

Regular Meeting, Wednesday, September 8, 2021, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman
Butch Wells, Vice-Chair
Pam Carter
Michael Shull
Scott Seaton
Jeffrey Slaven
Steven Morelli
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
Caroline Stoerker, Planner
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, September 8, 2021, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 246th year of the Commonwealth....

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Vice-Chairman Wells welcomed those present for the meeting.

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

Dayton Moore is a senior. She plans to attend college and pursue a career in Radiology.

Caitlin Sellers is a senior. She plans to attend a four-year college and major in nursing.

Ethan Barger is a senior and is looking into joining military or possibly attending Blue Ridge Community College and then transferring to a larger college.

Jason Richmond is a senior and plans on going straight into the workforce when he graduates.

Cooper Robson is a senior and would like to have his own Cybersecurity Company.

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Mr. Shull, Supervisor for the Riverheads District, delivered the invocation.

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September 8, 2021, at 7:00 p.m.

CIGARETTE TAX BOARD

This being the day and time advertised to consider an ordinance that would establish a joint entity to be known as the Blue Ridge Cigarette Tax Board (the "Board") in order to efficiently administer the collection, accounting, disbursement, compliance monitoring, and enforcement of cigarette taxes assessed by the localities desiring to join the Board.

Jennifer Whetzel, Deputy County Administrator, stated that at the last meeting there was a public hearing to allow public comments to impose a new cigarette tax ordinance. The ad specified thirty cents tax per pack, which is consistent with the cities of Staunton and Waynesboro. There were no public comments and the action was deferred on the ordinance until the next Board of Supervisors meeting. The next step in the process is to establish a regional taxing board. This regional board will allow for option on implementing cigarette tax collections and enforcement. This public hearing is in regards to joining the regional tax board.

The Chairman declared the public hearing open.

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

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CIGARETTE TAX

The Board considered the following:

a. Cigarette tax ordinance

Ms. Whetzel stated this is the ordinance that establishes the thirty cents per pack for cigarette sales. This would be effective January 1, 2022.

Ms. Carter stated that she has heard from a number citizens that are in opposition of this tax.

Mr. Shull stated that this is a double tax.

Mr. Fitzgerald stated that the cigarette tax was included in the legislative package.

Ms. Carter moved, seconded by Mr. Shull, that the Board deny the ordinance as presented.

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

Motion failed.

Mr. Morelli moved, seconded by Mr. Wells, that the Board approve fifteen cents per pack for cigarette sales tax.

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

Motion carried.

September 8, 2021, at 7:00 p.m.

CIGARETTE TAX (CONT'D)

b. Regional Taxing Board ordinance.

Ms. Whetzel stated that this item is for the Board to consider entering into the Blue Ridge Cigarette Tax Board. This board has not been created yet, this is a new tax board. There will need to be six localities to join the board for it to be established per state code. This will be effective immediately and work would be started on the administrative side such as staffing and ordering the stamps. The appointments for Augusta County will be chosen during a Boards and Commission discussion. If there are not six localities to join there will be no tax board.

Mr. Slaven moved, seconded by Mr. Morelli, that the Board approve joining the Regional Taxing Board.

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

Motion carried.

c. Memorandum of Understanding

Ms. Whetzel stated that the MOU points out the details for the Cigarette Tax Board.

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve the Memorandum of Understanding.

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

Motion carried.

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CENSUS UPDATE

The Board received an update on the 2020 Census.

Caroline Storker, Planner, stated that prior to adjusting the data to reflect the incarcerated population, all magisterial districts experienced population growth between 2010 and 2020, with the exception of Beverley Manor, which experienced a decline in population. The total countywide population growth is just over five percent, which is a greater increase than initially projected, but smaller than the 12.4% growth rate seen from 2010 to 2020. At this point, staff is not yet evaluating additional demographics, such as poverty, race, ethnicity, income, and age. Following the adjustment of population numbers to reflect new legislation that counts the incarcerated population, as residents of their last known home address, Augusta County ended up with a population loss of 1,223. This was the fifth largest population loss in Virginia that occurred as a result of these adjustments. Staff projects that in order to satisfy state and federal population requirements for redistricting; all districts will shrink in area with the exception of Pastures and Beverley Manor, which will expand in area. The new total adjusted population for Augusta County is 76,264. In order to ensure the "one person, one vote" principle is met; the ideal population for Augusta County's magisterial districts is 10,895 per district. With a 5% population deviation, district populations can therefore range from 10,350 to 11,440. As of today, three magisterial districts have populations that fit within the ideal population. The State Redistricting Commission has until October 10, 2021 to

submit House and Senate maps and October 25, 2020 to complete Congressional maps. Staff plans to release a dedicated redistricting webpage on the County website within the next week. A Redistricting Committee will need to be formed. These meetings will be open to the public for attendance, but not for comments. It is desired to have one or two Board of Supervisors to serve as representatives.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the creation of a Redistricting Committee and Dr. Seaton and Ms. Carter will represent the Board of Supervisors on the committee.

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

Motion carried.

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The Board considered a resolution for the TAP application due in October.

John Wilkinson, Director of Community Development, stated that the Verona Sidewalk Project has been in development for approximately two years. The funding for the first phase has been received. In order to begin phase 2, a resolution in support of Augusta County's Verona Sidewalk Improvement Project and the Transportation Alternatives Program Grant is required.

Mr. Morelli moved, seconded by Mr. Slaven, that the Board adopt the resolution for the TAP application.

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

Motion carried.

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

September 8, 2021, at 7:00 p.m.

CONSENT AGENDA (CONT'D)
MINUTES

Consider minutes from the following meetings:

- Regular Meeting, Wednesday, June 23, 2021
- Staff Briefing Meeting, Monday, July 26, 2021
- Regular Meeting, Wednesday, July 28, 2021

CLAIMS

Consider Claims paid since August 1, 2021

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 THE PUBLIC

Antwhon Suiter, 30 S. Windsong Ct., Fishersville, VA, stated that protesting stopped in hopes that the body cam issue would be resolved. At this time, body cams have not been funded and protesting will resume.

Cortez Nathan, 30 S. Windsong Ct., Fishersville, VA, stated that protesting will resume until body cams are provided for the Augusta County Sheriff's Department.

Tracy Pyles, 3665 Churchville Avenue, Churchville, VA, stated that the cigarette tax needs to be re-evaluated. When a tax takes so much time to collect, it is not worth it. Government needs to be made simple not more complicated. There is too much deception in this country. There is no trust. Mr. Pyles is concerned that the budget is not correct and full of false information.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Benkahla stated that an additional \$9,000.00 has been collected since the previous meeting. James Elliott will be the attorney collecting delinquent taxes.

Dr. Seaton stated that Doooms Crossing at the railroad is scheduled to be improved within the next six weeks.

Mr. Morelli thanked Andy Wells and Jeff Slaven for organizing the entertainment at Natural Chimneys in October.

Mr. Shull thanked the citizens of Augusta County for entrusting them to do the will of the Board. He stated that sometimes it is necessary to increase taxes to meet the demands of business. Mr. Shull would like the policy re-evaluated regarding emergency calls when there is a death involved.

Mr. Fitzgerald stated that this issue has been brought to his attention. The current policy was put in place when staff time became an issue in transporting the deceased. There have been discussions with Chief Nichols regarding the issue. Moving forward, this needs to be revisited with the Volunteer Association.

