Regular Meeting, Wednesday, January 22, 2025, 7:00 PM Government Center Main Board Room

ROLE CALL:

Gerald Garber
Butch Wells
Jeffrey Slaven
Pam Carter
Michael Shull
Carolyn Bragg
Scott Seaton
Timothy K. Fitzgerald County Administrator
Jennifer M. Whetzel, Deputy County Administrator
James Benkahla, County Attorney
Doug Wolfe, Director of Community Development
Julia Hensley, Planner II
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, January 22, 2025, at 7:00 PM at the Government Center Main Board Room, and in the 249th year of the Commonwealth...

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Chairman Garber welcomed those present at the meeting.

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The following students from the Shenandoah Valley Center for Advanced Learning, led the Board in the Pledge of Allegiance:

Mackenzie Roller is a senior at the Shenandoah Valley Governor's School and Riverheads High School. She plans to attend Washington and Lee University to pursue a degree in neuroscience to become a Neurosurgeon.

Serenity DeLuca attends Shenandoah Valley Governor's School and Stuarts Draft High School. She plans to become an educator as a high school teacher or college professor.

Meghan Weaver attends Shenandoah Valley Governor's School and Stuarts Draft High School. She plans to attend college and get a degree music education.

Triselle Thompson attends Valley Career and Technical Center and studies the dental program. She is a senior at Staunton High School. She plans to be a registered dental hygienist.

Erika Hildebrand is a senior at Buffalo Gap High School and attends Valley Career and Technical Center. She plans to become an orthodontist.

Nayeli Calixto attends Wilson Memorial High School and Valley Career and Technical Center. She is currently studying in the Patient Care Technician program. After high school she plans to attend Piedmont Virginia Community College to become a Diagnostical Medical Sonographer.
Lucas Acker is a senior at Wilson Memorial High School and a second-year student for the electricity program at Valley Career and Technical Center. He has been accepted into Liberty University for their engineering program. He plans to become an electrical engineer.

Harper Forsyth is a junior at Fort Defiance High School and attends Valley Career and Technical Center. He studies animal systems and farm business. He plans to attend VMI and study engineering. Then go into the Marine Corp.

Owen Painter attends Staunton High School and Shenandoah Valley Governor's School STEM Program. He is a part of the robotics and cybersecurity program. After high school he plans to study security engineering.

Brianna Dean attends Wilson High School and Valley Career and Technical Center. She plans to attend Blue Ridge Community College and study animal science and then transfer to Virginia Tech to further her animal science degree and become a Vet Tech.

Dhruv Patel attends Waynesboro High School and the Shenandoah Valley Governor's School. He plans to attend a four year university to get an aerospace degree.

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John Craft delivered the invocation.

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PUBLIC HEARINGS:

1. **<u>Rezoning Request-Barterbrook Investment Co., LLC</u>**

    a. Consider a request to amend and restate proffers on approximately 86.473 acres (TMP 065-72) owned by Barterbrook Investment Co., LLC. The Planning Commission recommends approval.

This being the day and time advertised to consider a request to amend and restate proffers on approximately 86.473 acres owned by Barterbrook Investment Co., LLC. The Planning Commission recommends approval.

Julia Hensley, Planner II, stated that this property is located on the west side of Barterbrook Road approximately 0.4 of a mile south of the intersection with Frontier Drive near the City of Staunton in the Beverley Manor District. The proffers as currently written require the developer to construct two separate pools. This amendment would enable them to consolidate the pools into one larger pool and would also allow them to enlarge the club house amenity. The property is currently zoned attached residential, single family residential and multi family residential. The Future Land Use Map shows it is planned residential and the Planning Policy Area Map shows it only in the Urban Service Area of the Comprehensive Plan.

The applicant was available for questions.

The Chair opened the public hearing.

There being no speakers, the Chair closed the public hearing.

Mr. Wells moved, seconded by Dr. Seaton, that the Board approve the request as presented as long as the developers complies with the relevant notes made in the engineering comments.

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

Motion carried.

2. **<u>Rezoning Request-Mansour Group, LLC</u>**

    a. Consider a request to rezone from General Business to Multi-family Residential approximately 3.057 acres (TMP 067 104B) of an approximately 4.557-acre parcel owned by Mansour Group, LLC. The Planning Commission recommends approval.

This being the day and time advertised to consider a request to rezone from General Business to Multi-Family Residential approximately 3.057 acres of an approximately 4.557 acre parcel owned by Mansour Group, LLC. The Planning Commission recommends approval.

