

Regular Meeting, Wednesday, August 25, 2021, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman (via electronic)
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
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, August 25, 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 student led the Board of Supervisors in the Pledge of Allegiance:

Lauren Rhodes is a graduate of Fort Defiance High School and serves as the FFA State Recorder.

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

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Dr. Seaton moved, seconded by Mr. Morelli, that the Board allow Mr. Garber to join the meeting via electronic.

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

Motion carried.

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August 25, 2021, at 7:00 p.m.

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RESOLUTION – TRINITY EPISCOPAL CHURCH

Mr. Fitzgerald read the following resolution:

WHEREAS, Trinity Episcopal Church was founded in 1746 as Augusta Parish Church, and was, until the American Revolution, part of Augusta's local government as the church vestry was tasked with civic duties such as levying taxes and overseeing the social welfare of Augusta's citizens in addition to tending to their spiritual needs; and

WHEREAS, Trinity Episcopal Church is the oldest church in Staunton and one of the first Episcopal congregations west of the Blue Ridge Mountains; and

WHEREAS, in an effort to escape the British army, the Virginia General Assembly met at the church from June 7 to June 23, 1781, thus making Staunton the state capital during that time; and

WHEREAS, the present church is the third on the site, built in 1855, and has seen several additions and renovations; and

WHEREAS, Trinity Episcopal Church was placed on the National Register of Historic Places on May 5, 1972; and

WHEREAS, Trinity Episcopal Church attracts visitors from throughout the world to view the sanctuary's magnificent stained glass windows including one by the prestigious studio of J&R Lamb and twelve by the famous Louis Comfort Tiffany, and

WHEREAS, the churchyard served as the only public burying ground for many years when Staunton was on the frontier, and has seen burials since at least 1766; and

NOW, THEREFORE, BE IT RESOLVED, meeting in regular session on August 25, 2021, that the Augusta County Board of Supervisors hereby commends Trinity Episcopal Church for all of its accomplishments, sound governance, longevity, and service to the community;

BE IT FURTHER RESOLVED that the Augusta County Board of Supervisors recognize that they are direct descendants of that original local government and applaud the past and present leaders and members of Trinity Episcopal Church and celebrate with them on the occasion of their 275th anniversary.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Augusta County Board of Supervisors, and be presented to Trinity Episcopal Church in recognition of its 275 years of service to our community.

Dr. Seaton moved, seconded by Ms. Carter, that the Board adopt the resolution.

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

Motion carried.

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August 25, 2021, at 7:00 p.m.

REZONING REQUEST – BENJAMIN AND DANIIL SHUMEYKO

This being the day and time advertised to consider a request to rezone from rural Residential (single family residential – 2 acre lot minimum) to General Agriculture approximately 5.93 acres owned by Benjamin and Daniil Shumeyko (TMP 019B 1 24) located on the north side of Samuel Bears Road approximately 0.1 miles east of the intersection of Samuel Bears Road and Dices Spring Road (Rt. 994) in Weyers Cave in the Middle River district. The proposed general use of the property is agriculture and/or residential development with lots at least 1 acres in size. The Planning Commission recommends denial of the request.

The applicant withdrew the rezoning request.

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REZONING REQUEST – REALITY X, LLC % FRANKLIN FEDERAL SAVINGS

This being the day and time advertised to consider a request to rezone from General Business and Multi-family Residential with proffers and General Industrial to General Industrial with amended proffers approximately 105 acres owned by Reality X, LLC % Franklin Federal Savings (TMP 066D 2 27 and TMP 066D 2 18) located in the northeast quadrant of the intersection of Tinkling Spring Road (Rt. 608) and Ramsey Road (Rt. 635) and at the southern terminus of Construction Lane in Fishersville in the Beverley Manor district. The Planning Commission recommends approval.

Leslie Tate, Senior Planner, stated that the proposed use of the property is industrial. The general use of the property as stated in the Comprehensive Plan is Business, where business uses of varying scale and scope would be appropriate. A summary of the proffers is as follows: applicant shall commission engineering studies of adjacent roadways and intersections to determine potential upgrades, voluntary dedication of right of way along Ramsey Road and northern property boundary, construction of a shared use path along Tinkling Spring Road, stormwater management plan, voluntary monetary contributions of a one-time \$300,000.00 payment for off-site improvements related to transportation impacts, landscape buffering along adjacent properties zoned General Agriculture or General Business. The entire property that fronts on construction lane is already zoned industrial, but would now include the proffers. It has been zoned this way since 2011 and has not developed. A proposed concept plan was submitted.

