

Regular Meeting, Wednesday, April 27, 2011, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Jeremy L. Shifflett, Chairman
Wendell L. Coleman, Vice-Chairman
David R. Beyeler
Gerald W. Garber
Larry C. Howdyshell
Tracy C. Pyles, Jr.
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
Becky Earhart, Senior Planner
Jennifer M. Whetzel, Director of Finance
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, April 27, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 235th year of the Commonwealth....

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Chairman Shifflett welcomed the citizens present.

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Alexa Hallen, a senior of Wilson Memorial High School, led the Pledge of Allegiance. Alexa plays Varsity Tennis and plans on attending James Madison University and major in Business. She is also involved in SCA and various clubs throughout the school.

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

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Chairman Shifflett, as a private citizen for the citizens of Augusta County, presented to the Board a clock to be hung where "everybody could see it". He hoped that this clock would be unique and special for the boardroom. Mr. Coleman, on behalf of the Board, thanked Chairman Shifflett for the clock and said that it would be a nice addition to the boardroom. Chairman Shifflett added that this was paid by Chairman Shifflett, "with no cost to the taxpayers".

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TRIMEN, LLC AND BRENDA L. BILLINGS– REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to General Business approximately 2.5 acres owned by Trimen, LLC and Brenda L. Billings to amend and restate proffers on 2.66 acres owned by Trimen, LLC. The property is located in the southwest quadrant of the intersection of Jefferson Highway (Route 250) and Goose Creek Road (Route 640) (Wayne District). The Planning Commission recommends approval with proffers of the rezoning and approval of the amended and restated proffers.

Becky Earhart, Senior Planner, displayed a map indicating that the property shaded in red is property already zoned Business and that the applicant is asking to amend and restate the proffers primarily related to the road right-of-way proffer. Originally, it was a flat 60-foot wide piece of land that was going to be donated. Now, they are going to donate the right-of-way that is actually needed for the road project. VDOT has no desire to get additional land. All of the other proffers on that property will remain the same. The remaining property to be rezoned tonight is outlined in red.

The applicant has submitted the following proffers:

1. No building or structure shall exceed thirty-five feet (35') in height.

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TRIMEN, LLC AND BRENDA L. BILLINGS– REZONING (cont'd)

2. If at the time of development parcels 67C (11) 15 and 18 are still zoned General Agriculture, a buffer consisting of a ten foot wide strip of land with a six foot opaque, vinyl privacy fence will be constructed along the property lines adjacent to parcels 67C (11) 15 and 18.
3. When developed for business purposes, there will be no direct access to these parcels to Jefferson Highway (Rt. 250) or existing Goose Creek Road (Rt. 640). All access will be from the relocated Goose Creek Road (Rt. 640).
4. Access will be provided to adjacent properties to allow interconnectivity between parcels.
5. As part of site plan approval, the developer will evaluate the channel between the VDOT storm sewer discharge and the channel between Wellington Townhouses and the CVR property on Route 250 and build any improvements required to maintain flow within a 20' wide drainage area.

Ms. Earhart added that public water and sewer are available.

Steve Hinton, with Design Vision, representative for Trimen, LLC and Brenda Billings, reported that they were involved with the design for the Jefferson Commons project and wanted to keep with the same type of architecture for this project. He said that he has been in contact with VDOT regarding the entrance off the new Route 640 improvement.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Coleman stated that he was pleased with this project. He said it has taken approximately 7.5 years for a new connector road for Goose Creek (Route 640).

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance with proffers:

ORDINANCE

A REQUEST TO REZONE FROM GENERAL AGRICULTURE TO GENERAL BUSINESS WITH PROFFERS APPROXIMATELY 2.5 ACRES OWNED BY TRIMEN, LLC AND BRENDA L. BILLINGS AND TO AMEND AND RESTATE PROFFERS ON 2.66 ACRES OWNED BY TRIMEN, LLC. THE PROPERTY IS LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF JEFFERSON HIGHWAY (RT. 250) AND GOOSE CREEK ROAD (RT. 640) IN THE WAYNE DISTRICT.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel numbers **16** and **16A** on tax map number **67C (11)** and parcel numbers **14** and **17** on tax map number **67C (12)** containing a total of approximately 2.5 acres are changed from General Agriculture to General Business with the following proffers:

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TRIMEN, LLC AND BRENDA L. BILLINGS– REZONING (cont'd)

- 6. No building or structure shall exceed thirty-five feet (35') in height.
- 7. If at the time of development parcels 67C (11) 15 and 18 are still zoned General Agriculture, a buffer consisting of a ten foot wide strip of land with a six foot opaque, vinyl privacy fence will be constructed along the property lines adjacent to parcels 67C (11) 15 and 18.
- 8. When developed for business purposes, there will be no direct access to these parcels to Jefferson Highway (Rt. 250) or existing Goose Creek Road (Rt. 640). All access will be from the relocated Goose Creek Road (Rt. 640).
- 9. Access will be provided to adjacent properties to allow interconnectivity between parcels.
- 10. As part of site plan approval, the developer will evaluate the channel between the VDOT storm sewer discharge and the channel between Wellington Townhouses and the CVR property on Route 250 and build any improvements required to maintain flow within a 20' wide drainage area.

BE IT FURTHER ORDAINED, by the Board of Supervisors that the Proffers for parcel number **19** on tax map number **67C (13)** containing approximately 2.66 acres be amended and restated as follows:

- 1. In reference to the proposed connector road from Route 250 to Route 640 that Augusta County and/or the Virginia Department of Transportation proposes to design and construct, the owner will provide, at no cost to Augusta County and/or the Virginia Department of Transportation the right-of-way as depicted on the VDOT Route 640 Construction Plans.
- 2. There shall be no direct access to or from the property to Route 250 or the proposed connector road.
- 3. The existing entrance on to Route 640 shall be the only entrance for this property.
- 4. The aggregate square footage of all buildings on this property shall not exceed 15,800 square feet in area.
- 5. Permitted uses of this property shall be limited to those permitted in the County's Limited Business District (§25-292).
- 6. All exterior walls of Building Phase 2 shall be brick veneer and all exterior walls facing east, west, and north shall have design elements (including, without limitation, windows, doors, and masonry details) so as to complement the existing building and as generally described and depicted on the conceptual renderings labeled A-C as prepared by Design Vision.
- 7. The dumpster site shall be located in the southwest corner of the property and screened as generally described and depicted on that certain plan entitled "Schematic Site Plan II" for Jefferson Commons prepared by Design Vision and dated March 22, 2005.

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

Nays: None

Motion carried.

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WILSON ELEMENTARY SCHOOL FINANCING

This being the day and time advertised to consider a County resolution authorizing the financing of capital projects for school purposes along with authorizing reimbursement resolution (Wayne District).

