Regular Meeting, Wednesday, August 14, 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 Pam L. Carter

Marshall W. Pattie

Timothy K. Fitzgerald, County Administrator Jennifer M. Whetzel, Deputy County Administrator John Wilkinson, Director of Community Development

Leslie Tate, Planner

James R. Benkahla, County Attorney Angie Michael, Executive Assistant

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

Supervisors held on Wednesday, August 14, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia,

and in the 244<sup>th</sup> year of the Commonwealth....

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

Chairman Garber welcomed the citizens present.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

The following student from Buffalo Gap High School led the Board of Supervisors in the Pledge of Allegiance:

Kaley Kiracofe is a senior and is President of the Executive Board.

Chloe Mills is a senior and is Vice-President of the Executive Board-SCA.

Katherine Redifer is a junior and is the FFA Historian. She plans to attend college after high school.

MaKayla Talley is a junior and the Secretary of the FFA Chapter. She plans to attend college and study to be an Ag teacher.

Samual Hadacek is a senior and the FFA President for the Buffalo Gap Chapter. He plans to attend a university and study Aeronautics.

Madison Wheeler is a sophomore and the Reporter for FFA. She plans to attend college and study to be an Ag teacher.

Troy Payne is a junior and the Vice-President for FFA. He plans to build poultry houses.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

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

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

# MATTERS TO BE PRESENTED BY THE PUBLIC

Robin Hawks of Mount Sidney has concerns regarding Sandra Bunch. Sandra Bunch has failed the citizens of Augusta County and generations to come by her failure to execute her position with regard to the needs of the citizens. Water and transportation safety are crucial to the well-being of this community and Ms. Bunch's zoning decision demonstrates disregard for the well-being of the community. A zoning determination letter was written in December 2018 based on a letter from 1996 written to an entity that had no investment in the community or in the spring. A letter was written without regard to the interest of the citizens surrounding the property. Ms. Bunch failed to consider the impact of the letter on the citizens of Augusta County. By right water means forever. This is profound as a decision. By writing this letter, she placed the citizens of Augusta County on a destructive collision path that resulted in legal action. She purposefully withheld the December 2018 letter. Her actions have caused the taxpayers of Augusta County thousands of dollars in legal fees to defend her position. A letter was written knowing the appeal would not be possible according to the law given the thirty day appeal period had expired. While Augusta County has attempted to blame the State for these decisions, the State has made it clear that all zoning determinations are made at the local level and that leaves Ms. Bunch responsible for her actions. The public trust has been eroded. Deceit has been the name of the game and that cannot be fixed with the same faces in the same roles. During the BZA Sandra Bunch gave examples showing support for water bottling by siting articles from the 1980's and 1990's and a Special Use Permit from 2004. Think about what this means. The County and the Officials are governing the County based on fifteen to thirty year old information. That reflects a failure to appreciate the changing characteristics of the County and failure to recognize any community changes. Due to Ms. Bunch's failure to execute the duties of her position in a thoughtful and effective manner, the Friends of Seawright Springs ask that she be removed from the position of Zoning Administrator. She has demonstrated disregard for the citizens of the County. The Board is to provide oversight and remedies to the County problems. The trucks from Flow are dumping water in the pond at Mill Place Park. The dumping is likely occurring because the water doesn't meet quality standards. Every tank of water has to be tested to make sure it meets quality standards. If the water fails then it has to be discarded. A significant amount of water has been discarded into the pond. While thousands of gallons of water are being dumped, the house next to the Seawright Springs has little to no water because their spring has gone dry. This is one of the catastrophes of the County's decision to allow Flow to mine the spring. Tankers have been observed driving by the school during school transportation hours. It's clear that Flow has broken their agreement. Fitzgerald stated in an earlier meeting that Flow agreed to not transport water during school operation hours. Flow cannot be counted on to uphold their agreements. With Amanda Glover's resignation, it is requested that a search be conducted for outside individuals. Someone that does not come with the baggage of the Seawright Springs issues. The search for this individual should be focused on identifying someone who will focus on the vision of the County and considers the needs of the community and the characteristics of the community. Someone who has the ability to go out and interact with the residents of the area to consider the implications of development.

