
Regular Meeting, Wednesday, May 13, 2009, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Larry C. Howdysshell, 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, May 13, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233rd year of the Commonwealth....

* * * * *

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

* * * * *

Cole Herndon, a sixth grader at Beverley Manor Middle School, led the Pledge of Allegiance. Cole is a member of the SCA. Currently he is taking SOL tests and has completed two out of three. He is interested in Science and Engineering.

* * * * *

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

* * * * *

MENTAL HEALTH MONTH PROCLAMATION

Patrick J. Coffield, County Administrator, read a proclamation designating the month of May, 2009, as Mental Health Month.

Mr. Coleman moved, seconded by Ms. Sorrells that the Board adopt the proclamation designating the month of May, 2009 as Mental Health Month.

Chairman Howdysshell presented the proclamation to Mickey C. DeCarr, L.P.C., President of Mental Health America of Augusta.

Mr. DeCarr appreciated the ongoing commitment of the Board of Supervisors to support local efforts to encourage people to seek mental health treatment and to be supportive of those who are seeking mental health treatment and overcome the stigma. He invited the Board to attend the art exhibit at the R.R. Smith Museum for Mental Health Month on the second floor, which had been done by individuals with serious mental illnesses.

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

Nays: None

Motion carried.

* * * * *

May 13, 2009, at 7:00 p.m.

VDOT SIX-YEAR PLAN

This being the day and time advertised to consider and receive input in regards to the proposed Secondary Road Construction Improvement Program for the State Secondary System of Highways in accordance with Section 33.1-70.01, Code of Virginia, 1950, as amended; the program covers the six-year period from July 1, 2009 through June 30, 2015. The Board will also receive input on the Secondary Road Construction Improvement Budget for Fiscal Year 2009-10. The Budget covers the period from July 1, 2009 through June 30, 2010.

The Chairman declared the public hearing open.

Timmy Fitzgerald, Acting Residency Administrator, reviewed with the public the purpose for conducting the public hearing:

"I am Timmy Fitzgerald. I am the Acting Residency Administrator in Verona. It is a pleasure to be here tonight with the Board and the public to present our Six-Year Plan and budget for Fiscal Year 2010 through 2015. I will take a minute to recognize a couple of folks that are here tonight with us that helped the Six-Year Plan happen. I would like to thank Delegate Chris Saxman who is with us tonight. I appreciate you coming to be with us. Also, my assistant in the Verona office, Doug Simmers, is here and he helps a great deal with the Six-Year Plan and budget as well. As I spoke to the Board many times before on the budget, the current budget and the Six-year Plan does not have any state dollars in it. There are only federal funds in the plan. That presents some challenges for us as we go forward over the next six years. With federal dollars, we can only allocate those funds to federal routes. We do have a number of federal routes in the current plan with projects that are under-funded and will need to continue to receive funding in the Six-Year Plan, but there is no new state dollars in the plan at this time—only federal dollars. There are approximately \$245,349 a year of funds that we call telecommunications fees. Those dollars can be used on any project, whether it be state or federal. These comes out of telecommunications fees that utility companies pay us to run on our right-of-way. Some of the high-lights of our plan include:

1. Route 636 road and bridge project, which is a connector project from Route 250 over past Augusta Medical Center.
2. Route 640, which is Goose Creek Road and on the other side of the hospital that ties into Route 250 for a new location.
3. Route 42 is a primary route that shows up in the secondary plan because it is a small amount of secondary dollars on it. That is a realignment over in the area of Mossy Creek in the northern end of the County.
4. Route 340 is some turn-lane improvements at Calvary Church in Stuarts Draft – left turn and right turn improvements in that area.
5. Route 616 is Dam Town Road across from Fort Defiance High School to take care of some curve issues there.
6. Route 610, from Stuarts Draft over to the Sherando area, where there are several areas that are prone to flooding. Going to do some pipe replacement projects.
7. Route 612, at the intersection of Route 792, near ASR, there is a project to realign that intersection and line that up, hopefully, to eliminate some accidents in that area.
8. Route 250, with some intersection improvements at Woodrow Wilson Complex. Those improvements tie into the Route 636 project.

