
Regular Meeting, Thursday, November 12, 2009, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Larry C. Howdysshell, Chairman
Gerald W. Garber, Vice-Chairman
David R. Beyeler
Wendell L. Coleman
Tracy C. Pyles, Jr.
Jeremy L. Shifflett
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Jennifer M. Whetzel, Director of Finance
John C. McGehee, Assistant County Administrator
Patrick J. Coffield, County Administrator
Rita R. Austin, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Thursday, November 12, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 234th year of the Commonwealth....

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

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Picco Gabellieri, a senior at Wilson Memorial High School, led the Pledge of Allegiance. Picco is on the Varsity Travel Soccer Team and enjoys art. He attends the Governor School for the Studio Arts. He hopes to attend Ringling College in Florida for computer animation for game design and development.

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

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NATIONAL PHILANTHROPY DAY – PROCLAMATION

Ms. Sorrells mentioned that philanthropy means giving back to the community and felt that the Board works hard to do that, “that’s our number one reason why we’re here”.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board adopt the following proclamation:

PROCLAMATION

WHEREAS, philanthropy is a vital aspect of any community and is a necessity in the County of Augusta; and

WHEREAS, American philanthropy is responsible for the creation of life-saving fire departments and rescue squads, educational libraries and schools, care-giving homes for those in need, and nearly any other service where it is considered necessary; and

WHEREAS, the County of Augusta recognizes the importance of volunteering and donating as acts of charity in the community; and

WHEREAS, the Association of Fundraising Professionals, with its high ethical and developmental standards, observes the annual National Philanthropy Day on the twenty-third day of November; and

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NATIONAL PHILANTHROPY DAY – PROCLAMATION (cont'd)

WHEREAS, the Shenandoah Chapter of the Association of Fundraising Professionals will be hosting an award luncheon honoring local philanthropists, donors, and volunteers both individual and corporate; and

WHEREAS, local philanthropists, donors, and volunteers, whether individual or corporate, should be recognized for their efforts to educate the public and enrich American society; and

WHEREAS, this year’s National Philanthropy Day award recipients are: **Youth in Philanthropy Award**, Amber Hohnke, a Broadway High School junior, nominated by The Salvation Army; **Spirit of Community Award**, Fred and Carol Showker of Weyers Cave, nominated by Harrisonburg Children’s Museum; **Volunteer Philanthropist Award**, Kay Daggy Neff of Waynesboro, nominated by James Madison University; **Individual Philanthropist Award**, Joe and Debbie Showker of Harrisonburg, nominated by James Madison University; **Corporate Philanthropist Award**, Young, Nicholas, Branner & Phillips of Harrisonburg, nominated by Rockingham County Educational Foundation; **Sandra S. Neff Fundraising Executive Award**, Kevin Callanan, Valley Health of Winchester, nominated by the AFP Shenandoah Chapter Board of Directors; and

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors hereby proclaims November 23, 2009 as National Philanthropy Day in Augusta County, and encourages all citizens of the area to acknowledge and participate in acts of philanthropy so that our community might continue to strengthen and progress with the help of its residents.

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

Nays: None

Motion carried.

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MIDDLEBROOK VOLUNTEER FIRE DEPARTMENT – RESOLUTION

Ms. Sorrells did not feel the necessity of reading the resolution because she plans to present it to them at their annual dinner, but she did note 1) that Middlebrook Volunteer Fire Department turns 60 years old this year; 2) their first fire engine, which was purchased in 1954, cost \$9,600 (\$76,000 in today’s dollars); and 3) there are two people who have been in the company over 50 years - Bill Brubeck has 59 years, John Pilson has 55 years.

