

Regular Meeting, Wednesday, April 22, 2009, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: Larry C. Howdyshell, Chairman  
Gerald W. Garber, Vice-Chairman  
David R. Beyeler  
Tracy C. Pyles, Jr.  
Wendell L. Coleman  
Jeremy L. Shifflett  
Nancy Taylor Sorrells  
Patrick J. Morgan, County Attorney  
Dale L. Cobb, Director of Community Development  
Becky Earhart, Senior Planner  
Jennifer M. Whetzel, Director of Finance  
John C. McGehee, Assistant County Administrator  
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, April 22, 2009, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 233<sup>rd</sup> year of the Commonwealth....

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

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Jed Curtis, a senior at Wilson Memorial High School, led the Pledge of Allegiance. Jed is an Eagle Scout through Crimora Troop 81, plays football, runs track, and is currently the Captain of the track team. He hopes to attend Roanoke University and major in Physics and run track.

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Gerald W. Garber, Supervisor for the Middle River District, delivered invocation.

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#### THOMAS G. OR SHERRY H. SNYDER - REZONING

This being the day and time advertised to consider a request to rezone from Single Family Residential to General Agriculture approximately 2.5 acres owned by Thomas G. or Sherry H. Snyder, located on the south side of Parkersburg Turnpike (Route 254) just west of the intersection with Village Green Drive (Route 1082) (Pastures). The Planning Commission recommends denial.

Becky Earhart, Senior Planner, displayed the property outlined in pink. Green indicates Single Family Residential; blue is property zoned General Agriculture. The applicant has submitted the following proffers:

1. Public water and sewer will be utilized in the development of this property.
2. No manufactured or mobile homes will be allowed on the property.
3. No livestock, poultry, or swine will be permitted on this property.

This property was rezoned to Single Family Residential in September, 1992 when the County undertook a Community Development Block Grant project, which provided water and sewer services to that area. Road improvements were also done; however, it was not completed because of lack of funding. This property is in an Urban Service Area and slated for Medium Density Residential development. Public water and sewer are available.

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THOMAS G. OR SHERRY H. SNYDER – REZONING (cont'd)

Sherry Snyder, applicant, stated that she would like her property rezoned to General Agriculture so that she could create a lot without public road frontage through Family Member Exception for her son to build a home. Misty Dawn Lane does not currently extend over to this property as a public street; however, it could be built to state standards and the lot could be created under the existing residential zoning. She noted to meet VDOT standards, it would cost \$15,000 to \$20,000 and would cause a hardship for her son. Ms. Snyder noted that she has spoken with her neighbors and they have no objections to rezoning the property. She added that the property is not part of Beverley Village or Blackburn Addition.

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. Pyles felt that this request is a good transitional zoning.

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

A request to rezone from Single Family Residential to General Agriculture approximately 2.5 acres owned by Thomas G. or Sherry H. Snyder, located on the south side of Parkersburg Turnpike (Route 254) just west of the intersection with Village Green Drive (Route 1082) in the Pastures District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel number A on tax map number 54A(5) containing approximately 2.5 acres is changed from Single Family Residential to General Agriculture with the following proffers:

1. Public water and sewer will be utilized in the development of this property.
2. No manufactured or mobile homes will be allowed on the property.
3. No livestock, poultry, or swine will be permitted on this property.

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THOMAS G. OR SHERRY H. SNYDER – REZONING (cont'd)

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

Nays: Beyeler

Motion carried.

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BOYINGTON PROPERTIES, LLC – AMENDMENT

This being the day and time advertised to consider a request to amend the proffers on approximately 9.9 acres owned by Boyington Properties, LLC located on the south side of Jefferson Highway (Route 250) just east of the intersection with Aero Drive (Route 1006) (Wayne District). The Planning Commission recommends approval of the revised proffers.

Ms. Earhart displayed the property outlined in pink. The applicant submitted the following proffers:

1. There will be no business development on the west side of Pratt’s Run.
2. No freestanding sign shall exceed 25’ in height.
3. The total sign area per parcel will not exceed 2 square feet per linear foot of lot frontage.
4. Prohibited Uses shall include: gasoline retail outlets, warehouses and distribution centers.
5. Prohibited uses on Lots 2,3,4, and 5 as shown on the plan identified as Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc., shall include restaurants with drive-through windows.
6. Access will be provided to adjacent property identified as Tax Map 67, Parcel 67 as shown on Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc. No additional development on any lots in Boyington Place will occur until the improvements as described on Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc. are bonded in a form acceptable to the County.
7. No building permit for Lots 4 and 5 as shown on Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc. may be applied for until the developer has obtained a Final Letter of Map Revision from FEMA for all improvements covered by the Conditional Letter of Map Revision for the site.

Ms. Earhart noted that the major change to the proffers related to access to the property. Originally, the property was rezoned from Residential to Limited Business. At that time, a proffer was accepted by the County which required access to be provided to the adjacent property. The County concern, at the time, was a need for a second way in and out for the residents of Bridgeport Subdivision. The proffer regarding access to the adjacent property was expected to accomplish that second means of access for the residents. Over time, this property has been sold and

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BOYINGTON PROPERTIES, LLC – AMENDMENT (cont'd)

boundary-line-adjusted where a portion of the property is owned by one entity and another owned by Boyington Properties. Pratt's Run is the property line. Boyington Properties owns business property that is limited by a proffer that they must provide access to a point somewhere in the middle of Steven Byrd's property. Boyington Properties wishes to be relieved of its obligation to build a road through someone else's property. However, the County wants to ensure that the connection is made from Bridgeport to Route 250. At the current time, no additional development of the business property is being allowed pending compliance with the proffers. Compliance could be in the form of building the road to the point originally covered in the proffers, bonding the construction of the road, or seeking an amendment of the proffers. Under the new proffers, Boyington Properties will grade and seed the roadbed over Pratt's Run, build the required stormwater facilities, and dedicate the right-of-way to allow for the future road connection. They are also proffering that there will be no building permits allowed for Lots 4 and 5 until a final letter of map revision from FEMA has been approved.

The property has been zoned Limited Business since July, 1998, and is in an Urban Service Area and slated for Business development. Public water and public sewer are available.

The Chairman declared the public hearing open.

