

---

Regular Meeting, Tuesday, November 23, 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  
Jennifer M. Whetzel, Director of Finance  
John C. McGehee, Assistant County Administrator  
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 Tuesday, November 23, 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 235<sup>th</sup> year of the Commonwealth....

\* \* \* \* \*

Chairman Garber welcomed the citizens present.

\* \* \* \* \*

Leon Bartley led the Pledge of Allegiance.

\* \* \* \* \*

Tracy C. Pyles, Jr., Supervisor for the Pastures District, delivered invocation.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE PUBLIC

Jack Cameron, of Emerald Hills, thanked the Board for considering the Fireworks enforcement procedure tonight. He noted that that the “fireworks issue had come to a head” in 2009 in Emerald Hills. “Fireworks going off over houses and landing in yards; even some glowing brightly as they landed.”

\* \* \* \* \*

DEERFIELD FIRE AND RESCUE

The Board considered scenario (Option B) for addressing Fire and Rescue staffing needs for Deerfield community. **This was tabled at the November 10, 2010 meeting.**

Funding Source: Pastures Infrastructure Account #80000-8014-65 \$94,976.50

Patrick J. Coffield, County Administrator, advised Supervisor Pyles proposed career staffing at the last Board meeting to address staffing needs for Deerfield Fire and Rescue. During that meeting, Chairman Garber suggested that he and Supervisor Pyles meet with staff to discuss the issue. That meeting was held last week. Presented at the Monday Staff Briefing were five proposals. Chairman Garber and Supervisor Pyles recommended that Option B be considered. Option B includes: 3 career personnel; 1 lieutenant and 2 firefighters; 1 career on duty every day – 24 hours, 7 days a week – on an interim basis from January to June 30<sup>th</sup>, 2011 and funded out of Pastures Infrastructure Account until such time that it could be considered as part of the FY11-12 budget process.

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board remove this item from the table.

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

DEERFIELD FIRE AND RESCUE (cont'd)

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

Nays: None

Absent: Howdysshell

Motion carried.

\* \* \*

Mr. Pyles stated that a good presentation was made two weeks ago (2 people Monday through Friday). He felt that this was a better proposal tonight. In meeting with the Chairman and staff and understanding the times service was needed, the need focused on having trained EMTs on a 24-hour basis.

It is understood that the bunkroom needs to be upgraded to accommodate career personnel along with efforts to recruit additional Emergency Vehicle Operator Course (EVOC) certified drivers.

Chairman Garber said, "It's a big County and it's not a one-size-fits-all. It's almost like every community situation is different. His goal is to do what is best for you folks. If it's not right, we'll come back and change it."

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board approve Option B, as proposed.

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

Nays: None

Absent: Howdysshell

Motion carried.

\* \* \* \* \*

RIVERHEADS FIRE STATION

The Board considered Fire and Rescue 1<sup>st</sup> due areas and operational agreements.

Patrick J. Morgan, County Attorney, advised that this had been discussed at the Staff Briefing on Monday. A revised agreement was attached to the agenda.

Ms. Sorrells added that the immediate need was to get the lines approved to inform all the agencies. The agreement for Riverheads is going to hinge on what the final agreement is with all the other agencies. Mr. Beyeler stated that there is no resolution yet. She suggested delaying the agreements issue until December 8<sup>th</sup>.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board approve the Fire and Rescue 1<sup>st</sup> due areas for the Riverheads Fire Station.

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

Nays: None

Absent: Howdysshell

Motion carried.

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

RIVERHEADS FIRE STATION (cont'd)

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board table the operational agreements for further discussion and deliberation.

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

Nays: None

Absent: Howdysshell

Motion carried.

\* \* \* \* \*

STUARTS DRAFT SIDEWALK - RESOLUTION

The Board considered submittal of grant to VDOT for Transportation Enhancement funding and adoption of corresponding resolution.

Mr. Coffield reported that this had been discussed at the Staff Briefing on Monday. He added that a resolution is required for the funding and noted that the State is not accepting new grants; their emphasis is funding existing grants that have been previously under-funded. He noted that the majority of the project is in the Beverley Manor District and will serve the high schools, middle school, elementary school and adjacent neighborhoods. Mr. Beyeler stated that this project is all in Beverley Manor, but has agreed to help fund the project.

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

**RESOLUTION ENDORSING THE  
SCHOLASTIC WAY SIDEWALK PROJECT  
TRANSPORTATION ENHANCEMENT PROGRAM GRANT APPLICATION**

**WHEREAS**, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in Augusta County, Virginia;

**NOW BE IT FURTHER RESOLVED**, that Augusta County requests the Commonwealth Transportation Board to establish additional funding for the construction of Scholastic Way Phases 1-5 and includes approximately 4,115 linear feet of sidewalk along Augusta Farms Road, 1,745 linear feet of sidewalk along Round Hill Drive, 1,745 linear feet of sidewalk within the Stuarts Draft School Complex, crosswalks and pedestrian crossing at Augusta Farms Road and Route 340; and

**BE IT FURTHER RESOLVED** that Augusta County hereby agrees to pay twenty (20) percent of the total cost for planning and design, right of way, and construction of Scholastic Way Sidewalk Project and that if Augusta County subsequently elects to cancel the Project, Augusta County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

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

Nays: None

Absent: Howdysshell

Motion carried.

