

Regular Meeting, Wednesday, August 14, 2013, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Jeffrey A. Moore, Chairman
Larry J. Wills, Vice-Chairman
David R. Beyeler
David A. Karaffa
Marshall W. Pattie
Tracy C. Pyles, Jr.
Michael L. Shull
Timmy Fitzgerald, Director of Community Development
Jennifer M. Whetzel, Director of Finance
Patrick J. Morgan, County Attorney
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, August 14, 2013, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 238th year of the Commonwealth....

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Chairman Moore welcomed the citizens present.

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

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Larry J. Wills, Supervisor for the Middle River District, delivered invocation.

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GATEWAY ALLIANCE, LLC, EASEMENT

This being the day and time advertised to consider a twenty-four foot easement to Gateway Alliance, LLC on property owned by the County, formerly owned by the Staunton & James River Turnpike Company, on U.S. Route 250, 7/10 of a mile east of Interstate 81, for emergency access between residential developments.

Patrick J. Morgan, County Attorney, reminded the Board that a Quiet Title lawsuit had been pursued by Augusta County to gain title to an 8.730 acre parcel of land along Route 250 that had belonged to the defunct Staunton-James River Turnpike Company. The Court ruled in Augusta County's favor and Gateway Alliance had approached the County with a plan to build a right-of-way easement between Augusta Woods Manufactured Home Park and Knox Mobile Home park for an emergency access easement. The property will be a gravel road and gated on either side so only emergency vehicles will have access. Before the County can grant an easement, a public hearing is required.

The Chairman declared the public hearing open.

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

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board approve the easement

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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August 14, 2013, at 7:00 p.m.

BOARD OF EQUALIZATION – ORDINANCE

This being the day and time advertised to consider an ordinance to adopt Section 22-8. procedure for Board of Equalization into the Augusta County Code.

Mr. Morgan explained that, after the Assessor completes his duties and assessments are submitted to the property owners, the Judge will appoint the Board of Equalization to serve for a period of one year to hear appeals from the assessment. Under the statutes, the Board of Supervisors is able to put a limit as to when appeals can be filed before the Board of Equalization and when the Board of Equalization can finish its duties. This ordinance would require that any appeal to the Board of Equalization be submitted by May 15th and that the hearings are completed by June 30th in the year that they are appointed (2014).

The Chairman declared the public hearing open.

Jean Shrewsbury, Commissioner of Revenue, stated that in looking at the schedule and trying to determine how the dates could logistically be set for next year. The May 15th end date to set appointments does not meet the 45-day rule. She asked that the date be set back to May 2nd to provide a complete 45 days from the last day of setting appointments until the hearings that were scheduled for the last week of June.

Mr. Wills expressed concern of May 2nd and asked if it could be scheduled later. Ms. Shrewsbury said it could possibly be moved to May 6th. Mr. Wills felt that the date should be scheduled as late as possible after tax bills have been mailed. "People will look at their assessment value and not think anything about it, but when the tax bill shows up, that's when they have their concern." Mr. Wills asked if it could be accepted if someone called in after that designated date. Ms. Shrewsbury said it could not be accepted. "This is a new Code change that went into effect this previous year. They can go to court at that time. From the cutoff date, we have to have in the mail that date all the information relating to their assessment; forty-five days sets the pace for what will take place backwards from your hearing date."

Mr. Beyeler asked if it would cause a problem in changing the date. Mr. Morgan said it would not create a problem.

Mr. Wills asked if it would create a problem if the final date was moved to July 31st instead of June 30th. Mr. Morgan said that the statute allows the Board to set the deadline dates; therefore, this could be done. Mr. Wills wanted the citizens to have adequate time to appeal. Ms. Shrewsbury confirmed that the tax bills would not be mailed until the first week of May.

Mr. Pattie stated, "Given the last reassessment, I think, that one of the complaints was that they didn't have enough time and there wasn't enough of communication. We need one good cycle to try the new way we're doing this to allow people to appeal it for as long as they can legally and give them that full year period rather than shortening it. I do like the idea of saving money. I think Mr. Wills is right, but I think the contentious of the last one might cause issues for this one if we shorten the appeals process by half."

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

Mr. Karaffa expressed concern of "not knowing what they're dealing with at budget time".

Mr. Beyeler agreed with Mr. Wills. He noted that there would be adjustments during the year and felt that July 31st was a good date, which would allow 60 days after receiving their tax bill.

August 14, 2013, at 7:00 p.m.

