

Regular Meeting, Wednesday, August 12, 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, August 12 2020, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 245th year of the Commonwealth....

* * * * *

Chairman Garber welcomed the citizens present.

* * * * *

Mr. Morelli led the Pledge of Allegiance.

* * * * *

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

* * * * *

RECOGNITION OF CRAIGSVILLE TOWN OFFICER

Ms. Carter presented Corey Wood with a plaque honoring him for his heroic actions in saving the lives of two small children involved in an automobile accident with their mother.

* * * * *

HEALTH EQUIPMENT LOAN PROGRAM

Stefanie Bartley gave a presentation on the Health Equipment Loan Program. Ms. Bartley is the President of the organization located in Churchville. The organization loans out medical equipment free of charge. The goal is to help meet the needs of the community, reduce financial burden for families and assist with the stress of taking care of someone in the home. They opened in 2014 with three hundred pieces of equipment. In a five-year span, the organization has grown 484%. The plan is to purchase the Churchville Pump Service facility. This would give more space, allow growth in volunteers, being open more hours and enhancing recycle and repair of equipment. So far, they have raised \$74,000.00 of the \$155,000.00 goal. Grants, along with reliable donations, are available to help cover utilities.

August 12, 2020, at 7:00 p.m.

* * * * *

CHURCHVILLE ELEMENTARY SCHOOL INFRASTRUCTURE FUNDING

The Board considered a funding request for steps on embankment.

Funding Source: Pastures Infrastructure 8014-107 \$10,200.00

Timothy Fitzgerald, County Administrator, stated that there has been a funding request for concrete steps at Churchville Elementary School on the embankment behind the softball field. Several bids have been received with Fort Construction proposing the lowest bid at a cost of \$10,200.00.

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

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

Motion carried.

* * * * *

WILSON MEMORIAL HIGH SCHOOL INFRASTRUCTURE FUNDING

The Board considered a funding request for new concession stand equipment.

Funding Source: Wayne Infrastructure	8017-106	\$21,378.78
Beverley Manor Infrastructure	8011-101	\$ 5,000.00

Mr. Fitzgerald stated that there has been a funding request from the Wilson Memorial Athletic Boosters for kitchen equipment in the newly built concession stand at Wilson Memorial High School.

Mr. Wells stated that part of the students that attend Wilson Memorial High School are in his district. He would like to pay \$5,000.00 from his Beverley Manor Infrastructure account.

Dr. Seaton moved, seconded by Ms. Carter that the Board approve the funding request from the Wayne and Beverley Manor Infrastructure accounts.

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

Motion carried.

* * * * *

August 12, 2020, at 7:00 p.m.

STRATEGIC PLAN

The Board discussed the need for a strategic planning process for the County.

Jennifer Whetzel, Deputy County Administrator, stated that the possibility of preparing a strategic plan for the County was presented to the Board in January 2020. Ms. Whetzel contacted Michael Chandler, who performs such work at a reasonable price. The process would be considered more of a goal setting session with various steps involved. The plan would include the Board's purpose, government's philosophy, the vision, the County's mission statement, core values, key issues faced in the County going through 2025, and accomplishments in the next several years. The estimated cost for the Strategic Plan is \$6,500.00 which will be taken from the Census, Surveys, Reports budget line item. A realistic start time is mid- to late September. Staff recommends following the lead of Mr. Chandler as the facilitator.

Ms. Carter has worked with Dr. Chandler through the Supervisor Certification Program. It is important for the County to have a plan and know what the goals are.

Mr. Wells agrees that it is important to have a plan.

Ms. Carter moved, seconded by Mr. Wells, that the Board approve the funding for the County's strategic plan process up to \$7,000.00.

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

Motion carried.

* * * * *

BROADBAND GRANT

The Board considered the local match for VATI 2021 broadband grant.