Robert Spiegel of 632 Salem Church Road in Mount Sidney. He has lived in two different houses near Seawright Springs. Both houses had cisterns and he has drilled wells for both houses. Both wells have been successful. The Board does a good job and he appreciates what they do.

Don Horn has a farm in the North River District. There is an old farm house that would make a great Bed and Breakfast. The current ordinance regarding Bed and Breakfast requires him as the owner to live on the property. He currently lives in Cleveland, OH so it would not work for him to live on the premises. Mr. Horn urges the Board to consider changing the ordinance.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

# PERSONAL PROPERTY TAX RELIEF PROGRAM RESOLUTION

The Board considered resolution establishing the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act.

Jennifer Whetzel, Deputy County Administrator, stated that this is an annual resolution regarding Personal Property Tax Relief Act of 1998. Augusta's share of the revenue is approximately \$4.3 million and that remains static for all time at this point. As the book grows, the percentage that is reimbursed to the individuals in the County goes down. For this year the percentage would be 37%. Last year it was 39%.

# RESOLUTION OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 <u>et seq.</u> ("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 2019 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 thirty-seven (37%).
- 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.

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

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

# **PROJECT GROWS**

The Board heard a presentation of future growth.

Jenna Piersol, Executive Director of Project Grows gave the Board an update on what has been taking place at Project Grows on the Berry Farm property. Their mission is health focused. There is a mission to improve the health of our youth in Staunton, Waynesboro and Augusta County through garden based education and

# PROJECT GROWS (CONT'D)

access to healthy food. Project Grows leases ten acres from the County. The lease is \$1.00 per year. It is matched with grant funding and community funding throughout the years. Recently they received a \$250,000.00 grant from the USDA. This allowed Project Grows to pull in school partners, the Health Department and funding from Virginia for the SNAP Matching Program for Farmer's Markets. Ms. Piersol summarized activities that take place at the farm. Project Grows offers paid positions for high school students during the summer. Approximately 1,500 youth visit Project Grows each year with field trips and other activities. 445 volunteers contributed to Project Grows last year donating over 2,300 hours. A brand new website has been developed and the annual report is also available. Ms. Piersol stated they have outgrown their space. There is plenty of land, but in terms of the facilities. They would like to build a barn that would provide restroom space, a pack out station, office space and a community room. The money would be raised through donations and a grant match. A commitment is needed from the County for a longer term lease. Right now it is a five year to five year lease and will be up for renewal in the spring. They would like to extend the lease and work towards a 25-30 year lease.

The Board will visit Project Grows on August 26 following the Staff Briefing.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

# SOLAR-COMPREHENSIVE PLAN AMENDMENT

The Board heard a presentation of the solar Comprehensive Plan Amendment process/timeline.

Leslie Tate, Planner, highlighted each step in the process and timeline. The Board can establish a working group or subcommittee that would be the advisory committee that would guide the potential amendments. The draft timeline gives from August 14, 2019 to August 28, 2019 to put together individuals that would be well suited for the committee. There will be a public input survey/questionnaire both online and in paper form. Staff will compile the results of the survey and have a working group meeting with subcommittee that will be established. Once the working group has formulated the specific potential drafts and recommendations, there would be a Board of Supervisors and Planning Commission joint worksession. After the revisions and recommendations are completed, the request will be for the Board to release the amendment for public hearing.

Mr. Coleman stated that it is critical that the entire Board be prepared to work through the process and make a decision in the end.

The Board placed this item on the August 28, 2019 regular meeting agenda.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

# AMBULANCE/MEDIC UNIT FUNDING REQUEST

The Board considered funding for an ambulance/medic unit.

Funding Source: Capital 70-8000-8057 \$128,693.50

David Nichols, Fire Chief, showed pictures of the new ambulance. The unit should be delivered next week. An application was submitted for the Rescue Squad Assistance Fund. Eight ambulances were awarded statewide and the funding is limited. Therefore, Augusta County was not successful. In the scoring process, a number of things are considered. Two areas that were scored low is economic stress index and access to healthcare. Those numbers are not going to

# AMBULANCE/MEDIC UNIT FUNDING REQUEST (CONT'D)

change. The funding is available in the Capital Reserve account. An updated list of mileages for the fleet was provided. The unit that is due to be replaced with the current unit is number 156. It is a 2002 model with 87,106 miles.

