

Regular Meeting, Wednesday, December 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
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, December 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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Ashley Crickenberger, an eighth grader of Stewart Middle School, led us with the Pledge of Allegiance. Ashley lives on a farm and shows steers at the Market Animal Show. She owns three horses and helps raise baby dairy calves. She is the Secretary of the Stewart Middle School FFA Chapter.

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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 - NONE

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ROBINSON, FARMER, COX ASSOCIATES – AUDIT

The Board received a presentation of 2010 Augusta County Comprehensive Annual Financial Report.

Jennifer M. Whetzel, Director of Finance, reported that the FY10 audit report had been placed at the Board’s seats. She added that this is the second year that the Finance Department has prepared the entire audit report, primarily, thanks to Melissa Meyerhoeffer. This report will be placed on the website in the near future.

James Kelly, of Robinson, Farmer, Cox Associates, gave a presentation of the 2010 Augusta County Comprehensive Annual Financial Report. He commended staff and complimented how well all departments worked together. He noted that an Audit Opinion is included in the audit, which is an unqualified opinion and the best audit opinion that can be given. It basically states that the financial statements are fairly stated, materially correct, and no additional adjustments need to be made. Mr. Kelly highlighted key elements/findings of audit. He encouraged the Board to read the Management Discussion and Analysis, which was prepared by the Financial Department, and which gives a narrative of what the financial activity for the County was for FY10. Mr. Kelly noted that \$35 million was set aside for capital projects. Patrick J. Coffield, County Administrator, added that a little over \$35 million is in the CIP account, but, “while it is cash, for the public’s purposes, many jurisdictions bond out everything they do on a capital basis. Augusta County, because of its financial philosophy, tries to bond out things such as schools and jails. For other capital expenditures, such as fire trucks, we try to plan for and put money away towards

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ROBINSON, FARMER, COX ASSOCIATES – AUDIT (cont'd)

projects. While it says \$35 million on County Capital Improvements, it's all earmarked for various projects to pay cash instead of having to pay interest on top of principal for future generations. The \$644,000 is returned to the School Board, based upon its prior year savings. For the School Board, the incentive program is if there are funds leftover, it will be placed in their capital account."

Chairman Garber reported that Mr. Beyeler and Mr. Pyles were on the Board's Audit Committee and met with Mr. Kelly prior to tonight's meeting.

Mr. Pyles pointed out that the audit represents two things:

1. How well the budget is taken care of – controls in place to properly identify the financial condition of the County. " From Mr. Kelly's observation, we have good controls in place."
2. Are we on a good path? Are our reserved funds sufficient? Are we making enough money to cover the bills? Are we going deeper in debt? Mr. Pyles noted that the \$7 million stimulus funding cannot be counted on in the near future.

Mr. Beyeler noted that staff has saved \$5,000 for writing the report.

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board approve the 2010 Augusta County Comprehensive Annual Financial Report.

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

Nays: None

Motion carried.

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BOARD OF SUPERVISORS SCHEDULED MEETINGS FOR 2011

The Board considered the Board of Supervisors scheduled meetings for the calendar year 2011.

Rita Austin, Executive Secretary, reported that the calendar was drafted indicating the second and fourth Wednesdays of the month in 2011 and Staff Briefings on the Monday before the fourth Wednesday. The only exception is that in November, because of Thanksgiving, the regular meeting is to be held on Tuesday, November 22nd.

In speaking with the Finance Director, it was suggested that the budget briefings could be held on March 28th and 29th (if needed), with the Budget Hearing to be held on April 20th , and Adoption on May 4th . Also, the Organizational Meeting for 2012 could be on the first Wednesday in January (January 4th), at 5:00 p.m. (or earlier if desired). Ms. Austin also noted that a summer meeting has been cancelled in previous years in July (July 11, 2007; July 9, 2008; and July 8, 2009, July 14, 2010). She added that the Board usually approves the schedule at their Organizational Meeting (January 5th) at 5:00 p.m.

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RIVERHEADS FIRE AND RESCUE AGREEMENTS

The Board considered draft agreements.

