

Regular Meeting, Wednesday, July 13, 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.  
Patrick J. Morgan, County Attorney  
Todd Flippen, P.E., County Engineer  
John Wilkinson, Zoning Administrator  
John C. McGehee, Assistant County Administrator  
Patrick J. Coffield, County Administrator  
Jessica Staples, Administrative Secretary

ABSENT: Nancy Taylor Sorrells

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, July 13, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236<sup>th</sup> year of the Commonwealth....

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Chairman Shifflett welcomed the citizens present.

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Jennifer Whetzel, Director of Finance, led us with the Pledge of Allegiance.

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

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MATTERS TO BE PRESENTED BY THE PUBLIC- NONE

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FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT

The Board considered an ordinance amending the Zoning Ordinance of Augusta County Related to the Floodplain Overlay Zoning District and adopting new floodplain maps for the Sherando Area. The Planning Commission recommends approval. **This item was tabled at the June 22, 2011 Regular Board meeting until July 13, 2011.**

Mr. Beyeler moved, seconded by Mr. Howdyshell, that the Board remove this item from the table.

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

Nays: None

Motion carried.

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Todd Flippen, P.E., County Engineer, briefed the Board on the timeline regarding the proposed adoption of the Floodplain Overlay District and adoption of the new floodplain maps for the Sherando Area. He explained the process began when a Letter of Map Amendment (LOMA) that was submitted to Federal Emergency Management Agency (FEMA) in 2009 indicated effective data for the Back Creek Area may be inaccurate. He explained FEMA assigned a private contractor (DewBerry) to redo the study and it was determined to be a combination of poor topographic data and inaccurate stationing of the effective profile flood elevations on the maps. In August 2010, Mr. Flippen stated FEMA

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submitted the maps to the county and the new flood elevations were compared to the existing contour information. He explained historical flooding was also reviewed, and at that time the new zones appeared to be more accurate than the old zones that were within the floodplain. On June 27<sup>th</sup>, 2011 the Board of Supervisors tabled consideration of the floodplain map adoption and ordinance text changes and a new flood study for the Back Creek area was discussed. Mr. Flippen stated the following day the county sent a letter to FEMA requesting a one year deferral on adopting the map panels for the Back Creek area and Congressman Goodlatte was copied on this letter. On July 7<sup>th</sup>, he stated the county received a response from FEMA denying the county's request to defer the effective date and as with each FEMA letter, the agency urged the county to adopt the maps to avoid possible suspension from the flood insurance program. Yesterday (July 12), Mr. Flippen stated the office received quotes from several engineering firms for the Back Creek Flood Study. He explained the quotes received were based on the firms having to "start from scratch" with this study, as FEMA has indicated the original study may not be available. Mr. Flippen further explained discussing this matter with FEMA today assistance will be given for the LOMAs and the flood study. However, he stated when prompted to provide another option other than approving the flood plain panels for the Back Creek Area, the FEMA representatives indicated either the County approve the maps or be suspended from the flood insurance program. Mr. Flippen displayed the proposed map changes for the Back Creek Area. He then discussed the proposed ordinance amendment amending the Zoning Ordinance of Augusta County Related to the Floodplain Overlay Zoning District. He explained exemptions provided under the current ordinance under §25-474 - Development Prohibited in Floodplain. Exemption A he explained applies to a lot being created prior to January 1, 2010; no contiguous portion contains 9,000 sq. ft. outside of floodplain; and the lot must meet the requirement of §25-475. Under Exemption B, Mr. Flippen explained any development by its nature that is one normally located in floodplain such as picnic shelters, docks, decks, etc. The final Exemption C, he explained would apply to private or public street Improvements. Mr. Flippen explained the proposed ordinance amendment will add the following language under Exemption A as follows, "The lot or parcel was created prior to January 1, 2010 or was lawfully created after January 1, 2010 *and found to be in the floodplain by subsequent amendment to floodplain maps listed in § 25-473*". He explained as in the Back Creek situation, there could be a lot that was created outside the floodplain, per the current regulations, and then the property owner later would discover the maps have changed and the parcel is now in the floodplain. The current ordinance does not allow one to build on a lot that was created after January 1, 2010. Other proposed changes Mr. Flippen explained are minor text changes as follows: §25-471. Changed reference in text to 473- previously misnumbered and §25-475 language has been clarified to state when ordinance requires contours on mapping, it is asking for existing and proposed after development. He concluded by stating staff recommends approval of the Floodplain Overlay District Zoning Ordinance Amendment and adoption of the new floodplain maps for the Sherando Area.

