Regular Meeting, Wednesday, February 27, 2008, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: David R. Beyeler, Chairman

Tracy C. Pyles, Jr., Vice-Chairman

Wendell L. Coleman Gerald W. Garber Jeremy L. Shifflett Nancy Taylor Sorrells

G. Chris Brown, Interim County Attorney

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

ABSENT: Larry C. Howdyshell

VIRGINIA: At a regular meeting of the Augusta County Board of

Supervisors held on Wednesday, February 27, 2008, at 7:00 p.m., at the Government Center, Verona, Virginia,

and in the 232nd year of the Commonwealth....

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Chairman Beyeler welcomed the citizens present for the meeting and reviewed meeting protocols.

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Charlie Allen, a senior at Buffalo Gap High School, led the Pledge of Allegiance. Charlie hopes to attend Virginia Tech and possibly major in Engineering. He enjoys playing anything with strings and drums. He also enjoys playing soccer.

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

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116TH INFANTRY BRIGADE COMBAT TEAM – RESOLUTION

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

RESOLUTION

WHEREAS, the 116th Infantry Brigade Combat Team of the Virginia Army National Guard, known as the Stonewall Brigade, is headquartered in Staunton, Virginia at the Thomas D. Howie Memorial Armory; and

WHEREAS, the $1^{\rm st}$ Brigade was formed as a Militia in 1742 under the command of Colonel James Patton and became known as the "Stonewall Brigade" in 1861 during the first battle of Manassas in the Civil War; and

WHEREAS, the 116th Infantry Brigade Combat Team and its members were most recently deployed on May 6, 2007 and departed for Iraq on June 12, 2007; and

WHEREAS, the 116th Infantry Brigade Combat Team returned to Staunton, loving families, and a grateful nation on February 21, 2008; and

WHEREAS, the families of the members of the $116^{\rm th}$ Infantry Brigade Combat Team have waited patiently for their loved ones to return and endured many hardships during this deployment; and

WHEREAS, the members of the 116th Infantry Brigade Combat Team have performed admirably and courageously, putting service to country above personal interests and gaining the respect of Virginians and all Americans.

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors wishes to commend the members of the $116^{\rm th}$ Infantry Brigade Combat Team for their service and congratulate them on a job well done; and

116TH INFANTRY BRIGADE COMBAT TEAM - RESOLUTION (cont'd)

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors acknowledges the $116^{\rm th}$ Infantry Brigade Combat Team and its members during the regular meeting on February 27, 2008; and

BE IT STILL FURTHER RESOLVED that a copy of this Resolution be presented to the $116^{\rm th}$ Infantry Brigade Infantry Combat Team and spread upon the minutes of the Augusta County Board of Supervisors February 27, 2008 meeting.

Chairman Beyeler asked those present to stand if they were in support of the resolution. All stood.

Ms. Sorrells added that it was an honor to be at the deployment last May and then to watch the return this past week. She stated that this Brigade goes back to the 1740s and is the longest continuous military unit in the nation. "They have never let this community down. This was the unit that was the Stonewall Brigade; it was the unit that hit the beaches first at D-Day; and they did us proud, again, with their service in Iraq. They are a wonderful asset to the community and we can feel a lot safer and have a better community because of it."

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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COLTON BERRY - RESOLUTION

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

RESOLUTION

WHEREAS, Colton Berry has been a respected student at Wilson Memorial High School and is a member of the 2008 graduating class: and

WHEREAS, Colton Berry worked as a mentor in 2008 with the Wilson Elementary School music program: and

WHEREAS, Colton Berry has excelled as a musician and actor and participated in the Wilson High School Singing Sergeants, ShenanArts Theater, and the Waynesboro Players; and

WHEREAS, Colton Berry has brought recognition to community theater in Augusta County through his success as a contestant on American Idol.

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors wishes to recognize the accomplishments of Colton Berry and commend him on a job well done; and

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors acknowledges Colton Berry during the regular meeting on February 27, 2008; and

BE IT STILL FURTHER RESOLVED that a copy of this Resolution be presented to Colton Berry and spread upon the minutes of the Augusta County Board of Supervisors February 27, 2008 meeting.

COLTON BERRY – RESOLUTION (cont'd)

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

Mr. Berry thanked the Board for its support and he hoped to continue making the County proud of him.

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MATTERS TO BE PRESENTED BY THE PUBLIC - NONE

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MATTERS TO BE PRESENTED BY THE BOARD

The Board discussed the following:

Mr. Shifflett referred to a fact in the Office of Youth Annual Report: "Research suggests that giving young people opportunities to become engaged in civic activities increases the likelihood that they will become healthy, active citizens." He suggested keeping the students involved in leading the Pledge of Allegiance at the Board meetings. He also mentioned speaking with Donna Abernathy, the new principal at Stuarts Draft High School, and felt that that school suited her well in working with the students.

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CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION - APPOINTMENT

Mr. Garber stated that because of the revised by-laws and charter, Ms. Frye was unable to continue serving the Central Shenandoah Planning District Commission in an elected capacity; therefore, he suggested that Ms. Frye complete Mr. Richard Fox's term and Mr. Fox (Town of Craigsville elected official) complete Ms. Frye's term.

