

Regular Meeting, Tuesday, November 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
John Wilkinson, Director of Community Development
Leslie Tate, Senior Planner
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Tuesday, November 24, 2020, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 245th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Mr. Morelli, Supervisor for the South River District, led the Pledge of Allegiance.

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

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STAY WELL. STAUNTON, AUGUSTA COUNTY & WAYNESBORO (SAW) RESOLUTION

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

WHEREAS, the Augusta County, Staunton, and Waynesboro communities are committed to the health and well-being of the region. We recognize that we can do more to assure the safety of our communities by working together. We are committed to protect and support our community; and

WHEREAS, we will protect the health of our community by encouraging mask-wearing, social distancing, frequent handwashing, and staying away from public areas when we are not feeling well; and

WHEREAS, we will follow public health guidelines and medical recommendations, including testing, self-isolation, and/or quarantine as needed; and

WHEREAS, we will support people who are taking care of themselves and loved ones if they are sick or exposed; and

WHEREAS, we will support and avoid contact with those who are sick, as well as stay home and avoid public areas when we are not feeling well; and

November 23, 2020, at 1:30 p.m.

CLOSED SESSION (CONT'D)

On motion of Mr. Shull, seconded by Ms. Carter, 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.


Roll Call 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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Chairman



County Administrator

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

STAY WELL. STAUNTON, AUGUSTA COUNTY & WAYNESBORO (SAW) RESOLUTION

WHEREAS, we will support the mental well-being of all community members; and

WHEREAS, we will share all relevant public health information regarding testing and safety to ensure the health and well-being of the community; and

NOW, THEREFORE, BE IT RESOLVED, that the Augusta County Board of Supervisors are committed to the health and well-being of the region and support these public health measures in our community.

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

Motion carried.

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COUNTY ORDINANCE

This being the day and time advertised to consider an ordinance to provide a lump sum bonus to all full time employees, part time employees included in the County's pay and classification plan, and Constitutional Officers and their employees.

**EMPLOYEE BONUS ORDINANCE
COUNTY OF AUGUSTA, VIRGINIA**

WHEREAS, *Virginia Code § 15.2-1508* sets forth the procedure, including the adoption of an ordinance, by which a Board of Supervisors may provide for payment of monetary bonuses to county employees; and

WHEREAS, the Board of Supervisors believes these one-time bonuses for County Employees is the most cost-effective way to give something to employees that did not receive a planned increase in pay for the 2021 fiscal year due to the potential financial impacts of the COVID-19 pandemic; and

WHEREAS, the Board of Supervisors recognize the hard work and dedication of county employees to the performance of their job under unprecedented conditions caused by the COVID-19 pandemic; and

WHEREAS, one-time bonuses are payments made to Employees rather than COLA and/or Merit increases which affect further budgets; and

WHEREAS, the Board of Supervisors, after due notice, has determined that the desire of the Board of Supervisors to provide the County of Augusta, Virginia employees a monetary bonus shall be granted;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Augusta County, Virginia, that:

1. A "bonus" shall be defined as a lump-sum payment to an employee that is not part of the base salary.
2. The Board of Supervisors shall appropriate and pay a bonus of \$2,500.00 for all full-time employees hired before June 30, 2020.
3. The Board of Supervisors shall appropriate and pay a bonus of \$1250.00 for all full-time employees hired between July1, 2020, and October 15, 2020.
4. The Board of Supervisors shall appropriate and pay a bonus of \$1250.00 for part-time employees that are included in the County pay and classification plan.
5. The Board of Supervisors shall appropriate and pay a bonus for constitutional officers and their employees based upon the forgoing criteria.
4. This ordinance shall become effective immediately.
5. This ordinance shall terminate on January 1, 2021.

James Benkahla, County Attorney, stated that the Board of Supervisors recently passed a motion to provide a one-time bonus to employees. An ordinance is required in order to be in compliance with State Code.

The Chairman declared the public hearing open.

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

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

COUNTY ORDINANCE (CONT'D)

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the ordinance 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 19-CHARGES AND PERMIT FEES

This being the day and time advertised to consider an ordinance amendment to amend Chapter 19 Service Charges and Permit Fees. Article I. Zoning and subdivision. Section 19-3. Matters before the Board of Zoning Appeals and Section 19-3.1 Matters before the Board Supervisors.

