

Regular Meeting, Wednesday, September 13, 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 (Via Zoom)
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, September 13, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Vice Chairman Slaven welcomed those present at the meeting.

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The following students from Riverheads High School led the Board in the Pledge of Allegiance:

Jacob Terry is a senior and plays football, tennis and runs track. He plans to attend James Madison University and become a history teacher or a real estate agent.

Tyler Culpepper is a senior and plans to join the Air Force.

Maggie Martino is doing a mentorship in the Augusta County Dispatch Center and she plans to be a dispatcher after graduation.

Skyler Breeden is a junior and would like to attend the University of Tennessee and get a degree in criminal justice or veterinary care.

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Mr. Shull, Riverheads District, delivered the invocation.

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Mr. Slaven moved, seconded by Dr. Seaton, that the Board allow Ms. Carter to join the meeting via Zoom.

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

Motion carried.

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The Board considered the following resolution:

WHEREAS, these conditions have and continue to cause financial loss to the farmers in Augusta County.

Timothy Fitzgerald, County Administrator, stated that this is a resolution that would ask the Director of the Farm Service Agency of the State of Virginia for consideration for Augusta County to be declared a drought emergency that would allow for our citizens to access federal funds that may be available to them. However, the County must declare a drought stage upon declaration by the Commonwealth. Because the Commonwealth, through the Department of Environmental Quality has placed Augusta County under what is called a drought warning. In the County Code, the drought warning is listed along with suggestions of voluntary measures for water consumption. Before accepting the resolution, the Board will need to declare Augusta County in a drought warning stage at this time.

Mr. Slaven moved, seconded by Mr. Wells, that the Board declare a drought warning for Augusta County in order to meet the requirements.

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

Motion carried.

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

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

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ANIMAL ORDINANCE AMENDMENT

The Board considered the Animal Ordinance amendments for public hearing.

Mr. Fitzgerald stated that Chapter 5 of The Augusta County code is before the Board for consideration to advertise for public hearing. There have been meetings with the City of Staunton and Waynesboro concerning the ordinance to ensure that there is consistency among the region. Upon review you will see that the proposed changes to the ordinance will allow for civil fees instead of criminal fees. These civil fees match what is currently in the City of Staunton's ordinance and is planned to be in the changes that Waynesboro will make as well. The Shelter board discussed the possibility of adding an impoundment fee to the ordinance, however ultimately it is not being recommended due to the need to be able to have a per day fee, especially on court cases where we often have to hold animals for a long period of time. The per day fee is not proposed to be changed at this time, however the fee should be set by the Shelter board before each fiscal year begins as part of the budget process as the actual cost of keeping the animals could change based on the cost of services provided.

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve advertising the Animal Ordinance amendments for public hearing.

After several questions raised regarding wording of the ordinance amendments, the Board concluded they would discuss further at the Staff Briefing meeting on Monday, September 25, 2023.

Ms. Bragg withdrew her motion. The Board will discuss at the Monday, September 25, 2023 Staff Briefing.

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TAX REFUND REQUESTS

The Board considered the approval the following tax refund requests:

- a. Windgate, LC in the amount of \$17,532.90.
- b. Gables East, LLC in the amount of \$3,592.60.

James Benkahla, County Attorney, stated that this is a request by the Commissioner of the Revenue for a refund for real estate taxes to Windgate, LC in the amount of \$17,532.90. The company contracted to build condominiums. The condominiums were originally taxed as apartments with all the buildings and the land taxed together. When the apartments were converted to condominiums, the land assessment for the original real estate was not reduced to reflect the addition of land to each condominium. Therefore, the land was taxed as both apartments and condominiums, resulting in dual taxation. The taxpayer notified the Commissioner of the Revenue of the dual taxation by letter on March 1, 2021. The Commissioner of the Revenue has reviewed the original assessments and the changes as each phase of the project was converted from apartments to condominiums and determined that the County owes the taxpayer a refund in the amount of \$20,688.15. \$17,532.90 is for tax years 2023, 2022, 2021, and 2020 and is within the Commissioner's statutory authority to correct with the approval of the Board. Application must be made to the Circuit Court for the remaining refund amount of \$3,155.25, which is owned for tax year 2019.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the tax refund as presented for Windgate, LC in the amount of \$17,532.90.

