

Regular Meeting, Wednesday, August 11, 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, August 11 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 235th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Delegate Steve Landes led us with the Pledge of Allegiance.

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

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ORVIN HERMAN KISER, SR. RECOGNITION – RESOLUTION

Delegates Steve Landes and Dickie Bell presented a resolution to Orvin Kiser, Jr. and Teri Fust. Delegate Landes reminded the Board that the General Assembly can recognize and memorialize individuals who have served localities in the Commonwealth noting that Orvin Kiser had served on this board for many years. With the help of Delegates Bell and Cline, and Senator Hanger, Delegate Landes was able to introduce House Joint Resolution No. 374 celebrating the life of Orvin Herman Kiser, Sr., which was agreed to by the House of Delegates, March 5, 2010, and agreed to by the Senate, March 10, 2010.

The following resolution was read by Delegate Landes:

HOUSE JOINT RESOLUTION NO. 374

Celebrating the life of Orvin Herman Kiser, Sr.

Agreed to by the House of Delegates, March 5, 2010

Agreed to by the Senate, March 10, 2010

WHEREAS, Orvin Herman Kiser, Sr., of Stuarts Draft, a respected citizen and outstanding community supporter, died on March 30, 2009; and

WHEREAS, a native of Stuarts Draft, Orvin Herman Kiser, Sr., called Big Daddy or Big "O" by his close friends and family, was born on May 17, 1932, the son of the late Marvin Turner Kiser and Edna Campbell Kiser and brother to the late Roy D. Kiser, Sr.; and

WHEREAS, an American patriot, Orvin Kiser bravely served his country in the United States Air Force for eight years; and

WHEREAS, an exemplary employee with a strong work ethic, Orvin Kiser joined DuPont and retired after 32 years of loyal service; and

WHEREAS, a role model, mentor, and great supporter of young people, Orvin Kiser helped establish little league football in Stuarts Draft in 1960, and he was instrumental in expanding the program and developing Stuarts Draft Park and the Diamond Club sports field; and

August 11, 2010, at 7:00 p.m.

ORVIN HERMAN KISER, SR. RECOGNITION – RESOLUTION

WHEREAS, Orvin Kiser served eight years on the County Board of Supervisors as the South River District representative and was elected vice-chair in 2000 and chair in 2001; and

WHEREAS, Orvin Kiser generously gave his time and expertise to many civic organizations over the years, including as a master mason at the Lee Lodge in Waynesboro and as a member and president of the Stuarts Draft Ruritan Club, the Sportsman Club, and the Booster Club; and

WHEREAS, always willing to help his fellow residents in need, Orvin Kiser received many awards and accolades for his numerous contributions to his community, such as the District and Zone Ruritan of the Year awards; and

WHEREAS, Orvin Kiser was a founding and dedicated member of Waynesboro Mennonite Church and active in the church's many missions in the community; he was the longtime Sunday school teacher of the Open Door Class; and

WHEREAS, Orvin Kiser will be fondly remembered and greatly missed by his loving wife of 56 years, Phyllis Kiser; his children and their spouses, Orvin H. Kiser, Jr., Ronald E. Kiser and his wife Ladonna Coulter, Teri Kiser Fust and her husband John, and daughter-in-law, Barbara Kiser; his grandchildren, Joey, Mandy, Karman, Heather, Trip, Whitney, Forest, Jackson, and Jordan; and his good friends and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly mourn the passing of an outstanding Virginian, Orvin Herman Kiser, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Orvin Herman Kiser, Sr., as an expression of the General Assembly's respect for his memory.

Delegate Landes mentioned that Orvin Kiser was a good friend to the County and a good friend to everyone on the Board of Supervisors. “He worked hard as a representative. It’s not always an easy job being in local government. The thing that always impressed me about Orvin was that he demonstrated his faith each and every day.”

Patrick J. Coffield, County Administrator, mentioned fond memories of Mr. Kiser demonstrating his athletic abilities on the basketball court at the Buffalo Gap gym.

Mr. Beyeler mentioned that Orvin Kiser, Jr., coach of the Diamondbacks at Stuarts Draft, is following in his dad’s footsteps.

