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Regular Meeting, Wednesday, March 11, 2009, 7:00 p.m. Government Center, Verona, VA.

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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, March 11, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233<sup>rd</sup> year of the Commonwealth....

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

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Jessica VanHorn, a senior at Fort Defiance High School, led the Pledge of Allegiance. Jessica runs cross country and is a member of the local Civil Air Patrol Squadron. This fall, she will be attending the United States Coast Guard Academy. Boy Scouts of America, Troop 13 of Middlebrook Bethel Church assisted Jessica with the Pledge.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC

Chairman Howdyshell presented the public hearing rules and noted that 1 minute was allowed for each speaker and 5 minutes for a speaker representing a group.

REASSESSMENT

The following spoke in opposition of the 2009 Reassessment:

Elmer Simmons; Michael, Ashley, and Aaron Shull; John Jenkins; John Coffman; Marian Roberts; Helen Campbell; Dean Jones; Donald O. Sandridge; Edward Long; Francis Chester; Ronald Hearn; Arnold Hildebrand; Merrel Roadcap; David Gordon; Roger Strader; Richard Armstrong; Sandra Showalter; James Noel; William Bashaw; Ronald L. Karr; D. E. Hite; Tony M. Fitzgerald; M. C. "Jim" Ashby; Marvin W. Glover; Roosevelt Rowe; Kenneth Cunningham; Alvin A. Armentrout; John Stelling; Henry Duff; Bill Oliver; Thomas Tisdale; Ronald Engleman; James A. Arehart; Darris W. Cash; James Toth; Michael R. Proffitt; Glen Worrell; Tom Nelson; Joel Salatin; Lisa Starnes; Dimitra Belanger; Warren McKenzie; Keith Willis; Jerome Walus; Kevin Wilkes; Donna Miller; Judy Morris; and Chris Harris

These speakers asked that the 2005 Reassessment be used instead of 2009. They did not agree with the methodology used by Blue Ridge Mass Appraisal and asked why mistakes were not detected earlier. Mr. Shull, with his two children, stated that keeping the current reassessment values would make it impossible for farmers, like himself, to pass their property along to future generations. "They are the future of Augusta County. It seems like there has been gross negligence in everything with how these

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REASSESSMENT (cont'd)

assessments were handled, and I have to ask you (the supervisors) do you all have a heart for the people out here?" Francis Chester, attorney, presented a petition to the Board with 10,047 signatures. Mr. Chester gave some examples of assessments that he felt Blue Ridge Mass Appraisal did incorrectly. He read a passage out of the Constitution and suggested that "the Board must take notice of the citizen uproar and take action to fix the situation." Mr. Chester added that if the Board rejected the proposal, he would seek legal action to overrule the Board's decision. Mr. Proffitt expressed concern for the elderly. He felt that they would be giving up medical attention, food and proper care because of their tax increases. Mr. Nelson asked why conservation easements were treated the same as other property.

Mr. Gordon stated that his assessment increased 60% and noted that he would not sell his property because it was below the market value. He stated that his property was insured for more than the assessed value. He pointed out that a real estate assessment is a tool used to fairly proportion the tax burden.

A written statement was provided to the Board by Margaret Piper opposing the assessment.

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**A ten-minute recess was taken at 9:00 p.m.**

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TAX YEAR

The Board considered authorization for County Attorney to draft an ordinance revision to change tax year start date from January to June and for assessment schedule be changed from four to six years.

Patrick J. Morgan, County Attorney, advised that he had recently received a request from Supervisor Pyles to look into the possibility of the Board of Supervisors moving the effective date for tax assessment from January 1<sup>st</sup> to July 1<sup>st</sup> of the calendar year. That is something that Augusta County has authority to do. However, he was not sure if the Code change to allow the County to change its time between assessments from six years would change in time to push the 2009 reassessment back. The Attorney General's Senior Assistant has provided an opinion that the statute change was not intended to affect this particular assessment. Mr. Morgan understood that if some one requests an ordinance to be drafted, he needs to receive authority from the entire Board.

