

Regular Meeting, Wednesday, August 27, 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
Doug Wolfe, Director of Community Development
Julia Hensley, Planner II
Nicole Price, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the
Augusta County Board of
Supervisors held on Wednesday,
August 27, 2025, at 7:00 PM at
the Government Center Main
Board Room, and in the 250th
year of the Commonwealth...

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Chairman Garber welcomed those present at the meeting.

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The following students from Fort Defiance High School FFA led the Board of
Supervisors in the Pledge of Allegiance:

Janie Davis is a junior and plans to run for Virginia FFA State office. She plans to
attend Oklahoma State University and study Agribusiness.

Rachel Bergdoll is a senior and plans to attend Blue Ridge Community College for two
years. She then plans to study animal and Poultry Science at a four-year university.

Olivia Tarbell is a senior and plans to run for State office. She hopes to attend Blue
Ridge Community College and go into radiology.

Avery Brown is a senior and plans to attend Blue Ridge Community College for the
Licensed Vet Tech program. Then go on to Veterinarian School.

Mari Winn is a senior and plans to attend Blue Ridge Community college and transfer to Virginia Tech for the Doctor of Veterinary Medicine Program.

Ashley Tutwiler is a senior and hopes to attend Virginia Tech or Kansas State to get a degree in Agribusiness. After receiving the Agribusiness degree, she plans to attend Texas Tech Law School.

Sara Tinsley is a sophomore and plans to complete the Licensed Vet Tech Program at Blue Ridge Community College. She hopes to become a Large Animal Veterinarian.

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Pam Carter, Pastures District, delivered the invocation.

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1. Rezoning Request-Sunrise Investors, Inc.

This being the date and time advertised to consider a request to rezone from General Agriculture with proffers to Single Family Residential and Attached Residential with proffers approximately 88.302 acres (TMP 084 122C) owned by Sunrise Investors, Inc. located off Locust Grove Lane in Stuarts Draft in the South River District. The applicant intends to rezone approximately 63.15 acres to Single Family Residential and approximately 23.152 acres to Attached Residential for a proposed subdivision with amenities. The Planning Commission recommends approval.

Julia Hensley, Planner II, stated that the property is adjacent to the existing Stone Valley Subdivision. The property is located in an Urban Service Area of the Comprehensive Plan and is currently planned for General Industrial and Neighborhood Mixed Use. This request was first heard by the Planning Commission in June 2025 and was brought back to the Planning Commission for reconsideration due to the voluntary resubmission of proffers that materially effected the original proposal or request. Ms. Hensley showed a depiction of the proffers on the screen. In Staff's opinion, the second proffer submittal substantially changed the request. Due to the substantial changes, state code requires that the request be heard by the Planning Commission for reconsideration.

Barry Lotts, Applicant, thanked staff and the Planning Commission for working with them on this request.

The Chairman opened the public hearing.

Jan Speare, 10 Mahogany Drive, Stuarts Draft, applauds the desire to build new homes. Stuarts Draft is overbuilt with industry and underbuilt with homes. She is concerned with only having one proposed entrance on Locust Grove Lane. Other communities in

other states require at least two entrances to a neighborhood for emergencies.

Wendy Thomas, 8 Mahogany Drive, Stuarts Draft, is opposed to the rezoning request because it will distort the beautiful view. She is also concerned with the extra traffic on Locust Grove Lane and Stuarts Draft Highway.

Tracy Pyles, Churchville, requested to extend his time to speak to allow for eight minutes versus four minutes. The Chairman agreed. Mr. Pyles spoke in opposition of the rezoning request and stated that this is an agriculture county and can only stay agriculture as long as it is not intruded upon. The best soil and water supply in Augusta County is in the Stuarts Draft area. This rezoning is not in the best interest of Augusta County or agriculture.

Brenda Mikesell, spoke in favor of the rezoning request. She stated that agriculture is important, but in reality, that is not possible. It is better to be zoned residential rather than industrial. Traffic is a concern and there should be a traffic study done by VDOT.

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

Ms. Bragg stated that Stuarts Draft has been designated as one of the four primary growth areas in Augusta County. This property is in an Urban Service Area where water and sewer are currently available. Growth is encouraged in an Urban Service Area. The Future Land Use map indicates that should there be a zoning change, a portion of the property should be zoned for neighborhood mixed use. The majority of that property is indicated to the industrial usage. Most of the industrial usage would be next to the neighborhood and would use the same entry road, Locust Grove Lane. Locust Grove Lane was constructed to accommodate a larger amount of traffic.

Schools in the area are a concern. In the Stuarts Draft area, the schools were intentionally constructed and were built at a size to accommodate future growth. A response from the schools indicated there would be an impact to the schools, but they show that there is space available in the three schools that going to be affected by this subdivision. The proffers state that the construction will not start for two years and also proffered is the developer will only build a certain number of homes every year. This will give the school system the opportunity to gradually absorb the additional students. The new development appears to be a continuation of what is already present. The newly developed area will have their own Home Owners Association. This is included in the proffers and is not required by the County. No one wants to see the loss of farmland and open spaces, but we have to recognize that there is going to be growth.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve the rezoning request as presented.

