Regular Meeting, Wednesday, August 24, 2022, 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
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 24, 2022, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Garber welcomed those present at the meeting.

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The following students from the Fort Defiance High School Future Business Leaders of America led the Pledge of Allegiance:

Holden Crouse is a senior and the Co-President of FBLA. He plans to major in Business Administration and Management at a four-year university.

Anna Katherine Hayes is a senior and the Co-President of FBLA. She plans to study Marine Biology at a four-year university.

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Mr. Shull, Riverheads District, delivered the invocation.

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RED MILL ENTERPRISES, LLC - REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to General Industrial approximately 54.171 acres of a total of approximately 200.48 acres owned by Red Mill Enterprises, LLC and located on the north side of Mount Torrey Road (Route 624) approximately 1,000 feet southwest of the City of Waynesboro corporate limits in Waynesboro in the South River District.

August 24, 2022, at 7:00 p.m.

RED MILL ENTERPRISES, LLC - REZONING

John Wilkinson, Director of Community Development, stated that this request was previously heard in January 2022 by the Planning Commission and the Board of Supervisors. Due to an error in notification, it is required that a public hearing be held. Mr. Wilkinson showed a tax map of the parcel. The future land use in the Comprehensive Plan is planned for industrial uses. Public sewer is not available to the property. The Planning Commission feels the request is in compliance with the Comprehensive Plan and recommends approval with the following conditions:

1. Applicant keep the landscape buffer along Mt. Torrey Road that was proffered at the January 26, 2022 rezoning.
2. Applicant consider relocation of the truck parking away from the historic home
3. Applicant install adequate landscape buffer so the it start growing, on the back (north) side to lessen the visual impacts to the adjacent home and the housing development.

Ray Burkholder, Balzer and Associates, stated that there have been discussion about setbacks concerns previously. The concept at the time of the January 2022 meeting, setbacks were not taken into consideration. At this time, there is no plan for the building.

The Chairman declared the public hearing open

Brandon Collins, 77 Providence Lane, Waynesboro, is the President of the Homeowners Association for Loving Acres. He spoke against this rezoning request.

Rebecca Jones, 17 Mt. Torrey Road, Lyndhurst, when she purchased her home there was no plan for industrial use. She would like to see the hill kept in place as a buffer.

Bob Weber, 156 Providence Lane, Waynesboro, spoke against the rezoning request. What assurance is given that the flood plain will not be developed?

Mr. Wilkinson stated that the County has a FEMA Flood Plain Ordinance in effect. This ordinance prohibits development in a flood plain.

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

David Gauldin, owner of property, was available to answer questions of intent.

Mr. Wells stated the Planning Commission expressed three concerns. Two proffers have addressed the issues. Why was the parking lot not included in the proffers?

Mr. Gauldin stated that no one asked. It was taken off of the plan.

Items the Board requests further information on is the building Size, the need to reach out to the neighborhood, and parking.

Mr. Morelli moved, seconded by Mr. Shull, that the Board approve postponing the rezoning to the September 28, 2022 Board of Supervisors meeting.

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

Motion carried.

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August 24, 2022, at 7:00 p.m.

HOPE DRIVE PARK, LLC – REZONING **WITHDRAWN BY APPLICANT**

This being the day and time advertised to consider a request to rezone approximately 12.286 acre property owned by Hope Drive Park, LLC (TMP 059 128B) and located on the north side of Crimora Mine Road in Crimora in the Middle River magisterial district from general Agriculture to Manufactured Home Park. The purpose of the rezoning would be to facilitate the expansion of the existing mobile home park.

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SHENANDOAH VALLEY AIRPORT RESOLUTION

The Board considered the following resolution to extend the Interim Financing on a hangar development:

RESOLUTION

FOR THE BENEFIT OF SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION

WHEREAS, the Shenandoah Valley Regional Airport Commission (the "Commission") was duly established pursuant to the Code of Virginia, 1950, as amended, and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (collectively, the "Member Localities"), to have and exercise, on behalf of such Member Localities, the power and authority to operate the Shenandoah Valley Regional Airport ("SVRA") located in Augusta County, Virginia; and

WHEREAS, the Commission determined that it is necessary and desirable to (a) acquire, construct, and equip aircraft hangar facilities at SVRA, (b) install and/or replace all or any portion of the SVRA's fuel farm tanks, and (c) pay issuance costs in connection with the financings therefor (collectively, the "Project"); and

