

Regular Meeting, Wednesday, December 9, 2009, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Larry C. Howdyshell, Chairman
David R. Beyeler
Wendell L. Coleman
Tracy C. Pyles, Jr.
Jeremy L. Shifflett
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Doug Wolfe, County Engineer
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, Executive Secretary

ABSENT: Gerald W. Garber, Vice-Chairman

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, December 9, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 234th 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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Samantha Painter, a senior at Riverheads High School, led the Pledge of Allegiance. Samantha participates in the Governor's School and was present tonight to take notes.

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Tracy C. Pyles, Jr. Supervisor for the Pastures District, delivered invocation.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles: Fiscal responsibility, unemployment (doubled since last year) – felt that the Greenville Fire Station should be delayed until budget time.

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ROBINSON, FARMER, COX ASSOCIATES – AUDIT

The Board received a presentation of the 2009 Augusta County Comprehensive Annual Financial Report.

James Kelly, of Robinson, Farmer, Cox Associates, gave a presentation of the 2009 Augusta County Comprehensive Annual Financial Report. He commended staff and complimented how well all departments worked together. He noted that an Audit Opinion is included in the audit, which is an unqualified opinion and the best audit opinion that can be given. It basically states that the financial statements are fairly stated, materially correct, and no additional adjustments need to be made. Mr. Kelly highlighted key elements/findings of audit. He encouraged the Board to read the Management Discussion and Analysis, which was prepared by the Financial Department, and which gives a narrative of what the financial activity for the County was for FY09.

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ROBINSON, FARMER, COX ASSOCIATES – AUDIT (cont'd)

Chairman Howdysshell reported that Mr. Beyeler and Mr. Pyles were on the Board's Audit Committee and met with Mr. Kelly prior to tonight's meeting.

Mr. Beyeler felt that this was a good audit and no major issues. Mr. Pyles concurred with Mr. Beyeler. The committee believed the audit to be accurate and reflect what is happening in the County.

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board approve the 2009 Augusta County Comprehensive Annual Financial Report.

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

Nays: None

Absent: Garber

Motion carried.

Mr. Beyeler commended the Finance Department staff for their hard work. "I've been looking at audits for a long time and I think we have had fewer things that we may have to change than we have had in the last several years."

Mr. Pyles asked for the following information:

1. On January 1st – Treasurer or Finance Director to give the Board a comparison of tax collections to that point as compared to January 1, 2009. Would like to see, with the downturn of the economy, unemployment rates changes and the rate in which taxes are being paid.
2. Start to review – the fixed asset inventory that is prepared for the Audit each year so that it can be evaluated to see a) what is on it; and b) to determine if other things need to be included.

Mr. Beyeler added:

1. A copy of the policy (fixed assets and inventory) within 30 days.

Chairman Howdysshell asked that the Audit Committee follow through with the above-mentioned items and bring a report back to the Board.

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FIRE AND RESCUE GRANT

The Board considered submission of funding request for up to seven positions through the Department of Homeland Security. **This item was tabled at the November 24th meeting until December 9, 2009.**

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

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

Nays: None

Absent: Garber

Motion carried.

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FIRE AND RESCUE GRANT (cont'd)

John C. McGehee, Assistant County Administrator, advised that this issue was discussed at the last Board meeting. Information concerning this grant had been provided to the Board. Chief Holloway and Mr. McGehee were available to answer questions. He reminded the Board that the SAFER grant allots money for two years and then it would be the responsibility of Augusta County to fund the positions thereafter.

Mr. Shifflett asked when the grants would be approved and money would be received. Fire Chief Holloway reported that the grant is due December 18th; within 90 days of the grant, there would be a preliminary finding; a notification process would begin. The notification process would not take any longer than 6 months, which would be around June, 2010. The final cutoff date for this funding for 2009 would be September 2010. Fire Chief Holloway projected that it could be as early as June or July or as late as September. From that point, they have 90 days to fill the positions. Mr. Shifflett did not see a problem in applying for the grant, but was concerned about committing to the third year financing. He suggested that if they apply for the grant that the Board needed to anticipate the additional funding during the budget process.

