

Regular Meeting, Wednesday, October 27, 2021, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman
 Butch Wells, Vice-Chair
 Pam Carter
 Michael Shull
 Scott Seaton
 Steve Morelli
 Jeffrey Slaven
 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 Wednesday, October 27, 2021, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 246th year of the Commonwealth....

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Chairman Garber welcomed those present for the meeting.

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The following students from Beverley Manor Middle School FFA led the Board of Supervisors in the Pledge of Allegiance:

Kaitlyn Kiser is in 8th grade and serves as the FFA President.
 Elissa Caricofe is in 7th grade and serves as the FFA Vice President.
 Sommer Ward is in 8th grade and serves as the FFA Reporter.
 Joshua Robertson is in 8th grade and serves as the FFA Student Advisor.
 William Howell is in 8th grade and serves as the FFA Parliamentarian.

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

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AUGUSTA COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

This being the day and time advertised to consider an a request to amend the Augusta County Comprehensive Plan Future Land Use Map from Low Density Residential to Urban Open Space for approximately 31 acres owned by Connie Sue Showalter (TMP 056 35) located on the northwest side of New Hope Road (Rt. 254) approximately 0.7 miles south of the intersection of Woodrow Wilson Parkway (Rt. 262) and New Hope Road in Staunton in the Beverley Manor district. The proposed general use of the property is open space through placement of a conservation easement on the entirety of the property. The Planning Commission recommends approval of the request.

October 27, 2021, at 7:00 p.m.

AUGUSTA COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP
AMENDMENT (CONT'D)

Leslie Tate, Senior Planner, stated that the property is currently designated as low density residential development and it is in a community development area of the Comprehensive Plan because of the existing water line along the road frontage of the property. The Comprehensive Plan states that Conservation Easements should be supported in areas designated as agriculture conservation or in rural conservation area. One policy of the plan states that if conservation easements are proposed in community development areas or in urban service areas, they may be supported but after review by the Board. The property has some issues that could make it less feasible for residential development as currently designated, based on entrance locations and fire flow pressure concerns with the Service Authority.

A representative for the Showalter family was present.

The Chairman declared the public hearing open.

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

Mr. Wells moved, seconded by Dr. Seaton, that the Board approve the amendment as presented.

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

Motion carried.

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CHAPTER 25 ORDINANCE AMENDMENT

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division G. Mixed Use Districts. Article XLII. Planned Commerce Districts. Amendment to allow passive and active recreation as permitted uses in Planned Commerce zoning districts. The Planning Commission recommends approval.

Ms. Tate stated that this would be amending section 25-435 of the Augusta County Code and 25-437 to add the current definition of active and passive recreation that already exists in the ordinance, but applying them specifically to the Planned Commerce District. The only Planned Commerce zoning in the County is Mill Place Commerce Park, but certainly other landowners could come forward and propose a planned commerce district and this would note that as long as it was shown and demonstrated on the concept plan, that passive and active recreation could be permitted within that district.

The Chairman declared the public hearing open.

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

Dr. Seaton moved, seconded by Mr. Morelli, that the Board approve the amendment as presented.

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

Motion carried.

October 27, 2021, at 7:00 p.m.

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AUGUSTA COUNTY CODE SECTIONS 25-4, 25-58 AND 25-303 AMENDMENTS

This being the day and time advertised to consider ordinances to amend the following sections of the Augusta County Code:

- Chapter 25. Zoning. Division A. In General. Article I. General Provisions. Section 25-4. Definitions.

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Amendments to the definition of junkyard to clarify that the term does include motor vehicle junkyards and house wrecking yards. Amendments to the definition of vehicle sales lot to clarify that such a use is defined as an open area, other than a right-of-way or public parking area, used for display, sale, or rental of numerous types of new or used vehicles in operable condition and are not partially or totally disassembled or wrecked. Amendments to the definition of inoperable motor vehicle to clarify that such a term includes partially or totally wrecked or partially or totally disassembled motor vehicles, trailers, or semi- trailers. Add definition of a motor vehicle impoundment lot to the Augusta County Code.

