

Regular Meeting, Wednesday, July 27, 2011, at 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. Howdysshell
Tracy C. Pyles, Jr.
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
Becky Earhart, Senior Planner
Jennifer Whetzel, Director of Finance
Patrick J. Coffield, County Administrator
Rita R. Austin, Executive Secretary, CMC

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, July 27, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236th year of the Commonwealth....

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Chairman Shifflett welcomed the citizens present.

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John C. McGehee, Assistant County Administrator, led the Pledge of Allegiance.

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Larry C. Howdysshell, North River District, delivered invocation.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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WILSON ELEMENTARY SCHOOL FINANCING UPDATE

The Board considered financing strategy for Wilson Elementary School.

Patrick J. Coffield, County Administrator, reported that the School Board Superintendent provided an update at the Staff Briefing on Monday. Before bids were presented, the Board had had a full presentation and there was a question of whether or not there would be sufficient funding from the County's \$7.2 million which is allocated for Principal and Interest. For a period of five years, it was anticipated that there would be a "bubble" (gap) which could be offset by using existing funding in the School Capital Account. The School Board has proceeded with the award of bid. The presentation was to inform the Board of Supervisors that they were moving forward, consistent with the Board of Supervisors' prior direction.

Mr. Coffield added that the information was available to the public upon request.

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve the financing strategy for Wilson Elementary School.

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

Nays: None

Motion carried.

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

AUGUSTA COUNTY FAIR

The Board considered request for Sheriff’s Department to provide “off duty” security.

Funding Sources:	Tourism	#81020-5603	\$1,800
	Agr. Development	#83050-6007	<u>1,800</u>
			\$3,600

Mr. Coffield advised that a number of years ago, Augusta County provided security. During budget cutbacks, the over-time in the Sheriff’s Department was curtailed for non-law enforcement duties. Last year, the Augusta County Fair came to the Board and requested funding to be provided for security in the amount of \$2,700. This year, the hours have been increased resulting in a higher cost.

Mr. Garber stated that the uniforms should indicate “Augusta County” for Augusta County Fair security.

Chairman Shifflett agreed with Mr. Garber. “Private security is just simply not the same as law enforcement. We’ve seen incidents with private security and I really don’t think we need to take that chance with the Augusta County Fair.”

Mr. Garber 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.

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CRAIGSVILLE LITTLE LEAGUE

The Board considered request for funding to assist with the construction of a ballfield fence in an amount not to exceed \$1,947.26.

Funding Source: Pastures Infrastructure Account #80000-8014-72

Mr. Coffield advised that this item was discussed at Monday’s Staff Briefing. He noted that Mr. Pyles has worked out an arrangement where the Craigsville Little League will install the fence at no cost if it is purchased.

Mr. Pyles added that the electric company is going to donate the poles and that it is going to be on school property. Dr. Bishop emphasized on Monday the importance of the ballfield to the community and supported the request. He also mentioned that Mr. Beyeler’s concern for sales taxes was going to be addressed.

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

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

Nays: None

Motion carried.

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

ROUTE 262 – CITY/COUNTY BOUNDARY ADJUSTMENT

The Board considered authorization to have County Attorney to work with Staunton City Attorney regarding possible boundary line adjustment.

Timmy Fitzgerald, Director of Community Development, stated that a briefing was held at the Monday’s Staff Briefing on the City/County boundary line adjustment project that has been under discussion for several years. There have been several requests for the area west of Route 262, where citizens actually live in the City of Staunton and wish to live in Augusta County. There has also been a development that is split between the County and the City; although, the entrance to the development would be in the County, there were some concerns about that from the City. At one time Route 262 was being considered as a whole, but then it was decided to take it as a case-by-case basis. In speaking with Mr. Pyles, a survey had been mailed out to citizens in that area asking if they wished to be included into the County. At that time, all the residents wished to be in Augusta County with the exception of St. Paul’s United Methodist Church. Mr. Fitzgerald stated that the City Council will be meeting tomorrow night for discussion of this issue.

Ray Eppard, a developer, reiterated that he has been working on this project for several years (mostly with the City) and was available to answer questions.

Mr. Pyles asked if Mr. Eppard planned on attending the City Council meeting. Mr. Eppard said that he would be attending the meeting.

Mr. Pyles added that this was meant to be a “friendly” annexation and that, hopefully, Staunton is in agreement with this adjustment.

Mr. Pyles moved, seconded by Mr. Beyeler, that the Board authorize the County Attorney to work with the Staunton City Attorney to proceed with the boundary line adjustment.

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

Nays: None

Motion carried.