These are federal projects that receive the bulk of the money, now, with the plan.

We do have several Rural Rustic Roads and non-hard-surface roads on the plan that are in a status that they have been previously funded through the past six years.

May 13, 2009, at 7:00 p.m.

VDOT SIX-YEAR PLAN (cont'd)

They are not receiving new funds, but they have been previously funded, or there are funds being transferred from projects that have been completed. We have several projects in that category that we are going to build in the summer of this year, 2009. That list of projects is:

1. Route 612, Crimora Mines Road (RR)
2. Route 799, Dalhouse Road (RR)
3. Route 652, Guthrie Road (RR)
4. Route 815, Evans Lane (RR)
5. Route 694, Swartzel Shop Lane (RR)
6. Route 694, Chestnut Ridge Road (RR)
7. Route 694, Virginia Institute Way (RR)
8. Route 686, Hilltop Drive (RR)
9. Route 835, Varner Road (RR)
10. Route 835, Varner Road (PinP)
11. Route 746, Todd Road (PinP)
12. Route 802, Dynamite Road (RR)

In the summer of 2010, projects include:

1. Route 659, Payton Hill Road (RR)
2. Route 906, Rifes Ford Road (RR)
3. Route 652, University Farms Road (RR)
4. Route 716, West Augusta Road (RR)
5. Route 772, Sulfur Pump Road (RR)
6. Route 1207, Wright Lane (RR)
7. Route 682, Troxel Gap Road (RR)
8. Route 696, Coffman Road (RR)
9. Route 971, Lipscomb Road (shoulder repair)

These are all projects that have been previously funded and will be completed in the next two summers with transferred funds.

We also have several projects that we have had requests to add to the program. We have discussed the projects with some of the Board members as far as adding some projects to the plan. These projects, if added, funding would come from previous funds from transferred dollars of completed projects in their respective districts. There is no funding on them other than transferred dollars. There are several roads in that category, one being Route 642, Barrenridge Road, from Route 795 to Route 794; Route 875, Enterprise Road, from Route 739 to the dead-end; Route 761, Bull Mountain Road, from Route 730 to Route 759; Route 699, Ridge Road, from Route 753 to Route 613; and Route 765, Narrow Back Road.

As far as the budget, as I said before, with the exception of the \$245,000, the other funds in the plan are all federal dollars. Just to give you an example, the federal dollars for 2010 budget year would be \$1,090,063; 2011, \$1,138,743; 2012, \$1,145,745; 2013, \$1,152,790; 2014, \$1,159,879; 2015, \$1,167,011. This is funding that has been allocated to projects throughout the Six-Year Plan. Copies were available to the public.

* * *

NORTH RIVER DISTRICT

Sue Staubus, in Mount Solon, Route 757, noted that it is .6 of a mile that has daily traffic of farm equipment, personal vehicles. Southern States feed trucks for the poultry houses, and Southern States fuel and propane trucks travel on the road once a week. She asked that the Board consider this road on the Six-Year Plan.

May 13, 2009, at 7:00 p.m.

* * *

RIVERHEADS DISTRICT

Harry Baldwin, in Middlebrook, noted that Route 712, Haytie Lane, was not on the plan and emphasized that it remain off of the plan.

* * *

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

Ms. Sorrells requested Route 800 to be placed on the Six-Year Plan in the Rural Rustic Roads Program and asked what the cost would be. Mr. Fitzgerald stated that it would be between \$250,000-\$300,000 and that the road did qualify for Rural Rustic Roads as far as traffic count and width requirements.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board approve the VDOT Six-Year Plan, with the addition of Route 800.

Mr. Coffield clarified that it would also include the additional projects that the Residency Engineer mentioned: Route 642, Route 875, Route 761, Route 699, and Route 765.

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

Nays: None

Motion carried.

Ms. Sorrells appreciated Delegate Saxman’s attendance and pointed out to the audience that Augusta County has 300 miles unpaved roads, with Riverheads having 100 miles of those roads. “That’s a lot of miles, a lot of people suffering from dust and mud and potholes.” When she came on this Board, the County got \$30.6 million from VDOT for roadwork; for the next fiscal year, the County has \$8.3 million. She was unsure how future needs will be met.