Ms. Whetzel stated that the Department of Housing and Community Development will award \$19 million to eligible applicants to provide services to unserved areas of the State. A competitive grant application will center on the number of houses served, shovel-ready projects, speed of internet service offered and cost of the project to the Commonwealth. The grant will fund up to 80% of the project, with a County provider match of at least 20% and the deadline for completion of the construction projects is eighteen months from the time the grant is awarded. The project areas proposed are Fort Defiance, Morris Mill, Spottswood, Barren Ridge, Deerfield Valley and Middlebrook. A total match of 30% is recommended for the proposals for a total of \$343,000.00. The Broadband grant sub-committee will provide input for the final grant applications. A public notice has been placed on the DHCD website. The deadline for the application submittal is August 17, 2020.

Ms. Carter moved, seconded by Mr. Morelli, that the Board approve local match for the VATI 2021 broadband grant from Economic Development Capital.

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

Motion carried.

August 12, 2020, at 7:00 p.m.

* * * * *

RECORDATION TAX

The Board considered a resolution to reinstate recordation tax that was eliminated for localities (HB 1414/SB 890 and HB 1726/SB 1038).

Ms. Whetzel stated that in the 2020 General Assembly Session, legislation was enacted that will alter the manner in which recordation and grantor's tax will be distributed. Currently, recordation tax is received from two different sources; the State and directly from the Clerk's office based on filings. During the last General Assembly, two bills were passed and the State recordation distribution will change from \$40 to \$20 million and there will not be a distribution in FY21 due to the first \$20 million going to Hampton Roads Regional transit. Augusta County averaged approximately \$196,000.00 in recordation over the last four years. Although the revenue is less than 1% of the County's revenue budget, \$196,000.00 could fund 3-4 public safety positions. A resolution is being adopted by other localities to try to bring this matter before the special session of the General Assembly.

A RESOLUTION ENDORSING A LEGISLATIVE INITIATIVE REQUESTING AMENDMENTS TO THE DISTRIBUTION OF STATE RECORDATION TAX REVENUES TO LOCALITIES

WHEREAS, the Board seeks enabling legislation and amendments to the Virginia Code to accomplish Augusta County's legislative initiatives for the 2020 and 2021 General Assembly sessions; and

WHEREAS, the Board requests amendments to legislation adopted by the Virginia General Assembly during its 2020 session, which resulted in the reduction and elimination of statewide recordation tax revenue distributions to localities for transportation purposes; and

WHEREAS, the Board recognizes that Virginia and its local governments are partners in providing services to our citizens; and

WHEREAS, the Board opposes efforts to reduce the authority and flexibility of the County to govern its citizens and to shift responsibility for shared services solely to localities; and

WHEREAS, the Board opposes the implementation of any new unfunded State mandates or the expansion of any existing unfunded State mandates upon the County and County schools; and

WHEREAS, the Board requests the Virginia Association of County (VACo) offer its support for the initiatives contained herein;

NOW, THEREFORE, BE IT RESOLVED by the Augusta County Board of Supervisors on this the 12th day of August, 2020, that the members of the General Assembly representing Augusta County be and they hereby are requested to introduce and support a legislative initiative to amend the State Code regarding the distribution of state recordation tax revenues to localities; and

BE IT FURTHER RESOLVED the staff and the County's legislative consultants will keep the Board apprised of legislative changes and other matters that may adversely impact Augusta County, and its residents and businesses; and

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee will provide a copy of this Resolution to each member of the Augusta County General Assembly Delegation.

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

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

Motion carried.

* * * * *

August 12, 2020, at 7:00 p.m.

125 E. CRAIG STREET, CRAIGSVILLE, VA

The Board considered acceptance of donation of real property.

Mr. Fitzgerald stated that F&M Bank currently owns the building in Craigsville. Recently, the plans were announced to close bank operations in the Craigsville building. F&M is interested in donating the land and the building at 125 E. Craig Street to the County for the purpose of either operating a library or providing other County services to the region. The bank would like to request that Augusta County lease a suitable space to the Bank on the front of the building with access to lighting, parking and electricity for operation of an ATM or ITM at this location to continue to provide the community with banking services. F&M has requested a no cost period of 10 years after the date of donation. At the end of the 10-year period, the Bank would like the option to lease the space with two additional five-year option for \$175.00 per month. After receiving the letter, the bank has stated that in the future, if there is another bank that wants to come to the town, they ask that the County help relocate the F&M Bank ATM to another location within the town. The use of the building will be discussed at a later time.