Howard Vance, with Balzer & Associates, and representative for Boyington Properties, LLC, advised that it was his client's desire to amend the proffers in order to continue the business development. He noted that it would help the subject property and the adjoining property and he was available to answer questions.

Steven Boyd, owner of adjacent property, stated that he has never been approached about the temporary construction easement. He asked how the new proffers ensured the construction of Boyington Boulevard from Route 250 any more than the existing proffers that are in place. He noted that there was a large portion of the road uncompleted even with the new proffers. He understood that there was 150 feet from the creek (center line) which would be dedicated to the County. Once that is dedicated, he asked if the County was going to ensure that, once Mr. Byrd puts his road through to Bridgeport, the road is brought up to state standards with curb and gutter and asphalt; or, is Boyington Properties, LLC going to bond that portion of the road? Mr. Byrd was told that he could not bring a road across the creek into his property and it stop and be partially finished by the Community Development staff. He asked how that could be done now. Mr. Byrd also expressed concerns about FEMA requirements, utilities, and dedication of the unfinished road that surrounds the project. He noted that the original agreement was that the project be done together and meet in the center of the creek, which was the property line. He asked that the Board table the issue until these questions were answered.

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

Mr. Vance said that it was clearly understood that Mr. Byrd's agreement is needed to continue with the project. He advised that it was his client's desire to get Board of Supervisors' approval with the project and then work with Mr. Byrd. He added that, with this agreement, Boyington Properties is proposing to install the storm structures under the road crossing. They are also proposing to build a detention pond which will also serve Mr. Byrd's property. He noted that the original agreement with the previous owner had been to share costs.

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BOYINGTON PROPERTIES, LLC – AMENDMENT (cont'd)

Mr. Coleman advised that he has worked diligently with all parties involved to come up with a win-win solution. He felt that tonight's request was an opportunity to clean up the proffers.

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

A request to amend the proffers on approximately 9.9 acres owned by Boyington Properties, LLC located on the south side of Jefferson Highway (Route 250) just east of the intersection with Aero Drive (Route 1006) in the Wayne District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Proffers for parcel number 70B on tax map number 67 and parcel number 1 on tax map number 67C2(7) containing approximately 9.9 acres are amended as follows:

1. There will be no business development on the west side of Pratt's Run.
2. No freestanding sign shall exceed 25' in height.
3. The total sign area per parcel will not exceed two (2) square feet per linear foot of lot frontage.
4. Prohibited uses shall include: gasoline retail outlets, warehouses and distribution centers.
5. Prohibited uses on Lots 2, 3, 4, & 5 as shown on the plan identified as Exhibit A "Boyington Place" dated March 3, 2009 and prepared by Balzer and Associates, Inc., shall include restaurants with drive-through windows.
6. Access will be provided to adjacent property identified as Tax Map 67, Parcel 67 as shown on Exhibit A "Boyington Place" dated March 3, 2009 and prepared by Balzer and Associates, Inc. No additional development on any lots in Boyington Place will occur until the improvements as described on Exhibit A "Boyington

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BOYINGTON PROPERTIES, LLC – AMENDMENT (cont'd)

Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc. are bonded in a form acceptable to the County.

7. No building permit for Lots 4 and 5 as shown on Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc. may be applied for until the developer has obtained a Final Letter of Map Revision from FEMA for all improvements covered by the Conditional Letter of Map Revision for the site.

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

Nays: None

Motion carried.

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WILLIAM THEODORE BEAR, III – REZONING

This being the day and time advertised to consider a request to rezone from Single Family Residential to General Business with proffers approximately 0.6 acres owned by William Theodore Bear, III located in the southwest quadrant of the intersection of Green Hill Lane (Route 836) and Buffalo Gap Highway (Route 42) in Churchville (Pastures District). The Planning Commission recommends approval of 0.489 acres with revised proffers.

Ms. Earhart displayed the 0.489 property outlined in pink. The applicant has submitted the following proffers:

1. There will be no direct access off of Buffalo Gap Highway (Route 42).
2. The only permitted use of the property will be a parking lot.
3. Construction of the parking lot with at least 25 spaces must be completed within 12 months of rezoning approval. In addition within 12 months of rezoning approval, a 3’ tall masonry wall or 3’ tall fence constructed of woven wire, split rail, vinyl or similar type conventional fencing material will be constructed and permanently maintained along the proposed drainfield site as depicted on the plat prepared by Lotts, Austin & Associates entitled “Site Plan for Bear Funeral Home” dated February 9, 2009.
4. The applicant shall apply for a lot width variance from the Board of Zoning Appeals. If granted, within 120 days of this zoning application being approved, the business zoned portion of the property will be divided into a separate lot to include the drainfield easement granted to the adjacent residential lot. If the variance is not granted, the applicant need not divide the property into two separate lots, however, proffers 1-3 will remain in full force and affect.

The property is currently zoned Single Family Residential and is completely surrounded by Single Family Residential zoning that was done in October, 1947. It is in a Community Development Area and slated for Low Density Residential development. Public water is available; public sewer is not. Ms. Earhart also displayed a site plan map to designate the property. She noted a portion of the reserve drainfield which is available for the existing house extends on to the business piece of property but will be protected by the fence or wall.

The Chairman declared the public hearing open.

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WILLIAM THEODORE BEAR, III – REZONING (cont'd)

William T. Bear, III, applicant, asked that the zoning be changed for the sole purpose of providing parking for Bear Funeral Home. He noted that Bear Funeral Home has been surviving on special use permits. Overflow parking is accommodated on both sides of Route 42 creating an unsafe condition. This rezoning would correct the problem.

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

Mr. Pyles stated that "Bear Funeral Home predates any zoning that we may have had in Augusta County" and felt that it is important to support this request.

