Regular Meeting, Wednesday, September 27, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Gerald Garber
Butch Wells
Carolyn Bragg
Pam Carter
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, September 27, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

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Veterans led the Board in the Pledge of Allegiance.

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Ms. Carter, Pastures District, delivered the invocation.

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ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.5-SOLAR ENERGY SYSTEMS

This being the day and time advertised to consider an ordinance amendment to amend Chapter 25 Section 25-70.5-Solar Energy Systems-Applications and Procedures for Small Energy Systems.

Julia Hensley, Planner II, stated that the first amendment adds the requirement for an applicant or representative to hold a conference with the Community Development department prior to the formal submission of an application for a special use permit for a small energy system. A similar pre-application meeting is required prior to a rezoning request. Staff finds that the pre-application meeting helps explain the staff process in evaluating requests, the public hearing process, and to discuss how to mitigate any concerns that may arise. This will also help to eliminate applications that are incomplete or have inaccurate information. The second amendment is a housekeeping amendment that revises the incorrect reference to the decommissioning section of the Solar Energy Systems Ordinance. The Planning Commission recommends approval.

The Chairman declared the public hearing open.

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ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.5-SOLAR ENERGY SYSTEMS (CONT'D)
There being no speakers, the Chairman closed the public hearing.

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

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

Motion carried.

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ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.7-SOLAR ENERGY SYSTEMS
This being the day and time advertised to consider an ordinance amendment to amend Chapter 25 Section 25-70.7-Solar Energy Systems-Application and Procedures.

Ms. Hensley stated that this is two proposed ordinance amendments to section 25-70.5. The first amendment adds the requirement for an applicant or representative to hold a conference with the Community Development department prior to the normal submission of an application for a special use permit for a large energy system. This is the same amendment as the previous one, but for large energy systems. The second amendment is also a housekeeping amendment that revises the incorrect references to the decommissioning section of the Solar Energy Systems ordinance. The Planning Commission recommends approval.

The Chairman declared the public hearing open.

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

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve ordinance amendment as presented.

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

Motion carried.

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AMBULANCE FUNDING REQUEST
The Board considered a request for authorization of funding for an ambulance.

Greg Schacht, Fire Chief, stated that Augusta County Fire-Rescue is requesting approval to order a PL Custom ambulance from Goodman Specialized Vehicle. The strategic plan contains a detailed schedule to replace ambulances on a ten-year cycle. ACFR staffs seven frontline units on a 24/7 basis and an additional three units in reserve status. The plan rotates each unit around Augusta County to balance out the mileage. The goal is to reach 100,000 miles (est.) while in frontline status during the first seven years. While in reserve status, the plan targets between 15k-20k miles

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AMBULANCE FUNDING REQUEST (CONT'D)
before the unit is replaced. The capital depreciation schedule is the source of funding with the unit being replaced fully depreciated. With the purchase of this unit, it will be on a one per year replacement rotation unless ACFR would expand the fleet or service coverage. The price quote of $402,260.00 includes the HGAC fee of $1,000.00 with the total capital expenditure not to exceed the requested amount.

Mr. Shull asked if putting this out for bid was considered.

Chief Schacht stated that due to satisfaction of the spec that has been developed and what has been used through PL Custom.

Mr. Wells moved, seconded by Mr. Slaven, that the Board authorize funding the purchase of an ambulance.

Mr. Shull does not agree with the process when purchasing new equipment.

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

Motion carried.

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REVENUE SHARING RESOLUTION – DICK HUFF LANE PROJECT
The Board considered the following resolution in support of the Dick Huff Lane Revenue Sharing Project application:

At a regularly scheduled meeting of the Augusta County Board of Supervisors held on September 27, 2023, the following resolution was adopted:

WHEREAS, the Augusta County Board of Supervisors desires to submit an application for an allocation of funds through the Virginia Department of Transportation Fiscal Year 2027-28, Revenue Sharing Program; and,

WHEREAS, a portion of these funds are requested to fund the improvement of Rt 940 (Dick Huff Lane), from US 11 to 0.16m E of US 11; and,

WHEREAS, The Augusta County Board of Supervisors hereby supports this application for an allocation of 50% of the project cost through the Virginia Department of Transportation Fiscal Year 2027-28 Revenue Sharing Program.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Augusta hereby commits to fund its local share of preliminary engineering, right-of way and construction of the project under agreement with the Virginia Department of Transportation in accordance with the project financial document.