Dr. Seaton questioned if this refund included penalty and interest and why it took so long to review this refund request.

Mr. Benkahla stated that typically if the taxpayer pays penalty and interest then the County pays the taxpayer penalty and interest. The Commissioner of the Revenue would have to answer the question regarding why it took so long.

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

Motion carried.

Mr. Benkahla stated that this request is along the same lines as the first request. Gables East, LLC contracted to build condominiums. The condominiums were originally taxed as apartments with all the buildings and the land taxed together. When they were converted to condominiums, the land assessment for the original real estate was not reduced to reflect the addition of land to each condominium. Therefore, the land was taxed as both apartments and condominiums, resulting in dual taxation. The taxpayer notified the Commissioner of the Revenue of the dual taxation by letter on March 1, 2021. The Commissioner of the Revenue has reviewed the original assessments and the changes as each phase of the project was converted from apartments to condominiums and determined that the County owed the taxpayer a refund in the total amount of \$7,042.64. the amount of \$3,592.60 is for tax years 2023, 2022, 2021, and 2020 and is within the Commissioner's statutory authority to correct with the approval of the Board. Application must be made for the Circuit Court for the remaining refund amount of \$3,450.04, which is owed for tax years 2019, 2018, 2017, and 2016.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the tax refund as presented for Gables East, LLC in the amount of \$3,592.60.

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

Motion carried.

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

Consider minutes from the following meeting:

- Regular Meeting, Wednesday, July 26, 2023
- Special Meeting, Wednesday, August 2, 2023

Consider Claims paid since August 1, 2023

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CONSENT AGENDA (CONT'D)

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

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Dulcey Fuqua, Wayne District Resident, submitted the following statement online and requested the statement be included in the official meeting minutes:

I am animal advocate in Augusta County and was a volunteer at the county's shelter until April 13, 2023, when I received a suspension notice from Shelter Director, Jon Hilbert. This came after a I had stepped up my involvement during a time the shelter was extremely short staffed and at the time Sarah Nessar, the new kennel manager, who has now been fired from her position, was in need of assistance. Sarah had asked for help in organizing and setting up animal management systems for her new position that were not currently in place. I assisted her with filing, processing adoption and foster applications, and connecting stray hold dogs at the shelter with their owners through the use of social media. During this period, my professional communication and organizational skills were also utilized by the director to assist in improving the volunteer and foster programs. In addition to his support, I received compliments of my role in communicating with the community and rescues to advocate for dogs into fosters, homes or rescue, and provided my photography skills for positive marketing of the dogs. Often, I received calls and messages from citizens asking about how to help, become a volunteer, who to talk to about situations, etc.

After several care concerns were escalated from staff interactions and seeing things for myself related to the conduct that was impacting the safety and care of the animals, I brought my concerns to Jon on multiple occasions. Another volunteer and I had a meeting with Mr. Fitzgerald, Mr. Hilbert and Ms. Hensley to discuss these concerns and offer our support.

As things appeared to be declining and the admitted situations of neglect (per Jon Hilbert) escalated, including my witnessing of a staff abusing a dog and exhibiting unprofessional conduct, I did approach my County Supervisor, Dr. Seaton to express my concerns with the animals and staff.

Jon Hilbert requested a meeting with myself and Page Hearn, operator of Virginia Paws for Pits Rescue, and who also witnessed this incidence of abuse and inappropriate interaction with us from the same staff person. We echoed these concerns and would continue to offer support for the shelter. Two days after this meeting both Ms. Hearn and I received emails from Mr. Hilbert stating our suspension was based on release of a photo of a court hold dog, which poorly represented the shelter, which we had both clarified when we met with him, that we were not part of.