Chapter 25. Zoning. Division A. In General. Article V. Accessory

- Buildings and Uses. Section 25-58. Accessory uses permitted by administrative permit

Amendments to rename inoperable motor vehicle impoundment
 o yard to motor vehicle impoundment lot. Amendments also add a height requirement of eight feet to fencing or screening, prohibit vehicles from remaining in an impoundment lot for longer than 120 days, and require Operators of impoundment lots to maintain a permanent record identifying each vehicle in the lot by the manufacturer's vehicle identification number and its date of placement in the lot, and to make such permanent record available for inspection by County officials.

- Chapter 25. Zoning. Division E. Business Districts. Article XXX. General Business (GB) Districts. Section 25-303. Uses permitted by Administrative Permit.

Amendments to clarify that vehicle sales lots do not include

- o vehicles incapable of passing a Virginia state inspection in their current condition.

The Planning Commission recommends approval of all amendments. The Planning Commission also recommends that the amount of days in which a vehicle is able to be stored in a motor vehicle impoundment lot (§ 25-58.6) be increased from 120 days to 180 days, and that numbers 1 and 2 under the definition of "motor vehicle, inoperable" (§ 25-4) be switched so number 2 comes first.

Ms. Tate stated that based on discussion at the Staff Briefing there were a few minor changes to the amendments. The junkyard remains the same as discussed. There is currently a definition for vehicle sales lots. The amendment is to clarify that a vehicle sales lot is not intended to be the sale of vehicles that are partially or totally disassembled or wrecked. The definition was proposed to be an open area used for the display, sale or rental of new or used vehicles in operable condition and are not partially or totally disassembled or wrecked to a condition that would render the vehicle incapable of passing a Virginia State inspection in its current condition. Vehicles in a vehicle sales lot are not required to have valid license plates and valid inspection decals unless otherwise required by state law. The next definition proposing to be added is a motor vehicle impoundment lot. This would be any lot or place exposed to the weather where motor vehicles are temporarily parked or stored. This should not turn into a junkyard or a type of repair place. Motor vehicles stored in that lot should be completely screened from view on all sides by using an entirely opaque fence at least eight feet in height.

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AUGUSTA COUNTY CODE SECTIONS 25-4, 25-58 AND 25-303 AMENDMENTS
(CONT'D)

Vehicles placed in an impoundment lot shall not be permitted to remain there longer than 180 days. The last definition is for inoperable motor vehicles. This is any vehicle, trailer or semi-trailer, which meets any of the following:

1. Not in operating condition
2. Does not have valid license plates and valid inspection decals, unless exempt by Augusta County or state law.
3. Has been partially or totally wrecked, or partially or totally disassembled to a condition that would render the vehicle incapable of passing a Virginia State inspection in its current condition, and/or by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle for a period of sixty days or longer.

A motor vehicle impoundment lot is currently permitted as an accessory use by an administrative permit. Instead of being called an Inoperable motor vehicle impoundment yard, it will be called a motor vehicle impoundment. 180 days was added as the Planning Commission recommended and then stating there would be the eight foot fence to screen the area. Operators of impoundment lots shall maintain a permanent record identifying each vehicle in the lot by the manufacturer's vehicle identification number and its date of placement in the lot, and the permanent record shall be made available for inspection by County officials. This will prevent a motor vehicle impoundment lot from turning into a junkyard. These amendments address one of the most complained about zoning violations. Definitions need to be clear and precise.

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

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

Motion carried.

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CHAPTER 25-WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE AMENDMENT

AMENDMENT
This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.B. Wireless Telecommunication Facilities. Various amendments to bring the County's Wireless Telecommunication Facilities ordinance in compliance with the Virginia State Code. These amendments include updating definitions applicable to this section to include and be compliant with Virginia State Code definitions; permitting collocation of antennas on existing base stations, new small cell facilities, and new wireless telecommunications towers less than 50' in height by Administrative Permit; and permitting all new wireless telecommunications towers greater than 50' in height by Special Use Permit. The Planning Commission recommends approval of all amendments.