BE IT FURTHER RESOLVED, that the County Administrator is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

Doug Wolfe, Director of Community Development, stated that with construction of the Augusta County Courthouse in Verona, Timmons Group is developing construction plans for recommended upgrades to Dick Huff Lane. Since Dick Huff Lane is a VDOT roadway to its intersection with Government Center Lane, staff recommends the County apply for the 50/50 funding available though VDOT's Revenue Sharing Program. Funding the 50% match for the County is allocated within the courthouse budget. The County is currently at a 35% conceptual design with the entrance roadway. Final revenue sharing applications are due to VDOT on October 2, 2023 and require that the Board adopt a resolution committing the County's share of funding. Current estimate for the 35% plans is $2,758,674 and the County's responsibility of that estimate is $1,379,337. There is a 30% contingency built into the estimate.

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REVENUE SHARING RESOLUTION – DICK HUFF LANE PROJECT

The estimate has gone up since the initial preapplication was submitted in June. This is based on some of the construction costs. It is important to apply for more funding than what is needed to get to the 50% match. VDOT will match 50% of what is spent. Inflation to the construction year is included in the total, which is 2026. Staff will work with VDOT to try to pull the project forward into prior years so that it will sync with the construction and completion of the courthouse in 2025.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve the resolution and authorize the County Administrator to sign agreements.

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

Motion carried.

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INFRASTRUCTURE FUNDING REQUEST-WEYERS CAVE VOLUNTEER FIRE CO.

The Board considered a funding request from Weyers Cave Volunteer Fire Company for a renovation project.

Funding Source:	Middle River Infrastructure	8012-104	$30,000.00
	North River Infrastructure	8013-75	$30,000.00

Timothy Fitzgerald, County Administrator, stated that this is a funding request to assist with a renovation project for a total of $60,000.00.

Mr. Garber moved, seconded by Mr. Slaven, that the Board approve the funding request as presented.

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

Motion carried.

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SCHOOL BOARD YEAR-END FUND BALANCE

The Board considered the School Board year-end fund balance request.

Mr. Fitzgerald stated that the School Board has requested in writing for consideration to use their year-end fund balance. The prevailing practice, in previous years, is to use the fund balance for their School Capital Improvement Program. The current fund balance is $521,528.00 and the School Board would like to utilize that fund balance to help fund the two middle schools that are currently under construction and to address some future emergency or capital projects in their capital program.

Mr. Garber moved, seconded by Ms. Bragg, that the Board approve the School Board year-end fund balance request.

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SCHOOL BOARD YEAR-END FUND BALANCE (CONT'D)

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

Motion carried.

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ANIMAL ORDIANCE AMENDMENTS

The Board considered the Animal Ordinance amendments for public hearing.

Mr. Fitzgerald stated that these amendments add a table that would allow for the civil fees and fines for various violations of the code versus what is criminal today. Also, changes to code section 5-12, 5-21, 5-22 and 5-51 in regards to state code references.

Dr. Seaton asked for a description of the process of how the civil penalties will be assessed.

Mr. Fitzgerald stated that under section 5-51, there is language in the ordinance that specifies the different code sections that would be civil violations. There are first, second and third offences in the new ordinance. If a dog was found running at large and the Animal Control Officers were able to capture the dog running at large, if the owner is unknown the dog would be taken to the Animal Shelter. The shelter would hold the animal and then if the owner comes forward they would get a civil violation first offense and a $25.00 charge. If the owner chooses to not pay the $25 fine, they will receive a summons and will need to appear in court. The fine for a second offense is $75.00 and a third offense is $150.00.

Mr. Slaven moved, seconded by Ms. Bragg, that the Board approve the Animal Ordinance amendments for public hearing on October 25, 2023.

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

Motion carried.

Dr. Seaton moved that the Board approve replacing the second section of 5-22 that says any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section with the corresponding state code that is found in 3.2-6238 that says any person who permits his dog to run at large or remain unconfined, unrestricted, or not penned up shall be deemed to have violated an ordinance adopted pursuant to the provisions of this section.