* * * * *

RURAL RUSTIC ROADS - RESOLUTIONS

Mr. Coffield mentioned that with the approval of the budget, the next step is to move forward with 2009 paving season with Rural Rustic Roads projects, which requires resolutions. A copy of the resolutions were distributed to the Board and was asked if they wished to adopt tonight or place on the next agenda. Draft resolutions for 2010 were also distributed to the Board. He explained that the resolutions were required because they do not meet secondary road standards. This program is similar to the Pave-in-Place program where the existing road is with tar and gravel to decrease dust and washboard problems. He mentioned that Mr. Fitzgerald budgets \$60,000 to \$70,000 per mile, but, generally, gets it for less than \$50,000. Compared to secondary road standards, it costs approximately \$300,000 to \$1 million per mile.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the following resolutions:

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

May 13, 2009, at 7:00 p.m.

RURAL RUSTIC ROADS – RESOLUTIONS (cont'd)

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 612 Crimora Mines Road**, From: Rte. 663 To: End of State Maintenance be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 799 Dalhouse Road**, From: Rte. 827 To: Rte. 798 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

May 13, 2009, at 7:00 p.m.

RURAL RUSTIC ROADS – RESOLUTIONS (cont'd)

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 694 Swartzel Shop Road**, From: Rte. 686 To: Rte. 340 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 694 Chestnut Ridge Road**, From: Rte. 695 To: .63 mile East of Rte. 695 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

May 13, 2009, at 7:00 p.m.

RURAL RUSTIC ROADS – RESOLUTIONS (cont'd)

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 694 Virginia Institute Way**, From: Rte. 712 To: Rte. 711 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 802 Dynamite Road**, From: Rte 693 To: Rte 252 be designated a Rural Rustic Road; and

May 13, 2009, at 7:00 p.m.

RURAL RUSTIC ROADS – RESOLUTIONS (cont'd)

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") requests that (*show State Route number and street name*) **Route 815 Evans Lane**, From: Rte. 11 To: End of State Maintenance be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

May 13, 2009, at 7:00 p.m.

RURAL RUSTIC ROADS – RESOLUTIONS (cont'd)

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 835 Varner Road**, From: Rte. 728 To: Rte. 736 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (show State Route number and street name) **Route 686 Hilltop Drive**, From: Rte. 694 To: End of State Maintenance be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

May 13, 2009, at 7:00 p.m.

RURAL RUSTIC ROADS – RESOLUTIONS (cont'd)

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

* * *

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) requests that (*show State Route number and street name*) **Route 652 Guthrie Road**, From: Rte. 831 To: Rte. 654 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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

Nays: Garber

Motion carried.

* * * * *
(END OF PUBLIC HEARINGS)
* * * * *

May 13, 2009, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

* * * * *

CRIMORA COMMUNITY CENTER

The Board considered grant request from Crimora Ruritan Club for matching funds to repair water system.

Funding Source: CIP Account #80000-8142 \$5,293.72 (75%)

Ronald H. Sites, Director of Parks and Recreation, advised that the County owned three surplus school properties – Deerfield, New Hope and Crimora. Over the last number of years these communities have been assisted with major projects that need to be completed beyond the resources of most of the community groups that are leasing these properties. He has been working with the Crimora Ruritan Club over the last few months. In completing the bathroom at the park, it has been determined that the well pump is no longer able to handle the capacity required to flush the bath rooms in the buildings as well as provide water to the bathrooms. The well pumps 10 gallons a minute. The problem is someone has to manually control a switch as needed to fill the holding tanks once it has been pumped from the well. Now that spring and summer are here, with youth baseball, softball, park use and Ruritan activities keeping the tanks filled is an on-going issue. Two contractors have provided estimates for supplies and labor to install holding tanks, a new pump, control box and electric lines. The total cost for the scope of work is \$7,058.30.

Mr. Coffield added that the funding ratio for this program was 75% for Augusta County and 25% for the agency which leases the facility.

Mr. Pyles asked if public water was available. Mr. Sites said it was not.

Mr. Coffield said that Ms. Frye had looked at extending water and determined that it was too cost-prohibitive and not enough connections to justify.