Ms. Hensley stated that the property is located off Tinkling Spring Rd and Mule Academy Road in Fishersville in the Beverley Manor District. This property is located within an Urban Service Overlay District in an Urban Service Area of the Comprehensive Plan, and is planned for Business. The applicant intends to market the apartments for residents 55 and older. It is currently zoned General Business. the

Future Land Use Map shows the property is planned for business and the Planning Policy Area Map shows the property in an Urban Service Area.

Ray Burkholder of Balzer & Associates, was available to answer questions.

The Chair opened the public hearing.

There being no speakers, the Chair closed the public hearing.

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

Dr. Seaton agrees with the rezoning. The property owner should be allowed to do what is requested as long it does not affect the neighbor's property value.

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

Motion carried.

3. **Rezoning Request-RAE Enterprises, LLC**

a. Consider a request to rezone from General Agriculture to Single Family Residential with proffers approximately 25.541 acres (TMP 084 102A) owned by RAE Enterprises, LLC. The Planning Commission recommends denial.

This being the day and time advertised to consider a request to rezone from General Ag to Single Family Residential with proffers approximately 25.541 acres owned by Rae Enterprises, LLC. The Planning Commission recommends denial.

Ms. Hensley stated that this property is located off Wayne Avenue in Stuarts Draft in the South River District. This property is located within an Urban Service Overlay District in an Urban Service Area of the Comprehensive Plan and is planned for Medium-Density Residential. The proposed usage of the property is to develop approximately sixty-nine single-family lots.

The proposed proffers are as follows:

1. The developer will dedicate up to xx feet of right-of-way, to be determined at the time of preliminary plat submission, to VDOT for road widening and the construction of a multi-use trail from the existing centerline of Wayne Avenue along the approximately 1,859 feet of road frontage on the northern portion of parcel 084-102A
2. No lots will have direct access to Wayne Avenue. All lots will be accessed by internal roadways.
3. Developer will install turn lanes as warranted per VDOT standards in effect at the

time of construction.

4. All new lots will be served by public water and sewer.
5. The developer will submit calculations to determine the 100-year water surface elevation upstream each onsite culvert under the Norfolk Southern Railroad. No home finished floor elevation will be located below the determined 100-year water surface elevation. Additionally, no basement floor elevation will be below the elevations of the determined 100-year storm event elevation.

Ms. Hensley also stated that the Future Land Use Map shows the property being planned for residential and the Planning Policy Area Map shows the property in an Urban Service Area.

Randy Grumbine, is a representative for Virginia Manufacture and Modular Housing Association and is speaking on behalf of RAE Enterprises, LLC and Clayton Homes, the applicant. He stated that the request is to table the application. The reason for the request to table is due to Community Development recommending denial on the rezoning application, which then led to a denial recommendation from the Planning Commission. On January 3, 2025, the applicants were given the staff's report, which included the statement approval of the rezoning with proffers. The applicant would not have proceeded with the application if it was known that staff recommended denial. There was a communication breakdown or misunderstanding at some point. There were some issues with VDOT regarding entrances and the applicant feels this can be addressed in the final site design. The big issue with the property is water. A complete drainage plan was not provided with the zoning public hearing. The applicant was informed by staff that it would not be needed at that time. There have been questions regarding school capacity. Community Development shows the middle school and high school have plenty of capacity and the elementary school currently has room for one hundred additional students. It is requested to table this request to allow for a more thorough study. Tabling this request will allow for a more thorough study to address concerns. Mr. Grumbine also stated that even though it is requested to table the proposed rezoning, if it is the desire of the Board to not move forward with this project, to make that known at this meeting.

Scott Boehm, General Manager of Clayton Homes in Harrisonburg, believes the area needs affordable housing.

The Chair opened the public hearing.

Sheila Harris, 298 Wayne Avenue, Stuarts Draft, VA, is opposed to the rezoning request. She asks that the Board deny the request and leave it zoned agriculture. There are existing problems with traffic, excessive speeding and water.

Mark Anderson stated that water is an issue now and will be an even bigger issue if this project goes through. In order to alleviate bigger issues, the bridge will need to have improvement made, along with drainage ditches and retention ponds.

Mr. Grumbine stated that in the Engineering Analysis that the applicant will complete there are retaining ponds. They are also researching ways to alleviate water from the neighbor's property.