Mr. Garber moved, seconded by Ms. Sorrells, that the Board appoint Kay D. Frye to an unexpired 3-year term on the Central Shenandoah Planning District Commission to expire June 30, 2008, and that Richard Fox fulfill Ms. Frye's 3-year term to expire June 30, 2009, concurrent with adoption of new Planning District Commission charter and by-laws.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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

Chm. Beyeler reported that he had attended a transportation meeting of Central Shenandoah Planning District Commission (CSPDC) and explained that this is a study group proposing road improvements for the next 20 years in Augusta County. This is the

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

secondary and primary roads only. He distributed a CSPDC Rural Transportation Survey to the Board and asked that it be turned in to Ms. Austin prior to the next Board meeting.

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VDOT ACCESS MANAGEMENT - RESOLUTION

The Board considered resolution supporting the submission of grant.

Becky Earhart, Senior Planner, advised that the Board received the resolution at the Staff Briefing on Monday to submit the intersection of Routes 612, 792 and Razor Blade Lane improvements for an Access Management Grant. She reiterated that it was a \$6 million statewide VDOT program where each district can only submit two grants.

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

RESOLUTION

WHEREAS, the Virginia Department of Transportation has established a statewide access management program that provides funding for access management highway improvements; and

WHEREAS, the intersection of Routes 612, 792, and Razor Blade Lane is currently the site of numerous crashes; and

WHEREAS, the intersection of Routes 612, 792, and Razor Blade Lane is ranked number 3 on the VDOT Staunton District top ten intersections in need of improvement list; and

WHEREAS, the county has plans to develop a recreational park located in this area, therefore increasing the amount of traffic through the intersection; and

WHEREAS, funding assistance is needed to adequately improve this intersection and reduce crashes.

NOW, THEREFORE, BE IT RESOLVED that the Augusta County Board of Supervisors does hereby authorize the submittal of a grant application to the Virginia Department of Transportation to improve the intersection of Route 612, Route 792, and Razor Blade Lane.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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EROSION AND SEDIMENT CONTROL PROGRAM

The Board considered:

- A) E&S staffing proposal and budget
- B) E&S draft ordinance and fee schedule/authorization to advertise
- C) DCR Corrective Action Agreement

Patrick J. Coffield, County Administrator, noted that the Board had received a thorough briefing on Monday regarding the above-mentioned items.

EROSION AND SEDIMENT CONTROL PROGRAM (cont'd)

Mr. Coleman moved, seconded by Ms. Sorrells, that the Board approve all three items as presented:

Proposal

Single Family Home Construction (and activity over 10,000 square feet)

- 1. All building permits that require an agreement in lieu of a plan (AILOP) that were issued on or after January 1, 2008 are to be organized within the Building Inspection Department (BID) and inspected on a regular basis by the 4 building inspectors within the department. When a building permit is issued, the site must be inspected within two weeks and the Alternative Inspection Program rating form filled out and filed.
- 2. All paperwork involved with erosion inspection reports are to be typed, mailed (if needed) and filed within the building permit file by the Building Inspection Department.
- 3. When a violation is cited on the inspection report for a home construction site, building inspections should be flagged and denied until erosion violation has been addressed (within proposed erosion ordinance). This process is to be added to database system within Building Inspection Department. Each Building Inspector will need a digital camera to further document violations.
- 4. Engineering Inspector to assist Building Inspectors when increased enforcement is necessary. An in-house workshop will be conducted for the building inspectors to discuss what type of inspection is required to satisfy all state regulations. Daily meetings are to be held between the Engineering Inspector and Building Inspectors to discuss recent inspections. The meetings will be from 4pm to 5 pm daily to discuss recent inspections until the Building Inspectors have a good knowledge of what is expected on an erosion inspection and the Engineer Inspector approves of meeting less frequently.
- 5. Complete erosion inspections must be conducted on the regularly scheduled date. In case of sickness or vacation, the other building inspectors should pick up the extra inspections within a two day window.
- 6. Agreement in Lieu of a Plan form adjusted to address all 19 Minimum Standards in the Erosion and Sediment Control Regulations. Community Development to revise agreement form.

Site Plan Required Projects

- 1. Community Development to inspect all sites that require an approved site plan. These sites include commercial, industrial, major subdivisions, farm structures (over 10,000 sq. ft.). The majority of these sites will be inspected by our Engineering Inspector with help from the Zoning Inspector. We currently have 71 active construction sites and should be able to handle the current workload.
- 2. Increased enforcement will be used such as Notice to Comply and Stop Work Orders if violations persist or site is endangering adjacent property or nearby streams.
- 3. Erosion bonds not released until all items in reports are addressed and a good stand of grass is established on-site.
- 4. Engineer I will inspect major subdivisions during final inspections to make sure site is in compliance.
- $5.\,$ Subdivision Administrator conducts erosion inspections during Occupancy Certifications inspections.