Mr. Garber 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.

* * * * *

ZONING ORDINANCE AMENDMENT – RAILROAD

The Board considered authorization to advertise ordinance to allow businesses and industries, located and adjacent to railroads, to cross property lines with buildings and accessory structures associated with the loading and unloading of rail cars.

Mr. Garber and Chairman Howdyshell expressed a conflict of interest and stated that they would abstain on this issue. Mr. Beyeler chaired the discussion.

Mr. Coffield advised that this ordinance would benefit any private property adjacent to a railroad. The purpose of this ordinance change would allow for structures to be built which would require consent of the rail and adjacent property owners who wish to build the structures. The benefits of these structures would help reduce noise; control dust; provide security; business and rail friendly; and environmentally responsible because of using more rail and less trucks on roads.

May 13, 2009, at 7:00 p.m.

ZONING ORDINANCE AMENDMENT – RAILROAD (cont'd)

Patrick J. Morgan, County Attorney, added that this is a zoning ordinance amendment requiring to go before the Planning Commission before the Board of Supervisors take action.

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board authorize staff to advertise ordinance.

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

Abstained: Howdyshell and Garber

Motion carried.

* * * * *

ECONOMIC DEVELOPMENT DIRECTOR

The Board considered authority to advertise code amendment establishing new position.

Mr. Morgan advised that when the Board approved the budget, it authorized the position for the Director of Economic Development. It was anticipated that the Director would work directly for the Board of Supervisors, rather than for the County Administrator. It was deemed necessary that there be an ordinance that would establish that working relationship because the normal working relationship would be that a Department Head would work directly for the County Administrator.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board authorize staff to advertise code amendment.

Mr. Pyles objected to the motion because he felt that the process was not followed correctly. First, the Board is asked to authorize drafting the ordinance and that was not done. Also, he felt that this position should not report just to the Board. He referred to the consultant's report where it took the directorship away from the Board of Supervisors and, at that time, felt that it should be under an umbrella with another Board of Directors. "I don't think that was an oversight on their part. I believe that they think that this Board and Augusta County has somewhat been tainted by the relationship we developed with Economic Development offers of Virginia during the Toyota fiasco." He did not agree with it being under another group but felt that it is a problem to report to the Board. Mr. Pyles felt that more review should be done before making a decision. Concerns in the report were Service Authority issues – do we have water, what is needed to be done in Weyers Cave, pre-treatment conditions. He felt those issues needed to be discussed prior to hiring someone. Also, tool tax was mentioned being applied to manufacturing. Education was also a concern – have people been made viable for the workforce? He also mentioned the Industrial Park should be sold. He felt that this position should be considered regionally with Staunton and Waynesboro.

Mr. Pyles moved, no second, that the Board table this item until the next staff briefing on May 26th.

Vote was as follows: Yeas: Pyles

Nays: Howdyshell, Sorrells, Garber, Beyeler, Shifflett and Coleman

Motion failed.

* * *

May 13, 2009, at 7:00 p.m.

ECONOMIC DEVELOPMENT DIRECTOR (cont'd)

Ms. Sorrells asked if the duties and responsibilities listed under the position were prioritized. She felt that the importance of having this position is to develop a business retention program and that it should be placed at the beginning of responsibilities.

Mr. Beyeler said that the committee discussed these issues and were aware that it needed to be prioritized.

Mr. Coffield added that this list was developed from the committee's (consisting of Wendell Coleman-BOS, David Beyeler-BOS and Joe Williams-IDA) recommendations. It was recommended to be presented to the Board at its budget briefing. An Economic Development Strategic Plan matrix had been given to the Board indicating the consultant's report and its prioritization.

Ms. Sorrells suggested placing the retention duty closer to the front of the list.

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

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

Nays: Pyles

Motion carried.

* * * * *

REVENUE RECOVERY – ORDINANCE

The Board considered an ordinance to exercise the powers enumerated in § 32.1-111.14 Code of Virginia (1950), as amended, to grant franchise permits for operation of Emergency Medical Services vehicles, to make reasonable charges for use of Emergency Medical Services vehicles, including charging insurers, and for other purposes. **This was tabled at the April 8, 2009 Board meeting.**

Mr. Garber moved, seconded by Ms. Sorrells, that the Board remove the item from the table.

