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Regular Meeting, Wednesday, July 12, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator Doug Wolfe, Director of Community Development James Benkahla, County Attorney Angie Michael, Executive Assistant

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, July 12, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

> > * * * * * * * * * * * * * *

Chairman Shull welcomed those present at the meeting.

The Board of Supervisors led the Pledge of Allegiance.

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Ms. Carter, Pastures District, delivered the invocation.

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ANIMAL ORDINANCE AMENDMENT

The Board considered advertising for public hearing.

Timothy Fitzgerald, County Administrator, presented the draft of the Animal Ordinance Amendment. After meeting with James Benkahla, County Attorney, it was determined that no changes were necessary Mr. Benkahla's meeting with Dr. Seaton.

Mr. Wells asked what occurred with the meeting between Mr. Benkahla and Dr. Seaton

Mr. Fitzgerald stated that the result of the meeting was that nothing changed with the ordinance amendment.

Mr. Wells wished to table the matter so the rest of the Board could discuss the draft with Mr. Benkahla.

Ms. Carter asked if each one of them needed to go to review the draft with Mr. Benkahla.

ANIMAL ORDINANCE AMENDMENT (CQNT'D)

Mr. Shull stated that the staff briefing would be the opportunity to further discuss it.

Mr. Benkahla said he was available to the Board at any time.

Mr. Slaven moved, seconded by Dr. Seaton, that the Board table the Animal Ordinance Amendment until the July 24, 2023 Staff Briefing for further discussion.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

CONSENTAGENDA

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve the consent agenda as follows:

CLAIMS:

Consider claims paid since June 1,2023

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE PUBLIC

Burle Bridge discussed his issues with finding housing and being homeless. He said he is sixty-years old, disabled, and has cancer. He discussed his struggle with the court system and was disappointed with the government.

CLOSED SESSION.

On motion of Mr. Slaven, seconded by Ms. Bragg, the Board went into closed session pursuant to:

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

a) Board of Supervisors

<u>CLOSED SESSION (</u>CQNT'D) Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: Seaton

Motion carried.

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On motion of Ms. Bragg, seconded by Mr. Wells, the Board came out of Closed Session.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter And Seaton Nays: None

Motion carried.

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The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: Seaton

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

Dr. Seaton moved to adjourn.

Vote was as follows:

Yeas: Seaton Nays: Shull, Slaven, Garber, Wells, Bragg, and Carter

Motion failed.

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MATTERS TO, BE PRESENTED BY STAFF - NONE

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MATTERS TO BE PRESENTED BY THE BOARD.

Mr. Shull read the following resolution:

WHEREAS, duties of the Augusta County Board of supervisors include making decisions on behalf of the citizens of the County that often require discussions that are sensitive and private in nature; include confidential proprietary information involving individual businesses; include contract negotiations, and/or involve legal matters. WHEREAS, the Code of Virginia recognizes the need for governing bodies to have the ability to discuss certain business matters in a confidential manner.

WHEREAS, Virginia Code 2.2-3711 allows for closed meetings where specific stated topics, which require confidentiality, may be discussed. Examples of exempt topics include, but are not limited to:

- 1. Discussion or consideration of specific personnel cases; to include the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or the employees of the public body.
- 2. Discussion or consideration of the condition, acquisition, or use of real property for public purposes, or of the disposition of publicly held property.
- 3. The protection of the privacy of individuals in personal matters not related to public business.
- 4. Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community.
- 5. Consultation, with or without legal counsel and staff with respect to actual or potential litigation, or other legal matters within the public body's jurisdiction.
- 6. Discussion of the award of a public contract involving the expenditure of public funds including interviews of bidders or offerors, or discussion of the terms of scope of the contract, where such discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

7. Discussion or consideration of confidential proprietary records and trade secrets. (1) WHEREAS, The Augusta County "Rules of Order", adopted on January 25th, 2023 by a 7-0 vote, address the standing rules of operation for the Augusta County Board of Supervisors. Item 11 in the Rules of Order says, "Statements made and matters discussed in closed session are strictly confidential and should be repeated to <u>no one</u>. This is particularly true of "advice from the County Attorney since disclosure will result in loss of attorney-client confidentiality privilege."

WHEREAS, on or about May 20, 2023 it became immediately apparent that confidential information, that had only been discussed in a closed session meeting, pertaining to a sensitive personnel matter, had been released and contents of the discussion had been made public.

WHEREAS, on Wednesday, May 22, Dr. Scott Seaton admitted to the members of the Augusta County Board of Supervisors that he shared confidential information discussed during the previous closed session meeting with persons outside of the governing body. WHEREAS, Friday, June 2nd, during a closed meeting, it was discovered that Dr. Seaton was secretly electronically recording the meeting. After further questioning it became apparent that this was not the first/only closed meeting that had been secretly recorded.

WHEREAS, the members of the Augusta County Board of Supervisors recognize that recording during a closed meeting in not illegal and that Dr. Seaton has not violated any laws by doing so, they nevertheless wish to express their grave concerns on the secret

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

recording and public sharing of information that has been discussed during their closed meetings,

WHEREAS, it is the opinion of the Board that the breach of confidentiality and the disregard of the privacy of personnel, may impair the County's ability to negotiate business agreements between the County of Augusta and outside entities. As a result, the members of the Augusta* County Board of Supervisors find it impossible to effectively conduct the business of the County, while in the presence of Dr. Scott Seaton.

WHEREAS, the actions of Dr. Scott Seaton have resulted in a complete breach of trust and faith between him and the public, members of the Board, and staff. Furthermore, the Board finds these actions, while not illegal, to be unprofessional, unethical, and leave in question his ability to be an effective member of the Board of Supervisors.

BE IT HEREBY RESOLVED, that the Augusta County Board of Supervisors formally issue this Statement of Censure against Dr. Scott Seaton, Representative of the Wayne District, for violation of the rules of confidentiality and for behavior unbecoming of a member of the Augusta County Board of Supervisors. Furthermore, the Board expresses concerns related to the ability of Dr. Scott Seaton to effectively participate in the representation and governance of the County of Augusta.

BE IT FURTHER RESOLVED, that effective immediately, Dr. Scott Seaton will be removed from all Committees and Boards of which he is a member, as a representative of Augusta County. This removal will be in effect until December 31,2023.

In addition, to the extent that the Board Rules of Order would delay the Board's consideration of this Resolution, the members of the Augusta County Board of Supervisors suspend the Board Rules of Order.

Mr. Wells moved, seconded by Mr. Slaven, that the Board adopt the resolution as presented.

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Dr. Seaton stated that the sixth paragraph was not true and he has it on his phone. He said the Board thinks he shared information but he did not. He said the Board just does not like the fact that the County was charging illegal fees and the ordinance could have been changed earlier. He claimed that the first amendment of the Constitution gives citizens the right to know what the government is doing. He said there is nothing against the law to his recording of meetings and the Virginia Code allows for the recording of discussions as it is a one-party consent state and equated a recording to note taking. He said it is a good thing to record government officials not a bad thing no matter what the meeting type is. He also brought up the fact that minutes are allowed to be taken during Closed Sessions in Virginia. He referenced April 19, 2023 meeting saying the truth was not being followed.

Mr. Shull stated that this issue was not about the dogs but about Closed Session and the fact that the Board was being recorded for two years without them not knowing. He said while the 30-year lack of documentation concerning the dog ordinance had occurred all the localities had legal advice for all that time. He said the reason the problem had happened was because all the legal details had not been recorded but that the practice was to save the citizens from having to go to court. He again emphasized that the actual issue the Board was dealing with was the lack of knowledge of being recorded and the information of personnel that was leaked. He said confidential details had spread to the media despite the Board only discussing it in Closed Session.

Dr. Seaton stated that the discussion during the Closed Session had been concerning disclosure, not recording, but the Board could not find anyone he had disclosed information to. He said the Board told people he had recorded the Closed Session but that the recording was not wrong since the members are carrying out their public duties when being recorded.

MATTERS TO BE PRESENTED BY THE BOARD (CQNT'D)

Mr. Shull said the news never gives a name for a source but they still exist.

Dr. Seaton stated that this resolution seems to imply that the Board wished to penalize people for giving information to the press. He said there should be more sunlight on this government not less sunlight and the problem is when the government hides in the dark. He said he might look up all the Closed Session recordings to make sure the Board was staying on topic. He said if the government had more sunlight then maybe they would not have cocaine in the White House.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: Seaton

Motion carried.

ADJOURNMENT Mr. Slaven moved, seconded by Ms. Bragg, that the Board adjourn the meeting.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carterand Seaton Nays: None

Motion carried.

Chairman

County Administrator

h:7-12min.23

Staff Briefing Meeting, Monday, July 24, 2023, 1:30 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator Doug Wolfe, Director of Community Development Alidia Vane, Planner II James Benkahla, County Attorney

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, July 24, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....



VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

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FIRE AND RESCUE

Greg Schacht, Fire Chief, discussed the month Fire-Rescue report.

The board accepted the report as information.

<u>LIBRARY BOARD OF TRUSTEES BYLAWS</u>. Jennifer Brown, Library Director, discussed the bylaws for the Library Board of Trustees.

The Board authorized placing on the Wednesday, July 26, 2023 regular meeting agenda.

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PARKS & RECREATION COMMISSION BYLAWS

Andy Wells, Director of Parks & Recreation, discussed the bylaws for the Parks & Recreation Commission.

Ms. Carter pointed out that "he" was referenced throughout the bylaws and asked that it be changed to "he/she" or "person".

Mr. Wells will make the changes.

The Board authorized placing on the Wednesday, July 26, 2023 regular meeting agenda.

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July 24, 2023, at 1:30 p.m.

<u>PRIVATE POLICE-OFFICER LINE OF DUTY ACT RESOLUTION</u> Timothy Fitzgerald, County Administrator, discussed the resolution.

The Board authorized placing on the Wednesday, July 26, 2023 regular meeting agenda.

ANIMAL ORDINANCE AMENDMENT - PREVIOUSLY TABLED

Mr. Fitzgerald stated that there is an Animal Shelter Owners' meeting tomorrow and fees will be discussed. This will be placed on the Wednesday, July 26, 2023 regular meeting agenda for further discussion.

The Board authorized placing on the Wednesday, July 26, 2023 regular meeting agenda.

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PLANNING COMMISSION/PUBLIC HEARINGS_____ Elizabeth Goodloe, Planner I, discussed the following:

- a. Ordinance to amend Chapter 25, Section 4.
- b. Ordinance to amend Chapter 25, Section 492.

The Board requested changes to the amendment on section 4 to clarify hazardous waste and re-advertise for the public hearing.

Mr. Shull requested a five-minute break

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MATTERS TO BE PRESENIED-BYJHE BOARD,

Ms. Carter questioned if the Service Authority was brought into the conversation regarding the recycling ordinance amendment.

Mr. Slaven thanked everyone for their attendance on Monday regarding the farm bill.

Dr. Seaton asked for an update on the mall site.

Mr. Fitzgerald stated that work is slowly progressing.

Dr. Seaton asked why are there adoption fees charged to someone that is fostering animals.

Mr. Fitzgerald will look into the issue.

Ms. Bragg reminded everyone about the Augusta County Fair and encouraged everyone to attend.

Mr. Shull requests that the ordinance regarding rollbacks and inoperable vehicles be reevaluated by the staff committee. July 24, 2023, at 1:30 p.m.

MATTERS TO BE PRESENTED BY STAFF

Ms. Goodloe stated that there are three ordinance amendments the require Board approval to be advertised for public hearing.

- 1) Chapter 25, Section 70.5 Solar Energy Systems
- 2) Chapter 25, Section 70.7 Solar Energy Systems
- 3) Chapter 25, Section 25-74 Permitted uses by special use permit for recreational vehicles.

The Board authorized advertising for public hearing.

Mr. Fitzgerald discussed the following:

- 1) VACo County Officials Summit is August 17, 2023.
- Comprehensive Plan and Economic Development Plan contract will be coming before the Board in August. The citizens committee will need to be put together to work with the consultant.
- 3) Senator Kaine held an Ag Bill event at the Government Center last week.
- 4) The county-wide project updated list was presented to the Board. There were no questions or comments regarding list.

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County Administrator

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H7-24sbmln.2O23

Regular Meeting, Wednesday, July 26, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman

Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahla, County Attorney Angie Michael, Executive Assistant

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, July 26, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

> > *****

Chairman Shull welcomed those present at the meeting.

The Board of Supervisors led the Pledge of Allegiance.

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Dr. Seaton, Wayne District, delivered the invocation.

LIBRARY BOARD OF TRUSTEES BYLAWS

The Board considered the Library Board of Trustees Bylaws.

Jennifer Whetzel, Deputy County Administrator, stated that a few items to note was they added the remote attendance update that is required by state code. The Trustees stressed that the rules and responsibilities of the board and the library director, the name of the Friends of the Library was updated to their new name to include the foundation and the document was formatted for ease of use. Most items in the bylaws were in the original bylaws. Items have either been clarified or rearranged in the current bylaw.

Ms. Carter' moved, seconded by Ms. Bragg, that the Board approve the bylaws as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

PARKS & RECREATION COMMISSION BYLAWS

The Board considered the Parks & Recreation Commission Bylaws.

Ms. Whetzel stated that the Parks & Recreation Commission Bylaws also included the remote meeting requirement for the Code of Virginia. Items that were related to the parks and rec being an advisory board versus an administrative board were removed as they were not addressed directly as an advisory board. Finally, the last amendment was to update or remove pronouns related to article seven to include the director versus the actual pronoun of He.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the bylaws as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

PRIVATE POLICE OFFICER-LINE OF DUJY ACT RESOLUTION The Board considered the following resolution:

WHEREAS, Mark Christopher Wagner II served for seven years with the Massanutten Police Department, beginning his law enforcement career as a Gate Attendant and in May of 2019, earned Police Officer status following his graduation from Central Shenandoah Police Academy; and

WHEREAS, Officer Wagner joined the Wintergreen Police Department in August of 2020 and diligently served the Wintergreen Community with unwavering honor and commitment; and

WHEREAS, Officer Mark Christopher Wagner II was killed in the line of duty on June 16, 2023, in his capacity as a law enforcement officer employed by the Wintergreen Police Department, a private police department; and

WHEREAS, the Line of Duty Act, Virginia Code § 9.1-400 *et seq.,* excludes private Police Officers from the benefits of that Act; and

WHEREAS, by definition under the Code of Virginia private Police Officers are law enforcement officers; and

WHEREAS, private Police Officers, just as their counterparts employed by a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, are responsible for the prevention and detection of crime and the enforcement of the penal laws and are exposed to the same risks of injury or death; and,

WHEREAS, it is the sense of the Augusta County Board of Supervisors that the Line of Duty Act should be amended to afford private Police Officers the benefits available under the Act.

NOW, THEREFORE, BE IT RESOLVED, the Augusta County Board of Supervisors hereby honors Officer Mark Christopher Wagner II of Wintergreen Police Department for his heroism and honorable service to the citizens of Wintergreen and the County, for whom he made the ultimate sacrifice, and

BE IT FURTHER RESOLVED, the Augusta County Board of Supervisors hereby calls upon the General Assembly to amend the Code of Virginia to afford private Police Officers the benefits available under Virginia Code § 9.1-400 *etseq.*, Line of Duty Act, and

BE IT FINALLY RESOLVED, said Board hereby directs that a copy of this Resolution requesting these State Code amendments be delivered forthwith to representatives in the General Assembly.

PRIVATE POLICE OFFICER LINE OF DUTY ACT RESOLUTION (CONT'D)

Mr. Fitzgerald stated that this resolution honors the life of Mark Christopher Wagner II, which was the police officer from Wintergreen who lost his life in the line of duty. This resolution resolves that Augusta County is calling upon the General Assembly to amend the Code of Virginia to afford local private police officers the benefits under the Line of Duty Act of the Virginia Code. Municipal Government provides line of duty act benefits. Currently, the Code of Virginia does not allow private police departments to utilize the benefits. This resolution honors the life of Mr. Wagner and also shows that Augusta County stands in support with Nelson County.

Jesse Rutherford, Nelson County Board of Supervisors Chairman; Mr. Dennis Russell, Chief of Police for Wintergreen and Curtis Sheets, Chief of Fire and EMS, were present and thanked the Board for their consideration of the resolution.