Leslie Tate, Senior Planner, stated that the specific changes include special use permits for small solar energy systems and large solar facility applications and a change to the fee for wireless telecommunications towers. The change to the wireless pole fee reduces the fee from \$1,000.00 to \$500.00 based on State Code requirements. Current small energy solar systems have a \$250.00 application fee. The change would raise that fee to \$1,000.00. The current permit fee for a large solar energy facility is \$3,500.00. Due to staff time to review these project applications and based on what other localities are charging, it is requested to raise the fee to \$5,000.00.

The Chairman declared the public hearing open.

The following statement was received by mail from Carolyn Walas and Ronlad Kovatch: "We are commenting regarding the topics for the November 24, 2020 Board of Supervisors public hearing. We will be unable to attend the meeting due to COVID-19. We are residents of Augusta County, home and landowners, and taxpayers. We disagree with the amendments to Chapter 19 Service Charges and Permit Fees regarding increasing fees for solar energy systems. We believe that government should be encouraging solar energy systems, not adding impediments to their adoption. Solar energy is clean, environmentally friendly, cost-effective, quiet, and the wave of the current and the future. Quadrupling the cost of the fee for a small system Special Use Permit application and increasing the large system application fee by \$1,500.00 are retrogressive, discouraging, and sending the wrong message. This direction is also out of step for the Commonwealth of Virginia and other counties, including in this area. We ask that the Board of Supervisors retain the current fees for solar energy systems."

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

Ms. Carter moved, seconded by Mr. Wells, that the Board approve the recommended changes to permit fees for the ordinance as presented.

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

Motion carried.

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

ORDINANCE AMENDMENT-CHAPTER 25-SOLAR ENERGY SYSTEMS

This being the day and time advertised to consider an ordinance amendment to Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems. The Planning Commission recommends approval of the amendments, except for the amendment to reduce the community meeting notification from a 1 mile perimeter to a ½ mile perimeter.

Ms. Tate stated that since the first application, extensive work has been completed on the Comprehensive Plan, adopting eleven policies in the plan that pertain to the siting and design for utility scale solar. There has been a Virginia Legislative session that has passed additional changes affecting size ranges for solar projects. Currently a small energy solar system is defined as something less than one half acre. Companies are trying to answer Dominion requests for community energy solar projects that would be less than fifty acres. Other projects have been as much as one thousand acres and are more complex than one that is less than fifty acres. The fact that the State has carved out the sizes based on Legislation and requests being made, staff suggests amending the definitions accordingly. Large solar energy systems are a Special Use Permit by the Board of Supervisors just as they are currently. Ms. Tate reviewed submittal requirements that are required for a solar energy system. Prior to any public hearing that is required by the Special Use Permit process and by State notification of adjacent property owners, a community meeting is required. A mailing is sent to everyone within a mile perimeter of the project to inform the landowner. The Ordinance Committee suggests reducing it to one half mile perimeter. The Planning Commission recommends leaving notification at one mile, identifying that less community notification is never better. A clarification of language is included. The ordinance currently requires the submission of a cost benefit analysis. The language clarifies that the applicant would submit an economical and fiscal impact analysis that would address the benefits from initial construction of the project and continued operations and also the ongoing land use taxation. Setbacks have been an ongoing issue. The setbacks for the small solar energy systems are not proposed to change. The setbacks for the large solar energy system are currently two hundred feet from all property lines or one thousand feet from any residentially zoned property unless the Board is satisfied that different setbacks are adequate to protect neighboring properties. The proposed amendment would change the wording to say the setbacks could be different, either less or greater as necessary to protect neighboring properties. Additional language is added for reasons why the setbacks may be altered. The siting of large scale solar energy systems is conditional and through the ordinance is viewed on a case by case basis. Setbacks will be decided through the conditions of the special use permit. Considerations for different setbacks may include enhanced screening, buffering to the ordinance standard, existing vegetation that effectively screens the project or existing typography. This amendment changes the two hundred feet from all property lines to 50 feet from public right-of-ways. Setbacks were the main talking point for the Planning Commission. Several Planning Commission members felt that two hundred feet should remain as the standard from all property lines. The current ordinance requires a chain link seven-foot tall fence. To allow the applicant to have more styles of fencing, the strict specific language was removed. Clarification on bonding was included. Staff has been approached about utilizing salvage value in their bonding estimate. Staff has advised against it with the Board.

The Chairman declared the public hearing open.

