

Regular Meeting, Wednesday, June 10, 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, June 10, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233rd year of the Commonwealth....

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

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Lee Godfrey led the Pledge of Allegiance.

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

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SPOTTSWOOD-RAPHINE RURITAN CLUB – RESOLUTION

Officers present for the Spottswood-Raphine Ruritan Club were Sue Brooks, Director; Becky Shaw, Vice-President; Weldon Shaw, Member; Stanley Benson, Secretary; Todd Fretwell, Treasurer.

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

RESOLUTION

WHEREAS, the Spottswood-Raphine Ruritan Club was chartered on June 12, 1939, with 36 members;

WHEREAS, 2009 marks the 70th anniversary of the Spottswood-Raphine Ruritan Club;

WHEREAS, over the years, the Spottswood-Raphine Ruritan Club has provided countless services to the community and truly made the Spottswood-Raphine area of Augusta County a better place to live;

WHEREAS, the Spottswood-Raphine Community Center, which was bought and renovated by the Spottswood-Raphine Ruritan Club, is truly a center for community activities for adults and youth;

NOW, THEREFORE, BE IT RESOLVED that at their meeting on June 10, 2009, the Board of Supervisors enthusiastically commended the Spottswood-Raphine Ruritan Club for 70 wonderful years of community service;

BE IT FURTHER RESOLVED that a copy of this resolution shall be spread upon the minutes of the Augusta County Board of Supervisors, and the Spottswood-Raphine Ruritan Club will be presented a copy.

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SPOTTSWOOD-RAPHINE RURITAN CLUB – RESOLUTION (cont'd)

Ms. Sorrells added that the Ruritan Club goes beyond what the resolution stated with regards to its work with the community. The ball fields are full all the time; the food bank distribution center is there; barbeque chicken fundraisers occur several times a year; and the horse show has been occurring for 84 years (Ruritan Club sponsored for the last 70 years).

Chairman Howdysshell appreciated what the Ruritan Club was doing for its community. Ms. Shaw thanked the Board for its ongoing support.

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

Nays: None

Motion carried.

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ECONOMIC DEVELOPMENT DIRECTOR

This being the day and time advertised to consider an ordinance to establish the position of Economic Development Director in Augusta County, Virginia.

The Chairman declared the public hearing open.

Patrick J. Morgan, County Attorney, explained that the proposed ordinance is to establish the position of the Director of Economic Development. Normally, department heads would work directly for the County Administrator; however, the Board advised that they would like the Director to work directly for the Board of Supervisors.

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

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

AN ORDINANCE TO ESTABLISH THE POSITION OF ECONOMIC DEVELOPMENT DIRECTOR IN AUGUSTA COUNTY, VIRGINIA

WHEREAS, Virginia Code § 15.2-1500, *et seq.* authorizes the governing body of any locality to appoint such employees, offices, advisory boards, committees, and commissions as it deems necessary to advise the governing body with regard to any matter of concern to the locality.

WHEREAS, the Board of Supervisors of Augusta County, Virginia desires to exercise such authority to appoint an Economic Development Director to promote economic development in the county and to advise the board of supervisors concerning issues related to the promotion of such economic development in the county.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Augusta County, Virginia, that:

1. Chapter 2, Article I of The Code of the County of Augusta, Virginia be, and hereby is, amended by adding thereto a new Section 2-3 to read as follows:

[THE FOLLOWING IS ALL NEW LANGUAGE]

§ 2-3. Director of Economic Development.

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ECONOMIC DEVELOPMENT DIRECTOR (cont'd)

A. The Board of Supervisors shall appoint a Director of Economic Development who shall be accountable to the Board of Supervisors in the performance of his/her duties.

B. The Director of Economic Development shall not be appointed for a definite tenure, but shall be removable at the pleasure of the Board of Supervisors.

State Law Reference—Virginia Code § 1503.

