

Regular Meeting, Wednesday, December 9, 2020, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman  
Pam L. Carter, Vice-Chair  
Butch Wells  
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

ABSENT: Michael L. Shull

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, December 9, 2020, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 245<sup>th</sup> 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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Dr. Seaton, Supervisor for the Wayne District, delivered the invocation.

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VALLEY COMMUNITY SERVICES BOARD

The Board heard a presentation by Dr. Kimberly McClanahan and Dan Sullivan.

Dr. Kimberly McClanahan, Executive Director, updated the Board on what Valley Community Services Board does. Services provided include emergency services, substance abuse disorder, mental health for children, mental health for adults and developmental disabilities. Valley Community Services Board is considered to be a medium sized Board and Budget. The Board serves Augusta County, City of Waynesboro, City of Staunton and Highland County. Dr. McClanahan provided the Board of Supervisors with the 2019 Annual Report on all of the Community Services Boards.

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

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

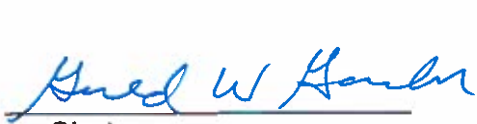
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ADJOURNMENT

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

December 9, 2020, at 7:00 p.m.

ORDINANCE AMENDMENT-CHAPTER 25-SOLAR ENERGY  
PREVIOUSLY TABLED

The Board considered 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.

Mr. Garber will be abstaining from this agenda item.

Dr. Seaton moved, seconded by Mr. Wells, that the Board approve removing the item from the table.

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

Motion carried.

Leslie Tate, Senior Planner stated that this agenda item was tabled at the November 24, 2020 meeting. Ms. Tate refreshed the Board on what has been discussed so far. The discussion was around having some additional time to think through some of the public comments. The public comments were around setbacks and the proposed change to the community meeting perimeter notification, which is currently set at one mile and was proposed to be changed to a half mile. The Planning Commission recommended keeping it at one mile. The definitions of small and large systems are being proposed to change and that is specifically based on feedback that staff is seeing from a state level. The half-acre was a number set from the Ordinance Committee. It was unknown of the different size ranges that may be seen and not reflective of the latest state legislative session. We are going to see projects under 50 acres and that is a vastly different thing than some of the other projects that we are seeing at 500 to 1000 acres. The large solar energy system is changing the half-acre break to anything greater than 50 acres. Under the current ordinance, if a small solar energy system was to be less than a half-acre, there is not a site plan requirement that would need to be submitted. Something as large as up to fifty acres, we would want to see a site plan submitted to show the fence line boundaries and the setbacks and where they were proposing buffering. The new language is noting that a site plan will need to be submitted with a small application the same as with a large one. The Planning Commission does not recommend changing the community meeting notification and leaving it at a one-mile perimeter. The cost benefit language is similar to the consultant language. The amendment is not a change, but a clarification of what is required. After having a large project review, the language was amended to talk about it being a fiscal taxation related impact analysis and how it may affect the County's Composite Index. For setbacks, the current ordinance read that large projects would require a 200-foot setback from all property lines and a 1000-foot setback if it was zoned residential. The amendments are to reduce the setback along public right-of-ways to potentially 50-feet. The language can be amended by the Board of Supervisors to a different setback, either lesser or greater if it is necessary, to protect neighboring properties. Additional language was added in the proposed amendment that the siting of large solar energy systems is conditional and through this ordinance is viewed on a case-by-case basis. Setbacks will be decided through the conditional use process. Additional conditions for setbacks may include enhanced screening buffering than what the ordinance standard requires, existing vegetation that effectively screens the project or existing topography. The amendment to fencing allows for more flexibility so that if there is a different type of fencing that the industry standard requires, or that would be better

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

palatable to the community or to the Board, then it could be used. There is no substantive change to the bonding wording in the proposed ordinance. It is a cost estimate for full decommissioning of the project and then a bond posted to cover that decommissioning, plus a contingency.

Mr. Morelli asked who would decide what type of fence will go up.

Ms. Tate stated that the ordinance currently requires a six or seven foot chain link fence. The amended language will allow for the flexibility of different styles of fencing.

Mr. Morelli would like to leave the community meeting notification at a one-mile radius. He would like to see the setbacks at 200 feet verses 50 feet from public right-of-way and bring it in further when necessary. The 1000 foot setback for residential should remain as well.

Mr. Wells stated that changes in the wording that says either less or greater are necessary should say necessary or adequate to protect.

Dr. Seaton would like to see this taken out of the Board's hands. The Board of Zoning Appeals should be making the decisions on things like this. There has been a lot of time debating the merits of one solar project or another sort of solar project. The BZA could be more objective about approving these types of projects. There are budget priorities, broadband priorities and other priorities that the Board needs to be tackling.

Ms. Tate pointed out that the comments made by Mr. Morelli and Mr. Wells could be incorporated within the current advertised and public hearing amendments. Anything additional like Dr. Seaton's comments could be followed up later with the Ordinance Committee.

Dr. Seaton believes a 50-foot setback is adequate.

Mr. Morelli agrees to bringing solar panels in to 50-feet if it applies to that specific area. The ordinance should remain at 200-foot and it can be brought in if needed.