BOARD OF EQUALIZATION – ORDINANCE (cont'd)

Mr. Wills moved, seconded by Mr. Beyeler, that the Board adopt the following ordinance, as revised:

**AN ORDINANCE TO ADOPT
SECTION 22-8. PROCEDURE FOR BOARD OF EQUALIZATION
INTO THE AUGUSTA COUNTY CODE**

WHEREAS, Section 58.1-3378 of the Code of Virginia authorizes the Board of Supervisors to establish deadlines for the filing of assessment appeals before the Board of Equalization; and

WHEREAS, Section 58.1-3378 of the Code of Virginia also authorizes the Board of Supervisors to establish a deadline for the Board of Equalization to complete its work; and

WHEREAS, the Board of Supervisors feels that the establishment of deadlines for the processing of appeals by the Board of Equalization will be more efficient and therefore beneficial to the citizens of Augusta County.

NOW THEREFORE be it resolved that the Board of Supervisors of Augusta County, Virginia hereby adopts Section 22-8, into the Augusta County Code to read as follows:

22-8. Procedure for Board of Equalization.

A. The Board of Equalization shall be appointed by the Circuit Court in accordance with §58.1-3370 of the Code of Virginia.

B. The Board of Equalization shall meet in manner and frequency as needed in accordance with §58.1-3378. Except that the Board of Equalization shall dispose of all applications for adjustments to assessments no later than July 31st in the year in which it was appointed to serve. All applications to the Board of Equalization for adjustments to assessments must be received by the Board no later than June 1st in the year the Board was appointed to serve.

Vote was as follows: Yeas: Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: Pattie

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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CRIMORA COMMUNITY CENTER

The Board considered renovations in a classroom at the Crimora Community Center.

Funding Source: Middle River Infrastructure Account #80000-8012-81 \$5,000

Candy J. Hensley, Assistant to County Administrator, advised that maintenance work had been performed on the Crimora Community Center last fall to repair roof leaks, border up windows, and provided termite treatment. One of the classrooms floor collapsed due to water damage and termites. In January, the floor was removed. Before the Board is a proposal to replace the floor including floor joists and stabilizing the outside wall. The estimate for materials is \$3,072. Inmates will perform the work. It has been recommended to allocate \$5,000 in case of unforeseen materials needed.

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CRIMORA COMMUNITY CENTER (cont'd)

Mr. Wills reiterated that this project has been ongoing since last Fall. When it was first looked at, the reason for delay was the treatment for termites and availability of the inmates.

Mr. Wills moved, seconded by Mr. Karaffa, that the Board approve the request.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION

The Board considered resolution establishing the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act.

Ms. Shrewsbury advised that in 2005 the State froze the amount of funding that is provided to localities for Personal Property Tax Relief. Each year, there is a process of determining what cars will be in the total pool in order to know what percentage of reduction will be available for each individual account. This year the calculation has been completed and it has been determined that the new percentage is 44% (45% last year).

Mr. Wills moved, seconded by Mr. Karaffa, that the Board adopt the following resolution:

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

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act).

WHEREAS, by its enactment of an ordinance on December 14, 2005 ("Ordinance"), the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") has previously implemented such modifications of the PPTRA.

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2013 for purposes of the Ordinance.

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

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be forty-four (44%).

2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in § 3(b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in § 4, pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.

3. This Resolution shall take effect immediately upon its adoption.

August 14, 2013, at 7:00 p.m.

PERSONAL PROPERTY TAX RELIEF PROGRAM – RESOLUTION (cont'd)

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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Mr. Beyeler noted that vehicles under \$1,000 were exempt.

Mr. Pyles noted that this is a tax increase on citizens. It has gone down 16% (since 2006) to 44%.

Patrick J. Coffield, County Administrator, noted that Ms. Shrewsbury will be coming back before the Board at the next Staff Briefing (August 26th) to discuss 1) Tax Relief for the Elderly and Disabled; 2) Land Use Valuation 2014; and 3) Veterans Tax Exemptions.

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RESCUE SQUAD ASSISTANCE GRANT (RSAF)

The Board considered submittal of a Rescue Assistance Grant (RSAF) for an ambulance and miscellaneous equipment for the Augusta County Fire and Rescue Department in an amount not to exceed \$100,000.

Funding Source: Fire and Rescue CIP Account #80000-8057

Fire Chief Carson Holloway advised that a memorandum was provided to the Board in its Agenda Package. He noted that they have approached the RSAF for the last several years and have been quite successful in obtaining equipment and needed supplies. This grant cycle is due September 15th and will not be completed until January 1, 2014. The request includes an ambulance, which will be a replacement unit (not an additional unit), a new cot, radio, and a toughbook. He noted that equipment will be transferred from the current ambulance. The total amount of grant is \$196,390; Augusta County's share is \$98,195 if successful in obtaining complete request.