Mr. Pyles made the following comment:

The letter today clearly said it was not the opinion of the Attorney General; it was the opinion of that Senior Counsel only. She specifically said that it did refer to that which was covered by the Attorney General's opinion. It was just an opinion. The reason that I brought this up was after the last meeting and I thought we had good news with Senator Hanger's bill and the Board rushed the next day to find a way not to do it. By noon the next day, we had an answer from the Tax Department saying that it didn't affect it because it was Tax Year January 1, 2009. I went and looked at the Code and found that we could change the Tax Year to July 1 of this year hoping that would do it. I understand that what I have been trying to do is not comfortable and that it is outside you may think we ought to do. From the very beginning, starting last October, I tried to lay everything out because it seemed to me what should have been obvious to everybody that the amount of assessment going up was not accurate. We could see it then by the raw numbers, but we weren't allowed to look inside the detail. We weren't allowed. Ms. Shrewsbury would not allow anyone to look at those numbers so you couldn't tell what was going on. When people say, 'why didn't you look at; why didn't you see that?' We

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### TAX YEAR (cont'd)

couldn't do it; we weren't allowed to look at the numbers. But it seemed obvious then, that with all that was going on in the world with the marketplace, that this was not possible that we could go up so much. That's why it started then and I brought before the Board that time the provision in the State Code that says what happens if we don't do this. I say that by them telling us that 'this is a penalty for not doing it', it is by acquiescence is saying we expect to happen. They wouldn't have it in there if they didn't expect it to happen. So then I come up with the next thing – and let's get the Attorney General's opinion on that. We have asked for so few Attorney General opinions on this Board on my fourteen years that there is probably less than five. I don't know why we asked. We do lots of things without asking first. We do things that are not legal. Things that we were told were not legal. The 100% reserve on our septic fields, we were told that was not legal because you can't go beyond or below what the Health Department says you can do, but we thought it was in the best interest of this County to put that in and we said, 'let's do it and let's see what the challenges are that come up later. We'll do the right thing.' The Attorney General's opinion only had an answer to a specific question. There was no advocacy for us to say, 'what about this, what about that?' Part of the role of a reassessment is for us to guarantee fair market value. I don't think that we could say that there is fair market value here. When we looked at this, what we have seen is that in Mr. Coleman's district it looks pretty fair – 21% increase. But in the rural districts, North River at 47%; and Riverheads at 43%; and Pastures at 40%, we see what was being done. It was land that was being hit hard and harder. You heard from people here say that they were taking anything that seemed to be an acre and saying it was a building lot whether or not it would perk. I had one fellow come in and he said that his property would not perk. They said to him that he would have to prove it. He said, 'if I want to build on it, do I have to come and prove to you it does?' They said, 'yes'. So we set up different standards on our things. There is a problem. That is the only issue here tonight. Is the assessment appropriate? We will, I'm sure, adjust the tax rate; but what's going to happen is Mr. Coleman's district will pay less taxes, and the people in your district, Mr. Howdyshell, your district, Ms. Sorrells, and in my district will pay more. How can that be? The very districts we think don't cause us costs because they are rural. If you look at the infrastructure that we have been putting into Wayne District, we had to forego \$4 million of future taxes to put a road in over there. We're having to build schools there and they are the taxes that are going down if we adjust the rate. So we have this assault on the rural area on our land. Can you not listen to these folks? I've heard these stories over and over and over again. I had one couple call my wife, today, to tell her to tell me that they were proud of me; that they had lost most of their savings in the stock market and that their house was way up in assessment now and they talked to their son about selling it, but he said, 'you can't sell it, now, you're going to lose too much money.' And she says to Deb, 'well, you know, we hope we will be able to pay our taxes.' Their increase went up more than 27%, so they are going to have a tax increase. We have responsibility, as Supervisors; we have authority to see the general operation and management of this County. We have authority over the finances of this County. We have the duty to protect our people as much as we can. I think that the only battle you can't win is the one that you don't take. We have to fight this. The people want us to fight it. They are looking to us to do something. No court decision is decided by an Attorney General's opinion. It is decided by the courts and we know our penalty is that if we don't reassess, it is minimal. It's nothing. We need to marshal the resources of this County to stop this instead of using the resources of this County to ensure it goes forward. It does me no good to talk about the tax year or the other stuff. We need to get our assessment right.

Mr. Pyles moved, seconded by Mr. Shifflett, based on the Code of Virginia, § 58.1-3259 "anticipating non-compliance with County to reassess and because of our authority and responsibility to act in the best interest of the management and the finances of the County" that the reassessment not go forward and the County Attorney prepare notification of the Court of Record and the Commission of Revenue to that effect.