Dr. Seaton made a statement regarding the issues with the animal ordinance.

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

Motion failed.

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ORDINANCE AMENDMENTS
The Board considered the following ordinance amendments for public hearing:

a. Chapter 25 Section 25-74
b. Chapter 25 Section 25-4
c. Chapter 25 Section 25-303
d. Chapter 25 Section 25-384
e. Chapter 25 Section 25-603

Julia Hensley, Planner II, reviewed the five ordinance amendments that will need to be advertised for a public hearing in November.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve advertising for public hearing.

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

Motion carried.

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CONSENT AGENDA
Mr. Fitzgerald request that the minutes for August 9, 2023 be removed from the Consent Agenda for further review.

Mr. Slaven moved, seconded by Mr. Wells that the Board approve the consent agenda as follows and remove the August 9, 2023 minutes:

MINUTES
Consider minutes from the following meeting:

- Staff Briefing, Monday, August 21, 2023
- Regular meeting, Wednesday, August 23, 2023

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

Motion carried.

Dr. Seaton questioned by E-Comments were not included word for word in the minutes.

Mr. Fitzgerald explained the process.

Dr. Seaton moved that the Board approve having E-Comments included in the minutes verbatim.

After Board discussion, Dr. Seaton withdrew the motion on the table. The Board agreed to discuss e-comments at the Staff Briefing on Monday, October 23, 2023.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC
David Zimmerman, 120 Lee Highway, Verona, is concerned with the actions of a certain Board member. He also has concerns about the actions of campaigners.

David Briggman, 7556 Mountain Valley Road, Keezletown, restated an email that he sent to the Board. He is concerned about what taxpayers are having to pay due to unnecessary lawsuits from Nexus.

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MATTERS TO BE PRESENTED BY THE BOARD
Dr. Seaton discussed a FOIA request received by a former Board member.

Ms. Bragg reminded everyone that September is Public Transportation Month. She attended a joint MPO meeting with Charlottesville, Albemarle, Staunton, Augusta County and Waynesboro.

Mr. Garber has issues with the fact that the state budget allotted $100 million for Rail to Bike Trail through the Shenandoah Valley when there are numerous road improvements that are needed.

Ms. Carter thanked the Service Authority for their work in Deerfield. She also stated that there is a potential opportunity for a cell tower to be put in West Augusta. Based on the current ordinance, the tower site will require a variance. Ms. Carter asks for Board support to send the current telecommunications ordinance for review to allow for more flexibility.

The Board directs staff to review the ordinance and determine the possible solution to the issue.

Mr. Wells requests that Dr. Seaton respond to the text or email that Mr. Fitzgerald sent to him regarding the contract he claimed was signed without Board's approval.

Mr. Slaven stated that he can give a small example of how to take something factual and twist it around and make it seem favorable for one's position. There is a two-question survey done between July and August of 2022. The first question is; to what extent do you support providing body cameras and dash cameras for the County Sheriff's deputies? The highest figure answered is 65%. That is not 90%. The second question is; to what extent do you support using county taxes to fund body cameras and dash cameras? The answer percentage drops to 47%. The question does ask how to fund, it simply says County taxes. The survey makes no mention of the ongoing cost once the County enters into the program. It is time to start pushing back to inaccuracies.

Mr. Shull expressed concerns with I81 and the number of accidents happening. The return on the corridor taxes and the fuel taxes being paid is not what it should be for this region.

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MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)
Mr. Shull reviewed all of the projects currently taking place in the County. On behalf of the Board, he expressed appreciation for the County staff that is working on all of the projects.

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MATTERS TO BE PRESENTED BY STAFF
Mr. Fitzgerald clarified the question of a contract Dr. Seaton claimed was signed without Board's approval. He has not ever and will not ever sign a contract without the Board's approval. He does not believe the contract exists.

Dr. Seaton does not recall what contract it was, but at one point had a doubt and another member of the Board agreed.

Ms. Carter indicated she had a question on the matter, however a simple phone call to Mr. Fitzgerald cleared the matter up.

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

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

Motion carried.

Chairman

County Administrator

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