Mr. Wells stated that Delegate Ellen Campbell contacted him and asked that he speak on her behalf. It was made clear that she will do everything possible to see that this goes through the General Assembly.

Mr. Garber moved, seconded by Dr. Seaton, that the Board adopt the resolution as presented.

Dr. Seaton stated that he was contacted by Chairman Rutherford after Officer Wagner's death and asked that this be brought before the Board for consideration. This resolution is the first step to encourage our delegates and senators to amend the line of duty act in the next session to provide benefits to the families of private police officers killed in the line of duty.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

ANIMAL ORDINANCE AMENDMENT

PREVIOUSLY TABLED - The Board considered advertising for public hearing.

Timothy Fitzgerald, County Administrator, stated that there was discussion at the Animal Shelter Owners' meeting regarding a potential impoundment fee and how it may look going forward. The shelter board asked that this amendment be placed on hold to allow for further discussion among the three localities.

The Board agreed to hold the ordinance amendment for a future meeting.

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<u>CQNSENTAGENDA</u>

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

MINUTES:

Consider minutes from the following meetings:

- Special Meeting, Friday, June 2, 2023
- Regular Meeting, Wednesday, June 14, 2023

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE PUBLIC

Scott Cline, PO Box 327, Mt. Sidney, spoke about the Augusta County Republican Party Committee regarding Dr. Seaton's opponent for the Wayne District Magisterial District.

Marco Floyd has concerns with volunteer fire and rescue operations and its members.

Tracy Pyles, 3665 Churchville Ave, Churchville, disagrees with the three-minute time limit to speak and is concerned about the conduct of the Board of Supervisors.

Mr. Shull addressed the three-minute time limit and stated that the Board rules were adopted and the time limit was a part of those rules.

Mona Huffer read a letter regarding Dr. Seaton from Linda Dickerson in the Wayne District.

MATTERS.TO BE PRESENTED BY THE BOARD

Mr. Garber stated that it was brought to the Board's attention of incorrect dates on the censure resolution that was adopted on July 12, 2023.

Mr. Garber moved, seconded by Mr. Wells, that the Board authorized to amend the resolution previously adopted on July 12' 2023 to correct the dates that are in error. May 20, 2023 should be corrected to reflect May 22, 2023 and Wednesday, May 22nd should be corrected to Wednesday, May 24, 2023.

Dr. Seaton asked for clarification on what rule was broken to deserve the censure and if there was evidence of who he spoke with.

Mr. Shull stated that the censure was regarding the fact of closed meeting being recorded without the entire Board knowledge.

Dr. Seaton disagrees with the dates that are on the floor to be amended. He believes

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MATTERS TO BE PRESENTED BY THE BOARD (CQNT'D)

the real motion to be to remove the censure, not to change the wrong dates to wrong dates again.

Mr. Garber withdrew his motion due to conflicting dates. The motion is about the dates not the resolution. He requests the dates be confirmed and addressed at the next meeting.

Ms. Bragg reminded everyone of the Augusta County Fair.

Dr. Seaton moved, seconded by Ms. Carter, that the Board authorize staff to place all bylaws for Board and Commissions on the website for public access.

Vote was as follows:	Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter
	and Seaton
	Nays: None

Motion carried.

Dr. Seaton asked if Carolyn Bragg is currently serving as Chair on the Planning Commission.

Ms. Bragg stated that the Planning Commission voted to table it until the meeting in August.

Dr. Seaton stated that at the last meeting, the Planning Commission voted to set aside the bylaws of the Planning Commission, 3-1, that states the chair and the vice chair shall not be members of the Board of Supervisors nor a member of County staff. Does Robert's Rules allow bylaws to be set aside?

James Benkahla, County Attorney, stated that rules and bylaws can be suspended with a 2/3 vote.

Dr. Seaton argues that bylaws cannot be suspended or set aside. He states that Ms. Bragg was appointed to the Board of Supervisors on April 19, 2023 and conducted Planning Commission meetings as the Chair in May and June which is against the bylaws. Also, bylaws cannot be set aside without notice and the Planning Commission did not give notice. According to their bylaws, Ms. Bragg is not required to resign as Chairman, she is automatically not Chairman by accepting her position on the Board of Supervisors on April 19, 2023 and being sworn in.

Dr. Seaton made the following statement:

"Too many in my position have told themselves I should never have done that. This is regarding things that I've done to protect our animals, to protect our constitutional rights, whether it is first amendment. I hate to say this, but I would agree with Tracy Pyles that we need more time to be able to speak. Three minutes is not enough to get a clear thought across and to get in some arguments. Too many in my position have told themselves I should never have done that because the government leaders got me reprimanded, demoted or fired, or in my case, members of the Board recruited someone to run against me for Board of Supervisors. That is the power people in government believe they have. Instead of listening to constituents or other representatives, they try to get you fired from your job or run someone against you for your office. My life would have been so much easier if I had just kept my mouth shut regarding the animal shelter. I would have cruised to an uncontested election. Perhaps that is what members of the Board and multiple County Attorneys have done for thirtyone years as the County supervisors unlawfully created and later maintain the illegal fee and fines scheme. That stole money from residents, and more importantly, knowingly held our pets as hostage to get that money, violating our resident's rights to due process

MATTERS TO BE PRESENTED BY THE BOARD (CQNT'D)

and property. I spoke up against the unlawful scheme, and I believe we are already getting a better, kinder, lawful shelter and a still better one in the future at Verona Elementary. The Wayne District voters did not elect me to sit by and remain silent. Though I was untested in government, they elected me hoping I would solve problems just like I have for my patients for the last twenty-four years. I am not the problem on this Board. I have been accused of not being a team player. I will assure you that I am not here to close my eyes and coast to electoral victories. I am not here to cover my ears and refuse to listen to the criejs .of. co,unty residents. I am not here to stay silent and vote with the majority so that we can go home early. I am not here to be another monkey that hears ncfjeyil,%^seps*no evil and speaks no evil. I was not elected to be a ruler, but to be the intermediary between an often-oppressive bureaucracy and the people I represent. To represent their interests and not the interests of the government and to empower people with resources that help them navigate their struggles. When reelected, I will continue to protect their rights."

Ms. Carter recommends seeking an official opinion regarding bylaws.

Ms. Carter moved, seconded by Dr. Seaton, that the Board appoint Mary Brandenberg to serve on the CAP-SAW Board. Effective immediately and to expire June 30, 2025.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Mr. Shull requests a copy of all closed meetings that Dr. Seaton has recorded to allow clarification of the dates in question. He also requests all emails.

Dr. Seaton will comply to the request with direction of the County Attorney and a Judge.

Mr. Shull reiterated that the Rules of Order are passed each year by the Board to establish order for the meetings. The Rules of Order uses Robert's Rules simply as a general guideline.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) National Night out will be held Tuesday, August 1, 2023 at the Government Center.
- 2) L3 Harris will be holding a meet and greet on August 4th at the Government Center.
- 3) There are two openings on Boards and Commission due to the resolution regarding Dr. Seaton's positions.

The Board requests more time to consider the appointments.

Mr. Shull stated that the company doing the Fire/Rescue Strategic Plan needs to meet with all of the fire stations and evaluate the equipment and terrain.

ADJOURNMENT

Dr. Seaton moved, seconded by Mr. Slaven, that the Board adjourn the meeting.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carterand Seaton Nays: None

Motion carried.

41 Chairman

County Administrator

h:7-26min.23

Special Meeting, Wednesday, August 2, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahia, County Attorney Angie Michael, Executive Assistant

ABSENT: Scott Seaton

VIRGINIA: At an adjourned special meeting of the Augusta County Board of Supervisors held on Wednesday, August 2, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

The Board of Supervisors led the Pledge of Allegiance.

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Ms. Carter, Pastures District, delivered the invocation.

BOARD OF SUPERVISORS RESOLUTION The Board considered the following resolution:

RESOLUTION OF THE AUGUSTA COUNTY BOARD OF SUPERVISORS TO ASSERT ITS RIGHTS TO THE POSSESSION, CUSTODY, AND CONTROL TO PUBLIC RECORDS FROM BOARD MEMBER DR. SCOTT SEATON

WHEREAS, the Augusta County Board of Supervisors finds it necessary to meet in closed meeting from time to time as a public body; accordingly, each Board Member is admitted because he or she is a member of the public body's governing board.

WHEREAS, the purpose of closed meetings by the Board of Supervisors is to transact public business; and, therefore, recordings and notes of closed meetings are records that this Board asserts belong to the public body.

WHEREAS, the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700, *et seq.* ("VFOIA"), defines "public records" as "all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of

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BOARD OF SUPERVISORS RESOLUTION (CONT'D)

physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business." See <u>Virginia</u> <u>Code § 2.2-3701.</u>

WHEREAS, the Board of Supervisors asserts that surreptitious recordings of closed meetings of the Board of Supervisors by a Board Member may be public records and as such belong in the possession, custody, and control of the County and not an individual board member, although such recordings may be lawfully exempt from disclosure to others not in attendance at such closed meetings.

WHEREAS, the Board of Supervisors of Augusta County has determined that certain public records pertaining to closed session, including but not limited to recordings of closed meetings, are in the possession, custody, and control of Board Member Dr. Scott Seaton.

WHEREAS, Dr. Seaton has been asked by individual board members in an open meeting for copies of recordings of closed meetings to be shared with other members of the Board but has thus far failed, or refused, to share such public records with other board members.

WHEREAS, the VFOIA applies to records regardless of whether they are created and/or stored on a device owned by the public body or a personal device or a device owned or controlled by another entity.

NOW THEREFORE, IN LIGHT OF THE FOREGOING, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that:

- 1. The Board, on behalf of the County, is hereby asserting its right to possession, custody, and control of any and all public records (as that term is defined in the VFOIA) pertaining to closed meetings of the Board of Supervisors. These records include but are not limited to any and all public records created during a closed meeting, public records created outside of any closed meeting but pertaining to the subject of a closed meeting, and any and all communications pertaining information distributed and/or discussed during a closed meeting, and recordings —regardless of any VFOIA exemption that might apply.
- 2. The Board is hereby further requesting, without waiving any lawful exemption(s), that Dr. Scott Seaton turn over to the County any and all public records as that term is defined in the Virginia Freedom of Information Act and cases and opinions interpreting the VFOIA, which are in his possession, custody, or control pertaining to closed session as described above.
- 3. Such records being requested include but are not limited to recordings and/or communications such as texts, emails; messages, voicemail(s), letters, memorandum, and any other medium meeting the definition of "public record" under the VFOIA.
- 4. Such records being requested include any and all records that fall within the definition of "public record" regardless of the ownership of the device or server upon which the record was created and/or stored.
- 5. Such records being requested include any and all public records from January 1, 2020, to present.
- If Dr. Seaton refuses this request or fails to provide the public records within 7 business days of this resolution, the Board hereby authorizes the Chair to submit a request to Dr. Seaton on behalf of the Board for the aforementioned records pursuant to the VFOIA.

This Resolution shall take effect immediately upon its adoption.

BOARD OF SUPERVISORS RESOLUTION CCONT'D)

Ms. Carter verified that paragraph three, which defines VFOIA, includes any information that was transmitted during a closed meeting.

James Benkahla, County Attorney, stated that it does as long as there is a record of it.

Ms. Carter asked for clarification on what a public record consisted of.

Mr. Benkahla stated that any document the County has is a public record by definition. Certain public records are exempt under the Freedom of Information Act or other lawful exemptions.

Mr. Slaven moved, seconded by Mr. Wells, that the Board adopt the resolution as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: None Absent: Seaton

Motion carried.

Mr. Wells directed Staff to send a copy of the signed resolution by certified mail to Dr. Seaton.

Ms. Carter asked if Dr. Seaton was afforded the opportunity to call into the meeting.

Mr. Fitzgerald stated that Dr. Seaton did not request to call in.

ADJOURNMENT Ms. Bragg moved, seconded by Ms. Carter, that the Board adjourn the meeting.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: None Absent: Seaton

Motion carried.

Chairman

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County Administrator

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Regular Meeting, Wednesday, September 27, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman

Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahla, County Attorney Doug Wolfe, Director of Community Development Julia Hensley, Planner II Angie Michael, Executive Assistant

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, September 27, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

Chairman Shull welcomed those present at the meeting.

Veterans led the Board in the Pledge of Allegiance.

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Ms. Carter, Pastures District, delivered the invocation.

ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.5-SQLAR ENERGY SYSTEMS.

This being the day and time advertised to consider an ordinance amendment to amend Chapter 25 Section 25-70.5-Solar Energy Systems-Applications and Procedures for Small Energy Systems.

Julia Hensley, Planner II, stated that the first amendment adds the requirement for an applicant or representative to hold a conference with the Community Development department prior to the formal submission of an application for a special use permit for a small energy system. A similar pre-application meeting is required prior to a rezoning request. Staff finds that the pre-application meeting helps explain the staff process in evaluating requests, the public hearing process, and to discuss how to mitigate any concerns that may arise. This will also help to eliminate applications that are incomplete or have inaccurate information. The second amendment is a housekeeping amendment that revises the incorrect reference the to decommissioning section of the Solar Energy Systems Ordinance. The Planning Commission recommends approval.

The Chairman declared the public hearing open.

ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.5-SQLAR ENERGY-SYSTEMS (CQNT'D)

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

Ms. Bragg moved, seconded by Mr. Slaven, that the Board approve the ordinance amendment as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.7-SCLAR ENERGY SYSTEMS

This being the day and time advertised to consider an ordinance amendment to amend Chapter 25 Section 25-70.7-Solar Energy Systems-Application and Procedures.

Ms. Hensley stated that this is two proposed ordinance amendments to section 25-70.5. The first amendment adds the requirement for an applicant or representative to hold a conference with the Community Development department prior to the normal submission of an application for a special use permit for a large energy system. This is the same amendment as the previous one, but for large energy systems. The second amendment is also a housekeeping amendment that revises the incorrect references to the decommissioning section of the Solar Energy Systems ordinance. The Planning Commission recommends approval.

The Chairman declared the public hearing open.

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

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve ordinance amendment as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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AMBULANCE FUNDING REQUEST,

The Board considered a request for authorization of funding for an ambulance.

Greg Schacht, Fire Chief, stated that Augusta County Fire-Rescue is requesting approval to order a PL Custom ambulance from Goodman Specialized Vehicle. The strategic plan contains a detailed schedule to replace ambulances on a ten-year cycle. ACFR staffs seven frontline units on a 24/7 basis and an additional three units in reserve status. The plan rotates each unit around Augusta County to balance out the mileage. The goal is to reach 100,000 miles (est.) while in frontline status during the first seven years. While in reserve status, the plan targets between 15k-20k miles

AMBULANCE FUNDING REQUEST (CONT'D)

before the unit is replaced. The capital depreciation schedule is the source of funding with the unit being replaced fully depreciated. With the purchase of this unit, it will be on a one per year replacement rotation unless ACFR would expand the fleet or service coverage. The price quote of \$402,260.00 includes the HGAC fee of \$1,000.00 with the total capital expenditure not to exceed the requested amount.

Mr. Shull asked if putting this out for bid was considered.

Chief Schacht stated that due to satisfaction of the spec that has been developed and what has been used through PL Custom.

Mr. Wells moved, seconded by Mr. Slaven, that the Board authorize funding the purchase of an ambulance.

Mr. Shull does not agree with the process when purchasing new equipment.

Vote was as follows:

Yeas: Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: Shull

Motion carried.

REVENUE[^] SHARING RESOLUTION - DICK HUFF LANE PROJECT

The Board considered the following resolution in support of the Dick Huff Lane Revenue Sharing Project application:

At a regularly scheduled meeting of the Augusta County Board of Supervisors held on September 27, 2023, the following resolution was adopted:

WHEREAS, the Augusta County Board of Supervisors desires to submit an application for an allocation of funds through the Virginia Department of Transportation Fiscal Year 2027-28, Revenue Sharing Program; and,

WHEREAS, a portion of these funds are requested to fund the improvement of Rt 940 (Dick Huff Lane), from US 11 to 0.16m E of US 11; and,

WHEREAS, The Augusta County Board of Supervisors hereby supports this application for an allocation of 50% of the project cost through the Virginia Department of Transportation Fiscal Year 2027-28 Revenue Sharing Program.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Augusta hereby commits to fund its local share of preliminary engineering, right-of way and construction of the project under agreement with the Virginia Department of Transportation in accordance with the project financial document.