Scott Williams, PO Box 1046, Fishersville, gave a history of the site and the area around it. His company has been actively developing projects in Fishersville for the past twelve years. Since 2012, he has worked for the owner of the property as their local representative. Therefore, he is able to provide good background on the site and the area. Significant infrastructure improvements have been made to the area over the past ten plus years. Numerous development plans have been put together over the years. The rezoning requested is for industrial; however, he states that this is the retail that everyone has expected. This request will generate less traffic than if the site were to be developed as it is currently zoned. The economic impacts of this rezoning request will be bigger and more beneficial to the County.

Steve Meade, Attorney representing the applicant, spoke to the specifics of the application. For the Westgate project, the main entrance and exit will be at Tinkling Springs Road and Ivy Ridge Lane. Ramsey Road will be an exit only and mainly used for emergency use. There will be one stormwater pond at first and then one added at a later time. Mr. Meade clarified that proffer number eight is in addition to the other proffers. That is the County's money to do with what it needs. The company is not requesting any contribution or tax breaks.

The Vice Chairman declared the public hearing open.

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

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

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Jennifer Whetzel, Deputy County Administrator, stated that Virginia Counties are authorized by the General Assembly to enact ordinances for cigarette tax. The new tax would impose a 30-cent tax per pack, which is consistent with the Cities of Staunton and Waynesboro. Administration of a cigarette tax program will require resources. In May 2021, the Board approved participating in a study conducted by the Thomas Jefferson Planning District Commission for the establishment of a regional cigarette tax board. Inclusion in the Board will allow for options in implementing cigarette tax collections and enforcement. If the Board approves a cigarette tax, an ordinance and Memorandum of Understanding for inclusion in the regional tax board will be presented to the Board in September for consideration.

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

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August 25, 2021, at 7:00 p.m.

PROPERTY TRANSFER

This being the day and time advertised to consider a property transfer between Augusta County Board of Supervisors and the Augusta County Service Authority.

Timothy Fitzgerald, County Administrator, stated that this was previously brought before the Board. This is two small pieces of property located behind the Ridgeview Baptist Church. The Service Authority currently has equipment on the two parcels. In research of the properties, it was determined that the two parcels were still in the County's ownership. The Service Authority is requesting an ownership transfer be completed.

The Vice Chairman declared the public hearing open.

Ms. Carter moved, seconded by Mr. Morelli, that the Board approve the property transfer with the Augusta County Service Authority.

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

Motion carried.

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FINANCE AND COMPLIANCE AUDIT

The Board considered awarding a contract for the Financial and Compliance Audit to PB Mares, LLP.

Ms. Whetzel stated that this is the process of hiring a financial auditor for the County, Middle River Regional Jail, the Augusta County Economic Development Authority and School Activity Funds. Sealed proposals were received from three qualified firms. A committee was selected to evaluate the proposals and rank them accordingly. The qualified firms were interviewed and a contract is being negotiated with the top ranked firm. Based on this process, the committee has elected to award the contract to PB Mares, LLP.

Mr. Shull moved, seconded by Dr. Seaton, that the Board approve awarding the contract to PB Mares, LLP.

Vote was as follows:

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

Motion carried.

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OPERATIONAL MEDICAL DIRECTOR CONTRACT

OPERATIONAL MEDICAL DIRECTOR CONTRACT:
The Board considered awarding contract to Drs. Asher Brand and Scott Just.

Mr. Fitzgerald stated that two sealed proposals were received from qualified and licensed physicians to serve as Operational Medical Director for the County's Fire and Rescue Department. A committee was selected to evaluate the responding proposals. The committee reviewed each firm's proposal and ranked them accordingly. Both physicians

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OPERATIONAL MEDICAL DIRECTOR CONTRACT (CONT'D)

were sent a request for interview, but only one accepted the invitation. The committee interviewed Drs. Asher Brand and Scott Just. Based on this process, the committee has elected to award the contract to Drs. Brand and Just. The contract amount is \$45,000.00

Dr. Seaton moved, seconded by Mr. Slaven, that the Board approve awarding the Operational Medical Director contract to Drs. Asher Brand and Scott Just.

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

Motion carried.

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INFRASTRUCTURE FUNDING

INFRASTRUCTURE FUNDING
The Board considered a funding request for bathhouse A and bathhouse B at Natural Chimneys Campground.