WHEREAS, the United States of America, acting through Rural Housing Service, an agency of the United States Department of Agriculture ("RHS"), offered to purchase an up to $3,086,500 Shenandoah Valley Regional Airport Commission Taxable Airport Revenue Bond (the "Bond") to provide the permanent financing needed by the Commission to pay all or any portion of the costs of the Project on the terms and conditions described in that certain RHS Letter of Conditions, dated September 26, 2018; and

WHEREAS, RHS required interim financing for the Project and the Commission reasonably expects that long-term, permanent financing for the Project being financed by the Commission on an interim basis with the proceeds of the Note shall ultimately be provided to the Commission by RHS, together with any other lawfully available funds therefor; and

WHEREAS, the Commission obtained interim financing from Blue Ridge Bank (the "Bank") represented by the Commission's issuance of an up to $2,986,500 Shenandoah Valley Regional Airport Commission Taxable Airport Revenue Note, Series 2019 (the "Note); and

WHEREAS, by letter dated July 25, 2022 (the "Commitment Letter"), the Bank has authorized a modification and amendment of the Note to extend the maturity of the Note from October 29, 2022 to October 29, 2023 at a fixed, taxable interest rate of 3.75% and to extend the draw period under the Note to October 28, 2023 (the "Modification"); and

WHEREAS, the Modification relating to the loan under the Note will be embodied in an amendment to the Note (the "Allonge"); and

WHEREAS, the Commission desires to obtain the approval of each of the governing bodies of its Member Localities with respect to the Modification and delivery of the Allonge, subject to the Commission's final determination of the form and details thereof (all such undertakings by the Commission to finance the Project, on an interim or permanent basis, being collectively referenced herein as the "Loans"); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors (the "Board") of the County of Augusta, Virginia (the "County"), as follows:

1. The Modification and the delivery of the Allonge by the Commission, as described in this Resolution, is hereby approved and authorized, to the fullest extent as may be required, if at all.

August 24, 2022, at 7:00 p.m.

SHENANDOAH VALLEY AIRPORT RESOLUTION (CONT'D)

2. It is to be understood that nothing contained in this Resolution is or shall be deemed to be a debt of the County or a pledge of the faith and credit or the taxing power of the County, and nothing shall legally bind or obligate the Board or any future Board to appropriate funds for such purposes. The long-term indebtedness of the Commission represented by the Note, as amended by the Allonge, or the Bond (or otherwise in connection with the Project and the Loans) shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the County, and neither the faith and credit nor the taxing power of the County shall be pledged for the payment of the principal of, premium, if any or interest on the Note, as amended by the Allonge, or the Bond or any other obligation of the Commission in connection with the Project or the Loans, or any other costs incident thereto.

3. The Chair, Vice Chair, and the County Administrator, any one or more of whom may act, and such officers, employees, and agents of the County as any of them may designate, are each authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates, and other documents (if any) in order to carry out the purposes of this Resolution and in furtherance of the financing of the Project by the Commission, as described in this Resolution.

4. This Resolution shall be effective immediately.

Timothy Fitzgerald, County Administrator, stated that resolution supports an extension of financial needs in order to complete a hangar project.

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

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

Motion carried

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INFRASTRUCTURE ADDS/DELETES

The Board considered the infrastructure account status.

Jennifer Whetzel, Deputy County Administrator, stated that the infrastructure account status is updated twice per year in accordance with the fund balance policy. There are several designations with fund balance in the audit report. One of those is commitments where the Board has approved to set funding aside for certain projects. When those projects are complete, the funds can be unallocated for future use or if there is an adjustment needed to cover expenditures. Projects identified in the report were from the North River, South River and Beverley Manor Districts. This is for Infrastructure and Parks & Recreation matching grants.

Dr. Seaton moved, seconded by Mr. Shull, that the Board approve the infrastructure adds and deletes as presented.

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

Motion carried

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August 24, 2022, at 7:00 p.m.

INFRASTRUCTURE FUNDING REQUEST – STUARTS DRAFT PARK

The Board considered a request for infrastructure funding for the Stuarts Draft Park Master Plan.

Funding Source:	South River Parks & Recreation Infrastructure	8026-40	$2,833.34
	Wayne Parks & Recreation Infrastructure	8027-48	$2,833.33
	Riverheads Parks & Recreation Infrastructure	8025-43	$2,833.33

Mr. Fitzgerald stated that this is for a contract to do master planning for the park in the amount of $8,500.00.

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

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

Motion carried

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INFRASTRUCTURE FUNDING REQUEST – AUGUSTA REGIONAL DENTAL CLINIC

The Board considered a request for infrastructure funding from Augusta Regional Dental Clinic to replace a dental chair.

