

Regular Meeting, Wednesday, June 8, 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
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, June 8, 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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Timmy Fitzgerald, Director of Community Development, led us with the Pledge of Allegiance.

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Gerald W. Garber, Supervisor for the Middle River District, delivered invocation.

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CORPORAL DARL K. MCDORMAN – RESOLUTION

Mr. Howdyshell read the resolution.

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

RESOLUTION

WHEREAS, Corporal Darl K. McDorman, United States Marine Corps, was a resident of Augusta County, Virginia; and

WHEREAS, Corporal Darl K. McDorman, United States Marine Corps was a member of the Lyndhurst Methodist Church, was formerly an active member of the Methodist Youth Fellowship, Explorer Scouts, and participated in Babe Ruth and American Legion baseball activities at Sherando. He was also a recipient of the God and Country Scouting Award, and was employed by the local DuPont plant for 14 months prior to entering the service; and

WHEREAS, Corporal Darl K. McDorman, United States Marine Corps, graduated from Wilson Memorial High School in 1964, where he participated in varsity baseball and football; and

WHEREAS, upon graduation, Corporal Darl K. McDorman, United States Marine Corps, was inducted into the United States Marine Corps in February 1966, and went to Vietnam in July, 1967; and

WHEREAS, Corporal Darl K. McDorman, United States Marine Corps, served as a platoon guide with Co. C, 1st Battalion, Fourth Marines, Third Marine Division in connection with operations against the enemy in the Republic of Vietnam; and

WHEREAS, Corporal Darl K. McDorman, United States Marine Corps, was a recipient of the Purple Heart, the National Defense Service Medal, the Navy Commendation Medal with Combat V, the Vietnamese Service Medal, and the Vietnamese Campaign Medal; and

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CORPORAL DARL K. MCDORMAN – RESOLUTION (cont'd)

WHEREAS, on June 4, 1968, Corporal Darl K. McDorman, United States Marine Corps, was killed in action in Quang Tri, Vietnam; and

WHEREAS, Corporal Darl K. McDorman, United States Marine Corps, a proud Marine and a proud American, was laid to rest in Augusta County, Virginia, on June 19, 1968; and

NOW, THEREFORE, BE IT RESOLVED, meeting in regular session on June 8, 2011, the Augusta County Board of Supervisors celebrates and honors the life, accomplishments, and ultimate sacrifice of Corporal Darl K. McDorman, United States Marine Corps; and

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors wishes to express its most sincere condolences to the family of Corporal Darl K. McDorman, United States Marine Corps; and

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors, by copy of this resolution, hereby request that the Commonwealth Transportation Board name the bridge over Back Creek, structure #6425, on Route 624, in Lyndhurst, Augusta County, Virginia, the "Darl K. McDorman Memorial Bridge"; and

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors has agreed to pay the cost and expense associated with the placement of appropriate markers; and

BE IT STILL FURTHER RESOLVED that a copy of this Resolution be presented to the family of Corporal Darl K. McDorman, United States Marine Corps, and spread upon the minutes of the Augusta County Board of Supervisors.

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

Nays: None

Motion carried.

Mr. Beyeler mentioned that Corporal McDorman's mother is 95 years old and was unable to attend tonight's meeting.

The resolution was presented to the family by Mr. Howdyshell.

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MATTERS TO BE PRESENTED BY THE PUBLIC- NONE

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BRIDGE NAMING SIGNAGE

The Board considered funding for design, construction and installation of VDOT approved bridge memorial signage.

Funding Source: South River Infrastructure Account #80000-8016-55 (2 signs @ \$500 each) \$1,000

Patrick J. Coffield, County Administrator, advised that with the above-mentioned adopted resolution, local endorsement is required by VDOT to proceed with the installation of the bridge memorial signage.

Mr. Beyeler moved, Seconded by Mr. Howdyshell, that the Board approve the request.

