

NOTICE OF PUBLIC MEETINGS

DATE	TIME	EVENT/PLACE **	PERSONS ATTENDING
Jan 2, 2020	9:30 a.m. 1:30 p.m. 5:00 p.m.	BZA STAFF BRIEFING BZA BOS ORGANIZATIONAL MEETING	All Members
Jan 6	1:30 p.m.	CMPT	
Jan 8	7:00 p.m.	BOS MEETING	All Members
Jan 13	7:00 p.m.	RECYCLING COMMITTEE	
Jan 14	9:00 a.m. 7:00 p.m.	ELECTORAL BOARD-L&A TESTING PLANNING COMMISSION	
Jan 15	7:00 p.m.	PARKS & RECREATION COMMISSION	
Jan 16	11:00 a.m. 1:30 p.m.	ECONOMIC DEVELOPMENT AUTHORITY AUGUSTA COUNTY SERVICE AUTHORITY	
Jan 21	9:30 a.m. 10:00 a.m. 10:00 a.m. 10:30 a.m. 1:30 p.m. 5:30 p.m.	ECONOMIC DEVELOPMENT COMMITTEE HEADWATERS SOIL & WATER CONSERVATION DIST. VALLEY PROGRAM FOR AGING SERVICES EMERGENCY SERVICE COMMITTEE STAFF BRIEFING CAP-SAW	All Members
Jan 22	7:00 p.m.	BOS MEETING	All Members
Jan 23	7:00 p.m.	BROADBAND COMMITTEE	
Jan 28	8:30 a.m. 7:00 p.m.	DEPT OF SOCIAL SERVICES AUGUSTA COUNTY EMERGENCY SERVICES	
Jan 30	4:00 p.m.	LIBRARY BOARD-FISHERSVILLE LIBRARY	
Feb 3	1:30 p.m.	CMPT	
Feb 4	2:00 p.m.	JAIL AUTHORITY	
Feb 5	10:00 a.m.	MPO POLICY BOARD	
Feb 6	9:30 a.m. 1:30 p.m.	BZA STAFF BRIEFING BZA	
Feb 11	7:00 p.m.	PLANNING COMMISSION	
Feb 12	9:00 a.m. 3:00 p.m. 7:00 p.m.	ELECTORAL BOARD-L&A TESTING ORDINANCE COMMITTEE BOS MEETING	All Members
Feb 18	10:00 a.m. 10:00 a.m. 5:30 p.m.	HEADWATERS SOIL & WATER CONSERVATION DIST. VALLEY PROGRAM FOR AGING SERVICES CAP-SAW	
Feb 19	7:00 p.m.	PARKS & RECREATION COMMISSION	
Feb 20	1:30 p.m.	AUGUSTA COUNTY SERVICE AUTHORITY	
Feb 24	9:30 a.m. 10:30 a.m. 1:30 p.m.	ECONOMIC DEVELOPMENT COMMITTEE EMERGENCY SERVICES COMMITTEE STAFF BRIEFING	All Members
Feb 25	8:30 a.m.	DEPT OF SOCIAL SERVICES	
Feb 26	7:00 p.m.	BOS MEETING	All Members
Feb 27	7:00 p.m.	BROADBAND COMMITTEE	

A G E N D A

REGULAR MEETING OF THE AUGUSTA COUNTY BOARD OF SUPERVISORS

WEDNESDAY, January 8, 2020, at 7:00 p.m.

Government Center, Verona, VA

ITEM NO.	DESCRIPTION
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7:00 P.M. PLEDGE OF ALLEGIANCE

INVOCATION - Public participation is optional; those who wish to join the Board of Supervisors in prayer are asked to remain standing after the Pledge.

COMMITTEES & COMMISSIONS FOR 2020 APPOINTED BY THE BOARD:

- 1-09 Elect representatives to Local Emergency Planning Commission (LEPC) (2)

Current: Fire and Rescue Chief and Chairman of Board
- 1-10 Elect representatives to Agricultural and Forestal District Committee (10)

Current: Steve Hewitt, Earl Reeves, Jeff Slaven, Randy Roller, Joseph Zapotoczny, Ashlie K. Howell, W. Jean Shrewsbury (**Commissioner of Revenue**), Marshall Pattie (**BOS**), W. Douglas Riley and Michael L. Shull (**BOS**) Code stipulates 4 landowners engaged in agriculture; 4 landowners of Augusta County; 1 member of BOS; Commissioner of Revenue or County Chief Property Assessment Officer
- 1-11 Emergency Management Director (1)

Current: Chairman of Board of Supervisors

1-12 Emergency Management Co-Director (1)

Current: County Administrator

1-13 Emergency Management Coordinator

Current: Donna Good

1-14 Assistant Emergency Management Coordinator

Current: Anthony Ramsey

1-15 **COMMITTEES FOR 2020 – APPOINTED BY THE CHAIRMAN**

1-15.1 Emergency Services Committee (2)

Current: Butch Wells and Gerald Garber

1-15.2 Property Committee (2)

Current: Michael Shull and Pam Carter

1-15.3 Parks and Recreation (Liaison Member) (1)

Current: Wendell Coleman

1-15.4 Library Board (Liaison Member) (1)

Current: Pam Carter

1-15.5 Recycling Committee (Liaison Member) (1)

Current: Wendell Coleman

1-15.6 Board and Commission Liaison Member (1)

Current: Vice-Chairman of Board of Supervisors

1-15.7 General Assembly/VACo Liaison (1)

Current: Chairman

1-15.8 Governmental Opportunities Committee with Cities of Staunton and Waynesboro (2)

Current: Chairman and Past Chairman (Alt.)

- 1-15.9 Rockingham/Augusta Liaison (2)
Current: Marshall W. Pattie and Gerald Garber
- 1-15.10 Audit Committee
Current: Wendell Coleman and Marshall W. Pattie
- 1-15.11 Ordinance Review Committee
Current: Michael Shull and Carolyn Bragg
- 1-15.12 Agriculture Industry Board Liaison
Current: Michael Shull
- 1-15.13 Community Action Program – Staunton/Augusta/Waynesboro (CAP-
SAW)
Current: Wendell Coleman and Pam Carter
- 1-15.14 School Liaisons
Current: Chairman and Vice-Chairman
- 1-15.15 Economic Development Committee
Current: Carolyn Bragg and Gerald Garber
- 1-15.16 Metropolitan Planning Organization (MPO)
Current: Wendell Coleman
 Pam Carter (Alt.)
- 1-15.17 Broadband Committee (2)
Current: Pam Carter and Marshall Pattie
- 1-15.18 Solar Committee (2)
Current: Carolyn Bragg and Wendell Coleman

1-16 **MATTERS TO BE PRESENTED BY THE PUBLIC**

1-17 **REFUND REQUESTS (SEE ATTACHED)**

Consider the following refund requests from the Commissioner of the Revenue:

1. Scott Canterbury in the amount of \$4,703.61
2. Timothy Scott Roadcap in the amount of \$2,523.26

1-18 **WEYERS CAVE LIBRARY (SEE ATTACHED)**

- a. Consider lease agreement for library space.
- b. Consider infrastructure allocation in the amount of \$15,000.00 from the North River Infrastructure account.