2. This ordinance shall become effective upon enactment.

Mr. Pyles expressed concerns that this position would create future problems. Mr. Pyles mentioned that the Virginia Department of Finance recently revealed a \$200 million shortfall that could mean a \$2 million (1%) cut for Augusta County. He noted that Augusta County’s sales tax revenue in May of this year was \$321,000, a drop of 20% from the year before. “You hear about the Virginia Department of Transportation laying off 1,000 workers and everyone else shedding jobs,” he said. “And while they are doing that, we are going to add an expensive job. I don’t think we have the money for it, and it could put a squeeze on some parts of the government next year because of this job. It’s a lot easier not to spend the money than to cut positions later.”

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

Nays: Pyles

Motion carried.

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(END OF PUBLIC HEARINGS)
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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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PATTERSON MILL ROAD – TRAFFIC CONTROL

The Board considered a request of Patterson Mill Road residents in Middle River District to erect “Watch for Children” signage. Estimated cost: \$150 per sign.

Funding Source: Middle River Infrastructure Account #80000-8012-61 \$300

Rita Austin, Executive Secretary, reported that a request of Patterson Mill Road residents in the Middle River District to erect “Watch for Children” signage had been submitted. Copies of the petition, a map designating the location of the signs, and a draft resolution were enclosed with the agenda package.

Mr. Garber moved, seconded by Mr. Shifflett, that the Board adopt the following resolution:

RESOLUTION

WATCH FOR CHILDREN SIGNAGE

WHEREAS, the 1997 Session of the Virginia General Assembly has enacted an amendment to the Code of Virginia by adding Section 33.1-210.2 relating to the installation and maintenance of signs alerting motorists that children may be at play nearby; and

WHEREAS, this act provides for the adoption of a resolution by the local governing body requesting the Department of Transportation consider the installation of such signage; and

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PATTERSON MILL ROAD – TRAFFIC CONTROL (cont'd)

WHEREAS, the resolution shall include the source of funding for the installation of such signage along with specifying the recommended locations.

BE IT THEREFORE RESOLVED, that the Board of Supervisors hereby requests the Department of Transportation to install signage at the following locations:

Patterson Mill Road

BE IT FURTHER RESOLVED, that the Augusta County Board of Supervisors does hereby authorize County funding for the cost of installation of such signage in the amount of \$300 from the Middle River Infrastructure Account #80000-8012-61.

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

Nays: None

Motion carried.

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MILL PLACE COMMERCE PARK

The Board considered committee recommendations to revise Commerce Park Development Deed covenants and restrictions.

Dale L. Cobb, Director of Community Development, noted that the committee consisted of Supervisors Garber and Beyeler, Mr. Coffield, and staff. He advised that several months ago, the Board of Supervisors asked that Community Development revise the Restrictive Covenants for Mill Place Commerce Park. The main concern for review and revisions to these covenants was that the process for review and development in the Commerce Park presented too much uncertainty on what could be required at the time a site would be developed. It was decided by the Committee to do away with the Architectural Review Committee and instead spell out in the Covenants exactly what development restrictions would be required. Mr. Cobb highlighted the following major revisions:

- Architectural Review Committee replaced with site plan review process through the Community Development Department.
- Addition of landscaping standards and point values chart to allow for flexibility in landscape design but at the same time set minimum standards that must be met. 25% of points must be foundation landscaped (within 15 feet of the building); remaining amount of points can be utilized by foundation or along the lot frontage landscaping. Hansen was used as an example. (“Landscaping Point Values” was distributed to the Board for review tonight that had not been enclosed with the agenda package.)
- Less restrictions on uses permitted in the Commerce Park.
- Specific requirements are spelled out, especially in relation to outdoor storage and screening. Screening refers to I-81 or any other public streets.

Mr. Cobb mentioned that, among the changes, was to allow more types of businesses on lots in the Commerce Park, including Lot 14, which would be expanded to allow restaurants, a health club, retail shops, or other businesses that would not generate large amounts of traffic. Mr. Cobb added that the revisions designated what would be permitted, with restrictions, and what was totally prohibited.