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EROSION AND SEDIMENT CONTROL PROGRAM (cont'd)

$Budget\ with\ additional\ staff\ (E\&S\ program)$

Program requirements - Program Administrator/Plan Reviewer

, 3 inspectors

Summary Table

Salary		\$131,312
Benefits		\$43,726
New Vehicles for 2 inspectors		\$6,000
Laptop		\$400
Work Materials		\$1,000
Certified mail letters		\$2,400
Letters		\$2,128
Cell Phones		\$108
Erosion Seminars		\$1,500
Gas		\$8,437
Workspace		?????
	Total	\$197,011
Salary		
Dragram Administrator	1 position @ \$41,000	\$41,000

248,000 (After 5th yr)

Total calculated after 5 years Each position with 5% raise/benefits

each year. All other figures fixed

Salary		
Program Administrator	1 position @ \$41,000	\$41,000
Head Inspector	1 position @ \$34,000	\$34,000
2 inspector	2 positions @ \$29,828	<u>\$59,312</u>
	<u>Total</u>	\$134,312
Benefits		
Benefits for 4 positions	33% of total cost for positions	\$43,726
Denoting for a positions	35 % of total cost for positions	Ψ13,720
New Vehicles		
Cost of 2 vehicles over 5 yrs	\$15,000/car * 3 cars	\$6,000
	based on 5yr depreciation	
<u>Laptop</u>		
Two new laptops	2 computers @ \$1,000/ea by 5 years	\$400
	based on 5 year depreciation	
Work materials		
		¢1.000
Inspection reports, office suppl	ies	\$1,000
Certified mail letter		
For erosion violations	800 letters * \$3.00 per letter	\$2,400

<u>Letters</u>		
Inspection reports	5190 letters *\$0.41 per letter	\$2,128
<u>Cell Phones</u>		
2 additional phones added	4 phones * \$108/year	<u>\$108</u>
Erosion Seminars		
	Lodging (4x\$100)	\$400
	Meals (4x\$75)	\$300
	Registration (4x\$200)	<u>\$800</u>
	Total	\$1,500
Gas		Ψ1,500
Gas		\$8,437
15,000 miles/yr * 3 cars / 16 miles/gal * \$3 per gallon		, -,

Workspace - Current office space insufficient for two more positions. Inspectors will need space for paperwork/filing reports.

DCR

Corrective Action Agreement Augusta County Erosion & Sediment Control Program Seico February 1, 2008

CONSERVING AIRS MINZ MATTERY VALUE SECTIONAL RECOTACES

Page 1 of 1

Program Component	Required Corrective Action	Date Complete
Administration	The BSC ordinance shall be revised to reflect the current versions of the Virginia Brossion and Sediment Control Law (VESCL) and the Virginia Brossion and Sediment Control Regulations (VESCR) as noted in the Augusta County Brossion and Sediment Control Program Review, August 2007.	
Plan Review	Approved plans shall comply with all Minimum Standards (VESCR 4VAC50-30-40) and all other requirements of the VESCR. Approved plans shall meet all guidelines and standards outlined in the Virginia Erosion and Sediment Control Handbook, 1992. (VESCH). Approved plans shall include a statament describing the maintenance responsibilities for ESC measures in accordance with VESCR 4VAC 50-30-60. Land disturbing activity occurring at a separate location shall be included in all approved plans or in separate approved plans. Variances must be requested and approved in writing. Approved variances requested ant the time of plan submission shall be documented on the plan in accordance with VESCR 4VAC50-30-50.	
inspection	All fand-disturbing activities shall be inspected in accordance with Augusta County's Alternative Inspection Program (AIP) including those with agreements in lieu of a plan. The AIP Priority Rating form shall be completed for every approved plan and inspections will be conducted accordingly. Require all permitted sites to meet the requirements of the approved ESC plan and the Minimum Standards (VESCR 4VAC50-30-40).	
Enforcement	When violations noted on written inspection reports remain during subsequent inspection, a Notice to Comply (or equivalent action) shall be issued. Advanced enforcement such as Stop Work Orders (or equivalent action) shall be issued when subsequent inspections in a Notice to Comply (or equivalent action) reveals violations, when land-disturbing activities commence without an approved plan and when violations are in imminent danger of causing harmful croston.	

This Corrective Action Agreement shall be signed by Augusta County on or before March 2, 2008. A written report on the attached form documenting progress on corrective action items shall be provided to the DCR Staunton Regional Office on or before May 1, 2008.

Augusta County agrees to complete the corrective actions noted above on or before July 30, 2008.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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MOTOR VEHICLE LICENSE DECALS – ORDINANCE

The Board considered draft ordinance to be advertised.

Richard T. Homes, Treasurer, and W. Jean Shrewsbury, Commissioner of Revenue, were available to answer questions.

Mr. Coffield informed the public that the Board reviewed the draft ordinance in great detail at the Staff Briefing on Monday and made a number of changes. Chairman Beyeler asked Mr. Coffield to read the draft ordinance.

Mr. Garber moved, seconded by Mr. Pyles, that the Board authorize staff to advertise ordinance for a public hearing in the near future.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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COMMUNITY ACTION

The Board considered obtaining Community Services Block Grant (CSBG) funding by forming a Community Action Agency.

Mr. Coffield advised that the Board had received a presentation at the Staff Briefing on Monday regarding the program. As part of that presentation, there were several questions asked by the Board:

- 1. Composition of community action boards (the Board felt that 18 members were too many).
- 2. How members are chosen (the Board felt that it should appoint the members).

Robert C. Lunger, City of Waynesboro attorney, provided information from the Virginia Code for the Board detailing the required composition of community action boards (it was noted that the community action board must have at least 15 members) and that one-third of the members must be persons "chosen democratically" to represent the Board.