Funding Source: North River P&R Infrastructure 8023-45 \$933.34
South River P&R Infrastructure 8026-35 \$933.33
Beverly Manor P&R Infrastructure 8021-59 \$933.33

Mr. Fitzgerald stated that this a small renovation at Natural Chimneys Campground to replace toilets in two of the bathhouses.

Mr. Slaven moved, seconded by Mr. Morelli, that the Board approve the funding request.

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

Motion carried.

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BOARD OF SUPERVISORS POLICY #4 – NAMING PRIVATE STREETS

The Board considered naming a private street.

John Wilkinson, Director of Community Development, stated that the Wootten family is in the process of subdividing a new lot in order for their son to build a new home. They currently share a right-of-way/private street with two other property owners. The addition of the new home will create a third residence using the private street. According to the County's Subdivision Ordinance and the Virginia Department of Transportation all private lanes or streets that provide access to three or more residences are required to be named. The Wootten family and the two other property owners who have legal right-of-way to the lane have not come to an agreement on the street name. Policy #4 states that if the consent of all property owners cannot be obtained, the Board of Supervisors will determine the street name. The Wootten's have proposed Glade Farm Lane or Long Glade Lane. The Gartin's have proposed Eternal Springs Lane.

Brenda Wootten and son Grayson agree with Cheryl Farris on the name Long Glad Lane.

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BOARD OF SUPERVISORS POLICY #4 – NAMING PRIVATE STREETS (CONT'D)

James Gartin would like the name to be Eternal Springs Lane.

Mr. Slaven moved, seconded by Ms. Carter, that the Board approve naming the street Long Glade Lane.

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

Motion carried.

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BROADBAND GRANT

The Board heard a presentation by All Points Broadband on a regional project.

Ms. Whetzel stated that the Board entered into Phase I of a Memorandum of Understanding (MOU) for a regional broadband project with Dominion Energy, Shenandoah Valley Electric Cooperative and All Points Broadband on July 28, 2021. The MOU was part of one of six proposals received from providers for broadband expansion in Augusta County. The regional broadband project proposal includes universal coverage and leverages the Commonwealth's Utility Leverage Program.

Jimmy Carr, CEO of All Points Broadband, stated that All Points is a Virginia-based rural broadband company operating in VA, WV, MD and KY. All Points responded to a solicitation issued by Augusta County to select partners for this year's Virginia Telecommunications Initiative (VATI) grant cycle. The partners have completed high-level design for a universal, fiber-to-the-home broadband network to serve the 6,800 locations in Augusta that are not served by wired, gigabit-capable broadband today or to be served through related programs. All Points' network and partnerships are specifically designed to secure VATI grant funding in the current application cycle and to be an eligible use of ARPA funds. The project includes 650 miles of fiber infrastructure to extend to all remaining unserved areas. The overall project cost will require \$63 million in funding. All Points will secure \$36 million (58%) of total project cost, VATI application will provide \$29.7 million (29%) and County contribution would be \$8.4 million (13%) and eligible for ARPA funding. Fiber-to-the-home broadband will be available to 100% of currently unserved locations. Standard installation fee of \$199.00 will include premises equipment and 500-foot service drop. Augusta County's local match would be contingent on receipt of VATI grant award and execution of an agreement with All Points regarding the project. The grant application deadline is September 14, 2021 as part of the regional application through Northern Shenandoah Valley Regional Commission (NSVRC). After submission, All Points Broadband will manage the challenge processes and adjust project scope consistent with program rules. VATI awards will be announced in December. Augusta and All Points would have 90 days after grant award to enter into an agreement reflecting the VATI grant application and to formally accept the grant award. The project would be substantially complete within 24 months of VATI grant award and completion of Dominion and Shenandoah Valley Electric Cooperative routes. Board approval is needed to include Augusta County in the regional VATI project and the recommended local match component, contingent on grant award.

Kirk Barley, 16908 Blue Ridge Parkway, Love, stated that he is in favor of the agreement with All Points Broadband. It is the only solution.

Robert Huff, 29 North Central Avenue and representative of MGW Telephone Company, hopes the Board considers every aspect of MOU.

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The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. requirements, and

2. Only such public business matters identified in the motion to convene the executive session.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Morelli

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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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.

Morelli

David W. Hamilton Chairman John E. Hargrave County Administrator