

Regular Meeting, Wednesday, September 8, 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
Tracy C. Pyles, Jr.
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
Melissa Meyerhoeffer, Assistant Director of Finance
Patrick J. Coffield, County Administrator
Rita R. Austin, CMC, Executive Secretary

ABSENT: Larry C. Howdysshell

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, September 8, 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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Emma Doyle, a senior at Buffalo Gap High School, led us with the Pledge of Allegiance. Emma is the Senior Class President, Captain of the Varsity Volleyball, plays basketball and runs track. She hopes to attend either James Madison University or University of Virginia and major in political science.

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

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BLUE RIDGE PARKWAY 75TH ANNIVERSARY – PROCLAMATION

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

PROCLAMATION

WHEREAS, the 469-mile Blue Ridge Parkway joins Shenandoah and Great Smoky Mountains national parks and was built over a 52-year period from September of 1935 until its completion in 1987; and

WHEREAS, the Blue Ridge Parkway has remained the most visited unit in the National Park Service system since the 1940s and contributes to the region’s prosperity, bringing more than \$2.3 billion annually to the local economies; and

WHEREAS, the Parkway is one of the most biologically diverse places in the temperate portion of our planet, containing more species of trees than all of Europe, a number of protected species of plants, and hundreds of historic structures; and

WHEREAS, the Blue Ridge Parkway shall continue its legacy by developing and sharing engaging information about the importance of this exceptional natural and cultural resource, involving local communities through events that focus attention on the history and stewardship of this treasure, and advancing a new generation of advocates who embrace Parkway values, speak out regarding future challenges, and actively work for a sustainable and healthy Blue Ridge Parkway; and

WHEREAS, the Parkway is also home to hundreds of historic structures and is a place where visitors come to make memories and enjoy the recreational opportunities that abound there; and

NOW, THEREFORE, I, Gerald Garber, Chairman of the Augusta County Board of Supervisors, do hereby recognize the 75th ANNIVERSARY OF THE BLUE RIDGE PARKWAY in the Commonwealth of Virginia, and I call this observance to the attention of all our citizens.

September 8, 2010, at 7:00 p.m.

BLUE RIDGE PARKWAY 75TH ANNIVERSARY – PROCLAMATION (cont'd)

Dennis Burnett, Economic Development Director, was given the proclamation to be presented at the 75th anniversary celebration this weekend in North Carolina.

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

Nays: None

Absent: Howdysshell

Motion carried.

Ms. Sorrells added that as part of this celebration, Mr. Burnett will view the quilt in which Augusta County was responsible for a quilt square (which was prepared by Barbara Lindsay). Mr. Burnett has been asked to provide a picture of the completed quilt.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Bob Rogers, a retired Charlottesville firefighter, asked the following questions regarding public fire protection:

1. Commended the Board on placing an extra person at Preston Yancey and running Company 10 regarding an automatic response. Commented on no response and felt that they were handling another call?
2. Minimum manning standard at Company 10 of two people; what happens when trucks are needed; volunteers to handle calls? Add to response time? In running Company 10, in an automatic response, with Preston Yancey in certain areas, will it make them miss more calls if they only have manning for part of an engine company doing a 24-hour period?
3. When ISO comes in, looks at the 9-1-1 center and water supply; who does the hydrant maintenance in Augusta County?
4. Robert Gomez, Chief of Preston Yancey Fire Company, informed him of approximately 13 firefighters that have their basic training (approximately 300 hours); how is he going to get that training? Incentives? Consider station manning by volunteers (paid on call where volunteer could use as a part-time job)? Augusta County pays for training?
5. Plan on looking at problems at other stations before ISO rating next year?
6. Consider hiring Fire Marshal?
7. Consider fire tax? Agrees that it would be a good supplement to budget.

Mr. Rogers stated that he would like to meet with Fire Chief Holloway and Mr. Coffield to answer these questions.

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COUNTY VEHICLE POLICY

The Board considered revisions to proposed policy.

Patrick J. Coffield, County Administrator, reported that this item had been discussed at the last meeting and revisions were suggested. A draft was provided to the Board and Mr. Coffield asked for the Board's direction.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board adopt the policy as revised.

September 8, 2010, at 7:00 p.m.

COUNTY VEHICLE POLICY (cont'd)

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

Nays: None

Absent: Howdyshell

Motion carried.

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ARTS AND HISTORY ALLIANCE AGREEMENTS

The Board considered acceptance of documentation relating to goals as stipulated in grants.

