

Regular Meeting, Wednesday, May 12, 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. Howdyshell
Tracy C. Pyles, Jr.
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, 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 12, 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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Cole Herndon, a seventh grader of Beverley Manor Middle School, led us with the Pledge of Allegiance. Cole is on the Catalyst Team and is doing his SOL test next week and states, "after that it is all down hill from there". He expressed an interest in architecture.

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

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PROCLAMATION – MENTAL HEALTH MONTH

Mickey DeCarr, Past President of Mental Health America of Augusta Board of Directors, was present to read and receive the proclamation.

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

PROCLAMATION

**Mental Health Month Proclamation
May, 2010**

Building Community!

WHEREAS, mental health is essential to the quality of life for individuals and their communities; and

WHEREAS, all people experience periods of difficulty and stress in their lives and more than 25 percent experience a diagnosable mental illness during any given year; and

WHEREAS, prevention has proven an effective way to reduce the individual, societal and economic burden of mental illness; and

WHEREAS, with appropriate treatment, those with mental illness can recover and lead full, productive lives in the community; and

WHEREAS, misunderstandings about mental illness and the stigma frequently associated with it not only interfere with treatment but harm our communities and those who have mental illnesses; and

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PROCLAMATION – MENTAL HEALTH MONTH (cont'd)

WHEREAS, it is and should be the duty of each person, organization and agency to learn about mental illness and to promote mental wellness in order to strengthen the community,

THEREFORE, I, Gerald W. Garber, Augusta County Supervisors Board Chair, do hereby proclaim May 2010 as Mental Health Month in Augusta County and call upon our citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental health and mental illness, and to work to ensure good mental health practices in our community, to ensure that appropriate treatment is readily available for all those with mental health conditions, and to improve the understanding and acceptance of those with mental illness.

Mr. DeCarr invited the Board to attend the art exhibit at the R. R. Smith Museum that is being featured this month for the Mental Health Month.

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

Nays: None

Motion carried.

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COYOTES BOUNTY REPEAL - ORDINANCE

This being the day and time advertised to consider an ordinance to amend the Code of Augusta County, Virginia, to repeal the bounty for killing of coyotes.

Patrick J. Morgan, County Attorney, advised that last year the Board of Supervisors considered reducing the bounty for coyotes to \$50 a head year-around rather than \$75 at particular times of the season. What is to be considered tonight is an ordinance that would eliminate the bounty altogether. This is being considered because of the budgetary considerations and restraints. This was one proposal made to assist in balancing the budget.

The Chairman declared the public hearing open.

Leo Tammi expressed approval of the ordinance. He felt that the bounty ordinance was a “perfection of means and confusion of goals”. He understood that the program was to eliminate predation on livestock and felt that the program did not meet that goal. He agreed that a program needed to be established to reduce the predation on livestock and measure any program by the standard of how to provide that program. He suggested that when Augusta County was able to expend some money, that another program be instituted such as supporting Wildlife Services, biologists that would target the offending animals, etc.

Timothy Shifflett supported the coyote program and felt it to be cost-efficient. He noted that because of the deep snowfall, coyotes did not get harvested as they should have and in eliminating the program would only cause more problems in the future.

Fred Kaney, of Middlebrook, agreed with Mr. Shifflett. He felt that not having a bounty would take away the initiative to get rid of the coyotes. He added that when food became scarce, coyotes would go for bigger game such as livestock.

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

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COYOTES BOUNTY REPEAL – ORDINANCE (cont'd)

Mr. Howdysshell noted that this is a budgeted issue and was not interested in “hiring more people”.

Mr. Beyeler felt that the bounty for the past few years has been effective. He reiterated that the reason for adopting this ordinance was because of the budget. He also stated that he would not support hiring state people.

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

AN ORDINANCE TO AMEND THE CODE OF AUGUSTA COUNTY, VIRGINIA, TO REPEAL THE BOUNTY FOR KILLING OF COYOTES

WHEREAS, pursuant to Virginia Code § 15.2-926.1 the Board of Supervisors of Augusta County, Virginia, adopted an ordinance on October 12, 2005, effective January 1, 2006, to permit the killing of coyotes within its boundaries at any time and to pay, out of any available funds, a bounty for each coyote killed within its boundaries;

WHEREAS, by ordinance adopted September 9, 2009, effective January 1, 2010, the \$75.00 bounty for each coyote killed between January 1 and April 30 was reduced to \$50.00;

WHEREAS, due to the present economic conditions and budget restraints, the Board of Supervisors finds that it is in the best interests of the county to repeal the bounty paid for a carcass.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that:

1. **Section 5-62. Payment of bounty for coyotes and Section 5-63. Penalty for false claims** are hereby repealed.