Chairman Howdyshell understood from the motion that Mr. Pyles is not considering the tax year. Mr. Pyles stated that if the motion was approved, he would move forward with having the tax year changed. "If there is no support to not go forward, we are just spinning our wheels to do the other things."

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TAX YEAR (cont'd)

Mr. Shifflett made the following comment:

When I first learned of the 28% average increase in property assessments, I personally couldn't believe it. The sales data and property information from Blue Ridge Mass Appraisal and our Board of Assessors may support an increase, but, as I have said, reality indicative of the times does not. Those citizens who have called me over the past months can tell you what my response was when they asked what I thought of the reassessment increase, 'it's ridiculous'. In good times an increase could be absorbed into an individual's budget with a hard swallow. I said it before that a higher increase could result in breaking the bank during these times to a lot of folks. I have not been blind to what we all know and that this year is anything but an economic boom year. Do I think that every single assessment that was done was computed fairly? No. Do I think that a number of them were? Yes. I would have preferred that the Board of Assessors would have waited until after the meeting tonight to sign off on the 2008 assessment. I want to be clear that I did not agree with their actions on Friday. Discrepancies that have come to light that I thought were questionable was that the lot value in older and less prominent subdivisions, with smaller houses and less amenities being valued virtually the same as lots in newer more prominent subdivisions with larger houses and a wide array of amenities. A large majority of lots in subdivisions valued the same no matter the size of those lots. Along with the circumstances surrounding how the assessment was performed and the concerns of the folks who spoke tonight. Yes, there is a lot of property in land use, and there is a lot of property that is not in land use. Do I agree that the burden of proof in disputing an assessment should be on the property owner? No. There were two bills in the General Assembly to amend state code so that the burden of proof would be on those who performed the assessment and both of those bills died. Getting something like that passed is something that I will be committed to in the coming years. We have had a whole host of legal opinions that have shed light on what possibly could or could not happen regarding which course we choose to take. Here's a pile of legal opinions that we have gotten. Some from here in the county from our attorney, along with other attorneys in other counties. I did take an oath to uphold the laws of the Commonwealth of Virginia as an elected official, but I also represent the people. So the dilemma has arose do I follow the law of the Commonwealth as I have done all my life and vote to keep the status quo in regards to this reassessment? Or do I go with that gut feeling and vote with what seems to be the consensus of the people who have signed petitions, spoke at this and past meetings, and wrote letters that they do not agree with this reassessment and they just want it to be fair and reflect the current market. I can understand that. In my district, unless the tax rate is lowered considerably, a large number of my constituents will pay some sort of increase with this assessment. That is something I would not like to see. There is no doubt in my mind that this Board will lower the tax rate and I believe that every supervisor is on record saying that. You cannot get tax revenue from folks who simply do not have the means to pay it. With the discrepancies mentioned and the outrage heard, it allows me to make the following decision that something must be done on behalf of the people regarding this reassessment. The motion put forth may not be the magic bullet, and I am not sure if there is a best solution as I find Virginia Law to be lax in oversight of an assessment, but, yet, very totalitarian when it comes to giving local government options in dealing with an assessments outcome. Nonetheless, this just might be a workable solution. I will vote on behalf of the people who spoke and those who have signed the petitions regarding the reassessment issue.

Ms. Sorrells made the following comments:

The land books have been signed and the state-mandated mass appraisal is over. What's next? Before I go further, it is worth asking the question of why Augusta County goes through this torture every four years. The short answer is: for the people and the community of Augusta County. Communities by their nature should raise the quality of life for each individual – the sum is greater than all the parts. Everybody contributes to the quality of life through their volunteerism, through the care they give to their property, and, yes, through taxes. If you live in a community you expect that a 911 call brings a fire truck or a sheriff's deputy. You expect that your drinking water and air will be as clean as possible and that your schools will produce the next generation of community builders.

All of those quality of life issues cost money. The state and the federal government certainly provide much of that money based on a strictly defined fiscal relationship with localities. To make up the funding difference the state keeps localities on a very tight rope and only gives a few ways to raise local revenue. Of those limited options, real estate is, of course, the most important. Even here local governments are given a very specific

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### TAX YEAR (cont'd)

framework the one that you all have been frustrated with tonight. It frustrates us as well. We are told how to do it, the who, what, when, where are all spelled out in the state code. It says the property has be assessed at fair market value and that value is set up by analyzing the sales that took place in 2008. The sales have to be those that were between a willing buyer and a willing seller. Let me repeat that because that is misinformation that is being spread about: the sales that were used were determined by the 2008 sales only. In 2008 there were 1,100 sales that were used to determine real estate values. More important is the fact that 334 of those sales occurred between August and December – after the market was going into its crash. This is extremely important. The county petitioned the court to extend the process by 90 days so that we could factor in those sales after the economic downturn.