Mr. Coffield explained that over five years ago, the Board received a request by a number of agencies (R.R. Smith Center; Woodrow Wilson Presidential Library; Wayne Theater and Staunton Performing Arts Center) asking the County to consider funding them to assist in their endeavors because they support tourism in the region. In doing so, the Board earmarked \$60,000 annually. The First Year provided \$15,000 each (totaling \$60,000); the last four years provided \$20,000 to R. R. Smith and Woodrow Wilson Presidential Library and \$10,000 to Wayne Theater and Staunton Performing Arts Center. The agencies were asked to meet performance goals to be eligible for Year Two; therefore, allocations for funding for the future years were revised because of the agencies' accomplishments. Over the five-year period, the agencies received a total of \$300,000 (R.R. Smith - \$95,000; Woodrow Wilson Presidential Library - \$95,000; Wayne Theater - \$55,000; and Staunton Performing Arts Center - \$55,000). The agreement allowed the Board, at the end of this fiscal year (fifth year performance), to determine if the agencies met their performance goals. If they did not meet those goals, the Board could request that the funds be returned.

Included in the agenda package were reports from the agencies, indicating that R. R. Smith, Woodrow Wilson and Staunton Performing Arts Center met their stipulations; Wayne Theater partially met their stipulations. Each agency expressed their appreciation of the Board's financial support and indicated that they would be happy to provide more information if requested.

Mr. Beyeler moved, seconded by Mr. Pyles, that the Board accept the documentation as being adequate and that the five-year period funding had been completed.

Ms. Sorrells abstained because of being involved with the R. R. Smith Center.

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

Nays: None

Absent: Howdyshell

Abstain: Sorrells

Motion carried.

Ms. Sorrells added that R. R. Smith Center asked that Ms. Sorrells express their appreciation to the County and would like to inform the Board that the new Chairman has been appointed – Dr. James R. Perkins.

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September 8, 2010, at 7:00 p.m.

MILLS CREEK DAM PROJECT

The Board considered approval of South River Watershed Agreement.

Mr. Coffield advised that over the last several months, he has updated the Board regarding the Mills Creek Dam project. He noted that after every hurricane, more national attention occurs. Augusta County, with our mountainous territory, a number of flood control dams were built in the 1960s. Upon state and federal review, a number of these dams need "life extensions". Robinson, Inch and Toms Branch dams have been completed and, now, we are in the planning stage for Mills Creek Dam. Mills Creek Dam is different from the other dams in that it is not maintained by the Headwaters Conservation District. While considered a flood control structure, it was thought to have some value to the Service Authority. The Service Authority never actually constructed it into a water reservoir (like Cole's Run); therefore, it was given back to Augusta County. The federal government will provide 65% of the \$3 million required to "harden" the dam. Augusta County will be responsible for 35%. We are seeking state funding to "share" this cost. A Supplemental Watershed Agreement between Augusta County and Natural Resources Conservation Service/United States Department of Agriculture (NRCS) is required to move forward.

Mr. Pyles stated that he has often had doubts about the criteria because of the extreme amount of rain. "I wouldn't want to be on the Board that was looked back on several years later if we didn't do this and a dam collapses."

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board approve the South River Watershed Agreement.

Mr. Beyeler noted that this dam has gone over the emergency spillway several times.

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

Nays: None

Absent: Howdysshell

Motion carried.

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ROUTE 640 REALIGNMENT PROJECT

The Board considered costs to conduct inspection and mitigate asbestos on structure prior to demolition. Cost not to exceed \$5,000.

Funding Source: Wayne District Infrastructure Account #80000-8017-52 \$5,000

Mr. Coffield advised that as part of the proposed road realignment project, the structure the County acquired in 2007 needs to be demolished. Prior to doing so, an asbestos inspection is required and mitigation of the asbestos if necessary.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the allocation of \$5,000 from the Wayne District Infrastructure Account to conduct and mitigate (if necessary) asbestos on structure prior to demolition.

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

Nays: None

Absent: Howdysshell

Motion carried.

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WAIVERS - NONE

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September 8, 2010, at 7:00 p.m.

CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, August 23, 2010

CLAIMS

Approved claims paid since August 11, 2010

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

Nays: None

Absent: Howdysshell

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles:

1. Mr. Rogers' questions – He noted that Augusta County Service Authority has a very good maintenance program for the fire hydrants. In 2008, the Board began improving water fire-flow. Water towers were placed to serve the households with water. They meet all the criteria but do not meet standards that came later. This has been an expensive and ongoing process. At the Called Meeting, August 31st, Ms. Sorrells spoke about putting together a group. He noted that he had distributed a paper that day with a proposal. He has not heard anything from any member of the Board. He mentioned that he hoped to prepare a more detailed document to present to the Board at the next Staff Briefing. He felt that the money and resources needed to be reprioritized without a tax increase. Chairman Garber reported that he has looked at Mr. Pyles' proposal and looks forward to any additional information he can provide.
2. Waynesboro article – "Judge - panel violated state's open meetings law. Wake-up call will change procedure for the Board of Equalization" – Mr. Pyles expressed his concern. He asked for a listing of all the Board of Equalization meetings, minutes and cases and asked that the County Attorney determine if they will be potential problems. He asked why the County would have to pay the lawyer fees instead of the Board of Equalization, Commissioner of Revenue, or Circuit Court.