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

\* \* \* \* \*

DMV ANIMAL FRIENDLY LICENSE PLATES

The Board considered allocation of funds from DMV (\$1,950) to support sterilization programs for dogs and cats. This proposal will carry over to the Department of Taxation contributions of tax refunds.

Mr. Coffield reported that the County allocation from the sale of Animal Friendly License plates is \$1,950. The County has to certify that this money will be used to support sterilization of dogs and cats. He also informed the Board that this approval will dictate where the voluntary contribution funding will be given from the tax contributions.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board allocate funds to Kindred Spirits

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

Nays: None

Absent: Howdysshell

Motion carried.

\* \* \* \* \*

FIREWORKS

The Board considered County enforcement of criminal provisions of the State’s Fire Prevention Code relating to fireworks and purchase/installation of a magazine for use by the Sheriff’s Department.

Funding Source: #92040-9999 \$10,000

Mr. Coffield reported that a request had been made several months ago to research fireworks procedure. A report was presented to the Board at the Staff Briefing on Monday. He reiterated that a local Fire Prevention Code has not been approved. The Attorney General’s office stated that the State Fire Marshal’s interpretation is that “Law enforcement officers” may enforce the criminal provisions of the State Fire Prevention Code relating to fireworks based on § 27-100.1. Mr. Coffield noted that this does not represent a legal opinion of the Attorney General’s office but that of a State Agency’s interpretation. He also added that the Department of Fire Programs requested the General Assembly to specifically authorize this wording in the State Code. According to VACo, it will be considered as part of the 2011 General Assembly. The Sheriff’s Department indicated, that 1) It would follow existing protocols regarding citizen calls for service (meaning that there is no life-threatening, felony-related criminal activity or a higher priority call pending) and respond to fireworks complaints. They noted that it was sometimes difficult on a holiday such as December 31<sup>st</sup> and July 4<sup>th</sup>. 2) In order to respond to calls, the Sheriff’s Department would need adequate facilities to ensure safe handling and storage of fireworks at an estimated cost of \$7,000 to \$10,000 to cover purchase, delivery and installation of a magazine suitable for the storage of fireworks and other explosive.

Ms. Sorrells added that this was only dealing with illegal fireworks – “those that goes in the air and those that explode”.



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

FIRE AND RESCUE EQUIPMENT GRANT PROGRAM (cont'd)

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

Nays: None

Absent: Howdysshell

Motion carried.

\* \* \* \* \*

WAIVERS/VARIANCES

The Board considered citizen request for variance.

Timmy Fitzgerald, Director of Community Development, advised that Gary Meeks has asked for a variance to § 21-9.1C of the Subdivision Ordinance, which requires that no new lots may directly access existing public streets designated as arterial or collector as defined by VDOT. Instead, access must be provided from an existing entrance location or a new or existing public or private street. Mr. Fitzgerald displayed the property outlined in red. Mr. Meeks' property is located on Route 616 which is identified by VDOT as a collector street. The property is split zoned Single Family Residential and General Agriculture. In 1960 all property located along the roadway leading to the Fort Defiance Schools was rezoned to Single Family to prevent business and other commercial activity from occurring around the schools. Mr. Meeks would like to create a lot to give to his son. The ordinance section calls for the development of new internal streets in residential subdivisions. Mr. Meeks has no plans to develop a subdivision, so building a public street would be a substantial hardship. VDOT has indicated that Mr. Meeks can obtain two entrances into his property. If the property were to ever develop into a subdivision, the second entrance could become a new street connection.

Mr. Beyeler noted that Mr. Howdysshell is in favor of this request.

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

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

Nays: None

Absent: Howdysshell

Motion carried.

\* \* \* \* \*

CONSENT AGENDA

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

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, November 10, 2010

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

Nays: None

Absent: Howdysshell

Motion carried.

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

\* \* \* \* \*  
**(END OF CONSENT AGENDA)**  
\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Nancy Sorrells: Attended Mental Health Association banquet last Friday night – “Nice affair!” An educational CD is available.

Mr. Beyeler:

- 1. Deer caucuses – citizen complaint. Asked that a notice be given to the media to inform citizens that the Landfill will take the caucuses.
- 2. Animal Units – Information placed at the Board’s seats tonight. Mr. Fitzgerald stated that there was a question on the large animal feeding operation as it relates to the definition of the Sourcewater Ordinance. He recommended that State definition should be used.