Mr. Pyles moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance with proffers:

A request to rezone from Single Family Residential to General Business with proffers approximately 0.6 acres owned by William Theodore Bear, III located in the southwest quadrant of the intersection of Green Hill Lane (Route 836) and Buffalo Gap Highway (Route 42) in Churchville in the Pastures District.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel number 29A (portion) on tax map number 34 containing approximately 0.489 acres is changed from Single Family Residential to General Business with the following proffers:

1. There will be no direct access off of Buffalo Gap Highway (Route 42).

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WILLIAM THEODORE BEAR, III – REZONING (cont'd)

- 2. The only permitted use of the property will be a parking lot.
- 3. Construction of the parking lot with at least 25 spaces must be completed within 12 months of rezoning approval. In addition within 12 months of rezoning approval, a 3' tall masonry wall or 3' tall fence constructed of woven wire, split rail, vinyl or similar type conventional fencing material will be constructed and permanently maintained along the proposed drainfield site as depicted on the plat prepared by Lotts, Austin & Associates entitled "Site Plan for Bear Funeral Home" dated February 9, 2009.
- 4. The applicant shall apply for a lot width variance from the Board of Zoning Appeals. If granted, within 120 days of this zoning application being approved, the business zoned portion of the property will be divided into a separate lot to include the drainfield easement granted to the adjacent residential lot. If the variance is not granted, the applicant need not divide the property into two separate lots, however, proffers 1-3 will remain in full force and affect.

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

Nays: None

Motion carried.

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GLADYS B. OR PEGGY L. WONDERLEY – MIDDLE RIVER AGRICULTURAL AND FORESTAL DISTRICT

This being the day and time advertised to consider a request to add approximately 259.2 acres to the Middle River Agricultural and Forestal District owned by Gladys B. or Peggy L. Wonderley located on the east side of Rockfish Road (Route 865) just east of the intersection of Battlefield Road (Route 865) and Snowflake Mill Road (Route 769) (Middle River District). The Planning Commission recommends approval.

Dale L. Cobb, Director of Community Development, displayed the property outlined in red. He noted that the applicants did not meet the deadline of renewal to include the property and is asking that it be included. Currently, there is 5,435 acres in the district; if this property is included, it will be 5,694 acres.

The Chairman declared the public hearing open.

Bud Shaver, applicant, currently rents the farm and reiterated that he failed to meet the deadline of renewal.

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

Mr. Garber moved, seconded by Mr. Coleman, that the Board adopt the following ordinance with reference to the Middle River Agricultural and Forestal District:

**AN ORDINANCE TO REVISE THE MIDDLE RIVER AND MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICTS IN AUGUSTA COUNTY**

WHEREAS, it is the public policy of the Commonwealth of Virginia, as set forth in the Agricultural and Forestal Districts Act (Title 15.2, Chapter 43, Code of Virginia, 1950, as amended), to conserve and protect agricultural and forestal lands as valued natural ecological resources;



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**GLADYS B. OR PEGGY L. WONDERLEY – MIDDLE RIVER AGRICULTURAL AND FORESTAL DISTRICT (cont'd)**

WHEREAS, by ordinance adopted on November 14, 1990, the Middle River Agricultural and Forestal District was created;

WHEREAS, by ordinance adopted on December 9, 1998, the Middlebrook Agricultural and Forestal District was created;

WHEREAS, pursuant to § 15.2-4314 owners of land lying in such districts may file with the locality a written request to withdraw all or part of their land from the district for good and reasonable cause;

WHEREAS, pursuant to § 15.2-4310 additional parcels of land may be added to an existing district;

WHEREAS, Gladys B. Wonderley and Peggy L. Wonderley Tax Map Parcel Nos. 28-105 and 28-108B, have made application that their property be added to the Middle River Agricultural and Forestal District;

WHEREAS, Ernst C. and Kelli S. VonArnsvaldt, Tax Map Parcel Nos. 80-66 and 80-66A have made application that their property be removed from the Middlebrook Agricultural and Forestal District; and

WHEREAS, such removal and addition will not affect the review period for either of the Districts;

WHEREAS, it is in the best interest of the citizens of the County to approve said applications.

NOW, THEREFORE, be it ordained by the Board of Supervisors of Augusta County, Virginia, that:

1. The Code of Augusta County be, and hereby is, amended by the revision of Chapter 3, Article 1, § 3-2 entitled "District described" and Article 3, § 3-22 entitled "District described," as follows:

CHAPTER 3. AGRICULTURE AND FORESTAL DISTRICTS

ARTICLE I. MIDDLE RIVER AGRICULTURAL AND FORESTAL DISTRICT

**§ 3-2. District described.**

The Middle River Agricultural and Forestal District shall consist of the following territory:

approximately ~~5,435~~ 5694.253 acres situated in the Middle River District of Augusta County, Virginia, lying east of Interstate 81; both east and west sides of Route 778 (Knightly Mill Road), Route 774 (Broad Run Road), Route 774 (Cline River Road), and Route 865 (Rockfish Road); both north and south sides of Route 608 (Battlefield Road), Route 775 (Buttermilk Road), and Route 775 (Craig Shop Road); on the north side of Route 777 (Knightly Lane); both north and south sides of Route 728 (Patterson Mill Road); on the southwest side of Route 774 (Piedmont Road) and including parcels shown on County Real Estate maps as of the effective date of this Article as parcels numbered 27-123B, 27-124, 27-127, 27-128, 27-129, 27-129A, 27-131, 27-132, 27-135, 27-136, 27-138A, 27-143, 27-153, 28-19, 28-23B, 28-35, 28-36B, 28-38, 28-38A, 28-83, 28-84, 28-85, 28-86, 28-91, 28-91A, 28-91C, 28-93A, 28-94, 28-94B, 28-95, 28-96, 28-97, 28-98, 28-99, 28-99A, 28-102, 28-105 and 28-108B, 37-54, 37-63, 37-63B, 37-91, 37-92, 37-103B, 37-114, 38-3, 38-4, 38-5A, 38-7, 38-34, 38-34A, 38-48, 38-49, 38-50, 38-53, 38-53A, 38-53B, 38-57, 38-58, 38-68, 38-68A, 38-68B, 38-68C, 38-69, 38-75H, 38-93, 38-93A, 38-93B, 38-93C, 38-93D, 38-94E, 38-97, 38-102, 38-123, 39-4, 39-5, 39-5B, 39-9, 39-9A, 39-10, 48-99, 48-100B, and 48-10.

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GLADYS B. OR PEGGY L. WONDERLEY – MIDDLE RIVER AGRICULTURAL AND FORESTAL DISTRICT (cont'd)

ARTICLE III. MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT

§ 3-22. District described.

