

Regular Meeting, Wednesday, June 12, 2019, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman  
Carolyn S. Bragg-Vice Chairman  
G.L. "Butch" Wells  
Michael L. Shull  
Wendell L. Coleman  
Marshall W. Pattie  
Pam L. Carter  
Timothy K. Fitzgerald, County Administrator  
Jennifer M. Whetzel, Deputy County Administrator  
John Wilkinson, Director of Community Development  
James R. Benkahla, County Attorney  
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 12, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 243<sup>rd</sup> year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Pam Carter, Supervisor for the Pastures District, led us with the Pledge of Allegiance.

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Pam Carter, Supervisor for the Pastures District, delivered the invocation.

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VDOT 6-YEAR PLAN

This being the day and time advertised to consider and receive input in regards to the proposed Secondary Road Construction Improvement Program for the State Secondary System of Highways in accordance with Section 33.1-70.01, Code of Virginia, 1950, as amended; the program covers the six-year period from July 1, 2019 through June 30, 2025. The Board will also receive input on the Secondary Road Construction Improvement Budget for Fiscal Year 2019-20. The Budget covers the period from July 1, 2019 through June 30, 2020.

Donald Komara, Residency Administrator, reviewed with the public the purpose for conducting the public hearing. Also present were Joshua Dunlap, Assistant Residency Administrator and Kay Vance, Maintenance Manager. Mr. Komara discussed the various projects that have been completed and the projects that are due to be completed within the next few years. There are a lot of unpaved roads in Augusta County and not a lot of money to build the roads. The Board has been gracious in the past with assisting the funding of road improvements. Mr. Komara explained how much right of way was needed to build a road. He stated that if there were any roads not listed on the six year plan to please let VDOT know and those roads can be evaluated in the future.

The Chairman declared the public hearing open.

June 12, 2019, at 7:00 p.m.

VDOT 6-YEAR PLAN (CONT'D)

David Howdysshell of 390 Frontier Drive, Staunton, VA is concerned with the speeding on Frontier Drive since the Wal-Mart and Lowes have been built.

Les White of 389 Frontier Drive, Staunton, VA is also concerned with speeding on Frontier Drive. He would like to see a no thru truck sign put up.

Ken Jones of 56 Farm Draft Lane, Fishersville, VA is concerned with increased traffic in the past several years. VDOT maintains the road well, but it is harder with the amounts of rain. This section of road is not in the 6 Year Plan, but would like for the Board to consider paving the road. He has received seventeen signatures in favor of paving the road.

Donnie Lee Nauman of 692 Fountain Cave Road commended the Board and VDOT for their hard work.

Sharon Henderson of 96 Fruit Tree Lane, Stuarts Draft supports Horseshoe Circle being paved.

Mike Long of 60 Fountain Cave Road, Grottoes, VA is concerned about roughness of the road and states that the condition of the road is a safety concern.

James Whitsel lives in the Riverheads District and is concerned about Guthrie Road. Part of the road received tar treatment, but approximately 1/2 mile is still untreated.

Kirt Barley from Love, VA has concerns with clogged culverts causing gravel to wash into the road.

Jaqueline May is concerned with the part of Horseshoe Circle that has been paved. A culvert is sinking.

John Orebaugh is concerned with conditions of the already paved section of Horseshoe Circle.

James Henderson of Stuarts Draft is concerned with Route 608 and Route 651. He recommends reducing the speed limit in the area.

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

Mr. Fitzgerald reviewed the Citizen's Project List with the Board and how it is determined when a road comes from this list and moved to the Six-Year Plan.

Mr. Fitzgerald stated that the plan will be on the agenda for June 26, 2019 for final approval. The project list is available for review in the County Administrator's Office during regular business hours.

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RECREATION MATCHING GRANT – DRAFT DIAMOND CLUB, INC.

The Board considered a funding request of \$14,250.00 for a project to replace the dugouts at Stuarts Draft Diamond Club/Field.