Funding Source: Wayne Infrastructure 8017-112 $360.00

Mr. Fitzgerald stated that the Augusta Regional Dental Clinic needs to replace their old dental chair. The portable dental chair will be used to take to the elementary schools for their school dental program.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the infrastructure funding request.

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

Motion carried

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REVOLVING LOAN REQUEST

The Board considered the committee's recommendation of a revolving loan for Mount Solon and Weyers Cave Volunteer Fire Department in the amount of $500,000.00 each.

Greg Schacht, Fire Chief, stated that the Revolving Loan Committee met on August 3, 2022 to review requests from Mount Solon Volunteer Fire Company and Weyers Cave Volunteer Fire Company to utilize the revolving loan. The committee recommends approval of both requests, $500,000.00 each, with 60% of this amount repayable. Each department has purchased a new piece of fire apparatus. The Mount Solon Fire Department purchased a 2022 Sutphen Monarch Pumper Tanker and a 2500-gallon water tank for a total of $647,499.04. Weyers Cave Fire Department purchased a 2021 Pierce Enforce Pumper 6 man cab pump, 750-gallon water tank.

REVOLVING LOAN REQUEST (CONT'D)
Mr. Shull moved, seconded by Dr. Seaton, that the Board approve the revolving loan request.

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

Motion carried

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EMERGENCY COMMUNICATIONS CENTER
The Board considered the updated ECC Pay and Classification Study.

Jennifer Whetzel, Deputy County Administrator, noted an updated ECC Pay and Classification study has been completed. Human Resources compared Augusta County to like-sized agencies within the State. There were 8-16% increases in pay since the last study was completed in the fall. Position increases would move one to two pay grades as a result of this study. The total increase for FY23 budget would be $112,344.00.

Dr. Seaton moved, seconded by Mr. Wells, that the Board approve the ECC updated Pay and Classification Study.

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

Motion carried

Mr. Wells would like to address the legislators to include the 911 dispatchers under the LEOS retirement system for the Commonwealth of Virginia.

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AUGUSTA COUNTY COURTHOUSE PROJECT
The Board received an update on the Augusta County Courthouse Project.

Candy Hensley, Assistant County Administrator and Tony Bell, Mosely Architect, presented the Board with a PowerPoint presentation reviewing both the proposed Verona courthouse location and the proposed Staunton courthouse location.

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WAIVERS --NONE

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CONSENT AGENDA

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

MINUTES:

Consider minutes from the following meetings:

- Regular Meeting, Wednesday, July 27, 2022

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

Bree Burnett, 60 Crestwood Dr., Churchville, would like the chicken ordinance as it pertains to rural residential homes to be changed.

James Burnett, 60 Crestwood Dr., Churchville, publicly apologized to John Wilkinson pertaining to a previous conversation they had. He feels that he should not have to have permission from his neighbors to procure his own food. Mr. Burnett asked the Board to change this ordinance.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter directed staff to have the Ordinance Committee review the Chicken Ordinance.

Mr. Slaven stated that adjacent property owners that object to permit requests need to include the reason why they are objecting.

Mr. Wells attended the Valley Alliance for Education for Waynesboro, Staunton, and Augusta County awarding of grants for activities done in the classroom by teachers. There were twenty-seven grants issued and nineteen were awarded to Augusta County.

Dr. Seaton reminded everyone to vote.

Mr. Morelli stated there will be a grand opening for the Stump Elementary playground on September 28, 2022 at 1:00 p.m. He would like to get back on track and review the 5 Year Financial Plan.

Mr. Shull thanked Mr. Bell and Ms. Hensley for the courthouse presentation. He would like to have an update on broadband.

August 24, 2022, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY STAFF
Mr. Fitzgerald discussed the following:

1) FOIA training requirement for the Board has been sent to each Board member.
2) Probation and Parole office lease consideration at 134 Rowe Road. They are willing to hold a public hearing to allow this lease of property if the Board so wishes.
3) Strategic Plan meeting is October 7, 2022 from 9:00a.m. to 4 p.m. We will be setting up times that each Board member will be called by the facilitator to have some discussion prior to the meeting.
4) Due to a shortage of new vehicles as a result of the economic impacts of COVID-19, vehicles have appreciated in value, rather than depreciating from the prior year has assessed value based on the data received from the JD Power pricing guide. This valuation guide is used by every locality in the Commonwealth of Virginia. Augusta County will realize approximately a 35-40% increase in the assessed value of vehicles based on this guide, resulting in a higher tax levy to current vehicle owners. Staff and The Commissioner of the Revenue has explored possible options to lower the tax burden for Augusta County citizens for this appreciation in vehicle values. Those options include:
a. Leave as is and use additional revenue for expenditures that the Board has already approved such as Incidentals for the twelve School Resource Officers, the 911 Emergency Control Center pay increase, and the significant cost of the reassessment contract.
b. Reducing the ratio used against the assessed value (according to the JD Power pricing guide) from 100% to 92% to calculate the personal property tax levy, this process is provided for in the Code of Virginia. This option would require a resolution be approve by the Board of Supervisors.
c. Reducing the tax rate from $2.60 to $2.50. This would require an extension requests from the State Department of tax due to the fact that we will not meet the deadline of having the personal property book completed. This would also require a public hearing to adjust the rate. With this being the case it would be late September before a hearing could be held and the tax rate changed. This would push tax bills back until mid-October for mailing with a due date of December 5, 2022.