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

Nays: None

Motion carried.

* * *

John C. McGehee, Assistant County Administrator, reported that at the last meeting in April a public hearing was held on the ordinance before the Board. At that meeting, there were individuals, mostly County Rescue Squads, who had questions about revenue recovery. The Board asked that they submit questions so that they could be answered at the Emergency Services Officers meeting. He felt that there would be ongoing questions on revenue recovery. "It is complicated and there are going to be continual questions with respect to the process, the administration, the procedure, etc."

May 13, 2009, at 7:00 p.m.

REVENUE RECOVERY – ORDINANCE (cont'd)

Captain Bobby Snyder, of the Stuarts Draft Rescue Squad, stated that the squad continues to worry about how the money collected will be dispersed. Because of this squad generating a large amount of calls in Augusta County, they were concerned of “ending up on the losing end of the deal”. Captain Snyder said that they have been questioned about revenue recovery from residents during a current fundraising drive. He fears that future fundraising may not be possible.

Mr. McGehee stated that, at the Officers meeting, Chief Fisher, from Dooms, established a committee of volunteers to make recommendations to the Board concerning the funding issues. He felt that the committee was well represented with members of area rescue squads. Mr. McGehee agreed that the rescue squads needed to be assured that they are “financially viable to be able to perform the services that they perform very adequately for the county”.

Chairman Howdyshell said that this has been an ongoing issue for quite some time. “There has been a lot of thought in how Staunton and Waynesboro would affect the County when they went to revenue recovery.” Of asking County taxpayers for more funds to pay for rescue services, Chairman Howdyshell said “taxpayers are not interested in anymore taxes being taken away from them”.

Mr. Beyeler felt that revenue recovery would allow strong agencies like Stuarts Draft to remain that way and those generating fewer calls to be strong as well. He emphasized that “when the tone goes out, we want someone to run that call”. He noted that the revenue recovery would not happen until late fall or the first of the year.

Mr. Coleman echoed Mr. Beyeler and added that he has received no complaints regarding revenue recovery. He mentioned that transport charges would be covered under insurance or written off if not covered. He explained that these funds would be earmarked to be applied only to the rescue squads and fire departments.

Mr. Pyles asked what the rush was. He noted that when Staunton-Augusta expressed interest in revenue recovery, a Business Plan was required. He questioned why a Business Plan was not required for Augusta County. He felt that, without volunteers, this would not be enough of money. “Because Staunton-Augusta operate in a different environment, there are other smaller agencies out there that do not have enough money to operate those agencies without volunteers.” Mr. Pyles suggested to delay this action.

Mr. Beyeler mentioned that the RFP went out April 1st to agencies to submit charges for revenue recovery. Mr. McGehee added that they were in the process of evaluating the proposals. They met and interviewed four this week and will meet again next Monday to narrow the decision and determine who they want to negotiate with. He noted that these companies have experience in setting up these programs in other jurisdictions throughout the country. “That is part of the duties and responsibilities of companies selected to assist the County of Rockingham, Augusta and the City of Harrisonburg in their process through getting this thing set up.”

Mr. Pyles asked if the Request for a Bid was sent out before the County was legally able to enact. Chairman Howdyshell stated that they followed the correct procedure. Mr. Pyles stated that the ordinance needed to be adopted before putting out bids. Mr. McGehee noted that the Board had been asked to approve advertising for a public hearing. Public hearing was held in April 8th and tabled. Mr. Pyles stated that the request should not have been sent out before adopting the ordinance. Mr. McGehee stated that no contract has been entered into. Mr. Coleman stated that it was the sentiment of this Board that a revenue recovery program was going to be implemented. He agreed that every question needed to be answered before proceeding. Mr. Pyles

May 13, 2009, at 7:00 p.m.