Section 2.2-5403 of the Virginia Code provides:

- A. Each community action agency shall administer its community action program through a community action board consisting of no less than fifteen members who shall be selected as follows:
 - 1. One-third of the members of the board shall be elected public officials or their designees, who shall be selected by the local governing body of the service area, except that if the number of elected officials reasonably

COMMUNITY ACTION (cont'd)

available and willing to serve is less than one-third of the membership of the board, membership on the board of appointed public officials may be counted in meeting the one-third requirement.

2. At least one-third of the members shall be persons **chosen democratically** to represent the poor of the area served.

Mr. Coffield stated that this has been reviewed by Chris Brown, Interim County Attorney. Chairman Beyeler asked if Mr. Brown had any comments.

Mr. Brown raised the issue of how to get out of this agreement if desired. He noted that it is not clear in the State Code or the agreement if the Board decides to no longer

participate. When it comes the time to draft a more comprehensive agreement (or bylaws), he suggested the Board include a provision to allow the Board to get out of the agreement.

Mr. Garber asked what "chosen democratically" meant. Mr. Coffield's understanding was that various agencies would choose a member from their membership to represent them. Mr. Brown agreed and suggested that they contact the TAP group in Roanoke to get a better clarification. Mr. Garber felt that they needed to know "how to" before creating the committee.

Mr. Coffield explained that the purpose tonight was to brief the Board. A resolution would then be drafted and reviewed by the three jurisdictions (Staunton, Waynesboro and Augusta County).

Mr. Pyles felt that this needed to be clarified before approval.

Mr. Pyles moved, seconded by Mr. Garber, that the Board table this request until the Board receives better clarification.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

SHENANDOAH VALLEY RAILROAD COMPANY

The Board considered resolution supporting state funding request by SVRR for rail improvements.

Mr. Coffield advised that the Board discussed at the Staff Briefing on Monday.

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

SHENANDOAH VALLEY RAILROAD COMPANY (cont'd)

RESOLUTION RAIL PRESERVATION APPLICATION SHENANDOAH VALLEY RAILROAD COMPANY

- WHEREAS, the Shenandoah Valley Railroad Company (SVRR) desires to file an application with the Virginia Department of Rail and Public Transportation to rehabilitate areas of poor drainage to include crosstie installation, ballast, ditching, tamping and surfacing; and replace bridge timbers and to improve rail conditions on our continuous welded rail trackage.
- **WHEREAS**, the General Assembly, through enactment of the Rail Preservation Program, provides for rehabilitation funding for improvement of railways in the Commonwealth of Virginia; and
- WHEREAS, the SVRR is an important element of the Augusta County transportation system; and
- **WHEREAS**, the SVRR is instrumental in the economic development of the Augusta County area, and provides relief to the highway system by transporting freight, and provides an alternate means of transporting commodities; and
- **WHEREAS**, the County of Augusta supports the project and the retention of the rail service along this rail corridor; and
- **WHEREAS**, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided; and
- NOW, THEREFORE, BE IT RESOLVED that the County of Augusta does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Shenandoah Valley Railroad Company totaling \$97,808.75 for this funding cycle.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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BUCKINGHAM BRANCH RAILROAD COMPANY

The Board considered resolution supporting state funding request by BBRC for rail improvements.

Mr. Coffield advised that this had been discussed at the Staff Briefing on Monday. Mr. Pyles had questioned a crossing at Augusta Springs in disrepair. Mr. Wilson, General Manager, has inspected the crossing and found that it was in disrepair and has committed that when the weather warms, a crew will be sent out to repair.

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

RESOLUTION ENDORSING RAIL PRESERVATION APPLICATION OF BUCKINGHAM BRANCH RAILROAD COMPANY

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the projects; and

BUCKINGHAM BRANCH RAILROAD COMPANY (cont'd)

WHEREAS, the Buckingham Branch Railroad has identified projects that are estimated to cost \$21,434,000; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, the Buckingham Branch Railroad is an important element of the County of Augusta transportation system; and

WHEREAS, the Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transporting commodities; and

WHEREAS, the County of Augusta supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

NOW, THEREFORE, BE IT RESOLVED, that the County of Augusta Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Buckingham Branch Railroad.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes and sent to Buckingham Branch Railroad.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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SHENANDOAH VALLEY JUVENILE CENTER

The Board considered resolution expanding services to include providing a "less-secure" residential program for juveniles.

Mr. Coffield advised that this resolution has been discussed by the Board and allows for the Center to not only do secure, but, also, "less-secure". By doing this, there will be better utilization of the existing facility resulting in lower costs to operate the facility as well as reduce costs for placing at-risk children in appropriate facilities.

