

Regular Meeting, Wednesday, June 9, 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, June 9, 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 234th year of the Commonwealth....

* * * * *

Chairman Garber welcomed the citizens present.

* * * * *

Lee Godfrey led us with the Pledge of Allegiance.

* * * * *

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

* * * * *

ANNEXATION - ORDINANCE

This being the day and time advertised to consider an Annexation Ordinance to provide for the extension of the corporate limits of the Town of Grottoes, Virginia, by the annexation of certain territory in the County of Augusta and an agreement whereby the Town of Grottoes would be expanded by changes in its boundaries.

Patrick J. Morgan, County Attorney, advised that this procedure began approximately a year ago with the Upper Valley Regional Park Authority, and this was the final step. Augusta County took over the Natural Chimneys Park and the Town of Grottoes took over the Grand Caverns Park. The property of the Park has already been deeded to the Town of Grottoes and they wanted the Park within the town limits to have better maintenance and activities within the Park area. Part of the agreement that the County entered into with the Town was that if they were allowed to annex this Park, they would not engage in a forced annexation of any other county property for a period of ten years.

The Chairman declared the public hearing open.

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

Chairman Garber felt this to be a win-win situation.

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

AN ORDINANCE TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN OF GROTTUES, VIRGINIA, PURSUANT TO THE PROVISIONS OF § 15.2-3400, et seq., OF THE CODE OF VIRGINIA (1950), AS AMENDED, BY THE ANNEXATION OF CERTAIN TERRITORY IN THE COUNTY OF AUGUSTA, VIRGINIA.

WHEREAS, Section 15.2-3400, et seq. provides for annexation of territory by a town when a voluntary agreement has been entered into by the parties;

June 9, 2010, at 7:00 p.m.

ANNEXATION – ORDINANCE (cont'd)

WHEREAS, the County of Augusta, Virginia and the Town of Grottoes, Virginia have reached an agreement allowing annexation by the Town of Grottoes, Virginia of County land containing 100.462 acres plus a triangular piece described by Rockingham County Tax Records as a portion of Map No. 160D3-(1)-LF;

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

§1. **Formal Annexation.** That Augusta County, Virginia, in furtherance of the health, safety and welfare of the County, and acting under an "Amended Voluntary Settlement Agreement" ("Agreement") dated March 12, 2010 executed between the Town of Grottoes, Virginia ("Town") and County of Augusta, Virginia ("County"), pursuant to the provisions of § 15.2-3400, *et seq.*, of the Code of Virginia, 1950, as amended, hereby declares that by this ordinance it does agree to the annexation of County which is adjacent to the present corporate limits of the Town and which terms and conditions and Property are set out in the Agreement dated March 12, 2010.

§2. **Metes and Bounds and Size of Area.** The plat of the territory being annexed, which contains 100.462 acres and being the property located within Grand Caverns and identified on Augusta County Tax Maps as Parcels 29-6 and 29-6A and a small triangular piece described by Rockingham County Tax Records as a portion of Map No. 160D3-(1)-LF, are attached as **Exhibit "A"** and made a part of this Ordinance.

§3. **Necessity and Expediency of Annexation.** The annexation is necessary and expedient because it is in the best interest of and promotes the viability of the Town and County and is consistent with the best interest of the Commonwealth of Virginia and additionally for the reasons set out in the Agreement dated March 12, 2010.

§4. **Terms and Conditions.** The terms and conditions for this annexation are as set forth in the Agreement.

§5. **Voluntary Settlement Agreement.** All terms and conditions of the March 12, 2010 Amended Agreement between the Town and Augusta County are incorporated into this ordinance.

§6. **Effective Date.** The effective date of annexation under this ordinance of the Property described herein shall be the last day of the month following Judicial approval pursuant to the Code of Virginia.

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

Nays: None

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

* * * * *

VRS PLAN 2 EMPLOYEES

The Board considered County's payment option for new employees hired after July 1, 2010.

Patrick J. Coffield, County Administrator, reported that the Commonwealth of Virginia, as part of the budget reconciliation and response to the economy, made it a requirement (HB1189). Beginning July 1st, it is required that VRS has a Plan A and a Plan B. Plan A is for existing employees covered under VRS. Plan B, beginning July 1st, has a number of components. It changes from the highest 3-year average to a 5-year

June 9, 2010, at 7:00 p.m.

