

Regular Meeting, Wednesday, June 23, 2010, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman
Jeremy L. Shiflett, Vice-Chairman
David R. Beyeler
Wendell L. Coleman
Larry C. Howdysshell
Tracy C. Pyles, Jr.
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
Becky Earhart, Senior Planner
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Jessica T. Staples, Administrative Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 23, 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 and reminded them to remove their hats and turn off their cell phones.

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Lynn Mitchell led the Pledge of Allegiance.

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

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ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT – PROCLAMATION

Gayl Brunk was present to receive the proclamation.

Ms. Sorrells moved, seconded by Mr. Beyeler, to adopt the following proclamation:

**ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT
Proclamation of Recommitment to Full Implementation of the ADA**

WHEREAS, on July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, increasing full participation in community life. However, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA; and

WHEREAS, on the 20th anniversary of the Americans with Disabilities Act, we, the County of Augusta, celebrate and recognize the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance.

NOW, THEREFORE, the Augusta County Board of Supervisors does hereby reaffirm its commitment to work toward full ADA compliance in the County of Augusta.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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DEERFIELD COMMUNITY CENTER

The Board considered Trust Agreement modifications to allow for Ruritan Club to sublease space in center.

Patrick J. Morgan, County Attorney, reported to the Board the Trust Agreement modifications allowing for the Ruritan Club to sublease space in the center. He explained from Monday's Staff Briefing it was discovered there was an inconsistency between the Deed of Trust and the Trust Agreement. He explained Deed of Trust permitted the trustees to lease or dedicate the property whereas the Agreement does not. He stated it was decided there may be a case where it may be advantageous for the County to have the property leased. He explained the amendment to the agreement will not allow the trustees the power to buy, sell, or mortgage the property, but it does give them the authority to dedicate or lease the property if it is found to be in the best interest of the County to do so.

Mr. Pyles requested the listed parties be formalized to list the County Administrator, the President of the Deerfield Ruritan Club, and a designated community representative to serve a four-year term. He has spoken with Ms. Beck and she has indicated she would continue to serve in that position.

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board adopt the modifications presented by the County Attorney as well as a formalized list identifying the parties by title or appointment.

Mr. Beyeler questioned if the term of the President of the Ruritan Club would be on a rotation or a four-year term.

Mr. Pyles clarified the County Administrator would serve however long they are in that position, the President of the Ruritan Club would change on a yearly basis, and the community representative would be every four years.

Mr. Morgan stated the community leader in the agreement modifications can be clearly defined.

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

Nays: None

Motion carried.

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STAGGERED TERMS

The Board considered issues relating to redistricting and staggered terms.

Patrick J. Coffield, County Administrator, thanked staff for providing requested information to the Board.

David Karaffa, 176 Sherwood Drive, Waynesboro, stated he was in support of staggered terms and feels the amendment should be adopted immediately. He stated Board Members would be held more accountable if elections were held more frequently and would be more apt to assisting citizens' concerns. Mr. Karaffa explained he has attended several of the Board's worksessions concerning this issue which provided no

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STAGGERED TERMS (cont'd)

public input. He stated one concern of the Board was the cost of holding more frequent elections. Being in the Commonwealth, Mr. Karaffa stated elections are held every November. He does not see cost as being an issue. He gave the state and federal governments as examples and concluded by stating Augusta County should be more like surrounding localities.

Mr. Pyles stated the Board, as a body, does not have to support the issue, but feels there should be a public hearing.

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board consider holding a public hearing regarding staggered terms to determine how citizens feel about the issue.

Mr. Shifflett advised that he has spoken with many citizens in the Beverly Manor District and those from other localities who already have staggered terms. There are pros and cons to the concept and he thinks that the pros outweigh the cons. He further stated it would hold the Board, as a whole, more accountable to its citizens and would allow citizens to have a greater command of the issues and to be more involved in the Board's decision-making process, as they would now have the opportunity of weighing in on the direction of the Board every two years as opposed to four. Mr. Shifflett stated he has always felt that having more citizen involvement is a benefit and not a hindrance to government. The reasons given are why he supports the change to staggered terms. In conclusion, Mr. Shifflett stated the issue of staggered terms on the agenda tonight is whether this Board will proceed forward to the next step of the process, which is to have the County Attorney draft an ordinance change and then hold an advertised public hearing. He stated he supports the change and this issue does affect the voters and citizens of the County as a whole and that a public hearing allows for the Board to hear on a County-wide scale, the public's comments that would also be added to the comments of those who spoke here tonight and to those citizens that each member has spoken to over the past month when the issue was first brought up.

Mr. Beyeler stated the Augusta County Board of Supervisors does not have to comply with what other localities are doing with regard to staggered terms. With regard to Mr. Karaffa's comment concerning Congress, Mr. Beyeler stated he did not wish to have the same approval rating. Citizens of Augusta County have been properly notified. Mr. Beyeler explained the issue concerning staggered terms has been publicly discussed and having a public hearing would be wasting citizens' time. Mr. Beyeler noted he is always out in the public eye listening to the concerns of his district. He stressed the importance of other Board Members doing the same. With regard to the current process, Mr. Beyeler quoted "If it is not broke, do not fix it".