Rick Pfizenmayer, 30 Round Hill Drive, Stuarts Draft, stated that he has been contacted by several solar project developers wanting to lease land in the Stuarts Draft area. There is currently a proposal to build a large-scale solar project, known as the Round Hill Solar Project, on 880 acres. Approximately 560 acres would be developed with solar panels. Mr. Pfizenmayer urges the Board to adopt a setback requirement of at least 1,000 feet for

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ORDINANCE AMENDMENT-CHAPTER 25-SOLAR ENERGY SYSTEMS (CON'TD)

industrial scale solar projects sited adjacent to public roads. Setting 1,000 feet as a standard would put the burden on solar project developers to justify a variance rather than putting the burden on citizens. Industrial scale solar projects are to be carefully sited. The question of the appropriate setback is a critical element of determining whether that is the case. The question of the appropriate setback goes beyond the fundamental purposes of planning and zoning. Setbacks are to prevent the new development from interfering with existing uses and to preserve the character of the community as planned. This cannot be decided in the abstract. It must take into account the type of development involved and the existing and planned character of the community. Several acres of solar panels are incompatible with the agricultural character of the county. Removing valuable farmland from agricultural production and degrading scenic vistas is also incompatible with the ability of rural communities to preserve their character and natural assets, which are essential. Mr. Pfizenmayer requests that the Board require significant setbacks on main public arteries such as Tinkling Springs Road and heavily traveled roads. Solar developers must design their projects to be in compliance instead of citizens having to argue for them. The setbacks should be a minimum of 1,000 feet. Any setback requirement should provide flexibility and require more than 1,000 foot setback if the topography of the proposed sight suggests more than that to effectively minimize the visual impact of the project.

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

"I would like to make a few comments about several of the proposed changes to the existing small scale and utility solar ordinances that you are considering tonight. Any of our local ordinances serve as a standard for projects that take place within our County. When a company is looking to locate within our boundaries, the ordinances that they review provide the guidelines for their project. They will develop their complete project design based on what is written. Property will be purchased and laid out based on what is written and a site plan will be submitted based on what is written. And the writing and wording of an ordinance will reflect what we as citizens expect and what we value. With this in mind, I want to draw your attention to our County Comprehensive Plan and talk about the intent of the document and what our citizens have said was important to them. When you read the plan, repeatedly mentioned is the desire to preserve the scenic beauty of our County. This is what our citizens asked for. This is what they determined was important to them. It is so important, that it is mentioned in the County Vision Statement; "the County's scenic beauty and natural environment will be preserved with farms, forests, mountains, rivers and streams providing the framework and context for development". In addition, it specifically says that "The scenic beauty is highly valued", and looks for ways to preserve that beauty. During our last Comprehensive Plan revision, a study was conducted and it revealed that our citizens felt that the scenic beauty was one of the three best things about Augusta County. The Comprehensive Plan goes on to talk about the importance of tourism to our area and the impact that the rural nature of Augusta plays in that. Solar is coming to Augusta. Large scale solar is coming to Augusta County, but the placement is key. I have to ask the question; as you are riding down Route 11, Route 340, Route 250, or Route 608, or as you are looking off any other roadway in Augusta, is having 500 acres or 1,000 acres of solar fields within 50 feet of the road okay? Should that be our standard? Is having miles and miles of road frontage lined with solar panels what our citizens are okay with? The existing ordinance specified that the setback for solar, along public right-of-way and other property lines would be 200 feet. This allows enough space so that travelers aren't being swallowed up by a 15-foot wall of panels. It was established so that you could see over and beyond a sea of metal, wires and glass. It was written to allow green space and preserve some of what Augusta is known for. Envision a 6 or 7 foot opaque fence that stretches for several miles. Behind that fence are the solar panels...thousands and thousands of panels. The ordinance allows for the panels to be a maximum height of 15 foot. This could be the view from your back deck.

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ORDINANCE AMENDMENT-CHAPTER 25-SOLAR ENERGY SYSTEMS (CONT'D)

The current ordinance maintains a 200 foot setback from property lines and a larger setback from zoned residential. Many of our homes are located on Ag property and will not benefit from the additional setbacks as offered to homes zoned residential. Fifty feet would also be the standard setback from your property line unless you come before the Board and plead for relief. It is true that included in the changes is the verbiage that allows the Board of Supervisors to increase or decrease the setbacks. What is written will set the acceptable standard. If the Board is setting a standard setback at 50 feet in the ordinance then the setback for most projects will be 50 feet. So first I respectfully ask that you keep the standard setback at 200 feet. When the Comprehensive Plan was written, our citizens repeatedly expressed the value of the beauty of our County. It should not be their responsibility to fight for this and to beg for a larger setback. It is your job to be the voice of our citizens and to protect or improve their quality of life. It should be the incoming company that needs to be justifying to our citizens why less is okay. If they can justify this then the Board of Supervisors will have the ability to make a necessary adjustment.

