

Regular Meeting, Wednesday, June 24, 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  
James Benkahla, County Attorney  
Beatrice Cardellicchio, Acting Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 24 2020, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 244<sup>th</sup> year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Mr. Morelli led the Pledge of Allegiance.

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

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COURT FEE-ORDINANCE AMENDMENT

This being day and time advertised to consider an ordinance amendment to Section 19-61 of the Code of Augusta County, Virginia, effective July 1, 2020 which would increase the assessment of court costs for courtroom security from \$10.00 to \$20.00 as part of the costs in each criminal or traffic case in the district and circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance.

Jennifer Whetzel, Deputy County Administrator, stated that State Code will be changing July 1, 2020 that will allow the courthouse security fee to go from \$10.00 to \$20.00. It is currently at \$10.00 which matches the State Code. The fee is charged to criminal or traffic cases in the district and circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance. The fee is charged whether the defendant appears in court or not. The General District Clerk and Circuit Court Clerk have been apprised of the potential charge and will make the necessary changes. The County budgets \$110,000.00 in revenue from courthouse security fees. This revenue funds two bailiff positions and there are more than two bailiffs that work in the courts on a daily basis.

The Chairman declared the public hearing open.

June 24, 2020, at 7:00 p.m.

COURT FEE-ORDINANCE AMENDMENT (CONT'D)

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

Dr. Seaton stated that he does not think the fee should be charged for several reasons. Court security is a collective responsibility just like in our schools and community in general. It would be more appropriate to call it a processing fee since traffic tickets paid by mail incur the same fee.

Ms. Carter moved, seconded by Mr. Wells that the Board approve the increase from \$10.00 to \$20.00 effective July 1, 2020.

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

Motion carried.

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ORDINANCE AMENDMENT TO CHAPTER 9 –ENVIRONMENT

This being day and time advertised to consider an amendment to Chapter 9 of the Code of Augusta County, Virginia. Ms. Tate advised that the changes were mainly formatting changes and to bring the section in compliance with State Code.

**AN ORDINANCE TO  
TO AMEND CHAPTER 9 ENVIRONMENT.**

WHEREAS, the Augusta County Board of Supervisors has conducted a public hearing; and

WHEREAS, the Board public hearing has been properly advertised and all public notice as required by the Code of Virginia properly completed; and

WHEREAS, the Board of Supervisors has considered the ordinance amendment and the comments presented at the public hearing; and

WHEREAS, the Board of Supervisors has determined that the amendments bring the County ordinance in harmony with State Code; and

WHEREAS, the Board has determined that the public health, welfare, peace and safety, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Chapter 9 of the Augusta County Code be amended as follows:

**CHAPTER 9. ENVIRONMENT**

**ARTICLE I. Regulation of Stormwater and Erosion and Sediment Control**

- § 9-1. Purpose and authority.
- § 9-2. Definitions.
- § 9-3. Programs Established.
- § 9-4. Storm Water Permit and Land Disturbing Permit Requirement; Exemptions.
- § 9-5. Stormwater Pollution Prevention Plan; Contents of Plan.
- § 9-6. Erosion & Sediment Control Plan; Contents of Plan.
- § 9-7. Stormwater Management Plan; Contents of Plan.
- § 9-8. Pollution Prevention Plan; Contents of Plans.
- § 9-9. Additional Control Measures to Address a TMDL.
- § 9-10. Review of Submitted Plans.
- § 9-11. Technical Criteria for Regulated Land Disturbing Activities.
- § 9-12. Long-Term maintenance of permanent stormwater facilities.
- § 9-13. General drainage improvement programs and multi-jurisdictional systems.

June 24, 2020, at 7:00 p.m.

**ORDINANCE AMENDMENT TO CHAPTER 9 –ENVIRONMENT (CONT'D)**

- § 9-14. Monitoring and inspections, Notice to Comply.
- § 9-15. Hearings and appeals.
- § 9-16. Penalties, Injunctions, and other legal actions under the VESCP.
- § 9-17. Enforcement.
- § 9-18. Permits; Fees; Security for Performance.

**ARTICLE II. Illicit Discharge Detection and Elimination**

- § 9-30. Purpose and Authority
- § 9-31. Applicability.
- § 9-32. Definitions.
- § 9-33. Prohibited Discharges.
- § 9-34. Inspections and Monitoring.
- § 9-35. Enforcement and Penalties.
- § 9-36. Civil charges.