Mr. Morelli asked what the value was of the building. Ms. Carter stated that the assessed value was \$335,200.00.

Richard Fox, Mayor of Craigsville, stated that he is a lifelong resident of Craigsville and takes it personal when someone goes against the people in the community. Craigsville has 12 businesses and 13 churches within the town that was connected with F&M Bank. He realizes that one of the options for the bank building after the County owns it is using it for a library. There is not enough space in the building for a library. Mr. Fox has met with the President of F&M Bank 6 months ago about the banks need to increase business and asked for his help. The bank President said to work on it for about three years and then it will be revisited. Six months later Mr. Fox received a phone call stating the bank will be closing. He is concerned with the reasoning behind Augusta County wanting the building. Mr. Fox requests the Board of Supervisors reject the offer.

Mr. Garber stated that from a County's standpoint, this is not about money. He was approached by F&M about the offer and his first question to them was why not give it to the Town of Craigsville. He was told that it was not an option. The best way to get a bank back in the town is if the County owns the building.

Mr. Fox asked Mr. Slaven if he was still on the Board with F&M Bank. Mr. Slaven explained that he has never been on a Board for a bank. He served on the Augusta County Community Board Partners. He continued to explain what the committee was about and what the purpose was. He was on the committee to help the community.

There was a lengthy discussion between Mayor Fox and the Board of Supervisors.

Tracy Pyles of Churchville questioned why Mr. Garber took the call regarding acquiring the bank building. It should have been Ms. Carter since was in her district. Mr. Garber pointed out that he immediately brought the discussion to the County Administrator and then Ms. Carter was informed.

Jessica is employed with the library in Craigsville. She urges the Board to accept the building. The current space is not big enough to have a meeting room, but with virtual learning, there is an issue with space. She is not suggesting the building be converted to a library. She simply needs a larger space to accommodate virtual learning kids in the reading specialist's class.

Ms. Carter is willing to accept the building, but only with no strings attached.

August 12, 2020, at 7:00 p.m.

125 E. CRAIG STREET, CRAIGSVILLE, VA (CONT'D)

Ms. Carter moved, seconded by Mr. Shull, that the Board approve tabling the agenda item until the next Board of Supervisors meeting on September 9, 2020.

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

Motion carried.

* * * * *

WAIVERS – Previously tabled on July 22, 2020

The Board considered a waiver request from the requirement to extend the public street from Brad Long.

Ms. Carter moved, seconded by Mr. Shull, that the Board remove the agenda item from the table.

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

Motion carried.

John Wilkinson, Director of Community Development, reviewed what was previously presented. This is a waiver request from the subdivision ordinance requirements for extending public streets. Mr. Long purchased two lots and the end of state maintenance stops prior to the purchased lots. A map was shown on the screen of the area. VDOT inspected the improvement and the paving costs is estimated to be \$25,000.00.

Brad Long stated that he also has lots in Misty Dawn in Staunton. Barry Lotts is currently working on a road sketch of that area. It is the same situation with the lots in question with this waiver request. Community Development was contacted about the issue prior to the purchase of the lots and was told there were no issues.

A discussion was had between the Board, Mr. Wilkinson and Mr. Long.

Dr. Seaton thanked Mr. Long for building houses within the County. \$25,000.00 is a lot of money. Community Development was contacted and the correct steps were believed to have been taken.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the waiver request.

Mr. Wells asked if the waiver is granted, what problems will it cause in the future. Mr. Wilkinson stated that it would cause anyone who wanted to build on the lots beyond the two in questions would have to request a waiver or build the road, including the section in front of the two for this waiver request.