Ms. Sorrells stated that she does not see a need to hold a public hearing. She stated that, at every Board of Supervisors' Meeting, the public has the opportunity to speak. She stated Board Members are already held accountable for their decisions without necessarily having to have staggered terms. Concerning Mr. Karaffa's comments regarding the state and federal elections, Ms. Sorrells stated there is a difference between politics and governance. She gave Loudoun County as an example and explained the government is not able to achieve anything because elections are always being held. She explained the governing body is constantly swinging from "left to right and right to left". Ms. Sorrells also noted governance is not only about "hot topics".

Mr. Howdyshell reiterated "If it is not broke, do not fix it". He stated four years is sufficient enough time for elections and this does hold members accountable. Mr. Howdyshell noted issues with other districts within the County having a negative influence on the governance of the body.

Mr. Coleman stated, in the seven years he has been on the Board, staggered terms has not been an issue. He stated he is in contact with the citizens of his district on a

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STAGGERED TERMS (cont'd)

daily basis. He does not see the need for a public hearing on the issue of staggered terms.

Chairman Garber stated that he favored the concept.

The Board took a vote on whether or not to hold a public hearing on the issues relating to redistricting and staggered terms.

Vote was as follows: Yeas: Garber, Shifflett, and Pyles

Nays: Coleman, Beyeler, Howdyshell and Sorrells

Motion failed.

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Mr. Pyles stated the Board of Supervisors lacks a desire to hear public input. He explained, as a member of this Board serving his citizens, he feels a need to petition to determine where the general public stands on this issue. He has heard support for staggered terms in his District and the only way to get an idea of the public's opinion is to petition.

Mr. Beyeler stated, "The problem with this Board is that when certain members do not get a vote on an issue they support, they go out on a limb".

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board leave the election cycle as currently written.

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

Nays: Garber, Shifflett and Pyles

Motion carried.

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URBAN SERVICE OVERLAY DISTRICTS

Consider information provided by County and Service Authority staff presented at May 24, 2010 briefing.

Timmy Fitzgerald, Director of Community Development, explained the Planning Commission has discussed the issue at their June 13, 2010 meeting. He stated Community Development will provide those comments when appropriate.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board establish a public/private partnership committee consisting of two members of the Board of Supervisors, Planning Commission, Service Authority and developers (Home Builders Association) to address the issues identified in the Urban Service Overlay Districts presentation, to review options and make recommendations along with additional recommendations for financing the extension of water/sewer infrastructure within Urban Service Areas.

Mr. Howdyshell recommended adding the IDA as a representative to the committee.

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URBAN SERVICE OVERLAY DISTRICTS (cont'd)

Chairman Garber supported the concept.

Mr. Howdysshell added Homebuilders Association.

Ms. Sorrells asked for clarification regarding a representative from the Service Authority. Will this be a staff member or a representative from the Board? Mr. Coleman stated the Service Authority Board. Regarding a representative from staff or the Service Authority Board, Mr. Pyles stated leaving the decision to the discretion of the Service Authority. Mr. Beyeler would prefer a member from the Service Authority Board. Chairman Garber explained staff of the Service Authority would serve as "technical advisors".

Chairman Garber nominated himself and Mr. Beyeler as representatives from the Board of Supervisors.

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

Nays: None

Motion carried

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FIRE REVOLVING LOAN FUND APPLICATION

Consider Revolving Loan for Stuarts Draft Volunteer Fire Company to purchase a 2003 Freightliner Model FL106 Tanker in an amount not to exceed \$137,238 (two-thirds of the total value).

John C. McGehee, Assistant County Administrator, stated the purchase of the tanker has gone through the proper committees and that the remaining money from the purchase of the tanker will go to the Mount Solon Fire Company.

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

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

Nays: None

Motion carried.

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FIRE VOLUNTEER TRAINING

Consider Fire Volunteer Training proposal for FY2010-2011.

Funding Source: Volunteer Fire Training Account #32020-3205 \$75,000

Mr. McGehee explained the need to target fire companies for further training. He explained up to seven hundred fifty hours countywide were to be approved for State-approved-training, on-line courses, and training approved by the department. Fire Departments would receive \$6.00 per hour for such training. He stated the Emergency Services Committee has assisted in drafting the proposal. Officers Association approved the proposal.

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

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FIRE VOLUNTEER TRAINING (cont'd)

Mr. Howdyshell explained good guidelines need to be established in order to receive adequate training for emergency personnel and feels this is the best guidelines available.

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

Nays: None

Motion carried.

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VRS PLAN 2 EMPLOYEES

Consider County's payment option for new employees hired after July 1, 2010.

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing.

Ms. Sorrells moved, seconded by Mr. Pyles, that the Board approve for the County to pay 5% of the total cost not covered by the State.

Mr. Beyeler stated, while the State is not obligated to pay 5%, the amount may increase.

Mr. Coleman agreed with Mr. Beyeler; however, he stated he recognizes two agencies (ACSA and Schools) have already taken a position to absorb the 5%.