Mr. Pattie asked what happens to the old ambulance. Fire Chief Holloway said that the old ambulance would be replaced and go out of service. Mr. Pyles asked if it could be used somewhere else. Fire Chief Holloway said that it could not be used as an EMS unit anymore; typically, it is sold at auction. He noted that the new unit would be a full-wheel drive Ford box unit.

Mr. Shull moved, seconded by Mr. Karaffa, that the Board approve the request.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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STREET ADDITION

The Board considered Community Development's and VDOT's recommendations to adopt resolutions for acceptance of the following streets into the Secondary Road System in accordance with VDOT request (Riverheads District):

August 14, 2013, at 7:00 p.m.

STREET ADDITION (cont'd)

1. Overlook Subdivision Sections 1 and 2

Timmy Fitzgerald, Director of Community Development, advised that these streets have met VDOT's standards.

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

OVERLOOK SUBDIVISION SECTIONS 1 AND 2 - 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.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **OVERLOOK SUBDIVISION SECTIONS 1 AND 2** into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Willard Court, State Route Number 1191

From: Route 1190 (Lofty Circle)
To: 0.05 miles to end of cul-de-sac
Length: 0.05 miles

Upland Court, State Route Number 1192

From: Route 1190
To: 0.02 miles, ESM
Length: 0.02 miles

Lofty Circle, State Route Number 1190

From: Route 1192 (Upland Court)
To: 0.13 miles, Route 1193 (Morningview Court)
Length: 0.13 miles

Morningview Court, State Route Number 1193

From: Route 1190
To: 0.02 miles, west of Route 1190/End of Construction
Length: 0.02 miles

Montague Court, State Route Number 1193

From: Route 1190
To: 0.01 miles, east of Route 1190/ESM
Length: 0.01 miles

Lofty Circle, State Route Number 1190

From: Route 654
To: 0.04 miles, 190' west of Route 654
Length: 0.04 miles

Lofty Circle, State Route Number 1190

From: Route 1191 (Willard Court)
To: 0.04 miles, Route 1192 (Upland Court)
Length: 0.04 miles

Lofty Circle, State Route Number 1190

From: Route 1193 (Morningview Court)
To: 0.04 miles, ESM/End of Construction
Length: 0.04 miles

Lofty Circle, State Route Number 1190

From: 190' west of Route 654
To: 0.06 miles, Route 1191 (Willard Court)
Length: 0.06 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 100003794, Pages 7774 and 7775, recorded May 18, 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.

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STREET ADDITION (cont'd)

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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WAIVERS/VARIANCES - NONE

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CONSENT AGENDA

Mr. Karaffa moved, seconded by Mr. Shull, that the Board approve the consent agenda as follows:

MINUTES

Approved minutes of the following meetings:

- Staff Briefing Meeting, Monday, July 22, 2013
- Regular Meeting, Wednesday, July 24, 2013

CLAIMS

Approved claims paid since July 10, 2013.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles:

1. Augusta County Fair – suggested that the popcorn bags have the seal placed on the bags or something acknowledging support for Augusta County.
2. Dr. Bishop’s response to School capital projects needs – Questioned #4 – number of additional classrooms for Wilson Middle School. Would like projections for 5 years from Dr. Bond.

Mr. Pattie:

1. Citizen concern regarding Special Use Permits and site plans. Mr. Fitzgerald explained that the citizen has a small landscaping business and was required to come before the Board of Zoning Appeals to acquire a Special Use Permit to build a building for that business. She is zoned General Agriculture. The current ordinance states that if you are building a building, as part of a Special Use Permit approved by the BZA, you are required to submit a site plan in accordance with Chapter 25, which means an Engineered site plan, Stormwater requirements, etc. Concerns were expressed because of the cost. There have been a few other citizens who have expressed similar concerns in the last year. Mr. Pattie had been asked to address the Board for authorization for the Ordinance Committee to review.

August 14, 2013, at 7:00 p.m.

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

Mr. Pattie moved, seconded by Mr. Karaffa, that the Board refer this issue of site plans to the Ordinance Committee for review.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler
and Pyles

Nays: None

Motion carried.

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2. Questions sent to Dr. Bishop (Schools Capital Projects Needs) – Chairman Moore had presented questions from Messrs. Pattie and Karaffa to Dr. Bishop.

Mr. Wills:

1. Small Business Conference @ Blue Ridge Community College, sponsored by Shenandoah Valley Partnership and Delegate Landes – “Great opportunity for our businesses. I commend both Delegate Landes and the Shenandoah Valley Partnership. It was very informative. I think our businesses got a lot out of it.”
2. Revenue Recovery Formula Plan – “Rockingham Plan has an interesting concept” – Information distributed to Board. Will be discussed at Staff Briefing on August 26th.
3. Legislative Package – Draft copy distributed to Board. Will be discussed at Staff Briefing on August 26th. Mr. Karaffa asked that land use issue, as it is factored into Composite Index, be included in package.