Leslie Tate, Senior Planner, stated that the main changes with the amendment includes the following:

- Definitions – re-formatted for consistency with the rest of County Code
- Amends inaccurate references to County Code or State Code sections throughout
- Replaces “sediment basin” and “basins with temporary erosion and sediment control facilities” and “facility”
- Replaces “storm water detention or retention facilities” with “permanent stormwater facilities: or “BMP’s”
- Defines “Administrator” as the MS4 authority responsible for administering the MS4 of the County. The Department of Community Development is designated as the Administrator.
- Removes the definition for “Director” and replaces “Director with “Administrator” throughout
- Amends list of Non-storm water discharges or flows permitted.

The Chairman declared the public hearing open.

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

Ms. Carter moved, seconded by Mr. Shull that the Board approve the revision to Chapter 9 of the County Code of Augusta County.

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

Motion carried.

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**ORDINANCE AMENDMENT TO CHAPTER 15–NOISE CONTROL**

This being day and time advertised to consider an amendment to Chapter 15 Nuisances. Article I. Noise Control.

**AN ORDINANCE TO  
TO AMEND CHAPTER 15 NUISANCES.  
ARTICLE I. NOISE CONTROL**

WHEREAS, the Augusta County Board of Supervisors has conducted a public hearing; and

WHEREAS, the Board public hearing has been properly advertised and all public notice as required by the Code of Virginia properly completed; and

WHEREAS, the Board of Supervisors has considered the ordinance amendment and the comments

June 24, 2020, at 7:00 p.m.

**ORDINANCE AMENDMENT TO CHAPTER 15–NOISE CONTROL (CONT'D)**

presented at the public hearing; and

WHEREAS, the Board has determined that the public health, welfare, peace and safety, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Chapter 15. Nuisances. Article I. Noise Control of the Augusta County Code be amended as follows:

**CHAPTER 15. NUISANCES.**

**ARTICLE I. Noise Control.**

- § 15-1. Short title; scope.
- § 15-2. Declaration of findings and policy.
- § 15-3. Definitions.
- § 15-4. Administration and enforcement.
- § 15-5. Use of sound level meters.
- § 15-6. Procedure for testing and validating metering devices.
- § 15-7. Maximum sound levels in County.
- § 15-8. Exemptions.
- § 15-9. Unnecessary Noises Enumerated.
- § 15-10. Emergency exception.
- § 15-11. Penalties and violations.
- § 15-12. through § 15-20. Reserved.

**CHAPTER 15. NUISANCES.**

**ARTICLE I. Noise Control.**

**§ 15-1. Short title; scope.**

This article may be cited as the "Noise Control Ordinance of the County of Augusta." It shall be applicable to the control of noises originating within the county limits.

State law reference--Virginia Code § 15.2-1200; Acts of Assembly, 1990, Chapter 699, pg. 1049.

**§ 15-2. Declaration of findings and policy.**

The board of supervisors hereby finds and declares that excessive sound is a serious hazard to the public health, welfare, peace and safety, and the quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; that the people have a right to and should be ensured an environment free from excessive sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the county to prevent such excessive sound by prescribing the decibel levels, degrees, and types of sound which shall be unacceptable in the county.

**§ 15-3. Definitions.**

The following terms, when used in this article, shall have the meanings hereinafter ascribed to them, unless otherwise clearly indicated by the context:

- (a) A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- (b) Decibel (dB). A unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).
- (c) Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency Work. Any work performed for the purpose of preventing or alleviating the ORDINANCE

June 24, 2020, at 7:00 p.m.

#### AMENDMENT TO CHAPTER 15—NOISE CONTROL (CONT'D)

(d) physical trauma or property damage threatened or caused by an emergency.

(e) Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(f) Property boundary. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned, leased or otherwise legally controlled by one person from that owned, leased or otherwise legally controlled by another person, including intra- building real property divisions.

(g) Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(h) Sound level. The weighted sound pressure level obtained by the use of a sound level meter and the A-frequency weighting network, as specified in American National Standards Institute specifications for sound level meters.

(i) Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

#### **§ 15-4. Administration and enforcement.**

The noise control program established by this article shall be enforced and administered by the sheriff's department with the assistance of other county departments as required.

#### **§ 15-5. Use of sound level meters.**

In order to enforce this article, the decibel level of any noise may be measured by the use of a sound level meter which measures sound pressure levels.

#### **§ 15-6. Procedure for testing and validating metering devices.**

A. Any individual operating a sound level meter pursuant to the provisions of the Noise Control Ordinance of the County of Augusta shall:

1. Field calibrate the unit before and after the evidentiary reading.
2. Ensure that the sound level meter used to take the decibel level reading is operated in accordance with the manufacturer's specifications;
3. File, in the courts, an attested document from the manufacturer which states that the sound level meter has been tested within the past twelve months and has been found to be accurate;
2. 4. Record, the name of the accused, the location of the noise, the date and time that the reading was made, and the decibel reading.