Jennifer M. Whetzel, Director of Finance, reported that there are two resolutions to be considered tonight for the Wilson Elementary School renovation project. The first authorizes the issuance of a maximum of \$7.5 million in General Obligation School Bonds, Series 2011A, to be sold to the Virginia Public School Authority. The second resolution declares the intention for Augusta County to reimburse itself for certain construction costs from these bonds proceeds. This resolution would be for the entire project, which is not to exceed \$16 million. The School Board has adopted a resolution

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WILSON ELEMENTARY SCHOOL FINANCING (cont'd)

requesting the Board of Supervisors to authorize the issuance of these local school bonds, which are qualified school construction bonds whereby the interest will be reimbursable. This will be the first of two borrowings for the Wilson Elementary School project. The next borrowing will probably be in the fall.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA
DECLARING ITS INTENTION TO REIMBURSE
THE COST OF CERTAIN EXPENDITURES**

WHEREAS, Augusta County, Virginia (the "County") desires to undertake the renovation of Wilson Elementary School, including but not limited to the construction of new instructional and support services space and mechanical and electrical improvements to the school (the "Project");

WHEREAS, the County and/or the Augusta County School Board (the "School Board") has made or will make expenditures (the "Expenditures") in connection with the renovation and equipping of the Project;

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County and/or the School Board from the proceeds of one or more taxable or tax-exempt obligations to be issued by the County (the "Indebtedness"); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA (THE "BOARD"):

The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself and/or the School Board with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

The maximum principal amount of Indebtedness expected to be issued for the Project is \$16,000,000.

This Resolution shall take effect immediately upon its adoption.

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**RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED
\$7,500,000 GENERAL OBLIGATION SCHOOL BOND, SERIES 2011A,
OF THE COUNTY OF AUGUSTA, VIRGINIA, TO BE SOLD TO
THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the Board of Supervisors (the "Board") of the County of Augusta, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$7,500,000 and to issue its general obligation school bond (as more specifically defined below, the "Local School Bond") for the purpose of financing a portion of the costs of the renovation of Wilson Elementary School, which consists of, among other things, the construction of new instructional and support services space and mechanical and electrical improvements to the school, all of which constitutes a capital project for public school purposes (the "Project"); and

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WILSON ELEMENTARY SCHOOL FINANCING (cont'd)

WHEREAS, the County held a public hearing, duly noticed, on April 27, 2011, on the issuance of the Local School Bond in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bond and consented to the issuance of the Local School Bond; and

WHEREAS, the Virginia Public School Authority ("VPSA") has offered to purchase the Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA in the summer of 2011 (the "VPSA Bonds"); and

WHEREAS, VPSA intends to issue the VPSA Bonds as "qualified school construction bonds" (referred to below as "QSCBs") within the meaning of Section 54F of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which section was added to the Tax Code by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17, 2009; and

WHEREAS, VPSA intends to elect to treat the VPSA Bonds as "specified tax credit bonds" under Section 6431 of the Tax Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 123 Stat. 301), enacted on March 18, 2010, which status enables an issuer of a QSCB to receive a direct payment of a refundable credit in lieu of providing a tax credit to the purchaser or holder of the QSCB; and

WHEREAS, the refundable credit payable with respect to each interest payment date will be equal to the lesser of (i) the amount of interest payable under the QSCB on such date or (ii) the amount of interest which would have been payable under the QSCB on such date if such interest were determined at the applicable credit rate determined under Section 54A(b)(3) of the Tax Code (that is, the rate used in computing the amount of tax credit that could be claimed by the QSCB holder absent the "specified tax credit bond" refundable credit election); and

WHEREAS, subject to the terms and conditions set forth or referred to below, VPSA will transfer to the County the allocable portion of the refundable credit actually received in cash by VPSA with respect to the VPSA Bonds; and

WHEREAS, the allocation of QSCB volume cap pursuant to which VPSA will issue the VPSA Bonds will be made by Executive Order to be issued by the Governor of the Commonwealth of Virginia (the "Executive Order"), to finance the Project along with a number of other projects selected through a competitive evaluation process administered by the Virginia Department of Education; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$7,500,000 is the amount of proceeds requested (the "Proceeds Requested") by the County from the VPSA in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VPSA from the sale of the VPSA Bonds, the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in paragraph 1 of this Resolution does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

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WILSON ELEMENTARY SCHOOL FINANCING (cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AUGUSTA, VIRGINIA:

Authorization of Local School Bond and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bond in a principal amount not to exceed \$7,500,000 (the "Local School Bond") for the purpose of financing the Project and the County's allocable share of (A) VPSA's costs of issuing the VPSA Bonds and (B) any upfront flat fees of VPSA as determined by VPSA to be necessary to compensate VPSA for the on-going costs related to administering the local school bonds purchased with the VPSA Bonds, including the County's Local School Bond (such upfront fees may be in lieu of the Annual Administrative Fee described in paragraph 4 in this Resolution). The Board hereby authorizes the issuance and sale of the Local School Bond in the form and upon the terms established pursuant to this Resolution and the Bond Sale Agreement.

Sale of the Local School Bond. The sale of the Local School Bond, within the parameters set forth in paragraph 4 of this Resolution, to VPSA is authorized. Given the VPSA Purchase Price Objective and market conditions, it may become necessary to sell the Local School Bond in a principal amount greater than the Proceeds Requested. If the limitation on the maximum principal amount on the Local School Bond set forth in paragraph 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, the Local School Bond may be sold for a purchase price of not lower than 90% of the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into an agreement with VPSA providing for the sale of the Local School Bond to VPSA (the "Bond Sale Agreement"). The Bond Sale Agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved.

Details of the Local School Bond. The Local School Bond shall be dated the date of its issuance and delivery; shall be designated "General Obligation School Bond, Series 2011A;" shall bear interest from the date of delivery thereof payable semi-annually on dates specified by VPSA (each, an "Interest Payment Date" at the rates established in accordance with paragraph 4 of this Resolution; and shall mature annually in the years (each a "Principal Payment Date," and together with any Interest Payment Date, a "Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of paragraph 4 of this Resolution.

Interest Rate and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rate on the Local School Bond established by VPSA, provided that each interest rate may be up to five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Bonds, to the extent required by VPSA (the "Annual Administrative Fee"), and provided further that the true interest cost of the Local School Bond does not exceed seven and a half percent (7.50%) per annum. The Payment Dates and the Principal Installments shall be specified by VPSA. The County Administrator is hereby authorized and directed to accept the final Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the principal amount of the Local School Bond shall not exceed the amount authorized by this Resolution and the final maturity of the Local School Bond shall be no later than the earlier of December 31, 2030 and the latest maturity date permitted under Section 54A of the Tax Code. The execution and delivery of the Local School Bond as described in paragraph 10 hereof shall conclusively evidence the approval and acceptance all of the details of the Local School Bond by the County Administrator as authorized by this Resolution.

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WILSON ELEMENTARY SCHOOL FINANCING (cont'd)

Certain Acknowledgements. The County acknowledges that the interest rate on the Local School Bond will be set at the level necessary to pay the interest on the allocable portion of the VPSA Bonds plus the Annual Administrative Fee, if any, and that the County will be obligated to pay interest on the Local School Bond at the stated taxable rate thereon regardless of the elimination or reduction of the refundable credit to be received by VPSA due to (i) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code, (ii) any failure or determination by Congress not to appropriate funds necessary to pay the refundable credit, (iii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, or (iv) any action or omission by VPSA, the County or any other locality selling local school bonds to VPSA in connection with the VPSA Bonds that causes the VPSA Bonds to lose their status as QSCBs and/or specified tax credit bonds in whole or in part. It is also acknowledged that the County has the right to effect an extraordinary optional redemption of the Local School Bond in whole or in part upon the occurrence of any of these events as provided in the form of Local School Bond.