Mr. Beyeler:

1. Diamondbacks – asked that a resolution be drafted and presented to Board at Staff Briefing on August 26th.

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2. Augusta County Service Authority – pros and cons as to becoming a part of Augusta County.

Mr. Beyeler moved, seconded by Mr. Karaffa, that the Board authorize the County Attorney to provide pros and cons of combining Augusta County Service Authority with Augusta County.

Mr. Pyles made the following statement:

I am not sure that the Mr. Morgan would be able to . . . He can certainly list the legal variables that are concerned there. But the pros and cons go beyond that. When you have it as part of a Board, their increases are part of our tax increases. They would no longer be service fees. They would be Augusta County tax increases. There are a lot of things that come up with that. I am very able to say to people, they say, ‘I don’t get water from my taxes; I don’t get sewer from my taxes’, and I say, ‘Your taxes don’t go to water and sewer’. Once it becomes a department within this building, it becomes something that we, as a County, is providing water and sewer to some of our citizens, not to all of our citizens. I think that you start getting into a lot of things that are like that that the able Mr. Morgan is not going to feel he knows or can speak to. I’m not sure that that is something that . . . I think we ought to think about it first and then decide whether or not we want to look at it legally and how to go about it.

August 14, 2013, at 7:00 p.m.

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

AUGUSTA COUNTY SERVICE AUTHORITY CONSOLIDATION (cont'd)

Mr. Beyeler stated:

As far as the fees, right now, the customers pay it and, again, I'm going to leave it open to Mr. Morgan, suggesting that that part be changed that it wouldn't have to, necessarily, have to be taxed.

Chairman Moore felt that the County Attorney would not advise the Board of something that he was uncomfortable with.

Mr. Wills suggested amending the motion to add "proper staff". "We need input from both County and ACSA staffs. We don't need one side; we need all. I want to hear from both sides on why we should and why we shouldn't." Mr. Wills felt that other persons could provide information as pertaining to pros and cons.

Mr. Pattie felt that there may be other staff that would be better suited to provide this information.

Mr. Beyeler suggested that Mr. Morgan could get information from anyone he needed.

Mr. Beyeler withdrew his motion.

Mr. Karaffa moved, seconded by Mr. Beyeler, that the Board appoint a committee consisting of Patrick Coffield, County Administrator; Kenneth Fanfoni, ACSA Executive Director; and Patrick Morgan, County Attorney; to provide a report of pros and cons in combining Augusta County Service Authority with Augusta County. This information is to be submitted to the Board at the Staff Briefing on September 23rd.

Mr. Pyles clarified the motion that Messrs. Fanfoni, Coffield and Morgan would provide a report listing the steps to include Service Authority into a staff and department of Augusta County and the pros and cons.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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Mr. Shull: Household Hazardous Wasteday – September 14th at the Government Center – 8:30 a.m. to 12:00 noon.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. VDOT – following information was shared with the Board:
 - a. 2015 Revenue Sharing Program – due by November 1st.
 - b. VDOT spraying program for Johnson grass and weed in public right-of-way
 - c. Reallocation list – met with VDOT and they are looking at finding limitations based upon Board of Supervisors priorities.

August 14, 2013, at 7:00 p.m.

CLOSED SESSION (cont'd)

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: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles
 NAY: None

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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VALLEY COMMUNITY SERVICES BOARD APPOINTMENT

Mr. Wills moved, seconded by Mr. Pyles, that the Board accept the resignation of Lynn H. Coyner and appoint Doug Cochran to serve an unexpired 3-year term on the Valley Community Services Board, effective immediately, to expire June 30, 2014.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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AUGUSTA COUNTY SERVICE AUTHORITY APPOINTMENT

Mr. Wills moved, seconded by Mr. Beyeler, that the Board accept the resignation of Jeremy L. Shifflett, and appoint David A. Karaffa to serve an unexpired 4-year term on the Augusta County Service Authority, effective immediately, to expire December 31, 2014.

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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GART/TOURISM BOARD APPOINTMENT

Mr. Wills moved, seconded by Mr. Karaffa, that the Board appoint Candy J. Hensley to serve as the County's representative on the GART/Tourism Board, effective immediately.

August 14, 2013, at 7:00 p.m.

GART/TOURISM BOARD APPOINTMENT (cont'd)

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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ADJOURNMENT

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

Vote was as follows: Yeas: Pattie, Karaffa, Shull, Wills, Moore, Beyeler and Pyles

Nays: None

Motion carried.

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Chairman

County Administrator