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

Nays: None

Motion carried.

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LINE OF DUTY ACT – RESOLUTION

The Board considered resolutions to self-fund Line of Duty Act claims.

Mr. Coffield reported that the State of Virginia has mandated that it is necessary to have a Line of Duty Act. Because of the State's budget issues, the General Assembly has stated that starting next fiscal year (FY11-12) that the obligation is for the local governments to fund. Administration of the program is available through VRS, VACo, and VML; with the estimated annual cost of Year One to be: VRS (\$72,562.68); VML (\$68,255.00); and VACo (\$65,152.50). Future years would increase: VRS (\$72,600 to \$199,328); VACo (\$65,000 to \$133,000). Since VACo is part of the Association of Counties, if over time there are no claims, member jurisdictions could receive a rebate or future rates could be reduced. It is the staff's recommendations to approve VACo's proposal. Two resolutions are required: 1) accept the VACo proposal; and 2) inform the State that they are not going with the State program.

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

**RESOLUTION TO SELF FUND
LINE OF DUTY ACT CLAIMS**

WHEREAS, the Commonwealth of Virginia has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 et seq. of the Code of Virginia; and

WHEREAS, the Commonwealth of Virginia has shifted the cost of paying past and present liabilities under the Line of Duty Act, from the State to local government entities through Item 258 of the 2011 Budget Bill; and

WHEREAS, the County of Augusta is automatically included in the Line of Duty Act Fund unless it opts out by June 30, 2012, and chooses to self fund its obligations under the Line of Duty Act; and

WHEREAS, the County of Augusta desires to opt out of the Line of Duty Act Fund and self fund all liabilities relating to its past and present covered employees under the Line of Duty Act; and

NOW, THEREFORE, BE IT RESOLVED that the governing body of the County of Augusta hereby agrees to opt out of the Line of Duty Act Fund effective June 30, 2011, and self fund all liabilities relating to its past and present covered employees under the Line of Duty Act effective July 1, 2011.

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RESOLUTION

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the Appropriations Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the Appropriations Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the County of Augusta to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of Augusta hereby elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and

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LINE OF DUTY ACT – RESOLUTION (cont'd)

it is further

RESOLVED that the following entities:

Augusta County Fire Department Volunteers, Inc.; Craigsville Volunteer Fire Department, Incorporated; Churchville Volunteer Fire Department and First Aid Crew, Incorporated; Deerfield Valley Volunteer Fire Department, Inc.; Dooms Volunteer Fire Company, Incorporated; Middlebrook Volunteer Fire Department, Incorporated; Stuarts Draft Volunteer Fire Company, Incorporated; Verona Volunteer Fire Company, Incorporated; Weyers Cave Volunteer Fire Department, Incorporated; Stuarts Draft Rescue Squad, Inc.; Craigsville and Augusta Springs First Aid Crew, Inc.; Preston L. Yancey Volunteer Fire Company Inc.; Swoope Volunteer Fire Company; Wilson Volunteer Fire Company; Mt. Solon Volunteer Fire Co. & Rescue Squad, Inc.; New Hope Volunteer Fire Department, Inc.; Riverheads Volunteer Fire Department, Inc. (Ord. 8/25/10)

to the best of the knowledge of the County of Augusta, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the County of Augusta agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the County of Augusta on or after July 1, 2011; and it is further

RESOLVED that, as a non-participating employer, the County of Augusta agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the County of Augusta shall reimburse the State Comptroller on no more than a monthly basis from documentation provided to it from the State Comptroller.

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

Nays: None

Motion carried.

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SHENANDOAH VALLEY RAILROAD COMPANY

The Board considered resolution(s) supporting state funding request by SVRR for rail improvements.

