

Regular Meeting, Wednesday, October 14, 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, October 14, 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, Supervisors for the South River District, led the Pledge of Allegiance.

* * * * *

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

* * * * *

LEGISLATIVE CONTRACT

Consider the annual renewal of the contract with Eldon James & Associates, Inc. for the amount of \$28,895.00.

Jennifer Whetzel, Deputy County Administrator, stated that the County procured legislative services and contracted with Eldon James & Associates, Inc. in October 2017. The County's legislative agenda has been reinforced each year with the General Assembly. The annual contract is up for renewal at a cost of \$28,895.00. Given the economic situation, there will be no increase in the contract amount.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the renewal of the annual contract.

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

Motion carried.

* * * * *

September 23, 2020, at 7:00 p.m.

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

Mr. Shull moved, seconded by Mr. Wells, that the Board re-appoint Jo-el Lorainne Nelson to serve a term on the Recycling Committee. Effective October 1, 2020 and to expire September 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

Mr. Fitzgerald discussed the following:

- 1) Attended the Crozet Tunnel dedication and is looking forward to it opening.
- 2) Thanked Staff for support with the courthouse project.


* * * * *

ADJOURNMENT

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

October 14, 2020, at 7:00 p.m.

WORKERS' COMPENSATION POLICY UPDATE

Consider the updated policy.

Faith Duncan, Director of Human Resources, stated that in the past the County has paid employees 100% of their salary when on workers' compensation. VACorp is the workers' compensation insurance carrier and they reimburse the County 66 2/3 percent and the County makes up the difference to ensure an employee maintains 100% of their pay. Virginia Code states that "when the incapacity for work resulting from the injury is total, the employer shall pay, or cause to be paid, as hereinafter provided, to the injured employee during such total incapacity, a weekly compensation equal to 66 2/3 percent of his average weekly wages.....". The County's policy has been revised to reflect this and will allow VACorp to pay the employee directly, and not reimburse the County for the 66 2/3 percent. This policy update will make the County's policy comply with state code.

Ms. Carter moved, seconded by Mr. Morelli, that the Board approve the updated Workers' Compensation policy.

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

Motion carried.

* * * * *

OUTDOOR MUSIC FESTIVAL

Consider application as submitted by Bob Ladd for an outdoor event to be held at Shenandoah Harley Davidson on October 16-18, 2020.

Timothy Fitzgerald, County Administrator, stated that Bob Ladd, the former owner of the Harley Davidson in Staunton, has submitted an Outdoor Music Festival application for a Freedom Ride to be held on October 16-18, 2020. Proper steps have been taken to comply with the Governor's Executive order of no more than 250 people and all required approval has been submitted.

Mr. Wells moved, seconded by Mr. Shull, that the Board approve the outdoor music festival application as presented.

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

Motion carried.

* * * * *

INFRASTRUCTURE FUNDING

The Board considered a funding request from the Pastures Infrastructure for a lean to attached to a storage building at Buffalo Gap High School in the amount of \$2,000.00.

Funding Source: Pastures Infrastructure 8014-108 \$1,500.00
 North River Infrastructure 8013-66 \$ 500.00

Mr. Fitzgerald stated that Buffalo Gap High School has requested \$2,000.00 to cover the cost of a lean to that is attached to a storage building.

October 14, 2020, at 7:00 p.m.

INFRASTRUCTURE FUNDING (CONT'D)

Ms. Carter stated that Mr. Slaven has agreed to pay \$500.00 of the cost from his infrastructure account.

Ms. Carter moved, seconded by Mr. Slaven, that the Board approve the funding request from the Pastures Infrastructure and the North River Infrastructure.

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, August 26, 2020

CLAIMS

Consider claims paid since September 1, 2020

STREET ADDITION

Consider Community Development and VDOT's recommendations to adopt resolution for acceptance of the following street into the secondary road system in accordance with VDOT requests:

- 1. Ivy Ridge Residential Sections 1 and 3

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

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Ken Jones, 56 Farm Draft Lane, Fishersville, stated that they moved to the area from the Tidewater area. He is concerned with the possibility of a poultry farm being built next to his property on Barren Ridge Road. The biggest concern is this is a large intensive agricultural operation very close to residential houses. There could be detrimental impacts on the environment, quality of life, and property values. Noise, air quality, run off and the impact to resident's wells are also a concern. Traffic will increase if the poultry houses are built. The neighbors have met with the farmer to discuss the issue. The farmer stated that in order to gain approval for the project, the

October 14, 2020, at 7:00 p.m.