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FISHERSVILLE LIBRARY AND BALLFIELD PARKING LOT

The Board considered costs associated with realignment of traffic.

Funding Source:	Wayne Infrastructure Account	#80000-8017-70	(60%)	\$16,560
	Beverley Manor Infrastructure Account	#80000-8011-49	(40%)	<u>11,040</u>
				\$27,600

Mr. Coffield advised that this had been discussed at Monday’s Staff Briefing.

Mr. Coleman mentioned that these items are discussed at Monday’s Staff Briefing and reinforced to the public that these items are not “moved quickly” without due consideration.

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FISHERSVILLE LIBRARY AND BALLFIELD PARKING LOT (cont'd)

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

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

Nays: None

Motion carried.

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TRAFFIC STUDY

The Board considered recommendations allowing Sheriff's Department and Community Development to perform "basic" speed studies; proposed fee \$100.

Mr. Fitzgerald reported that this item had been discussed at the Staff Briefing on Monday. He advised that the County has recently received requests to complete speed studies to determine the safe operating speed of a roadway. After the safe operating speed is determined, citizens may be able to use the speed study results to reduce the sight distance required to get an entrance permit from VDOT. It had been mentioned Monday that since the Sheriff's Office has the equipment to perform these studies, the County could offer to do them for a nominal fee of \$100. The fee would pay for the Sheriff's Office time to set out equipment and retrieve data and Community Development's time to analyze and make recommendations. He noted that the ultimate decision in granting entrance permits remains with VDOT. Mr. Fitzgerald had checked with a few engineering firms about costs; and it was determined that it would cost approximately \$500 to \$900.

Mr. Beyeler felt that, since the equipment is available, Augusta County should do the speed study at no cost to the citizen because of the low number of requests.

Mr. Beyeler moved, seconded by Ms. Sorrells that the Board approve the recommendation without charging a fee.

Mr. Garber stated that after Monday's meeting, an individual stated that the County was "cutting into private enterprise". He agreed with that comment. He also agreed with Mr. Beyeler's comment of citizens being "feed to death". He felt that there had not been too many speed studies done because of the cost. "If it is free, I think you're going to have a lot! I won't support the motion." Mr. Garber asked if the \$100 fee was reasonable.

Mr. Fitzgerald felt that the cost for an over-time deputy and time for analysis was reasonable.

Mr. Garber suggested \$50 for applicant's cost and \$50 for magisterial district infrastructure account.

Mr. Howdysshell questioned the Sheriff's Department doing this type of work and "not tending to being a Sheriff". He asked if this could be done in-house only and not use the Sheriff's Department.

Mr. Coffield emphasized that the Sheriff's Department would not be handling this type of work on normal operating hours. It would be with "overtime staffing. The Sheriff had clarified that he wanted his regular funding to support the Sheriff's duties.

Mr. Pyles asked Mr. Fitzgerald to clarify how much time it would take for a deputy to set up. Mr. Fitzgerald explained that it would take about an hour to set it up and leave it for 24 to 48 hours; another hour to break it down; and approximately an hour to get the report printed. Mr. Fitzgerald said that it could be done in-house but the Sheriff had the

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TRAFFIC STUDY (cont'd)

equipment. The price of the equipment would be approximately \$2,500 to \$3,000 for the unit. Mr. Beyeler asked if staff could borrow the equipment from the Sheriff's Department. Mr. Fitzgerald felt that the number of these requests could increase because of the low cost.

Mr. Coleman felt that it was reasonable to consider Mr. Garber's suggestion of \$50 applicant's fee and \$50 Magisterial District Infrastructure.

Mr. Beyeler moved, seconded by Ms. Sorrells, to withdraw the motion.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve recommendation allowing the Sheriff's Department and Community Development to perform "basic" speed studies.

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

Nays: Howdysshell

Motion carried.

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Mr. Garber moved, seconded by Mr. Coleman, that the Board approve the \$100 fee to be split in half - \$50 to the applicant and \$50 to the magisterial district infrastructure account if the Magisterial District Supervisor supported. The County could also perform if citizen funded the entire amount.

Mr. Pyles felt that \$100 was too low a price because of the cost of gas. He felt it would be the responsibility of staff to determine who will do the study.

Mr. Howdysshell felt that this would create too many "unintended consequences".

Mr. Pyles agreed with Mr. Howdysshell and did not want to see the County invest equipment and software at this time. "If it gets bad, we may have to reconsider what we're doing."

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

Nays: Howdysshell

Motion carried.