BE IT FURTHER RESOLVED, that the County Administrator is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

Doug Wolfe, Director of Community Development, stated that with construction of the Augusta County Courthouse in Verona, Timmons Group is developing construction plans for recommended upgrades to Dick Huff Lane. Since Dick Huff Lane is a VDOT roadway to its intersection with Government "Center Lane, staff recommends the County apply for the 50/50 funding available though VDOT's Revenue Sharing Program. Funding the 50% match for the County is allocated within the courthouse budget. The County is currently at a 35% conceptual design with the entrance roadway. Final revenue sharing applications are due to VDOT on October 2, 2023 and require that the Board adopt a resolution committing the County's share of funding. Current estimate for the 35% plans is \$2,758,674 and the County's responsibility of that estimate is \$1,379,337. There is a 30% contingency built into the estimate.

REVENUE SHARING RESOLUTION - DICK HUFF LANE PROJECT

The estimate has gone up since the initial preapplication was submitted in June. This is based on some of the construction costs. It is important to apply for more funding than what is needed to get to the 50% match. VDOT will match 50% of what is spent. Inflation to the construction year is included in the total, which is 2026. Staff will work with VDOT to try to pull the project forward into prior years so that it will sync with the construction and completion of the courthouse in 2025.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve the resolution and authorize the County Administrator to sign agreements.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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INFRASTRUCTURE FUNDING REQUEST-WEYERS CAVE VOLUNTEER FIRE CO. The Board considered a funding request from Weyers Cave Volunteer Fire Company for a renovation project.

Funding Source: Middle River Infrastructure 8012-104 \$30,000.00 North River Infrastructure 8013-75 \$30,000.00

Timothy Fitzgerald, County Administrator, stated that this is a funding request to assist with a renovation project for a total of \$60,000.00.

Mr. Garber moved, seconded by Mr. Slaven, that the Board approve the funding request as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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SCHOOL BOARD YEAR-END FUND BALANCE _____ The Board considered the School Board year-end fund balance request.

Mr. Fitzgerald stated that the School Board has requested in writing for consideration to use their year-end fund balance. The prevailing practice, in previous years, is to use the fund balance for their School Capital Improvement Program. The current fund balance is \$521,528.00 and the School Board would like to utilize that fund balance to help fund the two middle schools that are currently under construction and to address some future emergency or capital projects in their capital program.

Mr. Garber moved, seconded by Ms. Bragg, that the Board approve the School Board year-end fund balance request.

<u>SCHOOL BOARD YEAR-END FUND BALANCE (CONT'D)</u> Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter

and Seaton Nays: None

Motion carried.

ANIMAL ORDIANCE AMENDMENTS

The Board considered the Animal Ordinance amendments for public hearing.

Mr. Fitzgerald stated that these amendments add a table that would allow for the civil fees and fines for various violations of the code versus what is criminal today. Also, changes to code section 5-12, 5-21, 5-22 and 5-51 in regards to state code references.

Dr. Seaton asked for a description of the process of how the civil penalties will be assessed.

Mr. Fitzgerald stated that under section 5-51, there is language in the ordinance that specifies the different code sections that would be civil violations. There are first, second and third offences in the new ordinance, if a dog was found running at large and the Animal Control Officers were able to capture the dog running at large, if the owner is unknown the dog would be taken to the Animal Shelter. The shelter would hold the animal and then if the owner comes forward they would get a civil violation first offense and a \$25.00 charge. If the owner chooses to not pay the \$25 fine, they will receive a summons and will need to appear in court. The fine for a second offense is \$75.00 and a third offense is \$150.00.

Mr. Slaven moved, * seconded by Ms. Bragg, that the Board approve the Animal Ordinance amendments for public hearing on October 25, 2023.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: Seaton

Motion carried.

Dr. Seaton moved that the Board approve replacing the second section of 5-22 that says any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section with the corresponding state code that is found in 3.2-6238 that says any person who permits his dog to run at large or remain unconfined, unrestricted, or not penned up shall be deemed to have violated an ordinance adopted pursuant to the provisions of this section.

Dr. Seaton made a statement regarding the issues with the animal ordinance.

Vote was as follows: Yeas: Seaton Nays: Shull, Slaven, Garber, Wells, Bragg, and Carter

Motion failed.

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ORDINANCE AMENDMENTS

The Board considered the following ordinance amendments for public hearing:

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- a. Chapter 25 Section 25-74
- b. Chapter 25 Section 25-4
- c. Chapter 25 Section 25-303
- d. Chapter 25 Section 25-384
- e. Chapter 25 Section 25-603

Julia Hensley, Planner II, reviewed the five ordinance amendments that will need to be advertised for a public hearing in November.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve advertising for public hearing.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

CONSENT AGENDA

Mr. Fitzgerald request that the minutes for August 9, 2023 be removed from the Consent Agenda for further review.

Mr. Slaven moved, seconded by Mr. Wells that the Board approve the consent agenda as follows and remove the August 9, 2023 minutes:

MINUTES

Consider minutes from the following meeting:

- Staff Briefing, Monday, August 21,2023
- Regular meeting, Wednesday, August 23, 2023

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Dr. Seaton questioned by E-Comments were not included word for word in the minutes.

Mr. Fitzgerald explained the process.

Dr. Seaton moved that the Board approve having E-Comments included in the minutes verbatim.

After Board discussion, Dr. Seaton withdrew the motion on the table. The Board agreed to discuss e-comments at the Staff Briefing on Monday, October 23, 2023.

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(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE PUBLIC

David Zimmerman, 120 Lee Highway, Verona, is concerned with the actions of a certain Board member. He also has concerns about the actions of campaigners.

David Briggman, 7556 Mountain Valley Road, Keezletown, restated an email that he sent to the Board. He is concerned about what taxpayers are having to pay due to unnecessary lawsuits from Nexus.

MATTERS TO BE PRESENTED BY THE BOARD

Dr. Seaton discussed a FOIA request received by a former Board member.

Ms. Bragg reminded everyone that September is Public Transportation Month. She attended a joint MPO meeting with Charlottesville, Albemarle, Staunton, Augusta County and Waynesboro.

Mr. Garber has issues with the fact that the state budget allotted \$100 million for Rail to Bike Trail through the Shenandoah Valley when there are numerous road improvements that are needed.

Ms. Carter thanked the Service Authority for their work in Deerfield. She also stated that there is a potential opportunity for a cell tower to be put in West Augusta. Based on the current ordinance, the tower site will require a variance. Ms. Carter asks for Board support to send the current telecommunications ordinance for review to allow for more flexibility.

The Board directs staff to review the ordinance and determine the possible solution to the issue.

Mr. Wells requests that Dr. Seaton respond to the text or email that Mr. Fitzgerald sent to him regarding the contract he claimed was signed without Board's approval.

Mr. Slaven stated that he can give a small example of how to take something factual and twist it around and make it seem favorable for one's position. There is a twoquestion survey done between July and August of 2022. The first question is; to what extent do you support providing body cameras and dash cameras for the County Sheriff's deputies? The highest figure answered is 65%. That is not 90%. The second question is; to what extent do you support using county taxes to fund body cameras and dash cameras? The answer percentage drops to 47%. The question does ask how to fund, it simply says County taxes. The survey makes no mention of the ongoing cost once the County enters into the program. It is time to start pushing back to inaccuracies.

Mr. Shull expressed concerns with 181 and the number of accidents happening. The return on the corridor taxes and the fuel taxes being paid is not what it should be for this region.

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MATTERS TO BE PRESENTED BY THE BOARD (CQNT'D)

Mr. Shull reviewed all of the projects currently taking place in the County. On behalf of the Board, he expressed appreciation for the County staff that is working on all of the projects.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald clarified the question of a contract Dr. Seaton claimed was signed without Board's approval. He has not ever and will not ever sign a contract without the Board's approval. He does not believe the contract exists.

Dr. Seaton does not recall what contract it was, but at one point had a doubt and another member of the Board agreed.

Ms. Carter indicated she had a question on the matter, however a simple phone call to Mr. Fitzgerald cleared the matter up.

ADJOURNMENT

Mr. Garber moved that the Board adjourn the meeting.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

ilu Chairman

County Administrator

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Regular Meeting, Wednesday, August 9,2023,7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman

Jeffrey Slaven, Vice-Chair Gerald Garber **Butch Wells** Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator Kathleen Keffer, Assistant County Attorney Angie Michael, Executive Assistant

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, August 9, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

The following students from the Buffalo Gap High School FFA and SCA led the Pledge of Allegiance:

Jason Payne is the FFA Student Advisor and plans to work in HVAC or on the family farm.

Emory Sea is the FFA Treasurer and plans to attend college and study biochemistry or mechanical engineering.

Joe Horn is the FFA Vice President and plans to attend University of Northwestern Ohio and then take over the family farm.

Makayla Loyd is the FFA Chaplain and plans to pursue something related to livestock.

Chloe Emurian is the SCA ASenior Executive President and plans to attend Liberty University to study interior design.- '

3? Trinity Cline is the SCA Public Relations Coordinator and plans to attend Blue Ridge ٠ Community College for nursing.

Dr. Ian Marshall, Principle of Buffalo Gap High School, thanked the Board for allowing them to come lead the Pledge of Allegiance.

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Mr. Shull, Riverheads District, delivered the invocation.

August 9, 2023, at 7:00 p.m.

Mr. Shull made the following statement:

"This is a business meeting for Augusta County. As we work through the items on our agenda, we ask that all in attendance act in accordance with our meeting guidelines that are printed with the agenda. This would include refraining from any disorderly, disruptive, boisterous conduct such as clapping, speaking loudly from your seat and making noise. Please be respectful to others and their point of views."

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VALLEY COMMUNITY SERVICES BOARD

Dr. Kimberly McClanahan, Executive Director of VCSB, shared a presentation on intent to develop a Crisis Receiving Center in Augusta County.

VERONA PEDESTRIAN PROJECT

The Board considered awarding a contract to A&J Development & Excavating and authorized the County Administrator to sign contracts.

Funding Source: Beverley Manor Infrastructure 8011-109 \$256,203.91 Revenue Sharing Capital 80000-8162 \$185,865.56

Doug Wolfe, Director of Community Development, stated that the project will provide sidewalks on the north side of Route 612 from the ShenandoahValley Railroad East to the park and ride on Lodge Lane. Also, on the east side of US Route 11 from the vicinity of the First Bank parking lot to the signal at the entrance to the Augusta County Government Center. It will include a pedestrian crossing of the entrance as well as sidewalk along Dick Huff Lane from US 11 to just across the railroad tracks at the Government Center. The project costs include preliminary engineering, right-of-away acquisition and construction for a total of \$3.2 million. This amount is funded 80% by the federal grant funding with 20% from the County. Applications were distributed across three primary funding cycles from 2017 to 2021. The project was too big to put into one application so it was broken up into Rt. 612, which was the most dangerous segment for pedestrian safety, and the Route 11 segment. Intent was to construct the Route 612 segment while designing the Route 11 segment. There were no bids received on the Rt. 612 segment and the design 'for the Route 11 segment was complete. The projects were able to be bid together for both segments. Bids were received on April 27, 2023. Of the two bids received, A&J Development & Excavating was the low bidder at \$2,374,951.43. The County is currently \$442,069.47 short in funding for this project. A large portion of this was committed, but not obligated when we applied for the third grant round in 2021. This amount is \$256,203.91 and is requested to come from the Beverley Manor Infrastructure account. An additional \$185,865.56 is then needed to match VDOT funding and complete the project. Staff recommends this funding be allocated from the Revenue Sharing Capital account. It is recommended by staff to award the construction contract to A&J Development & Excavating, in the amount of \$2,374,951.43 with a 5% contingency of \$118,747.57 and authorize the County Administrator to sign contracts.

Mr. Wells moved, seconded by Mr. Slaven, that the Board approve the funding request and authorize the County Administrator to sign contracts.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter And Seaton Nays: None

Motion carried.

August 9 2023, at 7:00 p.m.

<u>PERSONAL PROPERTY TAX RELIEF PROGRAM-RESOLUTION</u> The Board considered a resolution establishing the rate of tax relief of qualifying vehicles for the Personal Property Tax Relief Act.

RESOLUTION OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA

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

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

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2023 for purposes of the Ordinance.

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

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be twenty-six (26%).

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

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

Jennifer Whetzel, Deputy County Administrator, stated that in the late 1990's the Governor showed interest in returning a portion of personal property tax to individuals at the state level. In the early 2000's, under the Governor's initiative, the state set aside \$950 million per year in the budget to go towards the Personal Property Tax Relief Act. Each locality had to report their tax rates to the state and the state allocated a portion of the \$950 million to the locality. Augusta County receives approximately \$4.3 million each year. The Commissioner of the Revenue's office has to take the values of the personal property book and compare it against the \$4.3 million and allocate it back to the tax bills based on qualifying vehicles. The resolution states the rate of tax relief with respect to qualifying vehicles with an assessed value of more than \$1,000.00 and applied to the first \$20,000.00 in value of each qualifying vehicle shall be 26%. 26% is the same percentage as it was in the previous year

August 9, 2023, at 7:00 p.m.

<u>PERSONAL PROPERTY TAX RELIEF PROGRAM-RESOLUTION (CONT'D)</u> Dr. Seaton asked how the 26% is calculated.

Ms. Whetzel stated that as the personal property book grows due to increased cars and increased values so the percentage will change from year to year.

Dr. Seaton asked what the effect of a decreasing percentage would be.

Ms. Whetzel stated that for those qualifying cars individuals would get a reduction for the PPTRA of 26%. If the book were to shrink and that rate goes up then there would be a bigger deduction on their tax bill. State Code dictates how the percentage is calculated.

Dr. Seaton stated that last year there was a 92% to value that was added on later in the month due to rising vehicle values due to COVID. What are the plans as far as the 92%?

Ms. Whetzel stated that nothing had been discussed relative to that percentage. The percentage will go back to the 100%.

Ms. Carter stated that it is important for citizens to understand that this process is dictated by the state.

Ms. Bragg moved, seconded by Ms. Carter, that the Board the resolution as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter And Seaton Nays: None

Motion carried.

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BUFFALO GAP HIGH SCHOOL SPORTSMAN CLUB FUNDING REQUEST

The Board considered a funding request from Buffalo Gap High School Sportsman Club in the amount of \$14,211.00 for concession stand equipment.

| Funding Source: Pastures Infrastructure | 8014-119 | \$4,737.00 |
|---|------------|------------|
| Beverley Manor Infrastructur | e 8011-110 | \$4,737.00 |
| North River Infrastructure | 8013-74 | \$4,737.00 |

Mr. Fitzgerald stated that the Sportsman Club is requesting funding for a freezer, two warming cabinets, a popcorn popper and two hot dog grills with a total cost of \$14,211.00.

Ms. Carter moved, seconded by Mr. Wells, that the Board the funding request as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter And Seaton Nays: None

Motion carried.

August 9 2023, at 7:00 p.m.

<u>CONSENTAGENDA</u>

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

MINUTES:

Consider minutes from the following meetings:

- Staff Briefing, Monday, June 26, 2023
- Regular Meeting, Wednesday, June 28, 2023
- Regular Meeting, Wednesday, July 12, 2023
- Staff Briefing, Monday, July 24, 2023

CLAIMS:

Consider claims paid since July 1,2023

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

(END OF CONSENT AGENDA)

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Mr. Shull made the following statement:

"Matters by the public is a time when you have comments on matters, not specifically listed on the agenda. This is an opportunity for you to inform the Board about your views and provide input that the Board will take into consideration as we make decisions. Please approach the podium and speak clearly into the microphone stating your name and address. All questions should be directed to me. The County Administrator and the Board are not expected to respond to the questions. An individual has three minutes to speak and anyone representing a group will have five minutes. We go above and beyond giving public comments compared to some localities. Two years ago, state code was amended stating that public comment was required four times per year.

Kathleen Keffer, Assistant County Attorney, stated that State Code section 15.2-1416 Part D states the governing body shall provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly. This code section was amended in 2020 to add that requirement.

August 9, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC

Rebecca Breeden, 93 Patterson Mill Road, Grottoes, is unhappy with the actions of the Board and allowing the public to speak. She voiced concerns regarding the real estate assessment that is currently taking place.

Beverly Farra, 890 Augusta Springs Road, Craigsville, is concerned with the Board allowing the citizens to voice their opinions and concerns.