VRS PLAN 2 EMPLOYEES (cont'd)

average when calculating retirement benefits. It also changes the Cost of Living formula for Plan B employees. There is an optional condition; for Plan B employees, the State is requiring all their agency employees to contribute 5% towards their retirement out of their salary. At the request of VACo and VML, it was made a local option for jurisdictions. If the County wishes to parallel with what the State is doing, no action is necessary. If the Board wishes, it can opt to make payment of that 5% for local government employees. A number of local agencies are having to make a decision – Service Authority, School Board, etc. Last week, VRS had a meeting with the local jurisdictions, hosted by Rockingham County. Jennifer Whetzel, Faith Souder, Bo Beasley (Service Authority) and Pat Coffield attended the meeting. There are a number of pros and cons:

Pros:

1. Treat all employees the same (as far as the cost);
2. It would be easier to administer one deduction plan than having two deduction plans;
3. Tracking of plan will be easier.

Cons:

1. State agencies' employees, beginning July 1st, will be paying 5%. If the local government did not do it, there would be a difference between the State and local employees within the same retirement.
2. Corporations, nationally, are going from a defined benefit program (like VRS) to a defined contribution benefit program (like 401Ks).
3. If the County accepts paying the 5% now and wishes to change it later due to future economic situations, it will be harder to do it later than doing it now.
4. If new employees are required to pick up the 5% and job classifications become non-competitive, we may have a competitive disadvantage when hiring new positions.

Mr. Beyeler asked if the other groups are agreeing to either opt in or opt out. Mr. Coffield said not for the three to five-year averages, not for the COLA. There will be a Plan B no matter what is decided with regards to the 5%. The only option is 5%.

Chairman Garber said the School Board has voted to pick up the 5% for new employees.

Mr. Pyles asked if they continue what is being done, can it be changed at a later date. He noted there has been a couple of years where no one has received a wage increase and stated, "I think that the quality of services that are given in this County are totally dependent on the quality of the people that we have doing the jobs. That might put us in a real competitive disadvantage if everybody else is holding on. We don't have the health insurance funded in an ongoing way after this year—what we did this year is just taking it from Capital money. We don't even have that set up for next year." Mr. Pyles felt that the County should continue as they have been doing. "If we go to this now then we're forever locked into it to some degree for those people. I would rather wait and see how it plays out in the economy."

Mr. Beyeler emphasized that it would only affect new employees. Mr. Coffield stated that it would affect new employees after July 1st. John C. McGehee, Assistant County Administrator, explained that it would only affect new employees that are not currently under the VRS. Firefighters that come from another area probably are already under the VRS plan.

Chairman Garber had asked Mr. Coffield to provide the following information:

1. Confirmed that 5% is in the budget
2. Two calculations were made:

June 9, 2010, at 7:00 p.m.

VRS PLAN 2 EMPLOYEES (cont'd)

- a. Pull all hires from the past year. Amount of turnover for the next year based upon the last 12 months - Augusta County DSS – 45.5%; Jail – 37.7% = \$35,000 to \$40,000
- b. Currently frozen jobs - \$40,000

Chairman Garber asked Mr. McGehee if he had an estimate of possible new employees in the Fire and Rescue. Mr. McGehee stated that there would be more probability that entry-level firefighter positions would be considered a new employee. As you get into the ranks, there is less probability that those people have not been in the VRS system. Sometimes entry level firefighters are hired from other jurisdictions who are already in the retirement system.

Mr. Beyeler felt that an adjustment was needed, but wanted more time to discuss. He asked that Mr. Coffield provide a list of new employees hired over the past year that were not previously in the retirement system.

Mr. Beyeler moved, seconded by Mr. Howdyshell, that the Board table this item until the June 21st Staff Briefing.

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

Nays: None

Motion carried.

* * * * *

WAIVERS

Mr. Coffield advised that Section 25-505 of the Zoning Ordinance provides for an exception for sewer connections to Augusta County Service Authority. It provides exemptions for parcels outside 200 feet of a property line and in situations when costs exceed \$100,000. There was a request from a citizen for connection to public sewer and water. Water was available and, in checking with sewer, the individual was directed to contact the Health Department for a septic permit. The Service Authority felt that because the property line was within 200 feet and costs did not exceed \$100,000, that the applicant should be required to connect to public sewer. Mr. Coffield noted previous waivers approval for parking and buffers.

Mr. Howdyshell, as the Chairman of the Service Authority, agreed with the waiver. He noted that this property is a family farm and that Mr. Jordan wished to be next to his parents and operate a vineyard and keep the family farm alive. He felt that the \$100,000 for a farm is extreme. He felt that this was an appropriate approach.