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve the funding request for the ambulance/medic unit.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

**WAIVERS** --NONE

#### **CONSENT AGENDA**

Chairman Garber asked if the public wished for any item to be removed from the Consent Agenda and considered separately. There was no request.

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

# **MINUTES**

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, May 22, 2019
- Staff Briefing, Monday, June 24, 2019

### **CLAIMS**

Consider Claims paid since July 1, 2019.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, Carter

and Pattie

Nays: None

Motion carried.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

# MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull requests the GPS routing be reviewed for any changes. He is concerned that the Fire and Rescue Strategic Plan committees are set up with more career people verses volunteers. Volunteers companies should have more input.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

# MATTERS TO BE PRESENTED BY STAFF

- 1) Jennifer Whetzel, Deputy County Administrator, stated that over the last fifteen years the County has participated with the State and Federal Government to rehabilitate many of the flood control dams. Waynesboro Nursery is one that is on the list for rehabilitation. At the Federal level, an application was submitted in 2010 to get planning money and it was denied. Todd Lake and Hearthstone scored higher on the Federal scoring chart so plans moved forward for those two dams. On the State level, the Waynesboro Nursery structure scored very high. That was in part due to the amount of rain last year. The State put out an RFP for design on this dam. 100% funding is approved for the design portion. They are requesting 100% of the construction funding for the actual rehabilitation. The State met with Headwaters, the landowners, the County, and NRCS. It will take a few years for the project to be completed.
- 2) Ms. Whetzel stated that the Board of Equalization has completed their hearings. There were 126 appeals received and 80 changes were made to assessments. The total net change was approximately \$62,000.00 less in tax dollars than originally assessed.
- 3) Ms. Whetzel stated that annually the County applies for an award for the Comprehensive Annual Financial Report through the Government Finance Officers Association. Misty Cook, Finance Director, and her staff have received the 2018 Audit Award
- 4) Ms. Whetzel stated that there is another State grant offer, VATI 2020 through the Department of Housing and Community Development. The Broadband Committee put out a request for information and received a proposal from MGW Networks for four projects in the County. Two projects in the Deerfield area, one in Middlebrook and one in the Morris Mill area. The committee and staff are working with MGW to figure out which ones a grant will be written for. The application is due September 3, 2019. Dominion Energy has put out an RFI related to expanding broadband access in rural Virginia. This would be in the Dominion Energy footprint of the County which is approximately 1/3 of the County. The County will respond and answer some of the locality questions.
- 5) Mr. Fitzgerald stated that during the first Census presentation a Complete Count Committee was brought to the Board's attention. This is a citizen committee that would support the census and get education out to citizens. The PDC has had conversations with the Census representatives and is now willing to put together a Complete Count Committee that would work regionally for Staunton, Waynesboro and Augusta County. With Board approval, it is recommended to work regionally with Staunton and Waynesboro to create the one committee. The Board agrees.
- 6) VACo Summit meeting is tomorrow.
- 7) VACo Region 9 meeting September 19<sup>th</sup> at 5:30 p.m. at the airport.
- 8) Mia Kivlighan the new Communications Manager will be starting August 16, 2019.

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

#### **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-DSS Advisory Board, Youth Commission, Ag Industry Board, Economic Development Authority, Blue Ridge Criminal Justice Board, CAP-SAW
- (2) the legal counsel exemption under Virginia Code § 2.2 3711(A)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, 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) D.M. Conner
- b) Appalachian Aggregates
- (3) 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

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

Vote was as follows: Yeas: Garber, Bragg, Wells, Shull, Coleman, Pattie,

and Carter

Nays: None

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: Garber, Bragg, Wells, Shull, Coleman, Pattie,

and Carter

Nays: None

Motion carried.

<u>CLOSED SESSION</u> (CONT'D)

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

# <u>ADJOURNMENT</u>

There being no other business to come before the Board, Ms. Bragg moved, seconded by Dr. Pattie, 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.																		
	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*			
Chairman						(	$\mathbb{C}_{C}$	our	าty	/ A	dr	nir	nis	tra	ato	r		