Mr. Coffield stated the Board has received copies from the letters received from Congressman Goodlatte and FEMA as well as a quote from two engineering firms to conduct the flood study. Mr. Coffield explained an option the Board has if there is agreement to fund all or part of the study. He explained funding can be put in an account and if a conflict arises, there would be money available to fund all or part of a site specific engineering study and address the issues on a case by case basis. He stated he concurs with staff's recommendation to adopt the revised maps and Floodplain Ordinance and applauded the efforts of staff and the Board regarding this matter.

The chairman declared the public hearing open.

Jackie Parson, 2872 Mt. Torrey Road, Lyndhurst, questioned the letter from Congressman Goodlatte's Office. He stated he has not seen a copy of the letter and

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AMENDMENT (cont'd)

questioned “He is not going to back us up?”

Mr. Coffield quoted the response letter received from Congressman Goodlatte’s Office. Mr. Parson was given a copy of this letter.

If the maps are not adopted, Mr. Parson asked to what magnitude this action would have on the entire county. He asked if a disaster were to happen in the county how the federal government could just “sit back and do nothing”. In conducting their study, Mr. Parson explained the Army Corp of Engineers stopped their actual study in the Sherando area and from then on, the remaining data is all based on estimates. He questioned the legitimacy of the data as it removes parcels from the floodplain that have obviously underwent recent flooding and adds parcels to the floodplain that have never flooded. Mr. Parson stated if these maps are adopted his property will be worth nothing. He asked the Board if they had plans to lower his property tax if that were to happen. Several community meetings have been held in Sherando in the recent weeks regarding this issue and Mr. Parson explained the majority of the citizens feel the government will not listen. He asked the Board to “prove them wrong”.

Jo Payne, 2564 Mt. Torrey Road, Lyndhurst, noted she received a copy of the response letter from FEMA two hours ago. She noted the letter is an example of bureaucracy in its truest form. She explained the letter states FEMA is “unable to change the date of the maps without formally sending the maps and notifying all recipients”. Ms. Payne stated FEMA did not notify the recipients of these changes to begin with because she is a recipient and did not receive any letter from FEMA regarding these changes. Ms. Payne stated FEMA did not do the 90 day appeal period and in FEMA’s response letter she reads FEMA’s explanation is because the base flood elevation did not change. Ms. Payne displayed two maps of her property depicting the current map and the proposed map. She explained if a line is drawn on the current map from the border of her property to the flood plain, the elevation is 1,572’. She then drew a line on the proposed map in the exact location and the elevation is 1,545’. Ms. Payne noted while the changes are not geographically there are obvious numerical changes and “location and elevation go together”. She recommended the Board take separate actions on the proposal. The first action she recommended the Board adopt the language with the exception of the six new panels of the Back Creek Area and then take a separate action on the six panels. She questioned how long it would really take FEMA to suspend the county’s flood insurance program if the Board were not to adopt the new maps and the time line on how long it would take to conduct a flood study. Ms. Payne commented on the wording of the proposed ordinance amendment. She requested the word “lawfully created” be removed as is misleading in that a lot cannot be unlawfully created. With regard to the 9,000 square feet of buildable area, Ms. Payne stated this number is an arbitrary number and “buildable” should be more clearly defined based on data from agencies such as the Health Department, etc. Ms. Payne stated the response letter from FEMA provided no explanation. She stated she contacted Dewberry and noted the study FEMA references dated 1974 is not in FEMA’s archives. Ms. Payne concluded by requesting staff and/or the Board to contact whoever sent the letter from FEMA and determine what was meant by “notifying” and then provide that information to Congressman Goodlatte’s Office and then ask for an effective date for new maps for the Back Creek Area.