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

**RESOLUTION
MIDDLEBROOK VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the Middlebrook Volunteer Fire Department was started in 1949, which makes it 60 years old this year; and

WHEREAS, founding members were: Oser Beard (who was the first chief), Charlie Almarode, Letcher Clemmer, Walter Lucas, Walter Rosen, J. Guy Rosen, Jr., Robert Cason, Richard D. Arehart, Frank Smiley, Charlie Lucas, and Lewis Buchanan; and

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MIDDLEBROOK VOLUNTEER FIRE DEPARTMENT – RESOLUTION (cont'd)

WHEREAS, initially the company fought fires using a two-wheeled tank pulled by two men and drove a panel truck with a portable pump, some fire hose, and a ladder; and

WHEREAS, in 1954, they ordered their first fire truck from John Bean Co. in Tipton, Indiana, at a cost of \$9,600 (about \$76,000 in today's dollars) and burned the bank note on that truck a year later; and

WHEREAS, in 1954, with the help of the Stuarts Draft Fire Department & the Middlebrook Ruritan Club, they began having carnivals and some form of fundraising has continued since that year; and

WHEREAS, the Middlebrook High School agriculture building was used to house the fire truck purchased in 1954 until the present fire station was built in 1957 at a cost of \$19,000; and

WHEREAS, the fire dept was incorporated in 1957; and

WHEREAS, together with the Middlebrook Ruritans a ball field with lights was established in 1957 allowing the Ruritans to begin horse shows and the Fire Department to host a softball league; both of which have continued since, and the ball field has been maintained and upgraded over the years; and

WHEREAS, over the years, the fire department has continued to upgrade the building, which is used by the Ruritans and as a community for such events such as voting, receptions, and parties; and

WHEREAS, Middlebrook Volunteer Fire Department has responded to 221 emergency fire and medical calls this year as of September, 2009; and

WHEREAS, Middlebrook Volunteer Fire Department maintains 1 Engine, 1 Tanker, 1 Brush Truck, and a First Response vehicle added this year, which has improved the Department's ability to provide EMS First Response service in a safer, more efficient and timely manner; and

WHEREAS, the current officers are: Chief Tommy Hughes, Assistant Chief Dean Caldwell, Captain Lester Hughes; Lieutenant Mike Gibson; and Lieutenant Isaac Wolf; and whereas Bill Brubeck has 59 years, John Pilson has 55 years, and Lester Hughes has 48 years of service in the Department; and

NOW, THEREFORE, BE IT RESOLVED that at the Regular Session meeting on Thursday, Nov. 12, 2009, the Augusta County Board of Supervisors wishes to commend the Middlebrook Volunteer Fire Department for 60 years of service to the citizens of the Middlebrook area in Augusta County.

BE IT STILL FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Augusta County Board of Supervisors and also presented to the Captain of the Middlebrook Volunteer Fire Department.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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November 12, 2009, at 7:00 p.m.

FIRE APPARATUS

The Board considered Committee's recommendations regarding purchase of new pumper.

John C. McGehee, Assistant County Administrator, advised that a memo and information concerning the vendor for the fire truck which the committee selected was attached to tonight's agenda. He explained that an RFP was advertised; on October 22, 2009, six proposals were received; an evaluation committee consisting of John McGehee (Assistant County Administrator), Carson Holloway (Fire Chief), Greg Schacht (Captain), Jennifer Whetzel (Director of Finance), and Douglas Wrenn (Chief, Weyers Cave Volunteer Fire Company) met after the receipt of proposals and ranked them. The group was short-listed to four and interviewed on November 3rd. After the interviews, the committee met to re-evaluate and recommends C. W. Williams (Rosenbauer) of Rocky Mount, N.C. as the supplier for the new rescue pumper at a final price of \$471,211. He noted that equipment for the rescue pumper will be procured at a later date with a budget figure of \$75,000.

Fire Chief Holloway gave a PowerPoint presentation on the history of Rosenbauer. He mentioned that they contacted references to confirm their ability to provide a quality product.

Ms. Whetzel added that Dunn and Bradstreet released a flyer that assisted in determining if the fire apparatus company is financially stable. Based on 2008 audited financial statements submitted by the vendors, she was able to calculate ratios recommended by Dunn and Bradstreet. She ran three ratios for Rosenbauer – Debt-to-Equity (comparing liabilities to owner's equity); Debt Coverage (comparing annual net income to current long-term debt to ensure payment); Equity Ratio (comparing owner's equity to total assets) – and found them all satisfactory and in compliance with Dunn and Bradstreet guidelines.