Certain Investment Earnings. The Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with multiple maturities or with a single "bullet" maturity, in either case, with a final maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code, (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County's obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in paragraph 15 below. Any balance in such reserve fund or account attributable to investment earnings on the County's Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

Form of the Local School Bond. The Local School Bond shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Local School Bond:

(a) For as long as VPSA is the registered owner of the Local School Bond, all payments of principal of and interest and premium, if any, on the Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at, or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Payment Date or date fixed for payment, prepayment or redemption.

(b) The Bond Registrar and Paying Agent for the Local School Bond shall be the banking institution selected by VPSA for such purposes.

Prepayment or Redemption. The Principal Installments of the Local School Bond may be subject to optional prepayment or redemption prior to their stated maturities as determined by VPSA. The Principal Installments of the Local School Bond will be subject to extraordinary mandatory redemption (i) if certain proceeds of the Local School Bond have not been spent within three years after the date of its issuance and delivery (which three year period may be extended by the U.S. Secretary of the Treasury or his delegate), (ii) due to a loss of "qualified tax credit bond" and "qualified school construction bond" status of the VPSA Bonds corresponding to the Local School Bond under Sections 54A and 54F of the Tax Code, and (iii) if due to (a) any amendments by Congress to Sections 54A, 54F or 6431 or any other applicable sections of the Tax Code or (b) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, there is a reduction or elimination of the direct

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WILSON ELEMENTARY SCHOOL FINANCING (cont'd)

payment of the refundable credit to be received by VPSA with respect to the VPSA Bonds. The Principal Installments of the Local School Board shall be redeemed at the redemption prices and upon the other terms set forth in the Local School Bond.

Execution of the Local School Bond. The Chairman and the Clerk of the Board are authorized and directed to execute and deliver the Local School Bond and to affix the seal of the County thereto.

Pledge of Full Faith and Credit. For the prompt payment of the principal of and interest and premium, if any, on the Local School Bond as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bond shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and interest and premium, if any, on the Local School Bond as such principal and interest and premium, if any, shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

Use of Proceeds Certificate and Tax Compliance Agreement. The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement (the "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of the Local School Bond and containing such covenants as may be necessary for the VPSA Bonds to qualify as and to remain as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code and the applicable regulations. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bond will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code.

State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer and the Director of Finance to participate in the State Non-Arbitrage Program in connection with the Local School Bond. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Local School Bond by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.

Continuing Disclosure Agreement. The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix E to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

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WILSON ELEMENTARY SCHOOL FINANCING (cont'd)

Fees, Costs and Expenses. The County agrees to pay the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefor:

(A) The County's allocable share of (i) the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and (ii) any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's School Tax Credit Bond Program, as determined by VPSA; and

(B) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under the Local School Bond, the Continuing Disclosure Agreement, the Tax Compliance Agreement, the Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, the "County Documents"), or in connection with any extraordinary mandatory redemption of the Local School Bond as described in paragraph 9 above and the corresponding VPSA Bonds, any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.

Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

Election to Proceed under Public Finance Act. In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bond pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

Further Actions. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bond and any such action previously taken is hereby ratified and confirmed.

References to Chairman and Clerk. Any references herein to the Chairman of the Board shall be deemed to include the Vice Chairman of the Board, and any references to the Clerk of the Board shall be deemed to include any Deputy Clerk.

Effective Date. This Resolution shall take effect immediately.

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

David Karaffa mentioned that at the April 13th Board meeting, four plans were presented regarding redistricting. He felt that Option 1 was the best proposal.

Susan Thompson expressed concern of Route 758, George Walton Road, being unsafe. She did not feel that the concrete pad would resolve the problem and felt that the low water bridge (ford) should be blocked off.

Mr. Howdyshell stated that VDOT's plan would work on the road. He has lived in the

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

area 63 years and noted that there has always been a ford (hole). He said that, being in a rural area, blocking the road would only cause another problem of not having a turn-around.

Ms. Thompson said that traffic has not been able to go over that road for six months because of the water.

Mr. Howdysshell said that farm equipment moves on that road when the river is down. The farm community will do something different when necessary. He said that the farming community is smart enough not to go out in there when it is not passable.

Ms. Thompson disagreed and stated that the concrete pad was not going to work. She also asked that the turn-around spot not be on her property.

Chairman Shifflett clarified that VDOT is aware of the problem and want to repair the ford.

Ms. Thompson said that she has spoken with VDOT representatives who have expressed that the road should be abandoned. She added that she and other landowners were willing to put up gates to keep vehicles off of the road. She had a petition with the majority of residents' signatures against the concrete pad.

Chairman Shifflett asked for more information from VDOT to determine if there is another viable option.

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LOCAL EMERGENCY TERMINATION

The Board considered resolution to terminate declaration of local emergency due to a significant storm event.

Mr. Coffield advised that the Chairman of the Board of Supervisors, as Director or Emergency Services, declared a local emergency on April 17, 2011. Part of the process is terminating the local emergency which Board approval is required. The resolution will be forwarded to Richmond.

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

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, due to a tornado touching down in a portion of Augusta County, Virginia (the County) and high winds and torrential rains affecting the entire County, the County faced dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby;

WHEREAS, the conditions of extreme peril to life and property necessitated the declaration of the existence of a local emergency;

WHEREAS, circumstances did not permit the governing body to convene to consent to the declaration of the existence of such a local emergency;

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Title 44, Chapter 3.2 of the Virginia Code) authorizes the Emergency Services Director to declare the existence of a local emergency when the governing body cannot convene, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration;

WHEREAS, on April 17, 2011, by Declaration of Local Emergency ("Declaration"), Jeremy L. Shifflett, Chairman of the Board of Supervisors and Emergency Services Director, declared the existence of such a local emergency, subject to confirmation by the Board of Supervisors of Augusta County, Virginia;

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LOCAL EMERGENCY TERMINATION (cont'd)

WHEREAS, by resolution adopted on April 20, 2011, the Board of Supervisors confirmed the Declaration;

WHEREAS, all coordinated local government action has been taken and it is no longer necessary for the Declaration to remain in effect; and

WHEREAS, the Board of Supervisors desires to terminate the Declaration, and to approve, ratify and confirm all actions taken by the Emergency Services Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that all actions taken by the Emergency Services Director and County staff pursuant to the Declaration and the approved plans of the County of Augusta be, and hereby are, approved, ratified and confirmed.

IT IS FURTHER RESOLVED that the Declaration be, and hereby is, terminated, effective April 27, 2011.

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

Nays: None

Motion carried.

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VDOT REVENUE SHARING PROGRAM FOR FY2011-2012

- A) The Board considered VDOT Revenue Sharing Program for FY2011-2012.
- B) The Board considered Infrastructure Funding to supplement amount budgeted.
Funding Source: North River Infrastructure Account #80000-8013-31 \$500,000

Mr. Coffield advised that this was discussed at Monday's Staff Briefing. Included on the list was Route 758, George Walton Road. Also, included in the package was the statement of VDOT's plans: .35 miles with a concrete flexible matting at the cost of approximately \$75,000 and no more than \$150,000. He noted that this has been used at dams that were hardened. Also, to be considered is the VDOT Revenue Sharing Program with the full \$1 million funding which will be matched by Augusta County.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board approve the VDOT Revenue Sharing Program for FY2011-2012 and the Infrastructure Funding to supplement amount budgeted.

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

Nays: None

Motion carried.