Mr. Flippen responded the county received FEMA’s response letter on July 7. He explained the reason for the delay was because it was originally sent to Congressman Goodlatte’s Office and the county then had to request FEMA to send the county the letter. Once received, Mr. Flippen stated the county contacted Pete Kessler in Congressman Goodlatte’s Office in Roanoke and was referred to Debbie Garrett in the

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AMENDMENT (cont'd)

Staunton office. He explained the county contacted Ms. Garrett the following Monday and pleaded their case. Ms. Garrett forwarded the information that was given by the county to FEMA indicating the magnitude of the properties that are affected by these proposed changes. On July 13 Mr. Flippen explained the county was contacted by FEMA and given two options. 1) FEMA would assist the county with LOMA requests by property owners which would expedite the process or 2) FEMA would assist the engineering firm selected by the county with the study which would reduce the scope of work provided from the firm and reduce costs the county would acquire. There were no other options offered. He stated FEMA informed him if the county were to lose its flood insurance policy, if a disaster were to occur, it would risk the possibility of not being eligible for funding to repair structures damaged by water (i.e. roads, bridges, etc.).

Mr. Coleman asked if the county were to proceed with adopting the ordinance and maps, is there any idea of a time line for the engineering firm to complete the flood study, and if amendments are made, how long it would be for FEMA to implement those changes.

Mr. Flippen answered the firms have indicated one year would be an adequate time. He stated the agency would have to do a fly over of the area in order to obtain more accurate contours and this would have to be done in the fall or winter months when there is no foliage on the trees.

Mr. Coleman stated this is not an ideal situation for either side as it could impact those in the Back Creek Area as well as others in the county that participate in the flood insurance program.

Mr. Beyeler explained he has been informed there are approximately 280 flood insurance contracts countywide.

Mr. Flippen stated staff has informed FEMA these proposed map changes will have a significant impact on the county as approximately 40 structures will be added to the floodplain.

Mr. Pyles responded there is no long term protection. The response letter from FEMA is just another example of bureaucracy and the only way to protect the people is to act. He recommended the county file an injunction as it would create enough attention to the issue that while the county may not win, the issue will have to be reviewed in more depth. He stated the county needs to "have the peoples' back". He questioned the possibility of obtaining legal assistance from the Virginia Association of Counties (VACO). Mr. Pyles stated time is pressing, he advised for the County Attorney to file an injunction until the issue can be resolved.

Mr. Morgan responded he too just received a copy of the response letter from FEMA. He stated he will review the letter first thing tomorrow morning and if there is merit he can pursue with legal action.

Mr. Beyeler questioned what recommendation can be made at tonight's meeting. The effective dates on the maps are to be July 18. He asked the Board if they would support himself and/or the Chairman to proceed with further action.

Mr. Pyles stated the Board needs to be made aware of the status on the issue. He recommended Mr. Morgan proceed with reviewing the issue to determine if the matter can be pursued further.

Mr. Beyeler called for question to hold a Called Meeting on Friday, July 15, 2011 at 5:00 pm.

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FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE  
AMENDMENT (cont'd)

Mr. Coleman questioned if a motion can be made tonight that states if Mr. Morgan supports after review of the documents that the county can appeal FEMA's decision to deter the process and if the appeal is denied the maps will be adopted and the study will be conducted as quickly as possible.

Mr. Beyeler asked a time frame.

Mr. Morgan requested Friday to discuss action after he has had time to review the documents.

Mr. Beyeler proposed to table the request and to call for a Special Board Meeting on Friday, July 15, 2011 at 5:00 pm.

Mr. Garber stated he would second the motion, but at this time he is not sure if he will be able to attend to the meeting due to a prior engagement.

Mr. Pyles stated he does not understand what Mr. Morgan is requesting by stating he is going to give the Board his recommendation. Mr. Pyles explained he is requesting the County Attorney to go to court and file an injunction to stop FEMA from taking any action against the county if the county decides not to adopt these maps however he decides to go about the process. He explained once filed, FEMA will begin to review the case to avoid the issue being publicized. Mr. Pyles stated he then wants to hear back from the county as to whether or not FEMA has considered the request. Mr. Pyles stated he is directing the County Attorney to file an injunction and the Board will meet on Friday to discuss what action had been taken and how to proceed. Mr. Pyles stated if the Board waits until Friday to authorize filing an injunction, it only puts it closer to the deadline date. He explained more legal assistance can be authorized if needed otherwise, "we are just passing the buck".