Funding Source: North River Infrastructure 8013-62 \$15,000.00

1-19 **WAIVERS**

1-20 **CONSENT AGENDA (SEE ATTACHED)**

1-20.1 **MINUTES**

Consider minutes of the following meeting:

- Regular Meeting, Wednesday, October 23, 2019
- Regular Meeting, Wednesday, November 13, 2019
- Staff Briefing, Monday, November 25, 2019
- Regular Meeting, Tuesday, November 26, 2019
- Special Meeting, Wednesday, December 4, 2019

(END OF CONSENT AGENDA)

1-21 **MATTERS TO BE PRESENTED BY THE BOARD**

1-22 **MATTERS TO BE PRESENTED BY STAFF**

1-23 **CLOSED SESSION (SEE ATTACHED)**

Committees and Commissions Appointments by BOS

Board Appointments	2018	2019	2020	Term
Local Emergency Planning Commission	Carson Holloway Gerald Garber	David Nichols Gerald Garber		1 year
Agricultural & Forestal District Committee	Gerald Garber Michael Shull	Marshall Pattie Michael Shull		1 year
Emergency Management Director	Gerald Garber Chair	Gerald Garber Chair		1 year
Emergency Management Co-Director	Timmy Fitzgerald	Timmy Fitzgerald		1 year
Emergency Management Coordinator	Donna Good	Donna Good		1 year
Assistant Management Coordinator	Anthony Ramsey	Anthony Ramsey		1 year
Committee Appointments – Chairman				
Emergency Services Committee	Michael Shull Terry Kelley	Butch Wells Gerald Garber		1 year
Property Committee	Michael Shull Gerald Garber	Michael Shull Pam Carter		1 year
Parks & Recreation Liaison	Wendell Coleman	Wendell Coleman		1 year
Valley Program for Aging Services, Inc.	Vacant (Parks & Rec)	-----	-----	1 year
Library Board Liaison	Pam Carter	Pam Carter		1 year
Recycling Committee Liaison	Wendell Coleman	Wendell Coleman		1 year
Board and Commission Liaison	Carolyn Bragg Vice-Chair	Carolyn Bragg Vice-Chair		1 year
General Assembly/VACo Liaison	Gerald Garber	Gerald Garber		1 year
Government Opportunities Committee – Staunton & Waynesboro	Gerald Garber	Gerald Garber		1 year
Rockingham/Augusta Liaisons	Marshall Pattie Gerald Garber	Marshall Pattie Gerald Garber		1 year
Reassessment Liaisons	Carolyn Bragg Marshall Pattie	-----	-----	1 year
Audit Committee	Wendell Coleman Marshall Pattie	Wendell Coleman Marshall Pattie		1 year

Committee Appointments - Chairman	2018	2019	2020	Term
Ordinance Review	Michael Shull Carolyn Bragg	Michael Shull Carolyn Bragg		1 year
Agriculture Industry Board	Michael Shull	Michael Shull		1 year
CAP-SAW	Wendell Coleman Pam Carter	Wendell Coleman Pam Carter		1 year
Shenandoah Valley Partnership	Carolyn Bragg	-----	-----	3 year
School Board Liaison Committee	Gerald Garber Carolyn Bragg	Gerald Garber Carolyn Bragg		1 year
Economic Development Committee*	Carolyn Bragg Marshall Pattie	Carolyn Bragg Gerald Garber		1 year
*Annual appointment determined at Organizational Meeting (not specifically Chairman and Vice-Chairman)				
Metropolitan Planning Organization (MPO)	Wendell Coleman Pam Carter (Alt)	Wendell Coleman Pam Carter (Alt)		1 year
Department of Social Services	Pam Carter	-----	-----	1 year
Courthouse Committee	Gerald Garber Terry Kelley	-----	-----	1 year
Broadband Committee (2)	Pam Carter Marshall Pattie	Pam Carter Marshall Pattie		1 year
Shenandoah Workforce Development	Carolyn Bragg	Carolyn Bragg		1 year
Solar Committee	-----	Wendell Coleman		
VACo Committees	2018	2019	2020	
Environmental & Agriculture	Michael Shull	Michael Shull	Michael Shull	1 year
Education	Carolyn Bragg	Carolyn Bragg	Scott Seaton	1 year
Finance	Terry Kelley	Butch Wells	Jennifer Whetzel/Butch Wells	1 year
Administration of Government	Marshall Pattie	Marshall Pattie	Jeffrey Slaven	1 year
Health & Human Services	Pam Carter	Pam Carter	Pam Carter	1 year
Transportation	Wendell Coleman	Wendell Coleman	Tim Fitzgerald/Steve Morelli	1 year
Economic Development & Planning	Gerald Garber	Gerald Garber	Gerald Garber	1 year
Compensation & Public Safety		-----	-----	1 year

COMMISSIONER OF THE REVENUE



REGULAR MEETING AGENDA ITEM NO. 1-17.1

W. JEAN SHREWSBURY, CPA

AUGUSTA COUNTY GOVERNMENT CENTER
P.O. BOX 959 • VERONA, VA 24482-0959
(540) 245-5640 • FAX (540) 245-5179

TO: Augusta County Board of Supervisor
✓ Timothy Fitzgerald, County Administrator
Jim Benkahla, County Attorney

FROM: W. Jean Shrewsbury, Commissioner of the Revenue

DATE: December 3, 2019

SUBJECT: Refund Request Disabled Veteran
Mr. Scott Canterbury, 2120 Tinkling Springs Road, Stuarts Draft, VA 24477

Tax Code 58.1-3981 Correction by Commissioner. A correction of assessment which results in a refund to the taxpayer in excess of \$2,500 requires the governing body to direct the Treasurer to refund the amount to the taxpayer upon certification by the Commissioner of the Revenue and the consent of the County Attorney that the assessment was erroneous.

The above referenced taxpayer has been qualified since May 1, 2016. In accordance with Tax Code 58.1-3984 the Commissioner of the Revenue can correct the current and three previous years of taxation. We need to exonerate and refund taxes from May 2016 through December 2019.

Tax Year	Original Bill	Exemption	Corrected Bill	Refund Due
1 st Half 2016	\$ 599.14	\$ 199.71	\$ 399.43	\$ 199.71
2 nd Half 2016	\$ 599.14	\$ 599.14	\$ 0.00	\$ 599.14
1 st Half 2017	\$ 599.14	\$ 599.14	\$ 0.00	\$ 599.14
2 nd Half 2017	\$ 599.14	\$ 599.14	\$ 0.00	\$ 599.14
1 st Half 2018	\$ 650.79	\$ 650.79	\$ 0.00	\$ 650.79
2 nd Half 2018	\$ 650.79	\$ 650.79	\$ 0.00	\$ 650.79
1 st Half 2019	\$ 702.45	\$ 702.45	\$ 0.00	\$ 702.45
2 nd Half 2019	\$ 702.45	\$ 702.45	\$ 0.00	\$ 702.45
			Total Refund	\$ 4,703.61

I certify that the taxpayer has provided satisfactory documentation from the Department of Veterans Affairs to make this correction to his real estate taxes for the years noted.