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GREENVILLE SEWER

The Board considered the following regarding Greenville Sewer (Riverheads District):

- A) Review of Sanitary District criteria (County Attorney)
- B) Mandatory Connection ordinance (County Attorney)
- C) Infrastructure Match (#80000-8015-64)
- D) WWTP vs. Community Treatment Option

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing and that Ms. Sorrells had requested that the Board be prepared to consider the four above-mentioned items.

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GREENVILLE SEWER (cont'd)

Ms. Sorrells understood that if the Board votes to move forward with the project, then we can inform DCR and DEQ that this is a viable project. To make the project go forward, she felt that the Waste Water Treatment Plant needed to be considered (vs. Community Treatment Option). She reiterated that if the Board moves forward on the project, that the Waste Water Treatment Plant is used, it is not an economically viable project without 90 hook-ups; therefore, she is asking that the County Attorney explore mandatory hook-ups and/or service districts. She will see that the Riverheads Infrastructure and the DCR money reduces the hook-ups and availability fees to a lower fee.

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

Mr. Pyles made the following statement:

Based on the verbiage of a desperate health situation in Greenville, desperate means something to me. I think the people in Japan are in a desperate situation. I think the people in Sudan have a desperate situation. I wanted to find out what constituted "desperate situation" in Greenville so I got the information that Mr. Coffield forwarded to me and Mr. Fanfoni forwarded to me from the Health Department. They noted 10 sites that they specifically knew of and these are the only ones they knew of that had a problem. And so I asked them to give me some more detail on them. And what we find out is that on one of them -43 Church Street, they have already replaced their system. They put in an engineered system. 57 Main Street, there was no problem, they said the gray water was not surfacing, just to watch the water use. On 65 Graham Street, they installed one that didn't meet today's regulations, but was acceptable as long as these people owned the house. 13 Palmer Street, they've already replaced their system with an engineered septic system. There was one on Tax Map 82-A159 that was for a new house; there was nobody there and it was just denied because there wasn't enough place for it. 75 Church Street, they wanted to build—they didn't have a house, they wanted to build a 3-bedroom house and they said they couldn't do that, they could put in a 2-bedroom house with an engineered system. Greenville Grocery was simply wanting to expand; and 91 Graham Street, did not have a failure, it was just listed as a possible failure. So there is only a couple of real failures there. They said this was over a 10-year period. We get around 25 of these a year in the County, so this is fairly a small percent of what goes on all the time. But in reading this and understanding it, what seems to me to be the greater health issue, if you say that these are substandard older things that aren't there, is the water that the people drink. Now, when we had that problem in Churchville, the remedy was they brought in public water; Deerfield, public water; Augusta Springs, public water. We couldn't fix all the sewer problems. The greater problem is that the folks there aren't hooked up to water. We've only got around 60% of the people in that system hooked to the water. If all of them were hooked to the water and abandoned their wells, it would simultaneously do two things: 1) It would ensure that they are drinking good healthy water all the time; and 2) it would open up space for more engineered systems. One of the reasons that they are constrained on some of what they want to do is that, while there is a well, there is 100 feet prohibition to doing anything about it. If everybody abandoned their well, everybody is on health water, then there is just going to be a few folks that are left. We can't afford everything. I don't object or have any problems with people going forward in their district and doing it with their infrastructure funds, but there is not enough infrastructure funds to do it. I will offer it to Ms. Sorrells if she wants to take it to the limit of \$6,000 per each household, I will trade her revenue dollars for infrastructure dollars. You'll have my money to leverage against State for your sewer; I'll have money to leverage for road funding. I'll take you up to your \$660,000, but we should not have any funding coming from our general funds or from other Augusta County Service accounts. Everything has been spoken for. When we were given the budget, we have to decide what we want to do. If had a desperate situation that has been existing for a while, I would have put every dollar that I had coming up in infrastructure to that. But, instead, we've got bulk water tanks; we got water tanks; we got a fire department that all takes precedent over this desperate situation. What we need to do, to be fair . . . we all have to make decisions, so I asked Ms. Sorrells to make a decision with the budget. If she wants to do this, to do it just with infrastructure and State funds and community funds, tie it up there, but I think the safest and smartest and cheaper thing would be to ensure that everybody has water. I can't support this with just \$290,000 being leveraged where we need much, much more than that to make it a viable plan.

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GREENVILLE SEWER (cont'd)

Mr. Pyles added that this was the first time that mandatory connections had been brought up and put forward. "That is a difference between things that were brought up in the past."

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ORDINANCE COMMITTEE REPORT

The Board considered recommendations of Ordinance Committee and authorized for public hearings in June.

Chairman Shifflett filed a Conflict of Interest statement to abstain and asked that Vice-Chairman Coleman handle this issue.

Timmy Fitzgerald, Director of Community Development, stated that this issue was discussed at the Staff Briefing on Monday. They talked about golf carts; Recreation Vehicle Parks and Associated Uses; rural Conservation District; Front Setbacks in Agriculture Districts; Erosion and Sediment Control Ordinance Amendments; and Floodplain Ordinance Map and Text Amendments. He requested that the Board authorize staff to proceed with public hearings in June on these matters.

Mr. Coleman explained to the public that Staff Briefing on Monday included staff making various presentations to the Board. The Board had received this particular information in their agenda packages prior to the Staff Briefing.

Mr. Beyeler asked that staff add another item that refers to Business and Industrial adjacent to Residential requiring opaque, vinyl fencing. He asked that "vinyl" be removed.

Ms. Sorrells asked what other material could be used. Mr. Fitzgerald said that it could be wood, fabric, or metal.

Mr. Coleman felt that the Board should not have to determine what would be suitable for each situation. He suggested that buffers could also be used to protect the Residential from the Business property.

Mr. Beyeler asked the County Attorney if "vinyl" could be removed. Mr. Morgan said it could.

Ms. Sorrells suggested that "vinyl", "wood" or "another approved opaque fencing" be in the language. Mr. Morgan said that could be done.

Mr. Pyles said that he would vote to move this forward, but felt that the Board was micro-managing too much.

Mr. Howdysshell moved, seconded by Mr. Beyeler, that the Board approve the recommendations, with suggested addition.

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

Nays: None

Abstain: Shifflett

Motion carried.

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VOLUNTEER FIRE AND RESCUE AGREEMENTS

The Board considered draft agreements. **This was tabled at the October 13, 2010 Board of Supervisors regular meeting.**

Patrick J. Morgan, County Attorney, reported that the agreement that was enclosed with the Board agenda package was the final draft used by the County and the Volunteer Rescue Squads and Volunteer Fire Departments in the County. The agreement is similar to the Greenville Fire Department agreement which was negotiated with W. Chapman Goodwin, attorney with Vellines, Cobbs, Goodwin and Glass. They tried to keep the document as original agreements that are in effect and make minor changes to reflect revenue recovery. They wanted to include provisions as to what would occur if the Rescue Squad or Fire Department were to disband. Paragraph 17 of the Agreement is designated for that purpose. He explained that if the Fire Department or Rescue Squad disband, the assets of the disbanded squad or department are to be redistributed to organizations in closest proximity to the disbanding station or if some other company was to going to occupy that building. If those companies did not need the equipment, then they would look at other squads and companies throughout the Augusta County area. Finally, if it was not needed by any squad in the Augusta County area, then they would look to distribute it in a manner that best protects the health and safety of Augusta County residents or the residents of the Commonwealth of Virginia. In the event that they are not legally capable of making those distributions, it would go to the Augusta County Fire and Rescue Officers Association to make the determination as to where the equipment would be placed. They would be bound by the same procedure as described. If the Officers Association cannot distribute the property, then the ultimate decision would be made by the Board of Supervisors, who would first look at the local squads and companies and then to other companies.

