

Regular Meeting, Wednesday, March 10, 2010, 7:00 p.m. Government Center, Verona, VA.

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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, March 10, 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 234th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Caleb Stewart, a junior of Fort Defiance High School, led us with the Pledge of Allegiance. Caleb is an Eagle Scout from Troop 81 in Crimora; is on the indoor/outdoor track team and cross country team and participates on the debate team.

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

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Chairman Garber welcomed Timmy Fitzgerald. "He's a wonderful addition!"

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LICENSE TAX FOR KENNELS OF DOGS - ORDINANCE

This being the day and time advertised to consider ordinance to amend the Code of Augusta County, Virginia, to adjust the license tax for kennels of dogs.

John C. McGehee, Assistant County Administrator, advised that the purpose of tonight's public hearing is to revise an ordinance that was adopted last fall. The amount of dogs in a kennel was lowered to 10 and the fee was increased. The number of dogs was inadvertently lowered; therefore, it is needed to raise the number back to 20 because of the increased fees.

The Chairman declared the public hearing open.

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

Mr. Beyeler had asked the Treasurer to determine the number of people who had bought the second license because of the limited number of 10 dogs. Mr. Homes had reported a number of approximately 19 people (\$1,100). Mr. Beyeler suggested that this be made retroactive to January 1, 2010 and reimburse those persons who paid additional fees. It is understood that dog license tags need to be corrected when they receive their reimbursement.

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LICENSE TAX FOR KENNELS OF DOGS – ORDINANCE (cont'd)

Mr. Beyeler moved, seconded by Mr. Pyles, that the Board adopt the following ordinance retroactive January 1, 2010; reimburse those persons who have overpaid, and correct dog license tags:

AN ORDINANCE TO AMEND THE CODE OF AUGUSTA COUNTY, VIRGINIA, TO ADJUST THE LICENSE TAX FOR DOGS

WHEREAS, pursuant to Virginia Code § 3.2-6528 the Board of Supervisors of Augusta County, Virginia, adopted an ordinance setting a license tax on the ownership of dogs in Augusta County; and

WHEREAS, the Board of Supervisors deems it advisable to amend the said ordinance;

NOW THEREFORE, be it resolved by the Board of Supervisors of Augusta County that Section 5-14 is amended to read as follows:

§ 5-14. Amount of license tax.

A. There is hereby imposed a license tax on the ownership of dogs within the county, unless otherwise exempted by law.

B. The annual license tax on a fertile dog not in a licensed kennel shall be Ten Dollars (\$10.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Twenty-five Dollars (\$25.00).

C. The annual license tax on a neutered or infertile dog shall be Six Dollars (\$6.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Fifteen Dollars (\$15.00). Any person who applies for a license tag for a neutered or infertile dog shall present at the time of application certification from a licensed veterinarian attesting the neutering or infertility of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on fertile dogs.

D. The tax for each kennel shall be calculated at the rate of fifty Dollars (\$50.00) for each block of up to ~~ten~~ **twenty** dogs.

E. For purposes of this chapter, "kennel" means an enclosure with five or more dogs.

This ordinance shall be effective immediately and shall apply to any applications for any license made on or after January 1, 2010.

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 THE PUBLIC - NONE

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SHENANDOAH VALLEY RAILROAD COMPANY

The Board considered resolution supporting state funding request by SVRR for rail improvements.

Frank Nolen thanked the Board for its past support in helping to maintain the railroad. He is asking for adoption of the resolution supporting the grant request for FY2011. This grant will cover 500 railroad ties, 120 switch ties, 1,000 tons of ballast, and construct an additional 100 feet of track storage. He added that the railroad has been important in this area this winter. For the first two months of the year, 53 carloads of salt has been hauled for the roads (last year, 338 carloads were hauled). Also, because of the winter, 28 carloads of propane have been hauled (last year, 107 carloads were hauled).

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SHENANDOAH VALLEY RAILROAD COMPANY (cont'd)

Chairman Garber asked if there would be a steam locomotive for scenic tours this year. Mr. Nolen said that he hoped that there would be an excursion train available even though there was a problem with the cost of liability insurance.

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

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

WHEREAS, the Shenandoah Valley Railroad Company (SVRR) desires to file an application with the Virginia Department of Rail and Public Transportation to rehabilitate areas of poor trackage and drainage in addition to installation of 500 railroad ties, 120 switch ties, 1,000 tons of ballast, and to construct an additional 100 ft of track storage, and #8 turnout, to handle the current and additional growth; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the County of Augusta does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Shenandoah Valley Railroad Company totaling \$125,916.00 for this funding cycle.

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

Nays: None

Motion carried.

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AGRICULTURAL INDUSTRY BOARD

The Board considered request of Agricultural Industry Board regarding allocation of Agriculture Development funds.