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IDA NAME CHANGE

The Board considered recommendation of IDA to change name to Economic Development Authority and to authorize staff to advertise for ordinance change.

Dennis Burnett, Director of Economic Development, mentioned that a letter from the Industrial Development Authority had been discussed at Monday's Staff Briefing. Based on the current scope of projects, including the approval of the IDA Board to participate in funding for infrastructure improvements associated with the Exit 91 project, the IDA Board felt it advantageous to change the name to an Economic Development Authority to better reflect their work programs. Recently passed legislation makes the two synonymous and the action would be for name change only.

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IDA NAME CHANGE (cont'd)

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board authorize the County Attorney to draft the proper documents and advertise for ordinance change.

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

Nays: None

Motion carried.

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STUARTS DRAFT BALLFIELD

The Board considered County application zoning change from Agriculture to Business (single parcel for residential).

Mr. Coffield advised that the Board received a briefing on Monday's Staff Briefing. He noted that the ballfield is zoned Agriculture with Business and Residential surrounding the property. To remove that, the County will need to submit an application for a zoning change to make the ballfield Commercial and allow the Residential zoning to remain the same. He said that this would be going before the Planning Commission and then come back to the Board of Supervisors for consideration.

Mr. Beyeler explained that the main reason for this change was the setbacks. They would like the bleachers to be changed without meeting a 25' setback. He felt Business zoning was appropriate. He added that proffers should indicate that it should have the same activities that is currently being held. "We are not trying to develop a Business Park."

Mr. Fitzgerald added that there is a single property zoned General Ag that is of a residential nature that they would like for the Board to initiate a rezoning on that property to change it to Single-Family zoning, which is comparable with surround property.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board apply for the rezoning change and include a proffer that limits use of the property to a ballfield.

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

Nays: None

Motion carried.

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ORDINANCE COMMITTEE'S RECOMMENDATIONS

The Board considered recommendations by Committee and their request for authorization for staff to advertise for ordinance change.

Mr. Fitzgerald advised that information reflecting miscellaneous changes to the Zoning Ordinance had been distributed to the Board on Monday. This document came from the Ordinance Committee. Changes in the document were changes that were made in the State Code and are now being made in the County Code. Other changes reflected typographical errors. The Ordinance Committee would like to proceed with the advertisement of these changes as soon as possible.

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ORDINANCE COMMITTEE’S RECOMMENDATIONS (cont’d)

Mr. Beyeler moved, seconded by Mr. Howdysshell, that the Board authorize staff to advertise for a public hearing.

Mr. Beyeler asked that the Board review the document and give their suggestions of changes. “This is to help clean up the County Code.”

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

Nays: None

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

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

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, June 22, 2011

THE UPPER SHENANDOAH RIVER BASIN WATER SUPPLY PLAN

Considered authorization to hold public hearing on August 10, 2011 to consider water supply plan resolution to include drought Ordinance.

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:

Mr. Coleman: New business opened – Long Meadow Cheese Shop (on Route 608).

Ms. Sorrells: Sweet Dreams – Big success! Same attendance as last year.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. Augusta Health Center – asking for approval for a second cardiac catheterization lab for the new Heart and Vascular Center - \$40 million expansion.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board authorize staff to submit a letter of support.

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

Nays: None

Motion carried.

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

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 2. John C. McGehee, Assistant County Administrator, asked for the Board of Supervisors' input on the 2012 Legislative Proposal.

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CLOSED SESSION

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

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

A) Boards and Commissions

- (2) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**
[discussion of the acquisition for a public purpose, or disposition, of real property]:

A) Sale of property in Beverley Manor District

- (3) **the economic development exemption under Virginia Code § 2.2-3711(A)(5)**
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

A) Pending Industrial Prospect

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

Vote was as follows: Yeas: Howdyshell, 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:

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

CLOSED SESSION (cont'd)

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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FIELDS OF GOLD – STEERING COMMITTEE APPOINTMENT

Mr. Coleman moved, seconded by Mr. Howdysshell, that the Board appoint Dennis Burnett and Nancy Sorrells to serve on the Fields of Gold Steering Committee.

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

Nays: None

Motion carried.

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PPEA – LAND TRANSFER TO IDA

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve the transfer of 10 acres of property in the Mill Place Business Park to the Augusta Industrial Development Authority for the purpose of improving the property to enhance the Business Park Marketing program.

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

Nays: None

Motion carried.

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WORKFORCE TRAINING

Mr. Garber moved, seconded by Mr. Coleman, that the Board authorize the Director of Economic Development to develop a program to provide for a matching grant for educational funding under the Virginia Jobs Investment Program.

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. 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