In regards to Industrial zoned uses, Mr. Cobb referred to Section 25-382, where permitted uses in the Augusta County Zoning Ordinance will be updated with approval of the new Ordinance, which would provide restrictions related to permitted uses and a list of prohibited uses.

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MILL PLACE COMMERCE PARK (cont'd)

Mr. Coleman mentioned that the only other property owner in Commerce Park was involved in drafting these revisions. Mr. Cobb said that the property owner in the Commerce Park was included in the discussions because he would have to sign the Covenants that the Board approves.

Chairman Howdyshell asked if Lot 14 was the lot that already has existing offices. Mr. Cobb said that it does. Chairman Howdyshell asked if this was approved, would the different uses be allowed on that particular lot. Mr. Cobb said that it would. He explained that the current Covenants allows no retail of any kind; with the revised Covenants, it would open up Lot 14 and any other lots that the Board desires to zone Business to allow them to have retail shops, gyms, etc.

Mr. Beyeler reiterated that the current owner would have to agree with the revised Covenants. He also pointed out that if there were an interested developer who could not agree with staff, he would have the opportunity to appeal it to the Board of Supervisors. Mr. Cobb added that the appeal process indicates that the Board has to hold a public hearing and all owners have a 7-day notification of the appeal.

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

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

Nays: None

Motion carried.

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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, Tuesday, May 26, 2009
- Regular Meeting, Wednesday, May 27, 2009

CLAIMS

Approved claims paid since May 13, 2009.

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

Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

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June 10, 2009, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Shifflett:

1. Ordinance Review – Citizens have requested certain items to be considered: Barking Dogs, Signs, Parking Tractor Trailers; Golf Carts on public streets.
2. Stuarts Draft graduation at James Madison University – Emotional event. Most memorable moment - Valedictorian, John Thomas Nickerson Miller, gave an awesome farewell speech! Received a standing ovation! “My hat’s off to all the graduating classes of 2009 of Augusta County and I wish them the best of luck in their pursuits.”

Mr. Beyeler:

1. Valedictorian Miller – As stated in the paper, his family was told that he would never speak. Asked Mr. Coleman to share with the Board his recent announcement. Mr. Coleman was privileged to, as an invitation of his alma mater, to be at the awards ceremony to award John Miller a \$130,000 full academic scholarship to North Carolina State University. He did not personally know Mr. Miller or his family, but agreed with Mr. Beyeler that Mr. Miller was an impressive individual. He did an outstanding job as valedictorian speaker. Mr. Beyeler added, “We may all have handicaps, but this is one gentleman who does not allow his handicap to be a problem. It’s great to see a kid like this!”

Mr. Coleman:

1. Wilson’s Graduation – Attended graduation and noted graduation recognized 12 students with GPAs over 4.0. “So gratifying for schools and parents in what they do!”

Ms. Sorrells:

1. Extension Service – Distributed “Buy fresh, Buy local” flyer to Board.
2. Congratulations to Riverheads High School Track State Championship – two long-time coaches (Larry Hall and Ron Wilkerson) also recognized. Requested staff to prepare resolution.
3. NACo Achievement Awards – Middlebrook Library Station (2) – “2009 Achievement Award” and “Best of Category Award”. Also mentioned that the book drop-off had been delivered today.
4. Riverheads Community Meeting – June 25, at 7:00 p.m., at Riverheads High School Auditorium – seeking input from all citizens, businesses, and industries located in the Riverheads response area to discuss the possibility of a fire and rescue station to be located in this area. Asked media to place in newspaper.

Mr. Pyles:

1. Kevin Wilt, Assistant Chief from Swoope, request – Fire Department has a new \$228,000 tanker and the Department is asking for \$35,000 from Pastures Infrastructure Account to assist with equipping. Requested to be considered at the June 24th meeting. Ms. Sorrells thanked Assistant Chief Wilt for the work that his department does and noted that they had helped cover during the St. Mary’s fires.