2. This ordinance shall become effective July 1, 2010.

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

Nays: Pyles

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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FIRE AND RESCUE GRANT

The Board considered a resolution for submission of funding requested for equipment for responders and to supplement the hazardous materials training costs that are impacted by present budget restraints.

John C. McGehee, Assistant County Administrator, reported that Chief Holloway had provided a memorandum included in the agenda package indicating that they had received notification from the Virginia Department of Emergency Management (VDEM) concerning the allocation of funds for the 2009 Homeland Security Grants in the amount of \$21,666.66. This grant will be used specifically to provide equipment for responders and to supplement the hazardous materials training costs that are impacted by present budget restraints. This is a 100% grant. It is required that the Board adopt a resolution to proceed with the grant submission.

Mr. Howdysshell moved, seconded by Mr. Beyeler, that the Board adopt the resolution.

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FIRE AND RESCUE GRANT (cont'd)

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

Nays: None

Motion carried.

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WEYERS CAVE DRAINAGE

The Board considered approval of scope of work for joint project with Augusta County Service Authority to address community drainage and sewer needs. This is for preliminary engineering only.

Funding source: Middle River Infrastructure Account #80000-8012-63 \$15,000

Timmy Fitzgerald, Director of Community Development, advised that this request was discussed at the last meeting concerning the Weyers Cave drainage project which is in conjunction with the Service Authority. The request of up to \$15,000 is to do the preliminary engineering on about 800 feet of drainage improvements. He felt it to be more cost-effective to include the work with the Service Authority. He noted that the estimated cost for the drainage improvements component was \$52,800.

Mr. Beyeler expressed concerns of the cost of an engineering study for such a small area and could not staff perform the engineering.

Mr. Howdysshell asked if there had already been some engineering on the drainage component of this project. Patrick J. Coffield, County Administrator, said there had been some conceptual studies done in the early 1990s which was helpful for this component.

Mr. Howdysshell asked if this was going to be an outside engineer or in-house. Mr. Coffield said that Peed & Bortz, LLC was under contract with the Service Authority. Mr. Fitzgerald felt that it would be more economical to get the work done now while Peed & Bortz was doing the work for the sewer component of the project. They had given a bid of \$12,500; \$15,000 was being requested in case there were some issues with stream crossings and property accessibility that may need to be addressed. Mr. Fitzgerald added that the total costs included: Service Authority (Sewer): \$49,800; Drainage: \$12,500; Survey: \$6,400; totaling: \$68,700.

Mr. Beyeler asked why the Service Authority was not using their own engineers. Mr. Howdysshell said that their engineers were involved with other projects.

Chairman Garber stated that they have been trying to correct this problem for 24 years and that the costs were not going to get any lower.

Mr. Howdysshell 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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May 12, 2010, at 7:00 p.m.

RIVERHEADS FIRE AND RESCUE

The Board considered approval of Comprehensive Agreement with GFC/Campbell Brothers Construction.

Mr. Morgan advised that a draft of the Comprehensive Agreement was included in the agenda package for the construction of the Riverheads Fire and Rescue Station. He had mentioned that there were a few things to be negotiated and that the price may be different. In the course of discussions with Mr. Campbell, a generator had not been included in the price. Mr. Morgan stated that the generator was needed for emergency power and light. There was also a need for an oil and water separator in the bays for the vehicles. Those two items would increase the guaranteed maximum price to \$1,148,800. He noted that there were a few minor modifications in the contract that do not affect the price such as insurance coverage.

Ms. Sorrells understood that there needed to be two motions: 1) Comprehensive Agreement; and 2) Funding package.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board authorize execution of the Comprehensive Agreement pending the final provision that the guaranteed maximum price does not exceed \$1,148,800.