The Middlebrook Agricultural and Forestal District shall generally consist of the following territory:

Approximately ~~3,949.75~~ 3849.961 acres of land lying on the south side of the intersection of Middlebrook Road (Route 252) and Dutch Hollow Road (Route 726) and as far south as the Rockbridge County line and including parcels shown on County Real Estate maps as of the effective date of this Article as parcels numbered 80-24, 80-27, 80-30, 80-30B, 80-53, 80-63, 80-64 (portion only), ~~80-66, 80-66A~~, 80-67, 81-1, 81-1A, 81-2, 81-3, 81-3A, 81-4 (portion only), 81-5, 81-5A, 81-8, 81-11, 81-15, 81-19, 87-3A, 87-5A, 87-8C, ~~87-24~~, 87-24A, 87-26A, 87-29, 87-30, 87-30A, and 87-30B.

The specific boundaries of the Middlebrook Agricultural and Forestal District are established as shown on a map entitled "Middlebrook Agr & Forestal District," revised August 20, 2007. Such map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article. A copy of the map, properly attested, shall be filed in the office of the Director of the Community Development Department and shall be available for inspection by the public.

2. This ordinance shall become effective upon enactment.

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

Nays: None

Motion carried.

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ERNST C. OR KELLI S. VON ARNSWALDT – MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT

This being the day and time advertised to consider a request to withdraw approximately 99.8 acres from the Middlebrook Agricultural and Forestal District owned by Ernst C. or Kelli S. Von Arnswaldt located on the south side of Middlebrook Road (Route 252) across from the intersection of Middlebrook Road (Route 252) and McKinley Road (Route 682) (Riverheads District). The Planning Commission recommends approval.

Mr. Cobb advised that this was renewed recently and displayed the two pieces of property outlined in red that the applicant would like to have withdrawn from the Middlebrook Agricultural and Forestal District. The purpose of removing the property is that the applicant would like to apply to the Board of Zoning Appeals for a special use permit for a dog kennel. Currently, there is 3,949 acres in the district; if this property is removed, it would be 3,849 acres.

The Chairman declared the public hearing open.

Max Von Arnswaldt, applicant, reiterated that he would like to apply for a special use permit in order to be in compliance to have permission to own more than four dogs on his 99-acre property.

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

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ERNST C. OR KELLI S. VON ARNSWALDT – MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT (cont'd)

Ms. Sorrells mentioned that the Von Arnswaldts are very supportive of an Agricultural and Forestal District, but there is a technicality in the ordinance about having a fifth dog on their property. She supports their request but expressed that the County needs to “fix” this technicality and look at the special use permit for dogs in the Agricultural area before 2014.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board adopt the above-mentioned ordinance with reference to the Middlebrook Agricultural and Forestal District.

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

Nays: None

Motion carried.

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**(END OF PUBLIC HEARINGS)**

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Chairman Howdyshell advised the public that these items had been discussed at the Staff Briefing on Monday in great detail and property had been viewed.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Chairman Howdyshell asked that the public and speakers be respectful to each other.

REVENUE RECOVERY

The following speakers opposed Revenue Recovery:

Francis Chester, Jerome Walus, John L. Coffman, and Richard Armstrong

Mr. Chester read from the Constitution indicating that the public should not have a time limitation of their freedom to speak. The speakers felt that the plan could hurt the County’s ability to field the current level of volunteers and that the fees would further burden residents facing economic struggles. Mr. Walus expressed concern that the elderly residents would hesitate to call emergency services because they do not want to be charged. It was noted that the bulk of revenues would come from insurance coverage for those taken to the hospital. Mr. Armstrong mentioned that a criminal complaint was going to be served on 11 government officials.

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AUGUSTA SPRINGS PARK

The Board considered allocating funding to install alternative engineered septic system pending Health Department approval.

Funding Source: Pastures Infrastructure Account #80000-8014-52 (\$25,000)

Patrick J. Coffield, County Administrator, advised that this item had been discussed at the Staff Briefing on Monday. Previously, the Board had authorized funding from the Pastures Infrastructure Account and Recreation Accounts for improvements and development of this park. The original design was for a traditional septic field. After further investigation and meetings with the Health Department, it was determined that a traditional septic system would not work. Several types were considered; it was determined that the most cost-effective system was the alternative engineered septic system at a cost of \$30,000; \$5,000 was included in the original budget leaving an amount of \$25,000.

Mr. Pyles felt that investments are sometimes needed to improve an area. He noted that a smaller park was started in downtown Augusta Springs. Because of the bankruptcy at Stillwater and the possible loss of control of recycling center, this particular property was purchased. Mr. Pyles strongly supported this request.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the request, pending the Health Department's approval.

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

Motion carried.

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CHURCHVILLE VOLUNTEER FIRE-RESCUE

The Board considered request for funding to assist in purchasing and installing an emergency generator.

Funding Source: Pastures Infrastructure Account #80000-8014-56 \$9,674.79

John C. McGehee, Assistant County Administrator, reported that the Churchville Volunteer Fire and Rescue Department has installed a generator that will back up the entire building in case of an emergency or power outage. They received a grant in the amount of \$20,000 for a \$30,000 project and has requested that the remainder be paid out of the Pastures Infrastructure Account.

Mr. Pyles mentioned at the last meeting that he was supportive of this amount that Churchville Volunteer has spent a great deal of money in preparation for the career people. He noted that they had a problem with a waterline costing a great deal of money and added that the generator is necessary for an emergency facility.

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

Chairman Howdysshell mentioned that this could have gone through the grant program.

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

Motion carried.

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WEYERS CAVE FIRE FLOW

The Board considered allocating funding from following accounts to address fire flow deficiencies (County match):

Funding Sources:

CIP/ACSA Account	#80000-8149	\$270,000	50%
Middle River Infrastructure Account	#80000-8012-60	135,000	25%
North River Infrastructure Account	#80000-8013-27	<u>135,000</u>	25%
		\$540,000	

Mr. Coffield advised that at Monday's Staff Briefing VHDA Housing Tax Credits was discussed. One of the issues of The Landings project going forward was fire flow in the Weyers Cave community. The thought on Monday was to address the fire flow and then allow the VHDA item to follow. Augusta County Service Authority has provided a proposal for addressing fire flow. What has been proposed is that the developer will make a contribution of \$239,000 (one-third of the project); the remaining portion of the project is \$540,000. The recommendation is from the Middle River and North River Infrastructure Accounts (25% each) and the countywide water and sewer account (50%). The second issue was VDOT's entrance permit which the local residency office was addressing.