Chairman Shifflett added that this item was tabled at the October 13, 2010 meeting. He reported that it was discussed at the Emergency Services Officers Association. They were in agreement with the paragraph regarding distribution of assets but recommended that the Board keep this item tabled until May 25th meeting so that the agencies would have time to review the agreement.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board accept the Officers Association recommendation of keeping this issue tabled until May 25th.

Mr. Beyeler asked Mr. Morgan if he had worked with other attorneys in drafting this agreement. Mr. Morgan said he had worked with Chap Goodwin. He understood that Mr. Goodwin had represented more than one department.

Ms. Sorrells asked if Mr. Goodwin had reviewed this final draft agreement. Mr. Morgan said that Mr. Goodwin has stated that he has no problems with the agreement.

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

Nays: None

Motion carried.

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GREENVILLE SOLID WASTE CONTAINER SITE

The Board considered renewal of Lease and Operating Agreement (Riverheads District).

Mr. Coffield advised that this had been discussed at Monday's Staff Briefing. He noted that this has been a long-standing compactor site and Augusta County has worked

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GREENVILLE SOLID WASTE CONTAINER SITE (cont'd)

cooperatively with the Luck Stone family. It is their desire to continue this relationship.

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board authorize staff to renew the Lease and Operating Agreement.

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

Nays: None

Motion carried.

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PARKS AND RECREATION MATCHING GRANT

The Board discussed (A) recommendation of Parks and Recreation Commission to award a grant in an amount not to exceed \$13,971.52 to Spottswood-Raphine Ruritan Club for bleachers, roofing, and painting projects; and (B) approval of grant agreement (Riverheads District).

Funding source: Riverheads Recreation Account #80000-8025-33

Mr. Coffield stated that this item had been discussed at the Monday Staff Briefing.

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board approve the requests.

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

Nays: None

Motion carried.

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REDISTRICTING

The Board considered Redistricting Plans presented at the April 13, 2011 meeting along with proposals requested by individual Board members.

Ms. Earhart advised that a presentation was given at the Staff Briefing on Monday. She added that the Governor vetoed the original State redistricting bill. House and Senate met today; the bill then goes back to the Governor. It could go to a three-judge panel if they cannot agree. She added that the worst case scenario would be that adjustments would have to be made after the election.

Ms. Earhart mentioned that 4 options were presented at the April 13th meeting. Chairman Shifflett asked that Ms. Earhart refresh the Board on those options.

Four options (maps) were displayed for the Board's review. Ms. Earhart explained that the goal was to create districts with equivalent populations, but a deviation of $\pm 5\%$ is allowed.

Option 1 – Deviation ranges from -3.92 to +2.89 - Beverley Manor loses a portion of Verona (along Route 612); adds on the other side of the Interstate – part of the New Hope Precinct, towards Tollgate Road (currently in the Middle River District) and a large portion of the Wilson Precinct splitting the Fishersville area. Middle River loses a portion in the New Hope Precinct; North River gains that portion of Verona north of Route 612, and also gets a portion of the Cedar Green Precinct—everything north of Route 250. In order to make up for that, Pastures District comes over to Route 11, south

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REDISTRICTING (cont'd)

of Staunton. Riverheads is consistent—not much variation because of where the state lines were drawn. There is a portion at Mint Springs and Stuarts Draft, north of Route 340 and west of Route 608 (little bit of downtown Stuarts Draft) that goes to Riverheads in most every plan. South River gains the Grandview Heights area out of the Fishersville Precinct and loses a portion in Stuarts Draft. Wayne District loses part of the Fishersville Precinct (Grandview Heights area) and a portion of the Wilson District.

Option 2 - Deviation ranges from -4.69 to +4.91. Beverley Manor loses a portion of Verona, west of Berry Farm Road and north of Route 612 and gains the portion out of the Middle River District along Laurel Hill Road. Middle River gained a little in the Crimora/Dooms area. North River gains a portion out of Verona. Pastures comes to Old Greenville Road. Same thing at Riverheads – Mint Springs and Stuarts Draft. South River remains the same as the other plan – Grandview Heights area and loses a portion in Stuarts Draft. Wayne District loses a small portion of the Wilson Precinct.

Option 3 - Deviation ranges from -4.69 to +4.86. Beverley Manor loses the same portion in Verona at Route 612, adding a portion on the other side of the Interstate. Middle River gained a little more from the Wayne District and helped the Wayne District to balance out without losing to Beverley Manor. South River, Riverheads and Pastures had the same changes.

Option 4 - District 1 – encompasses the area completely around the City of Staunton and keeps Verona intact.

District 2 - area north of Verona, includes Weyers Cave and stretches west to include the North River Precinct and portions of the Mount Solon Precinct.

District 3 - includes area south of Staunton and includes most of the Riverheads District as it currently exists.

District 4 - encompasses the area west of Staunton and includes Churchville.

District 5 - stretches along the eastern boundary of the County and includes the Route 340 Corridor.

District 6 - includes Stuarts Draft and runs along Route 340 to the City of Waynesboro.

District 7 - includes Fishersville and an area north, including New Hope.

Ms. Earhart mentioned that the Board had requested on Monday that she present another plan that would put Verona back in one district.

Option 5 - Splits Verona at I-81 and the railroad tracks that allows the polling place to remain in the Verona Precinct. The major changes to this is that you have majority of the Verona community going into the North River District. Everything west of I-81 and west of the railroad tracks; add New Hope and Wilson Precincts; includes Jolivue, north of the power line, which meets

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REDISTRICTING (cont'd)

the criteria for the Census Bureau, and part of Cedar Green, northern part of White Hill, and part of the Expo Precinct northwest of Route 608. Middle River loses a portion of the New Hope Precinct along Mill Race Road and at the northern portions of the Wilson and Fishersville Precincts. North River gains most of Verona and loses all but a little bit of the Churchville Fire Station. Pastures loses part of the Cedar Green Precinct by the Beverley Manor School complex, but picks up the Churchville Fire Station Precinct. Riverheads comes towards Stuarts Draft and picks up a portion of the Forest Springs area and loses the northern part of the White Hill Precinct. South River gains the Grandview Heights area of the Fishersville Precinct, south of Interstate 64, and picks up the Stuarts Draft School complex along Augusta Farms Road. It loses a portion of Forest Springs. Wayne loses the northern part of Fishersville and Wilson Precincts as well as the area around Grandview Heights. Deviation ranges from -4.98 to +4.86.

Ms. Earhart stated Board members provided input into two other plans.

Option 6 - Verona Plan puts Verona into the Beverley Manor District along with part of New Hope Precinct, using, basically, the Mill Race Road as the divider. It adds the Wilson Precinct to Beverley Manor and part of Expo Precinct northwest of Route 608 while losing the rest of Expo and all of Jolivue. Middle River loses a portion of the New Hope Precinct south of Mill Race Road. North River gains the Churchville Library Precinct, except for a small area adjacent to Cedar Green. Riverheads adds the Mint Springs area. South River gains the Stuarts Draft School complex in the Augusta Farms Road area southeast of Route 608. They lose Lyndhurst and Wayne District loses the Wilson Precinct and picks up the Lyndhurst Precinct. Deviation ranges from -3.88 to 4.95.