Mr. Pyles added that he had served with Mr. Kiser for the entire eight years. “He was the finest man I had ever met in public service. He was a most sincere man. There wouldn’t be a Sweet Dreams without the vision of Orvin Kiser. He was dedicated to that community.”

Mr. Kiser stated that his father had great respect for the Board and appreciated the dedication of the Board for the County.

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SANGERVILLE-TOWERS RURITAN CLUB – RESOLUTION

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

RESOLUTION

WHEREAS, on August 22, 1960, Sangerville-Towers Ruritan Club was chartered, and David Kiracofe was elected President; and

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SANGERVILLE-TOWERS RURITAN CLUB – RESOLUTION (cont'd)

WHEREAS, the partnership of the Sangerville-Towers Ruritan Club and the Mt. Solon Fire Department has resulted in an emergency service facility, community center, and an athletic complex; and

WHEREAS, for over 50 years, the Sangerville-Towers Ruritan Club members have held many responsible positions at the Ruritan District and Ruritan National levels; and

WHEREAS, since 1996, the Sangerville-Towers Ruritan Club has initiated the Mt. Solon Clean-up Week, in conjunction with the Augusta County Clean-up Week, to assist citizens in beautifying their community; and

WHEREAS, the Sangerville-Towers Ruritan Club has held two auction sales monthly to help dispose unneeded furniture and household items; and

WHEREAS, the club’s famous oyster meals, which are served twice yearly, and other special meals are known and appreciated by citizens from throughout Augusta County, Staunton, and Waynesboro; and

WHEREAS, the Sangerville-Towers Ruritan Club, over its 50-year history, has truly improved the Mt. Solon community and the well-being of its citizens; and

NOW THEREFORE, BE IT RESOLVED, meeting in regular session on August 11, 2010, the Augusta County Board of Supervisors wishes to commend the Sangerville-Towers Ruritan Club and its members for 50 years of outstanding service to their community; and

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors hereby recognizes that the Mt. Solon community truly benefited greatly from the community services performed by the Sangerville-Towers Ruritan Club; and

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of the Augusta County Board of Supervisors and a copy be presented to the Sangerville-Towers Ruritan Club at their anniversary meeting.

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

Nays: None

Motion carried.

Chairman Garber mentioned that there are approximately 12 Ruritan Clubs that are at their 50th anniversary, “which is an enormous amount of difference that has been made in this County”.

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CRAIGSVILLE VOLUNTEER FIRE DEPARTMENT – RESOLUTION

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board adopt the following resolution:

**RESOLUTION
CRAIGSVILLE VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the Craigsville Volunteer Fire Department was started in 1960, which makes it 50 years old this year; and

WHEREAS, in 1960, 59 men from the community gathered at the Village Restaurant to discuss the need for a local fire fighting organization; and

WHEREAS, they purchased their first fire truck - a 1946 International, from the Ladysmith Fire Company, located outside of Richmond, at a cost of \$350 (about \$250,000 in today’s dollars); and

WHEREAS, the fire dept was incorporated in 1960; and

WHEREAS, in 1960, an active Ladies Auxiliary was formed to help raise funds for the fire company; and

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CRAIGSVILLE VOLUNTEER FIRE DEPARTMENT – RESOLUTION (cont'd)

WHEREAS, the original fire department building was built in 1962 by community volunteers and members of the fire department and has been used as a fire department, a community building and a Town Hall; and

WHEREAS, in 2008, the entire property was purchased by the Craigsville Fire Department from the Town of Craigsville in the amount of \$170,000; and

WHEREAS, Craigsville Volunteer Fire Department has responded to 492 emergency fire and medical calls this year as of July 31, 2010; and

WHEREAS, Craigsville Volunteer Fire Department maintains 2 Engines, 1 Tanker, 1 Brush Truck, 1 Utility Vehicle, and 1 Salvage Truck, and a First Response vehicle added this year. This year, the department decided to establish a First Responder program to assist the community, and they have 7 members currently taking a First Responder course, which will improve the Department’s ability to provide EMS First Response service in a safer, more efficient and timely manner; and

WHEREAS, the current officers are: Chief Wayne Martin; Deputy Chief Steve Sprouse; Assistant Chief Timmy Sprouse; Captain Tracy Martin; Lieutenant Bobby Armstrong; Sergeant Kevin Burke; Engineer Jason Byram; and

NOW, THEREFORE, BE IT RESOLVED that at the Regular Session meeting on Wednesday, August 11, 2010, the Augusta County Board of Supervisors wishes to commend the Craigsville Volunteer Fire Department for 50 years of service to the citizens of the Craigsville area in Augusta County.