- A) To rehabilitate areas of poor trackage and drainage in addition to installation of railroad ties, switch ties, and ballast
- B) To improve the Staunton interchange yard, by adding 132lb-#8 turn out, 645' track with 115# or better Rail with double shoulder Plates

Mr. Coffield introduced Lance Arey, General Manager for Shenandoah Valley Railroad. Mr. Coffield mentioned that the State of Virginia has a program to assist short lines and railroads with infrastructure improvements; however, to ask the State for funding, a local supporting resolution is required.

Mr. Arey informed the Board that the first resolution is for a six-year funding cycle to rehabilitate areas of poor trackage and drainage in addition to installation of railroad ties, switch ties, and ballast problematic expenses. Over the six-year period, 70% of the \$780,000 would be funded from the State, and 30% would be provided from the Shenandoah Valley Railroad Company. The second resolution is to improve the Staunton interchange yard to make it safer and more efficient and to hopefully increase rail freight through Augusta County.

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SHENANDOAH VALLEY RAILROAD COMPANY (cont'd)

Mr. Garber mentioned that 20 years ago that this rail line got down to 40 rail cars a year; recently, he noticed that there were 42 cars one night. "It's being used. It has taken 1,000 semis off the road."

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

Mr. Coleman 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, May 23, 2011

CLAIMS

Approved claims paid since May 11, 2011.

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

The Board discussed the following issues:

Mr. Pyles:

1. BZA cell towers – asked about countywide coverage. Cost of approximately \$8,000-10,000 to determine dead spots and weak spots. Asked if Mr. Fitzgerald and Mr. Burnett could look at a scope of work. "The future of the need of cell towers is going to be more and more important. As a matter of safety, business, and quality of life compared to what things are, I think we ought to try to ensure that there is coverage throughout the County."

Mr. Pyles moved, seconded by Mr. Garber, that the Board authorize staff prepare a scope of work to the consultant to determine cell tower deficiencies in Augusta County. Funding source would be Pastures Infrastructure Account in an amount not to exceed \$10,000.

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

Nays: None

Motion carried.

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2. Weather events impact – cause disturbances in rivers; asked for an informative pamphlet to determine what agencies have control over what can and cannot be done in rivers and creeks.

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board authorize staff to create information concerning who has authority for rivers or streams in Augusta County and contact information.

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

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

Nays: None

Motion carried.

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Mr. Coleman: Press conference was called today at 4:00 p.m. to announce that he would not be seeking re-election to the Augusta County Board of Supervisors.

Ms. Sorrells made the following announcement:

These last nearly 8 years, really for me, have been a pretty amazing ride and I am just so pleased to have been presented with the opportunity to give back to my community through this Board of Supervisors. I feel that a lot of who I am came because I had the good fortune to grow up in the Riverheads community and attend and graduate from Riverheads High School. I even got a good husband in the deal on that part. So to be entrusted with the opportunity to give back to the great place called Augusta County is truly a blessing. I've come to learn that while Augusta County is wealthy in so many ways; it's a rich history, strong agricultural heritage, wonderful scenery, amazing natural resources; its biggest natural resource, as I found out from the last 8 years, is the people that I have met and the wonderful people of Augusta County and I don't think I would have met those people and learned from them if I had not had the opportunity to be on this Board. And I can tell you I've traveled a lot across the county in different parts of the world and it doesn't get any better than right here in Augusta County. As I mentioned, it's been a great ride, maybe like a roller-coaster ride at times, lots of highs, lots of lows, plenty of blind curves. I can remember back in late 2003, and I am sure Wendell has these same memories, when the newly elected Board was invited to an orientation session down here at the Government Center, and the hours went by and the pile of notebooks and reading material got higher and higher and higher, I can remember thinking, looking at Wendell and, now, Dave, he had experience, so he didn't look like we did, but we probably looked like a couple of deer in the headlights. I don't know what Wendell thought, but I can remember thinking what have I gotten myself into? Now, I look back and I'm proud of what we have done and accomplished for the citizens. I think this Board has worked as a team and it shows in the progress we have made. For me, it is time to get off the roller-coaster and let someone else get a ticket for the ride. I will not be seeking re-election this fall. I have to say this was not an easy decision to make because I enjoy helping people of the County and we still have a lot of goals that we haven't reached. But my father turned 81 on Sunday; I want to spend more time with him. Between us, my husband and I have seven brothers and sisters, twenty-eight nieces and nephews, some of those are greats, including a godson whom we do not spend nearly enough time with and, further, my education and career experience is in history and writing. I have a history publishing company with a longer list of projects than there are hours in a day. Who knows! There might even be a good book waiting to be written about these last eight years. In the meantime, I just want to thank the citizens of Riverheads for giving me the privilege to serve not once, but twice. I am forever grateful. And I want to say that there are still six months and twenty-two days left in this term of office and I plan to give my fullest to improve the lives of the people of Augusta County during that time.