Patrick J. Morgan, County Attorney, advised that this matter has been discussed on a number of occasions and the Board has asked that he draft an agreement for the fire company to serve the new fire station that mirrors the same agreement that the County is asking all Rescue and Fire Departments to enter into. Appropriate changes have

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RIVERHEADS FIRE STATION RESCUE AGREEMENTS (cont'd)

one of the agreements provides three years, but has a 90-days out-option. He asked if the 90-days out-option could be prior to the three years expiration. Mr. Morgan said it could be done.

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RIVERHEADS FIRE STATION

The Board considered change orders for Fire Station.

Funding Source: Riverheads Infrastructure Account #80000-8015-57 \$48,571.81

Mr. Coffield briefed the Board on the timeline for the PPEA. Change Order #1 is for \$386.00; Change Order #2 is for \$48,185.81, totaling \$48,571.81. He noted that \$1,200.37 difference represents an F&R inspection that was inadvertently paid by the contractor and was budgeted for separately.

Ms. Sorrells explained that, because of the PPEA process, if there are changes, you need to have Board approval. She noted that the waterline costs was increased due to the Service Authority "arbitrarily wanting to put a line in a different place, requiring a road cut, and rock that wouldn't have been run into on the other side". She noted the other issue was due to needing additional parking spaces for future use.

Mr. Howdysshell explained that the change on the waterline was because of numerous underground utilities along the path and little room between the pavement and the fire poles and no way to dig a line in without digging up the asphalt. He said it was logical to go down the other side.

Mr. Pyles emphasized that "Augusta County Service Authority does not do things arbitrarily. They have reasons for what they do. No agency in this building studies things better and looks at them more firmly and looks for the best cost option."

Ms. Sorrells moved, seconded by Mr. Coleman, 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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SOURCE WATER PROTECTION OVERLAY DISTRICT DRAFT

The Board considered Committee and Planning Commission recommendations regarding Source Water Protection Overlay District Draft.

Timmy Fitzgerald, Director of Community Development, noted that at the last Board meeting, the Board received a presentation from Community Development on the Source Water Protection Overlay District. At that time, they were asking for comments from the Board, Service Authority and Planning Commission. As a result of those comments, there were two definitions that were added to the ordinance text. One definition was for a Class II injection well and the other definition was for a Class V injection well. Both definitions have been added to the ordinance. "Class II injection wells: Wells that inject fluids associated with oil and natural gas production. Class V injection wells: A shallow well used to place a variety of fluids at shallow depths below the land surface. Examples of Class V injection wells include: motor vehicle waste disposal wells, large capacity cesspools, storm water drainage wells, aquifer remediation wells, and large capacity septic systems." One other change that staff has suggested is that the following phrase be added, under § 25-517, Class II injection well:

" unless proof is provided that the use has an appropriate EPA permit."

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SOURCE WATER PROTECTION OVERLAY DISTRICT DRAFT (cont'd)

Mr. Howdysshell favored public input.

Mr. Beyeler moved, seconded by Mr. Shifflett, that the Board authorize staff to provide for property owner notification and to proceed with advertisement for public hearing.

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

Mr. Howdysshell 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, November 22, 2010
- Regular Meeting, Tuesday, November 23, 2010

CLAIMS

Approved claims paid since November 10, 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

PARKS AND RECREATION COMMISSION – REAPPOINTMENT

Mr. Shifflett moved, seconded by Mr. Beyeler, that the Board reappoint Larry E. Curry to serve another four-year term on the Parks and Recreation Commission, effective January 1, 2011, to expire December 31, 2014.

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 (cont'd)

AGRICULTURE INDUSTRY BOARD – REAPPOINTMENT

Mr. Shifflett moved, seconded by Ms. Sorrells, that the Board reappoint Bud Shaver to serve another four-year term on the Agriculture Industry Board, effective January 1, 2011, to expire December 31, 2014.

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

Nays: None

Motion carried.

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The Board discussed the following issues:

Ms. Sorrells:

- 1. Attended Project Impact meeting (CSPDC) – calendars distributed.
- 2. Mint Springs Ruritan and Mint Springs United Methodist Church giving a breakfast with Santa – proceeds will be given to Riverheads Fire Station.