Mr. Garber felt that this problem needed to be fixed, realizing that the developer needed to contribute. He noted that the waterline under the interstate is inadequate. The problem can be cured from the Mount Sidney water system on Route 11.

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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VHDA – HOUSING TAX CREDITS

The Board considered request by applicants for County endorsement of rental projects.

- a) The Landings @ Weyers Cave (North River District) – 84 units
- b) Waterford Village (Wayne District) – 96 units

Mr. Coffield reported that both items are requests from VHDA. They have received applications from two developers for two different housing projects. The State of Virginia provides financing; statewide applications are submitted; the State evaluates the applications and assigns points. Determination of funding will be based upon a point system. Projects receiving local government endorsement/support receive greater points.

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VHDA – HOUSING TAX CREDITS (cont'd)

The Landings @ Weyers Cave

The Landings @ Weyers Cave is a development at the interchange, north of the Exxon and Subway. Waterford Village is on Imperial Drive off of Route 250. Project summaries were provided by the applicants.

William Park, President of Pinnacle Construction, in Charlottesville, Virginia, advised that he is working with Rupen Shah on his property at Route 11 and Route 256. This is a mixed use property, currently Commercial, and back portion is zoned multi-family. He reiterated that the process is a very competitive process to get tax credits. The tax credits, if allocated to the project, are sold to corporations; the corporation, in turn, provides money to the project, which lowers the debt on the project and allows an affordable rent to be charged. What is being proposed is 84 units, a combination of 60 2-bedroom units (\$675 rent), 1,065 square footage; and 24 3-bedroom (\$775 rent) 1250 square footage units. Additionally, there will be a community room with on-site management and leasing personnel on site. Target income range is \$24,000 to \$34,000 range. Mr. Park added that this project is a sustainable project; that is having appliances that are low on energy, windows that meet certain guidelines, HVAC system has to meet certain requirements, etc.

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Waterford Village

Eric Shipplett, of Countryside Service Company, distributed a packet about the Humanities Foundation to the Board. Within the packets were letters of introduction and endorsement from the City of Charleston and the Housing Authority. Also, included were information of their current projects. The Humanities Foundation would like to expand their affordable housing projects into Augusta County. They would like to build a three-level, 96-unit, garden-style apartment on 12 acres on Imperial Drive.

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

Chairman Howdysshell commented “this is the first step of a long process these gentlemen will have to go through to secure approvals for these projects. There are other criteria that they probably will have to meet with other agencies of government.”

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

        Nays: None

Motion carried.

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AFTON TOURIST INFORMATION CENTER

The Board considered county match with City of Waynesboro for a joint purchase of a temporary structure to relocate the Afton Tourist Information Center.

Funding Source: CIP Account #80000-8139      \$13,334

Mr. Coffield advised that this item was discussed at the Staff Briefing on Monday. He noted that the City of Waynesboro is the principal agency. Historically, the original Tourist Information Center was 100% Waynesboro; in the 1990s, the County went into

April 22, 2009, at 7:00 p.m.

AFTON TOURIST INFORMATION CENTER (cont'd)

a partnership with Waynesboro on a 1/3 (Augusta County) – 2/3 (Waynesboro) basis. The owner of the property (Dulaney) wishes to continue the site redevelopment. During the demolition, he found it difficult to maintain water and sewer on the remaining sites while demolition was underway; therefore, relocating the Tourist Information Center to a different water/sewer line is being considered. This would also allow the owner to proceed with the demolition, as well as to redevelop the lower tier. Waynesboro has been authorized to proceed with the purchase of a “learning cottage” (old school classroom). Augusta County’s match for purchasing and securing temporary facility on site would not exceed the amount of \$13,334.

Mr. Beyeler moved, seconded by Mr. Coleman, that the Board approve the allocation of funding to not exceed \$13,334..

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

Nays: None

Motion carried.

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FIRE FLOW WAIVER

The Board considered White Hill Church of the Brethren request for fire flow waiver as per section 24-2(E) of the County Code.

Mr. Coffield reported that the Board received a request for rezoning last month. As part of that rezoning, the church was allowed to realign property lines so that the White Hill Church of the Brethren could expand. As part of the expansion, there was a question of fire flow. Public water is available for domestic service, not fire flow. The cost of providing fire flow is extremely expensive. Staff noted that churches are allowed in Agricultural Districts without fire flow. At the Staff Briefing on Monday, the Board requested a letter from the church acknowledging that they are aware of not having fire flow.

Ms. Sorrells added that the church has incorporated into their fellowship hall enhanced fire protection.

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

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

Nays: None

Motion carried.

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April 22, 2009, at 7:00 p.m.

CONSENT AGENDA

Mr. Coleman moved, seconded by Mr. Shifflett, that the Board approve the following consent agenda:

MINUTES

Approved minutes of the following meeting:

- Regular Meeting, Wednesday, April 8, 2009.

NON-CONVENTIONAL SEWAGE DISPOSAL SYSTEMS

Approved one non-conventional system in Shannon Lea Subdivision on Lot 35 (#84H((1))35) as provided in § 11-13 (D) of the County Code.

STREET ADDITION

Adopted the following resolution for addition of streets into the secondary road system:

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.

BE IT RESOLVED, that the Virginia Department of Transportation is hereby requested to add the following streets in **STONEY RIDGE SECTION 3**, into the secondary road system of Augusta County pursuant to Section 33.1-229 of the Code of Virginia (1950) as amended:

Bowman's Run Drive  
 From: 0.01 miles west of the Intersection of Ashley Road, Route 1068  
 To: 0.20 miles west of the Intersection of Ashley Road, Route 1068  
 Length: 0.19 miles

Canvas Back Drive  
 From: The intersection of Ashley Road, Route 1068  
 To: 0.08 miles north of the Intersection of Bowman's Run Drive, Route 1064  
 Length: 0.08 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 Instrument 050013743, Plat Book 1, Pages 6360 and 6361, recorded September 30, 2005.

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, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

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**(END OF CONSENT AGENDA)**  
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April 22, 2009, at 7:00 p.m.

## MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following:

### REVENUE RECOVERY

Mr. Pyles:

There was a time that we had Matters by the Board after Matters by the Public. There is good in not having them so close together, but I think, at some times, we need to answer folks when they come before us. Often they don't stay for the whole meeting so it is hard to respond.