Joseph Harding, voiced concerns with water as well. The railroad is the main issue. There is nowhere for the water to go from that side of the railroad track. He previously suggested to Community Development to build a park on the property. He read the following proposal that was sent to the Board via email and requested that it be a part of public record:

In response to the proposed rezoning in Stuarts Draft along Wayne Avenue, my suggestion would be the following.
Borrow from the experience and expertise of the office in Waynesboro governance to create a nature preserve on the acreage akin to what has been and is being created on the greenway. The funding can be acquired via grant writing from the federal government in sufficient amount to acquire the land from the Fitzgerald family at a fair level, do the required landscape engineering to solve most of the flooding issues, actuate egress for water flow beyond the impediment of the railroad track and create a lasting legacy to reward the stewardship of the Fitzgerald family over their many years.
My suggestion is to approach the state and federal governments to create regulatory savings for the railroad somewhere on their long track line sufficient to involve the top management of the railroad in becoming viable partners in said proposal in lieu of acrimony.
When project is finished, the community will have an invaluable educational asset, a beneficial merging of local talent and business, wildlife sanctuary and something local factories can point to as enticement to draw prospective employees.
My neighborhood will be able to contemplate sidewalks and stable back yards of elevated and continuous use to replace drainage ditches and bear witness to the civil partnership of community.
Finally, I propose the name of Fitzgerald Preserve to honor the effort.

Jeff Heizer stated that train noise will be an issue for the projected homes. He also voiced a concern of the type of houses being considered.

Rebecca Glass, 1806 West Midland Trail, Lexington, spoke in favor of the request. The County needs to clean up the brush on their easement due to the floods. There is a development going in across Wayne Avenue with at least twenty-five houses and most likely more. The neighbors need to be concerned what will happen with that property as well.

Daniel Borne, Wayne Avenue, voiced concerns with flooding and traffic.

There being no other speakers, the Chair closed the public hearing.

Ms. Braggs understands that a request to table has been presented to allow for additional time issues that have been addressed with the project. There are numerous challenges with this project that will be difficult to overcome. It would be a disservice to the applicant and the land owner to table the request and give the impression that a delay can result in alleviating issues that are going to surround this project. She recommends that the Board issue their final vote. The Planning Commission recommends denial, there have been multiple emails received in opposition, as well as a signed petition of over seventy signatures in opposition of this project.

Ms. Bragg moved, seconded by Mr. Shull, that the Board deny the request as presented.

Ms. Carter questioned why a drainage plan was not required if there was concern with stormwater and flooding.

Doug Wolfe, Director of Community of Development, stated that he is not in agreement with Mr. Grumbine's assessment that they were told not to present a stormwater plan. During a meeting with staff, drainage, transportation and access points were discussed. A question was raised as to how the drainage issue would be addressed. The response from the applicant was that they would elevate the homes. The proffers submitted with the application did not address drainage and were not the proffers that were suggested by staff.
Dr. Seaton is not certain why the applicant is not given the opportunity to study the engineering for a one hundred year storm, not just three times in ten years. He also questions why the Stuarts Draft Small Area Plan shows a need to build homes and factories in Stuarts Draft, instead of solar fields and farmland. Now, there is not enough room in schools and the roads are not adequate. He is concerned that these are excuses for not approving projects. The flooding is important to resolve on the property and one hundred year engineering could possibly alleviate the flooding issue. Dr. Seaton asked several questions of Ms. Hensley regarding the project. If this project was approved, the road would be widened and there would be sidewalks. The property is not suitable for a factory. The property is in an Urban Service Area so it not suitable for solar. By not allowing engineering to look at a one hundred year flood, all future options are being taken away.

Mr. Wolfe reiterated from Monday's Staff Briefing with respect to the flood plain and staff's ability to regulate development. The current flood plain ordinance applies within the one hundred year FEMA flood plain and any area that is the backwater from a flood controlled dam. Even if there was a study completed, unless that map was run through the FEMA process and became part of the regulatory one hundred year flood plain, it would not be regulated by the County's ordinance. If a study was completed and showed a one hundred year flood map, they could still build there. The County's ordinance would require them to show that one hundred year flood plain line on their final plat. Staff could not deny their preliminary plat or their construction plans on the basis of a one hundred year flood plain that they delineate unless it was a FEMA flood plain or the flood plain ordinance was changed to somehow apply to that area.

Dr. Seaton suggests giving sixty days review some of the issues and bring it back to the Board.

Mr. Shull is not certain how much will be made on this project, but he questions if there is enough money to deal with the railroad issues.

Ms. Carter questioned what the harm would be to allow the applicant to address the issues and bring it back to the Board.

The Board voted on the motion to deny.

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

Motion carried.

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Ms. Hensley stated that the next two public hearings are grouped together for the presentation, but will have separate public hearings and separate votes for each.

The first amendment reclassifies travel plazas as a facility with more than four diesel fueling positions. The second amendment reclassifies gasoline retail outlets as having four or less diesel fueling positions. The current ordinance defines a travel plaza as a facility with more than two fueling positions and a gasoline outlet is a facility with no more than two fueling positions.