#### **§ 15-7. Maximum sound levels in County.**

*Sound producing and sound-reproducing devices.* The use operation or playing of any radio, phonograph, television, record, compact disc, tape, digital music, MP3 or DVD player, musical

- (a) instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, regardless of where such sound-producing or sound re-producing machine or device is located, whether indoor or outdoor, in such a manner or with such volume that it exceeds 65dBA at the property line, from which the sound emanates, shall be a violation of this article.

(b) In all other cases, no person shall permit, operate or cause any source of sound to exceed a sound level of 65dBA, when measured at or outside the property boundary, from which the sound emanates, during the hours between 11:00 p.m. and 6:00 a.m.

Measurements in multi-family structures. In a structure used as a multi-family dwelling the

June 24, 2020, at 7:00 p.m.

### **AMENDMENT TO CHAPTER 15–NOISE CONTROL (CONT'D)**

(c) Sheriff's department may take measurements to determine such sound levels from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows closed.

#### **§ 15-8. Exemptions.**

Unless otherwise prohibited elsewhere in this article, the following activities or sources of noise shall be exempt from the prohibitions set forth in § 15-7 of this article:

- (1) Business, manufacturing, construction or agricultural operations.
- (2) Activities for which the regulation of noise has been preempted by federal law.

#### **§ 15-9. Unnecessary Noises Enumerated.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Article, but such enumeration shall not be deemed to be exclusive:

##### **A. Barking Dogs**

1. It shall be unlawful to own, keep, possess or harbor any dog on property zoned Single Family Residential, Attached Residential, Multi-family Residential, Manufactured Home Park or Planned Unit Development which by loud, frequent or habitual barking or howling or by other conduct likely to cause annoyance and disturb the peace and quiet of any person or neighborhood between the hours of 12 midnight and 6 a.m., which loud, frequent or habitual barking or howling or other conduct is heard or observed by any animal control officer, other officer or other person., shall be unlawful, and any such dog is hereby declared to be a public nuisance.

2. Any citizen having sufficient evidence of violation of one or more of the prohibitions set out in the section above may present such evidence and make affidavit to the Augusta County Magistrate and request issuance of a summons or warrant based thereon. Corroboration of the alleged violation by the sheriff's department or the animal control officers shall not be necessary in order for a citizen to pursue a summons or warrant against another person for such violation. In no event shall this section be construed as a limitation or restriction of any person's right to access the courts or to seek the abatement of violations of this article by any lawful means.

##### **B. Air cannons, carbide cannons, or other loud explosive devices which are designed to produce high intensity sound percussions for the purpose of repelling birds are prohibited in all zoning districts (Code of Virginia – 15.2-918).**

(Ord. 12/10/14, effective 1/1/15)

#### **§ 15-10. Emergency exception.**

No provisions of this article shall apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

#### **§ 15-11. Penalties and violations.**

A. Any person who violates any provision of this article shall be deemed to be guilty of a class III misdemeanor.

B. The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that person cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to be guilty of the violation.

June 24, 2020, at 7:00 p.m.

**AMENDMENT TO CHAPTER 15–NOISE CONTROL (CONT'D)**

(Ord. 12/10/14, effective 1/1/15)

**§ 15-12 through § 15-20. Reserved.**

Ms. Tate explained the change which include language for testing and validating a sound level metering device to more accurately describe the process used by the Sheriff's Office, new restriction related to sound producing and re-producing devices which would be prohibited beyond 65dBA at the property line at all times of day, for other noise violations, expanding the current time of enforcement from 12 a.m. to 6 a.m. to 11 p.m. to 6 a.m., revised penalty for violation from a Class II to a Class III misdemeanor.

The Chairman declared the public hearing open.

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

Ms. Carter moved, seconded by Mr. Shull that the Board approve the revision to Chapter 15 Article I of the County Code of Augusta County as presented.

Dr. Seaton stated that he would like the Ordinance Committee to consider changing the time period for barking dogs for certain areas of the County.

Mr. Shull stated that the Ordinance Committee has reviewed this and it is difficult to implement this for just certain areas and not all areas.

The Ordinance Committee will review it.

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

Motion carried.

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**ORDINANCE AMENDMENT-CHAPTER 5. ANIMALS. ARTICLE IV.**

This being the day and time advertised to consider an ordinance amendment that permits the County Administrator, rather than the Board of Supervisors, to determine that a claim associated with livestock or poultry killed or injured by any dog of an unknown owner, is supported by the investigation of the animal control officer.