The question of Revenue Recovery, I think, bears some discussion and some response. This Board did not initiate Revenue Recovery. I was one of the feisty ones against it when it first came up, but it was requested and brought to us by Staunton-Augusta Rescue Squad, the largest provider of emergency services in Augusta County. It was followed by Waynesboro First Aid Crew. They represent 45% of the calls in Augusta County. So 45% of the folks are already being charged Revenue Recovery. The tipping point in my mind came when Churchville asked to go to Revenue Recovery. We did not go to Churchville; Churchville came to us wanting to go with it. That would have put it over 50%. One of the concerns I have had with Revenue Recovery and how things are done in this County is we have such a mixed bag of things going on. We have 45% of our folks that are part of this; 55% aren't. We have some agencies that are fully volunteer; some agencies that are a mix of volunteer and career. Every career person was based upon a request by that agency. You know, when they say, "well, we want to save volunteer Fire and Rescue," that's fine, but if they need help, we're there to be the backbone for it. But the result of all of this is that our costs have gone up substantially. Right now, we pay twice as much for the indirect costs to our rescue squads as we do for a direct cost. The \$66-80,000 that we give to a rescue squad for their normal annual operational costs is half of the \$1.2 million or less than that -- \$800,000—that we pay for \$150,000 for Craigsville; \$150,000 for Churchville; \$150,000 for Stuarts Draft and for New Hope; \$190,000 for Grottoes. The cost comes from somewhere; we pay for it. Taxes can generate spending, but sometimes, spending generates taxes. As we were requested to do things, we have followed that path. In that process, we have expanded the costs to deliver this service. Certainly, it is the culture of this County to be volunteers, but when you're overwhelmed with the work that you have to do and the number of volunteers you have. When the demands on the volunteers of training and what they have to do to be a volunteer become what they are, we have less and less folks that are able to do it.

So . . . what do we do? One of the things that I was interested in was some of the comments that came up at our last meeting because they were the very comments I had made back whenever we did this four or five years ago. One was the volunteers will quit. Well, maybe they will, maybe they won't. The same thing was said about bringing in career people. That career people will cause volunteers to quit. That there will be dissension. It is not a perfect system, but we've tried to get our professional people to work well with the volunteers. Our goal has tried to be in support of our volunteers and hold on to them as long as we can. I've said the same thing about somebody has to pay for it. But there is a mix in that that says the insurance premiums are based upon an aggregate amount of cost. So we're going to be, you know, our lower costs helps spread the burden to somebody else. But it doesn't necessarily lower the cost for somebody else. I think that it is appropriate to look at Revenue Recovery. But I think we should take into account some of the things that the folks have said out here and some of the principles that I think that we have been trying to achieve. I'm not on the

April 22, 2009, at 7:00 p.m.

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

REVENUE RECOVERY (cont'd)

Mr. Pyles (cont'd):

committee, but I've never been bashful about making my views known. I would like to share with the Board and the committee a proposal to look at while the committee considers different ways to approach this. **(distributed information to the Board)**

Principles:

- o No out-of-pocket expenses for County Residents
- o All rescue agencies treated equally
- o No increased taxes

Purpose:

- o To improve emergency services through more financial support.

Proposal:

- o County will set up Revenue Recovery for all of Augusta County—including areas served by SARS and WFAC, generating an additional \$500,000 of Revenue Recovery for emergency services without direct cost to residents. We have to have one system where everybody in this County is billed the same. We can't have 55% billed one way; 45% billed another. We have to have one system for everyone. This will generate for Augusta County for the agencies that we now have an additional \$5-600,000. I know there is some concern about my generating my figures, but I took my figures from what was presented by an earlier study, saying how many dollars might we receive on a call that they're billed at 4:35; how many people are not going to pay; what is the administrative cost; so I came up with the average from what I was given that the revenue realizes that the departments is around \$215 a call. It will be more if you're coming from Deerfield, and you're less if you're coming from Stuarts Draft because of the distance to the hospital.
- o All rescue agencies will be credited with \$100 per household. This way, I think everybody is treated fairly. That will pay for their subscription costs, whatever we have to do to make that—when we talk about people paying the \$50 or whatnot, we will say that is what we're going to do and give a credit to each of the agencies for \$100 for each household so that they will be in the subscription plan to avoid the out-of-pocket expenses.
- o Household count will be based on percent of calls multiplied by total households in County (28,000 HH x 15% = 4,200 HH x \$100 = \$420,000) It is not going to be based on a geographical count of those homes in a particular area because some people run into areas often to make up for the difference. We see in Grottoes a big improvement in calls by that company once they had paid people. It would not have been fair to have the Grottoes folks receiving extra money for calls that they weren't on.
- o Net to agency is this amount less career costs (3 career at \$50,000 = \$150,000 then \$420,000 - \$150,000 = \$270,000 net to agency). For example, Craigsville, when we come up with their number, what we take out from that is \$150,000 as a cost for the career folks. The difference is what they will net. In the cases with some of the smaller companies, where this would be less than what they're getting now, they will be held to what they are now getting so there will be no loss of funds there. Again, the system is set up so there is no billing out-of-pocket for folks.
- o If \$100 per household is less than existing formula contribution, existing formula contribution is given.
- o System set up to assure no direct cost to residents but full billing to non-residents.

Benefits:

- o All County residents treated equally with no additional direct cost increases.
- o All agencies serving Augusta County treated equally.
- o There is a value to agency for running more calls. Right now if your funds are not affected by your calls very much, there might not be as much energy. Also, when

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April 22, 2009, at 7:00 p.m.

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

REVENUE RECOVERY (cont'd)

Mr. Pyles (cont'd):

we put in paid people, we expect more calls. That can help them. Churchville had 44 non-responses last year. If they were to get rid of all of those, it would mean an extra \$15,000 for them for their company. I think that this encourages people not to have the career folks. Stuarts Draft has 3; they could easily use 6, but maybe if we fund them better, they will find a way to stay volunteer. I think the goal is to keep volunteer as long as we can but to keep our services as strong as they need to be.

- o There is a value to agency to stay volunteer.
- o Additional funding for Emergency Services.