Verona: 245-5640
From Deerfield: 939-4111
Real Estate: 245-5647

TOLL FREE NUMBERS
Land Use 245-5850

Waynesboro: 942-5113
From Bridgewater, Grottoes, Harrisonburg,
Mt. Solon, Weyers Cave: 828-6205

Agenda

COMMISSIONER OF THE REVENUE



REGULAR MEETING AGENDA ITEM NO. 1-17.2

W. JEAN SHREWSBURY, CPA

AUGUSTA COUNTY GOVERNMENT CENTER
P.O. BOX 959 · VERONA, VA 24482-0959
(540) 245-5640 · FAX (540) 245-5179

TO: Augusta County Board of Supervisor
✓ Timothy Fitzgerald, County Administrator
Jim Benkahla, County Attorney

FROM: W. Jean Shrewsbury, Commissioner of the Revenue

DATE: December 3, 2019

SUBJECT: Refund Request Disabled Veteran
Mr. Timothy Scott Roadcap, 109 Long Bow Road, Waynesboro, VA 22980

Tax Code 58.1-3981 Correction by Commissioner. A correction of assessment which results in a refund to the taxpayer in excess of \$2,500 requires the governing body to direct the Treasurer to refund the amount to the taxpayer upon certification by the Commissioner of the Revenue and the consent of the County Attorney that the assessment was erroneous.

The above referenced taxpayer has been qualified since May 1, 2016. In accordance with Tax Code 58.1-3984 the Commissioner of the Revenue can correct the current and three previous years of taxation. We need to exonerate and refund taxes from August 2018 through December 2019.

Tax Year	Original Bill	Exemption	Corrected Bill	Refund Due
2 nd Half 2018	\$ 834.75	\$ 695.63	\$ 139.12	\$ 695.63
1 st Half 2019	\$ 913.82	\$ 913.82	\$ 0.00	\$ 913.82
2 nd Half 2019	\$ 913.81	\$ 913.81	\$ 0.00	\$ 913.81
			Total Refund	\$ 2,523.26

I certify that the taxpayer has provided satisfactory documentation from the Department of Veterans Affairs to make this correction to his real estate taxes for the years noted.

Verona: 245-5640
From Deerfield: 939-4111
Real Estate: 245-5847

TOLL FREE NUMBERS
Land Use 245-5650

Waynesboro: 942-5113
From Bridgewater, Grottoes, Harrisonburg,
Mt. Solon, Weyers Cave 828-6205

BOARD OF SUPERVISORS

MARSHALL W. PATTIE
North River

GERALD W. GARBER
Middle River

PAM CARTER
Pastures

G. L. "BUTCH" WELLS
Beverley Manor

WENDELL L. COLEMAN
Wayne

MICHAEL L. SHULL
Riverheads

CAROLYN S. BRAGG
South River



TIMOTHY K. FITZGERALD – COUNTY ADMINISTRATOR

AUGUSTA COUNTY GOVERNMENT CENTER


P.O. BOX 590, VERONA, VA 24482-0590

(540) 245-5610 FAX (540) 245-5621

coadmin@co.augusta.va.us

MEMO

TO: Timothy Fitzgerald, County Administrator

FROM: Jennifer Whetzel, Deputy County Administrator 

DATE: December 31, 2019

RE: Weyers Cave Library Lease and Infrastructure Allocation

The County is finalizing a lease with Cave Town Properties, LLC for 4,325 square feet of space in a storefront in Weyers Cave. The space will include the main library, office space, a meeting room and restrooms. The term of the lease is for 5 years with an option for two 5 year renewals with a CPI increase at renewal that is capped at a specific dollar amount for the next 5 years. A list of improvements to the property are also included in the lease. It is before the Board to consider the lease, contingent upon County Attorney's review.

In July 2019, the Board of Supervisors approved an allocation of funding from the Middle River Infrastructure for the library station: Capital \$88,050 and Operating \$88,700. It's anticipated that patrons from the North River area will use the facility. Therefore, the North River District is interested in collaborating on the project by assisting with funding for a portion of capital costs requested for the project. It is before the Board for consideration of an Infrastructure allocation of \$15,000. Due to the delayed opening of the library, two months of Middle Rivers operating allocation or \$15,000 will be reallocated to capital costs. The contribution is towards the improvements to the property included in the lease.

REGULAR MEETING AGENDA ITEM NO. 1-20.1

Regular Meeting, Wednesday, October 23, 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
James R. Benkahla, County Attorney
Angela Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, October 23, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 244th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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The following student from Beverley Manor Middle School led the Board of Supervisors in the Pledge of Allegiance:

Keagan Wolver is a member of the Student Council Association. He helps with the school store that sells school supplies.

.....

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

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COMPREHENSIVE PLAN FUTURE LAND USE MAP-GAP VALLEY FARM LLC

This being the day and time advertised to consider a request to amend the Augusta County Comprehensive Plan Future Land use Map from low Density Residential (1/2 to 1 unit per acre) to Urban Open Space for approximately 160 acres (portion of TMP 043-26 approximately 470 total acres) owned by Gap Valley Farm LLC located at 1957 Buffalo Gap Highway (Rt. 42) on either side of Buffalo Gap Highway north of the intersection of Buffalo Gap Highway and Parkersburg Turnpike (Rt. 254) in Swoope in the Pastures District. The proposed general use of the property is agriculture and open space through placement of a conservation easement. The Planning Commission recommends approval.

Leslie Tate, Senior Planner, showed a map of the property on the screen. The request is to remove this property from being slated for residential development and have it designated as open space in the future land use map. This would allow the placement of a conservation easement to be in accord with County planning documents.

October 23, 2019, at 7:00 p.m.

PROFFER AMENDMENT-V R ASSOCIATES

This being the day and time advertised to consider a request to amend and restate proffers on approximately 9.7 acres owned by V R Associates located on the east side of Lee Highway, (Rt. 11) and approximately 0.2 of a mile north of the intersection with Lee Highway (Rt. 11) and Weyers Cave Road (Rt. 256) in Weyers Cave in the North River District. The Planning Commission recommends approval with amended proffer to address VDOT.

Ms. Tate stated that the property currently has four proffers. Two of the proffers the applicant is restating the exact same way, but are requesting to amend the other two proffers. Ms. Tate reviewed the two proffers to be amended and the phases that are recommended for construction.

Ray Burkholder of Balsler and Associates represents the applicant. He added that there have been a number challenges to the site with utilities and road construction. They are ready for site plan to be approved and move forward with the first phase within the business.

The Chairman declared the public hearing open.

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

Dr. Pattie moved, seconded by Mr. Shull, that the Board accept the proffer amendment for the property.

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

Motion carried.

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ORDINANCE AMENDMENT-NOISE CONTROL

This being the day and time advertised to consider an ordinance to amend Chapter 15. Nuisances. Article I. Noise Control. Section 15-9. Unnecessary Noises Enumerated.