BE IT STILL FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Augusta County Board of Supervisors and also presented to the Captain of the Craigsville Volunteer Fire Department.

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

Delegate Dickie Bell stated that his goal was to attend local government boards and school boards meetings to maintain communications with them and ensure them that the lines of communication are open. He assured the Board that he is a public servant and encouraged the Board to contact him for any reason. “I have your interest at heart. I can’t promise you that we will be able to deliver every time. I can’t promise you that we will always agree on every point, but I think the dialogue is important and I want to make sure that we establish that.”

Edward Carter asked if the Board had a response for his questions on fireworks and noise ordinance that were mentioned at the last board meeting (July 28th). Mr. Coffield advised that he had a meeting with Sheriff Fisher, Captain Glen Hanger and Pat Morgan, County Attorney, on July 29th. They went through the State law and noted there is a conflict in interpretation. Mr. Morgan has requested an opinion from the Attorney General’s office. That opinion has not been received. Mr. Carter expressed concern of the noise ordinance beginning at 12:00 midnight and ending at 6:00 a.m.

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FIRE REVOLVING LOAN FUND APPLICATION

The Board considered revolving loan for New Hope Volunteer Fire Company to purchase a 2007 Seagrave Marauder II Custom Pumper in an amount not to exceed \$200,000.

John C. McGehee, Assistant County Administrator, reported that the New Hope Volunteer Fire Company has submitted the required paperwork necessary to utilize the 2010 Revolving Loan in an amount of \$200,000. The Revolving Loan Committee, consisting of Larry Howdysshell, David Beyeler, Mike Fisher, George Stevens and Carson Holloway, have approved the application.

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FIRE REVOLVING LOAN FUND APPLICATION (cont'd)

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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ANNUAL FINANCIAL REPORT

Jennifer M. Whetzel, Director of Finance, gave a PowerPoint presentation of the FY10 Financial Report. She noted that included in the agenda package were the fiscal year 2010 financial records. Finance officially closed the year on July 26, 2010. The general fund ended the year with a surplus of \$416,291. This is the highest fund balance increase in three years. The Four-Year Financial Summary noted the extent revenues had been decreased since FY2008. She noted that departments had become very practiced in managing their budgets, and due to their consideration and diligence, the year ended better than expected.

Ms. Whetzel expressed the following concerns for FY11:

- o Health Insurance Costs
- o \$60 million Aid to Commonwealth payment higher than anticipated
- o Potential funding issues at State level (VRS Retirement, Bonds, Rainy Day Fund and Medicaid)
- o Change in recordation law, less funding returned to County

Chairman Garber commended Ms. Whetzel on "doing a super job". Mr. Coffield noted that all districts have been affected by funding reduction of the infrastructure accounts (from \$200,000 to \$100,000).

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AID TO COMMONWEALTH

The Board considered documentation regarding Augusta County's State's funding for FY11.

Ms. Whetzel reported that the 2010 Appropriation Act requires \$60 million reduction in state aid to local governments in FY11. State agencies submitted budgets that serve as basis for calculating each locality's share. Locality can opt to reduce one revenue line item, reduce multiple revenues or send a lump sum payment to the State before January 8, 2011. County had opted to reimburse State in FY09 and FY10 for the portion of the \$50 million (per year) reductions. Ms. Whetzel recommended that this procedure be done this year. She noted that in 2009, the County paid \$260,000; in 2010, the County paid \$262,000. Twenty percent increase had been budgeted for 2011, which is \$315,000, but it is actually \$350,000 this year (34% increase).

Mr. Beyeler moved, seconded by Mr. Pyles, that the Board accept Ms. Whetzel's recommendation.

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

Nays: None

Motion carried.

August 11, 2010, at 7:00 p.m.

