

Regular Meeting, Wednesday, October 13, 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. 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, October 13, 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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Ceara Armstrong, a senior of Riverheads High School, led us with the Pledge of Allegiance. Ceara enjoys her Government class and hopes to attend West Virginia College majoring in Forensics Science.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC

Ronald Hearn expressed safety concern of the blind turn on Guthrie Road (Riverheads District) and asked that the Board allow Stuarts Draft Fire and Rescue to attend to incidents versus the Riverheads Volunteer Department.

Kurt Michael, President of Emerald Hills Homeowners Association, expressed admiration for volunteers and stated, "These are people, who show commitment, courage, selflessness, and they deserve our honor; they deserve our respect. I think we need to do everything we can to support them." He referred to the "Augusta County Fire and Rescue Master Plan Update 2005" and asked that the Board seriously consider the 34 recommendations.

Chairman Garber mentioned that he has met with staff discussing a plan and hope to present a plan to the Board in the near future. He and Mr. Coffield would be happy to review the 2005 recommendations update with Dr. Michael.

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JOLLIVUE – BARTERBROOK RURITAN CLUB

The Board considered donation to Ruritan Club to assist with maintenance of their facilities.

Funding Source: Beverley Manor Infrastructure Account #80000-8011-40 \$6,200

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JOLLIVUE – BARTERBROOK RURITAN CLUB (cont'd)

Patrick J. Coffield, County Administrator, advised that Mr. Shifflett has indicated his interest in assisting the Ruritan Club. Attached to the agenda package was a scope of work.

Mr. Shifflett added that the Jollivue-Barterbrook Ruritan Club recently endured a setback because of the need to replace the roof on the Ruritan barn which is their meeting place and host for other community functions. He noted that in the past two years work that has been done for the community is supported Mattie Boxler fund; Toys for Tots; Weekday Religions Program; Staunton/Augusta Rescue Squad; Verona Community Food Pantry; and collected 507 pounds of canned goods to the Verona Community Food Pantry.

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

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

Nays: None

Motion carried.

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VOLUNTEER FIRE AND RESCUE AGREEMENTS

The Board considered draft agreements.

Patrick J. Morgan, County Attorney, advised that this item had been tabled at the last meeting.

Mr. Beyeler moved, seconded by Mr. Howdysshell, to remove the item from the table.

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

Nays: None

Motion carried.

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Mr. Morgan stated that this is the draft agreement for the County and Volunteer Fire Departments and Volunteer Rescue Squads. At the last meeting, the Board asked for a comparison between what was in the current agreement and what had been added. Enclosed with the agenda package, was that agreement indicating that information. Mr. Morgan was available to answer any questions that the Board would have.

Mr. Beyeler stated that he and Mr. Howdysshell were on that committee and had not had time to thoroughly review the agreement. He mentioned that other Board members had expressed changes and suggested that the Board members have the opportunity to present those changes to Mr. Beyeler and Mr. Howdysshell to consider and the committee would submit a recommendation at the next Staff Briefing on October 25th.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board table this item until October 25, 2010.

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

Nays: None

Motion carried.

October 13, 2010, at 7:00 p.m.

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RIVERHEADS FIRE AND RESCUE

The Board considered donation of start-up costs in the amount of \$167,700 to volunteer agency as reflected in "Proposed Budget".

Mr. Coffield reported that staff had provided a draft budget. Board approved the budget on May 12, 2010, which included funding in the amount of \$167,700 for start-up costs. A list of potential start-up costs had been provided to the Board at that time. Included in the agenda package were notes of the Fire and Rescue Committee meeting as well as their recommendation stating, "The Committee consensus to place on Board of Supervisors' October 13th agenda for authorization to write the volunteer agency a check for start-up costs (\$167,700). If volunteers desire to reprioritize equipment, would need to seek Committee approval. All purchases need to be reconciled with County staff and Committee."

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

Mr. Pyles questioned why this did not go through the standard procurement process.

Ms. Sorrells noted that this was approved by the Board in May. She felt this to be the same as checks written to those individual companies that are spent as "deemed fit for their companies". She added that if an item comes up that is not included in the prioritized list, the issue comes back to the Board for consideration.

Mr. Pyles did not feel that it was being treated the same as other volunteers and that it should go through the purchasing process.

Mr. Beyeler explained that one of the reasons in not going through the County was because the County would have to put it out to bid.

Mr. Pyles felt that that was the way it should be done. "Mr. Beyeler made my point for me. These things have to be bid out. We're going around the spirit of the law in giving this money to people to buy things so they don't have to go to bid with it."

Mr. Beyeler stated that it was no different than the contributions that are made to individual fire departments on an annual basis.