Chairman Garber:

- 1. Urban Service Overlay Committee is to include Jeremy Shifflett. Mr. Coffield noted that this committee was created at the call of the Chairman.  
\* \* \*
- 2. New Hope Community Center Grant

Chairman Garber advised that this had been mentioned at the Staff Briefing on Monday and asked for tentative approval.

Mr. Coleman added that the Board has continued to keep the community-based groups strong. “We have an awful lot of community groups out there that have done and continue to do great things for Augusta County. We need to step up and help these groups to the degree we can and, particularly, when they ask us.”

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the funding for the repair of the New Hope Community Center as distributed at the Staff Briefing.

Funding Sources:

Community Center Account	#80000-8142	\$39,114.75
Middle River Infrastructure Account	#80000-8012-64	\$54,147.75

Vote was as follows:       Yeas: Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman  
                                       Nays: None  
                                       Absent: Howdyshell

Motion carried.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1. Nelson County – Crozet Tunnel Tourism Project using the VDOT Enhancement funds. In past years, resolutions from Augusta County have been requested. Augusta County has provided those resolutions with the understanding that the County is not responsible for a local match. The required 20% match has been handled by Nelson County. A resolution has been provided to the Board for its consideration. Mr. Coffield added that this project will be beneficial to the entire region. Mr. Fitzgerald added that the plans are available in Community

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

**MATTERS TO BE PRESENTED BY STAFF** (cont'd)

Development. He noted that there is substantial work planned in Augusta County. Ms. Sorrells added that there is an upcoming meeting regarding this project. Mr. Pyles added that this is State VDOT money separately funded – not funding from road projects.

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

**RESOLUTION OF SUPPORT FOR NELSON COUNTY’S 2010 APPLICATION FOR VDOT TRANSPORTATION ENHANCEMENT GRANT FUNDS FOR THE BLUE RIDGE TUNNEL PROJECT**

**WHEREAS**, Nelson County is in the process of completing the final design for the Blue Ridge Tunnel Project using Transportation Enhancement Program grant funds; and

**WHEREAS**, upon its completion in 1856, the historic Blue Ridge Tunnel engineered by Claudius Crozet and built using pick axes and black powder, was considered the longest in the world at 4,273 linear feet and is presently considered an engineering marvel; and

**WHEREAS**, the completion of the Blue Ridge Tunnel Project will provide a unique regional attraction with historic, educational, and economic benefits as well as a safe and level trail for hikers, joggers, and bicyclers; and

**WHEREAS**, the Blue Ridge Tunnel extends into Augusta County and is in close proximity to the City of Waynesboro; and

**WHEREAS**, Nelson County is submitting an application to the Virginia Department of Transportation’s Transportation Enhancement grant program in December 2010, to obtain funding to complete the restoration of the Blue Ridge Tunnel and construct associated trails;

**NOW THEREFORE BE IT RESOLVED**, by the Augusta County Board of Supervisors that said Board supports Nelson County’s December 2010 application to the Virginia Department of Transportation for Transportation Enhancement Program grant funds, for Nelson County’s Blue Ridge Tunnel Project.

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

Nays: None

Absent: Howdyshell

Motion carried.

\* \* \* \* \*

**MATTERS TO BE PRESENTED BY STAFF** (cont'd)

- 2. Mill Place Commerce Park - Farm (Agriculture Lease) – A 30-days notice is required to cancel current agreement. Draft letter has been provided to have the farming operation competitively bid for the 2011 growing season (March 1<sup>st</sup> to November 1<sup>st</sup>). Mr. Coffield has asked that Ron Sites, Director of Parks and Recreation; and Dennis Burnett, Director of Economic Development; to work collaboratively to develop an RFP for the Mill Place Commerce Park farming operation.

Mr. Shifflett moved, seconded by Mr. Beyeler, that the Board authorize submittal of letter.



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

MATTERS TO BE PRESENTED BY STAFF (cont'd)

2. Mill Place Commerce Park (cont'd)

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

Nays: None

Absent: Howdyshell

Motion carried.

\* \* \*

3. Social Media – Staff has been doing research and discovered that Roanoke County has a thorough set of policies and been operational for a while. Will continue research and look at other models. Hopefully, will meet with Mr. Shifflett, who had suggested this, and provide a proposal in the near future. Ms. Sorrells added that she and Mr. Shifflett have explored different sites and suggested that the Board look at Charles City County and Chesterfield County. She stated that the main purpose is to provide a tool for citizen participation.

\* \* \* \* \*

ADJOURNMENT

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

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

Nays: None

Absent: Howdyshell

Motion carried.

\* \* \* \* \*

\_\_\_\_\_  
Chairman  
H:11-23min.10

\_\_\_\_\_  
County Administrator