Terry Pyles, 36 Equestrian Drive, Staunton, is concerned with the Board putting a time limit on the citizens wanting to speak. Each citizen should be heard.

Tracy Pyles, 3665 Churchville Ave, Churchville, is concerned with the Board's actions and restricting the time a citizen can speak. Trust is an issue.

Chanda McGuffin, 1016 Bridge Ave, Waynesboro, there is a lack of transparency with the Board of Supervisors.

Scott Cline, PO Box 327, Mt. Sidney, questions why there are not minutes kept during a closed session.

Sophie Alberts is disappointed in the actions of the Board. The public should know what is going on behind closed doors.

Dave Zimmerman, Verona, stated that the Board has important things to deal with. The Board members must be held accountable for their individual actions.

Cherish Alberts, 84 Birch Way, Barboursville, is disappointed in the actions of the Board.

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells appreciated the demonstrations and information that was given regarding the new radio system.

Mr. Slaven appreciates the Board members he works with and the staff of the County.

Dr. Seaton recommends eliminating the three-minute time limit for speakers.

Dr. Seaton moved to eliminate the three-minute time limit on speaking and make it five minutes.

Vote was as follows:

Yeas: Seaton Nays: Shull, Slaven, Garber, Wells, Bragg, and Carter

Motion failed.

Dr. Seaton gave Jennifer Whetzel, FOIA Officer, the thumb drive with all of his recordings.

August 9 2023, at 7:00 p.m.

<u>MATTERS TO BE PRESENTED BY THE BOARD</u> (CONT'D) Dr. Seaton moved to record all closed session meetings.

| Vote was as follows: | Yeas: Seaton |
|----------------------|---|
| | Nays: Shull, Slaven, Garber, Wells, Bragg, and Carter |

Motion failed.

Dr. Seaton moved to develop a plan to return fines to the payees of the animal shelter with potential options given to the Board to consider.

Vote was as follows: Yeas: Seaton Nays: Shull, Slaven, Garber, Wells, Bragg, and Carter

Motion failed.

Dr. Seaton made the following statement:

"We do have a lot of important business on this Board, but the Board has been gas lighting the public. At the March 8, 2023 meeting, the Board was informed that the county animal ordinances were unlawful. The animal shelter continued assessing unlawful fees and fines. Here we are five months later and administration still has not corrected the animal ordinances. The only reason the fines and fees are not being assessed now is because I demanded that the county stop illegally assessing them on May 30, 2023, thus starting the journey of retaliation by the rest of the Board against me. Beginning at the June 2, 2023 special meeting, continuing with the July 13, 2023 meeting of censure, which still has the wrong dates on it, and the August 2, 2023 meeting when the Board demanded, through resolution, the recordings of the closed meetings that they attended with the exception of Carolyn that came on the Board at a later time. Through all of this, I received nearly unanimous support from the public. I have been placing more and more campaign signs in my district. Let's look at the laws, rules and conduct of the Board. In the recent county survey, Augusta County residents supported body cameras and dash cams for our deputies, 90% to 2%. Four members agreed to put the cameras in the budget this year and then removed them when it came to a vote because they were mad. Placing body cameras on law enforcement is a sign of a mature government that values transparency. The animal shelter has been assessing fines and fees without due process and holding the animal's hostage until the money was paid to the Treasurer. That violates our residents fourth, fifth and fourteenth amendment rights to property and due process. The majority on the Board has limited the time to speak at our meetings to three minutes. A three-minute speech is one and a half pages, fourteen-point font size, double spaced and hardly enough time for a thesis and conclusion in one argument. This is a restriction of our resident's first amendment rights to address their grievances to the government. What is the Board afraid of? Do they really want to get home earlier from meetings that much that they are willing to suppress the first amendment rights of our residents? Our animal ordinances don't follow the Virginia Code and the animal shelter didn't even follow our own ordinance when assessing these fines and fees. For its entire existence, the animal shelter hasn't even had a policy and procedure manual to help the director and the employees with operating the shelter. On the Planning Commission, the Chair of the Planning Commission became a Supervisor and according to the Planning Commission bylaws a Supervisor shall not be a Chair or Vice Chair of the Planning Commission. Instead, the Planning Commission just ignored the bylaws and allowed her to be Chair and the rest of the Supervisors didn't care that she was still Chair of the Planning Commission. So, at the last Planning Commission meeting they changed the bylaws to fit the situation instead of following the bylaws. In summary, I followed the Virginia Code and took

August 9, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED-BY THE BOARD (CONT'D)

notes of some closed sessions. I recorded closed meetings sporadically before my wife died because during one unrecorded closed session the County Administrator had announced he proceeded with a contract when I didn't recall the Board giving him consent, but couldn't get other Board members to agree with me, though some looked puzzled by the announcement. I wasn't sure if my recall was true. After my wife was killed I increased the recordings to replay them and helped me with recall while my memory and concentration were affected by the tragedy. The Board asserts that my notes were surreptitious. That word implies that I need permission to record. Well established Virginia Code 19.2-62B2 and 2.2-3712, states that I may take notes during closed sessions by recording them. The Board Chair asserts that my conduct, while legal, was unethical. Yet he won't site authority for his opinion. Perhaps recording government officials conducting government business is unethical to him, but not to the residents of the County or our Country. Calling our rights under the US and Virginia Constitution unethical is wrong and is the first step toward violating our rights. Our rights in the US and Virginia Constitution, whether enumerated or implied, are derived from each person's responsibility to preserve their own life, liberty and property and to defend themselves from an often-overreaching government. This is one reason why we need more transparency at all levels of government. Whether on the Board of Supervisors, Planning Commission, Board of Zoning Appeals or body cameras and dash cams for our deputies so that our residents can trust the decisions and activities of our government. I would say better trust. I do trust our deputies and I want to make sure that's clear. I trust our deputies. I think they do an excellent job, but I think there are some people who may not and I think we could better trust them is we have the body and dash cameras. Until the residents of our county insist upon transparency and change the leadership in the county, the county government will do whatever it wants until the residents discover the illegal activities and report them to a higher authority. Hopefully those authorities will act whether by judicial or executive powers to preserve our constitutional rights and force our county to follow Virginia Code County Ordinances and its own bylaws. I have turned over my correspondence with the Department of Justice regarding these recordings and a copy of the recordings of closed meetings to the County FOIA Officer, Jennifer Whetzel, because it is required and the right thing to do. Procedures can be followed so that a judge may be able to release some the recordings. I have received freedom of information requests and the County FOIA Officers will determine if any of the meetings will be released. The public deserves to hear some of these meetings, particularly when the topic is the Board of Supervisors, such as the March 20 and June 2, 2023 meetings. I don't believe that an elected official should have the same personnel exemption protection as county employees, but that will be up to a judge to determine if a decision is appealed. I have not released any of the recordings myself. The FOIA Officer can tell the requesters how to appeal the decision not to release and it will be up to the individuals to pursue the appeal. I still trust the system. I don't regret recording these closed meetings. I trust the citizens to hold me and the Board accountable for statements made during these closed meetings. In conclusion, our local government needs retraining on the rights of our residents. Our residents are ready for a mature government that responds to the residents instead of hiding from them."

Ms. Bragg thanked everyone that supported the fair. The Virginia Secretary of Labor was in the area for the Valley Business Summit. National Night Out was a huge success. The Stuarts Draft Fireman's Carnival is coming up.

Mr. Garber stated that the dates on the Censure Resolution are incorrect and should be amended to March 20 and March 24,2023

August 9 2023, at 7:00 p.m.

MATTERS.TO, BE PRESENTED BY THE BOARD (CONT'D)

Mr. Garber moved, seconded by Mr. Wells, that Board approve amending the dates on the resolution.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton * Nays: None

Motion carried.

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MATTERS TO BE PRESENTED BY STAFF

1. Mr. Fitzgerald made the following statement:

"In regards to Dr. Seaton's discussion tonight on the animal ordinance, we all know that we've been working hard trying to get that done. I don't know that we need to continue down a path of that, but we are working to try to get it wrapped up.

The other thing that concerns me a little more was that Dr. Seaton insinuated that I signed a contract outside of the Board's approval. That has never happened. That is not something I do as an Administrator. I do not act unless this Board gives me the responsibility and the duty to do so. I can tell you for a fact that has not happened and to have that insinuated tonight in a public forum in front of the public body that it may have happened was not appreciated. I also wanted to share about closed sessions. Closed sessions are allowed by the Virginia Code. Very clearly in the Virginia Code they allow closed sessions for various things, exceptions that you can go into closed sessions for. Some of those would be a personnel matter and certainly we do that. Other closed session items would be a position in where we may be in a contract negotiation and our bargaining power may be jeopardized by having that discussion in public and we are certainly allowed to go into closed session for that. We are allowed to go into closed session to talk about Economic Development projects. That is very important. When people look at us and look at this county, they count on us to be confidential in their proprietary information. Many times, they ask me to sign an agreement that says I will not speak about the company or what they do. They count on this Board to be confident in doing that. The Virginia Code allows us to go into closed session to discuss those items. Our County Attorney has been involved in every closed session we have. If the discussion goes into a direction that is not in the identified call the County Attorney stops the discussion immediately. After each one of those closed sessions the Chairman asked for a vote for all the Board members to certify. What they are doing is certifying that they discussed in closed session only what was on the call to go into closed session. This Board has always certified with the exception of one meeting where Dr. Seaton did not certify. All local governments do this. It is something we have to do in order to be able to operate our government."

- 2. Mr. Fitzgerald reminded the Board of the VACo County Officials Summit
- 3. Dr. Bond and Mr. Fitzgerald have served on the ASAP Board and it is written in the County code that the Superintendent of County Schools and the County Administrator would represent the two entities on that Board. There is a time frame in which a re-appointment is needed and requires Board action.

August 9, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Mr. Slaven moved, seconded by Mr. Wells, that the Board re-appoint Eric Bond and Timothy Fitzgerald to serve a three-year term on the Valley ASAP Board. Effective immediately and to expire June 30, 2026.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

- 4. Currently the County Code specifies that the Ag Industry Board members are appointed per magisterial district. They are requesting to allow those members to be appointed as at large members instead of by magisterial district. This will require a code change. The change will have to be advertised and a public hearing held.
- 5. Mr. Fitzgerald introduced Joe Pozzo and Cheryl Harris as part of the team from the Center for Public Safety Management, LLC that will be working on the Fire and Rescue Strategic Plan.

ADJOURNMENT

Dr. Seaton moved, seconded by Ms. Carter, that the Board adjourn the meeting.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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Chairman

County Administrator

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Staff Briefing Meeting, Monday, August 21,2023, 1:30 p.m., Government Center, Verona, VA.

PRESENT: Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator Doug Wolfe, Director of Community Development James Benkahla, County Attorney

ABSENT: Michael Shull, Chairman

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, August 21, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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VDOT ROADS,

Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

» FIRE AND RESCUE

Greg Schacht, Fire Chief, discussed the month Fire-Rescue report.

The board accepted the report as information.

INFRASTRUCTURE ADDS/DELETES

Misty Cook, Finance Director, discussed the infrastructure account status.

The Board authorized placing on the Wednesday, August 23, 2023 regular meeting agenda.

<u>YEAR END FINANCE REPORT</u> Ms. Cook presented the Year End Finance Report.

The Board accepted the report as information.

August 21, 2023, at 1:30 p.m.

COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN

Doug Wolfe, Director of Community Development, discussed awarding the contract to Hill Studio.

The Board authorized placing on the Wednesday, August 23, 2023 regular meeting agenda.

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WEYERS CAVE VOLUNTEER FIRE COMPANY FUNDING REQUEST

Timothy Fitzgerald, County Administrator, discussed a funding request from the Weyers Cave Volunteer Fire Company for a renovation project.

The Board authorized holding the request for a later meeting date.

MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter suggested that the Board respond to citizens comments that are incorrect.

Ms. Bragg stated that at the beginning of the public comment agenda section the Board can take time to respond to questions and comments from the previous meeting.

Ms. Carter asked to have a status update on the Jennings Branch Restoration Project at the Wednesday meeting.

The Board discussed changing the time limit for public comment from three minutes to four minutes and do away with the group time limit.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1. Updated County Project list was provided to the Board.
- 2. The Economic Development report was provided to the Board.
- 3. Ms. Carter, Ms. Bragg and Mr. Fitzgerald attended the VACo County Officials Summit.
- 4. Ag Industry Board appointments regarding at large members verses magisterial district. It is recommended to have one representative from each magisterial district and possibly two at large members.
- Eldon James' contract for legislative services is expiring. There is an opportunity to piggyback on a contract that he has with Fauquier County. Staff recommends doing this and updating his contract for the next legislative session.
- 6. The Registrars Senate bill requiring the State Board of Elections to adopt guidance for determining the recommended number of Deputy Registrars that serve in a County or City be based on the size of the population as of the most recent census. This is being pushed to be in the budget bill.
- 7. Appointments to the MPO and the CAPSAW are needed.

Chairman

County Administrator

H8-21sbmin.2023

Regular Meeting, Wednesday, August 23, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahla, County Attorney Angie Michael, Executive Assistant

ABSENT: Michael Shull, Chairman

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, August 23, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

Vice Chairman Slaven welcomed those present at the meeting.

Phillip Kauffman led the Pledge of Allegiance. Mr. Kauffman served as a Marine and owns and operates a gymnastics gym.

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Dr. Seaton, Wayne District, delivered the invocation.

INFRASTRUCTURE ADDS/DELETES_____ The Board considered the infrastructure account status.

Jennifer Whetzel, Deputy County Administrator, stated that the adds and deletes to the infrastructure accounts that were previously committed were reviewed at the Staff Briefing. This is in accordance with the net assets policy and this is addressed twice a year. The list included items related to Parks & Recreation, as well as library. These are projects that the Board has allocated funding for that are now completed. The funds will go back to the respective accounts.

Mr. Garber moved, seconded by Ms. Carter, that the Board approve the infrastructure account status as presented.

Vote was as follows:

Yeas: Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None Absent: Shull

Motion carried.

<u>COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN</u> The Board considered awarding a contract Hill Studio. Funding Source: Contingency 80000-8199 \$317,780.00

Doug Wolfe, Director of Community Development, introduced Julia Hensley as the new lead Planner for Community Development.

Mr. Wolfe stated that this agenda item to consider award of a contract to Hill Studio for the Comprehensive Plan and Economic Development Strategic Plan. The last rewrite of the Comprehensive Plan was completed in 2007 with significant updates in 2014/2015. Small Area Plans for the communities of Fishersville and Stuarts Draft were also completed in 2009 and 2020, respectively. Since 2015, the County continues to grow in population and now seeks to respond to this past and continued projected growth to develop a Comprehensive Plan that will best serve the long-term needs of all County residents. The last strategic plan for economic development for Augusta County was completed in 2009 and last updated in January of 2015. The Code of Virginia mandates periodic review of the locality's Comprehensive Plan. At the Boards strategic planning session in late 2022, the Board ranked an updated Comprehensive Plan and Economic Development Strategic Plan as high priorities and has since directed staff to initiate work towards this- much needed work. The 2024-2044 Comprehensive Plan will vision for the next 20 revisit and articulate a community years and establish the specific goals, policies, and actions to achieve that vision. A critical component of the Comprehensive Plan will be the Economic Development Strategic Plan. The Economic Development Strategic Plan is the primary focus of the economic developmentsection of the Comprehensive Plan. On March 1st, a request for proposals was issued seeking consultant to lead the upcoming review and update of the Augusta County а Comprehensive Plan and Economic Development Strategy. Four (4) proposals were received, and the top three firms were invited to interview. Interviews were held with the Fourth Economy, Hill Studio and Summit Design and Engineering Services. After a thorough request for proposal, interview, and negotiation process, staff recommends awarding the contract for this work to Hill Studio. As the attached scope of work outlines, Hill Studio will subcontract with Sanford Holshouser Economic Development Consulting (SHEDC) for economic development consulting and RiverLink Group for public engagement. Based in Roanoke, Virginia, Hill Studio has completed multiple comprehensive plans within Virginia and is currently working on three within the state. SHEDC is a comprehensive economic development consulting firm based out of North Carolina with a satellite office in Roanoke. SHEDC has conducted over sixty Strategic **Economic Development** Action Plans. The project managers for the Economic Development Strategic Plan have over eighty years combined experience in economic development. RiverLink Group focuses on stakeholder facilitation and business retention and growth among other efforts. Upon approval, staff will begin work scale kickoff meetings beginning in immediately, with initial larger September. A worksession has been discussed to share the Board's vision with the consultants. Mr. Hill has indicated that he will make himself available at the Board's convenience. The scope of work includes a robust public engagement plan which includes community meetings, focus groups, external ally interviews and community surveys. Goals for completion are early summer 2024 for Economic Development Strategic Plan and winter 2024 for the Comprehensive Plan. Mr. Wolfe provided the Board with a set of expectations for the Comprehensive Plan Steering Committee members and a rough outline of what is being asked of them to do. The next steps are to approve the contract and appoint the Comprehensive Plan Steering Committee members.