Mr. Pyles asked for the justification of this request. Fire Chief Holloway stated that this is part of the ten-year rotation on equipment. Every piece in Company 10 is rotated after 20 years. For example, the current engine is a 2000; the one this pumper is replacing is a 1989. Mr. Pyles asked if the pumper works. Fire Chief Holloway said that it did work but it is costing more for repairs. Mr. Pyles asked if it would cost \$40,000 yearly for the next 10 years to function. Fire Chief Holloway said that he would have to look at the figures. He noted that it has had some repairs this year. Mr. Pyles asked if the engine was functional if not replaced. Fire Chief Holloway said that it could serve the public but did not meet all the standards and criteria and reiterated that it should be replaced after 20 years.

Mr. Beyeler asked what the engine was. Mr. McGehee said that it was a 2007 C-13 Caterpillar. Mr. Beyeler asked who provided the bond. Mr. McGehee said that the bond would come from Rosenbauer.

Ms. Sorrells asked what was the range of figures presented by the vendors. Ms. Whetzel reported that they ranged from \$471,000 to \$556,000. Ms. Sorrells asked if, after repairs, there had been any problems in responding. Fire Chief Holloway said that a couple of times, it has broken down during a response. He stated that a turbo and some ejectors were problems.

Mr. Beyeler asked what the pay date and date of delivery would be if approved. Ms. Whetzel said it is 270 days from the time the order is placed with Rosenbauer and then payment would be made upon receipt of the vehicle with no down payment. Mr. Beyeler asked how much money was in the CIP account. Ms. Whetzel said \$482,623 was available. Mr. Beyeler asked if the \$75,000 was in the budget. Ms. Whetzel said it was not. Patrick J. Coffield, County

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FIRE APPARATUS (cont'd)

Administrator, explained that the Fire Appropriation Depreciation Account has a balance in excess of \$472,000.

Chairman Howdysshell asked for more detail on the 2007 engine compared to what a new engine would be in the future. Mr. McGehee stated that the 2007 engine is an engine that has been in many vehicles over the last four years. The 2010 EPA standard engine is probably just starting to go into vehicles. Captain Schacht elaborated that the EPA standards has a "particulate filter" that is required in diesel engines to burn off the excess carbon that is put off by diesel. With the 2010 standards, which is coming out December 31, 2009, it will cause the apparatus to increase \$18,000 to \$30,000. Rosenbauer has secured an engine, without Augusta County's approval, because they were sure that it would be sold even if Augusta County chose another vendor. The 2007 engine allowed not having to deal with extra emissions, which cuts down on the size of the apparatus and the extra cost. The motor is not any less efficient or any less performance-ready than the newer standard. Chairman Howdysshell noted that the cost would not be any higher than \$471,000 and possibly would be lower.

Mr. Pyles felt that, with this report just being given tonight, that the Board needed more time for consideration.

Mr. Pyles moved, no second, that the Board table this item until the next Board meeting.

Vote was as follows: Yeas: Pyles

Nays: Howdysshell, Sorrells, Garber, Beyeler,
Shifflett and Coleman

Motion failed.

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Mr. Beyeler asked how much time they had on the contract. Mr. McGehee said they had until November 24th on the engine. He apologized for not getting the information to the Board before tonight because of the RFP process. He added that when the Board approved doing the RFP, it was brought to the Board the budget figure that was well under that amount.

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

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

Nays: Pyles

Motion carried.

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CONSENT AGENDA

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

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CONSENT AGENDA (cont'd)

MINUTES

Approved minutes of the following meetings:

- Joint Meeting, Monday, September 28, 2009
- Regular Meeting, Wednesday, October 14, 2009
- Joint Meeting, Thursday, October 15, 2009
- Staff Briefing Meeting, Monday, October 26, 2009
- Regular Meeting, Wednesday, October 28, 2009

CLAIMS

Approved claims paid since September 9, 2009

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

Motion carried.

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(END OF CONSENT AGENDA)
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REVENUE RECOVERY POLICIES

The Board considered Committee recommendations regarding Revenue Recovery policies.

Mr. McGehee commended Melissa Meyerhoeffer and Minday Craun on their hard work on pulling the policies together and making sure the transition to Revenue Recovery is a smooth one. He stated that Minday Craun would be explaining the policies to the Board but added that, basically, policies needed to be established so that the billing company will know what to do in certain situations once implementation of Revenue Recovery begins.

