

Regular Meeting, Wednesday, August 10, 2022, 7:00 p.m. Government Center, Verona, VA.

PRESENT: 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

ABSENT: Gerald Garber, Chairman
 Angie Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, August 10, 2022, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Vice-Chair Wells welcomed those present at the meeting.

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The following students from the Buffalo Gap High School FFA led the Pledge of Allegiance:

Blake Caricofe is a senior and is the President of FFA.

Nicole Grady is a senior and is the Secretary of FFA. She hopes to pursue a career as a Large Animal Veterinary Technician.

Loree Teter is a senior and the Treasurer of FFA. She hopes to pursue a career as a Large Animal Veterinary Technician.

Emory Seal is a sophomore and the Market Animal Show Chairperson.

Hannah Smith is a sophomore and the Chaplain of FFA.

Joe Horn is a Sophomore and the Young Farmers Chairman of FFA.

Jason Payne is a sophomore and the Food for America Chairman of FFA.

Atlee Ramsey is a sophomore and is on the Horse Judging Team of FFA.

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Dr. Seaton, Wayne District, delivered the invocation.

August 10, 2022, at 7:00 p.m.

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BOARD RESOLUTION

The Board considered the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Augusta County, Virginia ("Board") will, from time to time, sell and/or lease real property that it owns; and

WHEREAS, at any regularly scheduled meeting, when the Board, by a vote of four or more, approves the sale and/or lease of real estate, it appears to the Board to be more efficient and advantageous for the Chair of the Board to execute deeds, leases and other documents necessary for the conveyance of real estate, or any interest therein, on behalf of the Board.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. That the Chair of the Board is authorized to be the signatory on behalf of the Board for real estate transactions approved by vote of the Board.
2. This Resolution shall take effect immediately upon its adoption.
3. All deeds and other documents previously executed by the Chair of the Board for the sale or lease of real property, where such sale or lease has been approved by majority vote of the Board, are hereby affirmed and ratified.

James Benkahla, County Attorney, stated that the Board sells and leases real property from time to time. It is customary that the Chairman signs the deed and all corresponding paperwork related to the sale. There is a vote taken each time by the Board of Supervisors. Title companies can require resolutions showing authorization for the Chair's signature on behalf of the Board. This resolution will alleviate needing that vote each time of a sale or lease.

Dr. Seaton suggested the wording be changed from majority vote to four or more votes and at a regularly schedule Board of Supervisors meeting.

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

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

Motion carried.

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August 10, 2022, at 7:00 p.m.

TOURISM CONTRIBUTION AGREEMENT

The Board considered a contribution agreement between County of Augusta and the Economic Development Authority.

Rebekah Castle, Director of Economic Development and Marketing, stated that this agreement outlines the flow of funds for Shenandoah National Park Trust Overlook Maintenance and signage along Skyline Drive. The funds for this work will need to flow from the County to the Economic Development Authority before being distributed to the SNP Trust. The funding has already been provided by the Virginia Tourism Corporation to the Tourism Department and the use has already been approved by the Virginia Tourism Corporation. This agreement is a formal contribution agreement to outline the disbursement of funds. Augusta County tourism staff will work with the SNP Trust on the two overlooks to have maintenance as well as the signage and the wording that will go on the signs. The EDA has approved the contribution agreement, pending Board of Supervisor approval, at its July 20, 2022 meeting. Board approval is needed to authorize the Chair to execute the contribution agreement.

Mr. Morelli moved, seconded by Mr. Slaven, that the Board approve authorizing the Chair to execute the Contribution Agreement.

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

Motion carried.

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MILL PLACE LAND CONVEYANCE TO EDA FOR CAVA

The Board considered conveying 15 acres of Mill Place land to the Economic Development Authority of the County of Augusta for CAVA Foods.

Ms. Castle stated that in September 2021, CAVA Foods committed to locate its first Virginia operation in Mill Place Commerce Park. In this location, CAVA will construct a food production and packaging facility, invest \$37,500,000.00 and create 52 new jobs. The incentive package secured with this expansion included a consensus of the Board of Supervisors to match the COF grant through a land grant of 15 acres to the EDA. The Commonwealth's Development Opportunity Fund agreement, Land Grant performance agreement, land conveyance agreement and escrow agreement were executed in early 2022. CAVA is prepared to close on the property and in order to convey the property to CAVA, the land will need to be transferred to the EDA.