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

SUPPLEMENTAL RESOLUTION

WHEREAS, the Shenandoah Valley Juvenile Detention Center Commission (the "Commission") is a public body corporate duly formed under the provisions of Article 13, Chapter 11, of Title 16.1 of the Code of Virginia (1950), as amended (the "Virginia Code") by a joint resolution (the "Joint Resolution") duly approved by the governing bodies of its member jurisdictions, namely, the Counties of Augusta and Rockingham, and the Cities of Harrisonburg, Staunton and Waynesboro (the "Members"); and

SHENANDOAH VALLEY JUVENILE CENTER (cont'd)

WHEREAS, the Commission presently maintains and operates a secure juvenile detention facility located in the Augusta County Government Center in Verona, Virginia; and

WHEREAS, upon mature consideration, the Commission has determined the advisability to expand and increase its services and to provide a less-secure residential program for juveniles who are referred by the court system (the "Less-Secure Program"); and

WHEREAS, the Commission shall adhere to the Virginia Standards for Interdepartmental Regulation of Children's Residential Facilities, among other requirements by law, in order to provide such Less-Secure Program; and

WHEREAS, pursuant to a Resolution duly adopted on February 1, 2008, the Commission has requested each of its Members to approve a supplemental resolution to the Joint Resolution in order for the Members to confirm the establishment of the Commission and its provision of services for the benefit of juveniles, all as contemplated under the Virginia Code and deemed advisable by the Commission from time to time.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. <u>Authorization of Expansion and Increase of Services</u>. The advisability for the Commission to expand and increase its services for the benefit of its Members and their citizens, as described above, is hereby confirmed. To such end, the establishment of the Commission by the Members and its provision of services for the benefit of juveniles are hereby ratified, confirmed and approved, in all respects, including an expansion and increase in services for juveniles by the Commission (as described above), all as contemplated under the Virginia Code and as may be deemed advisable by the Commission from time to time, in order for the Commission to serve the best interests of its Members and their citizens.
- **2.** Ratification of Joint Resolution, as supplemented hereby. The provisions of the Joint Resolution, as supplemented by this Supplemental Resolution, are hereby ratified, confirmed and approved in all respects.
- **3.** Filing of Supplemental Resolution with the Commission. The Clerk of this governing body is hereby authorized and directed to provide an executed copy of this Supplemental Resolution to the Superintendent of the Commission to be included in the official records of the Commission.
 - 4. <u>Effective Date</u>. This Resolution shall take effect immediately.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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ECONOMIC DEVELOPMENT

The Board considered approval of contract for preparation of the Economic Development Strategy.

Funding Sources: Comprehensive Plan Account (#11010-3125) \$ 73,855

A <u>73,855</u> \$147,710

ECONOMIC DEVELOPMENT (cont'd)

Ms. Earhart advised that the Board received a full briefing on the Economic Development Strategic Plan at the Staff Briefing on Monday and she was available to answer questions.

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

Mr. Pyles made the following comments:

Mr. Garber and I made front-page news on Tuesday, and, certainly, two better looking guys have never graced that page. I think it was our first disagreement and I wanted to go through how we got to Monday in hopes that we can think about these things a little bit in advance. It seemed like I was trying to defend a consultant fee and Mr. Garber wanted something else, when, in fact, what I was trying to defend was the process and, more or less, the integrity of the Board. Just to go through—I put a lot of hours in this, so I may have to indulge people for about five or six minutes and hope they will grant me that. This process started after the Comp Plan. We have minutes from April 25th of last year with Chairman Sorrells saying "that those decisions will be made at the Strategic Plan stage" whether they want to come back and address more specifically or not and the decision was to do them separately. On May 23rd, Mr. Coleman brought up the Strategic Plan and referenced the Comp Plan (if you will remember last year that everybody wanted to put teeth in the Comp Plan)—let's make the Comp Plan work, and one of the big issues was Economic Development – were we on course; were we wrong, that sort of thing. At that time, Chairman Sorrells "clarified that a staff outline can be prepared outlining how to proceed regarding Comp Plan zoning ordinances, neighborhood plans and economic development. With the Board's input, an RFP can be developed and be brought back before the Board of Supervisors. The staff report can be scheduled for June 25th Staff Briefing." We proceeded to the June 25th Board meeting and we discussed these plans. The Economic Development Plan was approved to go forward with coming up for a proposal for this. It was unanimously approved by all members. On August 22nd, they asked staff to develop an RFP and place it on the September 26th agenda for consideration. They then appointed myself and Mr. Coleman to be on that committee. We did not volunteer for this; it was requested that we be a part of this. The vote was, again, unanimous for us to put together the RFP. The RFP is no We got a draft from Ms. Earhart and then we met two hours on this. short document. We went over it word-by-word to see that it represented what the Board wanted and what the public wanted. We took out things-there was a reference to Mill Place-it was inappropriate for us in trying to find something for the community to specially market our own industrial park. We went through everything on that; and then, it came back to this Board—whether or not we should go forward with this Economic Strategic Plan. They got it; it was presented to the Board; they looked it over. And then, on my motion, seconded by Mr. Beyeler, they said "let's go forward with it". So we have had unanimous consent through that period of time to get this done. We had already put in a couple of hours to do the RFP proposal.