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|-----------------|----------------------------|---------------|------------|
| Funding Source: | South River Parks & Rec    | 80000-8026-34 | \$4,750.00 |
|                 | Riverheads Parks & Rec     | 80000-8025-39 | \$4,750.00 |
|                 | Beverley Manor Parks & Rec | 80000-8021-59 | \$4,750.00 |

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RECREATION MATCHING GRANT – DRAFT DIAMOND CLUB, INC. (CONT'D)

Samantha Bosserman, Chair for the Parks & Recreation Commission, stated that the applications has been reviewed. This project will replace the current dugouts which have a standing water issue. The property and the ball field is owned by Augusta County. The Parks & Recreation Commission supports the application and recommends fully awarding the grant request.

Ms. Bragg moved, seconded by Mr. Coleman, that the Board approve the funding request.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie, and Carter  
Nays: None

Motion carried.

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NATURAL CHIMNEYS STRUCTURAL ROOF REPLACEMENT PROJECT

The Board considered awarding the contract to Sustainable Solutions of Virginia, Inc. with a bid amount of \$110,000.00 which includes a 10% contingency.

|  |               |             |
|--|---------------|-------------|
| Funding Source: North River Infrastructure | 80000-8013-58 | \$35,000.00 |
| Parks & Rec/NC Depreciation                | 80000-8142    | \$60,000.00 |
| Tourism Capital                            | 80000-8139    | \$15,000.00 |

Jennifer Whetzel, Deputy County Administrator, stated that the Invitation for Bid was advertised for the Natural Chimneys Structural Roof Replacement Project. Bids included totals for a turnkey structural roof replacement to include new roof trusses, sheathing and metal roofing for a “hip” style roof structure, as well as the demolition and removal of the old roof structure and covering. Staff recommends selecting the lowest responsible bidder, Sustainable Solutions of Virginia, Inc. with a bid amount of \$99,096.00 and to include a 10% contingency.

Dr. Pattie moved, seconded by Ms. Bragg, that the Board approve funding for the project and awarding the contract to Sustainable Solutions of Virginia, Inc.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter and Pattie  
Nays: None

Motion carried.

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ADDITIONAL FUNDING REQUEST – JUDGE/COURT SCHEDULE CHANGE

The Board considered a staffing request due to increased court services in the amount of \$361,663.00.

|   |              |
|---|--------------|
| Funding: Circuit Court Clerk’s Office -- 2 Clerks | \$ 99,814.00 |
| Commonwealth Attorney’s Office – 2 Attorneys      | \$160,411.00 |
| Sheriff’s Office – 2 Court Security Officers      | \$101,438.00 |

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ADDITIONAL FUNDING REQUEST – JUDGE/COURT SCHEDULE CHANGE

Ms. Whetzel stated that there is a need for additional staff at the Clerk’s office, Commonwealth Attorney’s office and courtroom security related to newly appointed Judges to Circuit Court and Juvenile and Domestic Relations Court. The Judges will be assigned to Augusta County more often, running court on more days. This need arose after the normal budget cycle was complete. With the Board’s approval, funding would be allocated to the payroll line items in each respective department.

Mr. Garber recommends moving to the Staff Briefing on June 24, 2019 to allow for further review.

Mr. Fitzgerald stated that the only concern was that it needed to be decided on before July 1, 2019.

The Board agreed to move the agenda item to the June 24, 2019 meeting.

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VACATION AND DEDICATION – DRAINAGE EASEMENT

The Board considered vacation and dedication of a drainage easement for Lot 4 of Grassmere Subdivision.

John Wilkinson, Director of Community Development, stated that due to space issues it would be advantageous to the property owners to be able to utilize the portion of this property currently in a stormwater management easement. The map showed the amended stormwater agreement meets the requirements of the County’s ordinance.

Mr. Shull moved, seconded by Ms. Bragg, that the Board approve the request.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie and Carter  
Nays: None

Motion carried.

