

Regular Meeting, Wednesday, December 14, 2022, 7:00 p.m., Government Center, Verona, VA.

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

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, December 14, 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 student from Wilson Middle School led the Board in the Pledge of Allegiance:

Levi Pincock is the 8th grade President for the school. He looks forward to studying politics in the future.

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Ms. Carter, Pastures District, delivered the invocation.

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127 INVESTMENTS, LLC (JEFFERSON HIGHWAY) - REZONING

This being the day and time advertised to consider a request to rezone from Single-Family Residential to Attached Residential approximately 3 acres of a 4.5-acre parcel owned by 127 Investments, LLC located on 1357 Jefferson Highway in Fishersville in the Beverley Manor District. The Planning Commission recommends denial.

Elizabeth Goodloe, Planner, stated that the property is located within an Urban Service Overlay District, in an Urban Service Area of the Comprehensive Plan, planned for Medium Density Residential, allowing for three to four units per acre. The proposed usage of the property is to have three vertical clusters of townhouses with an access street in the middle of the lot. The Planning Commission recommends denial of the request. It is requested

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127 INVESTMENTS, LLC (JEFFERSON HIGHWAY) – REZONING (CONT'D)

that the applicant meet the Comprehensive Plan for Medium Density Residential.

Ray Burkholder, Balzer and Associates, was available for questions.

Dr. Seaton asked multiple questions regarding the rezoning.

The Chairman declared the public hearing open.

Terri Cale, 1331 Jefferson Highway, spoke in opposition of the rezoning.

Stacey Diehl, 7 Fairmont Drive, spoke in opposition of the rezoning.

Lance Cash, 1323 Jefferson Highway, spoke in opposition of the rezoning.

Jeremy McCray, 1325 Jefferson Highway, spoke in opposition of the rezoning.

Stephanie Cash, 1323 Jefferson Highway, spoke in opposition of the rezoning.

Colleen Andes, spoke in opposition of the rezoning.

Amina Matheny Willard, Attorney, believes this is a bad idea.

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

Mr. Wells moved, seconded by Mr. Slaven, that the Board postpone until the January 25, 2023 regular Board of Supervisors meeting.

Dr. Seaton is concerned with making people come out again on this issue when the Planning Commission strongly voted against it.

Mr. Garber stated that the public hearing has been held and has been closed.

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

Motion carried.

127 INVESTMENTS, LLC (TINKLING SPRINGS) REZONING

This being the day and time advertised to consider a request to rezone from General Agriculture to General Business approximately 5.713 acres owned by 127 Investments, LLC located on 127 Tinkling Springs Drive in Fishersville in the Wayne District. The Planning Commission recommends approval.

Ms. Goodloe stated that the property is located within an Urban Service Overlay District, in an Urban Service Area of the Comprehensive Plan planned for Medium Density Residential, allowing for three to four units per acre. The proposed usage of the property is a general business use with up to three stories of apartments above, totaling 108 units.

Ray Burkholder with Balzer and Associates was available for questions.

The Chairman declared the public hearing open.

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

Dr. Seaton moved, seconded by Ms. Carter, that the Board deny the rezoning request as presented.

Motion carried

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This being the day and time advertised to consider a request to rezone from General Business to General Business with a Public Use Overlay approximately 2.035 acres owned by CPE Properties, LLC located on 36 Parkway Lane in Fishersville in the Beverley Manor District. The Planning Commission recommends approval.

Ms. Goodloe stated that the property is located within an Urban Service Overlay District, in an Urban Service Area of the Comprehensive Plan planned for business. The proposed usage of the property is to add a Public Use Overlay over the current General Business zoning in order to have a Private Christian School for grades K-8th grade.

Darren Thorpe is the co-owner of the property was available for questions.

Vanessa Mundi is part of the staff from Crossroads Baptist Church. They are currently using Augusta Christian Academy as part of an outreach ministry. They have been using classrooms within the church facility, but are quickly running out of space.

The Chairman declared the public hearing open.

Heath Spivey, Pastor of Crossroads Baptist Church, stated that there is a large demand for private education.

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

Mr. Wells moved, seconded by Dr. Seaton, that the Board approve the rezoning request as presented.

Motion carried.

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This being the day and time advertised to consider renewal for the Middlebrook Agricultural and Forestal District.

Ms. Goodloe stated that the proposed district encompasses approximately 572.681 acres, previously 2,132 acres of land lying on the southwest side of the intersection of Middlebrook Road (Route 253) and Dutch Hollow Road (Route 726) and as far south as the Rockbridge County line. Staff recommends that the district be renewed for eight years and the conditions remain the same.

The Chairman declared the public hearing open

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

Mr. Shull moved, seconded by Mr. Morelli, that the Board approve the renewal with a retroactive date of December 9, 2022.

Dr. Seaton questioned the expiration date of the district and whether it was advertised correctly.

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

Motion carried.

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ORDINANCE AMENDMENT: MINI-WAREHOUSES
This being the day and time advertised to consider an ordinance amendment to 25-74 for mini-warehouses permitted by Special Use Permit.