Two additional points are important here – the first being that the state code stipulates that this process be overseen by the board of assessors. By state code the supervisors cannot interfere. Supervisors can't manipulate real estate values, they can't stop the reassessment, and they can't "roll it back." To do so would not only be illegal, it would be usurping power that they have not been given. It would be the same thing as if the supervisors decided that, despite the fact the state code gives the sheriff the power to arrest people, that next week the supervisors start arresting people. The state code gives the treasurer the . . .

Look at this county organization chart. I know that it is too small for you to see what it says but you can certainly see that it fills the page with little boxes. All those boxes represent individuals and boards and commissions and their roles and responsibilities are defined by the Code of Virginia. There are hundreds of people on this chart, hundreds of people who make up what is Augusta County. There are people sitting out in this audience who serve on those boards and commissions. Only 19 are elected. Nineteen of them you can choose to throw out of office in your next election. Augusta County is filled with great people, and they want to help keep that standard of life high. The Board of Assessors is one such group of people. These 7 individuals for a year and one-half have done a yeoman's service. Many of them have put in this service over several reassessments. They deserve our highest praise perhaps even a purple heart after this tour of duty. There is an element that has falsely maligned them. A newspaper column suggested they be fired. A supervisor suggested we disband them and replace them with US! Talk about a power grab and one that ignores the fact that the assessment numbers that they worked on all this time have held up through the first 2 ½ months of 2009. These men on the board of assessors have given countless hours to the county and we need to thank them and not malign them. They have completed their task and it is time for us to prepare for the next step. The state code says that, we as supervisors, create a balanced budget and set a tax rate in order to keep a proper balance of revenue versus spending. This is very important because on one hand while we should be grateful that Augusta County for the time being seems to be weathering the national economic storm better than many communities with our largest asset (our land) holding and increasing its worth, we can't expect the taxpayers to carry appreciably heavier individual burdens. We know that. We have been working for months now to come up with a tight, lean budget. People have asked us to cut. We've been cutting. Believe me, we've been cutting. Symbolically, we cut our own salary. That wasn't much, I agree. However, we have all made promises that we are also going to cut the tax rate. We know that the burden in these tough economic times cannot be upheld by the people of Augusta County. But the process is still far from over. There are ways that you can get tax relief through the system for your flawed assessment if, indeed, it is flawed. By the nature of a mass appraisal, there are flows. We have 38,000 parcels; we paid less than \$15 each to get that done. If you wanted a bank appraisal, we could do \$250 a parcel times 38,000, but you can do that math. You can see what it would cost. The State knows that a mass appraisal has errors built within it, so they set up a three-tiered process. We've gone through the first of that process—meeting with the assessors. But you can still meet with the Board of Equalization. They will be appointed very soon. They will sit for a year. If you don't like that, you can take it to the Circuit Court as an individual. The state knows that there is a process it has to go through. There are other ways that you can seek tax relief as well. The county has expanded its tax relief for people over 65 as well as for those who are permanently disabled. If you have a household income of less than \$32,000 and a net worth (cars, any property over 5 acres, bank accounts) of less than \$75,000 then you should call the Commissioner of Revenue. They will help you with the process of getting tax relief. If you have land in land use, go down to the Commissioner of Revenue and talk to them. They will help you

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through that process. This is a long and complicated process, but please talk with the supervisors if you have any questions about how to approach the meeting with the board of equalization...what questions to ask...what data to request. I worry that there are many who have been lured by false promises and misinformation not to take part in the process and make sure that you are fairly taxed. Four years ago 3,004 people went through step one – meeting with the board of assessors. This year only 2,313. Seven hundred LESS people during a time of far greater economic turmoil. If you were distracted by the pied piper, I apologize. I apologize for the harm that you have suffered, but it is not too late to bring your concerns to the county.

It is not that we don't hear you. It's not that we aren't listening. We care. But we must be allowed to move forward and do the work necessary to make things right for Augusta County.