Ms. Tate stated that this covers cell towers. State Code has changed so the County Code needs to be updated to match the State Code. The definition in 25-68.2 have been reworked to match State Code definitions such as a small cell facility. The state language for administrative permits prohibits requiring a special use permit for anything less than fifty feet in height. A section has been added related to small cell facilities stating they can be permitted by an administrative permit as long as certain criteria is met. There have been amendments made to things that can be asked of certain cell carriers or require they provide based on State Code changes. Anything over fifty feet in height would be a special use permit for towers and also amending requirements.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the amendment as presented.

Motion carried.

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CAVA PERFORMANCE AGREEMENTS
The Board considered the CAVA Performance Agreements.

Mr. Wells moved, seconded by Dr. Seaton, that the Board authorize the Chair of The Augusta County Board of Supervisors to execute and deliver a COF Performance Agreement among the County of Augusta, CAVA Foods, Virginia Economic Development Partnership, and the Economic Development Authority of the County of Augusta subject to minor revisions approved by legal counsel.

Motion carried.

Mr. Wells moved, seconded by Dr. Seaton, that the Board authorize the Chair of the Augusta County Board of Supervisors to execute and deliver a Land Grant Performance Agreement among the County of Augusta, CAVA Foods, and the Economic Development Authority of the County of Augusta subject to minor revisions approved by legal counsel.

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CAVA PERFORMANCE AGREEMENTS (CONT'D)

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

Motion carried.

Dr. Seaton moved, seconded by Mr. Morelli, that the Board authorize the Chair of the Augusta County Board of Supervisors to execute and deliver an Escrow Agreement among the County of Augusta, Economic Development Authority of the County of Augusta, Escrow Agent and CAVA Foods subject to minor revisions approved by legal counsel.

Vote was as follows:

Yeas:	Garber, Carter, Wells, Shull, Slaven, Seaton and Morelli
Nays:	None

Motion carried.

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FIRE AND RESCUE AMBULANCE REQUEST

The Board considered authorization for a funding request for an ambulance/medic unit.

Funding Source: 70-8000-8057 \$270,125.00

Mr. Fitzgerald stated that this request comes as a recommendation from the Public Safety Committee. There was a question on Monday about an ambulance bought by the Staunton/Augusta Rescue and cost associated with that purchase. They purchased their last unit in 2019 at a cost of \$245,985.00. The cost of the ambulance Augusta County purchased in 2019 was \$244,985.00.

Dr. Seaton moved, seconded by Mr. Slaven, that the Board approve the funding request for an ambulance/medic unit.

Mr. Shull is not in favor of this request. He would like to see purchases of this nature put out to bid to make sure the County gets the lowest cost possible. He realizes that buying from the Galveston contract is supposedly the best price, but the best price is unknown until you have requested it.

Mr. Slaven understands the concern and agrees that it is important to be competitive when buying equipment. There are numerous vendors to purchase equipment from and the price has already been quoted on this ambulance. At this point, going back and asking for second quote seems nonproductive.

Mr. Shull would like to give the same specs to a different company and see what price they give.

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

Motion carried.

Ms. Carter stated that going forward, she would like to see these types of purchases put out for bid before a decision is made.

Mr. Fitzgerald asked for clarification from the Board going forward on whether each unit would need to be bid out.

Mr. Garber requested putting this discussion on the agenda for the next worksession.

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The Board considered a funding request for a thermal imaging camera.

Mr. Fitzgerald stated that this is funding to purchase a thermal imaging camera for Craigsville Volunteer Fire Department from the Pastures Infrastructure account.

Ms. Carter moved, seconded by Mr. Wells, that the Board approve the funding request from the Pastures Infrastructure Account.

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

Motion carried.

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Mr. Wells stated that before moving away from emergency services, at the last two meetings there was discussion regarding the Notification of Emergency Communications. Mr. Fitzgerald provided a copy of the policy that is currently in place and it is very thorough.

Mr. Wells moved, seconded by Seaton , that the Board approve the notification policy as presented.

Mr. Shull made an amendment to motion stating to also include the equipment being in and out of service and add to the policy regarding hazardous material incidents.

