

Regular Meeting, Wednesday, January 13, 2010, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman  
Jeremy L. Shifflett, Vice-Chairman  
Larry C. Howdyshell  
David R. Beyeler  
Wendell L. Coleman  
Patrick J. Morgan, County Attorney  
Dale L.Cobb, Director of Community Development  
Jennifer M. Whetzel, Director of Finance  
John C. McGehee, Assistant County Administrator  
Patrick J. Coffield, County Administrator  
Rita R. Austin, CMC, Executive Secretary

ABSENT: Nancy Taylor Sorrells  
Tracy C. Pyles, Jr.

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 13, 2010, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 234<sup>th</sup> year of the Commonwealth....

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Chairman Garber welcomed the citizens present and reminded them to remove their hats and turn off their cell phones.

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Chairman Garber announced that Wendell Coleman has been appointed the chaplain this year. Mr. Coleman's assignment will be to schedule those persons to give invocation.

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Sam Davis, an eighth grader at Stuarts Draft Middle School, led us with the Pledge of Allegiance. Sam participates in JV football, wrestling and plays the trumpet.

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

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Chairman Garber presented the gavel to Mr. Howdyshell and expressed his appreciation for Mr. Howdyshell's service as Chairman in 2009 and pointed out to him of having the good fortune "to have a rather smooth, easy-going, laid-back kind of year".

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GREENVILLE TRAFFIC CONTROL

This being the day and time advertised to consider ordinance to amend Section 14-11 of the Code of the County of Augusta, Virginia, to prohibit parking on Pilot Drive, and to enact Section 14-11.1 to prohibit parking on private property.

Patrick J. Coffield, County Administrator, said truck drivers have been parking along Pilot Drive in Greenville to get some rest and that the developers of the property near the Pilot Truck Stop asked that deputies patrol the area, have the trucks moved, and, if necessary, to give parking tickets to the many vehicles that park along Pilot Drive. He stated that it causes problems for other motorists with ingress and egress. Until the road has three businesses on the property, it cannot be accepted in the VDOT Secondary System and then the Sheriff's Department could normally enforce it. He added that the County Attorney had found another provision of the Code that would allow for enforcement. Mr. Coffield mentioned that the Economic Development Director has been in contact with the principal property owners to make them aware of what is being done and that it was not punitive in any way and said that the change is needed to address safety concerns.

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GREENVILLE TRAFFIC CONTROL (cont'd)

Patrick J. Morgan, County Attorney, added that the State Code allows the local government to prohibit parking in designated areas throughout the County. This ordinance designates Pilot Drive as an area where parking will not be permitted. It also has a provision that would prohibit vehicles anywhere from being stopped in such a manner as to impede or render dangerous the use of the highways by others. He felt this to be the best effort to alleviate the problem in the area.

The Chairman declared the public hearing open.

There being no one present to speak for or against, the Chairman declared the public hearing closed.

Mr. Coleman moved, seconded by Mr. Howdysshell, that the Board adopt the following ordinance:

**AN ORDINANCE TO AMEND SECTION 14-11 OF THE CODE OF THE COUNTY OF AUGUSTA, VIRGINIA, TO PROHIBIT PARKING ON PILOT DRIVE, AND TO ENACT SECTION 14-11.1 TO PROHIBIT PARKING ON PRIVATE PROPERTY.**

WHEREAS, the Board of Supervisors is desirous of providing for the enhanced safety of Augusta County Citizens and others who use the public roads within the County.

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

Section 14-11 is amended and Section 14-11.1, is enacted to become a part of the Code of the County of Augusta, Virginia, and to read as follows:

**§ 14-11. Parking in certain locations.**

**A.** No person shall park a vehicle or permit it to stand, whether attended or unattended, on a highway in front of a private driveway, within fifteen feet of a fire hydrant or the entrance to a fire station, within fifteen feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances, or within twenty feet from the intersection of curb lines, or if none, then within fifteen feet of the intersection of the property lines at any highway intersection.

**B.** No person shall park a vehicle or permit it to stand, whether attended or unattended on Pilot Drive.

**Sec. 14-11.1. Stopped vehicle not to endanger others or impede traffic; removal of vehicles in violation.**

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highways by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the vehicle shall be removed from the highway as soon as possible. Such removal may be ordered by a sheriff or deputy sheriff at the expense of the owner if the disabled vehicle creates a traffic hazard.

State law reference--Virginia Code §§ 46.2-1239, 46.2-1306 and 46.2-1220..

This ordinance shall take effect immediately

Vote was as follows: Yeas: Howdysshell, Garber, Beyeler,  
Shifflett and Coleman  
Nays: None  
Absent: Sorrells and Pyles

Motion carried.

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COMMITTEES & COMMISSIONS FOR 2010 APPOINTED BY THE BOARD

On motion of Mr. Beyeler, seconded by Mr. Coleman the Board made the following appointments:

LOCAL EMERGENCY PLANNING COMMISSION

Reappointed John C. McGehee and Tracy C. Pyles, Jr., to the Local Emergency Planning Commission for a one-year period.

