

Regular Meeting, Wednesday, November 10, 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, November 10, 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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Carter Moore, a senior of Wilson Memorial High School, led us with the Pledge of Allegiance. Carter attends the Shenandoah Valley Governor's School and has applied to Virginia Tech. He is involved with soccer, public speaking, does the announcements at Wilson Memorial, SCA President, Class President and the National Honor Society President. He hopes to major in Engineering.

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

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PRESENTATION BY TREASURERS' ASSOCIATION TO DELEGATE STEVEN LANDES

Richard T. Homes, Treasurer, presented a plaque to Delegate Steven Landes, who represents the 25th District, in appreciation of his services and read the following:

2010 Legislator of the Year Award, presented to Delegate R. Steven Landes, in grateful appreciation of his support and dedication to the Treasurers' Association of Virginia.

He added that this was given to the Chief Deputy on June 22, 2010.

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NATIONAL PHILANTHROPY DAY – PROCLAMATION

Patrick J. Coffield, County Administrator, advised that the proclamation will be mailed for the regional celebration and noted the local recipients.

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board adopt the following Proclamation:

PROCLAMATION

WHEREAS, philanthropy is a vital aspect of any community and is a necessity in the County of Augusta; and

WHEREAS, American philanthropy is responsible for the creation of life-saving fire departments and rescue squads, educational libraries and schools, care-giving homes for those in need, and nearly any other service where it is considered necessary; and

November 10, 2010, at 7:00 p.m.

NATIONAL PHILANTHROPY DAY – PROCLAMATION (cont'd)

WHEREAS, the County of Augusta recognizes the importance of volunteering and donating as acts of charity in the community; and

WHEREAS, the Association of Fundraising Professionals, with its high ethical and developmental standards, observes the annual National Philanthropy Day on the twenty-second day of November; and

WHEREAS, the Shenandoah Chapter of the Association of Fundraising Professionals will be hosting an award luncheon honoring local philanthropists, donors, and volunteers both individual and corporate; and

WHEREAS, local philanthropists, donors, and volunteers, whether individual or corporate, should be recognized for their efforts to educate the public and enrich American society; and

WHEREAS, this year's National Philanthropy Day award recipients are: **Youth in Philanthropy Award**, McGaheysville Elementary School, nominated by Rockingham County Education Foundation; **Spirit of Community Award**, Richard D. Davis, nominated by Blue Ridge Community College; **Individual Philanthropist Award**, Zanette Showker Hahn, nominated by Rockingham Memorial Hospital; **Corporate Philanthropist Award**, Dynamic Aviation, nominated by United Way; **Sandra S. Neff Fundraising Executive Award**, Tassie Pippert, nominated by the AFP Shenandoah Chapter Board of Directors; and

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors hereby proclaims November 22, 2010 as National Philanthropy Day in Augusta County, and encourages all citizens of the area to acknowledge and participate in acts of philanthropy so that our community might continue to strengthen and progress with the help of its residents.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Dr. Kurt Michael, President of the Emerald Hills Home Owners Association, introduced Al Dahler, President of Enchanted View Home Owners Association; and Tim Armentrout, President of the Teaverton Home Owners Association. He suggested that the ambulance that is in the garage be used and, with the Revenue Recovery, staff that ambulance with two cross-trained fire personnel and start running an ambulance out of Yancey Fire Department. He expressed concern about the Yancey Fire Department and asked: 1) What was the status of ambulance and agreement between SARS and Waynesboro, and 2) ISO rating status.

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CRESENT DEVELOPMENT TIF AGREEMENT

The Board considered amendments to Tax Increment Financing Agreement (TIF) to incorporate revisions based upon amended zoning proffers.

Dennis Burnett, Economic Development Director, reported that the amended TIF Agreement incorporated the proffer changes that the Board approved on October 27th. The Agreement reflects the establishment of a timeline for the expiration date and includes the language that refers to the traffic count versus the actual phasing. There is a new Attachment A provided that illustrates the phasing of the road. He added that a representative of Crescent Development was available to answer questions.

November 10, 2010, at 7:00 p.m.

CRESENT DEVELOPMENT TIF AGREEMENT

Mr. Coffield added that these agreements require approval from the Board of Supervisors and IDA.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the TIF agreement as presented.

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

Nays: None

Motion carried.

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STONEY CREEK DAM

The Board considered cost to erect signage at dam to allow for law enforcement.

Funding Source: Riverheads Infrastructure Account #80000-8015-62 \$325.00

Mr. Coffield advised that a report was received several months ago of a dam inspection of issues with ATVs and other vehicles going near or across the dam. He noted that a little bit of erosion can cause a break. Headwaters staff requested the County to look at signage.