Option 7 - Stuarts Draft Plan - Deviation ranges from -3.55 to +4.70. It puts all Verona in the Beverley Manor district and adds a little bit of the New Hope area. It takes most of the Wilson area down to the area around the Hospital, using the railroad tracks as the boundary. It loses the Expo and Jolivue Precincts. Middle River loses a portion of the New Hope Precinct out by Mill Race Road. North River loses a part of Verona north of Middle River and gains the Churchville Library Precinct. Pastures adds the Jolivue Precinct but loses the Churchville Library Precinct. Riverheads adds a portion of Forest Springs. South River gains the Grandview Heights area from the Fishersville Precinct south of Interstate 64, but loses a portion of Forest Springs. Wayne loses most of the Wilson Precinct but adds the Expo Precinct.

Ms. Earhart reminded the Board that the purpose of tonight's meeting is to authorize staff to advertise plans for public hearing for the end of May which will allow the Electoral Board enough time to make the changes needed to notify everyone. Ms. Earhart plans on meeting with the Electoral Board tomorrow to look at polling places and precinct recommendations which will be brought back to the Board on May 4th.

Mr. Pyles made the following comment:

This is kind of unsettling—this being here today. The work that should have been done earlier, this Board decided it didn't need to be done. I know you got a thing from the prison folks—Powhatan—they talk about the Powhatan Board of Supervisors. They have appointed a redistricting advisory panel, made up of one resident from each of the electoral district and a representative appointed by the School Board. They did that back in March and they were to have a finding by April 13th. We didn't ask for input from anyone. I thought what we did was very appropriate. We said we will turn it to staff and

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will ask them to do the best job they can, make it as fair as possible, take into consideration the numbers that you have to do, and bring us back something. They did that on April 13th and it was sitting here and no one made any objections to it until Monday. We have here today two School Board members; we have other people that are going to run for office; they need to know. Suddenly, the whole County doesn't know what we're trying to do here tonight. I look forward to it. I get to run against Mr. Howdysshell and Mr. Collins gets to run against Dr. Ocheltree because they're both in North River and we're both in North River. A lot of things are going on there. My belief is this: that we can stick to the plan we had, that each of us should pick two, that it be totaled by Mr. Coffield; the two that get the most votes then are decided by a majority of this Board, which one to go forward with. We've got four that we were given; the public has had access to since April 13th; we should stick to that and not fool with these things that other Board members, individually, picked out. That's the thing that worries the public the most-- the sudden surprises, the people sticking their finger in the pie. We had a very good system with staff and experts putting together a plan for us so I ask that we do that--each of us provide our two favorites; Mr. Coffield could then determine which were the top two and we pick it and we move on with our business.

Mr. Coleman made the following comment:

My district, as we all know, needs to make the greatest adjustments since it increased in population by 2,693 residents since the 2000 Census. Given that fact, I expressed a willingness to make Options 3, 2, or 4 work; however, my preference was Option 3. As a result of our discussions on Monday at our Staff Briefing, I have personally been attempting to determine if there were some common ground, and I was able to talk to some Board members--I left messages for several other Board members but did not hear back--in an effort to try to build on what I heard as kind of all over the waterfront Monday. I did not see with where things were left on Monday, two days later, that that would necessarily result in something highly productive here tonight. I reached my position, after serious consideration, to actions taken by this Board regarding our current Comprehensive Plan, designating Urban Service Areas throughout the County; in my area, in particular, the only area of the County that has completed the Fishersville Small Area Plan; discussing this matter with my Planning Commission member and discussing this matter with my School Board representative, who is here tonight. This is not only something that affects us; it affects people throughout the County. During my 7 ½ years, serving the residents of Wayne District, I have not had a single comment--not one comment--regarding this issue. We would more than likely not be having this conversation tonight if it were not required by the State Code. So it would be in our best interest to proceed with caution and agree on the least intrusive option which would continue to serve our constituents well. Some of these options, I would suggest to us, are pretty intrusive. When you start moving lots of people around . . . I personally gave this Board all kinds of flexibility--3, 2, or 4, with the preference of 3, if that were the case. I certainly respect the comment that I heard Mr. Pyles make Monday--one person-one vote; there's no question if that were the only criteria one was looking at. But all of the options that staff had brought back to us are within the allowable plus or minus 5% in terms of what is allowed under State law. If we were in an ideal situation, and that was the only criteria we were considering, without question, that is the one that distributes it the best in terms of that.

Mr. Beyeler made the following comment:

I am not like Mr. Coleman about not having any comments. The problem started, in my opinion, 10 years ago when they put the intersection of 608 and 340 at Stuarts Draft in Beverley Manor District. It has nothing in common with Verona except it is in Augusta County. It is a completely different community. I have people almost every month calling me about things that are in Beverley Manor District in the Stuarts Draft area because they think it is in South River. I've even had people tell me they voted for me, knowing they didn't even live in the district. It basically all started when that plan was adopted, and I understand why they said they did that, but that was not a good plan, in my book, and never will be. Now, in another 10 years, if things go as I see they'll go, South River, Expo, White Hill, and that area, will have two supervisors. That's where the growth is going to be along with Wayne. I can combine those areas, now, and get up to almost 18,000 residents and that doesn't quite qualify for two, but in another 10 years, that

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REDISTRICTING (cont'd)

probably will because if you look at the building permits that are coming in now and residential zoned areas—most of them, now, are in that area. You do have some in Wayne. I don't like the idea that some of these combine some present School Board members that puts them both in the same district; but, at the same time, I don't know of any School Board member, yet, that has announced. I don't know of any Board of Supervisor member up here that has announced. That should not be the criteria in developing this map. Whether or not we're saving somebody's district, we ought to do what is good for the people of Augusta County and let politics be somewhere else. Some people try to make this all politics and it doesn't belong here; it's what is good and we need to keep the communities together as much as possible. Having said what I just said, it's hard to do in Stuarts Draft because it is too large for one, but not large enough for two, and it is difficult. I like some of the 5, 6, and 7 options. Number 4 option, in my opinion, is something that I could live with, but it limits the area south of Interstate 64 to a very narrow thing and most of it is mountain until it broadens out again at Lyndhurst and Sherando, so I don't really like that district. I'm saying if we consider these, we consider all 7 of them. We can, either, do it tonight, or we can do it in a week. I would suggest that we probably do it in a week, that we take the 7 options and we put down our preference of the 7 options, because I don't think we're prepared tonight to do it. Take the 7 options and put down 1 through 7 and when we come back a week from tonight, we throw those out and whichever gets the highest votes become our number 1 and 2 and that's what we go to public hearing.

Chairman Shifflett asked if Mr. Beyeler meant for this to be considered at the May 4th meeting. Mr. Beyeler said yes. Chairman Shifflett pointed out that the timeline approved on April 13th did not include this procedure. Mr. Beyeler suggested changing the timeline. Chairman Shifflett felt that the decision could be made tonight.