So then, we got back 21 proposals (Mr. Pyles pulled out a stack of documents contained in a box to show the Board) – that's what we had to go through—five of us read every one of those. I received those on November 19th so, while eating turkey, and watching football, each one of us went through every one of these proposals. What we were trying to do was to sort through and save this Board effort. We were trying to do what this Board wanted. So we had to develop a matrix. How do we judge these people? Is it costs? What percent goes to costs? What goes to their accessibility? What goes to their plan? What goes to their ability to do the job? We go through and we come up with a matrix. We fill it out. We have ratings for everybody. It's part of the Code of Virginia. We have to put down what we do. Then we had to meet to determine who to interview. We come down to four firms that seemed good. Two clearly stood out. We brought them

in. I have already taken two hours for preparing the RFP; four hours to come in and go over the 21 documents. I had to take a day's vacation to come in here and interview these two companies. We spend that day doing that. We think we have a pretty good group. We go back and say we want to do it better. So we fine-tune their scope of work and we get another proposal. We're doing exactly what this Board asked us to do. We go through all this all this time and then it's, "Well, we don't like to pay money for consultants!" That's not the time to do it. We ran into a problem with our first consultant

ECONOMIC DEVELOPMENT (cont'd)

with the Comp Plan where we ended that contract with them. Now, we got one where it is not just our work—21 companies went through the effort thinking that we, in good faith, were going to award a contract. When we go out to get people to do work and we don't award contracts, pretty soon people aren't going to give us 21 proposals to pick from; we're going to get the losers to come in here. So we do that, we bring it forward. Now, what are the merits of this? We have tried everything we can, I think, to try and bring jobs to this community. People said we needed an industrial park; we put it in. We need this infrastructure, we need good schools; we need this, we do that. We've tried it all. Maybe, there are other things to do, but why wouldn't we first try to define what we want to do before we employ somebody to do something we haven't determined? We just had that experience with one position where we filled the spot before we decided what the job would be and that's a problem. We don't know, yet, what kind of person we want to do this job. Are they somebody that is going to have national experience; international experience? Is it somebody just trying to expand upon what we have here? These folks . . . the principal person of the firm is a site selection expert. They will do an analysis of what do we have to offer and what can we incentivise to get people to come here? We have a couple of big strikes against us—one is that Virginia is cheap about this. You know, the Governor's Opportunity Fund of \$400,000 is hardly going to move anybody. In Mississippi, they came up with \$70 million to land Toyota. We need to get realistic as to what we can bring in here and what will fit here. I know people talk about getting that "bio-tech company". Well, sure, let's just tell them we're waiting for them. There is a lot of competition for the better companies who are not coming here. We would all like to have the perfect thing. We have this goldilocks syndrome. Some things are too hot; some things are too cold; we want something that is just right. Well, it is difficult to get that; and the best way we can get it is to have some direction. I don't think what we are putting together here is a consultant study; I think we're putting together here a blueprint of something we might be able to do. I think it will be very beneficial, especially, for Mr. Shifflett, to get some ideas from other people with great experience to go with his good judgment on how to decide. You need facts to decide. You can have the best judgment in the world, but if you're only looking at one-half of an equation, you can get it wrong. This is a lot of work. One other thing I can say—Staff gets this all the time. This Board will ask for something on a whim. People work like crazy to provide the information. Oh, that's all right, I don't need it. Let's be careful what we ask for and let's understand what work we ask people to do and then we ought to follow through with it. If we have a unanimous vote, I would think everybody that voted for it before should vote for it again because we are just following the will of this Board.

Ms. Sorrells made the following comment:

Thank you, Mr. Pyles and Mr. Coleman, for all the work you have done in bringing us to this point. That was a very graphic demonstration of that work! I agree with the fact that we need to move forward on this. It's been the will of the Board throughout last year to move toward this once we finished with the Comprehensive Plan to begin implementation of it and we have spent too much and worked too hard not to go forward and try to make that a living document. I do have some sympathy for what Mr. Garber was saying about sometimes we get too study-crazy and there are instances where you get studies that just regurgitate what we already know—that we are nearly 1,000 square miles and we have 70,000 people and we are employed in these sectors, etc. I wonder if there is not room in that portion of the plan—the first phase—the \$73,000 for collecting background information and initial community briefing—if there is a way we can pair that down by using information that has already been gathered through our Comp Plan process, through the SRI work that just got finished.

Mr. Pyles' response:

We had a group there and they had two people on this side—the site selector and another nuts and bolts person. On this side, we had the vision people. At the end, I said I liked you guys (the nuts and bolts), I don't like you guys (vision). I said, I'm tired of vision. We have to get some things done in this County. We have had enough stuff with visions. We were very firm that we needed things that would help us concretely bring things in. This isn't so much about public meetings; it's about gathering together principles. It's talking to the industries that we have here. It has to do with analysis of what we've got and what

ECONOMIC DEVELOPMENT (cont'd)

shareholders think. This is a much more targeted approach. Now, we can whittle it down; we can cut it down, but you had two people trying to take your wishes forward and say, "Okay, what is it going to be that makes sense to bring you?" What impressed me the most is that they went through a chart analyzing how industries work. You have your primary industry. You have your Invistas and your ASRs and your Targets and your Little Debbies. Then, outside of that, you have your supplemental industries. You have the electrical companies that support them, the trucking companies that support them, and the building contractors that support them. Then, outside of that, you have the community of businesses—the retail shops and all that. As you lose the primary businesses, you lose some of the secondary businesses and then you lose the retail businesses. We went through the analysis of the life of an industry. The first stage is the research—the build-up, the construction of the facility, the introduction of the products, how they move up, what's happening then, they're increasing the number of employees, the product is growing. Then the product reaches its maturity, and from that point on, it starts falling down. You can see that very easily if you think of Invista. At one time, there was this dynamic growing DuPont Company, the demand for licra falls off so the company is in just a hang-on stage and it goes from 5,000 people to 625. What do you do about that? They talked about the synergies that come by like-industries. If you have these food industries here together-Hershey and McKee-maybe, you have others, if you look at the synergistic relationship about how one feeds another, that is your strategy. Food industry might be one that we target. We can look at agriculture, but there are very specific things that they are trying to do. That's what we try to bring to you and say, "Let's take a look at it." Now, I think Mr. Beyeler brought up a good thing early this year where we decided we would all get involved with everything. Okay, but if we're going to do it, then the seven of us are going to do it. Let's the seven of us do it at the beginning! Let's don't do it after we did all the other stuff! I'm okay with whatever this Board decides. You asked us to do something. We did it to the best of our ability and to second-guess it now without having the background, I think cheapens the process. It is not wrong to ask, but I think that there's a lot to it.