Mr. Shifflett:

1. Preston Yancey – Mr. Pyles' proposal – has looked at it and looks forward to discussion at the Staff Briefing.

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2. Orchard Hill pothole in Beverley Manor District – asked if Community Development could submit a letter to company in Arizona.

September 8, 2010, at 7:00 p.m.

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

Orchard Hill Pothole

Mr. Shifflett moved, seconded by Mr. Beyeler, that the Board authorize staff to submit a letter to the owners of the property.

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

Nays: None

Absent: Howdysshell

Motion carried.

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

Ms. Sorrells: Attended Senator Warner’s meeting with small businesses. He pointed out that, historically, when you are in a recession, coming out of it, two-thirds of the new jobs that are created are from small businesses.

Mr. Beyeler: Listened to President Obama – “He said the same thing today that he said when he was campaigning.”

Mr. Coleman:

Preston Yancey – Performance Improvement Plan update –

- A) List of active members who are qualified to respond to structure fires and initiate fire suppression operations has been submitted;
- B) Duty crews, to supplement career staff, in meeting the minimum of 4 fire fighters responding to structure fires submitted;
- C) Training schedule that meets the requirements of ISO for training of personnel to be submitted in two weeks;
- D) Initial policies and procedures to meet ISO, records management, benchmarks for training, documentation of apparatus maintenance, testing, and equipment requirements – timeline 30 days;
- E) Augusta County has re-defined the first due boundaries of Augusta County Fire-Rescue Station 10 and other agencies within 5 miles – Company 10 has been placed on all Company 11 structure assignments;
- F) Continued discussion with the City of Waynesboro on automatic aid versus mutual aid in Augusta County and City.
- G) Added additional personnel initiated at 8:00 a.m. on Saturday (9/2/10) to allow 2 peer shift create 24/7 coverage to supplement the volunteers at Preston Yancey in meeting ISO requirements of 4 personnel responding on structure fires;
- H) Career staff to provide oversight and guidance on achieving ISO compliance in re-establishing improvement in rating and delivery of service; and
- I) County is to provide operational direction to Preston Yancey on service delivery to area served. Preston Yancey and Company 10 are to work as a team on service delivery issues and concerns.

September 8, 2010, at 7:00 p.m.

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

Chairman Garber:

- 1. Emergency Communications Center – Call was dispatched to his address for severe lacerations and uncontrolled bleeding to an adult female. Chairman Garber learned that workers were in the area and his address was the closest to give to ECC.
- 2. Weather Stations – Kurt Michael, at the Governor’s School, is considering having students collect and analyze data from weather stations to assist the Extension Office. Meeting scheduled to discuss on September 15th.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. Legislative –
 - a. Reform and Restructuring Commission – List of high profile recommendations
 - b. 2011 Priorities Package (Draft)
 - c. Legislative Dinner – tentative date in late October
 - d. Legislative Liaison contract renewal due

LEGISLATIVE LIAISON CONTRACT RENEWAL

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve the Legislative Liaison contract extension.

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

Nays: None

Absent: Howdysshell

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 2. SPCA – Second Board member to be considered.

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- 3. VACo Voting Credentials

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board certify the Chairman and Vice-Chairman as voting delegates.

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

Nays: None

Absent: Howdysshell

Motion carried.

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September 8, 2010, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 4. Augusta County Schools Capital Improvement Program – Handout distributed to Board. Representatives will be at next Board meeting for formal presentation.
- 5. Shenandoah Valley Regional Airport Commission Bonds – Information distributed to Board. Resolution to be considered at next Board meeting.
- 6. VDOT I-64, Exit 91 Meeting – November 3rd, at 3:30, Preston Yancey Fire Department.

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CLOSED SESSION

On motion of Mr. Shifflett, seconded by Mr. Beyeler, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)**
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
 - A) Boards and Commissions
- (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) Off of Route 340 in South River District
 - B) Off of Route 640 in Wayne District
- (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: Sorrells, Garber, Beyeler,
 Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

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.