Ms. Sorrells made the following comment:

Just some thoughts as well, when you're talking about . . . This is a very difficult job and I think the difficulty of the job is like one of those child's games where you hit a peg and then a peg pops up somewhere else. The difficulty of the job, rather than politics, is continuing to tweak plans and come up with new plans. We have several things that are causing difficulty. We've got--I don't know how many other counties in the State have three delegate districts that cross through them, but that just makes it a nightmare to try to get precincts that are not split. Then it is also looking into the crystal ball. Who would have thought 10 years ago that Middle River would be the top growth district? On top of that, being charged with trying to keep communities together, when you talk about things that have been intrusive, and not keeping communities together, the plan that we have been operating under for 10 years has done just that. Beverley Manor has become the district that you can pull from and put from to try to make everything else balance. As a result, Beverley Manor is a conglomeration of non-related communities. There is nothing on the west side of Beverley Manor that has anything to do with the community close to the high schools or anything like that. It's a hard community to be a community. Churchville is split in half. Churchville is not kept together as a community in our current plan. I think that these plans all take different ways of trying to get those communities together and move into the future. I don't think any of them are perfect. Probably in 10 years, they'll be laughing at whatever we came up with, but I like the idea of trying to rank them and if we rank them tonight, then come up with two that go to public hearing.

Mr. Beyeler asked clarification of only having two plans. Mr. Morgan suggested no more than two. "It is easier to have the public notified as to what the Board is considering. If there is a challenge, it would be much easier to defend two plan options than if you went with all seven or something to that effect."

Mr. Coleman agreed with Chairman Shifflett to rank the options tonight.

Chairman Shifflett made the following comment:

Since we couldn't come to a consensus on Monday, and we wanted additional options, I don't know what other supervisors have heard from feedback, but since the first four options were put out, I got a lot of feedback from citizens of Verona. They said that they did not like the idea of being split. At one time, Verona was split between North River, Middle River and Beverley Manor. Finally, after 2001, they felt whole again as a community as it was all under one district. That was the option that we came up with and

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REDISTRICTING (cont'd)

I was trying to do what citizens of Verona had talked to me about doing. I have to say that with two of these three options I find a bit radical. It's amazing on how one little community no matter what option selected can affect the rest of them. I got Mr. Coffield and we came up with a ranking option. The options that you see on here 1 through 7 are the same as the option numbers on the plans. Option No. 7 on here is the same as Option 7 up there and vice versa for the rest of them. So what we'll do is the Board members will rank 1 through 7 their plans, which one they would support, the second one they would support, the third one and up through 7. We'll have staff tally those up. Then we'll come back and with those top three, we'll rank 1, 2, 3 on those, and then the top two will be the two plans we take to public hearing. I think that's fair.

Mr. Pyles asked if this should be open to the public to speak since there are three new options.

Mr. Beyeler expressed that it was not a public hearing. He felt that the options should be ranked and then discussed at the public hearing. Chairman Shifflett stated that the public does not have participation at the Staff Briefing and felt that those who wished could give their input tonight.

Mr. Garber made the following comment:

Before this goes to the public, I have a question. Options 5, 6, and 7; when is the earliest date anybody at this Board saw these?

Mr. Pyles stated 7:00 o'clock.

Mr. Garber's continued comments:

Well, I'm really impressed if you can rank things that we have seen in the last hour and a half. The question might be on whether we should add additional considerations, but if we're adding additional considerations, I find it incredible that you're going to glance at them and make that decision.

Mr. Beyeler:

That's the reason I suggested we do it a week from now because it does give the Board members an option to look at the other three options.

Mr. Pyles:

It's the reason, to Mr. Garber's point, we had a timeline. We were going to do this. There were times for things to be done and I didn't think we had the time to look at these other three. We didn't have time to get public feedback. We should have done this earlier. This eleventh hour switch is not the way we should do public business. That's why we should work on just the four. Now, I'm prepared to rank them because these things are from the moon and I don't need to think about them to rank them below the things that staff prepared. I believe in staff and the objectivity of staff over the manipulations of people with agendas so that is why I would like to limit it to the four. I'm ready to go forward, but this Board owes it to the public to stick to the timeline, to present what they wanted to present and get on with the business. This is a shenanigan and we shouldn't be about it.

Chairman Shifflett:

It was my understanding, Ms. Earhart, that, with the four options that came out, and we chose one or two to take to public hearing. With the public hearing, if the citizens said they needed changes, or would like to see changes here and there, that that was an option that we could do. Am I wrong in that thinking?

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REDISTRICTING (cont'd)

Ms. Earhart made the following comment:

I will defer it to Mr. Morgan on how much change you can make before you have to readvertise, but I think that's the concern that I would have on staff. We pretty much committed to the Electoral Board, when they were here, that we would have an answer by June 8th. The Electoral Board needs to have time to notify people where they're going to be in time for the Primary and they would have to do that by the first part of July. If you have the public hearing on the 8th, you pretty much are going to have to decide that night and adopt a plan. I think that's why you said the 25th for the public hearing, it gives you until the 8th of June to make a decision. If you put it off until May 4th to decide what you're doing, you are still going to have to come back and look at the polling places and the precincts. All that has to be part of the public notification so you're really pushing it. I think that's why you all said you wanted to go with the timeline C, which would have a public hearing on the 25th, which would give you two weeks to consider public comment if you needed it based on the comments received before you made a final decision on the 8th.

Chairman Shifflett:

To answer my question, it could end up being back in the same situation we are after the public hearing?

Ms. Earhart:

Absolutely! When the public speaks, it could be asking for changes to be made to it. Yes, sir.

Ms. Sorrells:

Mr. Chair, or maybe, Mr. Attorney, why couldn't we – I agree that we were the ones who said that we need to also consider keeping the communities whole and come back with some more options. I don't think just taking 4 because there were 4 that were completed; if there are other options that work better is the answer to this. I do agree that, since we only saw these at 7:00 o'clock that making a decision tonight is rushing it. Could we, between now and next Tuesday, get our rankings so that we would have them ranked and on the 4th, when we came in, get it down to the top two options that are at public hearing on our regular Wednesday meeting, May 11th? Would that work? Does that work on a timeline on what they're talking about?

Chairman Shifflett:

So you're saying that we can rank them tonight?

Ms. Sorrells:

No, rank them between now and Tuesday so that staff would have the tallies.

Ms. Earhart:

You're going to have to act on the precincts and the polling places at your meeting on the 4th. For the two weeks notice, it would have to be in the newspaper by the 11th, which means it would have to go to the newspaper on the 6th. The 11th and the 18th would be the dates when the advertisement would appear in the newspaper. That's not going to give you any time.

Mr. Beyeler:

If we do it next Wednesday, the 4th, it has to go to advertisement when?

Ms. Earhart:

I've got to give it to the newspapers by Friday, the 6th. If you only decide on a plan on the 4th, you still have to decide on the polling places and the precincts. In some of these, there is going to be decisions that are going to have to be made on the polling places and the precincts and the Electoral Board was explaining to me, which I hadn't really thought

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REDISTRICTING (cont'd)

Mr. Fitzgerald reported that Option 1, 2 and 5 have been chosen. Option 1 was the most preferred. Option 2 and 5 were tied. The question before the Board is whether you want to go with three options or reprioritize 2 and 5 to get the second option.

Mr. Beyeler moved, no second was made, that the Board take 1, 2, and 5 to public hearing and have Option 5 available on the web and remove Options 3 and 4 (Options 6 and 7 had not been placed on the web).