Mr. Beyeler moved, seconded by Mr. Garber, that the Board authorize the County Attorney to seek an injunction to keep FEMA from suspending the Flood Insurance Program. If an injunction is not deemed feasible, he moved the Board meet on Friday, July 15, 2011 to review the issue.

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

Nays: None

Absent: Sorrells

Motion carried.

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Mr. Beyeler stated this issue is not one that will "disappear in a few years".

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board approve the quote from Anderson and Associates recommended by staff to proceed with a Flood Study for the Back Creek Area in an amount not to exceed \$105,000 to come out of the South River Infrastructure Account.

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FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

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

Nays: None

Absent: Sorrells

Motion carried.

Mr. Beyeler asked the Chairman permission for Ms. Payne and Mr. Parson to speak.

Chairman Shifflett called for comment from Ms. Payne and Mr. Parson.

Ms. Payne stated in the federal government there is always an appeal process. She stated in reviewing the letter from FEMA it does not appear the letter has been issued by the highest staff level. She recommended the county make a "formal" appeal and in most cases when a "formal appeal" has been filed, it will stop the process. Because this is a federal matter that affects property rights, Ms. Payne recommended staff to contact the Office of the Attorney General at state level.

Mr. Parson thanked Mr. Pyles and the Board for their efforts regarding the issue. He questioned Mr. Beyeler's motive behind the issue.

Mr. Beyeler responded as a Board, members may seem to be "immune to the government running over us" because there are many issues that come before the Board that it has no control over. He stated, "We will fight to win. Not lose" and "If there is a chance we can win, we should".

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EMPLOYEE BONUS - ORDINANCE

The Board considered an ordinance to provide for the payment of lump sum bonus to employees of the County of Augusta.

Patrick J. Coffield, County Administrator, provided the Board with a summary and actions taken by other jurisdictions in the geographical area.

Mr. Garber moved, seconded by Mr. Pyles, that the Board adopt the following ordinance:

**EMPLOYEE BONUS ORDINANCE  
COUNTY OF AUGUSTA, VIRGINIA**

**WHEREAS**, *Virginia Code § 15.2-1508* sets forth the procedure, including the adoption of an ordinance, by which a Board of Supervisors may provide for payment of monetary bonuses to county employees; and

**WHEREAS**, the Board of Supervisors believes these one-time bonuses for County Employees is the most cost-effective way to give something to employees that have not received any increase in salary since the FY09 Budget; and

**WHEREAS**, one-time bonuses are payments made to Employees rather than COLA and Merit increases which affect further budgets; and

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### EMPLOYEE BONUS – ORDINANCE (cont'd)

**WHEREAS**, the Board of Supervisors, after due notice, has determined that the desire of the Board of Supervisors to provide the County of Augusta, Virginia employees a monetary bonus shall be granted;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Augusta County, Virginia, that:

1. A “bonus” shall be defined as a lump-sum payment to an employee that is not part of the base salary.
2. The Board of Supervisors shall appropriate and pay a bonus of \$1,000.00 for all full-time employees.
3. The Board of Supervisors shall appropriate and pay a bonus of \$500.00 for all part-time employees with benefits.
4. This ordinance shall become effective on and after 12:01 a.m. on July 13, 2011.
5. This ordinance shall terminate on September 15, 2011.

Mr. Howdyshell stated concern with spending what little money the county has available. With regard to the current economic conditions he stated “We are not out of the woods yet”. He stated he would like to do something for the employees, but the employees “have a job”. He stated he cannot support the motion.

Mr. Beyeler stated staff deserves the bonus, but he agrees with Mr. Howdyshell. He noted \$8.5 million in unfunded retirement. He stated while projections show there will be a balanced budget next year, it would not be balanced if the county funded retirement. Mr. Beyeler discussed the amount of money that has been borrowed to fund various projects. He suggested if anything is given, put the money in a retirement fund. Mr. Beyeler voiced concern with how retirement is going to be funded now that new hires are given the opportunity to opt out of the plan. He stated he does not support the motion.