Mr. Coleman asked for clarification if it was in the Urban Service Area. He understood that because of it being in the Urban Service Area, it required connection with public water and public sewer; therefore, this is the reason for the waiver.

Mr. Beyeler agreed with Mr. Howdyshell that the \$100,000 figure for a farm was extreme.

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

WHEREAS, Section 25-505 of the Augusta County Zoning Ordinance provides that a plat of a minor subdivision may not be approved in Urban Service Overlay Districts, if water and sewer lines, if available, and related equipment for the connection of such lines and equipment to systems of the Augusta County Service Authority are not to be installed; and

June 9, 2010, at 7:00 p.m.

WAIVERS (cont'd)

WHEREAS, Mr. Ted Jordan has had a plat prepared to obtain approval of a minor subdivision of his property, located in an Urban Service Overlay District, and described as Tax Map Parcel 37-26; and

WHEREAS, he was informed by the Augusta County Service Authority that it was economically unfeasible for him to connect to its sewer lines, and

WHEREAS, Mr. Ted Jordan has obtained a septic system permit to serve the minor subdivision lot.

NOW THEREFORE, be it resolved by the Board of Supervisors, finds that Mr. Ted Jordan having relied in good faith on the representations concerning the unavailability of sewer lines to serve his minor subdivision plat and having expended funds to design a septic system and to obtain Health Department approval of the system, should not now be required to connect to sewer lines operated by the Augusta County Service Authority.

BE IT FURTHER RESOLVED, the requirement to connect to sewer lines because the property is located in an Urban Service Overlay District is hereby waived by the Board of Supervisors.

BE IT FURTHER RESOLVED, that this waiver shall apply only to the minor subdivision lot and shall not be construed as applying to any additional lots created from the parent tract, Tax Map Parcel 37-26, nor shall it apply to any new businesses established on the property.

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

Nays: None

Motion carried.

Ted Jordan, applicant, stated that his initial plan was to hook up to the sewer line and was told that he could not. He wanted to get a septic approved before dividing the lot. When he talked with Community Development, he was told that he would receive a letter of approval but was notified later that it would not be approved. He asked that the ordinance be revisited. He felt that the \$100,000 for a single family was too high. He also felt that the 200 feet should be from the lot, not from anywhere on the property that the lot is going to be divided. He appreciated the Board's decision.

* * * * *

CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, May 24, 2010
- Regular Meeting, Wednesday, May 26, 2010

CLAIMS

Approved claims paid since May 12, 2010.

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

Nays: None

Motion carried.

* * * * *

June 9, 2010, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles:

CRAIGSVILLE VOLUNTEER FIRE DEPARTMENT

Craigsville Volunteer Fire Department has requested to become first responder and has asked for \$2,000 to support the course.

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board approve the allocation of \$2,000 to support the first responder course out of the Pastures Infrastructure Account #8014-62.

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

Nays: None

Motion carried.

* * *

Mr. Shifflett: Attended several graduations – Congratulations and wish you well in your endeavors!

Ms. Sorrells:

1. RIVERHEADS FIRE AND RESCUE STATION – AUGUSTA COUNTY CODE

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board authorize the County Attorney to draft an amendment to Section 2-13 of the County Code to add Riverheads Volunteer Fire Department to those agencies recognized as an official part of the safety program for the County, to prepare any resolutions necessary recognizing the Department enabling it to operate within the County, and to draft an agreement allowing the Riverheads volunteer Fire Department to operate from the soon-to-be constructed Riverheads Fire and Rescue Station.

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

Nays: None

Motion carried.

* * *

2. Courthouse memorial plaques – need to be updated since Vietnam.

Chairman Garber suggested that, since Ms. Sorrells is the local historian, she work with the Clerk of Court and County staff.

* * *

Mr. Beyeler:

- 1. Attended grandson's graduation at JMU – traffic backed up on Interstate; 200 Stuart Draft's graduates with 3500 attendance.
- 2. Bridge Naming plaque – Family lost a brother in Vietnam; would like a plaque near Lyndhurst (South River).

* * *

June 9, 2010, at 7:00 p.m.

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

3. STATE CHAMPIONSHIP RESOLUTIONS

Mr. Beyeler moved, seconded by Ms. Sorrells – if Ford Defiance High School and/or Stuarts Draft High School win state championship, that the Board authorizes staff to provide a resolution to be adopted.

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

Nays: None

Motion carried.