On the next page, I show what each agency would generate in revenue at \$215 a call. Then I show how I came up with the number of households based upon the number of calls responded to and then how much would be credited to each of the departments. The net comes down to \$2.8 million. We have approximately 28,000 households in Augusta County; \$100 each = \$2.8 million. Right now we are paying \$141,000 for direct cost, \$812,000 for indirect, for \$1.2 million. When we look at that earlier sheet that I had about Revenue generation, you come up with \$1.8 million. We have, now, \$1.8 million coming in, \$1.2 million that we already spend, so there is about \$3 million. That covers pretty fairly the \$2.8 million for the 28,000 homes. The increases are substantial. Stuarts Draft is the largest. They are the highest running agency that only takes \$150,000. You do see some substantial money for Waynesboro and Staunton-Augusta. Most of that is money they are already receiving. I am saying that we would treat them the same as everybody else. Because they are doing a lot of calls for us so they would get more. This is also the incentive for them to be part of the program. My believe is this has to be a countywide program so if they choose not to be part of this, then we're going to have to take it upon ourselves to have professional agencies or to spread this out as a combination of volunteers and professionals.

Through the result of all of this, I think we help the agencies; we help volunteers; we find a way to help our taxpayer. On the last page, I'm just showing what would be kind of a cost per call and it becomes very consistent. What we're aiming for is \$335 a call; although, we only get \$215; the rest is a subsidize from what we are already paying. We see that at Deerfield, their cost per call is more, but they are only making 91 calls. If they can make more calls, it will help some.

I put this together. I spent a lot of time trying to think about this stuff. If the committee would like to meet and talk about it more, I will be happy to meet with them. But I think there is a way to take this money in and not disturb our volunteers or hit our folks for anymore money.

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

REVENUE RECOVERY (cont'd)

Mr. Coleman:

It has been pointed out and should be restated. We, in the County, and particularly where I live, have been involved in the Revenue Recovery back as far as 2005 when SARS implemented it and, shortly, on the hills of that, we anticipated that the Waynesboro First Aid

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April 22, 2009, at 7:00 p.m.

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

REVENUE RECOVERY (cont'd)

Mr. Coleman (cont'd):

Crew would be quick to follow. Then it was up in the air at that point as to where it might go from there. We thought it might come from Stuarts Draft. It, in fact, ended up, as you just heard Mr. Pyles say, it came from Churchville. Let me also assure you that representing a fairly significant constituent base, I absolutely received zero calls from anybody in the Wayne District. They have been being charged and I'm sure that they must have encountered some kind of issues that are related to some of the things we've heard tonight. Most of the people, I suspect, have insurance of some type—Medicare, Medicaid, private insurance—and if there were people that don't, then I haven't heard from them, either. I haven't heard from any of my constituents and I probably have been involved in a conversation with, maybe, three or four more along an informal chat standing along a fence watching a football game or something and they happened to read something in the paper about Revenue Recovery. And more times, than not, my assessment of it was simply a lack of knowledge. It was a misunderstanding in terms of what they read and what they understood. Code of Virginia requires that those of us who pay insurance – we're paying for this service – whether we use it or not. I don't suspect that any of you, whether you have ever used it for transport, that is all it is. If they show up and do what they do and it does not result in you being transported to a hospital, there is no charge. It is simply to transport. Each of us who have insurance are paying, as part of our premium every month, for transport services whether we use it or not. We have estimated that we are losing roughly \$1 million every year. While Mr. Pyles has pointed out, and others, that costs continue to escalate. Let me just give you a for instance. In 1990, we had 8 career personnel in this County and we were spending \$1.2 million. In 2008, it has grown to 44 at \$5.2 million. Where is that money coming from? Now, the other thing that is happening, and I was President of the Preston L. Yancey Volunteer Company, our demographics are changing in case you haven't noticed. Our population is getting older and people that are of an age to where they might volunteer are not going to do it. That's wishful thinking. One of the things that this Board has been committed to, and I believe will stay committed to, is trying to do any and everything we can to keep our volunteers strong. We want them to be strong. But it does come to a point where the question gets asked when does it cease to be a voluntary agency and when is it another County-operated agency in terms of the amount of tax dollars that actually get put into the program? Last thing, and I want to just remind you of, we routinely hear about the notion that we are not listening to the people. I said back when we were having the discussion about the Megasite in Weyers Cave, "who are the people?" I understand that the recent reassessment meeting we had – and I'll give the benefit of the doubt if we could have accommodated everybody – we might have had 1,000 people. I know we had 800+ because we had that amount set up here in this Government Center. 800 or 1,000, whatever number you want to use of 70,000. Or 10,000 who signed a petition of 70,000. We represent 70,000 people. And some of those people will not and do not come to this Government Center. They talk to us individually. One of the things that I can personally assure you is that I am very visible in my community. I go to church; I go to WalMart; I go to sporting events. I do not isolate myself from my constituent base. I do want to hear from them. I interact with them. I'm in the Fishersville Ruritan Club; so I'm out and about all the time. I have a responsibility to them as much as I have a responsibility to the group of people who actually show up here and voice their displeasure with something that we might be doing or something that the media picks up on. I've reminded the media that I was elected to represent the people and that, not only, is 70,000 in Augusta County, but it is, also, we're getting ready to redo the census, and I'm sure things are going to change; but, at the moment, that equates to about 10,000 people in the 7 magisterial districts. Like Mr. Pyles said, I regret some times that people aren't willing to hang in there and stay through the entire meeting. All they hear is from somebody somewhere else, or they read something in the newspaper, or see something on television, or something of that sort. I appreciate your indulgence and would be happy, beyond the meeting tonight, to chat with you individually about Revenue Recovery or about any other business that we are about conducting here in Augusta County.

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April 22, 2009, at 7:00 p.m.

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

REVENUE RECOVERY (cont'd)

Mr. Garber:

Certainly, it would be my goal when anybody dials 9-1-1 and has a medical emergency that somebody respond. Having said that, it is our stated goal to encourage the volunteers and to support the volunteers. This is not about pushing the volunteers out. We can't afford that. Anything we can do to keep the volunteers strong and to support them is where we have to go with this.

Mr. Beyeler:

I also want to talk about Revenue Recovery. I don't really see any other avenue that the County has. But, having said that, I see volunteers out here both Fire and Rescue, tonight, and I want to thank you for your service. You all put in a lot of thankless hours and I want to do everything in my power to keep you in business as long as we can because it is cheaper, as all of us know, for volunteers to do it than paid staff. I don't want to get into whether or not paid staff are less dedicated, but I do know that volunteers are dedicated for what they do. So I want to thank you for what you do. This is not an easy problem. But we will be working on it.