EMPLOYER ADVISORY COMMITTEE (VIRGINIA EMPLOYMENT COMMISSION)

Reappointed Faith Souder to the Employer Advisory Committee for a one-year period.

AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE

Reappointed Earl Reeves, Roger Hammond, Randy Roller, Joseph Zapotoczny, W. Jean Shrewsbury, W. Douglas Riley, Gerald W. Garber, David R. Beyeler, Jeff Slaven and appointed Steve Hewitt to the Agricultural and Forestal District Committee for a one-year period.

EMERGENCY MANAGEMENT DIRECTOR

Appointed Chairman of the Board of Supervisors, Gerald W. Garber, as Emergency Management Director.

EMERGENCY MANAGEMENT CO-DIRECTOR

Reappointed John C. McGehee, Assistant County Administrator, as Emergency Management Co-Director.

EMERGENCY MANAGEMENT COORDINATOR

Appointed Donna Good, EOC Director, as Emergency Management Coordinator.

ASSISTANT EMERGENCY MANAGEMENT COORDINATOR

Appointed Anthony Ramsey, EOC Dispatcher Supervisor, as Assistant Emergency Management Coordinator.

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

Nays: None

Absent: Sorrells and Pyles

Motion carried.

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COMMITTEES FOR 2010 - APPOINTED BY THE CHAIRMAN

Mr. Beyeler moved, seconded by Mr. Howdyshell, that the following committees appointed by the Chairman be approved:

Emergency Services Committee: David R. Beyeler and Larry C. Howdyshell

Property Committee: Jeremy L. Shifflett and Gerald W. Garber

Parks and Recreation Liaison: Wendell L. Coleman

Valley Program for Aging Services, Inc.: Nancy T. Sorrells

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- Library Board Liaison: Jeremy L. Shifflett
- Recycling Committee Liaison: Nancy T. Sorrells
- Board & Commission Liaison: Gerald W. Garber
- General Assembly/VACo Liaison: Gerald W. Garber
- Governmental Opportunities Committee with Cities of Staunton and Waynesboro Liaisons: Larry C. Howdysshell and Gerald W. Garber
- Rockingham/Augusta Liaisons: Larry C. Howdysshell and Gerald W. Garber
- Reassessment Liaisons: Wendell L. Coleman and Tracy C. Pyles, Jr.
- Economic Development Strategy Committee: Wendell L. Coleman, David R. Beyeler and H. Joseph Williams (as Chairman of IDA)
- Audit Committee: David R. Beyeler and Tracy C. Pyles, Jr.

Chairman Garber asked that Mr. Beyeler chair the Economic Development Strategy Committee. And that Mr. Coleman continue serving as liaison with the Shenandoah Valley Partnership.

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

Nays: None

Absent: Sorrells and Pyles

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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STREET ADDITION

The Board considered Community Development’s recommendations to adopt resolution for acceptance of the following street into the Secondary Road System in accordance with VDOT request:

- 1. Stonecroft Professional Park (Wayne District)

Dale L. Cobb, Director of Community Development, advised that this consists of 0.18 miles west of Route 636 on Beam Lane in Stonecroft Park Subdivision. The subdivision has been set up for six lots for Business use and there are enough trips per day to warrant taking the road into the Secondary Road System.

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board adopt the following resolution:

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**STREET ADDITION (cont'd)**

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 **STONECROFT PROFESSIONAL PARK**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

<u>Beam Lane</u>	
From:	Route 636, Goose Creek Road
To:	0.18 miles west of Route 636
Length:	0.19 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, Pages 5982 and 5983, recorded July 14, 2004.

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.

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

Nays: None

Absent: Sorrells and Pyles

Motion carried.

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**FIRE FLOW WAIVER**

The Board considered Blue Ridge Chapel Church of the Brethren request for fire flow waiver as per Section 24-2(E) of the County Code (Wayne District).

Mr. Coffield advised that included in the agenda package was a list of fire flow waivers that had either been approved or denied. Several years ago, the Board developed a policy; with that policy, an opportunity was provided for individuals to ask the Board to waive the fire flow guidelines. Blue Ridge Chapel Church of the Brethren does not meet fire flow requirements and has documented the acknowledgement that adequate fire flow is not available and that they understand the ramifications.

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

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

Nays: None

Absent: Sorrells and Pyles

Motion carried.

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CONSENT AGENDA

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, December 9, 2009

CLAIMS

Approved claims paid since December 9, 2009.

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

Nays: None

Absent: Sorrells and Pyles

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Coleman: As newly appointed Chaplain for the Board of Supervisors, presented schedule for the first six months of 2010.