Ms. Bragg moved, seconded by Dr. Seaton, that the Board approve awarding the contract to Hill Studio and authorize the County Administrator to execute the Comprehensive Plan and Economic Development Strategic Plan contract between the County of Augusta and Hili Studio pending review by the County Attorney.

August 23 2023, at 7:00 p.m.

<u>COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN</u> (CONT'D)

Vote was as follows:

Yeas: Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None Absent: Shull

Motion carried.

Dr. Seaton moved, seconded by Mr. Garber, that the Board appoint Emmett Toms to serve on the Comprehensive Plan and Economic Development Strategic Plan Steering Committee.

Vote was as follows:

Yeas: Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None Absent: Shull

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Fitzgerald read an online comment received from Mary Beth Barbagallo. The key highlights are how the meetings are handled in regards to citizens listening online and the importance of using the microphones and recognizing who is speaking.

Marco Floyd continues to be concerned with Fire/Rescue and how the organization is operated.

Sophie Alberts is concerned with the actions of the Board and how they conduct business.

Chanda McGuffin, 1016 Bridge Avenue, Waynesboro, is concerned with the actions of the Board and the lack of transparency.

Steve Morris, 203 Hotchkiss Road, Churchville, is concerned with trust for the Board. Public safety continues to be a big concern for the County.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Garber stated that new buildings at the Shenandoah Valley Regional Airport will be dedicated soon.

Ms. Bragg stated that new businesses in the County were celebrated with their ribbon cuttings. August 30 at 7:00 p.m.at Schneider Park will be a public information meeting for the second solar project that has been applied for on Wayne Avenue.

MATTERS.TO BE PRESENTED BY THE BOARDJGONT'D)

Dr. Seaton moved to remove the restriction on applause during the meetings.

Vote was as follows:

Yeas: Garber and Seaton Nays: Slaven, Wells, Bragg and Carter Absent: Shull

Motion failed.

Dr. Seaton moved, seconded by Mr. Garber, to remove the time limit on public comment.

Dr. Seaton made the following statement:

"The excuse I've heard from the Board is that residents have other ways of expressing their views to the Board, such as email and calling. I think we have all bought something and tried to return it because it didn't work or didn't fit. Thankfully, Amazon has made this much easier, but before Amazon made returns so easy, how many of us have tried to send an email and never receive a reply or how many of us have tried to call an 800 number only to be put on hold or forced to leave a message or hung up on. That's why I like brick and mortar businesses in our area where I can buy something and if I don't like it I can return it to a person in the store. I think many people share my feelings. They would rather talk directly to a person face to face than on an impersonal computer or phone. Our Government is slowly moving toward more transparency. Though often too slowly or sometimes going backward, it's encouraging that the state legislators and Governor recognize in Virginia Code that residents have the right to address their government during meetings at least four times a year. Our board has recognized the public commentary as needed during our meetings, but a couple of years ago this Board took a step back in freedom and restricted the public's ability to speak before the Board. Today, let's correct that and remove the time limit on public speaking. We have very capable people working for the County and they are available at the Government Center. People don't want just to email or call their government. As a Board, we should not be impersonal bureaucrats that only want emails and phone calls. Therefore, I will not vote for any time limit on the public's input toward their government or for that matter for restricting any Board member's speech on this Board by calling for the question or imposing actual time limits on the Board members. I think we just need to take a step forward. I think, mature governments don't have these time limits."

Mr. Garber stated that this rule is due to some people abusing the fact that public comment is allowed. He takes a different view on this matter. If you speak for twenty minutes, after about ten minutes no one cares what you said, but people remember how long you talked. It is a self-defeating thing. The time limit given to speak is too short. The change discussed at worksession is a good change. Mr. Garber will likely vote against this motion because there is another option coming up.

Vote was as follows:

Yeas: Seaton Nays: Slaven, Garber, Wells, Bragg and Carter Absent: Shull

Motion failed.

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MATTERS-TO BE PRESENTED BY THE BOARD (CONT'D)

Ms. Carter attended the Central Shenandoah Planning District meeting and one of the items discussed was some significant changes that the Commonwealth Transportation Board is considering making to the Smart Scale Project scoring process. As a result, that would affect project eligibility and competitiveness for this region. There have been several organizations that have submitted a letter reviewing with the Transportation Board why they feel like these suggestions are detrimental. She requests that Augusta County submit a letter.

Mr. Fitzgerald will draft a letter that reflects the County's views and concerns on the changes being proposed.

Ms. Carter moved, seconded by Ms. Bragg, that the Board approve sending a letter to the Commonwealth Transportation Board regarding the proposed Smart Scale changes.

| Vote was as follows: | Yeas: Slaven, Garber, Wells, Bragg, Carter and Seaton |
|----------------------|---|
| | Nays: None |
| Ab | osent: Shull |

Motion carried.

Mr. Wells moved, seconded by Ms. Carter, that the Board appoint Carolyn Bragg to serve on the Metropolitan Planning Organization Board. Effective immediately and to expire December 31,2023.

Vote was as follows:

Yeas: Slaven, Garber, Wells, Bragg, and Carter Nays: Seaton Absent: Shull

Motion carried.

Mr. Wells commended Animal Control Officers on how they handled a situation with a dog in his community. He attended a program of grant awards for the Valley Alliance of Education held at Blue Ridge Community College. The program included the three localities; Staunton, Waynesboro and Augusta County. Three teachers of the year from each locality were recognized; Elizabeth Benbow from Augusta County, Amber Gibson from Waynesboro and Brandi Johnson from Staunton. In addition, there were approximately forty-five more teachers in twenty-one different schools in the three localities that were awarded creative grants for things they have done in their classrooms. Each grant ranges from \$1,000.00 to \$3,000.00.

Mr. Slaven stated that Blue Ridge Community College is in the process of bringing the Agriculture programs back as part of their curriculum.

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August 23, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- There was an Animal Shelter meeting held yesterday. The shelter is close to 1. being full. There are positions open for employment at the shelter. The updated euthanasia policy was approved. The ordinance is still is discussion with both cities.
- During Monday's Staff Briefing, the Board discussed changes to the public 2. comment period during Board meetings. The idea of eliminating the group designation was discussed.

Mr. Wells moved, seconded by Ms. Carter, that the Board change the three-minute time limit for public comment to four minutes and eliminate the representing a group option.

Dr. Seaton does not agree with having a time limit and will be abstaining from the vote.

Vote was as follows:

Yeas: Slaven, Garber, Wells, Bragg, and Carter Nays: None Absent: Shull Abstain: Seaton

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Motion carried.

Mr. Wolfe gave an update on the Jennings Branch Project. Nineteen of nineteen 3. title exams are complete and five easements are signed.

ADJOURNMENT Dr. Seaton moved, seconded by Mr. Wells, that the Board adjourn the meeting.

Vote was as follows:

Yeas: Slaven, Garber, Wells, Bragg, and Carter Nays: Seaton Absent: Shull

Motion carried.

Chairman

County Administrator

h:8-23min.23

Regular Meeting, Wednesday, September 13, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman

Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter (Via Zoom) Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahla, County Attorney Angie Michael, Executive Assistant

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, September 13, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Vice Chairman Slaven welcomed those present at the meeting.

The following students from Riverheads High School led the Board in the Pledge of Allegiance:

Jacob Terry is a senior and plays football, tennis and runs track. He plans to attend James Madison University and become a history teacher or a real estate agent.

Tyler Culpepper is a senior and plans to join the Air Force.

Maggie Martino is doing a mentorship in the Augusta County Dispatch Center and she plans to be a dispatcher after graduation.

Skyler Breeden is a junior and would like to attend the University of Tennessee and get a degree in criminal justice or veterinary care.

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Mr. Shull, Riverheads District, delivered the invocation.

Mr. Slaven moved, seconded by Dr. Seaton, that the Board allow Ms. Carter to join the meeting via Zoom.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg and Seaton Nays: None Absent: Carter

Motion carried.

DROUGHT RESOLUTION

The Board considered the following resolution:

WHEREAS, there continues to be dry conditions throughout 2023 in Augusta County, Virginia, which have caused widespread, substantial crop and grassland damage, and;

WHEREAS, unseasonably high temperatures are accelerating the effects of the rainfall deficit, and;

WHEREAS, livestock water resources are declining, and;

WHEREAS, the lack of sufficient pasture has required farmers to use winter feed reserves, and;

WHEREAS, there does not appear to be any significant relief in the foreseeable future, and;

WHEREAS, these conditions have and continue to cause financial loss to the farmers in Augusta County.

NOW THEREFORE BE IT RESOLVED, that the Augusta County Board of Supervisors hereby petition Ronald H. Howell, Jr. Ed. D., State Executive Director, Virginia Farm Service Agency-USDA, to declare Augusta County a disaster area in order to provide the means for those affected to qualify for some relief assistance.

Timothy Fitzgerald, County Administrator, stated that this is a resolution that would ask the Director of the Farm Service Agency of the State of Virginia for consideration for Augusta County to be declared a drought emergency that would allow for our citizens to access federal funds that may be available to them. However, the County must declare a drought stage upon declaration by the Commonwealth. Because the Commonwealth, through the Department of Environmental Quality has placed Augusta County under what is called a drought warning. In the County Code, the drought warning is listed along with suggestions of voluntary measures for water consumption. Before accepting the resolution, the Board will need to declare Augusta County in a drought warning stage at this time.

Mr. Slaven moved, seconded by Mr. Wells, that the Board declare a drought warning for Augusta County in order to meet the requirements.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Mr. Slaven moved, seconded by Ms. Bragg, that the Board approve the resolution as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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ANIMAL ORDINANCE AMENDMENT

The Board considered the Animal Ordinance amendments for public hearing.

Mr. Fitzgerald stated that Chapter 5 of The Augusta County code is before the Board for consideration to advertise for public hearing. There have been meetings with the City of Staunton and Waynesboro concerning the ordinance to ensure that there is consistency among the region. Upon review you will see that the proposed changes to the ordinance will allow for civil fees instead of criminal fees. These civil fees match what is currently in the City of Staunton's ordinance and is planned to be in the changes that Waynesboro will make as well. The Shelter board discussed the possibility of adding an impoundment fee to the ordinance, however ultimately it is not being recommended due to the need to be able to have a per day fee, especially on court cases where we often have to hold animals for a long period of time. The per day fee is not proposed to be changed at this time, however the fee should be set by the Shelter board before each fiscal year begins as part of the budget process as the actual cost of keeping the animals could change based on the cost of services provided.

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve advertising the Animal Ordinance amendments for public hearing.

After several questions raised regarding wording of the ordinance amendments, the Board concluded they would discuss further at the Staff Briefing meeting on Monday, September 25, 2023.

Ms. Bragg withdrew her motion. The Board will discuss at the Monday, September 25, 2023 Staff Briefing.

TAX REFUND REQUESTS

The Board considered the approval the following tax refund requests:

- a. Windgate, LC in the amount of \$17,532.90.
- b. Gables East, LLC in the amount of \$3,592.60.

James Benkahla, County Attorney, stated that this is a request by the Commissioner of the Revenue for a refund for real estate taxes to Windgate, LC in the amount of \$17,532.90. The company contracted to build condominiums. The condominiums were originally taxed as apartments with all the buildings and the land taxed together. When the apartments were converted to condominiums, the land assessment for the original real estate was not reduced to reflect the addition of land to each condominium. Therefore, the land was taxed as both apartments and condominiums, resulting in dual taxation. The taxpayer notified the Commissioner of the Revenue of the dual taxation by letter on March 1, 2021. The Commissioner of the Revenue has reviewed the original assessments and the changes as each phase of the project was converted from apartments to condominiums and determined that the County owes the taxpayer a refund in the amount of \$20,688.15. \$17,532.90 is for tax years 2023, 2022, 2021, and 2020 and is within the Commissioner's statutory authority to correct with the approval of the Board. Application must be made to the Circuit Court for the remaining refund amount of \$3,155.25, which is owned for tax year 2019.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the tax refund as presented for Windgate, LC in the amount of \$17,532.90.

TAX REFUND REQUESTS (CONT'D)

Dr. Seaton questioned if this refund included penalty and interest and why it took so long to review this refund request.

Mr. Benkahla stated that typically if the taxpayer pays penalty and interest then the County pays the taxpayer penalty and interest. The Commissioner of the Revenue would have to answer the question regarding why it took so long.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Mr. Benkahla stated that this request is along the same lines as the first request. Gables East, LLC contracted to build condominiums. The condominiums were originally taxed as apartments with all the buildings and the land taxed together. When they were converted to condominiums, the land assessment for the original real estate was not reduced to reflect the addition of land to each condominium. Therefore, the land was taxed as both apartments and condominiums, resulting in dual taxation. The taxpayer notified the Commissioner of the Revenue of the dual taxation by letter on March 1, 2021. The Commissioner of the Revenue has reviewed the original assessments and the changes as each phase of the project was converted from apartments to condominiums and determined that the County owed the taxpayer a refund in the total amount of \$7,042.64. the amount of \$3,592.60 is for tax years 2023, 2022, 2021, and 2020 and is within the Commissioner's statutory authority to correct with the approval of the Board. Application must be made for the Circuit Court for the remaining refund amount of \$3,450.04, which is owed for tax years 2019, 2018, 2017, and 2016.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the tax refund as presented for Gables East, LLC in the amount of \$3,592.60.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

CONSENT AGENDA

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve the consent agenda as follows:

MINUTES

Consider minutes from the following meeting:

- Regular Meeting, Wednesday, July 26, 2023
- Special Meeting, Wednesday, August 2, 2023

<u>CLAIMS</u>

Consider Claims paid since August 1,2023

<u>CONSENT AGENDA (C</u>QNT'D)

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE PUBLIC

Dulcey Fuqua, Wayne District Resident, submitted the following statement online and requested the statement be included in the official meeting minutes:

I am animal advocate in Augusta County and was a volunteer at the county's shelter until April 1'3, 2023, when I received a suspension notice from Shelter Director, Jon Hilbert. This came after a I had stepped up my involvement during a time the shelter was extremely short staffed and at the time Sarah Nessar, the new kennel manager, who has now been fired from her position, was in need of assistance. Sarah had asked for help in organizing and setting up animal management systems for her new position that were not currently in place. I assisted her with filing, processing adoption and foster applications, and connecting stray hold dogs at the shelter with their owners through the use of social media. During this period, my professional communication and organizational skills were also utilized by the director to assist in improving the volunteer and foster programs. In addition to his support, I received compliments of my role in communicating with the community and rescues to advocate for dogs into fosters, homes or rescue, and provided my photography skills for positive marketing of the dogs. • Often, I received calls and messages from citizens asking about how to help, become a volunteer, who to talk to about situations, etc.

After several care concerns were escalated from staff interactions and seeing things for myself related to the conduct that was impacting the safety and care of the animals, I brought my concerns to Jon on multiple occasions. Another volunteer and I had a meeting with Mr. Fitzgerald, Mr. Hilbert and Ms. Hensley to discuss these concerns and offer our support.

As things appeared to be declining and the admitted situations of neglect (per Jon Hilbert) escalated, including my witnessing of a staff abusing a dog and exhibiting unprofessional conduct, I did approach my County Supervisor, Dr. Seaton to express my concerns with the animals and staff.

Jon Hilbert requested a meeting with myself and Page Hearn, operator of Virginia Paws for Pits Rescue, and who also witnessed this incidence of abuse and inappropriate interaction with us from the same staff person. We echoed these concerns and would continue to offer support for the shelter. Two days after this meeting both Ms. Hearn and J received emails from Mr. Hilbert stating our suspension was based on release of a photo of a court hold dog, which poorly represented the shelter, which we had both clarified when we met with him, that we were not part of.