Ms. Sorrells:

I do appreciate Mr. Pyles working through these numbers. I think we need to look at this stuff backwards and forwards. I think it is something that we have all come to the realization is going to happen, but we do need to make sure it is as fair as possible for everybody concerned and that it has a positive outcome. There are many other things to consider, too. I think one thing that we need to consider in the mix is our interstate calls. We are running lots and lots of interstate calls and how does that work. If they are unlucky enough to be in an accident and live in Augusta County, they would fall under that household plan, but if they are out of the area, how do we deal with that and how does that work? A number of our agencies are running many interstate calls. The other one that concerns me a lot is how do the Fire Departments work in this mix? SARS goes deep into my territory as first due, but, in reality, the first response there is very often the Fire Department. They are the ones that are providing the first medical care and they also have ALS license, so they often participate in the transport. We need to make sure, with whatever plan we create, that the Fire Departments share in the resources that are generated from that. I think that is very important.

Chairman Howdyshell:

First, I want to thank the volunteers. I try to thank them every time we have a Captain's meeting because you all do a terrific job for the County. We have been dealing with this for a long time. We've met with all the agencies and tried to give them a rough cut of Revenue Recovery was going to be. We have been watching Waynesboro and SARS in their process. We have a long way to go. We do a lot for our emergency services. The numbers have been thrown out here tonight—almost \$5.3 million goes into our emergency services. Also, we have a County grant program to help our volunteers and Fire Department out. We have a loan program to help you buy equipment. Also, just like tonight, with Mr. Pyles, from his infrastructure account, we try to help our volunteers and our Fire-Rescue Departments. These are lots of things. We think about our emergency services. Like Mr. Garber says, our main interest—our main point we want to get across—when that 9-1-1 call comes, that

April 22, 2009, at 7:00 p.m.

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

REVENUE RECOVERY (cont'd)

somebody is there to answer it. We know, during these economic times, it is very stressful for the volunteers. We want to do whatever we can. But we also want to be mindful of the people we collect tax dollars. This is just another revenue source that we can use without collecting tax dollars. It is not going to be the fix-all to everything. It seems like the more people we get, we need more volunteers. How do we get them? We got people that work on just how do we attract volunteers? It seems like we're losing ground sometimes. That is the sad part. We have to step up to the plate to be able to answer that 9-1-1 call either with help from paid professional people or with our volunteers. We have to work together to get this accomplished. All the things that Mr. Pyles has brought will be looked at. I know next Tuesday night at the Association meeting with the Captains there is going to be a question and answer period, again, to try to formulate this thing. If we move forward with the Revenue Recovery, there is a lot of policies and procedures and how the funds will be redistributed, but one thing that is positive has been made clear—if we do have Revenue Recovery, this money will only go into accounts that will go back to our emergency services. Ms. Sorrells mentioned the firefighters. We know there are some issues out there with that and how we deal with that will all be dealt with as we formulate the policies and procedures.

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

BLUE RIDGE COMMUNITY COLLEGE REAPPOINTMENT

Mr. Garber moved, seconded by Mr. Shifflett, that the Board reappoint Dr. Bruce Bowman to serve a four-term on the Blue Ridge Community College Board, effective July 1, 2009, to expire June 30, 2013.

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

Nays: None

Motion carried.

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

Zoning Ordinance Amendment – Railroad

Mr. Garber mentioned that there is a company that is interested in expanding use of rail. This year, they expect to bring 1,000 rail cars in and want to unload inside because they want to contain the dust and sound. In order to do that, the building does not fit on their property.

Mr. Garber moved, seconded by Mr. Beyeler, that the Board authorize the County Attorney to draft an ordinance to allow businesses and industries, along with railroads, to cross property lines with buildings and accessory structures associated with the loading and unloading of rail cars.

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

Nays: None

Motion carried.

April 22, 2009, at 7:00 p.m.

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

Ms. Sorrells:

1. Waynesboro Pavilion dedication – Attended Saturday, April 18<sup>th</sup>. Riverheads Elementary School students were part of the festivities who raise trout in their classroom as a statewide program. Luanne Leonard, fourth grade teacher, who has helped students in being good stewards of their land, won a state Teacher of the Year Award from Trout Unlimited.
2. Augusta County Farm Bureau Federation Women’s Committee – Appreciation Lunch given on April 20<sup>th</sup> in celebration of agricultural heritage in Augusta County. Won two awards – Outstanding Chapter for the Valley District; and runner up for the State Committee of the Year.
3. Constitution corrections – Being a historian by trade, some one mentioned tonight about Virginia’s Constitution and how the wording came from the 18<sup>th</sup> Century. Some one also mentioned a few weeks ago that Virginia’s Constitution was written by Thomas Jefferson. That is true for the first Constitution, which was written during the Revolutionary War. Thomas Jefferson served on the committee. We are actually on our 6<sup>th</sup> Constitution written in the 1970s by a committee under Governor Godwin.
4. Follow-up from April 8<sup>th</sup> meeting:
  - a. Kinder assessment – will get a reduction of \$28
  - b. Armstrong assessment – will get a reduction of \$55

Chairman Howdlyshell:

1. Budget Public Hearing – next Wednesday, April 29<sup>th</sup>, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following:

1. Virginia Retirement System calculations: Current rate is 12.35%; 2011 rate is \$13.84%. On June 30, 2008 – 92% fully funded with regard to employee retirements. Estimated status of June 30, 2009 is 78%. If the County takes alternative funding approach, will probably drop do 60+/-%. FY2010 savings would be approximately \$125,000. FY2010-11 funding shortfall, if the alternative approach is taken, could be approximately \$314,000.
2. Red Flag Policy (Identify Theft Prevention) – Distributed to Board.
3. Shannon Lea – Questions of Master Plan – Mr. Cobb stated that the Board of Supervisors passed an ordinance in July 2006 that approved alternative systems except for discharge systems. Subdivision Ordinance was changed six months later indicating that the systems had to be shown on the Master Plan. Four subdivisions have been approved since then. The last subdivision approved had blanket approval because lots with systems had been designated. Therefore, when the Master Plan was approved by the Board, they