Patrick J. Coffield, County Administrator, advised that the Agricultural Industry Board request was included in the Board advanced agenda package with the following recommendations:

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|---|---------|
| 1. 4-H Livestock Judging Team Donation | \$1,000 |
| 2. Student Intern | \$1,500 |
| 3. Agriculture/Forestral Signage (6 signs) | \$5,000 |
| 4. VCE horse producer/supplier list postcards | \$ 124 |

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AGRICULTURAL INDUSTRY BOARD (cont'd)

Mr. Coffield noted that the money has been budgeted.

Ms. Sorrells commented that she supported all of these items. In regards to the signage, she had taken a picture of a sign when she was in North Carolina and showed it to Jason Carter in the Extension Office. She felt that the signs would enhance the Ag/Forestral districts and make a statement about agriculture and felt that they needed to work with Community Development and VDOT to determine the appropriate place for the signs. Ms. Sorrells suggested that the signage issue be pulled out from tonight's consideration and become a separate project to be considered at a later date. She felt that the other items were timely requests.

Mr. Coleman agreed that there needed to be further discussion on signage placement.

Mr. Beyeler did not feel that an intern was a high priority and necessary. As far as the 4-H donation, he was not against helping the kids but did not agree sending them to Scotland. He agrees with the signage but did not agree with paying for them.

Mr. Pyles agreed with Mr. Beyeler.

Mr. Beyeler felt that the Board should not even be dealing with the \$124 postage issue. "If people can't afford to feed the horses, they need to get rid of them. It shouldn't be the County's responsibility to feed their horses." Chairman Garber clarified that his horses and most of his friends' horses are fed, "but this year caught a lot of people off guard on a lot of things. Maybe they shouldn't have them if they couldn't afford to feed them. When they're out of feed, out of grass, and out of money, that's not the horses' fault. \$124 is not a lot of County money in order to enable volunteers to help other people."

Ms. Sorrells questioned, creating a board that had a budget along with duties and responsibilities, why they had to come to the Board for a \$124 request. Mr. Coffield explained that the Board allocated certain funds (\$10,000) to the Ag Development Fund. In past years, they have presented a list of recommendations to the Board of Supervisors for the Board's blessing before it is expended.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board defer the signage issue until further discussion. Staff is to work with Extension regarding signage.

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

Motion failed.

Mr. Beyeler asked that this signage issue be placed in next year's budget and, during the budget discussion, we can determine if the County should pay for the signage.

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MEADWESTVACO TIF

The Board considered approval of TIF Account for expansion of MeadWestvaco Distribution Center.

Mr. Coffield, advised that draft agreements were attached to the agenda. He mentioned that MeadWestvaco came to the County, purchasing the old Lofton property, in 2006. The Board had encouraged MeadWestvaco to move forward with Phase II (construction of 400,000 sq. ft. building) by entertaining an incentive (Tax Increment

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MEADWESTVACO TIF (cont'd)

Financing) for a period of five years. The draft agreements are reflective of that incentive as well as the funding formula. MeadWestvaco renovated the initial 215,000 sq. ft. and then constructed 400,000 additional sq. ft. with improvements of over \$16 million and 30+ jobs at a time of decreased growth and development. Mr. Coffield added that Mr. Burnett, Economic Development Director, had noted that, with a development such as this, if it has a rail component, the County has historically considered a match fund for a Rail Access Grant of \$150,000; that \$150,000 could be considered as part of this total proposal. Additionally, Mr. Coffield reported that Building permits received totaled over \$96,000. The total to be reimbursed is \$387,177 over a six-year term because when first considered, the tax rate was 58¢; now, the tax rate is 48¢ (\$22,818 difference). The County Attorney was available to answer questions.

Patrick J. Morgan, County Attorney, reiterated that the agreement reflects a fairly standard TIF agreement.

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

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

Nays: None

Motion carried.

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GART ANNUAL REPORT

The Board received a presentation by staff on Greater Augusta Regional Tourism (GART) Annual Report.

Mr. McGehee introduced Sheryl Wagoner, Staunton Tourist Director, and Tonia Spier, of Case Solutions. He mentioned that Leanne Crookshanks, Waynesboro Tourist Director, was unable to be present tonight. He stated that Ms. Wagoner, Ms. Crookshanks and he have served on the GART Tourism Board for the last four years and that Ms. Sorrells and Mr. Coleman are active at their meetings. This program, with the three jurisdictions contributing \$20,000 from each locality, purchases ads that a single locality could not afford. A website has been created. He felt that the committee works well together and complimented Ms. Sorrells for her expertise in editing. Tonia Spier, President of Case Solutions, is GART's advertising agency and consultant. Ms. Spier gave a PowerPoint presentation of GART Annual Report.

Mr. Beyeler asked what the actual results were for lodging. Was there any way of tracking this? Ms. Spier stated that surveys could be sent out to get results.

Ms. Sorrells stated that she has enjoyed working with GART and felt that this could not have been done individually. "Regionalism is working!" Mr. Coleman agreed.

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WAIVERS - NONE

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March 10, 2010, at 7:00 p.m.

CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Work Session Meeting, Tuesday, December 15, 2009
- Staff Briefing Meeting, Monday, February 22, 2010
- Regular Meeting, Wednesday, February 24, 2010

CLAIMS

Approved claims paid since February 10, 2010.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Howdyshell:

1. Tourism – Natural Chimneys – great improvements! Booked \$45,000 so far.

DOUBLE-WIDE STRUCTURE REMOVAL – BIDS

Mr. Howdyshell moved, seconded by Mr. Beyeler, that the Board direct staff to solicit bids for removal of double-wide structure at Natural Chimneys.

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

Nays: None

Motion carried.

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Chairman Garber:

1. Hay for horses – “When horses are turned loose, that is a County problem. Volunteers to help people.”
2. Agricultural Industry Board – asked what the relevance of Board was.
3. School Board meeting – Chairman Garber, Vice-Chairman Shifflett and staff met with School Board Superintendent and staff to discuss budget.

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Ms. Sorrells:

Wood processing operations in areas zoned Business – Some areas that are currently zoned Business could be appropriate for wood processing; however, the use is not currently allowed in Business zone. Ms. Sorrells asked if it is possible to revise the ordinance to allow the use with a special use permit. Mr. Beyeler agreed, but suggested that this be advertised at the same time as other possible ordinance changes. It was the consensus of the Board to discuss these changes all at the same time.

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

1. AGRICULTURE AND FORESTAL DISTRICTS SIGNAGE

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve a committee consisting of Nancy Sorrells, Wendell Coleman and Timmy Fitzgerald to work with the Agricultural Industry Board (AIB) on the design for signage in the Agriculture and Forestal Districts and provide recommendations to the Board at a future meeting.

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

Nays: None

Motion carried.

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Mr. Pyles: Reassessment process – Had supported an in-house reassessment; missed February 24th meeting because of a family issue; Board decided to continue using a contractor for County reassessments. Mr. Pyles felt that there should have been more discussion before deciding on how to proceed. He felt that a consortium of multiple jurisdictions could possibly work together on a reassessment. He ended his comments by saying, “don’t cut me short when the job hasn’t been done”.

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Mr. Shifflett:

AIB REQUEST – VCE Horse Producer/Supplier List Postcards

Mr. Shifflett moved, seconded by Ms. Sorrells, that the Board approve the allocation of the VCE Horse Producer/Supplier List postage to be taken out of the Middle River Infrastructure Account in an amount not to exceed \$124.

Funding Source: Middle River Infrastructure Account #80000-8012-62

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. Riverheads Greenville Fire Station – RFP-PPEA information distributed to the Board.

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- 2. Chamber of Commerce Annual meeting – attended by Wendell Coleman, Dave Beyeler, and Jeremy Shifflett – “Good program.”

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

CHAMBER OF COMMERCE (cont'd)

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board authorize Dennis Burnett, Economic Director, to represent the County in voting on their Board of Directors.

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

Nays: None

Motion carried.

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- 3. Central Shenandoah Planning District Commission – Energy Efficiency and Conservation Block Grant awarded in the amount of \$403,150. An additional \$60,000 for the project will be leveraged by the region’s local governments. Project was among the 26 finalists chosen from a pool of 148 proposals that competed for \$9 million. Mr. Howdysshell asked if the large light in the parking lot was needed.
- 4. Census 2010 – encouraged citizens to complete surveys. “About \$85 million is saved for every one percent increase in mail participation.”
- 5. Landfill Gas Grant – Proposal will be discussed at the next Staff Briefing.
- 6. Governance Meeting notes distributed to Board.
- 7. Gochenour/Yount House – Juvenile Detention Home request of possible group home. Ms. Sorrells suggested that the Grandma Moses Committee get involved. Mr. McGehee plans on speaking with the Chairman of the committee.

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8. DEERFIELD RURITAN CLUB REQUEST – RABIES CLINIC

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board approve the request to hold a rabies vaccination clinic on Friday, March 26, 2010, from 4:00 p.m. to 6:00 p.m. for the purpose of vaccination of dogs, cats, and horses from rabies at the Deerfield Community Center.

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

Nays: None

Motion carried.

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- 9. Woodrow Wilson Presidential Library and Museum – Special Event (World War I exhibit) – March 11, at 4:00 p.m.
- 10. Six-Year Plan – Draft distributed to Board. Public hearing on April 14th.

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CLOSED SESSION

On motion of Mr. Shifflett, 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

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CLOSED SESSION (cont'd)

(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

On motion of Mr. Howdysshell, seconded by Mr. Beyeler, the Board came out of closed Session.

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

NAY: None

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

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RIVERHEADS GREENVILLE FIRE STATION – RFP-PPEA INTERVIEWS

Mr. Howdysshell moved, seconded by Mr. Coleman, that the Board approve the recommendations of the Committee to proceed with interviews as outlined in the memorandum dated March 10, 2010.

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

Nays: None

Motion carried.

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