Mr. Howdyshell noted this decision can always be amended.

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

Nays: Beyeler and Shifflett

Motion carried.

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AUGUSTA COUNTY FAIR – SECURITY

Consider request for security to be provided by the Augusta County Sheriff's Department deputies and the resulting accrual of overtime hours to be billed to and shared equally by the County of Augusta and the 2010 Augusta County Fair.

Mr. Coffield advised that this had been discussed two weeks ago.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve the request and that the funds come out of the seven infrastructure accounts.

Mr. Pyles noted the funding should come from the County's tourism account.

Mr. Coffield noted there are sufficient funds in the Tourism account as well as the Agricultural Development Fund and suggested the following funding sources:

Funding Source:	Tourism	#81020-5603	\$1,350
	Agricultural Development	#83050-6007	<u>\$1,350</u>
			\$2,700

Mr. Howdyshell suggested that the motion be amended to reflect 50% of the cost come from the Tourism account and 50% come from the Agricultural Development

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AUGUSTA COUNTY FAIR – SECURITY (cont'd)

Fund. Mr. Coleman stated he supports the request, but noted the possibility of other groups requesting funding in the future.

Chairman Garber supported the motion and stated it is the largest public gathering in the County and also has the County's name behind it.

Mr. Shifflett agreed with Chairman Garber and stated the private security is not the same.

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

Nays: None

Motion carried.

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BOARD MEETING SCHEDULE

Consider resolution canceling the Board of Supervisor' Wednesday, July 14, 2010 meeting.

Mr. Coffield advised that there were no items planned for the first meeting in July.

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

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

WHEREAS, by resolution adopted at its organizational meeting on January 6, 2010, the Board of Supervisors of Augusta County, Virginia established a schedule for its meetings during 2010.

WHEREAS, pursuant to the established schedule, the Board of Supervisors is scheduled to conduct a regular meeting on Wednesday, July 14, 2010, at 7:00 p.m.

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

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that its regular meeting scheduled on Wednesday, July 14, 2010, at 7:00 p.m. be, and hereby is, cancelled.

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

Nays: None

Motion carried.

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WAIVERS - NONE

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CONSENT AGENDA

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

MINUTES

Approved the following minutes:

- Joint Meeting, Monday, May 24, 2010
- Regular Meeting, Wednesday, June 9, 2010

June 23, 2010, at 7:00 p.m.

CONSENT AGENDA (cont'd)

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

Nays: None

Motion carried.

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(END OF CONSENT AGENDA)
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MATTERS TO BE PRESENTED BY THE BOARD

YOUTH COMMISSION – APPOINTMENT

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board appoint Kendra Leigh Beyeler to serve a one-year term on the Youth Commission, effective July 1, 2010, to expire June 30, 2011.

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

Nays: None

Abstained: Beyeler

Motion carried.

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

The Board discussed the following issues:

Mr. Beyeler: Noted McKee recently celebrated their 20th Anniversary. He stated McKee was the last plant to come to Stuarts Draft other than Target.

Mr. Shifflett: Attended McKee’s Anniversary Celebration. He stated it was a nice event and many in attendance.

He also gave a status report on the Scholastic Way Project. Thirteen preliminary engineering proposals were received; the committee narrowed it to 4 companies to interview. Negotiations have begun with the firm ranked first. VDOT is currently reviewing the firm’s rate structure. Once VDOT approves, then the Board will consider.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Pickup Artist Project - Stated participants will be walking through Augusta County on July 22. This is a recycling program.
2. Virginia Manufactured Housing Board – Letter from Secretary of Commonwealth of appreciation to Mike Nickell for his reappointment to serve on Board.
3. Rick Homes, Treasurer – update of his medical condition. Mr. Morgan also discussed the role of the Chief Deputy Treasurer. Information was distributed to the Board.
4. Stuarts Draft playground open.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 5. Extension Office:
 - a. Vacant Agronomy Extension Agent position
 - b. Re-assignment of Tom Stanley, Farm Business Management agent
 - c. Elimination of former Northwest District of Virginia Cooperative Extension position
- 6. Central Shenandoah Planning District Commission Executive Committee was appointed to serve a two-year term: 1) Carolyn Dull, Chairperson (City of Staunton); 2) Frank Friedman, Vice Chair (City of Lexington); 3) Larry Tolley, Secretary (City of Buena Vista); 4) Billy Vaughn, Treasurer (Rockingham County); 5) Jerry Rexrode (Highland County); 6) Buster Lewis (Rockbridge County); 7) Jeremy Shifflett (Augusta County)
- 7. Route 262 –Boundary Line Adjustment – Board asked staff previously to get together with Staunton counterparts to analyze considerations such as waterlines, sewer lines, property lines, roads, Stormwater management, etc. Now have aerial which can benchmark for further requests.
- 8. Mr. Beyeler asked that the Board be given an update on broadbanding at the next Staff Briefing.

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ADJOURNMENT

There being no other business to come before the Board, Ms. Sorrells moved, seconded by Mr. Shifflett, 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