the Finance Committee; 98-0 vote coming out of the Senate. The folks said, 'this makes since. Why would we want a mettle more than what a county wants to do?' So you say, 'we are going to let you be like Bath County.' The difference . . . one of the gentlemen brought up Bath County . . . the difference between them stopping it then, and us stopping it now, was we didn't have the authority to get delayed beyond four years. Now, there will be statements that say, 'well, no, we have to get it done right now.' I'm saying where there's a will, there's a way and now there's a way if we have the will. One of the things that we can do, I think, is going to be problematic is if this tax has to go out in June. If we move the due date for our taxes from June 5th to July 2nd and we take the necessary steps to get it done, I believe there is a way to get it done so that all the t's are crossed and the i's are dotted; the laws are taken care of and the right thing is done. I hope that this Board doesn't believe that all the things that are happening in this country aren't happening to us, that the credit crunch doesn't affect us, that the home sales going down don't affect us, that the lay-offs don't affect us. They do affect us and we are going to force people off their land if these taxes go in as they are done. You can't make a 10% adjustment on tax rate and correct 100% increase in value. It just won't happen. So I know this thing has to be thought out. It just got done. The Governor hasn't signed it, yet, but he is going to sign it. I contacted Emmett's office and there is just no doubt that that is going to be done, but at our next meeting, March 11th, I hope to propose at that time, when people will have time to think about it, and they will probably put our resources to it too. I hope they put our resources to it to find a way to make it happen instead of a way to stop it. But I will be asking at that point that we become a six-year reassessment county, that we delay our taxes as necessary to make it fit into the legal components and that we put this assessment off and that we go about taking two years to work through this thing and make sure it is right for everybody because there are too many people upset and too many people that know it's wrong.

Ms. Sorrells made the following comment:

Regardless of whether this tax reassessment goes through, and we adjust the tax rate or not, or whether we move forward with what Mr. Pyles is talking about, we need to think now about the next assessment. The fact is that the reason those rural areas went up so much is because land has not decreased in value. The sales show it. The new sales that are out there are showing it. The numbers are there to prove what is happening. Do I think those numbers are obscene and that land is worth that much? I think it is obscene. My empty piece of land that may or may not perk went up 85%. I think they are incredibly obscene; but why are they obscene? They are obscene because we have said through our ordinances that you can develop every piece of land in Augusta County. The stream might be an exception. The flood plain might be an exception. A sinkhole might be an exception. But we have said you can develop nearly every piece of land in Augusta County. It doesn't even need to perk because we allow engineered systems to go everywhere. We allow lots to be cut off quite freely. We allow boundary lines adjustments to be made quite freely with no penalties whatsoever. Our Comp Plan calls for 10% of our new houses to go into these most rural areas. What is happening in reality is over 50% are going in those areas. When they are going in those areas, they are jacking up the price for all the other land. So it's no longer farmland; it's housing lot land. Its highest potential is there as a housing lot. If you think you don't want to go through this, again, in four years or six years, or however long it is to the next one, then you need to work with the County, with the Supervisors, and we need to look at those ordinances. We need to think about how returning farmland to farmland and making sure that we make it easier to build in the right places—areas that are orange on our Comp Plan map and make it more difficult to grown in the wrong areas. That is going to be . . . it's not just slapping the hands of people in the rural areas. It's also making it easier to grow in the right areas. We need your help—creative ideas of how to do that.

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

REASSESSMENT (cont'd)

Because right now we're heading for another four years and we're going to be looking at this same thing again. Land isn't going down. We're not making any more of it. We do have people coming from outside this area who have more readily available cash than we do when they can pay more for it than we can, they raise the bar for everybody else. We need your help to work on this so that we're not revisiting this scenario in another couple of years.

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

Ms. Sorrells: VDOT report given at Staff Briefing on Monday. She noted that VDOT will be closing up its residency in this area and combining with Page County and Rockingham. If something is needed to be done to the road, an 800 telephone number will be available. The coverage will be Goshen to the northeast end of Page. With the largest geographic area in the state, as far as VDOT coverage, Augusta County is the one that is getting closed. She questioned where the truckers are going to pull over and rest when the rest areas are closed. She expressed the concern of the unpaved roads not being treated—no mowing, no dust control (except for used water); potholes, snow – two days for removal. "This is serious. This is critical!. We're going to be watching our infrastructure crumble around us if we don't do anything. You need to talk to your delegates, your senator, and write the Governor about this."

Chairman Howdysshell made the following comment:

I only have one thing to add. I am noticing what is going on. Not only with reassessment, the impact with our citizens, but also what is happening to our revenues. We are seeing significant drops in our revenues--\$3.7 million for Augusta County alone that has to be dealt with and it is a serious problem. We met with the Emergency Services Captains last night. Their budget cuts—not normal cuts that you hear from year-to-year where they propose something above last year and we cut it down a little bit but still above last year's. These are serious cuts below last year's figures. There is going to be a lot of blood on the floor by the time we get our budgets done this spring. It is not pretty. It's not going to be pretty. It's not going to be easily fixed. We're trying to prepare ourselves for that also. Mr. Coffield has worked with other departments. They have been very accommodating knowing what position we are in and they are cutting their budgets below what last year's figures were. When you hear cuts this year, it is a true cut.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. VDOT – presentation at Staff Briefing on Monday. Standards were made available to the Board. He added that with snow removal "most will be closed periodically". With unpaved roads (secondary), it will be 48 hours before seeing snow removal.
2. Board of Equalization manual distributed to Board.
3. Airport information (comparisons of airports) distributed to Board.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Coleman moved, seconded by Mr. Pyles, 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.

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Chairman

County Administrator