

Regular Meeting, Wednesday, January 8, 2020, 7:00 p.m. Government Center, Verona, VA.

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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, January 8, 2020, 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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Mr. Wells led the Board of Supervisors in the Pledge of Allegiance.

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Pam Carter, Supervisor for the Beverley Manor District, delivered the invocation.

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COMMITTEES & COMMISSIONS FOR 2020 APPOINTED BY THE BOARD

Chairman Garber presented the following recommendations for committee appointments:

LOCAL EMERGENCY PLANNING COMMISSION

Appointed David Nichols and Gerald Garber to the Local Emergency Planning Commission for a one-year period.

AGRICULTURAL AND FORESTAL DISTRICT COMMITTEE

Re-appointed Earl Reeves, Randy Roller, Joseph Zapotoczny, W. Jean Shrewsbury, W. Douglas Riley, Ashlie Kiracofe Howell and appointed Jeff Slaven and Michael L. Shull to the Agricultural and Forestal District Committee for a one-year period.

EMERGENCY MANAGEMENT DIRECTOR

Re-appointed Chairman of the Board of Supervisors, Gerald Garber, as Emergency Management Director.

EMERGENCY MANAGEMENT CO-DIRECTOR

Re-appointed Timothy K. Fitzgerald, County Administrator, as Emergency Management Co-Director.

EMERGENCY MANAGEMENT COORDINATOR

Re-appointed Donna Good, EOC Director, as Emergency Management Coordinator.

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ASSISTANT EMERGENCY MANAGEMENT COORDINATOR

Re-appointed Anthony Ramsey, EOC Dispatcher Supervisor, as Assistant Emergency Management Coordinator.

Ms. Carter moved, seconded by Mr. Shull, that the committees appointed by the Board be approved.

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

Motion carried.

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COMMITTEES FOR 2020 - APPOINTED BY THE CHAIRMAN

Chairman Garber announced the following appointments:

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| Emergency Services Committee: | Butch Wells and Michael Shull |
| Property Committee: | Michael Shull and Jeff Slaven |
| Parks and Recreation Liaison: | Steve Morelli |
| Library Board Liaison: | Steve Morelli |
| Recycling Committee Liaison: | Scott Seaton |
| Board & Commission Liaison: | Pam Carter |
| General Assembly/VACo Liaison: | Pam Carter |
| Governmental Opportunities Committee with Cities of Staunton and Waynesboro Liaisons: | Gerald Garber |
| Rockingham/Augusta Liaisons: | Jeff Slaven and Gerald Garber |
| Audit Committee: | Pam Carter and Steve Morelli |
| Ordinance Review Committee: | Michael Shull and Pam Carter |
| Agriculture Industry Board Liaison: | Jeff Slaven |
| Community Action Program – Staunton/Augusta/Waynesboro (CAP-SAW): | Pam Carter and Scott Seaton |
| School Liaisons: | Gerald Garber and Pam Carter |
| Economic Development Committee: | Gerald Garber and Butch Wells |
| Metropolitan Planning Organization (MPO) | Scott Seaton and Pam Carter (Alt) |

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COMMITTEES FOR 2020 - APPOINTED BY THE CHAIRMAN (CONT'D)

Broadband Committee: Pam Carter and Steve Morelli

Solar Committee: Michael Shull

Shenandoah Workforce Development: Steve Morelli

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MATTERS TO BE PRESENTED BY THE PUBLIC -- NONE

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REFUND REQUESTS

The Board considered the following refund request from the Commissioner of Revenue:

James Benkahla, County Attorney, stated that the Commissioner of Revenue is requesting a refund for two individuals. Both are qualified for 100% disabilities through the Department of Veterans Affairs. Mr. Benkahla has reviewed the paperwork for both refund requests.

- 1. Scott Canterbury in the amount of \$4,703.61

Mr. Seaton moved, seconded by Mr. Wells, that the Board approve the refund request.

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

Motion carried.

- 2. Timothy Scott Roadcap in the amount of \$2,523.26.

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

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

Motion carried.

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Mr. Garber turned the gavel over to Vice-Chair and Mr. Benkahla read a conflict of interest opinion from Tim Martin, Commonwealth Attorney. The opinion stated that though the information submitted by Mr. Garber showed no conflict of interest with his relationship with an investor in Cave Town Properties, LLC, to remove any doubt, the Commonwealth Attorney suggested that Mr. Garber abstain from participating in the Weyers Cave Library lease consideration.

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WEYERS CAVE LIBRARY

A. The Board considered a lease agreement for library space.

Jennifer Whetzel, Deputy County Administrator, stated that the County is finalizing a lease with Cave Town Properties, LLC for 4,325 square feet of space in a store front in Weyers Cave. 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. Allocation of funding was previously approved from the Middle River Infrastructure for the library station. It is anticipated that citizens from the North River District will use the facility. Therefore, Mr. Slaven has agreed to collaborate on the project by assisting with funding for the project. A North River Infrastructure allocation of \$15,000.00 is requested.

Ms. Whetzel answered several questions posed by Dr. Seaton regarding the project.

Mr. Morelli moved, seconded by Mr. Slaven, that the Board approve the lease agreement as presented.

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

Motion carried.

B. The Board considered 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

Mr. Slaven moved, seconded by Dr. Seaton, that the Board approve the funding request.

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

Motion carried.

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WAIVERS— NONE

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CONSENT AGENDA

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

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

- 4. The Lewis and Clark Trail/Eastern Legacy Trail has proposed stops in Augusta County. The group would like for the Board of Supervisors to support the effort with a resolution. Mr. Fitzgerald can draft a resolution to be brought before the Board for consideration at the next meeting.
- 5. The same group would also like a resolution of support for the Natural Bridge State Park in Rockbridge County to receive state funding.
The Board does not support this resolution.
- 6. A GoVirginia grant for an industrial hemp study through James Madison University is available. The research will focus on studying the economic landscape , profitability and return on investment of the hemp industry; collect agriculture data; and share information through a newly created web portal. Many counties are contributing to the effort, including Bath, Highland, Page, Rockbridge, Rockingham and Shenandoah. City of Staunton will be considering it at the next meeting.
The Board decided to discuss to discuss at the next work session.
- 7. The opportunity for Augusta County to host a job fair has been presented. The cost incurred with last year's job fair was approximately \$3,000.00-\$4,000.00 mainly for advertising.
The Board agreed to host the job fair.
- 8. On January 22, prior to the regular Board of Supervisors meeting, the School Board is hosting a meet and greet. This is a time for the Board of Supervisors and the School Board to get acquainted. There will be no business involved.

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CLOSED SESSION

On motion of Ms. Carter, 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, 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.
- (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) Ladd Elementary School
 - 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

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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

(5) **the legal counsel exemption under Virginia Code § 2.23711(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.

a) Augusta County Courthouse

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

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

Motion carried.

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

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

The Chairman 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.

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

Motion carried.

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

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