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GOLF CART AND UTILITY VEHICLE OPERATIONS

The Board received a report from the County Attorney concerning state law regarding designation of public highways for golf cart and utility vehicle operations.

Patrick J. Morgan, County Attorney, advised that he was asked at the last Board meeting to research the use of golf carts in the County. Essentially, if the Board, by ordinance, authorizes the use of golf carts and utility vehicles, they can be allowed on streets that the maximum speed limit is 25 m.p.h. or less. Mr. Morgan emphasized that before the ordinance can be passed, the Board must consider the speed, the volume and the character of the traffic on the road that it is being considered for this usage. The Board also must determine whether the golf carts and the utility vehicles are compatible with the State and local transportation plans. He felt that it was the State’s intention that the Board look at this on a case-by-case basis.

Mr. Beyeler said that a citizen had bought a golf cart and then learned that the State Police differed from the Sheriff’s Department as to the usage of golf carts. He suggested that an ordinance be drafted making the County more “user-friendly” and that it be approved on an individual basis. He added that the speed limit should be 25 m.p.h. or less.

Mr. Coleman asked what the age of the operator should be. Timmy Fitzgerald, Director of Community Development, said that a driver’s license would be required.

Mr. Coffield mentioned that, when it was being considered in Spring Lakes, there was a Board requirement of over 50% of the residents signing a petition of support. He suggested that other considerations needed to be clarified such as a petition of support of 51%, and who is responsible for the expense of installation and maintenance of signage. Mr. Beyeler suggested that he, Mr. Shifflett, and Mr. Fitzgerald meet with Mr. Morgan to create a proposal for the Board. He also asked that the Board provide any suggestions to incorporate into the proposal.

It was the consensus of the Board that there were a lot of issues to be considered before approving. Mr. Coleman added that this should be done very cautiously and “not pit neighbors against each other”.

Mr. Howdyshell asked about lowering the speed limit and who would bear that cost. Mr. Fitzgerald stated that most of the streets in subdivisions are posted 25 m.p.h. There are very few areas that have a higher limit. Mr. Coleman said that it had to be posted before enforcement. Mr. Shifflett encouraged the Board to provide the committee with their questions and concerns.

Ms. Sorrells and Chairman Garber asked for a definition of a utility vehicle.

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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:

- Staff Briefing Meeting, Monday, July 26, 2010

August 11, 2010, at 7:00 p.m.

CONSENT AGENDA (cont'd)

CLAIMS

Approved claims paid since July 28, 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 BOARD

The Board discussed the following issues:

Ms. Sorrells: Riverheads Volunteer Fire – Groundbreaking Ceremony – Friday, August 13th, at 10:00 a.m.

Mr. Pyles: Appreciated Delegates Bell and Landes attendance and encouraged them to attend more often.

Chairman Garber: Gave a brief “Agriculture Report” indicating citizens’ appreciation of ordinance changes allowing additional building on their property. Also, a former Extension Agent had been involved in a new aged corn production deal. National Magazine has quoted him significantly with his ongoing project.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. VDOT Revenue Sharing Program – Changes in policies and procedures. Going to prorate it out.
2. DEQ Sludge Applications – Houff Feed and Fertilizer has been asked to use their sludge for land applications. Candy Hensley is coordinating.
3. Extension Survey - shared with the Board.
4. Airport Grant – Letter of support submitted.
5. Wellness equipment – fitness room opened to employees. Coordinate with Purchasing, Finance, and Parks and Recreation departments.
6. Central Shenandoah Valley EMS Council Award for Outstanding EMS Agency 2010 presented to Augusta County Fire & Rescue.
7. Augusta County Fair – Started Tuesday! August 10th – 14th.
8. Library – Virginia Libraries article regarding outstanding work being done by Library personnel distributed to Board.
9. Verona Community Food Pantry Open House – Saturday, August 28th – 9:30 a.m. – 12 noon.
10. Blue Ridge Community College – Inauguration date for John Downey – September 24th.
11. Boards and Commissions Recognition Picnic – Tuesday, September 21st

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August 11, 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

- (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) Assessment

On motion of Mr. Beyeler, seconded by Ms. Sorrells, 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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August 11, 2010, at 7:00 p.m.

ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman
H8-11min.10

County Administrator