Ms. Sorrells added that the Sheriff, Headwaters and Augusta County worked together to create the sign because it would require legal enforcement.

Ms. Sorrells 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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DEERFIELD FIRE AND RESCUE

The Board considered request to fund daylight career personnel from January 1st to June 30th.

Funding Source: Pastures Infrastructure Account #80000-8014-65 \$87,000.00

Mr. Coffield advised that Supervisor Pyles requested, at the last Board meeting, that this item be placed on the agenda. This entailed three career personnel, generally, staffed with a Lieutenant and two firefighters. The two career would be on duty from 6:00 a.m. to 6:00 p.m. Monday through Friday. The yearly cost would be \$104,603.

Doug Morris, Deerfield Chief, expressed concern of getting timely service when needed. He stated that there was only one qualified firefighter available during the day. He noted that Churchville has been helping with a 15-20 minute delay in getting to Deerfield. A petition with 123 signatures has expressed their concern.

Mr. Pyles gave a PowerPoint presentation expressing the need for the additional career personnel to help Deerfield Fire and Rescue Department. The Department has struggled to attract enough volunteers to cover fire and rescue response for the area and incidents of non-response have been mounting. Through September of this year, they have been unable to respond to 17 of 102 calls.

November 10, 2010, at 7:00 p.m.

DEERFIELD FIRE AND RESCUE (cont'd)

Mr. Pyles noted that this is not the first incident where infrastructure money was used to cover an unbudgeted need. An example was when Grottoes Fire and Rescue needed assistance. He suggested that six months be the time frame to determine if it works.

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

Chairman Garber distributed a plan for the Board's consideration, but stated that he did not know details of what it proposed in regard to Deerfield. Chairman Garber specifically asked staff for recommendations, not political viability. He stated, "this a template only, the report also makes suggestions of how it could be funded."

Chairman Garber asked if Mr. Pyles would work with him and staff to look at a specific plan for Deerfield and provide recommendations at the next Staff Briefing (November 22nd).

Mr. Pyles moved, seconded by Mr. Howdyshell, that the Board table this issue until November 22nd.

Chairman Garber emphasized, "This is a big deal county-wide."

Mr. Beyeler added that if this is a fire side issue, funding is based on calls and if calls are reduced, funding would also be reduced. If it is on the rescue side, agencies have been guaranteed the same amount of money the first year of revenue recovery that they received the previous year. Mr. Pyles said Deerfield's issues were rescue only. He thought there was a contingency in the budget for Staunton-Augusta and Waynesboro First Aid. He did not remember a contingency for the individual rescue squads.

Chairman Garber stated that he looked forward to the discussion and emphasized that this was not only a county-wide problem, but a state-wide and nation-wide problem. "As things change and requirements change and people find it necessary to work further away from home, it is a big problem."

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

Nays: None

Motion carried.

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HEART HAVENS, INC. – TAX EXEMPT ORDINANCE

The Board considered authorization for County Attorney to draft ordinance to exempt certain real and personal property owned by Heart Havens, Inc. from real and personal property taxation.

Patrick J. Morgan, County Attorney, advised that Heart Havens, Inc. is a non-profit organization that provides support of residential services for five Augusta County residents within a group home that is located in Stuarts Draft. They are a 501(c) 3 tax exempt organization. Their property has not been exempted from taxation. They had asked for the County's support for the legislature in October of 2002 but that was not done by the legislature. A letter has been submitted, which reflects that they have met the criteria to be considered by the Board of Supervisors.

Mr. Beyeler asked that the County Administrator give some information of previous requests.

Mr. Coffield presented the following:

November 10, 2010, at 7:00 p.m.

HEART HAVENS, INC. – TAX EXEMPT ORDINANCE (cont'd)

Tax Exemption Requests

- Lions** Board of Supervisors, on June 28, 2006, voted to deny. Approved "annual" donation as part of budget process. FY10-11 budget \$950.
- Oak Grove Theater** Board of Supervisors, on June 28, 2006, voted to deny. Approved "annual" donation as part of budget process. FY10-11 budget \$2,170.
- Augusta Military Academy Property (church owned)** Board of Supervisors, on April 8, 2009, voted to deny. Responded that, by reducing tax rate from 58¢ to 48¢, effectively reduced tax by \$2,734.30

Mr. Beyeler suggested that this should be considered during the budget process. Mr. Pyles agreed. He did not want Heart Havens to expect a donation if the budget did not allow it.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board consider this request during the budget process as a donation.

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

Nays: None

Motion carried.