Mr. Slaven asked what the consequence would be if the street was not paved. Mr. Wilkinson stated that it is an ordinance requirement in single family residential that all public streets be paved.

Mr. Morelli questioned who would be responsible for the road maintenance for the two lots if Mr. Cash refused to do so. Mr. Long stated that it has to be worded in the deed to the property.

August 12, 2020, at 7:00 p.m.

WAIVERS – Previously tabled on July 22, 2020 (CONT'D)

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

Motion carried.

* * * * *

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, June 10, 2020
- Special Worksession-Solar, Wednesday, June 17, 2020
- Staff Briefing, Monday, June 22, 2020

CLAIMS

Consider claims paid since July 1, 2020

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

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Tracy Pyles, 3655 Churchville Ave., Churchville, is concerned about the flooding at the General District Courthouse in Staunton. The County recently purchased property in the flood plain for courthouse purposes. Should people be allowed to build in a flood plain? It is wrong to waste the taxpayer's money. People want better broadband, but the County penny pinches with funding broadband. The citizens expect more.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells recognized Jacob Flickinger, Chris Moyer, Dr. Asher Brand and Matt Lawler as recipients of the Regional EMS Personnel Awards from the Central Shenandoah EMS Council. He has asked Mr. Fitzgerald to keep the Board updated on schools and COVID-19 procedures and information.

Mr. Shull would like accurate information on COVID-19 and the number of actual cases.

Mr. Morelli moved, seconded by Mr. Shull, to re-appoint Kirk Barley to serve a term on the Parks & Recreation Commission. Effective immediately and to expire on June 30, 2024.

August 12, 2020, at 7:00 p.m.

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

Mr. Morelli moved, seconded by Mr. Shull, to appoint Benjamin Carter 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.

MATTERS TO BE PRESENTED BY STAFF

- 1) Flood damage at the General District Courthouse building is minimal, but some repair was required. Carpet and wood flooring needs to be replaced. Some of the drywall needs to be replaced or repaired.
- 2) VACo Annual Winter Conference will be held virtually. More details to come.
- 3) Solar project application-White Hill Road is classified as an opportunity zone. The State Code allows the County to do a siting agreement with the developer. The developer has offered to do a siting agreement with the County for a \$1 million payment to the County. This would be a payment to the County over and beyond the normal tax structure that would be paid. Their attorney has requested a meeting to negotiate the siting agreement. King and Queen County is the only County within the State that has started this process of talking about the siting agreement and negotiations. There has been discussion of who should be involved in the meetings. There is hesitation in having the Board involved due to this being a special use permit that the Board has to approve. It is suggested that Staff meet with the developer, negotiate the best proposal, and present the siting agreement to the Board as part of the special use permit request.

Mr. Benkahla stated that having the Board involved is legal, but may appear to have conflicting interest.

Mr. Shull is not in favor of having the Board involved.

Mr. Garber stated that Staff should do the meetings and bring information back to the Board.

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, Economic Development Authority, Ag & Forestal Dist., Planning Commission, ACSA, Ag Ind. Brd., Parks & Rec, Library, Recycling, Broadband

August 12, 2020, at 7:00 p.m.

CLOSED SESSION (CONT'D)

(2) **the real property exemption under Virginia Code § 2.2-3711 (A) (3)**
[discussion of the acquisition for a public purpose, or disposition, of
real property]:

a) Augusta County Courthouse

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

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

Motion carried.

* * * * *

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

Public business matters lawfully exempted from statutory open meeting

1. 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.

* * * * *

BOARDS AND COMMISSIONS

Mr. Shull moved, seconded by Ms. Carter, that the Board re-appoint Kenneth Lawhorne to serve a term on the Broadband Committee. Effective immediately and to expire June 30, 2024.

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

Motion carried.

August 12, 2020, at 7:00 p.m.


* * * * *

ADJOURNMENT


There being no other business to come before the Board, Mr. Shull moved, seconded by Ms. Carter 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

h:08-12min.2020