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve lowering the tax rate to $2.50.

Mr. Shull stated that this is a lengthier process than reducing the percentage. He is in favor of reducing the percentage to give tax relief to the citizens. This option can be completed without additional cost.

Mr. Slaven has concerns with lowering the tax rate. The rate was originally increased to cover expenses.

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

Motion failed

Mr. Shull moved, seconded by Dr. Seaton, that the Board approve lowering the ratio from 100% to 92%.

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

August 24, 2022, at 7:00 p.m.

Motion carried

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Dr. Seaton moved, seconded by Mr. Wells, that the Board approve the following resolution:

2022 PERSONAL PROPERTY TAX ASSESSMENT

Whereas, The Commissioner of the Revenue has explored possible options to lower the tax burden for Augusta County citizens for this unprecedented appreciation in vehicle values and;

Whereas, the recommended action is to reduce the ratio used against the assessed value (according to the JD Power pricing guide) from 100% to 92% to calculate the personal property tax levy, and is provided for in the Code of Virginia.

NOW THEREFORE BE IT RESOLVED, that by majority vote in accordance with Section 58.1-3503(A)(3) and Section 58.1-3503(B) of the Code of Virginia, 1950, as amended, the 2022 personal property tax assessment (as defined by State Code 58.1-3503 (A)3) will utilize a 92% ratio against the assessed value according to the JD Powers pricing guide for the 2022 tax year, to allow for temporary tax relief (as defined by State Code 58.1-3503 (B)) due to the appreciation of vehicles as a result of the economic impact of COVID-19.

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

Motion carried

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CLOSED SESSION

On motion of Mr. Wells, seconded by Mr. Shull, that the Board convene into closed session pursuant to:

(1) the personnel exemption under Virginia Code § 2.2-3711(A)(1) [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

a) Boards & Commissions: Youth Commission, Ag & Forestal Dist.,Ag Ind. Brd, Recycling, Broadband Committee, Library Board, Augusta County Service Authority, Valley Community Services Board, Shenandoah Valley Partnership, Planning Commission, Parks & Recreation, Community Policy Management Team

(2) the real property exemption under Virginia Code § 2.2-3711(A)(3) [discussion of the acquisition for a public purpose, or disposition, of real property]:

a) Buffalo Gap Property

(3) the economic development exemption under Virginia Code § 2.2-3711(A)(5) [discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

a) Proposed Office space, flex space, storage facilities, manufacturing facilities, utility and mixed use development.

August 24, 2022, at 7:00 p.m.

CLOSED SESSION (CONT'D)

(4) the procurement exemption under Virginia Code § 2.2-3711(A)(30) [discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, as permitted under subsection (A)(30)]:

a) Legislative Contract

On motion of Mr. Shull, seconded by Dr. Seaton, that the Board came out of closed session.

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

Motion carried

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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. Public business matters lawfully exempted from statutory open meeting requirements, and

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

The Chairman asked if there is any Board member who cannot so certify.

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.

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

Motion carried

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

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BOARDS AND COMMISSIONS

Mr. Shull moved, seconded by Mr. Slaven, that the Board appoint Summer Wallace to serve on the Youth Commission. Effective immediately and to expire on June 30, 2023.

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

Motion carried

August 24, 2022, at 7:00 p.m.

BOARDS AND COMMISSIONS (CONT'D)
Mr. Wells moved, seconded by Mr. Shull, that the Board appoint Terri Kisamore to serve a term on the Library Board. Effective immediately and to expire on June 30, 2026

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

Motion carried

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ADJOURNMENT
Dr. Seaton, seconded by Mr. Shull, moved that the Board adjourn the meeting.

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

Motion carried

Chairman

County Administrator

h:8-24min.2022