Ms. Earhart made the following comment:

The Comprehensive Plan is very limited in what it is presenting in terms of economic development data. Certainly, they want to look at the plan--where the County thought we needed to go in terms of industrial sites and that kind of thing. Mr. Pyles is exactly right. The kind of detail that they are going to be going out and collecting and the data collection is way beyond what is in our Comprehensive Plan. It is very specialized information that they will be getting from sources that we don't even have access to.

Mr. Coleman made the following comment:

Even in doing that, within the context, I can just imagine if we really trimmed it back or didn't expect them to do that, then one of the things that we would hear about is that "they didn't understand Augusta County". As part of any contract, they are going to have to come in and spend some time traveling the County, learning the County, meeting the people, meeting their industrial leaders, going to our schools because we talk about our young people leaving our schools and leaving Augusta County and they don't come back. On the surface, just to reinforce a point that Tracy has so vividly made, is that we have put a lot of our time and energy into it; we can't expect each of the other five of you would be at the same level of understanding that we are wading through 21 proposals, literally meeting with the people, having dialogue back and forth. That would be my only thing. I think it is going to be money well spent. They are going to help us figure out if we are doing a lot of right things. We have a very diversified economic base in this County. Yet, we recognize some of the challenges that we are faced with in terms of being able to compete in the kind of competitive market that is out there. I personally hope that this County and this Board wants to position itself in the best light it can to be. We recently figured out we get screened out or screened in and we don't even know that they have been looking at us. They do it primarily, now, over the internet.

Mr. Pyles added:

Only half of this money comes from Augusta County. Half comes from the IDA.

ECONOMIC DEVELOPMENT (cont'd)

Mr. Garber made the following comment:

Mr. Chairman, I couldn't help reflect about halfway through Mr. Pyles' speech. He reminded me that I used to be in an appliance business. Fortunately, the big box stores put me out of that because I didn't like that business very well, anyway. But I had a salesman at that time that had been at that company for thirty years say that he could talk you into buying it, and then he would talk you out of it, but he would talk you back into it before you got out the door. I broke bread with Mr. Pyles last night and we did discuss this and a lot of other things. I started out, at the beginning of the speech, being prepared to agree with him. I wasn't so sure halfway through. I might have to reconsider. I still have a great disdain for studies generically. Interestingly enough, I saw in today's paper that the Clinton campaign has spent \$5 million last month on a consultant. I'm not sure how they think that is working out right now. I think on this particular study, I think you make some valid points about the timeline. I still don't have a real warm fuzzy feeling even about this study, but I guess where I come down on this, probably has a lot less to do with this study than it does with procedure. Last evening, I concluded that Mr. Pyles and I don't disagree a lot on where we have been; we don't disagree a lot on where we want to go. I guess my analogy of breaking rocks today is that if we were going to Charleston tomorrow, I would get on the Interstate and go 10 miles over the speed limit, and he might go Route 33 and stop at a few towns to see if he could learn something. Our approach to this is probably a little different, but I don't think we disagree on where we want to go. But the real bottom line of where I come down on this tonight is not about this piece per se but about our procedure, and the way I want us to approach the future of this County. I didn't take four years out of my life because I wanted to come here and be a caretaker. I would like to see us accomplish some things. This is just a small piece of that, but I think how we approach, how we are able to relate to each other, how we are able to agree and disagree without being disagreeable, is a very important issue. More or less on that piece of this, I am prepared to support this.

Mr. Shifflett made the following comment:

My concern at the beginning was were we going to spend this money and get a report back that was going to, basically, tell us what we already know? After being re-educated this evening, Mr. Pyles, Mr. Coleman, do you feel that the information we get back from this report will be more than what we already know?

Mr. Coleman's response:

That is certainly our intent and it should be the intent of this Board that we have worked diligently; we have worked tirelessly to scope the project and to go back and forth, and the kind of tweaking that we are doing now. Whether it's this project or any project, it starts with us and it ends with us. We have to keep each other honest that we get the kind of return that we are looking to get in spending this amount of taxpayer money. I have to believe, just starting in my fifth year, that some of the struggles that we have faced and will continue to face, that I am highly optimistic and will be very disappointed if this particular contractor isn't able to produce the kind of product that we are looking for and expecting.