Mr. Shull has concerns with traffic flow and the entrance to the subdivision. He also voiced concerns with school impacts with the number of houses being built on that property and the surrounding area.

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

Motion carried.

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2. Kids Day America Proclamation

The Board considered the following proclamation:

WHEREAS, the Health and well-being of children is our responsibility; and,

WHEREAS, the Safety of our children is a significant concern for parents, community leaders, and health care givers; and,

WHEREAS, the Environmental welfare is of universal concern and deserves the utmost attention; and,

WHEREAS, if started in childhood, proper Health, Safety, and Environmental habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community;

Now, Therefore, We, the Augusta County Board of Supervisors, do hereby proclaim September 20, 2025, as “Kids Day America/International™” in Augusta County, VA, and urge that this day be dedicated to the efforts of Doctors of Chiropractic in helping educate all citizens on the importance of Health, Safety, and Environmental issues affecting our community.

Dr. Elizabeth Kautz Koch stated that Kids Day America International is a globally recognized children’s health, safety and environmental awareness event held annually in hundreds of cities around the world on the same day. This community event brings together health care professionals, first responders, local organizations and small businesses to create a fun, family focused, free day celebrating wellness, education and connection. The event will benefit the Isaiah 117 House, which is an organization that provides physical and emotional support in a safe and loving home for children awaiting placement in foster homes.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the proclamation as presented.

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

Motion carried.

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3. **2024 Revolving Loan Request**

The Board considered the committee's recommendations.

Greg Schacht, Fire Chief, stated that this is a request to use the Revolving Loan for 2024. Middlebrook Volunteer Fire Company is requesting to utilize the loan for \$500,000.00 with 60% of this amount repayable. This is to purchase a New Demo Engine Fouts Fire FB-94 Pumper. The purchase of the new engine replaces the current 1999 KME pumper E31.

Mr. Shull moved, seconded by Ms. Bragg, that the Board approve the committee's recommendation for the revolving loan request.

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

Nays: None

Motion carried.

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4. **Infrastructure Funding**

The Board considered a funding request from Verona Volunteer Fire Department in the amount of \$1,878.45 to purchase two MSA multi-gas detectors.

Funding Source: North River Infrastructure \$1,878.45

Timothy Fitzgerald, County Administrator, stated that this is a funding request from the North Infrastructure account in the amount of \$1,878.45. This is to assist the Verona Volunteer Fire Department in the purchase of two MSA multi-gas detectors.

Mr. Slaven moved, seconded by Mr. Shull, that the Board approve the funding request from Verona Volunteer Fire Department from the North River Infrastructure account.

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

Nays: None

Motion carried.

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5. **Real Estate Brokerage Services**

The Board considered awarding contract to Cottonwood Commercial.

Jennifer Whetzel, Deputy County Administrator, stated that the County issued an RFP for Real Estate Brokerage Services. This is for a brokerage firm that would provide services relative to buying, selling or leasing property for Augusta County. There were five proposals returned and four of them were graded. Two were selected for the interviews and the committee recommends awarding the contract to Cottonwood Commercial.

Ms. Carter moved, seconded by Ms. Bragg, that the Board approve the contract with Cottonwood Commercial for Real Estate Brokerage Services.

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

Nays: None

Motion carried.

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6. **Garbage Removal-Celebrity Lane, Fishersville**

The Board considered removal of garbage-Augusta County Code Section 15-21.

Doug Wolfe, Director of Community Development, stated that the County entered this property in May to remove garbage and household waste. At the direction of the Board, the County revisited the location in June. The property continues to return to the state that is considered unhealthy. There is a new letter from the Health Department regarding the property and it is requested that the Board authorize the County to re-enter the property and remove household from the property at 22 Celebrity Lane in Fishersville.

Dr. Seaton moved, seconded by Ms. Carter, that the Board deems it necessary to enter into the property and to remove the trash, garbage, refuse, litter, and other substances which might endanger the health or safety of other residents of the County as outlined in the letter from the Health Department.

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

Nays: None

Motion carried.

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7. **Consent Agenda**

Mr. Fitzgerald requested that the Consent Agenda be removed to allow for corrections to the minutes and will be considered for approval at the next Board of Supervisors meeting.

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MINUTES:

Consider minutes from the following meeting:

- Regular Meeting, Wednesday, June 25, 2025

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(END OF CONSENT AGENDA)

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

Mary Ellen Whitehouse, Found and President of Bunny Lou Adoptions, Inc., asked the Board to allow Bunny Lou to continue its essential work in Augusta County. Closing the rescue down would not only devastate the rabbits, but also leave the community without a critical resource.

Tracy Pyles, Churchville, asked for clarification regarding the HOA requirements in the rezoning request.

Ms. Bragg stated that the applicant proffered that they would create an HOA that would take care of the amenities. It is not a county requirement.

Mr. Pyles spoke on concerns with garbage on a property on Churchville Avenue that has been addressed previously. This remains to be an issue and requests that the county revisit the matter.