Ms. Tate stated that this is an ordinance amendment. This is not in the zoning ordinance so there will not be a Planning Commission recommendation. It is in the noise control article of the chapter. This amendment prohibits, in all zoning districts, the use of air cannons, carbide cannons, or other loud explosive devices which are designed to produce high intensity sound percussions for the purpose of repelling birds. The code of Virginia section references the authority of the State for the County to prohibit or regulate that specific use.

The Chairman declared the public hearing open.

Clay Trainum, 1100 Rockfish Road, Waynesboro, is the owner of Autumn Olive Farms. He is in opposition of this ordinance amendment. The farm encountered a problem that caused them to lose piglets due to Roto Virus. After great effort to treat, it was found that Starlings cause the Roto Virus. They tried various ways to detour the birds and found that the propane cannons were the most effective.

Luke Trainum, 136 Heritage Drive, Waynesboro is in opposition of the ordinance amendment. He has reached out to every member of the Board and has a response from everyone. This shows the Board cares about the community. Mr. Trainum reiterated what the previous speaker said. He understands the neighbors' concerns on

October 23, 2019, at 7:00 p.m.

ORDINANCE AMENDMENT-NOISE CONTROL (CONT'D)

the issue, but the total banning and removal of the most economical non-lethal and safest tool to use is a major issue. If that is done, there are no options other than poison. This is a farming County and they need to be supported.

John Sills, 524 Waldrop Road, Swoope, is in support of the ordinance amendment. This noise is a big issue during the summer months. His home is approximately one mile of the vineyard so they are not affected by the noise as much as some people are.

James Simmons, 117 Robinhood Road, Staunton is in opposition of the ordinance amendment. He represents the vineyard in Swoope. The owners have heard the concerns of the community and have tried to make adjustments to accommodate the complaints. There are other options available, but they are not as effective and more expensive.

John Mark Burnette, 1032 Leaport Road, Verona, is in opposition of the ordinance amendment. He works at the vineyard in Swoope and has heard no complaints on the issue.

Leah Rhodes, 775 N. Mountain Road, Swoope, stated that she lives on the property next to the vineyard. The cannons are disruptive. She understands the need to protect the farm, but it is difficult to live under the conditions. She has contacted the owner and voiced her concern.

Dwight Wood, 709 N. Mountain Road, Swoope, joins the property of the vineyard. He is representing 40 residents that have been effected by the use of the cannons and the problems they have created. Mr. Wood has had to change his way of life and he feels he shouldn't have to change what he has been doing for years because of this. It is the duty of the Board of Supervisors to protect the citizens that are affected by this.

Bobby Whitescarver, 120 Trimbles Mill Road, is in favor of the ordinance amendment. The owners of the vineyard should have discussed using the cannons with the neighbors. He lives two miles from the vineyard and the noise is very disruptive. Mr. Whitescarver objects to the cannons.

Richard Huttinger, 1106 North Mountain Road, Swoope and is in favor of the ordinance amendment. He lives across from the vineyard and the noise is disruptive. He will be forced to sell and leave if this continues.

Brandon Adams of Crimora stated that the Board's decision will affect all farms that may want to use cannons.

Keith McGinnis from Charlottesville asked the Board if everyone had heard the cannons for themselves.

Luke Trainum stated that this is an isolated concern for the Swoope area and should not affect the whole County.

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

Ms. Bragg stated that the Board has heard a number of comments from both sides.

Ms. Bragg moved, seconded by Mr. Shull, that the Board table the request and take it back to the Ordinance Committee for further review.

October 23, 2019, at 7:00 p.m.

ORDINANCE AMENDMENT-NOISE CONTROL (CONT'D)

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

Motion carried.

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**** THE BOARD TOOK A 10 MINUTE BREAK ****

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MATTERS TO BE PRESENTED BY THE PUBLIC

Steve Morris of Churchville is the North River District candidate for the Board of Supervisors. He has concerns with spending \$70 million on the Courthouse when the County has so many other important issues. Mr. Morris took a tour of the jail and realized the jail was extremely overcrowded.

Tracy Pyles of Churchville is running for Clerk of Court. He stated this Board has become dismissive of the public. The people have a right to know what is going on and to be heard. Tax increases effect everyone. He has concerns with renovating the Courthouse and Beverley Manor Elementary School.

Max Quillen from Waynesboro Nursery is concerned about the Stuarts Draft Small Area Plan. At no time did anyone from the County contact landowners that would be impacted by the plan. The landowners do not wish to sell and object to the County plan. The Board should not vote to approve the plan until the landowners have been contacted.

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RESOLUTION-2020 CENSUS

The Board considered a resolution authorizing the creation of a Regional Joint Complete-Count Committee.

Timothy Fitzgerald, County Administrator, stated that this is in regards to an agreement made to create a joint Complete Count Committee with the City of Staunton and the City of Waynesboro. It was recommended that each jurisdiction pass a similar resolution stating the agreement in creating the Complete Count Committee and work through the PDC with the City of Waynesboro and Staunton.

Ms. Bragg moved, seconded by Mr. Shull, that the Board accept the following resolution:

October 23, 2019, at 7:00 p.m.

RESOLUTION-2020 CENSUS (CON'TD)

**RESOLUTION
OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY VIRGINIA
SUPPORTING THE 2020 CENSUS
AND
AUTHORIZING THE CREATION OF A
REGIONAL JOINT COMPLETE-COUNT COMMITTEE
WITH
THE COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA AND
THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA**

Recitals

- A. The United States Census Bureau is required by the U.S. Constitution to conduct a count of the population and the census provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;
- B. The Board of Supervisors of the County of Augusta, Virginia, Council of the City of Waynesboro, Virginia, and Council of the City of Staunton, Virginia are committed to ensuring that every resident is counted;
- C. Federal and state funding is allocated to communities, and decisions are made on matters of local importance based, in part, on census data;
- D. Information from the 2020 Census is vital for economic development planning and increased employment;
- E. A united voice from business, government, community-based and faith based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens;
- F. These recitals are an integral part of this resolution.

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

- 1. Augusta County supports the goals of the 2020 Census and will disseminate 2020 Census information;
- 2. Augusta County will encourage all of its residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;
- 3. A regional 2020 Census Complete Count Committee (Committee), to be staffed by the Central Shenandoah Planning District Commission, is hereby established for the purpose of mobilizing and leveraging personnel and resources, both internal and external, to local government administration, to assure an accurate census count resulting in an equitable share of financial assistance and representation for the citizens of the County of Augusta, the City of Waynesboro, and the City of Staunton;
- 4. The Administrator of the County of Augusta, City Manager of the City of Waynesboro, and City Manager of the City of Staunton will appoint members of the Committee to represent elected officials, faith-based organizations, neighborhoods and civic leagues, business enterprises, non-profit organizations and employees from relevant local government departments;
- 5. This resolution shall be effective immediately upon the last of the member localities to adopt substantially this form of resolution through the end of the 2020 Census period.

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

Motion carried.

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Regular Meeting, Wednesday, November 13, 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 (Via Electronic)
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
James R. Benkahla, County Attorney
Angela Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, November 13, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 244th year of the Commonwealth....

.....

Chairman Garber welcomed the citizens present.

.....