My second request is that the citizen's notification requirement remain at one mile as opposed to ½ mile. I know of no words that can express the impact that a utility scale solar project will have on the whole community. Through experience, I have learned that it is very hard to make people aware of projects that are occurring in any given location. The required citizen's notification process is the community's opportunity to learn about the project. It offers the only opportunity for them to ask questions directly to the development company. This allows our citizens to become informed and to understand the impact that a project will have on them, their property or their neighborhood. There are future public hearings, but that is for citizens to address the Board and express their support or opposition for a project. It does not allow them to ask the questions that they need to ask the developer. It would be unfortunate if the decision were to notify fewer of our citizens and only allow a minimal number of community members the opportunity to hear from the company directly. How can making fewer people aware be a better decision? Therefore, I also ask that you maintain the requirement to notify citizens within a mile of a proposed solar project. In closing, each of you were elected to represent and serve the citizens of Augusta County. Utility Scale Solar is coming to Augusta, so please put our citizens first. You work for Augusta, not for outside interests. Please do not sell our citizens short.

Nancy Sorrells, 3419 Cold Springs Road Greenville, made the following statement:

"I come to you as someone who once chaired the County's Comprehensive Plan committee during a significant revision, who served 8 years on the Board of Supervisors, 3 years on the Augusta County Service Authority, and most recently on the County's Solar Committee. I understand planning, growth and development, the importance of protecting agriculture, the importance of protecting our water resources, and the need for good clean energy and robust economic development. I understand how all those things intertwine with solar, I love this County, and everything that is has for quality of life. I so much appreciate the County's intense commitment to having a strategy for the rapidly developing planning issue surrounding solar. You are to be congratulated for such forward thinking and for the thoroughness with which this ordinance was created. It is clear that many people are working hard and thoughtfully on this. Indeed, Augusta County appears committed to getting it right and, in the process, will be a leader in the state. As with anything that changes rapidly, the language in an ordinance needs to have the agility and specificity to not create unforeseen problems in the future. I do see a few of these problems in the current iteration of this ordinance. For instance, in regard to the Comprehensive Plan language in both small and large scale descriptions, there are two points: 1) Regarding conformity with the Comp Plan is good because you have previously spelled out those standards and expectations in the Comp Plan. That would mean that number 2 (impact on the neighborhood) is unneeded because you have already defined in the Comp Plan what the standards are. Inserting unquantifiable language based on "feelings" into an ordinance is risky business, as you all know all too well. I would recommend striking number two. Another issue that I see surrounds glare

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ORDINANCE AMENDMENT-CHAPTER 25-SOLAR ENERGY SYSTEMS (CONT'D)

concerns that are spelled out in both sections. Because solar panels are designed to absorb not reflect, it seems to me that this items is unnecessary and perhaps only serves to perpetuate one of the unfounded issues that some people level against solar development. We are beyond that. The solar industry is no longer an unknown entity and study after study has proven that glare is a non-issue. Huge international airports have massive solar arrays on their property and they are a non-issue with that air traffic. The final two issues that I would like to bring about concern large solar systems in excess of 50 acres. The first, sending large projects to the Board of Supervisors for a Special Use Permit rather than the Board of Zoning Appeals. I would suggest that this leaves the County open to continued polarization and politicizing of the solar issue. It seemed to me as a member of the Solar Committee, that the purpose of the committee and of addressing the revision of the Comp Plan and the ordinance was to embrace the rapidly expanding field of clean energy, while creating standards for the County, an important agricultural county, to have the best of both worlds. Taking only this Special Use Permit out of the realm of the Board of Zoning Appeals leaves the County open to playing politics on an issue that is already defined and regulated by the Comp Plan and the ordinance. It works for all other Special Use Permits. Some of the Special Use Permits, like those involving the Atlantic Coast Pipeline pipe yards, worked out just fine by letting them be handled in a nonpolitical way by the Board of Zoning Appeals, so why is this one singled out?