Mr. Wells stated that the Board needs to remember this is a starting point. There is flexibility built into the ordinance. This is simply a starting point of where the discussion will start and it will be up to the deciding Board as to whether the setback should be expanded or brought in.

Mr. Morelli moved, seconded by Mr. Wells, that the Board approve keeping setback at 200 feet and one mile notification radius. In addition to the other changes recommended by the Planning Commission.

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

Motion denied.

Dr. Seaton moved that the Board approve ½-mile radius for community meeting notifications.

Motion denied.

Dr. Seaton moved to reduce setbacks from 200 feet to 50 feet for public right-of-way.

Motion denied.

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

Dr. Seaton moved to table the item until the next meeting for further review.

Motion denied.

Ms. Carter agrees with the one-mile notification radius and other changes. She supports Dr. Seaton with the 50-foot setback.

Mr. Morelli moved, seconded by Mr. Wells that the Board approve a 200-foot setback, one-mile radius for notification and all other changes.

Dr. Seaton is concerned the Board is creating expenses without support. If there is an industry that wants to build on a piece of land, the community is not notified.

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

Motion carried.

Mr. Wells requests that the Board refer the following to the Ordinance Committee for review and consideration:

- 1) Section 25-70.4 that talks about small systems. It lists areas where these systems are encouraged or could be placed. He would like the same language for the large solar systems. To either encourage or discourage areas of the County where we think large solar systems fit in, especially with the Comprehensive Plan.
- 2) Does the County want to make a statement in the ordinance identifying a limit on the number of acres or even a percentage of the land in the County that the deciding Board would be willing to consider for solar projects.
- 3) Review and consider a change to Section 25-70.6 referring to Special Use Permit applications pertaining to solar systems, regardless of the size, come under the review of the Board of Zoning of Appeals.

The Board is in favor of referring these items back to the Ordinance Committee.

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DIAMOND CLUB DUGOUT

The Board consider the conceptual design for the Diamond Club dugout.

Funding Source: South River Parks & Rec Infrastructure   8026-35 \$10,000.00  
                          Beverley Manor Parks & Rec Infrastructure 8021-59 \$ 5,000.00

Timothy Fitzgerald, County Administrator, stated that the Diamond Club is located in Stuarts Draft directly behind the Stuarts Draft Fire Department and this is where the Stuarts Draft Diamondbacks play their baseball games. Several high schools and summer baseball teams also use the field. The field is owned by the County and there is currently a lease to the Stuarts Draft Diamond Club and they operate and maintain the field. Several years ago, the Diamond Club came to the County requesting, through the recreation grant program, some improvements to the field. At that time, the Diamond Club was not in a position to be able meet the match that was needed. The project consists of raising the dugouts up. There is a water issue with the way the

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DIAMOND CLUB DUGOUT (CONT'D)

dugouts are built. A new roof will be put on the structure and include some additional fencing out in front of the dugouts. Along with some repair work to the foul pole netting.

Mr. Morelli moved, seconded by Dr. Seaton, that the Board approve the funding request from the Parks & Recreation Infrastructure accounts.

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

Motion carried.

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WAIVERS

The Board considered a waiver request from Jeff and Paula Link from the requirement to connect to public sewer.

John Wilkinson, Director of Community Development, stated that Jeff and Paula Link are requesting a waiver from Section 24-1.8 Water and Sewer Connections, from the requirement to connect to the public sewer system in order to create a new lot from Tax Map 36-108A, located in a Urban Service Area. Public water is available to the lot; however, the sewer line is located on approximately 400 feet away from the lot and would require an easement from an adjacent neighbor in order to extend the public sewer line to their property. The adjacent property owner has refused to grant an easement. The Augusta County Service Authority has no objections to this waiver request.

Mr. Slaven moved, seconded by Dr. Seaton, that the Board approve the waiver request as presented.

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

Motion carried.

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CONSENT AGENDA

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

MINUTES

Consider minutes of the following meeting:  
    • Staff Briefing, Monday, November 23, 2020

CLAIMS

Consider Claims paid since November 1, 2020

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Wade Gale, 252 Oakdale Lane, Stuarts Draft, spoke on concerns with election fraud.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Slaven requests the Ordinance Committee review changes to the short-term rental ordinance, 25-74R, to allow adjacent property owners to be able to operate a short-term rental.

Ms. Carter thanked Staff for keeping the County in line with spending the CARES Act funding.

Mr. Morelli wished everyone a Merry Christmas.

Dr. Seaton wished everyone a Happy Holiday.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) Introduced Caroline Stoerker as the new Planner for the County.
- 2) The spotted lantern fly has become a concern for the County. This is a new species and has been spotted in the northern part of the valley in Frederick County. A trap was placed at a Mount Sidney rest stop and found two adult spotted lantern deceased in the trap. The flies destroy plants and trees and is hard on a crop.
- 3) There will be a holiday luncheon for employees at the Government Center on Thursday.

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CLOSED SESSION

On motion of Ms. Carter, seconded by Dr. Seaton, 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, , Ag Ind. Brd., Recycling,
- (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
  - b) Ladd School

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CLOSED SESSION (CONT'D)

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

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

Motion carried.

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

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

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

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

Motion carried.

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

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ADJOURNMENT

There being no other business to come before the Board, Dr. Seaton moved, seconded by Mr. Morelli that the Board adjourn subject to call of the Chairman.

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

Motion carried.

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Chairman

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County Administrator