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

Wyatt Marshall is in the 8th grade. He is in the SCA and plays in the All District Band and Honor Band. He would like to be a Lawyer.

.....

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

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Ms. Bragg moved, seconded by Mr. Wells, that the Board allow Mr. Shull to join the meeting electronically.

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

Motion carried.

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November 13, 2019, at 7:00 p.m.

VIRGINIA LIBRARY ASSOCIATION UP AND COMER AWARD-ALI MCCUE

Diantha McCauley, Augusta County Library Director, recognized Ali McCue as the Virginia Library Association Up and Comer Award recipient. Ms. McCue is the Librarian Assistant with less than five years of experience. She was chosen for the award because of her community outreach efforts and the innovative programming that she has brought to the library.

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Timothy Fitzgerald, County Administrator, stated that there has been discussion on Facebook concerning the animal shelter's budget and euthanasia policy. No discussion has been had on cutting the budget and there has never been discussion on time period of kill. There is a new director at the shelter and she was asked to look at policies and volunteers and get suggestions that would possibly improve the shelter. The owners have no desire to make changes to the budget or the euthanasia policy.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Laurie Day, 209 Cisco Lane, Stuarts Draft, stated that she is a volunteer with the animal shelter. Her intention was to bring awareness of the shelter to the Board of Supervisors. Her actions were misconstrued and the wrong information was posted on Facebook.

Patrick Shipe, 180 Plum Tree Draft Road, Churchville, is concerned with the internet service in the West Augusta, Deerfield and North River areas. Schools are now requiring internet service to complete homework so it is crucial that the issue be addressed. Mr. Shipe is also concerned with Fire and Rescue. He questions whether new equipment and apparatus are needed or is a Maintenance Supervisor needed to oversee the upkeep of all equipment.

Steve Morris, 203 Hotchkiss Road, Churchville, thanked the volunteers that were present. He also thanked Supervisors' Pattie, Bragg and Coleman for their hard work and time spent on the Board of Supervisors. Mr. Morris does not think there should be secret meetings. The people of Augusta County need to be aware of what is going on in the County. Staffing levels at the jail need to be evaluated. He feels the jail is unsafe and overcrowded. Mr. Morris is also concerned with conditions of many roadways. The voting precinct at Clymore Elementary is unsafe and suggests using the high school because parking is better. He also suggests that when re-districting is done, the Churchville voting precinct be moved to a different location. The proposed middle schools for Buffalo Gap and Riverheads needs to be evaluated. Additional gym and cafeteria space will be needed and it is currently not in the plan.

Michael McGinnis, Jr., 876 North Mountain Road, Swoope, is the owner of the vineyard in Swoope. He came to answer questions concerning the use of cannons since he was unable to attend the previous meeting.

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November 13, 2019, at 7:00 p.m.

WAYNESBORO AREA REFUGE MINISTRY-WARM

The Board heard a presentation on "Hunger & Homelessness Awareness Week".

Brian Edwards from the Waynesboro Area Refuge Ministry (WARM) presented on "Hunger and Homelessness Awareness Week" which is next week. He stated that many people in this area are living below the poverty level, and are homeless and hungry. One in five children in the United States live in poverty. One goal of WARM is to end Veterans' homelessness in the area by mid-2020. Mr. Edwards asks the Board to send a representative to WARM's regular meeting and to encourage the local housing authority representatives to support WARM's efforts.

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NATURAL CHIMNEYS POOL RENOVATION

The Board considered a change order for Natural Chimney's Pool project in the amount of \$79,500.00 from the Parks & Recreation Depreciation account.

Funding Source: Parks & Rec Depreciation 80000-8142 \$79,500.00

Jennifer Whetzel, Deputy County Administrator, stated that on July 11, 2019 a contract was executed with National Pools of Roanoke, VA. This contract is for the pool resurfacing and equipment upgrades at Natural Chimneys. The initial contract included the option for a splash pad. It was determined that the cost associated with the splash pad did not align with the intent of this project and would be explored in the future. During a recent visit to the site, the idea of a beach entry from the tot pool into the main pool was explored. The beach entry would also include a water feature similar to the water feature that was discussed for the splash pad as well as bench seating. This beach entry is presented to the Board as a change order in the amount of \$79,500.00. This is an economical option for renovating the facility while also extending the life. This will also be providing a third means of ADA compliant entry into the pool structure.

Dr. Pattie does not support this. Not necessarily the feature, but the order of work to be completed. He feels there are more important things to be done at the park.

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

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

Nays: Pattie

Motion carried.

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FIRE ENGINE PURCHASE

The Board considered approval to purchase one fire engine and request authorization to execute an agreement with Atlantic Emergency Solutions/Pierce Manufacturing.

Funding Source: Capital 70-80000-8057 \$597,148.00

David Nichols, Fire Chief, addressed the questions raised during Matter to be Presented by the Public regarding the vehicles and equipment that are being replaced. He updated the Board on the status of the recruits noting that, upon their graduation, Fire-Rescue will be close to filling all of the open positions.

November 13, 2019, at 7:00 p.m.

FIRE-RESCUE GRANT FUND (CONT'D)

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

Motion carried.

Augusta County Fire-Rescue requests \$50,000.00 for an engraver for accountability tags, hose roller, stationary air cascade compression and system to be located at the burn building facility.

Mr. Wells moved, seconded by Mr. Pattie, that the Board approve the funding as requested.

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

Motion carried.

Churchville Volunteer Fire Company requested \$50,000.00 for a new roof on a portion of their building and various items needed within the station. The committee recommends placing this request on hold until final amounts are received for the community room equipment. The committee also feels with the possibility of a new building expansion in the upcoming future, the new roof also be held off until final decisions are made.

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DEERFIELD COMMUNITY CENTER

The Board considered a request for infrastructure funding for January-June utilities at Deerfield Community Center.

Funding Source: Pastures Infrastructure 8014-104 - \$4,000.00

Mr. Fitzgerald stated that approval of a resolution is needed to dissolve the Deerfield Trust agreement in order for the building to automatically revert back to County property per the trust agreement. The membership of the Deerfield Ruritans is aging and decreasing and majority of the funds raised are going towards expenses to operate the building. A lease will be provided to allow the ruritans to continue to meet in the building.

Ms. Carter moved, seconded by Ms. Bragg, that the Board adopt the following resolution:

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

WHEREAS, the County of Augusta conveyed certain property identified as Tax Map No. 040-19b to the Deerfield Community Center Land Trust by way of Deed dated November 28, 1989 and recorded in the Circuit Court for Augusta County, Deed Book 990, Page 664; and

WHEREAS, the property was conveyed for the use and purposes set forth in the Trust Agreement, dated November 28, 1989, which created the Deerfield Community Center Land Trust; and

WHEREAS, by way of the Trust Agreement, the Ruritan Club agreed to establish a community center, and

November 13, 2019, at 7:00 p.m.