Mr. Coleman stated he supports the motion. He stated the county is where it is today because of staff. He further noted bonuses for the Augusta County Service Authority and surrounding localities and the fact that the county has not had a raise in three years. Mr. Coleman stated he understands Mr. Howdyshell and Mr. Beyeler’s concerns, but there are agencies that are giving bonuses and the economy is not all “doom and gloom”.

Mr. Pyles commented on the concerns regarding the bonus. He stated he feels no one is more concerned about spending than himself and he has raised a lot of concern with how funding has been spent. He stated “We have money for bricks and mortar but we can’t pay for the employees that make the bricks and mortar worth while”. Mr. Pyles stated more than enough money was spent on the library, excavation at Mill Place, the Greenville Sewer Project, etc. He asked the Board why would they want to continue to put the employees’ morale down and stated employees in this building want to know how Mr. Beyeler can support a 3.5% pay increase for employees of the Planning District Commission, but he cannot support a bonus for employees that work in this very building. Mr. Pyles explained he has been on the board for 16 years and he has received very little complaints concerning county staff and “the board cannot even give the employees a thank you in three years!” He commented “you get what you pay for” and concluded by stating he supports the motion and that the is money well spent.

Mr. Beyeler stated he will amend the motion. He stated can he support 50% funding being put back into retirement and 50% going towards an employee bonus.





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July 13, 2011, at 7:00 p.m.

WIRELESS TELECOMMUNICATIONS FACILITY PLAN

The Board considered scope of work and allocation of funding.

Funding Source: Pastures Infrastructure Account #80000-8014-71 \$7,500

John Wilkinson, Zoning Administrator, explained in 2000 at the direction of the Board, a consultant, Atlantic Technologies, was hired to effectively review and process communication tower applications that came before the Board of Zoning Appeals. He stated the Board recently requested the consultant to provide a proposal to map out areas in the county where there were dead areas where there is no cell coverage. He stated the Board has been given a copy of that proposal.

Mr. Beyeler questioned an item in the agreement regarding \$150 be paid as mileage reimbursement. Mr. Wilkinson clarified \$150 will be a flat fee.

Mr. Shiflett questioned the time frame of the study to be two months. Mr. Wilkinson answered yes.

Mr. Beyeler stated he agrees more communication towers are needed however, if the consultant determines that a 90 ft tower is adequate for a particular site, why the consultant would be needed at that time.

Mr. Wilkinson explained the Special Use Permit process would still be required for areas that would require taller towers. He explained the consultant is suggesting the Board consider a certain height tower that would be allowed "by right".

Mr. Howdyshell questioned if the funding is necessary. He stated large cell phone companies know the locations of the dead areas. He noted technology is changing and large towers are becoming obsolete.

Mr. Pyles stated Mr. Howdyshell was asked to do this study and provide information two years ago and nothing was done. He stated there is money available for roads, water, etc. and the purpose of the study is not only to find the dead areas, but to also provide services to the citizens for convenience and safety. Without this study no one will know the amount of money and number of towers that will be required.

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

Mr. Beyeler asked how many areas in the county do not have adequate ECC radio contact.

Mr. McGehee stated there are some dead spots but overall, communication is adequate. He explained it is very difficult and expensive to guarantee 100% coverage however, he stated cell phones are on a different frequency than the radios used by ECC.

Mr. Coleman noted dead spots are more prevalent in certain areas of the county.

Mr. Pyles noted the safety issue is the citizens' ability to communicate with ECC via cell phone.

Mr. Shiflett stated the study may be done from a safety perspective, however, he asked Dennis Burnett, Director of Economic Development, if there was an economic advantage to conducting the study.

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WIRELESS TELECOMMUNICATIONS FACILITY PLAN (cont'd)

Dennis Burnett, Director of Economic Development stated yes the study would be a marketing tool.

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

Nays: None

Absent: Sorrells

Motion carried.

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AID TO COMMONWEALTH

The Board considered documentation regarding Augusta County's allocation for FY12.