Mr. Pyles made the following statement:

We have a budget crisis in Augusta County and the State of Virginia and Washington. In Washington, one of the things that most of the people look at and point out as government run amuck are the earmarks. These are the things where a representative, or a senator from a particular district, says, 'Oh, heck with what the budget was. I need this in my district.' And so they get it. And so, one person says, 'It is a bridge to nowhere.' And another person says, 'It's an important bit of infrastructure for tourism.' Well, what it all comes down to is that it is a personal prerogative for spending. We don't have room for that anymore. At the meeting when this was discussed, Supervisor Sorrells spoke long about her personal involvement in getting this done and bringing this about. Nowhere was there an evaluation to how it fits into the total plan, how it works together for everybody. This was a need, she said, for Riverheads. So this is being done outside of our standard budgeting process. Company 10, we were setting aside money for years. We haven't set aside money for Riverheads forever. We didn't do it. She didn't do it. The Board didn't do it. So the money was just to come up. That leads to somebody else say, 'What about me? What about my district? What do I need?' Ms. Sorrells, on television today, said she was sorry it became so political because Stuarts Draft were concerned about losing revenues. The politics started when it comes out of our normal budgeting process and someone tries to get something done by the power of vote rather than the power of reasoning and how we go about a plan. We have a plan to work and we ought to work our plan. I want it on the record that we have a right way and a wrong way to spend money. This is the wrong way. We were talking today that we didn't have money to do this coyote program—all the budget stuff. We said that Emergency Services are strapped for dollars, is what Mr. Howdyshell said. This is \$1,148,800 just for the building. Then it's got to be equipped; then there's operating costs, start-up costs. We're talking \$1,600,000. We just had a budget and nobody put in the budget for a Greenville Fire Department. You knew you were going to do it. Why didn't you budget it? It's this Campbell's nose under the tent. Another thing that has come about is the rationale and the reasoning for having a volunteer station. We just had a big article in the newspaper about there not being enough volunteers in the County. Carson Holloway, our Chief of the Fire Department, says, "We're struggling. So what do we do? We're building a volunteer station. We don't lack for facilities. We lack for people. You might have this first burst by these guys who wanted to have their own station for awhile to be there for a bit. But we're on the hook for it. We're on the hook for it forever to see that it is operating, to see that it is manned. We can't let it fail. Mr. Coleman's area, they had a guy in the paper talking about his insurance going up \$250 in the Fishersville area. Well, how can that be when we got Preston Yancey there? Well, maybe, if Preston Yancey isn't good enough, what are we going to have to do with Preston Yancey to get that level of service? We had a plan. We should be moving Company 10 south of Staunton and let us serve both areas. Then we don't have anymore equipment. We've got the people. Then we need to have revenue recovery

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RIVERHEADS FIRE AND RESCUE (cont'd)

coming in to pay for our people. That's the sensible way to service the area and to be fair to everybody. I've already had one chief asking me for money to reimburse his agency because they paid for their station. They said, 'If you're going to do it for Riverheads, what about me?' That's what it is going to be from all these departments for now on. We cut the training dollars. We're going to feed it back with money they earned, and then we're going to take one company and make it a special company and build it itself like we've never done anywhere else and then we're going to say, 'How come we're losing volunteers?' This just isn't the right way to go and this certainly isn't the right time to do it.

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

Nays: Pyles

Motion carried.

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Ms. Sorrells noted that a new calculation of approximately \$4,800 was added to the maximum guaranteed price because of the oil separator and the generator.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board move forward with this funding as stipulated, and amended, in an amount not to exceed \$1,698,500.

Mr. Howdyshell stated that he had supported Greenville Fire Station at the beginning, but opposed using a 20-year-old engine. At the beginning, it had been scheduled for a 10-year-old engine. He felt that they needed to stay with the original agreement to give the station time to get up and running. He felt the substandard engine was inappropriate. Ms. Sorrells reported that, in discussing with the new company, that the depreciated amount was more than they could get a new engine. If this engine is not proving to be reliable in 6 months to a year, that Riverheads infrastructure could be used to get a new engine. She felt this to be the most cost-effective way to evaluate this engine before buying a new engine.

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

Nays: Pyles and Howdyshell

Motion carried.

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STREET ADDITION

The Board considered Community Development's and VDOT's recommendations to adopt resolution for acceptance of the following street into the Secondary Road System in accordance with VDOT request (Middle River District):

- 1. Northwood Subdivision, Section 6.

Mr. Fitzgerald distributed a map to the Board for review with the sections of the streets being high-lighted in red.

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

NORTHWOOD SUBDIVISION, SECTION 6 - STREET ADDITION
WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26,

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STREET ADDITION (cont'd)

1996, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **NORTHWOOD SUBDIVISION, SECTION 6**, secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Woodside Drive

From: 0.26 miles east of Route 340
To: Intersection of Marwood Lane
Length: 0.04 miles

Woodside Drive

From: Intersection of Marwood Lane
To: 0.04 miles east of Intersection of Marwood Lane
Length: 0.04 miles

Marwood Lane

From: Intersection of Woodside Drive
To: 0.11 miles north of Woodside Drive
Length: 0.11 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way of 50 feet with necessary easements for cuts, fills, and drainage as recorded in Plat Book 1, Page 6284, recorded July 1, 2005.