Mr. Howdysshell made the following statement:

I want to thank the Board for the gavel. I have a pair of them, now. It is always a highlight to be able to serve as Chair of the Board; not to say that we haven't had our challenges, but if we take it with the notion that we're going to learn, I'm a very wise man. I've always said that some things in history have marked my calendar that I will never forget and I've told a few people around here jokingly, I thought the 1968 Tet Offensive was bad, but I've learned a lot this year that helped me grow a lot. I appreciate the Board with their willingness to work with me in all the challenges that we had . . . and staff. Staff is a great part of what we do. Also, the people we fail to recognize a lot of times are our family members. Sometimes, we may not be in the best of mood when we come home, and we're gone a lot, attending a lot of meetings, but we get a lot of support from our family members. They need to be recognized for that support they give us in the background. Again, I want to thank the Board for this gavel. It will go in my archives that I have at home. I really appreciate it. Thank you!

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Meade Mobile Home follow-up on inspection for wood stoves: Staff has contacted Ms. Fix. Ms. Fix is to secure a release from the owner for inspection of a secured unit with a wood stove.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

2. COURTHOUSE MAINTENANCE FEE – ORDINANCE

Issue was discussed in May that the 2009 General Assembly allowed for courthouse fees to increase from \$2 to \$3 to assist in maintaining courthouse if, after a survey of conditions, the structures qualify. We submitted our survey and on December 30<sup>th</sup> the State inspected our courthouses and authorized us to proceed. County Attorney has drafted an ordinance and was shared with the Board. According to Circuit, General District, and Juvenile and Domestic courts, it could be an increase of approximately \$80,000 annually.

Mr. Howdysshell moved, seconded by Mr. Beyeler, that the Board authorize staff advertise for public hearing on February 10<sup>th</sup>.

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

Nays: None

Absent: Sorrells and Pyles

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

3. Inclement Weather: Over the weekend of December 18-20, Emergency Services agencies responded to 136 EMS calls;173 Fire calls; ECC had a total of 1,101 calls for service. Responders included Fire, Rescue, Sheriff’s Office, ECC Dispatchers, and VDOT. “Everyone pulled together and made it work. We couldn’t stop the snow, but we could minimize the effect.” Mr. Coffield mentioned the gridlock at Pilot in Greenville. Because of discussion with Timmy Fitzgerald, of VDOT, and Chairman Garber, the question was asked where to put vehicles when they need to get off of the Interstate. It was asked if the Government Center could be considered and Chairman Garber asked that it be looked at from the staff level. Mr. Howdysshell added that each interstate exchange should be evaluated and coordinated with VDOT. Mr. Coleman felt that staff should do the research to determine the best place for this type of service. He asked if Expo would be appropriate. Mr. Howdysshell felt that the terrain would be a problem at Expo. Mr. Beyeler felt that this facility at the Government Center was probably the best.

Chairman Garber asked if he could get a report of Emergency calls in a 7-day period.

Mr. Howdysshell asked if the County was going to be able to recapture any funding. Mr. McGehee said that ECC has applied for assistance but not received any response, yet. Calculation needs to be made to determine if the County qualifies as a disaster area.

- 4. Houff’s Feed & Fertilizer Company – a permit with DEQ is required for the land application of sludge. A public hearing will be held at Riverheads High School on January 20<sup>th</sup> at 6:00 p.m. for additional sludge to be added to current permit.
- 5. Source Water Protection Ordinance – Agenda for joint meeting with ACSA and Planning Commission on January 19<sup>th</sup>, at 8:30 a.m., in the South Board Room. The agenda and backup was distributed. Mr. Howdysshell added that there would be a tour and encouraged the Board to look at all maps.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 6. VDOT Enhancement Program – Transportation Enhancement Program Policy Changes distributed to Board. The proposed policy change focuses on the following goals: 1) focusing resources on completing existing projects; 2) applying any funding for new projects to those that promote core transportation functions; 3) modifying policy to better enable projects to reach completion.
- 7. Proposed 2010-11 Budget Calendar distributed to Board. Board of Supervisors Work Sessions: 3/29/10 & 3/30/10; Public Hearing: 4/21/10; Adopt Budget: 5/5/10
- 8. Comparison of Tax Collection Rates as of January 1, 2009 and January 1, 2010 distributed to Board. Real Estate: 2008 – 96.2%; 2009 – 95.3%; Personal Property: 2008 – 88.2%; 2009 – 88.3%; Meals Tax: 1.9%.

County Administrator asked the Board if they had any guidance regarding the FY2010-11 budget. He noted that Governor Kaine’s budget reflects \$1.3 million reduction in Compensation Board funding from revenues originally approved by the State for the current Fiscal Year. If not, he would be developing his budget based upon estimated local taxes and state revenues. To cover State Compensation Board reductions, would require that the real estate tax rate go up approximately 2¢. To cover Compensation Board, County agencies, and School Board revenue reductions, would require the real estate tax rate to go up approximately 6¢. To balance the budget without additional revenue resources, will require dramatic program and staffing reductions.

- 9. Coyote Annual Report – John McGehee distributed report to Board. In 2009, collected 326; in 2008, collected 269

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ADJOURNMENT

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

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

Nays: None

Absent: Sorrells and Pyles

Motion carried.

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Chairman

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County Administrator