June 10, 2009, at 7:00 p.m.

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

Mr. Coleman:

- 1. Resolution: Wilson Memorial High School Tennis State Championship – Complimented Mr. Coffield’s daughter, Christine, being able to “rise above all obstacles” because she was sick. Requested staff to prepare resolution.
- 2. CAP-SAW – First board meeting on June 2nd. Board elected Andrea Oaks, Chairman; Wendell Coleman, Vice-Chairman. Board currently identifying organizations who work predominately with the poor. Representatives are to be democratically elected. Asked the Board to assist in identifying organizations to seek nominees.

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CANCELLATION OF JULY 8, 2009 BOARD MEETING

Mr. Garber moved, seconded by Mr. Coleman, 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 regular meeting on Wednesday, July 8, 2009, at 7:00 p.m.

WHEREAS, the Board of Supervisors desires to cancel its scheduled regular meeting.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that its regular meeting scheduled on Wednesday, July 8, 2009, at 7:00 p.m. be, and hereby is, cancelled.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. School Board Budget transfer request – Anticipated additional FY2008-09 bus purchases totaling \$500,000. With savings in other Transportation lines, the anticipated amount to be transferred from Maintenance & Operations to Transportation is \$300,000.
- 2. Department of Social Services Grants – flyers distributed:
 - a. Community Energy Conservation Program
 - b. Weatherization (cooling)
- 3. VDOT FY2010 Revenue Sharing Program – Funded this year in the amount of \$50 million. Criteria: needs to be expended within a 24-month period. Acting Residency Engineer to be identifying qualifying projects and will be discussing with individual Board members. Will be placed on a future agenda.

June 10, 2009, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

4. VDOT ROAD ABANDONMENT – RIVERHEADS DISTRICT

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

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

WHEREAS, the Board of Supervisors of Augusta County, Virginia (“Board”) has received a petition from Mary L. Thomas, Brian Beverly and Brian Hays for the abandonment of portions of a right-of-way located in the Riverheads Magisterial District of Augusta County, Virginia, at Greenville, as more particularly shown on that certain plat dated March 24, 2009, titled “Plat Showing A Redivision of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 10 & Lot 14 Plat of R. H. Palmer Property, Riverheads District, Augusta County, Virginia, made by Barry E. Lotts, Land Surveyor (“The Right-of-Way”).

WHEREAS, it appears to the Board that such portions of the Right of Way are no longer necessary for public use and the safety and welfare of the public would be best served by the abandonment of the same.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. That the Clerk of the Board is directed to post and publish notice of the Board’s intent to abandon such portions of the Right-of-Way, pursuant to § 33.1-156 et seq. of the Code of Virginia (1950), as amended.

2. That all officers, employees and agents of Augusta County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the proposed abandonment of such portions of the Right-of-Way, and any such action previously taken is hereby ratified and confirmed.

3. That the Clerk of the Board is directed to advertise the notice for public hearing to be held on July 22, 2009.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 5. Alternative Onsite Sewage Systems (AOSS) regulation information distributed to Board. County Administrator highlighted State recommendations.
- 6. Treasurer’s update – part-time eliminated; full-time position frozen. Requested scanner/printer to expedite bank deposits transfers. Noted that as of June 5th, all tax payments were caught up. (Additionally, \$708,000 collected for December payments).
- 7. Toms Branch – Bids came in at \$900,000 less than estimate.
- 8. Commencement Speaker – Gerald Garber at Fort Defiance High School

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June 10, 2009, at 7:00 p.m.

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]:

- A) Boards and Commissions
- B) Prospective candidate for employment

(2) 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)]:

- A) Contractual negotiations

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

Nays: None

Motion carried.

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CLOSED SESSION (cont'd)

On motion of Mr. Beyeler, 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.

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

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

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

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

Roll Call Vote was as follows:

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