This began the process of both Ms. Hearn and I trying to get clarification on these accusations and their lack of accuracy. The Board of Supervisors was included in this communication. My last email was sent on April 27, 2023 and still, no response. We were seeking the validity of our suspension based on the accusation of a phot release. This is a false accusation because the person that took and shared that photo, a former released employee, admitted to myself, Jon and others in the animal advocacy arena, that she shared the confidential information.

MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

I have adopted three dogs from the shelter, yet now I have been blocked from the SVASC Alumni Group on Facebook, which a place where adopters can share the joy of adopting instead of shopping. I was active in this group and stayed in contact with some of the animals that I was part of their foster family placement or adoptions, which kept the connection with the shelter going. Just prior to my suspension, I fostered and helped transfer into rescue of three ninety plus pound dogs out the shelter system and I am now removed from the Volunteer and Foster Group. I have since requested the policies associated with the Facebook group SVASC Alumni and also requested copies of my suspension letter and additional communication that was case for the suspension.

Tracy Pyles, 3665 Churchville Avenue, Churchville, VA, believes the Board of Supervisors violated State Code 15.2-2507-Amendment of Budget on August 24, 2022.

David Zimmerman, 120 Lee Highway, Verona, VA, honored those who lost their life on 9/11. Mr. Zimmerman is concerned by the actions of some that are attending the Board meetings.

MATTERS.TO BE PRESENTED BY THE BOARD

Ms. Carter expressed her condolences to the Justine Tilghman family.

Dr. Seaton stated that September 17th is the day the Constitution was passed. The Constitution only matters if the people force the Government to follow it.

Ms. Bragg moved, seconded by Ms. Carter, that the Board appoint Hannah Cooper to serve a term on CAP-SAW. Effective October 1,2023 and to expire on September 30, 2025.

| Vote was as follows: | Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter |
|----------------------|---|
| | and Seaton |
| | Nays: None |

Motion carried.

Ms. Bragg moved, seconded by Mr. Wells, that the Board appoint Becky Angelo to serve on the Comprehensive Plan Steering Committee.

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Ms. Bragg would like for the Board to direct staff to review the ordinances that pertain to both the large and small solar projects. She also requests that staff review ordinances from other localities.

Mr. Garber moved, seconded by Ms. Bragg, that the Board appoint Craig Nargi to serve on the Comprehensive Plan Steering Committee.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

MATTERS, TQ BE PRESENTED-BY THE BOARD (CONT'D)

Mr. Wells moved, seconded by Mr. Slaven, that the Board appoint Rick Pfizenmayer to serve on the Comprehensive Plan Steering Committee.

| Vote was as follows: | Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter |
|----------------------|---|
| | and Seaton |
| | Nays: None |

Motion carried.

Mr. Slaven moved, seconded by Ms. Bragg, that the Board appoint Chris Schooley to serve on the Comprehensive Plan Steering Committee.

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Mr. Slaven moved, seconded by Ms. Bragg, that the Board appoint Andy Middleton to serve on the Comprehensive Plan Steering Committee.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Dr. Seaton discovered documents there were not included in his original FOIA request. He submitted those to Jennifer Whetzel, FOIA Officer.

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MATTERS TO BE PRESENTED BY STAFF ______ Staff discussed the following:

- 1) Mr. Fitzgerald expressed condolences to the Tilghman family.
- 2) Dr. Seaton moved, seconded by Ms. Bragg, that the Board appoint Julia Hensley to serve on the Central Shenandoah Planning District Commission. Effective immediately and to expire on June 30, 2026.

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

3) Mr. Fitzgerald clarified a question Mr. Pyles brought up about \$1.97 million. The Board previously discussed personal property taxes as a result of higher assessments on vehicles in the County. At that worksession, this Board did discuss \$1.97 million. That number was not brought out of the air. That was actually the number that when the original budget was presented for personal property tax revenue, a little over \$18 million was budgeted. When the final budget was complete, the final numbers from the JD Power book were quite different. The numbers went up greatly. The difference in what had been budgeted and what that would have been had the values from JD Power been used was \$1.97 million. That would have been the increase had the county not made some adjustment to the way in which car taxes were handled. There were three options presented in order to handle the situation. One option was to do nothing and collect an additional \$1.97 million. This was not staff's recommendation. The second recommendation was to consider dropping the tax rate to \$2.50 from \$2.60 in order to accommodate a lesser revenue. Finally, the option looking at how vehicles were assessed. Instead of 100%, the email that Mr. Pyles spoke about to Ms. Shrewsbury, was asking what reduction in the ratio would be required in order to not collect the \$1.97 million and that number was 8%. She presented that to the Board and stated that instead of valuing vehicles at 100%, they would need to be valued at 92%. This would drop the revenue to \$1.9 million. This is the \$1.97 million number that Mr. Pyles refers to. Every year there is a budget process and there is a revised budget that is done which basically amends the budget to revise numbers because there are actual numbers on what was received from sales tax and other revenues. This was done with a public hearing on April 12, 2023 and was voted on at the April 26, 2023 Board of Supervisors meeting.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

WH Chairman

County Administrator

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Staff Briefing Meeting, Monday, September 25, 2023, 1:30 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman

Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator Doug Wolfe, Director of Community Development James Benkahla, County Attorney

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, September 25, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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VDOT ROADS

a. Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

b. Doug Wolfe, Director of Community Development, discussed the Revenue Sharing Resolution for the Dick Huff Lane Project.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

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FIRE AND RESCUE

a. Greg Schacht, Fire Chief, discussed the month Fire-Rescue report.

The board accepted the report as information.

b. Chief Schacht discussed a request for authorization to purchase an ambulance.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

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INFRASTRUCTURE FUNDING REQUEST-WEYERS CAVE VOLUNTEER FIRE

Mr. Fitzgerald discussed a funding request from Weyers Cave Volunteer Fire Company for a renovation project.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

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September 25, 2023, at 1:30 p.m.

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ANIMAL ORDINANCE AMENDMENTS

Mr. Fitzgerald discussed amendments to the Animal Ordinance.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

PLANNING COMMISSION/PUBLICS

Julia Hensley, Planner II, discussed the following ordinance amendments:

- a. Ordinance amendment-Chapter 25 Section 25-70.5-Solar Energy
- b. Ordinance amendment-Chapter 25 Section 25-70.7-Solar Energy

The Board authorized placing on the Wednesday, September 25, 2023 regular meeting agenda.

MATTERS TO BE PRESENTED BY THE BOARD - NONE

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1. Letter of Support for an additional MRI scanner at Augusta Health.
- 2. School Board Year-End Fund Balance request.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

3. VACo Conference voting credential requirement. This has been Ms. Carter in the past.

The Board agreed for Ms. Carter to continue for this year.

- 4. Comprehensive Plan Worksession will be Wednesday prior to the regular Board meeting.
- 5. Jennifer Whetzel, Deputy County Administrator, stated that a FOIA request has been received for all communications sent or received by any member of the Board of Supervisors and training records for each member.
- 6. Mr. Fitzgerald stated they would be reimplementing for FOIA requests starting October 1,2023.
- 7. The ICMA Conference is next week.
- 8. Ms. Hensley discussed five ordinances for the Board to authorize for public hearing.

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Chairman H9'25sbmin.2023

County Administrator

Staff Briefing Meeting, Monday, October 23, 2023, 1:30 p.m., Government Center, Verona, VA.

- PRESENT: Michael Shull, Chairman Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator Doug Wolfe, Director of Community Development Julia Hensley, Planner II James Benkahla, County Attorney
 - VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, October 23, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

ECONOMIC DEVELOPMENT

Rebekah Castle, Director of Economic Development discussed the following:

- a. Shamrock Farm's AFID Performance Agreement extension.
- b. Adoption of a VA250 Regional Committee Resolution.

The Board authorized placing on the Wednesday, October 25, 2023 regular meeting agenda.

**** r'" 1:*> VERIZON UPDATES^corl>? f revect. ~ in slee The Board heard a presentation by the Verizon Network team*. Staff is directed to send the Tower Study to Verizon.

The Board accepted the presentation as information.

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VDQT ROADS.

Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

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FIRE AND RESCUE

Greg Schacht, Fire Chief, discussed the month Fire-Rescue report.

The board accepted the report as information.

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October 23, 2023, at ,1:30 p.m.

QUARTERLY FINANCIAL REPORT

Mist Cook, Director of Finance, discussed the Quarterly Financial Report.

Staff is directed to get an update on personal property from the Commissioner of the Revenue.

The Board accepted the report as information.

SCHOOL SAFETY EQUIPMENT

Mr. Fitzgerald discussed funding for additional school safety equipment.

The Board accepted the information and indicated that a review of the needs and cost would be discussed further.

MATTERS TO BE PRESENTED BY THE BOARD

Dr. Seaton requested an electronic version of the Animal Shelter Policy and Procedures manual.

MATTERS TO BE PRESENTED BY STAFF _____ Mr. Fitzgerald discussed the following:

1. Recognition ECC Dispatcher Kevin Lacey for his 34 years of service.

- 2. VACo Annual Conference registrations and rooms have been made. The Conference is November 12-14, 2023.
- 3. Animal Friendly License Plate distribution total from the DMV is \$2,235.00 and will be given to the Animal Shelter.
- 4. Julian Hensley, Planner II, discussed ordinance amendments to be advertised for public hearing.

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Chairman H10-23sbmin.2023

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County Administrator

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Regular Meeting, Wednesday, December 13, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman

- Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahia, County Attorney Doug Wolfe, Director of Community Development
 - VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, December 13, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

The following student from Wilson Middle School led the Board in the Pledge of Allegiance:

Adelyn Bradley is in the 8th grade. She would like to attend Virginia Tech and study architecture.

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Dr. Seaton, Wayne District, delivered the invocation.

AUDIT PRESENTATION

The Board received a presentation from PB Mares, Inc.

An unmodified opinion was issued on the County's Annual Comprehensive Financial Report for the fiscal year ended June 30, 2023. They met with the Audit Committee and discussed the results of the audit, other required audit communications and the management letter.

The Board accepted the presentation as information.

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VALLEY ALCOHOL SAFETY ACTION PROGRAM This being the day and time that the Board consider an

Timothy Fitzgerald, County Administrator, stated that this ordinance authorizes the dissolution of the Valley Alcohol Safety Action Program, which was a joint exercise of power between Augusta County, Rockbridge County and the Cities of Buena Vista, Lexington, Waynesboro and Staunton. The Commission on ASAP from Richmond has visited the local operation and has decided that they will take over the control of the program. The local Board over the program voted unanimously to dissolve the local board that would allow the state to operate the program under their authority. In order for this to happen, each locality has to address either by ordinance or resolution. Augusta County is addressing it by ordinance because it is written in the County's ordinance that a VASAP is established. The services of the program will be continued by the Commission on VASAP staff out of Richmond.

The Chairman opened the public hearing.

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

AN ORDINANCE AUTHORIZING THE DISSOLUTION OF THE VALLEY ALCOHOL SAFETY ACTION PROGRAM

WHEREAS, the County of Augusta is a member of the Valley Alcohol Safety Action Program (VASAP), a joint exercise of powers among Augusta and Rockbridge Counties and the Cities of Buena Vista, Lexington, Staunton, and Waynesboro pursuant to Sections 15.2-1300 and 18.2-271.2 of the Code of Virginia; and

WHEREAS, the Policy Board of VASAP resolved on November 1, 2023, to dissolve and begin windup of its affairs, and has communicated to this locality its request that its Board authorize the dissolution of VASAP in accordance with its governing documents.

NOW THEREFORE, the Board of Supervisors of Augusta County, Virginia, hereby ordains that:

1. Its ordinance joining the Valley Alcohol Safety Action Program (VASAP) is repealed, effective December 31,2023;

2. That the County Administrator is authorized to confer with the chief administrative officers of the other member localities of VASAP, and to equitably divide the personal property of VASAP among its member localities, or, if such personal property is no longer needed by any member locality, sell such property as surplus in the manner provided by law;

3. That the Chair of VASAP is authorized and directed to obtain its release from its lease on its office space in Staunton, provided, however, that only such funds as are held in the name of VASAP or in trust for VASAP shall be spent on such resolution or on rent until such resolution, and no funds of this locality shall be spent therefor; and

4. The City of Staunton is authorized to hold, in trust as fiscal agent of VASAP, VASAP's funds for a period of 12 months following the effective date of this ordinance in order to defray any remaining invoices that may come due from VASAP after the date of its dissolution, after which time such funds shall be distributed to the Commission.

VALLEY ALCOHOL SAFETY ACTION PROGRAM

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve the ordinance for dissolution of Valley Alcohol Safety Action Program as presented.

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

MIDDLE RIVER AG AND FORESTAL DISTRICT

This being the day and time that the Board consider a request from Charles and Donna Patterson to withdraw land from the Middle River Ag and Forestal District.

Julia Hensley, Planner II, stated that this request is to withdraw 6.331 acres owned by Charles and Donna Patterson from the Middle River Agriculture and Forestal District. Staff does not see any adverse impact to the Middle River Ag and Forestal District if this portion of the parcel is withdrawn and the Planning Commission has recommended approval.

The Chairman opened the public hearing.

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

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

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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Mr. Shull stated that there are four ordinance amendment public hearings regarding solar. Ms. Hensley will review each public hearing and then the public hearing will be opened to allow public comments on the ordinance amendments.

Mr. Garber stated that due to a potential conflict of interest he will be abstaining from voting on the four ordinance amendments.

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The Chairman opened the public hearing for the four ordinance amendments.

Stan Sikorski, 169 Benz Road, Waynesboro, stated that the proposed ordinance amendments are good start and compromise of the County's Comprehensive Plan. He recommended that any further commercial buildings that can support solar panels should be required to install them. With the advent of electric vehicles, it should be mandatory to have covered and solar powered charging stations. Lastly, if other types of solar installations are approved, a corollary clause needs to be added to the Comprehensive Plan to protect the County and its citizens.

Rick Pfizenmayer, 30 Round Hill Drive, Stuarts Draft, urges the Board to approve all amendments of the solar ordinances. He emphasized three important points; all of the amendments are needed clarifications to the 2021 amendments for the solar provisions of the Comprehensive Plan, these amendments will protect investments made in infrastructure that would otherwise become stranded in a burden to taxpayers and rate payers and those who argue that consideration of these amendments should be deferred pending completion of the current Comprehensive Plan revision process have it backwards. These amendments will help in distinguishing solar from other uses such as agriculture, industry, housing and community development.

Matt Hooper, AES Clean Energy, stated that AES has a pending solar application which the County reviewed and accepted as complete in March 2023. It is his understanding that these ordinance amendments will be applied to applications going forward and will not apply to pending applications. The ordinance should contain express language that amendments shall not be applicable to any previously submitted applications that have been deemed complete and notified the completeness review and paid their permit fee.

Phil Martin, Executive Director of Augusta Water, stated that Augusta Water supports the proposed changes to the solar ordinance. The proposed revisions to the solar ordinance make it less likely that funds already spent on water and sewer infrastructure will have been spent needlessly and they make it more likely that future decisions and expenditures can be prudently made. For these reasons, he asks that the Board of Supervisors approve the proposed revisions to the solar ordinance.

Rebecca Angelo, 26 E. High St., Stuarts Draft, stated that she supports all four amendments. There is a need for clearer guidelines in place in controlling the placement size and growth of the numerous solar projects anticipated for Augusta County.

Kristin Jackson, 562 Churchmans Mill Road, Stuarts Draft, supports the amendments to the solar ordinance.

Bobby Whitescarver, 164 Whiskey Creek Road, Churchville, is in favor of clarifying the area to be considered. He encourages the Board to make the small solar requirement 50 acres within the fence. Mr. Whitescarver is against prohibiting solar anywhere. He is against the two-mile limit.

Millard Driver, 333 Eakle Road, Staunton, has a small solar panel on his farm and would like to see dual used in solar projects. Based on his observations, the productivity of pasture could be considerably improved by proper installation of solar.

Nancy Sorrels, 3429 Cold Springs Road, Greenville, would like to see any ordinance changes be put on hold until after the Comprehensive Plan is complete. It makes no sense to change an ordinance that is working and follows the comprehensive plan to

something that does not match the comprehensive plan and may or may not match the pending citizen input regarding solar development within Augusta County. The County's solar ordinance is one of the most comprehensive in the state. Kirk Quillen, 1382 Ladd Road, Waynesboro, is speaking on behalf of Waynesboro Nurseries to express disappointment and opposition to the proposed ordinance amendments. The nursery would like to be able to cite carefully developed solar on various parts of their properties. The proposed ordinance amendments disrespects landowners by telling them the County's vision for their properties is more important than their vision.