Mr. Beyeler asked what positions the Fire Chief was requesting. Fire Chief Holloway stated that the original proposal was for six new positions and fill one laid-off position. Patrick J. Coffield, County Administrator, explained that there were three vacant positions but only one qualified under the criteria of the grant. Fire Chief Holloway learned late this afternoon from the Department of Homeland Security that they could not apply for both laid-off positions and new positions. Mr. Pyles asked if they would have to hire the one laid off before hiring new positions. Fire Chief Holloway explained that they could hire the one laid off as a new position. Mr. Beyeler asked for the estimated cost for the start-up. Fire Chief Holloway reported that the first year would be over-time, part-time coverage, physicals, uniforms, personal protective equipment, and other miscellaneous equipment: \$7,185 per position x 7 = \$50,295. The second year would total \$28,910. Mr. Pyles pointed out that if there were more employees, there would be less over-time. Fire Chief Holloway agreed that it should reduce the amount of over-time. Mr. Coffield added that the turnout gear was about \$2,000 of the \$7,185 which would last about three to five years. Some of the equipment would be one-time-only, but other costs would be annual.

Mr. Beyeler expressed concern about the grant. "We need these people, but I am not real sure that we want to extend our 'line of credit' for three years out."

Mr. Beyeler moved, with no second, that staff apply for three positions.

Chairman Howdyshell commented that he agreed with Mr. Beyeler. Mr. Coleman understood that "the game plan has now changed. Originally, the request came for 7 positions . . . 100% funded for two years; the County would have to be prepared to pick the funding up for the third year." He was prepared to consider less than 7, but greater than 3. He asked if these 7 positions were eligible for the grant. Fire Chief Holloway said they were. Mr. McGehee clarified that a recommendation has been made with the understanding that the Board, as the policy-makers of the County, has to make the decision on applying for what it feels comfortable for the third year local funding.

Mr. Pyles asked if they could go through the process asking for 7 and when the award comes forward only ask for 3. Fire Chief Holloway explained that they needed to go through the process. You cannot change the numbers you applied for; but once the grant is awarded, adjustments can be negotiated but there was no guarantee of

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FIRE AND RESCUE GRANT (cont'd)

receiving it. Mr. Pyles asked that if Revenue Recovery becomes effective in the County, would an agency such as Churchville that has paid people get the same reimbursement as an agency that has no paid people (Deerfield). “If you’re going to get to where we get some compensation for the paid people we’re putting in to facilities, who are actually generating the revenue, you likely can generate enough revenue to offset these costs.” Mr. Beyeler did not feel that Revenue Recovery would cover the cost of paid personnel.

Mr. McGehee added that the Revenue Recovery Committee has a draft of recommendations for the Board’s consideration. He noted that there would not be any direct money coming back to the County for career people. Insurances would possibly be taken out of the Revenue Recovery money instead of the General Fund. “Revenue Recovery is not the pot at the end of the rainbow. It’s an additional resource.”

Mr. Coleman asked if Mr. Beyeler would amend his motion to 5 positions. Mr. Beyeler said he would amend it to 4.

Mr. Beyeler moved, seconded by Mr. Coleman, that the motion be amended that staff applies for grant for four positions.

Vote was as follows:

- Yeas: Howdysshell, Beyeler, Shifflett, Pyles and Coleman
- Nays: Sorrells
- Absent: Garber

Motion carried.

Ms. Sorrells mentioned that she would rather have seven positions filled.

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The Chairman then called for a vote on the amended motion:

Vote was as follows:

- Yeas: Howdysshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman
- Nays: None
- Absent: Garber

Amended motion carried.

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REVENUE RECOVERY POLICIES

The Board considered committee recommendations regarding revenue recovery policies. **This item was tabled at the November 23rd meeting until December 9, 2009.**

- A) Compassionate Billing Policy
- B) Mutual Aid Policy
- C) Billing Rates Policy
- D) Non-Emergency Policy
- E) Dead on Arrival Policy

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REVENUE RECOVERY POLICIES (cont'd)

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board remove this item from the table.

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

Nays: None

Absent: Garber

Motion carried.