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

NONE

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

Mr. Shull asked that the Fire Chief give an update on the schedule change from twelve hours to twenty-four hours for career fire personnel and how many stations will that affect. He also questioned if all Chiefs were okay with the switch.

Chief Schacht stated that everyone will be moved to a twenty-four-hour shift that will start on September 16, 2025. It will affect the five daylight stations. The Chief's at each station are in agreement with the transition. It has been recommended that calls be auto launched between 6am and 8am from the hub system as outlined in the strategic plan. Auto launch will ensure no delay in response to the area. When the schedule was evaluated, it was recommended through the study that a start time of 8:00 a.m. would be the most efficient.

Mr. Shull also questioned if this would correct the overtime issue.

Chief Schacht stated that it would help reduce overtime with career staff.

Ms. Carter asked for an update on delinquent tax collection.

Nicole Price, County Attorney, stated that according to the Treasurer's Office, as of July 10th, there is \$5,776,680.07 in delinquent personal property and \$5,108,446.44 in delinquent real estate taxes.

Dr. Seaton asked that the Board discuss solutions for the Bunny Lu Rescue. The County Attorney provided three solutions during the Staff Briefing; rezoning to business, allowing accessory use and a Special Use Permit. The Special Use Permit seems to be the best that would allow limits to preserve the character of the neighborhood.

Dr. Seaton moved that the Board direct staff to move forward with the Bunny Lu Ordinance through a Special Use Permit.

Mr. Shull asked what implications this would have for others in the County.

Ms. Hensley stated that going the Special Use Permit route makes sense. What staff was looking for on Monday was direction on which avenue would be best for them to explore. In terms of effects on other residents, there is a lot to work through and it is difficult for staff to determine exactly what that Special Use Permit would entail.

Through the process, staff would be able to include protections for surrounding properties if it were needed.

Ms. Price pointed out that this option would become an option in all districts which have residential dwellings. That list includes single family residential, rural residential, general business, general agriculture, general industrial, manufactured home

subdivisions and rural conservation districts.

Mr. Wolfe stated that the chosen avenue from Staff would be a private animal shelter and it would not be able to be a dwelling and that is how the current rescue operates.

When you attempt to craft an ordinance that complies with state statutes and the definitions that are already in place and respecting those, the special use option would be private animal shelter in all of the districts mentioned, not in a dwelling and would require state inspections at least at the initial opening.

Ms. Price stated that she also has noted a separate boarding facility special use permit potentially for the boarding piece.

Mr. Shull asked if there have been requests in the past years that this would cover or is it opening the door for more requests.

Mr. Wolfe stated that staff has concerns that the category of animals allowed would need to be clearly defined. Another concern is that it could open up some challenges to the current way the County enforces the number of dogs and cats that are allowed in homes. We want to make sure to respect the current enforcement mechanism that gives the near by neighbors the peace that they are getting currently.

Ms. Price stated that Animal Control has concerns with the number of animals. In terms of not just an enforcement, but sort of a plan for kind of eventualities that could occur when you have that number of animals housed in a residential dwelling. What would be the contingency plans where you have animals that would need immediate care if anything were to happen to the owner or to the volunteer. Bunny Lu has frequently exceeded fifty rabbits at the home and that is a concern for Animal Control.

Ms. Hensley stated that this especially applies to the way that the state defines various classifications of animals. A companion animal encompasses everything that is not a wild animal, including exotic animals. Staff has been working through what that would look like in regards to being able to regulate various animals, especially larger animals like dogs and cats.

Mr. Wolfe pointed out that each of these points is why staff is asking for direction from the Board. There is any number of avenues that need to be explored and in pretty significant detail in order to craft an ordinance.

Ms. Carter asked Dr. Seaton for clarification on how long Bunny Lu has been in operation in Augusta County.

Dr. Seaton stated that she has been in business in for at least twenty-six years, but all of those years were not in Augusta County.

Ms. Carter asked if she had run into similar situations in previous localities.

Dr. Seaton stated no.

Ms. Price pointed out for clarification purposes that there have been issues in other localities where she has operated.

Mr. Garber reminded the Board of the motion on the floor.

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

Motion failed.

Mr. Slaven stated that he appreciates the time that Staff has put into this ordinance. Every option that has been brought to the Board has a ripple effect or downside to other areas in the County or in other areas of animal control.

Mr. Slaven moved that the Board keep the ordinance as is with no changes.

Mr. Wells stated that it is not the intension to close down the Bunny Lu Rescue, but it cannot remain at its current location.

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

Motion carried.

Ms. Price recommends that the Board consider giving a period of time to allow Bunny Lu to come into compliance.

Mr. Wells moved, seconded by Ms. Bragg, that the Board direct staff to allow the Bunny Lu Rescue a six-month timeframe to come into compliance with the County's ordinance.

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

Motion carried.

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11. **Adjournment**

Ms. Bragg moved, seconded by Mr. Shull, that the Board adjourn the meeting.

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

Carter

Nays: None

Motion carried.

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Minutes approved by the Board on Wednesday, October 8, 2025. The signed minutes can be reviewed in the County Administrator's Office.

Chairman

County Administrator