* * * * *

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

Mr. Coleman:

- 1. Fishersville Ruritan 70th Anniversary – asked that a resolution be drafted. Contact person: John Baker, President of the Fishersville Ruritan Club (942-2049).
- 2. Fireworks in subdivisions – requested that the ordinance committee review setting off fireworks in subdivisions.

Chairman Garber: Attended Agriculture & Environmental Committee joint meeting with VACo and VML last Wednesday (June 2nd). Attendees included representatives from EPA, DEQ and DCR. “Serious issue!” Take-home message to Augusta County: 1) tying land use assessments to fencing of streams; 2) Stormwater regulations retrofitting to existing subdivisions and shopping centers and create standards now proposing. Asked that John do some research. Comment period is from June to August. Mr. Howdysshell said these same people were at the water resource meeting. “Their intention is to get in everybody’s pocket – whether you’re a resident, farmer, or businessman.”

* * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. June Staff Briefing issues:
 - a. Route 262 Boundary line study (Widener Boundary)
 - b. AOSS Regulations (Alternative Septic Systems)
 - c. Old Tram Road
 - d. Mill Place Dam (wall failed)
 - e. WWRC Foundation Project (land exchange)
 - f. Comp Plan Report Card
 - g. Deerfield Community Center (trustee agreement change)
 - h. Center for Independent Living Proclamation
 - i. Staggered Terms
 - j. USO Districts
 - k. Fire and Rescue Training Committee Report
 - l. VRS Plan 2
- 2. July 14th BOS meeting – possible cancellation. Will be discussed at next meeting.
- 3. VACo Steering Committees meeting – August 6th

June 9, 2010, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

4. Plaques for McKee's and Dr. McQuain – thank you for signing.

* * *

5. STUARTS DRAFT FIRE AND RESCUE REQUEST

Stuarts Draft Fire Department is in ownership of a Toughbook without software. Staff has reported the cost: \$910 one-time cost for software licenses; \$145 reoccurring cost for maintenance = \$1,055.

Mr. Beyeler advised that the County has applied for additional Toughbooks for the Fire Department. They applied for 30 and accepted 15. Stuarts Draft found this Toughbook with a four-year guarantee without software.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board authorize allocation for the software costs from the South River and Riverheads Infrastructure Accounts. Funding Sources: South River Account #80000-8016-53 (\$527.50); Riverheads Account #8015-60 (\$527.50).

Mr. Howdysshell asked for the cost of the Toughbooks that are from the grant. Mr. McGehee said they cost approximately \$6,000 each with software built in. He suggested that if the grant does not come through, then the Fire companies may buy the Toughbooks and the County pay for the software. Mr. McGehee suggested going back to the State and ask that they consider reconditioned instead of new Toughbooks.

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

Nays: None

Motion carried.

* * *

6. Staunton – Payday Lending Resolution – Information distributed to Board.
7. Augusta County Fair – For FY2009-10, a contribution was not included in the budget. The Ag Committee authorized some of its development funds; in November 2009 - \$3,500. Since that date, the Fair has been notified that the Sheriff's Department can no longer fund the security requirements for the Fair. With the budget, whatever is received from radar is used to offset the directed patrol (DUI stops, radar, special events, traffic, major investigations, etc.) The Fair has the alternative of getting private security. The Sheriff's Department could provide security at the cost of roughly \$5,500 (overtime hours). The Augusta County Fair is asking for the Board to consider splitting the cost. Mr. Howdysshell noted that the Augusta County Fair was not happy with the private security services last year, but suggested that the Fair go back and address those issues and determine if it is more affordable. Mr. Coleman expressed concern of being approached for a County donation as soon after the completion of the budget.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board table this item until June 21st Staff Briefing.

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

Nays: None

Motion carried.

June 9, 2010, at 7:00 p.m.

* * * * *

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
- B) Appointment

(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) Government Center security

On motion of Mr. Howdyshell, 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.

* * * * *

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, Howdyshell, Shifflett, Pyles and Beyeler
NAY: None

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

* * * * *

YOUTH COMMISSION – APPOINTMENT

Mr. Shifflett moved, seconded by Mr. Howdyshell, that the Board reappoint Erin Stabel to serve another three-year term on the Youth Commission, effective July 1, 2010, to expire June 30, 2013.

June 9, 2010, at 7:00 p.m.

YOUTH COMMISSION – APPOINTMENT (cont'd)

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

Motion carried.

* * * * *

ADJOURNMENT

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

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

Nays: None

Motion carried.

* * * * *

Chairman
H6-9min.10

County Administrator