DEERFIELD COMMUNITY CENTER (CONT'D)

WHEREAS, due to a decrease in the membership of the Ruritan Club and the resulting decline in available funds, they are no longer able to financially support the Deerfield Community Center as is required by the Trust Agreement and the Deed; and

WHEREAS, the Deed provides that, "Upon the determination by duly enacted resolution of the Board of Supervisors of Augusta County, Virginia, in its sole discretion, that a violation of this covenant has happened or has been suffered, this deed shall become forfeited and the premises herein described, and all the rights herein conveyed, shall at once revert to and revert in and become the property of the County of Augusta, Virginia; and

WHEREAS, the inability of the Ruritan Club to maintain and support the Deerfield Community Center constitutes a violation of the covenants of the Deed and the Trust Agreement;

THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA, the covenants of the Deed have been violated by the inability of the Ruritan Club to maintain the Community Center.

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

Motion carried.

Mr. Fitzgerald also stated that there is a funding request to cover utilities for the community center during the months of January-June.

Ms. Carter moved, seconded by Mr. Coleman, that the Board approve the funding request from the Pastures Infrastructure.

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

Motion carried.

Dr. Pattie stated that there needs to be a consistent policy for everyone.

* * * * *

DMV ANIMAL FRIENDLY LICENSE PLATES

The Board considered allocation of funds from DMV (\$1,770.00) to support sterilization programs for dogs and cats. This proposal will carry over to the Department of Taxation contributions of tax refunds.

Mr. Fitzgerald stated that this is an annual request and traditionally the allotted amount is given to the Animal Shelter to support their sterilization program for cats and dogs.

Ms. Bragg moved, seconded by Mr. Coleman, that the Board approve the allocation of funds to the Animal Shelter.

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

Motion carried.

November 13, 2019, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells reminded everyone of the Verona Sidewalk Project meeting on November 14th.

Dr. Pattie indicated a need for additional polling pads at the Clymore Elementary polling place.

Mr. Shull expressed appreciation to Veterans.

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MATTERS TO BE PRESENTED BY STAFF

- 1) Mr. Fitzgerald reminded the Board about the Fire-Rescue recruit graduation on November 22nd.
- 2) The Legislative Package will be ready on November 19th when the Board meets with the legislative representatives.
- 3) There is a Board farewell dinner on December 3rd at 6:00p.m. to honor those who are going off the Board.
- 4) John Wilkinson, Director of Community Development, updated the Board on the November 12th Planning Commission public hearing for the Stuarts Draft Small Area Plan. The Planning Commission voted to table the plan and requested a work session with the Board. The public hearing that was originally scheduled for November 26th has been cancelled and will be rescheduled.

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CLOSED SESSION

On motion of Ms. Bragg, seconded by Ms. Carter, 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- Youth Commission, Ag Industry Board, Economic Development Authority
- (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) McKee Foods Corporation vs County of Augusta
 - b) Campaign Finance Act
- (3) **the legal counsel exemption under Virginia Code § 2.2-3711(A)(8)**
Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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.

Staff Briefing Meeting, Monday, November 25, 2019, 1:30 p.m., Government Center, Verona, VA.

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

ABSENT: Marshall W. Pattie

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, November 25, 2019, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 244th year of the Commonwealth....

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VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT status report of November 25, 2019.

The Board accepted the report as information.

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ECONOMIC DEVELOPMENT

Rebecca Casle, Marketing Assistant, discussed the Economic Development monthly report of October, 2019.

The Board accepted the monthly report as information.

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FIRE AND RESCUE

David Nichols, Fire Chief, discussed the Fire and Rescue monthly report of October, 2019.

The Board accepted the monthly report as information.

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AUDIT SERVICES-VOLUNTEER FIRE-RESCUE AGENCIES

Elana Sorrell, Purchasing Agent, discussed approval of a contract with Robinson, Farmer, Cox.

The Board authorized placing on the November 26, 2019 regular meeting agenda.

November 25, 2019, at 1:30 p.m.

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QUARTERLY FINANCIAL REPORT

Misty Cook, Director of Finance, discussed the quarterly financial report.

The Board accepted the report as information.

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LEGISLATIVE PACKAGE

Jennifer Whetzel, Deputy County Administrator, discussed the final 2020 Legislative Package.

The Board authorized placing on the November 26, 2019 regular meeting agenda.

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PLANNING COMMISSION/PUBLIC HEARING

Ms. Tate discussed the following:

- 1) A request to rezone from Single Family Residential 15 to Multi-Family Residential, with proffer, approximately 1.37 acres (TMP 067-45A) owned by Massie Investments, LLC. The Planning Commission recommends approval with proffer.
- 2) A request to rezone from Single Family Residential to General Business, with proffer, approximately 4.6 acres (TMP 66C(1)2D, 66C(5)C, 66C(1)3) owned by Crescent Development Group LLC. The Planning Commission recommends approval with proffer.
- 3) Discuss a request to rezone from General Agriculture to Manufactured Home Park, with proffers, approximately 37.46 acres (portions of the following Tax Map Parcels: 49-57F, 49-57F2, 49-57P, 49-57U, 49-57Y, 49-57V, 49-57X, 49-57T) owned by Country Estates Mobile Home Park, LLC. The Planning Commission recommends approval with proffers.
- 4) An ordinance to amend Chapter 25.Zoning.Division F. Industrial Districts. Article XXXVIII. General Industrial (GI) Districts. Section 25-384. Uses permitted by Special Use Permit E. Batching plants for asphalt, cement, or concrete. The Planning Commission recommends approval.

The Board authorized placing on the November 26, 2019 regular meeting agenda.

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WAIVERS –NONE

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull requested Fire/Rescue grant information.

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November 25, 2019, at 1:30 p.m.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) Reminded the Board of the appreciation dinner on December 3rd at 6:00 p.m.
- 2) The Middle River Regional Jail expansion project.
- 3) A landing zone at the Government Center.
- 4) Donald Smith, Augusta County Sheriff, discussed the 2nd Amendment proposed legislation.

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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- Youth Commission, Ag Industry Board, Economic Development Authority
- (2) **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.
- (3) **the security exemption under Virginia Code § 2.2-3711(A) (19)**
Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
 - a) Augusta County Library
 - b) Augusta County Courthouse
- (4) **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) Augusta County Courthouse

REGULAR MEETING AGENDA ITEM NO. 1-20.1

Regular Meeting, Wednesday, November 26, 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 (Via Electronic)
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whelzel, Deputy County Administrator
John Wilkinson, Director of Community Development
Leslie Tate, Senior Planner
James R. Benkahla, County Attorney
Angela Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, November 26, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 244th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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

Maggie Henderson is in the 7th grade. Her favorite subject is history and she is in gymnastics. She would like to attend Virginia Tech to study to become a teacher.

Lydia Monroe is in the 7th grade. Her favorite subject is history and she plans to attend University of Kentucky and study engineering. She enjoys playing soccer in her free time.

Alandra Knice is in the 7th grade. She enjoys being in plays, singing and playing sports.

Madison Doyle is in the 7th grade. She enjoys acting in plays and playing volleyball.

Isabel Missick is in the 7th grade. In her free time, she enjoys running and playing soccer.

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Michael Shull, Supervisor for the Riverheads District, delivered the invocation.

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November 26, 2019, at 7:00 p.m.

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

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

Motion carried.