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

Virginia Department of Environmental Quality will need to inspect the operation on a regular basis. There is a question as to whether there will be sufficient water supply for the poultry houses.

Judy DeWitt, 340 Farm Draft Lane, Fishersville presented the Board with a signed petition from residents of Farm Draft Lane who are opposed to the poultry house project. She is concerned with too many poultry houses in the area. Water has always been a concern on Barren Ridge.

Robert Higgs, General Manager of Barren Ridge Winery is concerned about the visual aspect of the poultry house project. A large part of his business is used as a wedding venue. He stated that it is difficult to determine an impact in advance, however, anything that changes the situation will have an impact. The smell is something that is unknown how it will affect his business, but the view will definitely be impacted if the poultry houses are built.

Tara Welch, 241 Back Creek Lane, Lyndhurst, is against the Jaylin Farms poultry house project. Her daughter is set to inherit a farm from her grandmother. No one has a problem with poultry houses being built. The problem is with the placement of the houses. The poultry houses will affect property values.

Mr. Shull stated that Augusta County does not have regulations on farms and types of farming that can be done.

Gail Rupp lives on Barren Ridge Road and is concerned with the smell for her mentally ill child.

Nick Collins, 850 Hotchkiss Road, Churchville, is representing the Augusta County School Board. Broadband in Augusta County is a concern. The COVID pandemic has made everyone aware of many obstacles related to virtual learning. A number of the obstacles have been overcome, but the lack of good broadband in parts of the County remain an obstacle. On behalf of the Augusta School Board, Mr. Collins requests that the Board of Supervisors make broadband service improvement a high priority and include the improvement as part of the annual goals and objectives. The School Board offers any assistance they may provide.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter attended a meeting with Shenandoah Valley Electric regarding broadband coverage.

Mr. Seaton is looking forward to judging the 4-H Club hay bales on Friday.

Mr. Shull would like a report on money spent from the CARES Act funds received and who has received it.

Mr. Slaven attended a drive thru birthday celebration for Ray Wine who celebrated his 94th birthday.

* * * * *

October 14, 2020, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) Reminder of the VACo Annual Conference in November. Ms. Carter will be the voting representative for the County.
- 2) Ms. Whetzel stated that Anna Levit with CAP-SAW contacted the County about doing an assistance program for the community from the CARES Act funding. Staunton has recently considered the program and agreement. This program will only be offered for a few months due to the time restraints of the CARES funding. The agreement between the County of Augusta and the Community Foundation of the Central Blue Ridge will consist of a \$50,000.00 initial contribution towards the program and will be available for childcare services, rent/mortgage assistance, mental health services, temporary shelter and utility assistance related to hardships from COVID-19. The foundation will monitor all eligibility and keep documentation. Monthly reports will be submitted showing expenditures. December 1, 2020 is the cutoff date for expenditures.

Ms. Carter moved, seconded by Mr. Slaven, that the Board approve the CAP-SAW Assistance Program request.

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

Motion carried.

- 3) Ms. Whetzel stated that the Governor announced that CARES Act Fast Track Broadband Funding is available. It is \$30 million and applications are first come first serve. Notice of the funding has been sent to all providers in Augusta County. Three interested responses have been received. The funding is specifically for broadband infrastructure. The project must be live on December 25, 2020. A contribution agreement will be brought before the Economic Development Authority. A draft Memorandum of Understanding will be created and brought to the Board of Supervisors if awarded the funding.

Ms. Carter moved, seconded by Mr. Slaven, that the Board approve the CARES Act Fast Track Broadband Funding application.

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

Motion carried.

* * * * *

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]:

October 14, 2020, at 7:00 p.m.

CLOSED SESSION (CONT'D)

a) Boards and Commissions: Youth Commission, Economic Development Authority, Ag & Forestal Dist., Planning Commission, , Ag Ind. Brd., Recycling,

(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

On motion of Mr. Shull, seconded by Mr. Morelli, 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:

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.

* * * * *

BOARDS AND COMMISSIONS

Mr. Shull moved, seconded by Ms. Carter, that Board re-appoint Bobby Seaman to serve a term on the Building Board of Appeals, effective November 1, 2020 and to expire October 31, 2025.

October 14, 2020, at 7:00 p.m.

BOARDS AND COMMISSIONS (CONT'D)

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

Motion carried.


* * * * *

ADJOURNMENT

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