Randall Wolfe, is concerned with why the County is updating the solar ordinances while in the process of starting the twenty-year update of the Comprehensive Plan. Why does the solar industry have restrictions that no other industry has? Mr. Wolfe asked the Board to hear from more citizens about solar and what land should be used.

Elena Finelli, 90 Broad Street, Harrisonburg, is speaking on behalf of her generation and future generations. She urges the Board to not weaken Augusta County solar ordinance. Changing this will make it impossible to have utility scale solar, which is what we need.

Janet Rollings, 615 Elk Mountain Road, stated that the lack of clarity within the provisions has inadvertently allowed solar developers to exploit gaps, often at the expense of homeowners who rely on the preservation of their neighborhood's residential character. These proposed amendments are not just adjustments to policy. They encapsulate the collective voice of residents who have weathered the storms of previous solar project controversies. Delaying approval of these amendments only perpetuates the uncertainties that have fueled the community's discontent.

Jared Burden is the Virginia Policy Advisor for the Center for Infrastructure and Economic Development and also a partner in a iaw firm based in Harrisonburg. The Center for Infrastructure and Economic Development has a strong opinion that numerical caps, density percentages, and radius restrictions, such as the two-mile restriction, are ill advised on a policy level and more importantly, are suspect under Virginia state and constitutional law. Boards should not tie their hands when considering solar projects. Solar should be addressed on a case by case basis. He urges the Board to take the Planning Commission's recommendation and not approve the two-mile restriction.

Virginia Badgett, Elm Spring, LLC, stated that earlier this year a twenty-five-acre small scale distributed solar project on the family farm. The current solar ordinances work. When the solar project is completed, it will improve the farm's financial performance, maintain the mixed used agricultural character of the farm through solar grazing and ensure the family will continue to own the land and operate the farm for the future. Currently, the farm is in an urban service district. At the time of purchase, it was not mapped as an urban service district. The family has no interest in selling or developing the land. Small scale solar allows the family to keep the farm as multi use. The proposed changes to the solar ordinances strip away the rights of family farm owners to make the best decisions for their land and their circumstances.

George Taylor, 3941 Morris Mill Road, has solar panels installed at his residence and is satisfied at this point. He has also installed solar panels for their business. He recommends looking at all rooftops and distribution centers for solar panel placement.

Jean Smith, 419 Wyndham Hill Drive, Fishersville, is concerned about the proposed changes regarding solar energy systems in Augusta County. Current climate changes have fueled extremes in weather worldwide. Increasingly more violent weather events

happen as the climate crisis intensifies. The Board of Supervisors has the opportunity to make decisions on how the County moves forward in ensuring future generations will benefit. She recommends waiting on approving the ordinance changes until after the Comprehensive Plan is complete.

Eric Martin, 18 Laurel Street, Harrisonburg, stated that he believes the amendments that speak to Urban Service areas should be rejected because they do not reflect a balanced land use and they do not ensure that the overall long term common good of the community is kept in balance according to the current Comprehensive Plan. It does not make sense to make changes to these ordinances until after the Comprehensive Plan is complete.

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Jack Barber, 169 Windsor Drive, Fishersville, stated that there is very little land that can be used in the County for solar power because of the limitations of the infrastructure. He encourages the Board to vote against the ordinance amendments.

Skyler Zunk is speaking on behalf of Energy Right and stated that solar can be a very valuable partner in preserving agriculture economy. The ordinances will not incentivize the types of projects that the Board has signaled they want to see come to the County. Moving the size of projects down from fifty to twenty-five will put more projects in from of the Board and away from the Board of Zoning Appeals. The two-mile distance separation makes no sense. Drawing a two-mile line from one project to another is not going to make that second project any better on the view shed. The two-mile regulation will hurt the ag economy in Augusta County. There is plenty of land in urban service area and community development areas that are owned by landowners who want to explore solar on their land. These ordinances need to be studied more.

Karen Cohen, Gentry Lake Attorneys, Roanoke, represents solar developers; including AES which has a pending project under the existing ordinance. Clarification is needed to stated that changes to the ordinances 20-75.6 and 20-75.8 needs an expressed provision that they do not apply to pending applications.

There being no other speakers, the Chairman closed the public hearings.

ORDINANCE AMENDMENT - CHAPTER 25 SECTION 25-70.1 This being the day and time that the Board consider an ordinance to amend Chapter 25. Zoning. Division A. in General Article VI.D. Solar Energy Systems. Section 25-70.1. Definitions. The Planning Commission recommends approval.

Ms. Hensley stated that this amendment defines fenced in area as the land area that includes the photovoltaic panels, stormwater facility or facilities and landscaping that will be taken out of land use taxation. It also redefines small solar energy systems as projects with less than twenty-five fenced in acres and large solar energy systems as projects with greater than twenty-five fenced in acres.

Dr. Seaton questioned who directed staff to review this ordinance amendment.

Ms. Carter questioned why the acreage went from 50 acres to 25 acres.

ORDINANCE AMENDMENT - CHAPTER 25 SECTION 25-70.1 (CONT'D)

Ms. Bragg stated that the Comprehensive Plan Update is in the process and that process is expected to take about fifteen months to complete. Any changes that would need to be considered would be another two to three more months. This year alone, staff has received fifteen project requests that are somewhere in the process of consideration. The volume of the projects that we are receiving speaks to the need for better clarification on the policy now.

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve the ordinance as presented.

Ms. Carter stated that taxpayer's money is being spent to revise and update the Comprehensive Plan. It has been pointed out that there is some potential policy and legal implications that are associated with the proposed ordinances, it is important to treat people equally especially when it comes to land owner's rights. Ms. Carter encourages the Board to postpone any changes to the solar ordinances to allow for more time to evaluate the situation and get it right.

Dr. Seaton stated that the issue of solar was debated a couple of years ago. What was approved then affects how solar is placed in Augusta County now. We already have restrictions that are in the Comprehensive Plan, we do not need to make an ordinance out of them. There is no good reason for needing the four amendments. Ordinance one will only politicize the approval process by bringing more projects to the Board of Supervisors. Keeping it at 50 acres verses 25 acres is the way to go. If these ordinances are passed, the County will be overregulating a person's land. Dr. Seaton does not want to see every farm field covered in panels, but there are definitely areas of the County that be used for solar that will not affect view sheds. Some think that natural gas is cheaper than other forms of energy production, but that is no longer the case when compared to utility scale solar. The decision of solar should be left to the individual and not a decision that comes from law. Dr. Seaton does not agree with any of the four ordinance amendments.

Mr. Wells stated that if the ordinance amendments are passed tonight does not mean they can't be amended again after the completion of the Comprehensive Plan.

Mr. Shull stated that these ordinance amendments are a way to put this on hold until the Comprehensive Plan is complete and then get more public input and make the necessary changes at that time. There was a wind study done several years ago. At that time, that landfill did not show sustainable winds in April, but every other month was okay during the study. Technology has changed and should be revisited. A windmill will product four megawatts and it takes seven acres to produce one megawatt under solar panels. The topsoil is being stripped from the farming fields to install solar. The production of these fields will never be the same. There needs to be regulations in place. He is in favor of passing the ordinance amendments and then changes can be made as necessary.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve an amendment to Ms. Bragg's original motion changing 25 acres to 50 acres.

Vote was as follows:

Yeas: Carter and Seaton Nays: Wells, Slaven, Shull and Bragg Abstain: Garber

Motion failed.

ORDINANCE AMENDMENT - CHAPTER 25 SECTION 25-70.1 (CONT'D) Vote was as follows: Yeas: Wells, Slaven, Shull and Bragg

Yeas: Wells, Slaven, Shull and Bragg Nays: Carter and Seaton Abstain: Garber

Motion carried.

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ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-70.4

This being the day and time that the Board consider an ordinance amendment to amend Chapter 25. Zoning. Division A. in General. Article VI.D. Solar Energy Systems. Section 25-70.4. Uses permitted by special use permit by the Board of Zoning Appeals. The Planning Commission recommends denial of the proposed amendment.

Ms. Hensley stated that this amendment adds the provision for small solar energy systems to be prohibited in mapped planning policy areas as they exist today, December 13, 2023, designated as urban service areas and community development areas within the Comprehensive Plan. It also adds the standard for the proximity of small solar energy systems to not be sighted within two miles of an approved or existing, small or large solar energy system.

Ms. Bragg made several points regarding this ordinance amendment. Out of all of Augusta County only six percent of the land is in Urban Service or Community Development. Augusta Water makes financial decisions based on County ordinances and the Comprehensive Plan. By allowing solar to utilize space that has been planned for development, the County is forcing Augusta Water to switch from being proactive on future development to reactive to projects and economic opportunities. Restricting projects in Urban Service and Community Development areas has an impact on neighbors and citizens that live in those areas. The purpose of the two-mile restriction is to not have projects areas that are stacked. The ordinance currently states that projects should not be placed in close proximity to existing solar facilities. The proposed amendment defines the distance. The purpose of the date is because the Comprehensive Plan does get reviewed every five years or so. This is a house keeping measure.

Ms. Bragg moved, seconded by Mr. Slaven, that the Board approve the ordinance amendment as presented and add pending applications will be governed by the law in effect prior to the effective date of this ordinance approval.

Dr. Seaton asked when someone's land is converted to urban service area or community development are they compensated for placing them in that district?

Mr. Fitzgerald answered no.

Dr. Seaton moved to amend the motion to change December 13, 2023 effective date to the date the land was acquired.

Vote was as follows:

Yeas: Seaton Nays: Wells, Slaven, Shull, Bragg and Carter Abstain: Garber

Motion failed.

<u>ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-70.4 (CONT</u>'D) Dr. Seaton moved, seconded by Ms. Carter, that the Board remove the two-mile limit from the ordinance.

| Vote was as follows: | Yeas: Carter and Seaton |
|----------------------|--------------------------------------|
| | Nays: Wells, Slaven, Shull and Bragg |
| | Abstain: Garber |

Motion failed.

Mr. Shull directed the Board to vote on the original motion from Ms. Bragg.

| Vote was as follows: | Yeas: Wells, Slaven, Shull and Bragg |
|----------------------|--------------------------------------|
| | Nays: Carter and Seaton |
| | Abstain: Garber |

Motion carried.

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ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-70.6

This being the day and time that the Board consider an ordinance amendment to amend Chapter 25. Zoning. Division A. in General. Article VI.D. Solar Energy Systems. Section 25-70.6. Uses permitted by special use permit by the Board of Supervisors. The Planning Commission recommends approval of the proposed amendment.

Ms. Hensley stated that this amendment adds the provision for large solar energy systems to be prohibited in mapped planning policy areas as they exist today, December 13, 2023, designated as Urban Service Areas and community development areas within the Comprehensive Plan.

Ms. Bragg moved, seconded by Mr. Slaven, that the Board approve the ordinance amendment as presented and pending applications will be governed by the law in effect prior to the effective date of this ordinance approval.

Vote was as follows:

Yeas: Wells, Slaven, Shull and Bragg Nays: Carter and Seaton Abstain: Garber

Motion carried.

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ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-70.8

This being the day and time that the Board consider an ordinance amendment to amend Chapter 25. Zoning. Division A. in General. Article VI.D. Solar Energy Systems. Section 25-70.8. Location, appearance and operation of a project site. The Planning Commission recommends denial of the proposed amendment.

Ms. Hensley stated that this amendment adds the standard for the proximity of large solar energy systems to not be sighted within two miles of an approved or existing small or large energy system.

ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-70.8

Ms. Bragg moved, seconded by Mr. Slaven, that the Board approve the ordinance amendment as presented and pending applications will be governed by the law in effect prior to the effective date of this ordinance approval.

Dr. Seaton stated that this sounds like the Board is creating a moratorium despite the amendments being legally questionable and knowing the no one will tie up their capital.

Vote was as follows: Yeas: Wells, Slaven, Shull and Bragg Nays: Carter and Seaton Abstain: Garber

Motion carried.

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FY2023 SUPPLEMENTAL APPROPRIATIONS

The Board considered an FY2023 supplemental appropriation for the school capital fund.

Misty Cook, Director of Finance, stated that there is a small house keeping item that the Board is required to address. The County budgets based on a cash basis. The audit is based on accruals. Currently, there are two large middle school projects happening and there was approximately \$4 million in accruals which resulted in the expenditures exceeding the appropriations. A budget amendment is required for the 2023 budget in the amount of \$4,567,191.00. This will make the County in compliance with the audit.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve the budget amendment as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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NEW HOPE COMMUNITY CENTER IMPROVEMENTS

The Board considered a funding request for electrical repairs and improvements for the New Hope Community Center ballfields.

Funding Source: Middle River Parks & Recreation Infrastructure 8022-56

Mr. Fitzgerald stated that the community center recently did an electrical upgrade to their ballfield lighting system, school board operation system and some things with the concession stand. The work was completed earlier this fall and authorized County staff reviewed the work when it was completed. The New Hope & Weyers Cave Youth Sports Association is asking for consideration from the Middle River Parks & Recreation account for a reimbursement for the work completed in the amount of \$13,767.38.

<u>NEW HOPE COMMUNITY CENTER IMPROVEMENTS (CONT</u>'D) Mr. Garber moved, seconded by Ms. Bragg, that the Board approve the funding request.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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CONSENT AGENDA

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

MINUTES:

Consider minutes from the following meeting: • Staff Briefing, Monday, October 23, 2023

CLAIMS

Consider claims paid since November 1,2023.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Judy Desetti, 160 Carrier Lane, Waynesboro, stated that after recent aggressive behavior from the Sheriff's Department, body cameras are a must for Augusta County

Scott Cline, Mt. Sidney, continues to urge the Board to provide body cameras to the Sheriff's Department.

Randall Wolf, Stuarts Draft, encourages the Board to consider voting to approve body and dash cameras in the upcoming budget. People are losing trust with law enforcement and body cameras would help with that. He also requests that the Board rescind the second amendment sanctuary resolution that was adopted December 2019.

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MATTERS TO BE PRESENTED BY THE BOARD

Dr. Seaton moved that the Board re-appoint him to serve on the SAW-MPO and CAP-SAW effective January 1,2024.

MATTERS TO BE PRESENTED BY THE BOARD

Yeas: Seaton Nays: Wells, Slaven, Garber, Shull, Bragg and Carter

Motion failed.

Vote was as follows:

Dr. Seaton stated that with the ongoing issue of Sheriff Deputies and their actions, body cameras are even more important.

Dr. Seaton moved, seconded by Mr. Garber, that the Board direct staff to apply for grants regarding body cameras anticipating approval in the budget.

Vote was as follows: Yeas: Seaton Nays: Wells, Slaven, Garber, Shull, Bragg and Carter

Motion failed.

Dr. Seaton moved, seconded by Mr. Garber, that the Board direct staff to research available grants regarding body cameras.

| Vote was as follows: | Yeas: Wells, Garber, Bragg, Carter and Seaton |
|----------------------|---|
| | Nays: Slaven and Shull |

Motion carried.

Ms. Bragg reminded every one of the Holiday events taking place throughout the County.

Mr. Garber moved, seconded by Mr. Slaven, that the Board lift the burn ban that is currently in effect.

Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Mr. Garber moved, seconded by Mr. Slaven, that the Board approve to change the ordinance in County Code to allow the County Administrator, County Fire Chief and the Board of Supervisors Chairman to lift State of Emergency events.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

Mr. Shull would like to work with the fire-rescue volunteers on their response times.

MATTERS TO BE PRESENTED BY STAFF ______ Mr. Fitzgerald discussed the following:

- The beginning of 2024 is going to be busy for the County. The reassessment is almost complete and along with that will be the budget. The Fire/Rescue Strategic Plan will happen in the first quarter. The courthouse project will be awarded. The Board will be considering award for the new animal shelter. The Comprehensive Plan and the Economic Development Strategic Plan will continue to go through the process.
- 2. The Board's consideration is needed to allow for advertising the Chapter 5-Animal Ordinance amendments to be held on January 24, 2024.

Dr. Seaton asked several questions regarding the wording in the proposed animal ordinance amendments.

Mr. Slaven moved, seconded by Ms. Bragg, that the Board approve advertising for public hearing to be held on Wednesday, January 24, 2024.

Mr. Slaven called for the question.