Dr. Seaton questioned why there is a limit.
Ms. Hensley stated that an applicant wanted to build a gas station and requested four diesel fueling positions. The current ordinance only allows for two before kicking to a travel plaza by definition.

Mr. Wolfe recognizes that the travel plaza definition needs to be adjusted and will be once the Comprehensive Plan is completed.

Dr. Seaton is fine with the amendment, but would suggest addressing it in the future and not have a limit.

4. **<u>Ordinance Amendment-Chapter 25, Section 25-4:Travel Plazas</u>**

   a. Consider an ordinance to amend Chapter 25. Zoning. Division A. In General.

Article I. General Provisions. Section 25-4. Definitions. Travel Plazas. The Planning Commission recommends approval.

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article 1. General provisions. Section 25-4. Definitions. Travel Plazas. The Planning Commission recommends approval.

The Chair opened the public hearing.

Rebecca Glass stated that there are not enough diesel plazas and there is a need for more.

Seth Roderick with Monteverde Engineering and Design Studio stated that this is a step in the right direction.

There being no other speakers, the Chair closed the public hearing.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the ordinance amendment 25-4 Travel Plazas specifically with more than four diesel fueling positions and twenty gasoline fueling positions.

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

Motion carried.

5. **<u>Ordinance Amendment-Chapter 25, Section 25-4:Gasoline Retail Outlets</u>**

   a. Consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article I. General Provisions. Section 25-4. Definitions. Gasoline Retail Outlets. The Planning Commission recommends approval.

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article I. General Provisions. Section 25-4. Definitions. Gasoline Retail Outlets. The Planning Commission recommends approval.

The Chair opened the public hearing.

There being no speakers, the Chair closed the public hearing.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the ordinance amendment 25-4 Gasoline Retail Outlet. Any building, land area, or other premises, or portion thereof, used primarily for the retail dispensing or sales of vehicular fuels with no more than four diesel fueling positions or twenty gasoline fueling positions.

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

Nays: None

Motion carried.
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Ms. Hensley stated that there are three amendments to the solar ordinance. The first two are to section 25-70.4, which is in regards to small solar energy systems and 25-70.8, which pertains to large solar energy systems. 25-70.4 and 25-70.8 would prohibit the removal of top soil from small and large solar energy systems sites. The third solar ordinance amendment is a housekeeping amendment for section 25-70.10, that removes the word large from the decommissioning section and it also makes a small grammatical edit.

Dr. Seaton questioned if any other business is required to maintain their topsoil on their property? The solar projects are for 30-35 years so the property cannot have anything done with it for that time period.

Doug Wolfe, Director of Community Development, stated that one of the conditions of the decommissioning plan says that topsoil shall not be removed from the site.

Mr. Shull stated that one of the selling points for solar is that the solar will have more nutrients and will make great farming pastures when decommissioned. If topsoil is stripped from the land there is nothing to put the operation back in to farming at the end of the 35-year period of time. It is important to keep the topsoil to restore the farming land.

Ms. Carter questions if the topsoil is given away, can other topsoil be brought in to replace it?

Mr. Garber stated that solar farms are being put in and the topsoil is left untouched. This helps to restore the farmland when solar panels are removed.

6. **<u>Ordinance Amendment-Chapter 25, Section 25-70.4:Solar Energy Systems</u>**

   a. Consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems. Section 25-70.4. Uses permitted by Special Use Permit by the Board of Zoning Appeals. The Planning Commission recommends approval.

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems. Section 25-70.4. Uses permitted by Special Use Permit by the Board of Zoning appeals. The Planning Commission recommends approval.

The Chair opened the public hearing.

Rebecca Glass has solar on Rae Enterprises and the solar rents the land. Topsoil is in demand. The topsoil should not be removed by the solar company.

There being no other speakers, the Chair closed the public hearing.

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

Dr. Seaton is voting against this because the market is telling the solar energy companies to keep the topsoil in place. The market should be telling them what to do, not the County.

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

Motion carried.

7. **Ordinance Amendment-Chapter 25, Section 25-70.8:Solar Energy Systems**

   a. Consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems. Section 25-70.8. Location, Appearance and Operation of a Project Site. The Planning Commission recommends approval.

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems. Section 25-70.8. Location, Appearance and Operation of a Project Site. The Planning Commission recommends approval.

There being no speakers, the Chair closed the public hearing.

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

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

Motion carried.

8. **Ordinance Amendment-Chapter 25, Section 25-70.10:Solar Energy Systems**

   a. Consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems. Section 25-70.10. Decommissioning. The Planning Commission recommends approval.