Mr. Beyeler made the following comments:

I do not want anyone in Augusta County to pay more for their land than what its fair market value is. That doesn't say that I don't think that we haven't gotten a very good assessment. If you really want to mess up the assessment of Augusta County, put it in the hands of elected officials. We appointed the assessment board and it is their job to come up with that fair assessment. That's the way it needs to work. If you really think we have problems now, you change that, and it will be a lot worse. Again, I do not want anyone to pay more than their share. Let me give you a couple of figures – and I know figures are bad. The smallest amount that I could find on a house and one acre in Augusta County was \$28,000. The highest I found on a third acre or less, land only, is \$210,000. Now, you tell me – yours is high, but that one individual is paying \$210,000 on a third acre or less in Augusta County and that happened to be in South River District. South River District brings in \$925+ thousand a year in taxes. Pastures District brings in a little over half of that. Now, Pastures District has as many people as South River, but, you know, four years ago, and I was on this board four years ago when it happened, we did not reduce the tax rate. We all know, up here—you may think we don't live in this world. I don't know. But we live in the same world you do. We live in the same world you do. I've been paying a couple thousand dollars for years in taxes. Now, let me say this, and I'm willing to pay that, our local cost per student in Augusta County, is \$4,500. So if you have had kids in school and you paid less than \$4,500, some of us older folks that are retired and we are empty nesters, we are helping pay the bill. That's fine. In South River District, as Mr. Pyles says, we have gone up less than others. I dare to say if we reduce the tax rate to what I think we can, I know in South River District the majority people are going to be paying less than they are now. Now, that doesn't say that some of the other districts and some of you aren't going to be paying more because you will be paying more. I made the comment one other time, when I worked on it in 1972 on the assessment, we went into areas in Augusta County that the land value was assessed at \$10 an acre and was selling for \$100. Other areas where land was selling \$100, it was assessed at \$75 or \$80 an acre. Now, is it fair that theirs is assessed at \$10 when it is selling for \$100 and the others at \$75 or \$80 and assessed at \$100? There's nothing fair about that. Some people have found that there are other areas in Augusta County beside Wayne District and South River because a lot of people have gone out in these other areas and bought land and that's one reason your assessment has gone up. I will vote against that motion. I have taken the oath of office to uphold the laws of this State of Virginia and I'm going to look everyone of you as close as I can in the eye and I'm going to ask you do you believe in obeying the laws of this state whether you agree with them or not? Do you believe in doing it? That is what is wrong with this country. We only agree to obey the law if it suits our fancy. We cannot do that in the future.

Vote was as follows: Yeas: Shifflett and Pyles

Nays: Howdysshell, Sorrells, Garber, Beyeler and Coleman

Motion failed.

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REVENUE RECOVERY

The Board considered draft ordinance and authorized staff to advertise.

John C. McGehee, Assistant County Administrator, advised that a drafted ordinance by the County Attorney is before the Board to start the Revenue Recovery process for EMS calls. The program would cover areas in Augusta County excluding the first due areas of Waynesboro First Aid Crew and Staunton-Augusta Rescue Squad. The Board needs to decide if it desires to advertise an ordinance for a public hearing.

Mr. Beyeler moved, seconded by Mr. Garber, that the Board authorize staff to advertise ordinance.

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

Nays: None

Motion carried.

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VDOT RESIDENCY/MAINTENANCE STANDARDS

The Board considered Augusta County response to State proposal to close Verona Residency.

Patrick J. Coffield, County Administrator, advised that the Board discussed the pending reductions of service two weeks ago. From that date, the Board asked that other comments be generated. Before the Board tonight is an amended version of those comments. Tomorrow night at 6:00 p.m. VDOT will be conducting its public hearing at the Government Center. The committee has met and endorsed the key points to be made tomorrow night. Mr. Coffield asked if the Board any additional comments.

Mr. Beyeler moved, seconded by Mr. Shifflett, that the Board accept the recommendations of the committee.

Chairman Howdyshell felt that it was very important for people to attend tomorrow night's meeting because there will be drastic changes made and it is going to affect the rural parts of the County. Ms. Sorrells asked what Board members were planning on attending. It was determined that Supervisors Garber, Howdyshell, and Sorrells were planning on attending.

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

Nays: None

Motion carried.

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INDUSTRIAL ACCESS RAILROAD FUNDS

The Board considered resolution endorsing and supporting MeadWestvaco and the Hershey Chocolate of Virginia, Inc. applications for State Industrial Access Railroad Funds for \$450,000 each.