Chairman Howdyshell asked Ms. Craun to give the names of the committee. The Revenue Recovery Committee consisted of John McGehee, Fire Chief Holloway, Melissa Meyerhoeffer, Patrick Morgan, and Minday Craun. Ms. Craun advised that these policies stemmed from the billing company. They need guidance in how to proceed with all of the billing procedures on how Augusta County wants to bill their citizens. Ms. Craun explained the following policies:

1. **Compassionate Billing Policy:** The Department of Health and Human Services, Office of Inspector General (OIG), has issued an opinion that states a jurisdiction can use taxes paid by their citizens as "out-of-pocket expenses". It is the recommendation of the committee to follow the OIG Opinion and waive any out-of-pocket expenses our County residents may incur. Out-of-County citizens will be billed for out-of-pocket expenses. They will receive a minimum of three bills and if a balance is still outstanding at this time, it will be written off. No one's bill will be sent to a collection agency.

NOTE: ESS is not using this policy. They are going to continue to bill citizens of Augusta County for whom they transport and offer them a \$50 subscription program plan. So depending on what transport unit takes the citizen to the hospital will determine if they get a bill for services.

During the research of polices, the agreements between Staunton Augusta Rescue Squad and Waynesboro First Aid Crew was reviewed. Ms. Craun noted that it is stated in the agreements that a subscription program will be offered.

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REVENUE RECOVERY POLICIES (cont'd)

A question was asked if they were to go with the OIG ruling, would the County umbrella them in case of litigation actions. Patrick J. Morgan, County Attorney, had provided his opinion letter which was attached to the advanced agenda package. Mr. Morgan advised that, since the County was protected by the defense sovereign immunity, the County should not enter into an agreement to indemnify SARS and Waynesboro Rescue.

Mr. Coleman expressed concerns that confusion may arise when Revenue Recovery is handled differently. Ms. Craun stated that the Committee felt that this was the best policy. Ms. Sorrells suggested the subscription fee would be more appropriate. Mr. Garber advised that these concerns were contract issues and should be discussed in Closed Session. Mr. Beyeler commented that Lyndhurst receives no taxes and would not be able to receive a waiver of the billing. Mr. Beyeler suggested using the subscription billing for the household because it would be less expensive. Mr. Coleman asked for clarification of the rates that would be billed. Ms. Craun stated that Medicare and Medicaid provides a pay schedule indicating the allowables for a rural area such as Augusta County (25% less than the proposed rate). Other insurance companies pay more than Medicare and Medicaid. The billing agent suggested that Augusta County charge 25% over what Medicare and Medicaid pays. SARS and Waynesboro charges 10% over.

2. **Mutual Aid Policy**: This will allow the transport unit to bill regardless of the first due areas.

NOTE: ESS has the same policy.

3. **Billing Rates Policy**: This policy outlines the definitions of each level of billable transports and asks that the rates be based on 125% above Medicare allowable rates/mileage for our rural area.

NOTE: ESS is not using this policy. Their policy states 110% above Medicare allowable.

4. **Non-Emergency Transport Policy**: This policy states that if agencies transport any of their citizens to and from doctor's appointments, treatments, etc., they will be considered non-billable.

NOTE: ESS has the same policy.

5. **Dead on Arrival Policy**: This defines what charges are billable and what charges are not for persons that are dead when the EMS transport arrives or if that person dies prior to transport.

NOTE: ESS has the same policy.

Ms. Craun mentioned there were other attachments to the agenda package:

1. Finance Internal Policies (internally handling of the billing)
2. ESS, LLC policies (company used by SARS & WFAC)
3. ESS, LLC subscription information, both residential and corporate
4. Agreements for Volunteer Agencies – Mutual Aid Agreement
5. Change recommendation from Patrick Morgan, County Attorney

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REVENUE RECOVERY POLICIES (cont'd)

Mr. Beyeler asked why the policies referred to Fire & Rescue and Law Enforcement. Ms. Craun explained that SARS and WFAC have a policy that they will send a bill to the insurance company for Volunteer, Fire & Rescue, EMS, 911, and Law Enforcement staff but will not bill them personally if they are hurt whether on duty or not.