Jennifer M. Whetzel, Director of Finance, reported that the Board has received the Aid to the Commonwealth Memo. She noted the state "technically" describes this act as "Reductions in State Aid to Local Governments". She explained in 2009 the State enacted a two year \$50 million account that needed to be paid back from local governments to the state. She explained in 2011, the amount has increased to \$60 million per year. Now in the second year of paying the \$60 million, Ms. Whetzel stated the Department of Planning and Budget has provided a list of the state's aide to local government programs that serve as the basis for calculating the \$60 million savings to the state. Ms. Whetzel explained the decision of the Board tonight is to decide how they desire to pay the reduction. She stated a determination needs to be made and a memo needs to be sent back by August 30, 2011. Ms. Whetzel explained in past the Board has always selected to a one time payment back to the Commonwealth. Ms. Whetzel stated if the Board desires that option, payment would need to be paid until January 8, 2012. The other option she explained would be for the Board to reduce one or more of these categories provided and have payment taken directly by the state. Ms. Whetzel explained \$351,000 has been budgeted this year and this year's calculations totaled \$356,866. In the four years, Ms. Whetzel explained the county would have paid the state approximately \$1.2 million. Ms. Whetzel further stated she just received from VML VACo a drafted resolution that states localities cannot discontinue services that are within the state code; therefore, the localities are basically forced to take the cut and cannot legally reduce funding for the services. She stated there are mandates that have not changed and the county is still required to pay for those services. She explained over the course of four years, the state will receive \$220 million paid by the localities even though a surplus has been suggested in the last two years. Ms. Whetzel stated the resolution is suggesting, which this can be added to a future agenda if the Board desires, that Governor McDonald submit a budget amendment for the FY2012 Session to cut these payments for FY2013-2014 and reverse the payment for FY2012. Ms. Whetzel explained the issue is the session will not begin until after the payment has been made by localities, therefore the county will have to depend on the state to refund payment. She stated however this resolution is not a "bad idea" for the county to state their position if they do not agree with these payments.

Mr. Coffield stated he has given the Board a handout that reflects updated costs. He noted there was a comparison with the tax rate and stated the in reality the rate should be increasing not decreasing to reflect the state cuts. Mr. Coffield stated he would recommend the Board to send a one time payment to the state for aide to the commonwealth and adopt the drafted resolution as requested by VACO.

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AID TO COMMONWEALTH (cont'd)

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board pay a one-time amount of money and adopt the following resolution:

**Resolution In Support of Restoration of State Funding for  
Aid to Localities**

Whereas, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, is \$800 million less in FY12 than in FY09; and

Whereas, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are dwindling, and real estate assessments are declining; and

Whereas, the Appropriation Act contains \$60 million in across-the-board cuts to cities and counties for both FY11 and FY12, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget ("Local Aid to the State"); and

Whereas, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

Whereas, the County of Augusta does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for State prisoners in local and regional jails; and

Whereas, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

Whereas, the County of Augusta remitted \$350,816 in FY11 and will be required to remit another \$356,866 in FY12; and

Whereas, cities and counties will have provided the State with \$220 million by the close of FY12 for this "Local Aid to the State" program; and

Whereas, these reductions shift State costs to local taxpayers and artificially increases the amount of state surplus revenue; and

Whereas, State revenues have begun to recover and the State is expecting to have a revenue surplus for the second year in a row; and

Whereas, revenue collections for the County of Augusta continue to reflect the struggling housing market; and

Whereas, the State should not shift its share of the costs for mandates and responsibilities to local governments; now, therefore, be it

Resolved, that the Board of Supervisors of the County of Augusta asks Governor Bob McDonnell to submit a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14; and further, be it

Resolved, that the members of the General Assembly support a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY12, and to eliminate the aid to localities reduction in the budget submitted for FY13 and FY14.

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AID TO COMMONWEALTH (cont'd)

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

Nays: None

Absent: Sorrells

Motion carried.

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NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS

The Board considered approval of one non-conventional system in the Chinquapin Subdivision on Lot #4 (Tax Map #77C2 ((2)) 4) as provided in § 11-13 (D) of the County Code (South River District).

Mr. Flippen explained the request. He stated Bob Marshall with the Health Department has reviewed and approved the plans and staff recommends approval of the request.

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

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

Nays: None

Absent: Sorrells

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, June 20, 2011

CLAIMS

Approved claims paid since June 8, 2011.