Dale L. Cobb, Director of Community Development, advised that this request is asking the Board to adopt a resolution relating to two companies that are operating in Augusta County that are presently expanding and expanding their rail operations:

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**INDUSTRIAL ACCESS RAILROAD FUNDS**

MeadWestvaco and Hershey Chocolate. This resolution needs to be submitted to the Commonwealth Transportation Board so that they can act on it within the next thirty days.

Ms. Sorrells stated that this has a potential of taking hundreds or thousands of trucks off the road. "That is a good thing, especially, if VDOT takes the money of the road, too."

Chairman Howdysshell confirmed that this was for MeadWestvaco and Hershey and no cost to the County. Mr. Cobb noted that Hershey Chocolate agreement was approved April 9, 2008 granting a match of \$150,000. MeadWestvaco is not asking for a match.

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

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

WHEREAS, MeadWestvaco and Hershey Chocolate have both expressed their intent and desire to the Augusta County Board of Supervisors to expand their commercial, business or industrial operations in Augusta County; and

WHEREAS, MeadWestvaco and Hershey Chocolate will require expanded rail access; and

WHEREAS, the officials of MeadWestvaco and Hershey Chocolate have reported to the county their intent to apply for industrial access railroad track funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$450,000 each; and

WHEREAS, MeadWestvaco and Hershey Chocolate have requested that the Augusta County Board of Supervisors provide resolutions supporting their applications for said funds which are administered by the Virginia Department of Rail and Public Transportation.

WHEREAS, the Commonwealth Transportation Board (CTB), on November 16, 1995, adopted the policies and procedures for providing funding through the Industrial Access Railroad Tracks Program which is intended to be used as an incentive to encourage industrial or commercial development in the Commonwealth of Virginia; and

WHEREAS, the CTB adopted policy for the Industrial Access Railroad Tracks Program, Program Administration Section II-E Allocation of Funds states that no more than \$450,000 of the funds shall be allocated to any one county, town, or city in any fiscal year; and

WHEREAS, the Augusta County Board of Supervisors and County Staff have worked diligently to maintain and grow employment and industrial/commercial development in the County during trying economic times for the County, the Commonwealth, and the nation; and

WHEREAS, the MeadWestvaco and the Hershey Chocolate projects, if funded by the CTB, will contribute to the economic stability of the County; and

WHEREAS, both of these projects are being developed and built simultaneously necessitating funding for these projects during this construction season.

NOW THEREFORE BE IT RESOLVED that the Augusta County Board of Supervisors hereby endorses and supports the applications of MeadWestvaco for \$450,000 and Hershey Chocolate for \$450,000 in Industrial Access Railroad Track Funds; and

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors hereby requests consideration of the Commonwealth Transportation Board to waive, in these difficult economic times, its limitations identified in Section II-E Allocation of Funds and support the County in stimulating the economy of the region.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of Augusta County, Virginia hereby makes known its desire and intent to assist the



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INDUSTRIAL ACCESS RAILROAD FUNDS (cont'd)

Commonwealth Transportation Board in providing the maximum financial assistance to MeadWestvaco and Hershey Chocolate for the purpose of expanding its business, commercial or industrial facilities in Augusta County.

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

Nays: None

Motion carried.

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VIRGINIA DISTRICT UNITED PENTECOSTAL CHURCH INTERNATIONAL – TAX EXEMPT

The Board considered authorization of staff to draft an ordinance to exempt certain real and personal property owned by Virginia District United Pentecostal Church International from real and personal property taxation.

Mr. Garber moved, seconded by Mr. Coleman, that the Board table this item for thirty days to allow for a cost of services analysis.

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

Nays: None

Motion carried.

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, February 23, 2009
- Regular Meeting, Wednesday, February 25, 2009

CLAIMS

Approved claims paid since February 11, 2009.

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

Nays: None

Motion carried.

**(END OF CONSENT AGENDA)**

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### MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Beyeler: Mr. Pyles' school funding on the assessment analysis is wrong. He suggested that staff be prepared to brief the Board at their next work session.

Ms. Sorrells: Attended Valley Program for the Aging and Waynesboro Senior Center Advisory Board meeting. As a result, information about Tax Relief for the Elderly and Disabled was distributed and will be used in tax counseling for seniors. They are also starting to work with the Augusta Co. Librarian to set up a Senior Resource Shelf in each of the county libraries.