Mr. Beyeler expressed concern regarding "distribution of funds". Jennifer M. Whetzel, Director of Finance, explained that the money would be placed into a Revenue Recovery Fund; the Board of Supervisors, during its annual budget process, would determine how much money would come out of the Revenue Recovery Fund and go to the General Fund to go to the Volunteers. Mr. Beyeler stated that most organizations could not operate a year without funds. Ms. Whetzel explained that checks could be disbursed any time during the year when needed in accordance with the Board of Supervisors appropriations. Ms. Craun added that there is a committee that is working on recommendations for distribution of the money. Those recommendations have been presented to the Officers Association this past month and the committee has asked for the Association's suggestions. Recommendations should be presented to the Board of Supervisors on December 9th for its consideration. Mr. Beyeler expressed concern for drop in donations. Ms. Craun stated that a research has shown that donations do not drop. Ms. Sorrells asked if SARS saw a drop. SARS said that they stopped conducting their annual fund drive so they saw a drop, but still get in a lot of donations without solicitation. Chairman Howdysshell stated that a report had been presented to the Officers Association regarding a "first cut" of anticipated distribution.

Mr. Beyeler asked if administrative costs had been determined. Ms. Craun said that they have looked at a position to manage and there will be a lock box and other banking charges. Mr. McGehee added that when the committee met with other jurisdictions who had implemented the program, it was determined that a full-time position (possibly 1.5) may be needed.

Mr. Pyles agreed that a policy needed to indicate distribution of funds. He noted that when the other organizations started, the County's contribution was phased out. He felt that there needed to be an understanding of how the money was going to be distributed. Is it going to be each month or when it comes in? He felt it was very important to have one billing agency for Staunton, Waynesboro, and Augusta County for efficiency purposes. He suggested that a "County funding" be established to cover that portion about taxes. He did not feel that you needed different companies for different people dependent on who transports the person. Mr. Beyeler agreed with Mr. Pyles and felt that the billing company could do the process more efficient than doing it in-house.

David Thomas, attorney for Stuarts Draft Rescue Squad (SDRS), advised the Board that SDRS would like to administer its own revenue recovery plan. The SDRS has expressed doing a similar revenue recovery program as SARS and WFAC. SDRS feels that they can successfully and economically institute its own program of revenue recovery and remove from the County any budgetary liability or cost for their services. Mr. Thomas stated that SDRS members believe "they can predict their future needs".

Mr. Pyles asked Mr. Thomas how much revenue SDRS expected to receive. Mr. Thomas stated that, based on the County's numbers for 2007 and 2008, with call numbers remaining essentially steady, the projections, given write-offs and assumptions that the County is using for its numbers as a whole, projects somewhere in the nature of \$340,000 to \$375,000. Mr. Pyles asked how much money SDRS benefits from the County. Mr. Thomas understood that SDRS received approximately \$86,000 to \$90,000 in FY09, plus the three full-time personnel (approximately \$150,000). Mr. Pyles pointed out that SARS and WFAC receives nothing from the County. Mr. Pyles asked Mr. Thomas to wait until supervisors approve a plan for how revenues will be

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REVENUE RECOVERY POLICIES (cont'd)

distributed among the six rescue squads involved. "You are better off getting the money from us."

Chairman Howdyshell reported the audit figures for 2007-08 totaling \$127,311, not including personnel (\$150,000).

Mr. Garber reiterated that the contract issues needed to be discussed in Closed Session.

Mr. Garber moved, seconded by Mr. Shifflett, that the Board table the item until November 23rd Staff Briefing.

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following issues:

Mr. Pyles: Economy – Asked the Board to scale back spending after learning that the County schools' state funding would be cut further next year. Because of an increase in the County's composite index, Augusta County will lose \$750,000 in basic state aid for education in 2010. "We have to recognize things are bad," Mr. Pyles said, "Our recovery is not like the past. People have lost too much money. People are saving more and spending less." Mr. Pyles said that the County must look at its financial reserves and consider ways to help the County school. He said there is a need for the purchase of new school buses. Reflected minutes where Mr. Shifflett supported spending.

Mr. Garber: Ordinances – Suggested that the Board members give feedback comments to Community Development staff to ensure concerns are identified and discussed.

Ms. Sorrells:

1. Middlebrook Volunteer Fire Department Annual Dinner – November 21st.
2. Resolution – Unused/Expired Medication Collection – Great success! Good regional effort.