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

Nays: Pyles

Motion carried.

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BUFFALO GAP MUSIC BOOSTERS REQUEST – RABIES CLINIC

The Board considered to hold a rabies clinic for the purpose of vaccination of dogs and cats from rabies at the Buffalo Gap High School as a fundraiser for the school's music program.

John C. McGehee, Assistant County Administrator, reported that a request has been made from the Buffalo Gap Music Boosters Club to hold a rabies clinic at Buffalo Gap High School on October 23rd from 9:00 a.m. to 12:00 noon. The Health Department has submitted their approval. Dr. John Malcolm, an area licensed veterinarian, will be in charge of the clinic.

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BUFFALO GAP MUSIC BOOSTERS REQUEST – RABIES CLINIC (cont'd)

Mr. Pyles moved, seconded by Mr. Howdyshell, that the Board approve the request.

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

Nays: None

Motion carried.

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VERONA FIRE FLOW

The Board considered fire flow improvements to the Verona area as outlined in the ACSA February, 2008 Fire Flow Report. Phase I Preliminary Engineering Report (PER) in the amount of \$30,000.

Funding Sources:	County CIP ACSA Account #80000-8149	\$15,000
	County CIP Beverley Manor Account #80000-8011-42	<u>\$15,000</u>
		\$30,000

Mr. Coffield advised that in 2008, the Board received a briefing from the Service Authority on fire flow. The County funded an \$85,000 study to look at fire flow throughout the County, that studies areas deficient in fire flow pressure. As it relates to Verona, it was identified as a problem area. With the development off of Routes 262/254 (Exit 225 interchange), an opportunity has presented itself to improve fire flow in this area. Economic Development, Service Authority, and Community Development staff have provided a scope of work.

Mr. Shifflett added that the Verona area is part of the Urban Service Area and “has plenty room for growth with Mill Place Commerce Park (mixed use of commercial, industrial, and residential); land west of Route 11 (medium density residential); Indian Mound Road; Country Club Lane (slated in Comp Plan for future growth); Baker’s Lane (already zoned General Business); Augusta Market Place (rezoned last year). It never hurts to look at the whole area to see what needs to be done and identify what improvements are needed not only for current users but for areas of future development and to be able to supply their future fire flow demands.”

Mr. Shifflett moved, seconded by Mr. Coleman, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, 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:

- Staff Briefing Meeting, Monday, September 20, 2010
- Regular Meeting, Wednesday, September 22, 2010

October 13, 2010, at 7:00 p.m.

CONSENT AGENDA (cont'd)

CLAIMS

Approved claims paid since September 8, 2010

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

AUGUSTA COUNTY LIBRARY BOARD APPOINTMENT

Mr. Shifflett moved, seconded by Mr. Howdyshell, that the Board accept the resignation of Rhonda Winfield and appoint Susan Thompson to serve an unexpired 4-year term on the Augusta County Library Board, effective immediately, to expire June 30, 2012.

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

Nays: None

Motion carried.

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The Board discussed the following issues:

Ms. Sorrells: Holiday closings – Asked that notice of closings be placed on the website and telephone message also convey a message of the closing.

Mr. Coleman:

- 1. Legislative Package for 2011 – suggested that staff contact legislators informing them of the BPOL and Machinery and Tool taxes.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board authorize staff to submit a letter to legislators stating the County's position.

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

Nays: None

Motion carried.

Mr. McGehee announced that the legislative dinner will take place Wednesday, December 8th, at 5:00 p.m. in the Smith Transfer West room.

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- 2. Commission on Local Government – suggested that the unfunded mandates be discussed at the legislative dinner on December 8th.

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

Chairman Garber:

1. Economic Development Announcement – “Broke ground today for a business expansion. It’s not all bad—putting people back to work!”
2. Fire Master Plan – asked that the 2005 Recommendation Status Report be placed in Board of Supervisors’ mail slots before being released to the public.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Household Hazardous Waste Collections – Report distributed to Board. Ms. Sorrells commended the contribution of Invista (over \$10,000) who has a team that takes care of safe disposal of all products; Coca Cola; Goodwill; Ruritans; students from Fort Defiance High School and Stuarts Draft High School. “It’s a big day and the community is very appreciative of it.”
2. Headwaters Tour – Tuesday, October 19th, at Cave View Farm in Weyers Cave, hosted by Chairman Garber.
3. VDOT funding – I-64, Exit 91 - Timmy Fitzgerald, Director of Community Development, gave a plan of action – package of letters of support will be hand-delivered Monday, October 18th, to the VDOT Commissioner and the Secretary of the Transportation to express the needs of Exit 91 and the need for the additional funding for construction. On Tuesday, October 19th, he has an appointment with the new Commonwealth Transportation Board (CTB) member, Allen Louderback, to present a similar package. Dr. Davis, current CTB member is aware of the Board’s priority on the project and is supportive of funds being available for this particular project.
4. Mills Creek Dam – information distributed to Board. In support of planning efforts, federal government is providing 65% (\$2 million) of a total \$3 million project. Working with state agencies to either place in budget or have appropriation for General Assembly 80% of the \$1 million of local cost.
5. ISO Workshop – October 26th and 27th – Augusta County Fire Training Academy and Albemarle County co-hosting.
6. EPA – Chesapeake Bay (Stormwater impact) – distributed a report from Doug Wolfe, County Engineer, to the Board. Mr. Fitzgerald noted that Mr. Wolfe’s information was based on the Virginia Plan. Mr. Wolfe has been informed that the Virginia Plan is not sufficient. Any revisions will be provided to the Board.
7. Virginia Sheep Industry Board appointment – David R. Shiflett, of Grottoes, Owner and Manager of Ridgeview Acres Farm.
8. Rockbridge Landfill Closing – Proposal and response for Regional Landfill usage distributed to Board. Life cycle study update may be needed.
9. George Washington National Forest – Distributed information to the Board: 1) Wilderness component discussed in 2008; 2) Draft of George Washington National Forest Plan; 3) Draft Board of Supervisors letter regarding alternative energy resources. Ms. Sorrells asked that the letter be revised to reflect the highest potential for Marcellus Shale is in the North River District area, which is the area that is most important for drinking water for Rockingham and Augusta County. Mr. Pyles suggested that the letter be revised before being mailed. It was the consensus of the Board for the 2010 Plan to be discussed at the October 25th Staff Briefing.

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10. Greenville Sewer Grant – Information was distributed to the Board. Ms. Sorrells explained that the request of \$2,600 is to move the project forward. Application had been made to DEQ to assist in funding this project; engineering and soil analysis has been done. She has learned from DEQ that they are listed as #17 out of 35, which means more work needs to be done to move forward. She

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

GREENVILLE SEWER GRANT (cont'd)

noted that a Water Quality Grant is due in November.

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

Mr. Howdyshell asked if the Board was moving forward with the study's recommendation to lay a pipe to the treatment plant. Ms. Sorrells advised that the recommendation was not to lay the pipe to the treatment plant. The study had three alternatives. Chairman Garber said that the alternatives were not clear and felt that it should be further discussed.

It was the consensus of the Board for this item be discussed at the October 25th Staff Briefing. Ms. Sorrells suggested to have the consultant present. Mr. Pyles asked that the Service Authority also be included.

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- 11. Preston L. Yancey Volunteer Fire Department – Status report distributed to Board.

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- 12. Fire Training – Wilson Fire Department – Discussed a request for reimbursement of Wilson Fire Department for Training Classes.

Funding Sources:	South River Infrastructure Account	#80000-8016-55	\$ 400
	Wayne Infrastructure Account	#80000-8017-63	\$ 400
	Beverley Manor Infrastructure Account	#80000-8011-41	\$ 400
	Riverheads Infrastructure Account	#80000-8015-61	\$ 400
	Pastures Infrastructure Account	#80000-8014-64	<u>\$ 400</u>
			\$2,000

Mr. Pyles did not feel that this training fund would be fixed by \$2,000. Mr. Beyeler agreed.

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

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

Nays: None

Motion carried.

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- 13. Drought designation – Mr. McGehee stated that they have received information that the County is a designated county for assistance. Individuals who are interested may go to the USDA to get more information.
- 14. Extension restructuring – Information distributed to Board.
- 15. ECC awarded a grant in the amount of \$1,216,200 from the Virginia Department of Emergency Management (VDEP) for the Regional Radio Communications

Mr. McGehee stated that some of the money would pay for a consultant, which he felt was the first step needed to be taken. He supported the RFP process. Donna Good, ECC Director, had reported that there were two radio consultants who are on state contract. He felt that this process should be started quickly because of the deadlines that have to be met.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 16. Fire Meetings – Chairman Garber mentioned that the Fire meetings with Staunton and Waynesboro have been scheduled.
- 17. Preston L. Yancey Volunteer Fire Department report – Mr. Coleman felt that the information is an “information overload” and asked if an Executive Summary could be provided.

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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 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) Fire and Rescue Contract (Craigsville, Deerfield and Churchville)

On motion of Mr. Howdyshell, seconded by Mr. Shifflett, the Board came out of closed Session.

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