Mr. Slaven pointed out that hazardous material is already addressed in the current policy.

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

Motion failed.

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Mr. Wells moved, seconded by Seaton, that the Board approve the notification policy as presented.

Ms. Carter appreciates being made aware of what is going on in the County. It is a courtesy to the Board to be aware of what is going on.

Mr. Shull stated that public safety is part of the Board's responsibility.

Mr. Slaven pointed out that if the quality of the personnel is as high as portrayed then the Board needs to let them do their job and trust that it will be done efficiently.

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

Motion carried.

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OPIOID RESOLUTION

The Board considered the following resolution:

RESOLUTION

A RESOLUTION OF THE AUGUSTA COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Augusta County Board of Supervisors, this 27th day of **October, 2021**, hereby authorizes and approves of the MOU attached hereto and incorporated by reference as Exhibit "A" and directs the County Attorney to execute the MOU.

James Benkahla, County Attorney, stated that there is an opioid litigation that is a class action suit. The Commonwealth, represented by the Attorney General is involved and has encouraged all localities to join. There are negotiations taking place for a settlement. In order to participate in the settlement, there are two resolutions that are required. One to participate in the settlement and the other is to authorize the County to enter into an agreement with the office of the Attorney General. The first resolution was adopted at a previous meeting.

Vote was as follows:

Yeas:	Garber, Carter, Wells, Shull, Slaven, Seaton and Morelli
Nays:	None

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

Consider minutes from the following meeting:

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

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October 27, 2021, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Benkahla updated the Board with the tax collection status. Five files have been sent to the collecting attorney's office. Out of the five files, four have resulted in payments. Total collected from those four is \$22,965.43.

Ms. Carter gave an update on the Redistricting Committee meeting.

Mr. Wells moved, seconded by Ms. Carter, that the Board appoint Mark Phillips to serve an expired term on the Shenandoah Workforce Development Board. Effective immediately and to expire June 30, 2024.

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

Motion carried.

Mr. Wells moved, seconded by Dr. Seaton, that the Board re-appoint W.G. Dudley to serve a term on the Building Board of Appeals. Effective November 1, 2021 and to expire October 31, 2026.

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 STAFF

Mr. Fitzgerald discussed the following:

- 1) The Board of Supervisors meeting on Tuesday, November 23 will now be on Monday, November 22 at 7:00 p.m.
- 2) Jennifer Whetzel, Deputy County Administrator, stated that on Monday, the Board discussed a planning grant opportunity for Afton Mountain. The generation of lodging and meals tax and sales tax on gross receipts for a hotel, two restaurants and one gas station totals approximately \$257,000.00. That total does not include real estate tax, personal property, business license or any other tax that would be generated at the site. There is an expectation that there would be more at the site now than what was there years ago. During the grant process, stakeholders will be contacted to see what is needed at the site and what the public would like to see. This is a rolling grant so it is beneficial to submit the application as soon as possible. The grant-funding avenue is for transformative projects and this site is one of the more transformative sites within the state. Necessary agreements will be addressed at a later date. The savings in the tourism capital account would fund the local match if the Board chooses to proceed with the grant application.

Mr. Slaven referred to the top of Afton Mountain as the gateway to Augusta County.

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve moving forward with the Afton Mountain grant application.

Ms. Carter asked if conversation was had with the City of Waynesboro and if they would be interested in partnering with the project.

Ms. Whetzel stated they did have interest and the utility side would be the bigger side for them to partner on.

October 27, 2021, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Dr. Seaton is concerned with what the commitment involves and what cost the County will be facing in the future.

Mr. Fitzgerald stated that the planning grant would give the future cost as far as infrastructure is concerned. The commitment at this point is \$101,875.00 to match the planning grant and, if awarded, get the study completed. That will determine what has to happen with water and sewer, road infrastructure and any other infrastructure needs. The next step would be applying for an Economic Development Authority grant that would help pay for the infrastructure in the ground. At that point, the Board can decide if it is a worthwhile project to continue with.

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

Motion carried.

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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.

Gerald W. Gordon
Chairman


County Administrator