Mr. Pyles' response:

Again, I am hopeful. I think we have a two-for and this fellow is not only going to help us to decide, but, as he is one who selects sites for people, that, in itself, could be very valuable. I think the process will be good in educating us in what other people are looking for. The biggest guess that we have to make is what incentives is it going to take to land a project? We might find out that we are totally out of the ballpark or we're not. Then we can make a decision—okay, we're not going to be able to compete for those kind of jobs and we'll just stay at home rather than waste people's time. Or we might just say, "okay,

we've got to step it up a little bit more". I think it's an education process and I think it will point us in a good direction. For this amount of money, I think it's worth the chance.

ECONOMIC DEVELOPMENT (cont'd)

Ms. Sorrells' response:

I would just like to say to Mr. Pyles and Mr. Coleman I was in no way questioning your work. I certainly did not come at it with the insight that you all had. I was just asking a question and I think you answered it quite eloquently. Thank you very much. I appreciate the work that you have put into this.

Chairman Beyeler made the following comment:

As most of you know, I hate studies. Mr. Pyles is correct. I voted to forward it on to the point we're at today. I did that from the beginning, but I think if Mr. Pyles recollects, I said I wasn't sure I would be there in the end. I do not question whether or not these people can do the job. That is not a question in my mind. My question is will we get \$147,710 worth? I'm going to ask for a vote. I am going to rely on you and Mr. Coleman. But I am going to hold you to the \$147,710. I am going to support the motion.

Mr. Brown asked that the motion be amended to include final review of the County Attorney and the Director of Community Development. There are a couple of language changes needed to tighten up the contract.

Mr. Coleman moved, seconded by Mr. Pyles, that the motion be amended to include final review of the County Attorney and the Director of Community Development

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried as amended.

Mr. Coffield made the following comment:

I understand the Board's concern with studies. It is with great deliberation that we do present If it is any consolation, whenever Mr. McGehee has hired a consultant/architect for a project, we are often tested by how many change orders we have. I think John has proven that when we do a construction project, we get what we ask for. Another project I think I can identify is the 608 Corridor Study. The same debate . . . do we need the study? If we hadn't done that study, Libby Welsh, Dennis Morrison and Garrett Moore have said we would not have gotten the Commonwealth Transportation Board to consider the new bridge on Exit 91. It's a chess game—it's not the move you make today it's two down. We spent \$2 million on incentives for Target. We spent \$200,000 on Hershey. We're hoping that when this study is complete, we will have a significant return on our investment. I hope it's not just \$147,710. I hope it's in the millions of dollars. That's my expectation. Otherwise, it's not worth it if it is only \$147,710. I think staff has a history of turning lemons into lemonade. I think there are many examples of where, at first, we didn't feel that way, but then it turned into a real positive. I think the consultant, when he first comes in, needs to explain to the entire Board a lot of things that Mr. Coleman and Mr. Pyles have heard. He needs to go back a little bit and explain how we got to today.

From what I heard, when that consultant's proposal was considered, he was rated second. Out of that interview, he went from second place to first place on the strength of his presentation.

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<u>ADULT BUSINESS – ORDINANCE</u>

The Board considered recommendations of Planning Commission regarding proposed Zoning Ordinance amendment and proposal to enact Police Powers Ordinance requiring all adult businesses to obtain a permit from Sheriff's Department.

Mr. Brown advised that the Board received a detailed briefing by Mr. Cobb at the Staff Briefing on Monday as to two separate adult business-related ordinances. The first was to require a permit from the Sheriff's Department by which the Sheriff would do a background check and other regulations on folks wishing to have an adult business. The second ordinance is an amendment to the Augusta County Zoning Ordinance, which would allow adult businesses as a permitted use in the General Business zoning classification subject to certain fairly strict restrictions as to location of schools, churches and residences. He stated that, if it is the Board's pleasure, the Board should refer the Zoning Ordinance amendment back to the Planning Commission so that it can have a public hearing as required by Virginia Code. Depending on what happens at that public hearing, the Planning Commission can send the ordinance back to the Board of Supervisors for consideration at its next meeting. The Police Power ordinance can be heard at the same time. There is no need for the Planning Commission to hear the Police Power ordinance. If it is the pleasure of the Board, a notice of intent to consider the Police Power ordinance can be published to be heard the same night as the Board hears the Zoning Ordinance.

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

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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CONSENT AGENDA

Ms. Sorrells moved, seconded by Mr. Pyles, that the Board approve the following consent agenda:

MINUTES

Approved minutes of the following meetings:

• Regular Meeting, Wednesday, February 13, 2008

WESTGATE - PRELIMINARY PLAT

Approved preliminary plat – Westgate, containing 61 lots zoned General Business and 2 lots zoned General Industrial located on the west side of Tinkling Spring Road (Route 285) between Expo Road (Route 935) and Ramsey Road (Route 635) (Beverley Manor District). The Planning Commission recommends approval.

Vote was as follows: Yeas: Sorrells, Garber, Beyeler,

Shifflett, Pyles and Coleman

Nays: None

Absent: Howdyshell

Motion carried.

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	(END OF CONSENT AGENDA) * * * * * * * * * * * * * * * * * * *
MATTERS TO BE PRESE	NTED BY STAFF - NONE
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<u>ADJOURNMENT</u>	
-	ness to come before the Board, Mr. Pyles moved, seconded by d adjourn subject to call of the Chairman.
Vote was as follows:	Yeas: Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman
	Nays: None
	Absent: Howdyshell
Motion carried.	
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County Administrator

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Chairman