Chairman Howdysshell explained that this item was to clarify a legal issue that needs to be resolved with the Board in Closed Session.

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CLOSED SESSION

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

- (1) **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) Fire and Rescue Agreements

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

Nays: None

Absent: Garber

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: Howdysshell, Sorrells, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Absent: Garber

Motion carried.

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CLOSED SESSION (cont'd)

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

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

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REVENUE RECOVERY POLICIES (cont'd)

Handouts of the draft policy were distributed to the Board.

Minday Craun, Volunteer Coordinator, reported that the Augusta County Emergency Services Officers Association, made up of all the volunteer agencies, put a committee together at the Board of Supervisors' recommendation to look at how to distribute the funds that will be generated from Revenue Recovery. They started meeting back in the summer and have met regularly thereafter. Other jurisdictions were interviewed, who were participating in Revenue Recovery, to see how they distributed their funds. She noted that this was the first draft of recommendations. It went before the Officers' Association in the October meeting; there were no recommendations at their November meeting. It was decided to meet in small groups with all the volunteer agencies to go over the recommendations and take it back to the Officers' Association at their January 26th meeting. A PowerPoint printout was attached to the handout to the Board to keep them informed. Mr. Coleman asked if every agency participated in the meetings. Ms. Craun said that everyone was either there or got a copy of the draft.

David Thomas, attorney for Stuarts Draft Rescue Squad, asked the following questions regarding Revenue Recovery:

1. Proposal provides for a committee to approve the budgets that are submitted by the various agencies. Who makes up this committee? Does that mean that career fire personnel will be commenting on budgets submitted by Rescue operations and vice versa? Where does the authority come from for a fire operation to tell rescue squads what kind of medical supplies it should be buying?
2. Dealing with the supply issue, it is mentioned a central supply depot administration office, who will administer that central depot? Will a position be created within the County? How will that position be funded? Who will determine who is entitled to what supplies and when? Who tells which rescue operation which type of ace bandages they are going to use? How many they can use? If an agency runs out in October, and they have exhausted their

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REVENUE RECOVERY POLICIES (cont'd)

- allocation of supplies, do they have to make do without? Do they come back to the Board? Do they go back to staff? Do they take it up with a committee?
3. Separate account is to be created into which revenue recovery money will come and then be used and paid out from that based on the budgets that have been submitted. Money that is collected from rescue revenue recovery is going to be spent on fire operations and then the revenue recovery is going to run a deficit of approximately \$46,000, which money will then be poured in from the General Fund. He expressed concern of this process.
 4. Budgeting process – What level of detail will be required? Will they be required to submit a line-by-line budget as though they were simply another county agency? If that is true, what effect will that have on volunteer morale if they are made essentially a subset of county revenue? What effect will it have on the volunteers, who have viewed themselves as part of a regional local rescue operation, are made de facto county volunteers, will there be any drop-off?
 5. Actual operations of rescue have worked well – Why look for making government look bigger? If the end result of this policy is to make all of these independent fire and rescue operations a subset of the County by requiring detailed budgeting, approval for additional allocations, co-titling of all assets (ambulances, buildings and/or properties); why is Augusta County looking to make government bigger at a time when it came least afford to do so?

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board table this issue to the January 25th Staff Briefing for discussion and consideration at the January 27th regular meeting.

Chairman Howdyshell expressed his appreciation to the volunteers who submitted their budgets and made cuts because of the difficult financial times. “They are on type of things and we appreciate them.”

Mr. Pyles asked if the Officers’ Association wanted any feedback from the Board of Supervisors before accepting the policy. Mr. McGehee felt that the committee would appreciate any input from the Board to the proposed recommendations.

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

Nays: None

Absent: Garber

Motion carried.

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BOARD OF SUPERVISORS SCHEDULED MEETINGS FOR 2010

The Board considered schedule of the Board of Supervisors meetings for the year 2010.