Dr. Seaton moved, seconded by Mr. Morelli, that the Board approve the conveyance of 15 acres to the Economic Development Authority for CAVA Foods.

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

Motion carried.

August 10, 2022, at 7:00 p.m.

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PERSONAL PROPERTY TAX RELIEF PROGRAM - RESOLUTION

The Board considered the resolution establishing the rate of tax relief of qualifying vehicles for purposes of the Personal Property Tax Relief Act.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act).

WHEREAS, by its enactment of an ordinance on December 14, 2005 ("Ordinance"), the Board of Supervisors of Augusta County, Virginia (the "Board of Supervisors") has previously implemented such modifications of the PPTRA.

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2022 for purposes of the Ordinance.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be twenty-six (26%).
2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in § 3(b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in § 4, pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.
3. This Resolution shall take effect immediately upon its adoption.

Jennifer Whetzel, Deputy County Administrator, stated that in the late 1990's the Governor showed interest in returning a portion of personal property tax to individuals at the state level. In the early 2000's, under the Governor's initiative, the state set aside \$950 million per year in the budget to go towards the Personal Property Tax Relief Act. Each locality had to report their tax rates to the state and the state allocated a portion of the \$950 million to the locality. Augusta County receives approximately \$4.3 million each year. The Commissioner of the Revenue's office has to take the values of the personal property book and compare it against the \$4.3 million and allocate it back to the tax bills based on qualifying vehicles. Vehicle values have increased over the last twenty years so the percentage that is allocated of the \$4.3 million goes down. Last year the percentage was 34% and this year it is 26% percent.

Dr. Seaton asked if an increase for the assessed value of \$1,000.00 could be added to the legislative package.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the Personal Property Tax Relief Act Resolution for the 2022 personal property tax book.

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

Motion carried.

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Mr. Slaven reminded everyone that school is back in session and to be mindful of increased traffic. He also encourages citizens to research facts and be prepared to vote on the courthouse in November.

August 10, 2022, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells was pleased with the Augusta County Fair turnout.

Dr. Seaton asked how much the grant was for the School Resource Officers.

Mr. Fitzgerald stated that the amount was \$778,583.00 annually and is renewable for four years.

Dr. Seaton does not understand why the grant is available now and was not mentioned during the budget process. He asked what the status was on the radio system for the Sheriff's Department.

Ms. Whetzel stated that it was still in the procurement stages. It is expected to be brought before the Board sometime in the fall.

Dr. Seaton asked if there is anything the County to do in order to help the Sheriff hire the positions he needs.

Mr. Fitzgerald stated that this is a Board decision. It was a part of the budget process and decided on at that time. Mr. Fitzgerald discussed the status of the open positions for the Sheriff's Office.

Dr. Seaton questioned a County priority meeting.

Ms. Whetzel stated that the Strategic Plan meeting is still in the works.

Mr. Shull asked that Human Resources reach out to other localities on incentives for ECC.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) County Officials summit is August 18, 2022 in Roanoke.

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CLOSED SESSION

On motion of Mr. Shull, 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, Blue Ridge Tunnel Foundation

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CLOSED SESSION(CONT'D)

- (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

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

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

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: Wells, Carter, Shull, Slaven, Morelli
And Seaton
Nays: None
Absent: Garber

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

Dr. Seaton moved, seconded by Mr. Morelli, that the Board appoint Elizabeth Goodloe to serve and unexpired term on the SAW-MPO. Effectively immediately and to expire on June 30, 2023.

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

Motion carried.

Ms. Carter moved, seconded by Dr. Seaton, that the Board re-appoint Leon Bartley to serve on the Parks & Recreation Commission. Effective immediately and to expire on June 30, 2026.

Motion carried.

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

Motion carried.

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

Motion carried.

Harold W. Gaylor
Chairman

Mr. Fitzgerald
County Administrator