REVENUE RECOVERY – ORDINANCE (cont'd)

stated that the reason for a public hearing was to get public input. "From the folks that are most involved with this, the one who carried this out, they had questions that they wanted answered. I believe we have the responsibility to answer this most important group exactly how we're going to carry this out before we proceed to start carrying it out." Chairman Howdysshell reiterated that a public hearing was held and it was asked that the questions be answered and presented to the Emergency Services Committee. That was done. Mr. Beyeler referred to the Churchville Rescue Squad who requested that revenue recovery be considered. A letter was submitted to Churchville Rescue Squad indicating that the County was considering revenue recovery countywide. Churchville said that they were willing to wait for Board action. Mr. Beyeler did not see a problem. He reiterated that the RFP was sent out for firms to submit proposals to the committee to be considered. "Yes, there are more questions that I have, too, but at some point, we have to bite the bullet and we have to trust each other a little bit that what we do is going to be good for the County."

Mr. Shifflett stated that half of his district is covered by SARS and half of his citizens have been paying revenue recovery since 2005. "Whether it goes forward or not, tonight, those citizens are still going to pay for it." He noted that it had been brought up at the last meeting concerns about the elderly and the uninsured. He said the \$50 subscription fee and a tax relief program was available and added that revenue recovery was being considered in many areas to fill budget shortfalls. His main concern is to ensure that when you dial 9-1-1, there will be no delay in providing the needed services.

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

**AN ORDINANCE TO EXERCISE THE POWERS ENUMERATED
IN § 32.1-111.14, CODE OF VIRGINIA (1950), AS AMENDED TO
GRANT FRANCHISE PERMITS FOR OPERATION OF EMERGENCY
MEDICAL SERVICES VEHICLES, TO MAKE REASONABLE
CHARGES FOR USE OF EMERGENCY MEDICAL SERVICES VEHICLES,
INCLUDING CHARGING INSURERS, AND FOR OTHER PURPOSES**

WHEREAS, the General Assembly has authorized localities by ordinance to exercise the powers enumerated in § 32.1-111.14, Code of Virginia (1950), as amended; and

WHEREAS, the Board of Supervisors of Augusta County, Virginia, after notice and public hearing, finds as a matter of fact that exercise of these powers is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA, as follows:

1. It shall be unlawful to operate emergency medical services vehicles or any class thereof established by the Board of Supervisors of Augusta County, Virginia without having been granted a franchise or permit to do so.

2. The County shall grant franchises or permits to agencies based within or outside the County; provided, however, any agency in operation in the County on June 28, 1968, that continues to operate as such, up to and including the effective date of this ordinance, and that submits to the governing body of the County satisfactory evidence of such continuing operation, shall be granted a franchise or permit by the governing body to serve at least that part of the County in which the agency has continuously operated if all other requirements of this article are met.

May 13, 2009, at 7:00 p.m.

REVENUE RECOVERY – ORDINANCE (cont'd)

3. The County shall have the authority to limit the number of emergency medical services vehicles to be operated within the County and by any agency.

4. The County shall have the authority to determine and prescribe areas of franchised or permitted service within the County.

5. The County shall have the authority to fix and change from time to time reasonable charges for franchised or permitted services.

6. The County shall have the authority to set minimum limits or liability insurance coverage for emergency medical services vehicles.

7. The County shall have the authority to contract with franchised or permitted agencies for transportation to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the local board of social services to be public assistance or social services recipients.

8. The County shall have the authority to establish other necessary regulations consistent with statutes or regulations of the Board relating to operation of emergency medical services vehicles.

9. In addition to the powers set forth above, the Board of Supervisors of Augusta County, Virginia is authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own, operate and maintain emergency medical services vehicles, to make reasonable charges for use of emergency medical services vehicles, including charging insurers for ambulance services and to contract with any agency for the services of its emergency medical services vehicles.

10. Any emergency medical services vehicles operated by the County shall be subject to the provisions set forth in the Code of Virginia, 1950, as amended and by the Virginia Department of Health.

This ordinance shall be effective immediately upon adoption.

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

Nays: None

Motion carried.

* * * * *

EMERGENCY MEDICAL SERVICES GRANT

The Board considered resolution for grant purchasing of Toughbooks for County Emergency Medical Services agencies.