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3. Riverheads Fire Station

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board authorize the County Attorney to begin preparing the documents necessary for closing.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY PLANNING COMMISSION – APPOINTMENT

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board appoint William Bernard Garvey to serve a four-year term on the Augusta County Planning Commission, effective January 1, 2011, to expire December 31, 2014.

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

Nays: None

Motion carried.

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AGRICULTURE INDUSTRY BOARD – REAPPOINTMENT

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board reappoint Keith Phillips to serve another four-year term on the Agriculture Industry Board, effective January 1, 2011, to expire December 31, 2014.

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 (cont'd)

Mr. Coleman: Waynesboro First Aid Crew and SARS co-locating with Preston Yancey Volunteer Fire Company - ongoing discussions to finalize an agreement between Waynesboro and SARS and Preston Yancey early next year.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board give both Waynesboro First Aid Crew and Staunton-Augusta Rescue Squad permission to cover each other's run areas from Preston L. Yancey Volunteer Fire Company's building starting after the first of the year at a time to be announced.

Mr. Morgan explained that it needs to be determined by the Board as to who goes to the first due area.

Mr. Beyeler explained that when they operate out of Preston Yancey, if SARS is on duty, they will be able to cover Waynesboro's first due from Preston Yancey's station. Waynesboro will also be able to do the same in SARS' first due area when they are on duty.

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 STAFF

Staff discussed the following:

1. Audit – In 2001, the top 10 taxpayers represented 7.5% of budget; now, through diversification, top 10 is approximately 5.5% of the revenue. “This is healthy.”
2. State Fire Board review – have responded; survey to be completed and evaluation process will begin.
3. VACo committees – asked if Board wanted to serve on same committees. Noted that the Telecommunication Committee will be placed in another committee. Mr. Beyeler was happy to give up his spot so that Mr. Howdysshell could be involved in the telecommunications and he could be placed on another committee. Board consensus to submit nominations to VACo.
4. Social Media – had subsequent follow-up with Mr. Shifflett; asked Board for its input; moving forward.
5. Mills Creek – discussed at Legislative meeting tonight. Federal government has informed County is eligible for 65% funding on a \$3 million flood control dam; in previous years, state would provide 25% funding and local governments would pay 10%. Hopefully, General Assembly will make the County eligible for funding as in previous years.
6. nTelos – spinning off to have two separate entities: wireless and wireline businesses – no impact on regional employment.
7. Preston L. Yancey Fire Company – update distributed to Board.

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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

- (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) Augusta Springs (Pastures District)

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

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 PLANNING COMMISSION REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board reappoint Taylor A. Cole to serve another 4-year term on the Augusta County Planning Commission, effective January 1, 2011, to expire December 31, 2014.

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AUGUSTA COUNTY PLANNING COMMISSION REAPPOINTMENT (cont'd)

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

Nays: None

Motion carried.

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PARKS AND RECREATION COMMISSION REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Colman, that the Board reappoint Rudolph Bazzrea to serve another 4-year term on the Parks and Recreation Commission, effective January 1, 2011, to expire December 31, 2014.

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

Nays: None

Motion carried.

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AGRICULTURE INDUSTRY BOARD REAPPOINTMENT

Mr. Pyles moved, seconded by Mr. Shifflett, that the Board reappoint William Bashaw, III to serve another 4-year term on the Agriculture Industry Board, effective January 1, 2011, to expire December 31, 2014.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY SERVICE AUTHORITY – RESIGNATION

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board accept the resignation of William Hrovat on the Augusta County Service Authority.

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

Nays: None

Motion carried.

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AUGUSTA COUNTY SERVICE AUTHORITY APPOINTMENT

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board appoint Tracy C. Pyles, Jr. to serve an unexpired 4-year term on the Augusta County Service Authority, effective immediately, to expire March 15, 2014.

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

Nays: Beyeler and Sorrells

Motion carried.

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EASEMENT

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board authorize County Attorney to work with citizen for conveyance of a limited easement for recreational and logging rights:

- a) mutual exchange of easements
- b) citizen to pay all survey, plat and closing costs
- c) citizen to build and be responsible for maintenance of road; to include a secure entrance
- d) County Attorney noted that a public hearing would be required

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, Ms. Sorrells moved, seconded by Mr. Beyeler, 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

County Administrator