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STREET ADDITION

The Board considered Community Development's and VDOT's recommendations to adopt resolution for acceptance of the following street into the secondary road system in accordance with VDOT request:

- 1. Windward Pointe, Section 3 (Wayne District)

Timmy Fitzgerald, Director of Community Development, reported that this property is off of Route 250 behind the Food Lion Shopping Center and that this will complete Phase 3.

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

WHEREAS, that the County and the Virginia Department of Transportation have entered into an agreement on August 26, 1996, for comprehensive stormwater detention which applies to this request for addition.

WHEREAS, VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **WINDWARD POINTE, SECTION 3**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Windsor Drive
 From: 0.28 miles east of Route 642
 To: 0.37 miles east of Route 642
 Length: 0.09 miles

November 10, 2010, at 7:00 p.m.

STREET ADDITION (cont'd)

Windchime Drive

From: Intersection of Windsor Drive
To: 0.07 miles south of Windsor Drive
Length: 0.07 miles

South Windsong Court

From: 0.02 miles east of Intersection of Windchime Drive
To: 0.12 miles west of Windchime Drive
Length: 0.14 miles

AND FURTHER BE IT RESOLVED, that the Board does guarantee the Commonwealth of Virginia an unrestricted right-of-way of 50 feet with necessary easements for cuts, fills, and drainage as recorded in Plat Book 1, Instrument #060010702, Pages 6687-6891, recorded August 15, 2006.

AND FURTHER BE IT RESOLVED, that the Virginia Department of Transportation will only maintain those facilities located within the dedicated right-of-way. All other facilities outside of the right-of-way will be the responsibility of others.

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

Nays: None

Motion carried.

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ACSA – RESERVED CAPACITY

The Board considered Service Authority policy regarding reserved capacity.

Mr. Coffield advised that this had been discussed in 1998 with the Board of Supervisors and the Service Authority regarding then upcoming capital commitments, which included Stuarts Draft, Fishersville and Verona Sewage Treatment Plants. At the time, there was a question on the funding and the appropriate approach. Reserved capacity was one of the items discussed. The Service Authority has received requests; in recognition of the economic climate, to revise their policy. The Homebuilders Association has submitted a request for further consideration. Enclosed in the agenda package was the history of the Service Authority policy; the Homebuilders' proposal; and a copy of the Code section (§ 21-37).

Franklin Root and Tommy Shields, Jr., developers, expressed concern of the changing economic times and the difficulty in obtaining a Letter of Credit. It was noted that cash bonds were available but the Service Authority will not accept cash bonds as a guarantee of payment of the fees. They have asked if the Board of Supervisors could change the requirements for guaranteed hook-ups. Mr. Shields added that this would be a good "pro-business decision".

Mr. Howdyshell noted that the Service Authority is trying to be proactive and more friendly with the development community. He emphasized that the County Code states that they need to "guarantee" that water and sewer is available. "We do not have a capacity problem throughout the County; however, there are places in the County where capacity is getting close to its limits. It's time for the County to look at the way their verbiage is structured to give the Service Authority more ability to meet the needs."

Mr. Shifflett felt that before making a decision he would like more time for discussion.

Ms. Sorrells asked Mr. Howdyshell what the difference was of a bond and a Letter of Credit in regards to the Service Authority. Mr. Howdyshell said that the performance bond was the problem. It deals with getting the job done. William Monroe, of the

November 10, 2010, at 7:00 p.m.

WAIVERS - NONE

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CONSENT AGENDA

Mr. Pyles 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, October 25, 2010
- Regular Meeting, Wednesday, October 27, 2010

CLAIMS

Approved claims paid since October 13, 2010

Vote was as follows: Yeas: Howdysshell, Garber, Beyeler, Sorrells, 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:

Mr. Shifflett:

1) Fire and Rescue Plan, regarding volunteers, made the following statement:

The men and women who are our volunteers are and will remain a critical component in the delivery of our fire and rescue services. I do know that, due to demographics of certain areas that career personnel will continue to play a role in delivery of those services. Our volunteers have been asked to give and give while the individual cost to a person volunteering increases. I believe it's time that we look into an overhaul of our current incentives to volunteers and to get serious with an aggressive incentive program to retain and to recruit new volunteers. The following is what I am putting out there to be looked at along with these other plans. (Mr. Pyles and staff proposals)

- A) The county to continue to pay for and/or reimburse Volunteers for all their training.
- B) Implement a \$10 dollar per call reimbursement for calls that a volunteer is active on.
 - 1. This can be paid Bi-Monthly or Quarterly.
- C) Provide a one-time \$200 incentive payment to new volunteers that is payable once that volunteer has met all the training requirements of becoming an active volunteer.
- D) Look at providing reduced rates for Volunteers and their immediate families for various programs that Parks and Recreation offer and solicit input from local businesses to see what they may be able to offer a volunteer of the same nature.
- E) We could also work with educational institutions such as Blue Ridge Community College to expand any of their current EMS or medical course curriculums to including volunteer hours at agencies. This is similar to what Mr. Howdysshell discussed at our Oct 27th meeting. This could place that interest in individuals into becoming a volunteer either for fire or rescue well after they completed their courses. As Mr. Howdysshell said, it seems to be working well with JMU.