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WAIVERS -- NONE

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CONSENT AGENDA

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

MINUTES

Consider minutes of the following meetings:

- Special Budget Meeting, Wednesday, May 1, 2019
- Staff Briefing, Monday, May 20, 2019

June 12, 2019, at 7:00 p.m.

CONSENT AGENDA (CONT'D)

CLAIMS

Consider claims paid since May 1, 2019

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie, and Carter  
Nays: None

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Robin Hawks with Friends of Seawright Springs is concerned that Flow Water is being allowed to operate during the appeal process. She recommends the Board request Flow to stop operation until the Board of Zoning Appeals meets and a decision is made. Ms. Hawks questions whether zoning appeals are being handled correctly.

Tom Kleine, Council for the Augusta Solar Project, submitted a letter to the Board asking for reconsideration regarding the vote to deny the project. Significant new information has become available that affects the project. Several subjects have been discussed in detail including sewer, further infrastructure, and potential development in the Stuarts Draft area. One day prior to the vote, the final report was completed by the consultants hired by the County and the Service Authority to evaluate future sewer issues. Mr. Kleine feels that to be fair to everyone involved, the Board should take a pause and have the option to reconsider the vote. This project needs to be re-evaluated.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Bragg reminded the Board of the various carnivals taking place. It is important to support our fire departments.

Mr. Shull moved, seconded by Ms. Bragg that the Board approve Staff to move forward with the Comprehensive Plan and the Ordinance changes for the large scale solar projects.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie, and Carter  
Nays: None

Motion carried.

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

Ms. Carter stated that it was her understanding that the Houff contract was not signed with Flow until approximately two months ago.

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MATTERS TO BE PRESENTED BY STAFF

1) Mr. Fitzgerald stated that typically the first regular Board meeting in July is cancelled. Board approval is needed to cancel the meeting.

Mr. Shull moved, seconded by Ms. Bragg that the Board approve cancelling the July 10, 2019 Board of Supervisors meeting.

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,  
and Carter  
Nays: None

Motion carried.

2) Mr. Fitzgerald distributed to the Board an assessment of the real estate tax compared to land use within the County. Land use is given to the farmers to help the agriculture community. This year the total savings is \$7.8 million and continues to grow over time.

3) He attended the second local government conference at the White House.

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CLOSED SESSION

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

- (1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)**  
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
  - a) Boards and Commissions - Ag Industry Board, Economic Development Authority, DSS Advisory Board, Youth Commission, CSPDC, BRCC, Blue Ridge Criminal Justice, CAP-SAW, Shenandoah Valley Partnership
- (2) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**  
[discussion of the acquisition for a public purpose, or disposition, of real property]:
  - a) Augusta County Courthouse Property
- (3) **the legal counsel exemption under Virginia Code § 2.2 3711(A)(7)**  
Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
  - a) Appeal of Zoning Administrator's determination regarding Tax Map #'s 026-94,026-94A, 027-2 and 027-2B
  - b) Solar project



June 12, 2019, at 7:00 p.m.

BOARDS AND COMMISSIONS (CONT'D)

Vote was as follows: Yeas: Garber, Bragg, Shull, Wells, Coleman, Pattie and Carter  
Nays: None

Motion carried.

Ms. Bragg moved, seconded by Mr. Coleman, that the Board appoint Pam Carter to serve on the Shenandoah Valley Partnership. Effective July 1, 2019 and to expire on June 30, 2022.

Vote was as follows: Yeas: Garber, Bragg, Shull, Wells, Coleman, and Pattie  
Nays: None  
Abstain: Carter

Motion carried.

Mr. Coleman moved, seconded by Ms. Carter, that the Board appoint Andy Parr to serve on the CAP-SAW Board. Effective Immediately and to expire on June 30, 2021.

Vote was as follows: Yeas: Garber, Bragg, Shull, Wells, Coleman, Pattie and Carter  
Nays: None

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Shull moved, seconded by Ms. Bragg, the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Garber, Bragg, Shull, Wells, Coleman, Pattie and Carter  
Nays: None

Motion carried.

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Chairman

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County Administrator