Mr. McGehee advised that this grant is for rescue squads. Over the last two years, it has been debated on how to get GIS information to the squads – either by a map book or through the computer. It had been determined that it would be better to use the computer so that updates can be received easily. Six were available last year. Nine are requested for this year. Toughbooks are 100%; software is 50%. This would give each rescue squad in the County two toughbooks; the grant allows a toughbook for every rescue squad unit if the Board desires. This grant will be introduced to the Board at the next meeting for fire departments. He noted that the grant would pay for the software. Minday Craun, Volunteer Coordinator for Emergency Services, stated that they were looking at the Department of Homeland Security Firefighters Assistance Fund so that two toughbooks would be available to every fire department. Included in that is software and everything else needed to upgrade the server. There would be a match of approximately \$45,000 to \$50,000, which was almost \$300,000 total. Mr. McGehee felt that this would help in the revenue recovery process with the records management reports that has to be submitted to the billing agent. Mr. McGehee stated that the funding source would come out of the Volunteer Grant Fund Account.

May 13, 2009, at 7:00 p.m.

EMERGENCY MEDICAL SERVICES GRANT (cont'd)

A volunteer from Stuarts Draft expressed that more than two trucks were sometimes used and felt that additional toughbooks would be needed for that unit.

Mr. Beyeler suggested that one toughbook per ambulance at Stuarts Draft (3), and two at Mount Solon and Craigs ville be purchased. Mr. McGehee said that one per ambulance could be applied for. The cost would be \$4,000 per unit. Mr. Pyles asked if the combined agencies – Churchville Fire and Rescue would get four units. Mr. McGehee said they would.

Chairman Howdys shell advised that this had been discussed two years ago about placing electronic (versus paper) in the remote areas and asked for an update. Ms. Craun said that Mount Solon is the most remote area using electronic; one is also in Preston L. Yancey, Stuarts Draft Fire, Company 10, and New Hope. Both Mount Solon and New Hope uses it the most and they have reported that they can actually see “live” what ECC sees. They can see all the information that CAD has and likes the mapping aspect.

Mr. Beyeler moved, seconded by Mr. Shifflett, that the Board adopt the following resolution and add an additional unit for Stuarts Draft:

GOVERNING BODY RESOLUTION

*BE IT RESOLVED BY THE Augusta County Board of Supervisors
OF THE County of Augusta THAT*

David Weaver, Captain *OR*
Carson Holloway, Interim Chief *OR*
John C. McGehee, Assistant County Administrator

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

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

Nays: None

Motion carried.

* * * * *

VIRGINIA DEPARTMENT EMERGENCY MANAGEMENT HAZARDOUS MATERIAL GRANT

The Board considered resolution for reimbursement for personal protective equipment and training in the amount of \$23,333.33 (100%).

Fire Chief Holloway reported that this 100% grant is from the Virginia Department of Emergency Management Homeland Security. The grant will be used specifically for Personal Protective Equipment (50%) and to supplement the Hazardous Materials training cost (50%) that was impacted by present budget issues.

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

May 13, 2009, at 7:00 p.m.

VIRGINIA DEPARTMENT EMERGENCY MANAGEMENT HAZARDOUS MATERIAL GRANT (cont'd)

GOVERNING BODY RESOLUTION

BE IT RESOLVED BY THE Augusta County Board of Supervisors

OF THE County of Augusta THAT

David Weaver, Captain *OR*

Carson Holloway, Interim Chief *OR*

John C. McGehee, Assistant County Administrator

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

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

Nays: None

Motion carried.

* * * * *

Mr. Beyeler recognized Carson Holloway as the Fire Chief for Augusta County and wished him the best.

* * * * *

CONSENT AGENDA

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, April 20, 2009
- Regular Meeting, Wednesday, April 22, 2009
- Budget Meeting, Wednesday, April 29, 2009

CLAIMS

Approved claims paid since April 8, 2009.

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

Nays: None

Motion carried.

* * * * *

(END OF CONSENT AGENDA)

* * * * *

May 13, 2009, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Shifflett:

- 1. Invista Community Citizens Panel – asked that Mr. Shifflett represent Augusta County. He accepted but said he would decline if there is a political agenda, he will remove himself from that committee.