The second involves banning large scale solar projects from industrial zoned areas. This is incomprehensible to me, especially in light of the argument from many that solar is actually an industrial use and should be reserved for industrially zoned areas (a concept that I do not necessarily entirely agree with). It is certainly out of step with the discussions that are taking place across Virginia and the nation. Why would you deny the County and developers the opportunity for a low impact, high revenue producing economic project that solar development presents. Is the intention to reserve land for residential development? If so, you are putting yourselves on a path to Northern Virginia type of congestion and sprawl. Is the intention to reserve the land for industrial development? If so, you are putting yourself onto a path of hobbling the future business plans of current and future industry that might want to locate here. Further, it runs counter to the Comp Plan, is short sighted, limits landowners' rights, and does not reflect good planning policy. Remember this: in no way do solar arrays, large or small, hinder the infrastructure of any area of the County. Last, I checked, you can run sewer and water lines underneath solar arrays, just as you can under a subdivision or a factory or a street.

Finally, because agriculture is so significant in Augusta County, and I would argue that it is actually the main thing that keeps our taxes low and our quality of life high, I would suggest that the County continue to work with developers to embrace ways to make solar more compatible with traditional farming activities. Seek ways to use it to improve and heal the land, find complementary uses including crops and livestock that could be simultaneously occurring. Virginia Tech and several of our state agencies are actively working on these issues. I know that Augusta has often been a leader in the state in innovative planning issues and I have no doubt that this will continue. I would suggest that you are not alone in these struggles about how to properly embrace and control this rapidly expanding field. I act as a consultant with the Alliance for the Shenandoah Valley. I can tell you that every county and city in the valley is trying to wrap its arms around solar. We would be glad to facilitate a meeting that helps create a regional approach to solar that better protects our valley, our citizens, and our economic development. If that is something that the County might be interested in, please let me know. Thank you."

Stan Sikorski, 169 Benz Road, Waynesboro, stated that he is not interested in measured setbacks. He reminded the Board of their duties to all of the Augusta County citizens. Mr. Sikorski read a piece from Stephen Mather, the first Director of the National Park Service. He charges the Board to do their job and help Augusta County keep its

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ORDINANCE AMENDMENT-CHAPTER 25-SOLAR ENERGY SYSTEMS (CONT'D)
standards.

The following comment was received from Max Quillen through email:

"Sorry for pointing out the obvious, and surely you've already noticed, but I feel compelled to highlight to you and John that the notice radius difference is absurd and entirely disproportional. As Hershey pointed out in their detailed memo, concrete batch plants are noxious health hazards – they smell, bring in significant daily heavy truck traffic, are dusty, and DEQ even requires an Air Pollution permit because of the scientifically confirmed chemical air pollution risk. It would be a terrible neighbor for anyone, perhaps especially for a chocolate factory. On the solar side, DEQ also regulates projects under Permit by Rule and has never found them to be any sort of environmental or human hazard. All across America we are putting solar panels on top of (or beside) schools with young children inside without anyone being the slightest bit concerned. Requiring concrete batch plant Special Use Permits to only notify adjacent and across roadway neighbors while requiring solar projects to notify everyone in a mile (or even half mile) radius makes absolutely no sense."

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

Mr. Morelli moved, seconded by Mr. Shull, that the Board table the ordinance amendment as presented.

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

Motion carried.

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SPRING LAKES AT THE WOODLANDS

This being the day and time advertised to consider a request to rezone Spring Lakes at the Woodlands, owned by Woodlands Associates, LLC, by amending the Master Plan and Zoning regulations. The Planning Commission recommends approval conditional upon the following amendments: 1. Remove mailbox kiosks as a permitted use in Area 1 Open Space; 2. Add another area on the Master Plan and within the zoning documents specifically for mailbox kiosks for Area A, F-5, and G.

Ms. Tate showed an aerial map of the community. Planned unit developments have a Master Plan and associated zoning documents that are submitted by the applicant. These documents specify the different uses that are allowed in each zone, they show the road network, identify recreational amenities, lay out the lots and setback requirements. Amendments to the Master Plan include the following: an increase in townhouse units from 290 to 389 and a decrease in apartment units from 213 to 0, a decrease in gross density from 2.9 units per acre to 2.69 units per acre, increase common area open space from 47.4 acres to 53.97 acres, sidewalks included along certain roadways, townhouse lot layout proposed for Area A (74-94 units, Area F-5 (15-42 units), and Area G (114 to 139), mailbox kiosks shown on certain space designated areas, and a note stating that natural surface walking trails shall be constructed when 20 new lots have building permits issues subsequent to the approval date of the revised zoning ordinance. Since the Planning Commission meeting, an additional note has been added regarding the two proposed trail connections to Fairfield Drive. Amendments to the Spring Lakes zoning regulations include removing several permitted uses in Area A, specifically apartments among others, and establishing similar use, setback, and accessory standards for Area F-5, A, and G that are permitted under existing provisions for Area F-2 and Area F-3, adding mailbox kiosks as a permitted use in Area K.