Chairman Howdysshell made the following comment:

A lot of things have been said tonight and emotions ran very strong. I think a lot of information has gotten mixed up. Some people think we are not attuned to what is going on. Several months ago, this Board entered into with the Administrator to challenge him to come with a balanced budget with current year revenues. Another thing we had done, we have frozen all County employees' salaries; plus, we have taken a reduction in our own salaries. These were steps that we knew were coming and was going to have to be done. Department heads have been working very closely with Mr. Coffield for reduction in their budgets, not with what they were asking, but with what they had last year's budget. Reduction in those budgets. We know it is not going to be pretty. We know there's going to be some downsizing of local government. We expect that. It's not going to be business as usual because some of these things that we have been doing in the past are going to be cut and we're going to have to accept that when it comes time to set the tax rate, to not impact the citizens. We started that process. It has been a painful process, but we have seen things that have been coming and we have tried to address it. Everybody says that you have to control local government and we do. We try to control it. If we don't, it just keeps getting bigger and bigger and bigger. Whether you stop the reassessment or not, if you don't stop the growth of government, the problem is not going to go away. We are making those steps. There are people that are not going to be happy with the results. But we are all going to be in this together to get through it. Some comments were made that my assessments went down instead of up. I challenge you to go on the VamaNet and look at what my assessments have done. There is still another process, as Ms. Sorrells stated, that you go to the Appeals Board. I appreciate all of these petitions. That gives us something that we can use to, maybe, try to talk to our local legislators and look at the State Code. Let them look at it. Is there a problem? Should it be changed? I want to thank the Board of Assessors for their job and that they have done an outstanding job. We've done what we were supposed to do according to the way we interpret the law. To stay away from it and let a fair assessment be put forward. Where the rubber hits the road is where we set the tax rate. I feel that we have done our due diligence to challenge the County Administrator to give us a balanced budget with current year revenues and those revenues are coming up very short. I think between the School Board and us it is \$3.6 million (\$1.7 on the School Board; \$1.9 million for Augusta County). There are some serious cuts that have to take place. We feel your pain and there are a lot of other people who are going to feel the pain, too, before this whole process is over with to make government workable and more efficient. Challenges are good. It makes us more efficient. I appreciate everyone who has stayed here tonight and everyone who came.

\* \* \*

### INDUSTRIAL DEVELOPMENT AUTHORITY - APPOINTMENT

Mr. Garber moved, seconded by Mr. Shifflett, that the Board accept the resignation of Jane Harris and appoint C. Edward Craun to serve a four-year term on the Industrial Development Authority, effective March 26, 2009, to expire March 25, 2013.

March 11, 2009, at 7:00 p.m.

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. Garber also mentioned that the Airport is "ready to start pushing dirt at the Airport. The first DC9 landed over there today to be based there. I think we're off to a good start! I think it's a new chapter down there!"

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. Emergency Services: Training on "Passenger Train Incident Orientation and Rescue" – March 4-7
- 2. Virginia Valley Ad Campaign forthcoming
- 3. AMC
  - a. Cardiac Care Unit (previously administered by UVA premises) will be expanded to a full program.
  - b. CEO expressed an interest to meet with Board of Supervisors, Staunton and Waynesboro City Councils – joint dinner some time in May to give an update
  - c. Signage and graphics program
- 4. March 25<sup>th</sup> Staff Briefing cancellation – resolution.

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

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

**WHEREAS**, by resolution adopted at its organizational meeting on January 7, 2009, the Board of Supervisors of Augusta County, Virginia established a schedule for its meetings during 2009.

**WHEREAS**, pursuant to the established schedule, the Board of Supervisors is scheduled to conduct a staff briefing meeting on Wednesday, March 25, 2009, at 1:30 p.m.

**WHEREAS**, the Board of Supervisors desires to cancel its scheduled staff briefing meeting.

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA** that its staff briefing meeting scheduled on Wednesday, March 25, 2009, at 1:30 p.m. be, and hereby is, cancelled.

\* \* \* \* \*

CLOSED SESSION

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

- (1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)** [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

March 11, 2009, at 7:00 p.m.

CLOSED SESSION (cont'd)

A) Boards and Commissions

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

Motion carried.

\* \* \* \* \*

CLOSED SESSION (cont'd)

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

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

Motion carried.

\* \* \* \* \*

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

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

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Shifflett, Coleman, Garber, Sorrells, Howdyshell, Pyles and Beyeler  
NAY: None

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

\* \* \* \* \*

ADJOURNMENT

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