Mr. Beyeler:

- 1. Orvin Kiser, Sr. Event – Saturday, May 16th, 5:00 p.m. to 8:00 p.m., at Stuarts Draft Diamond Club Ball Field. Asked that other Board members participate.

Ms. Sorrells:

- 1. Greenville Sports Park Public Information Meeting – May 15th, at 7:00 p.m., at Riverheads High School.

Mr. Garber:

- 1. Emergency Communications Center – for educational purposes, has been monitoring ECC. Encouraged the Board to monitor to understand what happens in Augusta County.

Mr. Pyles:

- 1. Emergency Communications Center – wife monitors daily and is familiar with the needs.

Chairman Howdysshell:

- 1. Thank you to volunteers for “what you do”.

* * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. Minutes for last six months – Thank you, Rita Austin.
- 2. Rail resolution – Central Shenandoah Planning District Commission considered and decided not to pursue. Mr. Beyeler clarified that the Commission decided not to take a stand on this issue and felt that it should be a local issue and decided by each jurisdiction.

* * *

- 3. Courthouse construction fee – HB2311 – Allows for a new fee of up to \$3 for construction, reconstruction, renovation, or adaptive re-use of a courthouse, on all civil cases (\$501 or more), all criminal and all traffic cases, if courthouse meets the criteria for assessment. The fee will be in addition to the courthouse security fee. An ordinance will have to be adopted. User fees possibly to be collected: \$7,500 – Circuit Court; \$4,275 – J&D Court; \$60,000 – General District Court.

Mr. Pyles moved, seconded by Mr. Garber, that the Board authorize staff to draft ordinance.

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

Motion carried.

May 13, 2009, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

4. AARP – letter of appreciation to Joyce Hoover for coordinating meeting place for the Tax-Aide program for volunteer work in assisting taxpayers with their income tax returns. They assisted 748 clients and prepared just under 1225 federal, state, amended and prior year returns.
5. Decals removal – Outdated decals on windshields are in violation of the law and need to be removed. Press Release circulated.
6. Swine flu – continue to monitor. Meeting with hospital weekly to be prepared when needed. Mr. McGehee felt that there would be more interest with flu shots. They are trying to determine how those shots will be administered.
7. Spring Clean-up – Thank-you letters sent out. Mr. McGehee noted that because the spring clean-up funding has been reduced, he felt that there would need to be some modifications.
8. Airport – Old Airport Road – road abandonment will be brought before the Board to consider at a later date.
9. Grants (handouts distributed to Board):
 - a. CAP-SAW – matrix distributed to Board. Mr. Coleman and Mr. Shifflett are on the committee and are considering two Business representatives and plan on appointing in the near future.
 - b. Virginia Cares – Letter of approval to supplement to help ex-offenders to be submitted. No local funding.
 - c. Library grant – e-rate rebates for funding year 2009-2010 – local books budget.
 - d. Domestic Violence Grant – applied for funding to partially offset cuts – in-kind match.
10. Blood Drive – Memorial Day, May 25th, 10:00 a.m. – 4:00 p.m., at Colonial Mall.
11. Budget process – Chairman Howdyshehl asked that letters of appreciation be submitted to Department Heads and Constitutional Officers.
12. Rail Access - Mr. Coleman asked if Mr. Coffield has received information on Hershey or MeadWestvaco. Mr. Cobb said they should hear something after May 21st.

* * * * *

CLOSED SESSION

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

- (1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
 - A) Boards and Commissions
- (2) **the economic development exemption under Virginia Code § 2.2-3711(A)(5)**
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:
 - A) Pending Industrial Prospects
- (3) **the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)**
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

May 13, 2009, at 7:00 p.m.

CLOSED SESSION (cont'd)

A) Contractual negotiations

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

A) Off of Route 11 in the Riverheads District

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

Nays: None

Motion carried.

* * * * *

CLOSED SESSION (cont'd)

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

Vote was as follows: Yeas: Howdysshell, 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, Howdysshell, Pyles and Beyeler
NAY: None

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

* * * * *

May 13, 2009, at 7:00 p.m.

ADJOURNMENT

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

* * * * *

Chairman

County Administrator