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HERSHEY CHOCOLATE OF VIRGINIA PERFORMANCE AGREEMENT (CONT'D)
grant of \$1.1 million and also \$500,000.00 from the Virginia Investment Performance Program. The Board of Supervisors matched the Commonwealth of Opportunity grant at \$1.1 million utilizing Machinery and Tool tax rebate over time. The performance agreement that goes along with the match requirement is before the Board.

Mr. Morelli moved, seconded by Dr. Seaton, that the Board approve the Hershey Chocolate Performance Agreement as presented.

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

Motion carried.

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LEGISLATIVE PACKAGE

The Board considered the following:

- a) Draft of the Legislative Package
- b) A resolution in opposition to any legislative effort to repeal or revise the judicial doctrine of qualified immunity for law enforcement officials.

Jennifer Whetzel, County Deputy Administrator, stated that the final Legislative Package requires Board approval.

Ms. Carter would like the Certificate of Public Need removed from the Legislative Package, as it hampers competition for the citizens, diminishing their choices to easy access to healthcare.

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve removing the COPN language from the Legislative Package.

Dr. Seaton stated that the COPN has been used and he has been involved with it. It should be used to promote access to essential healthcare services.

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

Motion carried.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the draft Legislative Package without the COPN portion.

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

Motion carried.

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

A RESOLUTION IN OPPOSITION TO ANY LEGISLATIVE EFFORT TO REPEAL OR REVISE THE JUDICIAL DOCTRINE OF QUALIFIED IMMUNITY FOR LAW ENFORCEMENT OFFICIALS

WHEREAS, the General Assembly of Virginia is considering possible repeal or revision of the judicial doctrine of qualified immunity and;

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LEGISLATIVE PACKAGE (CONT'D)

WHEREAS, qualified immunity protects law enforcement officials from frivolous, vengeful, and harassing lawsuits while allowing full trial of any case with merit; and

WHEREAS, any legislative repeal or revision of qualified immunity would manifestly harm law enforcement by putting law enforcement officers at constant risk of unjustified lawsuits for almost every action they take; and

WHEREAS, any legislative repeal or revision of qualified immunity would require the taxpayers of Augusta County to pay for the defense of any and every claim against law enforcement officials, no matter how frivolous or unjustified; and

WHEREAS, repeal or revision would contribute to making law enforcement officials hesitate or refrain from becoming involved in some high-conflict situations because of the fear of liability, even for actions taken in good faith, and such hesitation or restraint will jeopardize public safety; and

WHEREAS, repeal or revision would make it harder to recruit and to retain the most highly qualified candidates for deputy positions because of the fear of repeated unjustified lawsuits; and

WHEREAS, efforts at repeal or revision represent ill-advised prejudice against the men and women of law enforcement who put their lives on the line every day to protect public safety,

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

1. That Augusta County opposes any legislative repeal or revision of the judicial doctrine of qualified immunity and urges the County's delegation to the General Assembly to oppose any such effort.
2. The Clerk shall provide an attested copy of this resolution to all members of the County's delegation to the General Assembly.

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

Motion carried.

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WAIVERS -- NONE

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CONSENT AGENDA

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

MINUTES

- Consider minutes of the following meeting:
- Regular Meeting, Wednesday, October 14, 2020
 - Regular Meeting, Wednesday, October 28, 2020
 - Regular Meeting, Thursday, November 12, 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. Bridgeport Phase 2, Sections 1A and 1B

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CONSENT AGENDA (CONT'D)

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Nancy Sorrells, 3419 Cold Springs Road Greenville, presented the Board with the annual report and most recent newsletter for the Alliance for the Shenandoah Valley.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells recognized students from Fort Defiance High School involved with solar. A group was invited from the US Department of Energy to make a presentation at the National Mall in July. COVID interfered with the plans. The group has been invited to participate in a national webinar on December 16, 2020.

Ms. Carter stated that the County has received the third broadband grant with the Governor's CARES money. This will benefit the Churchville area.

Dr. Seaton stated the vaccine for COVID will be coming in December. He encourages everyone to get the vaccine. Blue Ridge is now open and Augusta Kitchen is open again.

Mr. Shull wished everyone a Happy Thanksgiving.

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MATTERS TO BE PRESENTED BY STAFF --NONE

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ADJOURNMENT

There being no other business to come before the Board, Dr. Seaton 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