Mr. Garber pointed out that, after four current Board members announcing that they would not be running for re-election, this is why he believes in staggered terms.

Chairman Shifflett: Farm safety – He experienced an accident today which could have been worse. He reminded those working on farm equipment to be careful.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. July 13, 2011 – possible cancellation. Formal action will be required to adopt a resolution. Will be discussed at next meeting.
- 2. USDA – National Forest Service Plan – information distributed to Board. Website is available to review plans.
- 3. VDOT – I-64, Exit 91 Public hearing “Property Owner” notice distributed to Board – June 30th, from 4:00 to 7:00 p.m., at Preston L. Yancey Volunteer Fire Department.

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- 4. Mill Place Hay Lease cutting – Augusta County let the old contract lapse earlier this year because it wanted to consolidate its hay deal at Mill Place with a similar contract for Berry Farm. Local farmers had expressed interest but were busy cutting their own hay. Interested farmers will provide proposals in the near future.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board authorize County Administrator and Chairman to approve bids that come in.

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

Nays: None

Motion carried.

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- 5. Fireworks Brochure was revised to include State Fire Marshal’s Office (SFMO) requirement of a national criminal history record information check for any applicant seeking certification as a fireworks operator or pyrotechnician. Brochure was distributed to Board. This is available on the website.
- 6. Law Enforcement Grant - \$12,000 awarded to Sheriff’s Department to assist with the purchase of equipment for the Gang/Narcotics Unit and Hostage Negotiations Unit.
- 7. Greenville Sewer – Package distributed to the Board including the Mandatory Connections Ordinance (Draft), map reflecting possible Comprehensive Plan amendment, and a map of Greenville showing what is currently in the USA and CDA areas. He noted that the USA has both water and sewer; CDA area has either water or sewer but not both. Will be discussed at the next meeting (June 20th).

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CLOSED SESSION

On motion of Mr. Coleman, seconded by Mr. Beyeler, the Board went into closed session pursuant to:

(1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Boards and Commissions

(2) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

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CLOSED SESSION (cont'd)

- A) Assessment
- B) Contract

On motion of Mr. Beyeler, seconded by Ms. Sorrells, the Board came out of closed Session.

Vote was as follows: Yeas: Howdysshell, Sorrells, Garber, Beyeler, 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, Howdysshell, 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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AUGUSTA COUNTY LIBRARY BOARD – REAPPOINTMENT

Mr. Howdysshell moved, seconded by Mr. Coleman, that the Board reappoint Marcia A. Elliott to serve another four-year term on the Augusta County Library Board, effective July 1, 2011, to expire June 30, 2015.

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

Nays: None

Motion carried.

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VALLEY COMMUNITY SERVICES BOARD -APPOINTMENT

Mr. Coleman moved, seconded by Mr. Howdysshell, that the Board appoint Lynn H. Coyner to serve a three-year term on the Valley Community Services Board, effective July 1, 2011, to expire June 30, 2014.

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

Nays: None

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board Mr. Coleman moved, seconded by Mr. Beyeler, 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