Mr. Pyles:

We had decided to do two. The attorney thought that two was the right number to go with. All we have to do is to decide between 2 and 5 of the majority of the Board. Let's stick with what we decided to do. Let's not change it because it is not working out people's way. We can vote on this motion, but I hope that we vote it down and we come back and make the decision that we said we were going to do - two plans leaving from here tonight.

Chairman Shifflett:

I would agree with Mr. Pyles on that. The original motion was, when we did the voting that was to bring it down to two, which the County Attorney said would be appropriate. There's a motion on the floor, but there's no second. Mr. Beyeler can you restate that motion again?

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board take 1, 2, and 5 to the public hearing.

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

Motion failed.

* * *

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve Option 2 to be considered at the public hearing along with Option 1.

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

Motion carried.

There was a little confusion expressed after the vote; therefore, Mr. Pyles clarified the vote. "We had Option 1 as the clear winner; 2 and 5 were tied. My motion was to break the tie between the two. We voted 5 to 2 to go with Option 2, so we will be going forward with Options 1 and 2."

Ms. Earhart asked for clarification on what to be placed on the website. She understood from the Board that only Options 1 and 2 were to be placed on the website and all other options were to be removed.

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April 27, 2011, at 7:00 p.m.

HOMELAND SECURITY GRANT

The Board considered Homeland Security Grant for Haz-Mat Team Equipment and Training in the amount of \$22,000.

Mr. Coffield stated that the Board received a grant proposal in the amount of \$22,000 for Homeland Security for Haz-Mat Team Equipment and Training at Monday's Staff Briefing. He noted that it was 100% federal funding and requires Board approval.

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

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

Nays: None

Motion carried.

* * * * *

WAIVERS/VARIANCES

A) Augusta County Fair

Mr. Coffield advised that he had briefed the Board on Monday regarding the Augusta County Fair request for a waiver of \$102 permit fee. The normal procedure for non-profit is \$50 plus 10% of the amount above \$50.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board waive the permit fee in the amount of \$102.

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

Nays: None

Motion carried.

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CONSENT AGENDA

Mr. Howdysshell moved, seconded by Mr. Pyles, that the Board approve the consent agenda as follows:

MINUTES

Approved the following minutes:

- Special Meeting, Monday, April 11, 2011
- Regular Meeting, Wednesday, April 13, 2011

VDOT-RURAL RUSTIC ROAD RESOLUTION

Adopted the following resolution approving project for Rural Rustic designation – Route 891, Newton Lane (Riverheads District):

RESOLUTION

WHEREAS, Section 33.1-70.1 of the *Code of Virginia*, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a **Rural Rustic Road**; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

April 27, 2011, at 7:00 p.m.

CONSENT AGENDA (cont'd)

VDOT-RURAL RUSTIC ROAD RESOLUTION (cont'd)

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") requests that **Route 891 Newton Lane**, From: Route 608 To: .36 Mile east of Route 608 be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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VDOT-REVENUE SHARING TRANSFER RESOLUTION

Adopted the following resolution transferring Revenue Sharing Funds from Route 800 to Route 1204 (Riverheads District):

WHEREAS, project 800-007-R20,N501(UPC94913) there is a balance of funds remaining in excess of \$34,429.00 (\$17214.50 county share and \$17214.50 VDOT share), and

WHEREAS, the Augusta County Board of Supervisors would like to adopt the following Secondary Six Year Plan Project **1204-007-852,N501** (UPC 98820 as a revenue sharing project; Route 1204, known as **Blacksmith Shop Rd.**, to be constructed as a Rural Rustic Road from Route 1206 to End of State Maintenance, and

WHEREAS, project 1204-007-852, N501 (UPC98820) has an established ad date of 8/23/2011 and to ensure this ad date is met the County of Augusta would like transfer the funds to this project from 800-007-R20, N501(UPC 94913), totaling **\$34,429.00**

BE IT RESOLVED, that the Augusta County Board of Supervisors requests that the revenue sharing funds in the amount of \$34,429.00 (total) be transferred from project 800-007-R20, N501 (UPC 94913) to the new project described above.

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STREET ADDITION

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

AUGUSTA WOODS DRIVE - STREET ADDITION

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.

April 27, 2011, at 7:00 p.m.

CONSENT AGENDA (cont'd)
STREET ADDITION (cont'd)

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **NORTHWOOD SUBDIVISION, SECTION 8** into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Wedgewood Drive
From: Intersection of Northwood Drive (Route 1343)
To: 0.11 miles north of Route 1343
Length: 0.11 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 100004585, Page 7794, recorded June 17, 2010.

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.

* * *

PROFESSIONAL SERVICES

Considered procurement of A&E services.

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

Nays: None

Motion carried.

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(END OF CONSENT AGENDA)
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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

CRAIGSVILLE/AUGUSTA SPRINGS RESCUE SQUAD

Mr. Pyles stated that with the change to 24/7 coverage at Craigsville/Augusta Springs Rescue Squad, they do not have space for a bunk room; therefore, there is a need for an addition to the building.

Mr. Pyles moved, seconded by Mr. Garber, that the Board approve the allocation of an amount not to exceed \$100,000 to be taken out of the Pastures Infrastructure Account (#80000-8014-69).

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

Nays: None

Motion carried.

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COMMUNITY ACTION AGENCY – REAPPOINTMENT

Mr. Howdysshell moved, seconded by Ms. Sorrells, that the Board reappoint Wendell Coleman to serve another 2-year term on the Community Action Agency (CAP-SAW), effective July 1, 2011, to expire June 30, 2013.

April 27, 2011, 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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Mr. Howdysshell: Route 758, George Walton Road – He mentioned there has only been a problem in the last two years and that he is trying to resolve and keep it opened. VDOT says it is very hard to close a road. He is dealing with several road closures that were done in the late 30s and early 40s. “There is always an issue that comes up with road closures. I respect the engineers from VDOT with their knowledge to come forth with something that will be workable.”

Mr. Coleman: Attended Blue Ridge Community College Tour today – Center for Advanced Technology – “Very impressive!”

Ms. Sorrells:

1. Dedication of Hall/Wilkerson Track today – named in honor of two teachers/coaches who are retired - “90 years of teaching!”
2. Bio-Retention project – Award from Valley Conservation Council given to the County. Todd Flippen was our staff engineer on the project.

Mr. Beyeler: Sheri Hiter, Extern for County Attorney – asked that staff draft a resolution.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board authorize staff to draft a resolution in appreciation for Ms. Hiter’s assistance.

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

Nays: None

Motion carried.

* * *

Mr. Garber: Ford – “If you wonder how a hole got in there, just look around for over-sized tires and mud on pickups.” In working with VDOT, he has had a lot of stream crossings put in. “It’s probably under-engineered for VDOT, but it works pretty well. That might be an option.”

Chairman Shifflett:

1. Elected Vice-Chairman of the Central Shenandoah Planning District Commission.
2. Attended Staunton Rotary Club High School Code of Ethics 2011 Award Luncheon – “I would like to congratulate those 23 young individuals from the area schools who received those awards.”
3. Emergency Services Officers Association – Fire Services Board Study was discussed – Will rank top three priorities and then present recommendations to the Board of Supervisors.

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Agriculture List – distributed to the Board.
2. Budget Agenda – May 4th package distributed to the Board.

April 27, 2011, at 7:00 p.m.

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ADJOURNMENT

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

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

Nays: None

Motion carried.

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Chairman

County Administrator