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MASSIE INVESTMENTS, LLC-REZONING

This being the day and time advertised to consider a request to rezone from Single Family Residential 15 to Multi-Family Residential, with proffers, approximately 1.37 acres (TMP 067-45A) owned by Massie Investments LLC, located off Fishersville Road (Rt. 641) approximately 150 ft. east of the intersection of Fishersville Road (Rt. 641) and Long Meadow Road (Rt. 608) in Fishersville in the Wayne District. The proposed general use of the property is apartments. The general use of the property stated in the Comprehensive Plan is Planned Residential which is a variety of residential uses at a density of 4-8 units per acre. The Planning Commission recommends approval with proffer.

Leslie Tate, Senior Planner, showed a map of the property. The applicant has proffered that there shall be no more than 10 apartment units on the property. Ms. Tate showed a map of current structures on the property.

Chad Massie with Massie Investment stated that his goal is to convert the single dwelling home into six one bedroom units and eventually do the same with the other four already there.

The Chairman declared the public hearing open.

Anna May Lyons, 215 Berry Lane, Staunton, asked several questions regarding the property and the buildings.

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

Mr. Coleman moved, seconded by Mr. Shull, that the Board approve the rezoning as presented.

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

Motion carried.

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November 26, 2019, at 7:00 p.m.

CRESCENT DEVELOPMENT GROUP LLC-REZONING

This being the day and time advertised to consider a request to rezone from Single Family Residential to General Business, with proffers, approximately 4.6 acres (TMP's 66C(1)2D, 66C(5)A, 66C(5)C, 66C(1)3) owned by Crescent Development Group LLC located in the southeast quadrant of the intersection of Jefferson Highway (Rt. 250) and Life Core Drive (Rt. 636) in Fishersville in the Wayne District. The general use of the property stated in the Comprehensive Plan is Community Mixed Use which may include a variety of residential uses as a density of 6-12 units an acre and on up to 40% of the total land area, retail and office uses, and in some but not all cases, industrial uses. The Planning Commission recommends approval with proffer.

Leslie Tate, Senior Planner, discussed the proposed proffers.

Scott Williams, managing member of Crescent Group, stated that his company is the developer of Myers Comer which is a mixed use community being built on 140 acres along Route 250 and Lifecore Drive. He discussed the process that led to this rezoning. The rezoning request complies with the Comprehensive Plan. The site is in an Urban Service Area. The proposed change in zoning is in keeping with the County's desire to encourage more business development along Lifecore to pay back the money borrowed for the road. The residential portion of the project has been started which will include approximately 300 homes. The residential growth in this area will increase the need for businesses and services in the area. There is public concern about potential access along Route 250. It is unknown if there will be access on Route 250, but if there is one, it will not be a full access. They have tried to respond to concerns raised by staff and neighbors. Most have been addressed at this time. The projects that have been developed in Myers Comer to date have been of the highest quality. It is unknown what will be developed on the site, but it will be developed in a first class, professional way and as least impactful to the neighbors as possible.

The Chairman declared the public hearing open.

Vria Leach, 37 Woodlawn Drive, Staunton, stated that she is in the neighborhood beside Myers Comer. She questioned what the agreement was between Crescent Development and Augusta County.

Mr. Fitzgerald stated that Crescent Development did not give money for the road construction. Their contribution was in the form of land and material used for the roadway. The County worked a public private partnership with Crescent and Branch Highways. The money was borrowed to build the project and VDOT money that was on the project previously from the 6-year plan was used. The tax incentive is not with Crescent Development. There is an agreement in place that all taxes paid in Myers Comer go into an account with the County and the County gets paid back for what was borrowed.

Ms. Leach is concerned about the safety at the Lifecore intersection. The property needs to remain as residential on that side.

Alan Gilbert, 25 Woodlawn Drive, Staunton, agrees with Ms. Leach's concerns. He recommends that the Board of Supervisors discuss this request further.

Jason Earhart, 29 Birchwood Road, Staunton, compared the Comprehensive Plan to the Fishersville Small Area Plan. The zoning changes would conflict with what was planned for the property.

James Earhart, 1426 Jefferson Highway, Staunton, is in opposition of the zoning change. The property can be developed as residential.

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

November 26, 2019, at 7:00 p.m.

CRESCENT DEVELOPMENT GROUP LLC-REZONING (CONT'D)

Mr. Williams reaffirmed his commitment to developing quality properties that raise the value of the area and not detract.

Mr. Coleman stated that he appreciates the comments on the matter. He spoke about Smart Scale project submittals that may have an impact on traffic flow.

Ms. Bragg stated that she is pro-development in the right way and the place. She has questions and concerns that should be considered. Ms. Bragg recommends that the other Board members take the opportunity to go look at the area.

Mr. Coleman moved, seconded by Ms. Bragg, that the Board table the request to give time to review further and bring it back on December 11, 2019 Board of Supervisors' meeting.

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

Motion carried.

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COUNTRY ESTATES MOBILE HOME PARK, LLC-REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to Manufactured Home Park, with proffers, approximately 37.46 acres (portions of the following Tax Map Parcels: 49-57F, 49-57F1, 49-57F2, 49-57P, 49-57U, 49-57Y, 49-57V, 49-57W, 49-57X, and 49-57T) owned by Country Estates Mobile Home Park, LLC located east of Jerry Hill Drive, approximately 0.8 of a mile east of the intersection of Country Estates Boulevard and East Side Highway (Rt. 340), south of Jenni Lynn Circle and Jamie Street, west of Emery Drive, and approximately 0.14 of a mile north of Thorofare Road (Rt. 628) in Crimora in the Middle River District. The proposed general use of the property is manufactured and mobile homes. The general use of the property stated in the Comprehensive Plan is Rural Conservation Area. The Planning Commission recommends approval with proffers.

Ms. Tate, discussed the proffers and showed a map on the screen. The area of the request is the portion not currently zoned Manufactured Home Park. Ten additional units would be constructed within the zoned area. Staff pointed out that because it is planned as a rural conservation area, staff would not recommend larger expansions to the park, but with this request and the specific proffers limiting the placement of new units, this is considered more of a cleanup of existing zoning issues with units placed outside of current zoning boundaries.

Raymond Gochenour, owner of Country Estates Mobile Park, stated that his park was voted "Mobile Park of the Year" and he is proud of that recognition. His goal is to offer an affordable and nice place for people to live and wants to properly adjust the property line.

The Chairman declared the public hearing open.

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

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

November 26, 2019, at 7:00 p.m.

COUNTRY ESTATES MOBILE HOME PARK, LLC-REZONING (CONT'D)

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

Motion carried.

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CHAPTER 25, SECTION 25-384-ORDINANCE AMENDMENT

Consider an ordinance to amend Chapter 25, Zoning, Division F, Industrial Districts, Article XXXVIII, General Industrial (GI) Districts, Section 25-384, Uses permitted by Special Use Permit, E. Batching plants for asphalt, cement, or concrete. The Planning Commission recommends approval.