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems. Section 25-70.10. Decommissioning. The Planning Commission recommends approval.

There being no speakers, the Chair closed the public hearing.

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

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

Motion carried.

****(END OF PUBLIC HEARINGS)****

9. **Revenue Recovery Rate Updates**

   a. Consider the Revenue Recovery Billing rates.

The Board considered the Revenue Recovery billing rates.

Jennifer Whetzel, Deputy County Administrator, stated that due to the change in the add-on payment, which was extended through March 31, 2025, Finance recommends increasing the County's rates to match 125% of the Medicare allowable including the add-on payment.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the Revenue Recovery rates as presented.

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

Motion carried.

10. **Tax Refund Request**

    a. Consider a tax refund request from Crosby Leasing, Inc. in the amount of $36,582.00.

The Board considered a tax refund request from Crosby Leasing, Inc. in the amount of $36,582.00.

James Benkahla, County Attorney, stated that the Commissioner of the Revenue has certified that Crosby Leasing, Inc. is due a tax refund in the amount of $36,582.00. The taxpayer paid tax on the same property under two different corporate names.

Dr. Seaton moved, seconded by Mr. Shull, that the Board approve the refund request as presented.

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

Motion carried.

11. **Greater Augusta Regional Tourism Agreement**

    a. Consider authorizing the County Administrator to execute the updated agreement between GART jurisdictions.

The Board considered authorizing the County Administrator to execute the updated agreement between GART jurisdictions.

Timothy Fitzgerald, County Administrator, stated that in 2007 an agreement was made between Augusta County, Staunton and Waynesboro was executed to officially create the Greater Augusta Regional Tourism Board (GART). The GART Board has reviewed the current agreement and recognizes language should be updated to include;

- Current dates and programming
- Adopting remote meeting participation as permitted
- Granting GART Chair authority to execute GART agreements
- Officer terms be extended from one year to two years
- Update current approved monetary contributions ($25,000/year)

Dr. Seaton moved, seconded by Mr. Shull, that the Board approve the agreement and authorize the County Administrator to execute the updated agreement.

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

Motion carried.

12. **Consent Agenda**

    a. Consider minutes from the following meetings:

        - Regular Meeting, Wednesday, October 23, 2024

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

MINUTES:
Consider minutes from the following meetings:

- Regular Meeting, Wednesday, October 23, 2024

Vote was as follows: Yeas: Garber, Wells, Bragg, Shull, Slaven, Seaton and Carter
Nays: None
Motion carried.

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(END OF CONSENT AGENDA)

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(END OF CONSENT AGENDA)

13. **Matters to Be Presented by the Public**

NONE

14. **Matters to Be Presented by Staff**

Staff discussed the following:

1. Ms. Whetzel stated that reviewed the project list and pointed out the great opportunities that are presented to the Board for future projects.
2. Mr. Fitzgerald stated that in order to determine eligibility for the Arts Grant, it is recommended to put out a Request for Information to agencies that feel they would be eligible. This gives them the opportunity to put together a proposal their group. This information would be brought to the Board for consideration.

After Board discussion, staff was directed to move forward with the RFI process for the Arts Grant.

15. **Matters to Be Presented by the Board**

Dr. Seaton would like fire flow addressed in the budget and funding for the fireman's health screenings are included. He is also planning to advocate for funding of the Children's Advocacy Center. The amount requested is $50,000 to help fund their needs.

Ms. Carter questioned if it is confirmed that All Points Broadband will be coming to a future meeting for a follow up.

Ms. Whetzel stated that she will stress that they come to a February meeting to give an update.

16. **Closed Session**

On motion of Mr. Wells, seconded by Mr. Shull, the Board went into closed session pursuant to:

1. The legal consultation exemption under Virginia Code § 2.2-3711 (A) (7)

Consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

1. Mad Properties, LLC v. County of Augusta, Virginia

2. The legal consultation exemption under Virginia Code § 2.2-3711 (A) (8)

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

1. Mad Properties, LLC v. County of Augusta, Virginia

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

Motion carried.

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

Vote was as follows: Yeas: Garber, Wells, Bragg, Shull, Slaven, Seaton and Carter
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.

Dr. Seaton indicated that he could not 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, Wells, Bragg, Shull, Slaven, Seaton and Carter
Nays: None

Motion carried.

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

17. **Adjournment**

ADJOURNMENT
Mr. Shull moved that the Board adjourn the meeting.

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

Motion carried.

Minutes approved by the Board on Wednesday, April 23, 2025. The signed minutes can be reviewed in the County Administrator's Office.

Chairman

County Administrator