Rita Austin, Executive Secretary, reported that the calendar was drafted indicating the second and fourth Wednesdays of the month in 2010 and Staff Briefings on the Monday before the fourth Wednesday. The only exception is that in November, because of Thanksgiving, the regular meeting is to be held on Tuesday, November 23rd. In speaking with the Finance Director, it was suggested that the budget briefings could be held on March 29th and 30th (if needed), with the Budget Hearing to be held on April

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BOARD OF SUPERVISORS SCHEDULED MEETINGS FOR 2010 (cont'd)

21st, and Adoption on May 5th. Also, the Organizational Meeting for 2011 could be on the first Wednesday in January (January 5th), at 5:00 p.m. (or earlier if desired). Ms. Austin also noted that a meeting has been cancelled in previous years in July (July 11, 2007; July 9, 2008; and July 8, 2009). She added that the Board usually approves the schedule at the Organizational Meeting (January 6th).

Mr. Coffield added that the calendar is usually approved at the Organizational meeting.

Mr. Coleman commented that since a July meeting has been cancelled the last three years, he felt that July 14, 2010 should be cancelled and made a part of the official calendar to eliminate the extra notification that needs to be done if not cancelled beforehand.

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FLOODPLAIN OVERLAY ORDINANCE

The Board considered revisions to Chapter 25, Zoning relating to Floodplain Overlay (FPO) Districts. Public hearing was held on September 28, 2009.

Mr. Coffield advised as part of the joint public hearing with the Planning Commission of the ordinances, one component was the Floodplain Overlay. The Board was given information as part of the advanced agenda indicating the minimum necessary to be compliant with FEMA regulations. Originally, it was thought to come to the Board to do the minimum of what was needed and come back later to complete the process. It was determined by the County Attorney that if only the minimum was considered tonight, re-advertising and resending notices would be necessary. Doug Wolfe, County Engineer, explained that the document handout is a comparison of what staff and the Planning Commission has recommended for approval compared with the advertised draft. He noted that it was primarily clerical and some changes required through a FEMA review of the advertised draft. Mr. Beyeler felt that the Board did not have enough time tonight to review and take action. Mr. Wolfe advised that FEMA had to approve the ordinance prior to January 6, 2010. Chairman Howdyshell suggested that this be discussed at the December 15th work session. It was the consensus of the Board to discuss at the December 15th meeting.

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, November 23, 2009
- Regular Meeting, Tuesday, November 24, 2009

CLAIMS

Approved claims paid since November 12, 2009

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

Motion carried.

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December 9, 2009, at 7:00 p.m.

(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. VACo Committee Interest Form – Board consensus to keep current committees for 2010. Staff is to submit forms.
2. Virginia Power – Transmission line from Mt. Solon area to Harrisonburg Substation (across Route 81 from Rockingham Hospital Wellness Center) – will begin right-of-way clearing the week of December 21, 2009. Chairman Howdyshell clarified that the location was behind Centerville at the Valley Substation.

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3. **WEYERS CAVE DRAINAGE – RAIROAD PUMP STATION ABANDONMENT**

Request from Mr. Garber – Weyers Cave drainage project (went back to 1994). The Service Authority has a project going through an area of drainage projects. There was never enough of funding to correct the problem in 1994; therefore, a suggestion has been made to combine the efforts of the County drainage with the Service Authority improvements and do a portion of the project. Approximate cost: not to exceed \$6,000.

Funding Source: Middle River Infrastructure Account #80000-8012-02

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

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

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

4. Legislative Dinner/Meeting – Thank you, John McGehee and Jane Woods!
 “Good dialogue! Good meeting with legislators!”

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CLOSED SESSION

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

- (1) **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) Board of Equalization
- (2) **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) Greenville Fire Department

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CLOSED SESSION (cont'd)

NOTE: Mr. Pyles left Closed Session prior to all items being discussed.

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

Nays: None

Absent: Garber and Pyles

Motion carried.

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CLOSED SESSION (cont'd)

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

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

Nays: None

Absent: Garber and Pyles

Motion carried.

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CLOSED SESSION (cont'd)

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: Coleman, Sorrells, Howdyshell, Shifflett and Beyeler

NAY: None

ABSENT: Garber and Pyles

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

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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, Beyeler, Shifflett and Coleman

Nays: None

Absent: Garber and Pyles

Motion carried.

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Chairman

County Administrator