**AN ORDINANCE TO  
TO AMEND CHAPTER 5 ANIMALS.  
ARTICLE IV. COMPENSATION FOR LIVESTOCK AND POULTRY KILLED BY DOGS  
SECTION 5-32. REQUIREMENTS FOR COMPENSATION**

WHEREAS, the Augusta County Board of Supervisors has conducted a public hearing; and

WHEREAS, the Board public hearing has been properly advertised and all public notice as required by the Code of Virginia properly completed; and

WHEREAS, the Board of Supervisors has considered the ordinance amendment and the comments presented at the public hearing; and

WHEREAS, the Board has determined that the public health, welfare, peace and safety, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County § 5-32 of the Augusta County Code be amended as follows:

June 24, 2020, at 7:00 p.m.

**ORDINANCE AMENDMENT-CAHPTER 5. ANIMALS. ARTICLE IV. (CONT'D)**

**§ 5-32. Requirements for compensation.**

No person shall be entitled to receive compensation under section 5-31 unless:

A. The claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;

B. The animal control officer shall have been notified of the incident within seventy-two hours of its discovery;

C. The animal control officer has conducted an investigation which included a visual examination of the dead or injured livestock;

D. The County Administrator or designee of Augusta County, Virginia, has determined that the claim is supported by the investigation of the animal control officer; and

E. The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under section 5-31 is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. (Ords. 4/24/79; 3/12/86)

**State law reference - Virginia Code § 3.2-6553**

Ms. Tate stated that this is a state code requirement. This is currently in the ordinance, but it requires Board of Supervisor approval. After reviewing state code, it does not appear that the Board of Supervisors needs to determine whether the evidence is sufficient. Per the request by the Board, the ordinance is being changed to state that the County Administrator or designee can determine that the claim was supported by the investigation of the animal control officer.

The Chairman declared the public hearing open.

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

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

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

Motion carried.

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**ORDINANCE AMENDMENT-CHAPTER 22.TAXATION.ARTICLE I**

This being the day and time advertised to consider an ordinance amendment that adds 22-9. Penalty for passing bad checks. The amendment sets the penalty at thirty dollars.



June 24, 2020, at 7:00 p.m.

**ORDINANCE AMENDMENT-CHAPTER 22.TAXATION.ARTICLE I (CONT'D)**  
**AN ORDINANCE TO**  
**TO AMEND CHAPTER 22 TAXATION.**  
**ARTICLE I. IN GENERAL**  
**ADD SECTION 22-9. PENALTY FOR PASSING BAD CHECKS**

WHEREAS, the Augusta County Board of Supervisors has conducted a public hearing; and

WHEREAS, the Board public hearing has been properly advertised and all public notice as required by the Code of Virginia properly completed; and

WHEREAS, the Board of Supervisors has considered the ordinance amendment and the comments presented at the public hearing; and

WHEREAS, the Board of Supervisors has determined that the amendment is in compliance with State Code;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Chapter 22. Article I of the Augusta County Code be amended as follows to add § 22-9. Penalty for passing bad checks:

**§ 22-9. Penalty for passing bad checks.**

The fee for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer, shall be \$30.

State law reference—Virginia Code § 15.2-106.

Sections 22-10 reserved.

Ms. Tate stated that State Code authorizes a maximum penalty fee of \$50.00 for the passing of bad checks. The Treasurer recommends that we adopt an ordinance for a \$30.00 penalty in keeping with current practice. Staff recommends approval for State Code consistency with current practice.

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

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve the addition of Chapter 22-9 per Staff recommendation.

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

Motion carried.

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**ORDINANCE AMENDMENT-CHAPTER 22.TAXATION.ARTICLE II**

This being the day and time advertised to consider an ordinance amendment that references and incorporates into County Code provisions related to zoning classifications and special assessments identified in 58-1-3237.1 of the Code of Virginia.

June 24, 2020, at 7:00 p.m.