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

Nays: None

Absent: Sorrells

Motion carried.

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July 13, 2011, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles: With regard to the fencing at the baseball field in Craigsville, Mr. Pyles explained the Craigsville Little League is requesting to replace the fence around the ballfield. The cost is approximately \$1,900. He stated the ballfield is on the School Board's property. He requested staff to check with the School Board to see if they have any problems and check Ron Sites regarding costs, etc. and add to the next agenda. It will be funded from Pasture's Infrastructure.

Mr. Coleman:

1. Informed the Board he had met with Linda Gibson with the PTO at Hugh K. Cassel Elementary School regarding the replacement of the wooden playground equipment could be a future infrastructure project.
2. Attended the public meeting on June 30 regarding Exit 91. He stated the meeting was well attended and thanked VDOT for their job efforts. Mr. Coleman stated there was only one issue that arose that will be considered before finalization.
3. Stated the new hires at Preston L. Yancey Fire Department are "now on board" and progressing nicely.
4. Noted he will be attending the 15<sup>th</sup> Annual Day Lilly and Wine Festival at Andre Vette's Nursery. He stated Congressman Goodlatte will be present for the event.
5. Reminded everyone of the Sweet Dreams festival on July 23 from 8:00 am – 3:00 pm.

Mr. Garber:

1. Voiced frustration concerning Bio-Solids being transported into the county from other jurisdictions. If the Board is inclined he stated he would be glad to speak on behalf of the Board concerning this issue.

Mr. Coleman stated he agrees with Mr. Garber concerning the issue.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board approve Mr. Garber to voice the Board's opposition regarding the issue.

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

Nays: None

Absent: Sorrells

Motion carried.

\* \* \*

2. Invited everyone to attend his annual field day next Thursday, July 21.

Mr. Beyeler:

1. With regard to the issue concerning Bio-Solids being transported into the county, Mr. Beyeler questioned how money can be spent to clean up streams in the county and then have the county considered as a location for these Bio-Solids.
2. Noted he, too, attended the Exit 91 public meeting on June 30.

July 13, 2011, at 7:00 p.m.

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

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board approve the letter that was sent from Chairman Shifflett with regard to the study.

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

Nays: None

Absent: Sorrells

Motion carried.

\* \* \*

- 3. Noted he met with approximately 50 volunteers this morning regarding the Sweet Dreams event. He stated he has tickets for the pancake breakfast for anyone interested. He stated it is a great event with several thousand people in attendance and invited everyone to attend.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. There is one pending appointment for the Planning District Commission.

Mr. Pyles moved, seconded by Mr. Howdysshell, that the Board adopt the following resolution:

**R E S O L U T I O N**

A Resolution Concurring with Recommended Amendment to the Central Shenandoah Planning District Commission Charter Agreement

WHEREAS, the County of Augusta entered into an Agreement on 30 September 1969 to form the Central Shenandoah Planning District Commission; and

WHEREAS, the Central Shenandoah Planning District Commission was created to facilitate effective regional planning and to provide planning and technical services to its member localities; and

WHEREAS, from time-to-time the Central Shenandoah Planning District Board of Commissioners reviews its Charter Agreement and Bylaws and submits recommendations to its member localities for Charter Agreement amendments as may be appropriate.

NOW, THEREFORE BE IT RESOLVED by the *Augusta County Board of Supervisors* that it does hereby concur with and approve the recommended amendments to the Charter Agreement on this the 13<sup>th</sup> day of July, 2011, said amendments being more specifically described as follows:







July 13, 2011, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

9. Budget Hearings - Staff had been asked to provide information relating to the consolidation of Finance functions in the County. Information has been provided to the Board tonight.

\* \* \* \* \*

CLOSED SESSION

On motion of Mr. Coleman, seconded by Mr. Pyles, 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 procurement exemption under Virginia Code § 2.2-3711(A)(30)**  
[discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, as permitted under subsection (A)(30)]:

A) Animal Services

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

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

Nays: None

Absent: Sorrells

Motion carried.

\* \* \* \* \*

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, Pyles and Beyeler

NAY: None

ABSENT: Sorrells