This began the process of both Ms. Hearn and I trying to get clarification on these accusations and their lack of accuracy. The Board of Supervisors was included in this communication. My last email was sent on April 27, 2023 and still, no response. We were seeking the validity of our suspension based on the accusation of a phot release. This is a false accusation because the person that took and shared that photo, a former released employee, admitted to myself, Jon and others in the animal advocacy arena, that she shared the confidential information.

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MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

I have adopted three dogs from the shelter, yet now I have been blocked from the SVASC Alumni Group on Facebook, which is a place where adopters can share the joy of adopting instead of shopping. I was active in this group and stayed in contact with some of the animals that I was part of their foster family placement or adoptions, which kept the connection with the shelter going. Just prior to my suspension, I fostered and helped transfer into rescue of three ninety plus pound dogs out the shelter system and I am now removed from the Volunteer and Foster Group. I have since requested the policies associated with the Facebook group SVASC Alumni and also requested copies of my suspension letter and additional communication that was case for the suspension.

Tracy Pyles, 3665 Churchville Avenue, Churchville, VA, believes the Board of Supervisors violated State Code 15.2-2507-Amendment of Budget on August 24, 2022.

David Zimmerman, 120 Lee Highway, Verona, VA, honored those who lost their life on 9/11. Mr. Zimmerman is concerned by the actions of some that are attending the Board meetings.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter expressed her condolences to the Justine Tilghman family.

Dr. Seaton stated that September 17th is the day the Constitution was passed. The Constitution only matters if the people force the Government to follow it.

Ms. Bragg moved, seconded by Ms. Carter, that the Board appoint Hannah Cooper to serve a term on CAP-SAW. Effective October 1, 2023 and to expire on September 30, 2025.

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

Motion carried.

Ms. Bragg moved, seconded by Mr. Wells, that the Board appoint Becky Angelo to serve on the Comprehensive Plan Steering Committee.

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

Motion carried.

Ms. Bragg would like for the Board to direct staff to review the ordinances that pertain to both the large and small solar projects. She also requests that staff review ordinances from other localities.

Mr. Garber moved, seconded by Ms. Bragg, that the Board appoint Craig Nargi to serve on the Comprehensive Plan Steering Committee.

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

Motion carried.



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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

- 3) Mr. Fitzgerald clarified a question Mr. Pyles brought up about \$1.97 million. The Board previously discussed personal property taxes as a result of higher assessments on vehicles in the County. At that worksession, this Board did discuss \$1.97 million. That number was not brought out of the air. That was actually the number that when the original budget was presented for personal property tax revenue, a little over \$18 million was budgeted. When the final budget was complete, the final numbers from the JD Power book were quite different. The numbers went up greatly. The difference in what had been budgeted and what that would have been had the values from JD Power been used was \$1.97 million. That would have been the increase had the county not made some adjustment to the way in which car taxes were handled. There were three options presented in order to handle the situation. One option was to do nothing and collect an additional \$1.97 million. This was not staff's recommendation. The second recommendation was to consider dropping the tax rate to \$2.50 from \$2.60 in order to accommodate a lesser revenue. Finally, the option looking at how vehicles were assessed. Instead of 100%, the email that Mr. Pyles spoke about to Ms. Shrewsbury, was asking what reduction in the ratio would be required in order to not collect the \$1.97 million and that number was 8%. She presented that to the Board and stated that instead of valuing vehicles at 100%, they would need to be valued at 92%. This would drop the revenue to \$1.9 million. This is the \$1.97 million number that Mr. Pyles refers to. Every year there is a budget process and there is a revised budget that is done which basically amends the budget to revise numbers because there are actual numbers on what was received from sales tax and other revenues. This was done with a public hearing on April 12, 2023 and was voted on at the April 26, 2023 Board of Supervisors meeting.

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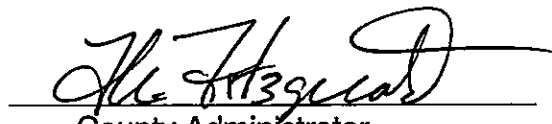
ADJOURNMENT

Mr. Slaven moved, seconded by Ms. Bragg, 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