**ORDINANCE AMENDMENT-CHAPTER 22.TAXATION.ARTICLE II (CONT'D)**

**AN ORDINANCE TO  
TO AMEND CHAPTER 22 TAXATION.  
ARTICLE II. REAL PROPERTY TAX  
SECTION 22-15. SPECIAL ASSESSMENTS FOR AGRICULTURAL, HORTICULTURAL, FOREST OR  
OPEN SPACE REAL ESTATE**

WHEREAS, the Augusta County Board of Supervisors has conducted a public hearing; and

WHEREAS, the Board public hearing has been properly advertised and all public notice as required by the Code of Virginia properly completed; and

WHEREAS, the Board of Supervisors has considered the ordinance amendment and the comments presented at the public hearing; and

WHEREAS, the Board of Supervisors has determined that the amendment is in compliance with State Code;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Chapter 22. Article II. § 22-15 of the Augusta County Code be amended as follows:

**§ 22-15. Special assessments for agricultural, horticultural, forest or open space real estate.**

- A. Provision for use value assessment and taxation. Use value assessment and taxation of real estate classified in § 58.1-3230 of the Code of Virginia (1950), as amended, is hereby provided in accordance with the provisions of Article 4, Chapter 32 of Title 58.1 of the Code of Virginia (1950), as amended. Such assessment and taxation shall include all of the four classes of real estate set forth in said section.
- B. Additional provisions concerning zoning classifications. Use value assessment and taxation of real estate provisions classified in § 58.1-3237.1. of the Code of Virginia (1950), as amended, is hereby provided in accordance with the provisions of Article 4, Chapter 32 of Title 58.1 of the Code of Virginia (1950), as amended.

State law reference—Virginia Code § 58.1-3231.

C. Revalidation required. For continuation of assessment and taxation under this section, the property owner shall revalidate any applications previously approved. Revalidation shall be done annually with the Commissioner of the Revenue, on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the Commissioner of the Revenue

State law reference—Virginia Code § 58.1-3234.

D. Application fees. Nonrefundable application fees in accordance with the following schedule shall accompany all applications for assessment or revalidation:

1. A fee of twelve dollars (\$12.00) plus twelve cents (12¢) per acre shall be required for each application.
2. A revalidation fee of twelve dollars (\$12.00) plus twelve cents (12¢) per acre shall be required every sixth year for each application. "Sixth year" shall mean the sixth year after the initial application for assessment and every sixth year thereafter. (Ord. 4/28/81; Augusta County Code 1969, § 22-27)

State law reference—Virginia Code § 58.1-3234.

E. Fee for late filing of revalidation forms. Late filing of revalidation forms before the effective date of the assessment is permitted on the payment of the late filing fee. The late filing fee shall be ten per cent (10%) of the amount, if any, by which the taxes payable on the basis of the assessment and taxation under this section are exceeded by the taxes that would have been payable had the revalidation form not been filed. (Ord. 3/25/86)

State law reference—Virginia Code § 58.1-3234.



June 24, 2020, at 7:00 p.m.

TRUSTEE OF PHYLLIS KISER--REZONING (CONT'D)

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

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

Motion carried.

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STUARTS DRAFT SMALL AREA PLAN

This being the day and time advertised to consider a request to amend the Augusta County Comprehensive Plan 2007-2027 and 2014-2015 Update by adopting the Stuarts Draft Small Area Plan. The Stuarts Draft Small Area Plan supplements the County's Comprehensive Plan by providing more specific recommendations, particularly in the areas of land use and transportation, for the Stuarts Draft area. It includes a revised Future Land Use Map, bike and pedestrian infrastructure recommendations, Development Design Suggestions and an Implementation Strategy.

Ms. Tate reviewed the Stuarts Draft Small Area Plan and the reasoning behind creating the plan. Ms. Tate discussed the population and demographics that have been included in the plan. A major component of the plan was hiring Timmons Group as the transportation consultant. The full report from Timmons Group is included in the appendix of the plan. Ms. Tate reviewed the agriculture policies included in the plan. The Stuarts Draft stormwater focus areas were reviewed. Parks and Recreation is also included in the plan. Historic resources were taken into consideration when creating the plan. Public education and public safety were reviewed for the plan. Also important to the committee was recognizing that Route 340 was the gateway into the community. There are localities that adopt entrance corridor overlays that can be as strict as you want them to be. The committee laid out ideas for landscaping, parking or setbacks. This plan does not make an ordinance that creates the entrance corridor overlay. The plan simply states that it is something the public is interested in.

The Chairman declared the public hearing open.

Carolyn Bragg, 113 Arrowhead Lane, Stuarts Draft, made the following statement:

Before you tonight is the request to approve the final portion of the Stuarts Draft Small Area Plan. Because of a number of unforeseen circumstances, this has been an unusually long process, but hopefully, the end is in sight.

Previously, the Board of Supervisors approved the mapping part of the plan, so all that is left for your review tonight is the written document that provides an overview of our community, and a description of the goals and objectives, for area growth and development, over the next twenty years.