Looking at what other localities across the country offer their volunteers there are many doable and some very unique incentives to offer that cost considerably less than career salaries. Agencies, who have seen their volunteer numbers decline, have received career personnel to make up for that shortfall. With an aggressive volunteer recruitment and retention program, that trend may be reversed. If so, and calls answered by volunteers begin to increase at agencies to where there is no longer a manpower shortage, then current career personnel could be reassigned to agencies whose volunteer numbers remain low.

November 10, 2010, at 7:00 p.m.

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

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

Nays: None

Motion carried.

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Ms. Sorrells:

1. VACo Communications Workshop – increase communication with the people by website:
 - a. Newsletters out to citizens
 - b. Tweeting votes during the meeting
2. Riverheads Fire and Rescue – need to approve new Fire and Rescue call areas. It was the consensus of the Board to bring back at their next staff briefing the proposed call areas and agreements.

Mr. Coleman attended the following:

- 1) Ribbon cutting of the Musician’s Source; VDOT public information regarding Exit 91 bridge-widening project; Breakfast meeting with the Friends of the Library; Ground-breaking of the Augusta Regional Dental Clinic.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Mechanic’s Lien – When there is a building permit in place and the Mechanic’s Lien is changed, the building permit needs to be cancelled and the applicant reapply for a new building permit. The current procedure allows us to reimburse up to 75%. A proposal has been made that the procedure be revised based upon recent General Assembly changes. The County Attorney and staff feel it is appropriate to “amend” the permit (instead of canceling) to reflect the change in the Mechanic’s Lien agent. The current fee schedule allows for a plan amendment of \$50 (considerably less than 25%). Other inspection fees are \$35. This will be placed on the next staff briefing for discussion.
2. Greenville Sewer – Grant request submitted requiring \$290,000 local match out of Riverheads Infrastructure Account. Met with DEQ who are willing to revise grant loan to consider either a) the gravity system to the current plant, or b) the gravity system to a mass drainfield. Hopefully, a decision will be made by December 9th. A Health Department letter and Board of Supervisors’ commitment letter will be required. Notes of the meeting will be placed in mail slots.
3. VDOT Exit 91 Public Meeting – Information distributed to Board. Surveys available to the public for their input. Letter has been drafted for Chairman Garber’s signature. Mr. Fitzgerald mentioned the following significant modifications/concerns:
 - a. The right-in right-out entrance to the Tinkling Spring Church should be relocated approximately 400+/- feet south of the current entrance. The relocated entrance needs to have a median break that would allow the entrance to be used as a full movement entrance instead of a right-in right-out. Relocating the entrance would allow more room for the double left turns entering Route 636 and it would allow property owners behind the church adequate access to their properties.
 - b. The raised median located on Route 636 should end before the entrance to Parkway Lane. A left turn pocket should be considered to allow left turns into the lane.

November 10, 2010, at 7:00 p.m.

CLOSED SESSION

On motion of Mr. Shifflett, seconded by Ms. Sorrells, 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

On motion of Mr. Beyeler, 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

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

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

AUGUSTA COUNTY SERVICE AUTHORITY APPOINTMENT

Ms. Sorrells moved, seconded by Mr. Howdyshell, that the Board accept the resignation of A. Troy Rutherford and appoint David R. Beyeler to serve an unexpired 4-year term on the Augusta County Service Authority, effective immediately, to expire March 15, 2012.

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

Nays: None

Motion carried.

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November 10, 2010, at 7:00 p.m.

COORDINATED AREA TRANSPORTATION SERVICES BOARD REAPPOINTMENT

Mr. Shifflett moved, seconded by Ms. Sorrells, that the Board reappoint Jennifer M. Whetzel, to serve another 2-year term on the Coordinated Area Transportation Services Board, effective immediately, to expire September 30, 2012.

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

Nays: None

Motion carried.

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SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION - REAPPOINTMENT

Mr. Beyeler moved, seconded by Mr. Howdyshell, that the Board reappoint Gerald W. Garber, to serve another 3-year term on the Shenandoah Valley Regional Airport Commission, effective immediately, to expire December 31, 2013.

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

Nays: None

Motion carried.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman
H11-10min.10

County Administrator