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

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

Nays: None

Motion carried.

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WAIVERS - NONE

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Budget Hearing, Wednesday, April 21, 2010
- Staff Briefing Meeting, Monday, April 26, 2010
- Regular Meeting, Wednesday, April 28, 2010

CLAIMS

Approved claims paid since April 14, 2010.

May 12, 2010, at 7:00 p.m.

CONSENT AGENDA (cont'd)

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 BOARD

The Board discussed the following issues:

Mr. Beyeler: Notices from power/gas companies – Suggested that Board be informed that notices are placed in the Board reading file and not attached to agenda packages.

Ms. Sorrells:

- 1. BZA issues – requested to receive agenda with “actions” taken. Suggested that it could be e-mailed to her.
- 2. Greenville Sewer – attended meeting with representatives from Goodlatte’s office, DEQ, and Rural Development. Received input on funding scenarios and will be moving forward.

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FIRE AND RESCUE GRANT REQUEST

Mr. Howdysshell moved, seconded by Ms. Sorrells, that the Board approve the Weyers Cave grant request in the amount of \$3,297 for 5% funding of 25 complete sets of turn-out gear.

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. VDOT Revenue Sharing – Handouts distributed to Board. Will be discussed at the May 24th Staff Briefing. Deadline for decision is June 18th.
- 2. Pilot/ACC/SportsPark meeting – Collaborative approach to address issues. Thank you to Ms. Sorrells for positive meeting.
- 3. County Budget – Finance Director attending Government Finance Officers Association (GFOA) training. Noted additional funding from Compensation Board; may be revenue minuses due to real estate book and recordation taxes reductions.
- 4. Urban Service Overlay District Joint Meeting with Service Authority and Planning Commission – May 24th at 4:00 p.m. – 6:00 p.m. No dinner.
- 5. SPCA – Briefed Board of status of SPCA contract for FY2010-11. Indicated that, for FY2010-11, 15% increase on base rate of \$110 (\$126.50). Three jurisdictions will be working with SPCA to execute new agreement for FY2011-12 contract year.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

6. Elections – Shared “issues” relating to redistricting and staggered terms. Consensus of the Board to place on next Staff Briefing.
7. Augusta Health Center meeting – Regional meeting, June 1st, 5:00 p.m. – 7:00 p.m., in the Community Care Building.
8. ECC Feasibility Study – Joint meeting with Waynesboro, Staunton, and Augusta County – June 22nd at 5:00 p.m.
9. Natural Chimneys update – For the first two weeks of camping, averaged 40% occupancy which meets minimum revenue. To date, generated \$65,630 in total revenues or 80% of revenue projected through June 30th. Project still within budget. Mr. Howdyshell commented that as Natural Chimneys moves forward and grows, Tourism money should be partly allocated to improvements (shower houses).
10. Treasurer – New payment options – Can be done electronically.
11. Middle River Regional Jail Authority (MRRJA) rating upgrade – Moody’s Investors Service has been going through a “rating recalibration”. MRRJA has upgraded from A1 to Aa3.

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CLOSED SESSION

On motion of Mr. Shifflett, seconded by Mr. Howdyshell, 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 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) Deerfield Community Center

- (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)]:

A) Reassessment

On motion of Mr. Beyeler, seconded by Mr. Shifflett, 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:

May 12, 2010, at 7:00 p.m.

CLOSED SESSION (cont'd)

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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AUGUSTA COUNTY LIBRARY BOARD – APPOINTMENT

Ms. Sorrells moved, seconded by Mr. Shifflett, that the Board appoint Frank J. Deckert to serve a four-year term on the Augusta County Library Board, effective July 1, 2010, to expire June 30, 2014.

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

Motion carried.

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VALLEY COMMUNITY SERVICES BOARD – APPOINTMENT

Mr. Shifflett moved, seconded by Mr. Beyeler, that the Board appoint Melissa Meyerhoeffer to serve a three-year term on the Valley Community Services Board, effective July 1, 2010, to expire June 30, 2013.

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

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board Mr. Shifflett moved, seconded by Mr. Howdysshell, the Board adjourned subject to call of the Chairman.

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

Motion carried.

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Chairman

County Administrator