A small area plan is essentially a mini-comprehensive plan for more developed areas, with the goal of providing guidelines for future area projects and development. A small area plan is just a part of the overall comprehensive plan for the county, and does not make decisions, that should be countywide policies.

A number of years ago, a small area plan was developed for the Fishersville area. This document, which was developed by the residents of that community, speaks to what their vision was for their community over the following twenty years. It talks of parks, roads, walkways, and so much more. It is a reflection of how they would like their community to look, as it grows.

The Starts Draft Plan was started about three years ago. A committee of area citizens were selected to represent the people that live there. Because what is considered to be "Stuarts Draft" lies in three magisterial districts, citizen volunteers were selected that lived in Riverheads, Beverley Manor, and South River Districts. These volunteers brought great diversity to the committee—we had a teach (Nancy Rader), a farmer (Steve Fitzgerald), a realtor (Patsy Earhart), local small business owners (June Cohron, Gary Eavers & Gary Lee, Ben Yoder), Emergency Services representatives (Bill Brooks and James

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June 24, 2020, at 7:00 p.m.

**STUARTS DRAFT SMALL AREA PLAN (CONT'D)**

Snyder), a VDOT planner (Dave Covington), as well as citizens at large (Tinker Kiser, John Swett and Liz Briley).

We also had our South River Planning Commissioner (Steve Bridge), as well as participation from the Board of Supervisor members of those three districts (Terry Kelley/Butch Wells, Mike Shull and myself)

All of our meetings were open to the public, and we did have visitors from time to time.

As the actual plan developed, we took it to the whole community for review and for comments. There were two separate public meetings held during the process, for citizens within Stuarts Draft boundary lines. Around 4,000 post cards alerting people of these events were sent out each time and the response from the community was good. People attended, made suggestions and asked questions.

Based on their responses, the plan for the future of Stuarts Draft was developed. This is the document that you have before you tonight. This plan talks of open spaces, walkways, parks, bike paths, schools, transportation initiatives, and public safety concerns. It discusses agriculture, the development of businesses and industries, and of housing opportunity. It reflects the desire of those that live in that area, to be connected, and to grow as a vibrant and inclusive community.

So tonight, I ask that you complete the process, and that you approve the Stuarts Draft Small Area Plan that was developed by the citizens who live there.

I would like to thank Leslie Tate, as well as John Wilkinson, and staff for the countless hours of work that they invested in making a planning document that reflects the wishes and vision of the citizens of Stuarts Draft.

Max Quillen, 73 Hibernia Circle, Lyndhurst, represents Waynesboro Nursery and the Quillen family. The feelings on the Comprehensive Plan were not unanimous in the South River District and he does not think the landowners were consulted as to how their land would be designated. Mr. Quillen discussed a letter that was sent to the Board of Supervisors stating concerns with the plan. The Stuarts Draft Small Area Plan is much too large. Waynesboro Nurseries does not want to be in the Stuarts Draft Small Area Plan. The vision reflected in the plan is not in line with the long-term vision for Waynesboro Nurseries. He made the request to not deny the Stuarts Draft Small Area Plan, but if the plan is approved, he requests that their property be removed and change the Comprehensive Plan Future Land Use designation from medium density residential to low density residential in order to match the rest of their properties in the area and align more closely with what they wish to do with their property.

Mr. Wells stated that there has been a lot of work put into this plan.

Mr. Morelli thanked the staff for an outstanding job on the plan. This is simply a vision, not a fact.

Mr. Shull thanked staff for the time put into the plan. Information was gathered from numerous citizens on what they envisioned for Stuarts Draft. The mapping for the plan has been voted on and approved. Concerns should have been addressed from the very beginning. Smart growth is a key ingredient when looking at the future.

Mr. Garber requested that Ms. Tate explain the process for removing property from the plan.

Ms. Tate stated that a request to amend the Comprehensive Plan would need to be submitted. There is a fee involved.

Dr. Seaton thanked staff and the Solar Committee for their hard work. He discussed projections in residential land use. He questioned the capacity of sewer and water in Stuarts Draft. Is Stuarts Draft ready to see a large portion of its land paved and built over for commercial and industrial use? The Stuarts Draft Area Plan is good, but it has too high of expectations. Eventually residents of Stuarts Draft will have buyers remorse. Dr. Seaton would like more emphasis for finding solutions for growing traffic problems well before these houses and industries are built. He would like the plan to include the Stuarts Draft Feasibility Study, current water use and sewer capacity, projections on the number of houses that could be built and stay within water and sewer capacity, projections on how many high water usage industries that would be built and



June 24, 2020, at 7:00 p.m.