Ms. Tate stated that the ordinance, the way it is currently written, in general industrial districts allows you to apply for a special use permit to have a concrete or asphalt batching plant. These requests go to the Board of Zoning Appeals for approval. The conditions related to that special use permit currently are that the neighboring area is not characterized by residential, commercial or industrial development which would be adversely impacted by the proposed use. Also, traffic generated by the proposed project will be compatible with the road serving the site and other traffic utilizing the said roads and onsite traffic flow will adequately and safely accommodate all traffic to and from the public highways. All building, structures and operations will be set back at least 100 feet from all property lines unless the Board of Zoning Appeals determines that greater setbacks are necessary to adequately protect neighboring properties. The proposed amendment would add or the Board of Zoning Appeals determines that lesser setbacks are adequate to protect neighboring properties.

The Chairman declared the public hearing open.

Randy Brock is the Technical Manager for the Hershey Company. He has concerns with the amendment and opposes it.

Meredith Moldenhauer, legal counsel for Hershey Company, stated that this a matter of right uses for low intensity manufacturing that are currently protected and that by reducing the buffer, many other uses could be affected. She cited research, provided to the Board, that supports the claim that particulate matter needs increased regulation of buffer zones.

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

Ms. Bragg moved, seconded by Ms. Carter, that the Board table the request for further review.

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

Motion carried.

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Special Meeting, Wednesday, December 4, 2019, 6:00 p.m. Stuarts Draft High School, Stuarts Draft, 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
James R. Benkahla, County Attorney
Angela Michael, Executive Assistant

VIRGINIA: At a special meeting of the Augusta County Board of Supervisors held on Wednesday, December 4, 2019, at 6:00 p.m., at the Stuarts Draft High School, Stuarts Draft, Virginia, and in the 244th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Wendell Coleman led the Board of Supervisors in the Pledge of Allegiance.

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

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PUBLIC COMMENT-2ND AMENDMENT SANTUARY COUNTY

The following spoke in favor of Augusta County becoming a 2nd Amendment Sanctuary County:

James Burnett, Charles Minix, Chris Smith, Seth Hower, Mike Piper, Bob Quinn, Kirk Barley, Chris Haskins, Phillip Martin, Bradley Houff, Jim Wood, Thomas Verga, Brandon Smithkin, Steve Troxell, Jeffrey Zvengrowski, Caleb Ballew, Tom Shumate, Dustin Wright, Keith Allen, Kevin Birt, Leonard Lantz, Joe Brookman, Kyle Heath, David Wiggins, Keith Willis, Alan Mayz, Alisha, Howard Bishop, Louise Painter, Matthew Whitaker, Renee Craig, Carl Danielson, Kevin Harris, Charles May, John Earhart, Joshua Bond, Cecil Moals, Ron Sprouse and Sheriff Donald Smith.

December 4, 2019, at 6:00 p.m.

PUBLIC COMMENT-2ND AMENDMENT SANTUARY COUNTY (CONT'D)

The following spoke in opposition of Augusta County becoming a 2nd Amendment Sanctuary County:

Tom Engle, Bradley Houff, Mary Miller

.....

Mr. Shull moved, seconded by Ms. Carter, that the Board adopt the following resolution:

RESOLUTION

WHEREAS, the Second Amendment of the United States Constitution reads "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed," and,

WHEREAS, Article 1, Section 13, of the Constitution of Virginia provides "that a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power," and,

WHEREAS, certain legislation introduced in the 2019 session of the Virginia General Assembly, and certain legislation introduced in the current session of the United States Congress could have the effect of infringing on the rights of law abiding citizens, as guaranteed by the Second Amendment of the United States Constitution, and,

WHEREAS, the current Governor of Virginia has stated that he intends to endorse and pass into law legislation that could be unconstitutional as it pertains to the rights enumerated in the US and Virginia Constitution, and,

WHEREAS, the Augusta County Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of Augusta County to keep and bear arms, and,

WHEREAS, the Augusta County Board of Supervisors wishes to express its deep commitment to the rights of all citizens of Augusta County to keep and bear arms; and,

WHEREAS, the Augusta County Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights under the Second Amendment of the citizens of Augusta County to bear arms, and,

WHEREAS, the Augusta County Board of Supervisors wishes to express its intent to stand for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and,

NOW, THEREFORE, BE IT RESOLVED: That the Augusta County Board of Supervisors hereby protects and expresses its intent to uphold the Second Amendment rights of the citizens of Augusta County, Virginia and,

BE IT FURTHER RESOLVED: That the Board of Supervisors hereby declares its intent to oppose unconstitutional restrictions on the right to keep and bear arms, and,

December 4, 2019, at 7:00 p.m.

PUBLIC COMMENT-2ND AMENDMENT SANCTUARY COUNTY (CON'TD)

BE IT STILL FURTHER RESOLVED: That the Augusta County Board of Supervisors does hereby declare Augusta County as a 2nd amendment sanctuary county.

Dr. Pattie stated that if a future Board believes that one of the laws passed is considered unconstitutional, the lawsuit will be joined to defeat it in court. It is clear that the feeling of majority of the Board agrees with the majority in the audience. He pointed out how much courage it took to take a stand and voice their opinion. Local Government is the frontline of freedom. It is the Board's responsibility to uphold the Constitution. This resolution sends a strong message to Richmond that the County is against overreach on the second amendment. The other important reason is Augusta County is very different from Northern Virginia and Hampton Roads.

Mr. Wells thanked the Veterans that are present. There are no words or expressions to thank them enough for their service to our Country. He also thanked everyone that has contacted him over the past few weeks. Mr. Wells was born and raised in a law enforcement family and a family that hunted. He enjoys hunting and enjoys his firearms. The word sanctuary concerned him because he didn't want anything to hamper the efforts of the representatives in Richmond. The reactions of the people present at the meeting took care of that concern.

Ms. Bragg thanked everyone for coming. She has learned a lot listening to the speakers and is proud of Augusta County. The 2019 elections will be something that is remembered for a long time and the meeting is proof that what happens at the polls matters. Everyone needs to vote. She supports the Constitution and the second amendment, but had an issue with becoming a sanctuary county. She was wrong and supports the resolution. When she took the oath of office she stated that she would uphold the Constitution of the United States and the Laws of the Commonwealth of Virginia.

Ms. Carter stated that the Board has heard from a lot of people. This is a very critical issue. It's taking a stand to protect the citizen's Constitutional rights and sending a message to Richmond that Augusta County will not stand by and do nothing.

Mr. Coleman stated that he is thankful to be able to address this critical issue. There is no question what his vote is. He supports the resolution. Mr. Coleman thanked everyone for coming and taking the time to speak.

Mr. Shull stated that this is beautiful. He likes to see people show up to the meetings. This is going to be a fight. Freedom is not free. People need to register to vote. Power is at the polls.

Mr. Garber stated that normally a vote is taken by raising the right hand, but for tonight he asks those in favor to stand.

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

Motion carried.

CONVENE CLOSED SESSION

January 8, 2020

(In) MOTION: _____ SECOND: _____ VOTE: _____

(Out) _____

(Certify) _____

I move that the Board of Supervisors of Augusta County convene in 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- Youth Commission, Ag Industry Board, Economic Development Authority, Airport Commission

- (2) **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.