Vote was as follows to call for the question:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: None Abstain: Seaton

Motion carried.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: Seaton

Motion carried.

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Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

Chairman

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County Administrator

fi:12-13min.23

Regular Meeting, Monday, November 20, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton (Via Zoom) Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahla, County Attorney Doug Wolfe, Director of Community Development

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, November 20, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

> > * * * * * * * * * * * * * *

Chairman Shull welcomed those present at the meeting.

The following students from Stuarts Draft Middle School led the Board in the Pledge of Allegiance:

Aria Simmons is in 6th grade and likes to color.

Grayson Sours is in 8th grade and plays basketball on the middle school basketball team.

Sophia Sours is in 6th grade and plays soccer.

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Ms. Carter, Pastures District, delivered the invocation.

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Ms. Carter moved, seconded by Mr. Wells, that the Board allow Dr. Seaton to join the meeting electronically.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, and Carter Nays: None Absent: Seaton

Motion carried.

ORDINANCE AMENDMENT-CHAPTER 25-WIRELESS TELECOMMUNICATIONS

This being the day and time that the Board consider an ordinance amendment to amend Chapter 25 Zoning. Division A. In General. Article VLB. Wireless Telecommunications Facilities. Section 25-68.5. Uses permitted by special use permit.

Doug Wolfe, Director of Community Development, stated that this amendment adds a clause allowing the Board of Zoning Appeals to reduce or waive the requirement for portions of the fall zone for a tower that lie on publicly owned property. The Planning Commission recommends approval of this request.

The Chairman opened the public hearing.

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

Ms. Carter moved, seconded by Mr. Wells, that the Board approve the ordinance amendment as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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FIRE-RESCUE FUND GRANT REVIEW

The Board considered the Fire-Rescue Fund Grant committee's funding recommendation.

Weyers Cave Volunteer Fire Company\$11,444.00Dooms Volunteer Fire Company\$10,544.49Wilson Volunteer Fire Company\$6,297.98

Timothy Fitzgerald, County Administrator, stated that this request totals \$56,274.90. As part of this request, \$34,286.40 will be used for time clocks that are in the volunteer agencies.

Mr. Garber moved, seconded by Mr. Slaven, that the Board approve the committee's funding recommendation.

| Vote was as follows: | Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton |
|----------------------|--|
| | Nays: None |

Motion carried.

TAX REFUND REQUEST

The Board considered a refund request for \$82,624.60 to Hollister, Inc.

James Benkahla, County Attorney, stated that this is a request from the Commissioner of the Revenue's office. The assessment has been corrected for Hollister, inc. and the Commissioner of the Revenue has certified that a partial refund in the amount of \$82,624.60 is due to them. Equipment not used in the manufacturing process was mistakenly filed as being used in the manufacturing process for the years 2019-2022. Mr. Benkahla has reviewed the documentation and agrees with the refund request.

Ms. Carter moved, seconded by Ms. Bragg, that the Board approve the refund request as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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LEGISLATIVE PACKAGE

The Board considered the legislative package.

Mr. Fitzgerald stated that the package lays out legislative issues for the 2024 General Assembly session. Some new issues included in the package were behavioral health and the support for the regional crisis and stabilization and detox center, improvements to 181 and I64 corridor, a request for a study to look at the Electoral Board staffing requirements for Deputy Registrars, extension of LEO's benefits to our Animal Control Officers and the 911 dispatchers, utility scale solar projects, change in school composite index formula to take the land use value out of the formula, School Construction Assistance Program to allow regional programs to be eligible for funding, support change in regards to private law enforcement agencies and the Line of Duty Act, and public notice requirements for public hearings.

Mr. Slaven moved, seconded by Ms. Bragg, that the Board approve the legislative package as presented.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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CONSENT AGENDA

Mr. Slaven moved, seconded by Mr. Wells that the Board approve the consent agenda as follows:

Dr. Seaton stated that on page 5 of the September 27, 2023 minutes, there is a spelling error of the word dog.

CONSENT AGENDA (CONT'D)

MINUTES:

Consider minutes from the following meeting:

• Regular Meeting, Wednesday, September 27, 2023

STREET ADDITION

Consider Community Development's and VDOT's recommendation to adopt resolution for acceptance of the following into the Secondary Road System in accordance with VDOT requests:

Ivy Ridge Section 2 and Section 5

| Vote was as follows: | Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter |
|----------------------|---|
| | and Seaton |
| | Nays: None |

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Teresa Snyder, 116 Ox Road, Waynesboro, is concerned with renewable energy in the County.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter thanked staff for their hard work on the Telecommunications Ordinance.

Mr. Wells also thanked staff for their hard work.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1. November 27, 2023 from 5:00p.m.-7:00p.m. there is a Comprehensive Plan Information Meeting at Wilson Elementary.
- 2. November 29th there will be virtual meetings held for the Comprehensive Plan.

ADJOURNMENT

Mr. Garber moved that the Board adjourn the meeting.

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and Seaton Nays: None

Motion carried.

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County Administrator

Staff Briefing Meeting, Monday, November 20, 2023, 1:30 p.m., Government Center, Verona, VA.

- PRESENT: Michael Shull, Chairman Jeffrey Slaven, Vice-Chair Gerald Garber Butch Wells Carolyn Bragg Pam Carter Scott Seaton (Via Zoom) Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator Doug Wolfe, Director of Community Development James Benkahla, County Attorney
 - VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, November 20, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Ms. Carter moved, seconded by Mr. Wells, that the Board allow Dr. Seaton to participate in the meeting electronically.

Vote was as follows:

Yeas: Shull, Slaven, Wells, Bragg, and Carter Nays: None Absent: Garber and Seaton

Motion carried.

VDOT ROADS

a. Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

b. Doug Wolfe, Director of Community Development, discussed a street addition for lvy Ridge Section 2 and Section 5.

The Board authorized placing on the Monday, November 20, 2023 regular meeting Consent Agenda.

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FIRE AND RESCUE

a. Greg Schacht, Fire Chief, discussed the month Fire-Rescue report. The board accepted the report as information.

b. Chief Schacht discussed the Fire-Rescue Fund Grant Committee's funding recommendation.

The Board authorized placing on the Monday, November 20, 2023 regular meeting agenda.

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TAX REFUND REQUEST

James Benkahla, County Attorney, discussed a refund request of \$82,624.60 to Hollister, Inc.

The Board authorized placing on the Monday, November 20, 2023 regular meeting agenda.

LEGISLATIVE PACKAGE

Mr. Fitzgerald discussed the draft legislative package.

The Board authorized placing on the Monday, November 20, 2023 regular meeting agenda.

VALLEY ALCOHOL SAFETY ACTION PROGRAM (VASAP)

Mr. Fitzgerald discussed a resolution regarding the dissolution of the Valley Alcohol Safety Action Program that needs to be advertised for public hearing.

The Board authorized advertising for public hearing for the December 13, 2023 regular meeting.

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PLANNING COMMISSION/PUBLIC HEARINGS

Julia Hensley, Planner II, discussed an ordinance amendment to amend Chapter 25 Zoning. Division A. In General. Article VLB. Wireless Telecommunications Facilities. Section 25-68.5. Uses permitted by special use permit.

The Board authorized placing on the Monday, November 20, 2023 regular meeting agenda.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull stated that he has been asked by Representative Cline to chair his Ag Committee for the 6th District.

MATTERS TO BE PRESENTED BY STAFE

Mr. Fitzgerald discussed the following:

- 1. The Staunton Christmas parade is Monday, November 27, 2023.
- 2. The Shenandoah Valley Electric Coop meeting is December 6, 2023 at 6:00 p.m.
- 3. A request has been made to change the current zoning ordinance to allow pet pigs in a residential zoned district.

The board authorized staff to review the ordinance.

4. The VACo Conference was a success.

Jennifer Whetzel, Deputy County Administrator, gave a broadband update and provided a PowerPoint with information.

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Chairman H11-20sbmin,2023

County Administrator

Regular Meeting, Wednesday, November 8, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman Jeffrey Slaven, Vice-Chair Butch Wells Carolyn Bragg Pam Carter Scott Seaton Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator James Benkahla, County Attorney Doug Wolfe, Director of Community Development

ABSENT: Gerald Garber Angie Michael, Executive Assistant

> VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, November 8, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

Local veterans led the Board in the Pledge of Allegiance:

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Ms. Carter, Pastures District, delivered the invocation.

<u>CHAPTER 5-ANIMAL ORDINANCE AMENDMENTS</u> This being the day and time that the Board consider the Chapter 5-Animal Ordinance amendments.

The Chairman opened the public hearing.

Sherry Helsel, 115 Summercrest Avenue, Waynesboro, stated that there is a misconception in the area that ordinances are co-mingled and related and they are not. How enforcement happens in each of the localities is not related to the fact that there is a shared animal shelter. Ms. Helsel stated for the record that she is pro Animal Control Officer and pro sheltering. There are a lot of opinions of how things should look, but it should be brought back to what is lawful, what is proper and what is correct. She reviewed issues within the proposed ordinance that, in her opinion, need to be reviewed further before approval. Her recommendation is to not pass this ordinance as it is. The ordinance needs to be scaled back and simplified. Vote on the simplified version and then start adding back in what is needed or desired.

CHAPTER 5-ANIMAL ORDINANCE AMENDMENTS (CONT'D)

Sheri Laubach, Waynesboro, commended Ms. Helsel on her presentation. She recommended holding off on voting to allow for further review.

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

Ms. Carter stated that the Board has been given a lot of good information and she does not feel comfortable moving forward until the ordinance is reviewed further.

Ms. Carter moved, seconded by Mr. Slaven, that the Board approve tabling the ordinance amendment to allow for further review.

Dr. Seaton stated that this ordinance has portions that do not follow Virginia code and it could potentially put our Animal Control Officers and pet owners at risk if fees are charged that are not part of the Virginia Code.

Vote was as follows:

Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton Nays: None Absent: Garber

Motion carried.

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LEGISLATIVE PACKAGE

The Board considered the draft Legislative Package.

Timothy Fitzgerald, County Administrator, stated that this is the first draft of the legislative package for this year's General Assembly session. There may be some changes that need to be made to the package after the VACo Conference. Mr. Fitzgerald reviewed the priorities of the Board for this session. One addition to the package is regarding the state's grant program for school construction. Regional programs, such as Valley Career and Technical Center, are not eligible for grant funds under the current code. The County is requesting a change to allow regional programs to be eligible for those upgrades and funds. The Valley Career and Technical Center is over fifty years old and needs some remodeling.

The Board accepted the draft Legislative Package as information.

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CONSENT AGENDA

Mr. Slaven moved, seconded by Mr. Wells that the Board approve the consent agenda as follows:

<u>CLAIMS</u> Consider claims paid since October 1, 2023.

Vote was as follows:

Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton Nays: None Absent: Garber

Motion carried.

(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE PUBLIC

Scott Cline, Mt. Sidney, congratulated the Republican candidates on their win for the election. He is concerned with the State level elections and its consequences.

Linda Ellis, Verona, reminded the Board that they represent everyone in their district, not just the conservative citizens.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Bragg was pleased with the first Comprehensive Plan Information meeting.

Ms. Carter asked the County Attorney to give an update on the collection of delinquent taxes.

Mr. Benkahla stated that the total owed in 2001 in delinquent real estate taxes was \$5,806,769.51. The total owed as of October 2023 was \$4,111,180.63.

Mr. Wells mentioned a letter of support for all Planning District Commissions for the 2025-2026 biennial budget to increase funding.

Dr. Seaton expressed appreciation to the voters of the Wayne District.

Mr. Slaven reassured the citizens that the Board members respect the opinions of all citizens and appreciates feedback.

Mr. Shull thanked his constituents fortheir vote.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) Reminded to every one of the Comprehensive Plan Information Meeting on Thursday at Riverheads Elementary School from 5:00 p.m.-7:00 p.m.
- 2) There was a ribbon cutting on the Crimora Park boat ramp.
- 3) In order to establish a burn ban there will need to be a resolution passed to declare a local emergency for the drought and the fire risk. The second requirement would be the ordinance that prohibits open air fires.

A RESOLUTION DECLARING A LOCAL EMERGENCY DUE TO ABNORMALLY DRY AND DROUGHT CONDITIONS, CREATING A HEIGHTENED RISK OF UNCONTROLLED FIRE

WHEREAS, pursuant to §15.2-922.1, of the Code of Virginia, 1950 as amended, the County of Augusta is empowered to regulate or prohibit the making of fires in streets, alleys, and other public places and, when a declared emergency exists, pursuant to §44-146.21, of the Code, regulate making of fires on private property; and,

WHEREAS, the entire territory of the County of Augusta has recently experienced and continues to experience abnormally dry and/or moderate drought conditions, which create a high risk of wildfires; and,

WHEREAS, in order to protect the public health, safety and welfare of the people and

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

businesses of the County of Augusta, the Board of Supervisors of Augusta County has determined that it is necessary to declare a local state of emergency due to the heightened fire risk;

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Augusta County, Virginia, that a state of local emergency exists within the County and a local emergency due to fire risk is hereby DECLARED. The Director of Emergency Management is hereby authorized to declare the state of local emergency has ended in the event that weather conditions improve, providing sufficient precipitation to mitigate the current fire risk.

Ms. Bragg moved, seconded by Mr. Slaven, that the Board approve the resolution declaring a local emergency due to abnormally dry and drought conditions.

Vote was as follows:

Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton Nays: None Absent: Garber

Motion carried.

Mr. Fitzgerald read the following ordinance:

AN ORDINANCE PROHIBITING OPEN BURNING ON PUBLIC PROPERTY AND PROHIBITING OPEN BURNING ON PRIVATE PROPERTY DURING DECLARED DROUGHT EMERGENCIES OR OTHER EMERGENCIES CREATING HEIGHTENED DIRE RISKS

WHEREAS, pursuant to §15.2-922.1 of the Code of Virginia, 1950, as amended, the County of Augusta is empowered to regulate or prohibit the making of fires in streets, alleys, and other public places and, when a declared emergency exists, pursuant to §14-146.21, of the Code, regulate the making of fires on private property; and,

WHEREAS, drought and extremely dry surface fuel conditions exists throughout Augusta County, creating a significant risk for wildfires; and,

WHEREAS, in an effort to ensure for the public health, safety, and welfare of residents and businesses in Augusta county, the Chief of Fire and Rescue has determined that it is necessary to adopt the following emergency ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Augusta County, Virginia, that it shall be unlawful for any person to light or maintain any fire in the open air on any land, public or private, located within the County of Augusta during this emergency declared in accordance with §44-146.21, of the Code of Virginia. This prohibition shall include burning of any wood, brush, logs, leaves, grass, debris, or other flammable material, but shall not be deemed to include use of propane or natural gas outdoor grills and similar gas-fired cooking equipment, or the proper use of emergency road flares, or the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack.

Violation of this Ordinance shall constitute a Class 111 Misdemeanor.

This Emergency Ordinance is effective this 8th day of November, 2023, pursuant to §15.2-1427(f) of the Code of Virginia, 1950, as amended, and shall be effective for a period of sixty days hereafter unless repealed, amended, or readopted in conformity with the provisions of such section.

Ms. Carter moved, seconded by Ms. Bragg, that the Board approve the ordinance prohibiting open burning on public property and prohibiting open burning on private property during declared drought emergencies or other emergencies creating heightened fire risk.

MATTERS TO BE PRESENTED BY STAFF (CONT'D) Vote was as follows: Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton Nays: None Absent: Garber

Motion carried.

CLOSED SESSION

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

- 1) the economic development exemption under Virginia Code § 2.2-3711(A)(5) [discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:
 - a) Proposed Office space, flex space, storage facilities, manufacturing facilities, utility and mixed use development.

On motion of Dr. Seaton, seconded by Mr. Wells, the Board came out of Closed Session.

Vote was as follows:

Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton Nays: None Absent: Garber

Motion carried.

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and

2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

Yeas: Shull, Slaven, Wells, Carter, and Seaton Nays: None Absent: Garber

Motion carried.

CLOSED SESSION (CONT'D)

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

ADJOURNMENT

Dr. Seaton moved, seconded by Ms. Bragg, that the Board adjourn the meeting.

Vote was as follows:

Yeas: Shull, Slaven, Wells, Bragg, Carter and Seaton Nays: None Absent: Garber

Motion carried.

Chairman

County Administrator

h:11-8min.23