**INFRASTRUCTURE ACCOUNT STATUS**

The Board considered additions/deletions to Infrastructure & Recreation Capital account.

|                |                     |                                          |
|----------------|---------------------|------------------------------------------|
| Pastures       | Delete \$138,051.87 | Buffalo Gap Athletic Field               |
| Beverley Manor | Delete \$46,500.00  | Fire Flow Upgrade-Rolla Mill Subdivision |
| North River    | Delete \$46,500.00  | Fire Flow Upgrade-Rolla Mill Subdivision |

Ms. Cook stated that this requires formal Board action to uncommit previously designated funds. These projects have been complete and/or are no longer active.

Mr. Slaven moved, seconded by Ms. Carter, that the Board approve the additions/deletions to the Infrastructure & Recreations Capital accounts.

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

Motion carried.

\* \* \* \* \*

**CRAIGSVILLE ELEMENTARY SCHOOL PLAYGROUND**

The Board considered funding for a playground.

|                 |                                     |          |             |
|-----------------|-------------------------------------|----------|-------------|
| Funding Source: | Pastures Infrastructure             | 8014-106 | \$22,128.18 |
|                 | Pastures Parks & Rec Infrastructure | 8024-26  | \$22,128.18 |

Mr. Fitzgerald stated that there has been a request from the Craigsville Community Supporters Organization for a new Craigsville Elementary School playground. There were pictures shown of the old playground. The community has worked together to raise approximately \$55,000 for the project. The remainder amount that is needed to complete the project for the upcoming school year is \$44,256.36.

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve the funding for the new Craigsville Elementary School playground.

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

Motion carried.

\* \* \* \* \*

**FIRE-RESCUE GRANT FUND**

The Board considered committee’s recommendation for funding.

Mr. Fitzgerald stated that this is a grant fund that is reviewed twice per year. The committee reviewed six applications and recommends approving three of the applications totaling \$88,558.05.

Mr. Wells moved, seconded by Mr. Shull, that the Board approve committee’s recommendation for funding as follows:

|                              |             |                    |
|------------------------------|-------------|--------------------|
| Dooms Volunteer Fire Company | \$ 6,100.00 | High Pressure Pump |
|------------------------------|-------------|--------------------|

June 24, 2020, at 7:00 p.m.

FIRE-RESCUE GRANT FUND (CONT'D)

|                                     |             |                              |
|-------------------------------------|-------------|------------------------------|
| Deerfield Volunteer Fire Department | \$49,901.00 | New Equipment for new engine |
| Mt. Solon Volunteer Fire and Rescue | \$32,557.05 | Two Zoll Monitors            |

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

Motion carried.

\* \* \* \* \*

SHAMROCK AFID PERFORMANCE AGREEMENT EXTENSION

The Board considered the AFID Performance Agreement extension for Shamrock.

Mr. Fitzgerald stated that in 2017 Shamrock constructed a \$40 million expansion of its dairy facility in Verona, the Governor awarded a \$400,000.00 grant from the Agriculture and Forestry Industries Development (AFID) Fund, and Augusta County provided a \$400,000.00 match. This grant award required Shamrock to create 78 new full-time equivalent jobs, and growth in the purchase of Virginia-grown agriculture products in the amount of \$23,878,400.00 or 14,924,000 gallons of net new purchases of Virginia produced milk over the performance period. Shamrock has met 55% of the new jobs, Capital Investment is 87% complete, and Purchases of Virginia Grown Products are 31% complete. Due to the Virginia Grown Products being at less than 50% complete, a 15-month extension has been requested. The State allows one extension of time. Staff recommends approving the extension and will go to the Economic Development Authority for their consideration as well.

Mr. Wells moved, seconded by Mr. Shull, that the Board approve the AFID Performance Agreement extension for Shamrock.

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

Motion carried.

\* \* \* \* \*

GRANT PROGRAM CONTRIBUTION AGREEMENT-CARES ACT FUNDING

The Board considered the Augusta County Disaster Recovery Grant Program Contribution Agreement.

Mr. Fitzgerald stated that this is a creation of grant program using CARES Act funding that was previously appropriated. \$200,000.00 has been set aside for allocation to help preserve small business in the County by providing grants to eligible businesses. The grants will be available up to \$10,000.00 per grant. The business would need to show a qualified business interruption due to COVID-19 required closures and meet certain eligibility criteria. Eligible uses of the grant funding would include personal protective equipment, technology to facilitate e-commerce, inventory, equipment, rent or mortgage costs, utilities and initial cleaning prior to re-opening. The funds must be expended in



June 24, 2020, at 7:00 p.m.