Mr. Beyeler: Economy – Supervisors are aware of the economic issues; noted that some had seen their own incomes drop by as much as 40%.

Mr. Shifflett: Minutes – Argued with Mr. Pyles that he did not suggest to keep spending. The only things that he supported was the Library and the Greenville Fire Rescue Station.

Chairman Howdyshell: VACo meeting – Great discussions! Downward turn of the economy; elections process; resolutions approved. Will distribute information to the Board.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

- 1. Congressman Goodlatte indicated that the U.S. Senate is moving forward on the Indian Bill with Augusta County included.
- 2. Secretary of Defense – Statement of Support of the Guard and Reserve – has asked for Augusta County’s support.

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- 3. Beverley Manor Cemetery – Alternatives for the community to improve an abandoned cemetery. State of Virginia does have a process.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board authorize County Attorney to move forward with getting a Court order allowing the property to be cleaned.

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

Nays: None

Motion carried.

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- 4. Proposed Holiday Schedule for 2010

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board adopt the following Holiday Schedule for 2010:

Holiday Schedule 2010

Holidays	Observed
New Year’s Day	January 1
President’s Day	February 15
Memorial Day	May 31
Fourth of July	July 5
Labor Day	September 6
Columbus Day	October 11
Thanksgiving Day	November 25
Day after Thanksgiving Day	November 26
Christmas Day	December 24
Day before New Year’s Day	December 31
Personal Day (King Day-Lee-Jackson, Veterans Day)	
Total Days	(11) Eleven

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

Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

- 5. Expo Tour – Jerry Pence has invited the Board to go on a viewing to see all the improvements some time in the spring.

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- 6. Augusta, LLC – Greenville Traffic Control – Pilot private road - Trucks parking on shoulders causing problems. Ms. Sorrells added that a third business will never be developed if the problem is not resolved.

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board authorize County Attorney to draft an ordinance to regulate parking along a road awaiting acceptance into the State’s Secondary Road System and bring the draft ordinance back before the Board at a future meeting.

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

Nays: None

Motion carried.

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- 7. Legislative Dinner – December 9th at 5:00 p.m. in the Smith West Room.
- 8. Energy Grants pending: 1) HVAC System Audit; 2) Autogas Vehicle Conversion; 3) Energy Reduction Project
Mr. Coffield noted that he had signed the gasification project at the Landfill.
- 9. USDA Ballot – given to Chairman Howdyshell.

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- 10. Fire Department Request for Opticom for Frontier Drive – with increased traffic use, opticom is needed. VDOT funding (maintenance funds earmarked for traffic) is available. VDOT needs Board of Supervisors approval.

Mr. Shifflett moved, seconded by Mr. Beyeler, that the Board approve VDOT to install the opticom system at the intersection of Frontier Drive and Barterbrook Road. Funding source is the VDOT Secondary Road Fund.

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

Nays: None

Motion carried.

Ms. Sorrells suggested that an inventory of the opticom systems locations be done.

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- 11. Virginia Building & Code Officials Association (VBCOA) President’s Award for Excellence presented to Augusta County – “to recognize outstanding achievement or support of our mission: the protection of the health, safety and welfare of all persons who live, work or visit the Commonwealth of Virginia”.
- 12. Ordinances – On October 26th, the Board suggested that the Stormwater and Nuisance ordinances were to be discussed November 23rd. Asked if the Board still wanted these ordinances to be placed on November 23rd Agenda. There are FEMA regulations on flood control; Planning Commission may take action

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MATTERS TO BE PRESENTED BY STAFF (cont'd)

on the flood control issue on December 8th. Based on Planning Commission recommendations, it could possibly be discussed at the December 9th meeting. Mr. Beyeler suggested that a meeting be held some time in the week of December 13th and further discussed at the Organization Meeting on January 6th. It was the consensus of the Board to have a Special Meeting on December 15th at 1:30 p.m.

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CLOSED SESSION

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

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

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

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

Nays: None

Motion carried.

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CLOSED SESSION (cont'd)

On motion of Mr. Coleman, seconded by Mr. Beyeler, 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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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

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CLOSED SESSION (cont'd)

- 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, Sorrells, Pyles, Howdyshell, Shifflett 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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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: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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Chairman

County Administrator