GRANT PROGRAM CONTRIBUTION AGREEMENT-CARES ACT FUNDING (CONT'D)  
compliance with State and Federal Law.

Mr. Shull moved, seconded by Ms. Carter, that the Board approve the Augusta County Disaster Recovery Grant Program Contribution Agreement.

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

Motion carried.

\* \* \* \* \*

WAIVERS – NONE

\* \* \* \* \*

CONSENT AGENDA

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

MINUTES

Consider minutes of the following meeting:

- Regular Meeting, Wednesday, May 13, 2020
- Staff Briefing, Tuesday, May 26, 2020

MUTUAL AID RESOLUTION

- Consider a resolution authorizing the County Administrator to enter into a Mutual Aid Agreement.

DOOMS/CRIMORA DUPONT SETTLEMENT GRANTS

- Consider agreement for maintenance of property.

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

Motion carried.

\* \* \* \* \*

MATTERS TO BE PRESENTED BY THE PUBLIC

Carolyn Holland of 908 Bull Run, Staunton, stated that she is a teacher at Stuart Hall Lower School. Due to COVID-19 impact on the economy, the teachers were told they would be losing their teaching position. The teachers have worked together to come up with a solution which would allow the education of the students to continue. Verona Elementary, which is owned by Augusta County, would be a great solution for this need.

Christi Crittenden of 208 N. Market, Staunton, has a child that attends Stuart Hall. She

June 24, 2020, at 7:00 p.m.

comes from an early childhood education background and is planning to open a MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D) preschool in the area. The teachers of Stuart Hall Lower School approached her about creating a childcare program that would also be an elementary school. Ms. Crittenden hopes to be able to include their request in what she is already in process of creating. She is requesting the Board consider allowing them to use Verona Elementary School. Early childcare is a need in this area. Younger children are not able to learn remotely. This program would provide a way for in person instruction. She read a statement written by Dan Layman of the Community Foundation.

Mr. Morelli asked how long they would need the use of the facility.  
Ms. Crittenden stated that they would need at least one year.  
Mr. Garber asked how many preschool aged kids she has signed up.  
Ms. Crittenden stated that currently she had twenty kids in one week, which is a significant number.  
Mr. Slaven asked if this would be something long term for the program.  
Ms. Crittenden believes it could be a long-term program. It definitely has a long-term vision.  
Mr. Slaven questioned whether Blue Ridge Christian School could purchase the school if they believe in the program.  
Ms. Crittenden stated that it had not been discussed.

McKenzie Pettry, 40 Sandy Court, Stuarts Draft, has two children that has attended Stuart Hall Lower School. Ms. Pettry reiterates the statements from Carolyn Holland and Christi Crittenden.

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MATTERS TO BE PRESENTED BY THE BOARD -- NONE

\* \* \* \* \*

MATTERS TO BE PRESENTED BY STAFF

- 1) Traditionally the first meeting in July is cancelled unless there is necessary business to attend to. At this point, there is nothing that needs to be on the agenda for the meeting.

Pam Carter moved, seconded by Mr. Shull, that the Board approve cancelling the July 8, 2020 Board of Supervisors meeting unless a need is presented.

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

Motion carried.

- 2) Mr. Fitzgerald presented the Board with a report on Land Use Statistics in Augusta County.

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June 24, 2020, at 7:00 p.m.

BOARDS AND COMMISSIONS

Mr. Morelli moved, seconded by Mr. Shull, that the Board re-appoint Glenwood Balsley to serve term on the Agriculture Industry Board. Effective immediately and to expire on June 30, 2024.

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

Motion carried.

Mr. Morelli moved, seconded by Mr. Shull, that the Board appoint Harvey Almarode to serve a term on the Augusta County Service Authority. Effective immediately and to expire on June 30, 2020.

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

Motion carried.

Mr. Slaven moved, seconded by Betsy Curry, that the Board re-appoint Betsy Curry to serve a term on the Library Board. Effective immediately and to expire on June 30, 2024.

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

Motion carried.

Mr. Slaven moved, seconded by Mr. Shull, that the Board re-appoint Larry Howdysshell to serve a term on the Planning Commission. Effective immediately and to expire on June 30, 2024.

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

Motion carried.

Mr. Slaven moved, seconded by Mr. Shull, that the Board re-appoint Amy Thornton to serve a term on the Broadband Committee. Effective immediately and to expire on June 30, 2024

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

Motion carried.



June 24, 2020, at 7:00 p.m.

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ADJOURNMENT

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

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

Motion carried.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
County Administrator