Ms. Goodloe stated that the amendment to allow Mini-Warehouses in General Agriculture Districts with a Special Use Permit provided: minimum required setbacks from residentially zoned property be at least one hundred feet, minimum setbacks from arterial streets be at least two hundred feet, storage shall be within completely enclosed buildings, entrance gates be setback forty feet from streets and aisleways for vehicular traffic, aisleways for vehicular traffic be eighteen feet for one-way traffic and twenty-four feet for two-way traffic, structures shall not exceed twenty feet in height, no doors facing residential zoned districts may exceed eight feet height, no activities such as sales, repair, or servicing of goods, equipment or vehicles be permitted, and no storage of hazardous toxic, or explosive materials be permitted.

The Chairman declared the public hearing open

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

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the ordinance amendment as presented.

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

Motion carried.

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The Board considered an ordinance to amend Chapter 25. Zoning. Division B. Ag District. Article VII. General Ag Dist. Section 25-74. Use Permitted by Special Use Permit. Short Term Rentals, Bed and Breakfast, and Vacation Rentals.

Ms. Goodloe stated that this amendment removes the requirement that the owner or operator reside on the property or an adjacent property, adds the owner or operator must reside within fifty miles of the property, adds the owner must provide Community Development with a 24-hour emergency contact number and the owner of record must notify Community Development if contact information changes and the amendments adds that the owner provide an accurate record of the number of occupants and frequency of rentals to the Zoning Administrator or Commissioner of the Revenue if requested.

Mr. Wells moved, seconded by Dr. Seaton, that the Board approve the rezoning request as presented.

The Chairman declared the public hearing open

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

Dr. Seaton moved, seconded by Mr. Wells, that the Board approve the ordinance amendment as presented.

Ms. Carter stated that based on feed back she has gotten from several individuals, she is not in favor of this ordinance amendment.

Mr. Slaven agrees with Ms. Carter. The current wording in the ordinance as it is written without the amendments would be appropriate for the County.

Mr. Shull stated that the ordinance can be left as is and then changed at a later date if necessary.

Dr. Seaton withdrew his motion on the table.

Mr. Slaven moved, seconded by Mr. Shull, that the Board leave things as written in the current ordinance.

Mr. Shull proposed a friendly amendment to adopt the amendment that requires an accurate record of the number of occupants and frequency of rentals to the Zoning Administrator or Commissioner of the Revenue if requested.

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ORDINANCE AMENDMENT -SHORT TERM RENTALS – PREVIOUSLY POSTPONED
(CONT'D)

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

Motion carried.

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AUDIT PRESENTATION

ROBIN PRESENTATION
The Board heard a presentation by PB Mares, LLP regarding the audit.

Betsy Hedrick and Andrea Nichols with PB Mares, LLC presented the FY22 Financial Audit for the County.

Ms. Hedrick stated that an unmodified opinion has been issued on the County's Annual Comprehensive Financial Report for the fiscal year ended June 30, 2022. An unmodified opinion is a clean opinion. The report on Internal Control over financial reporting and compliance and the report that relates to the audit of the County's major federal programs also received an unmodified opinion.

Ms. Nichols stated that they have met with the Audit Committee and shared certain required audit communications that is required to be communicated to the Board that included a list of certain recommendations in a management letter.

Mr. Shull moved, seconded by Dr. Seaton, that the Board accept the audit as presented.

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

Motion carried.

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INFRASTRUCTURE FUNDING REQUEST

The Board considered the following:

- a) A funding request from the North River Infrastructure account for Natural Chimneys Campground bath house upgrade.

Funding Source:	North River Parks & Rec Infrastructure 8023-53	\$1,535.06
	South River Parks & Rec Infrastructure 8026-41	\$1,535.06

Timothy Fitzgerald, County Administrator, stated that this a request for additional bath house upgrades at Natural Chimneys. The previous project did not cover all bath houses within Natural Chimneys. The total cost is \$3,070.12.

Mr. Morelli stated that he would like to split the cost from his infrastructure account.

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INFRASTRUCTURE FUNDING REQUEST (CONT'D)

Mr. Slaven moved, seconded by Mr. Shull, that the Board approve the funding request as presented.

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

Motion carried.

- b) A funding request from the Middle River Infrastructure account for Weyers Cave Recreation & Association, Inc. parking lot lighting.

Funding Source: Middle River Infrastructure 8012-102 \$690.36
South River Infrastructure 8016-104 \$690.35

Mr. Fitzgerald stated that the Weyers Cave Recreation Center has a need to update their parking lot lights. They plan to replace seven existing lights with LED bulbs and add one new LED fixture to an existing pole. The improved lighting will provide a safer environment for the local citizens using the facility.

Mr. Morelli stated that he would like to split the cost from his infrastructure account.

Dr. Seaton moved, seconded by Mr. Wells, that the Board approve the funding request as presented.

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

Motion carried

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SOLID WASTE AND RECYCLABLES COLLECTION

The Board considered awarding contract to Bobby's Towing Service in the amount of \$1,052,949.00 for a five-year contract term.

Mr. Fitzgerald stated that two bids were received for the Solid Waste & Recyclables Collection from Bobby's Towing Service and Republic Services. It was determined that Bobby's towing Service was fully qualified, responsible and responsive. The contract term will run for five years with an option to renew for two additional one-year renewals. Staff recommends awarding the bid to Bobby's Towing Service. Staff further recommends that the County Administrator be given authority to sign the contract once executed.

Mr. Shull moved, seconded by Mr. Slaven, that the Board approve awarding the contract to Bobby's Towing Service.

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

Motion carried

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The Board considered the Board Rules of Order.

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

Motion carried

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

Consider minutes from the following meetings:

- Regular Meeting, Wednesday, October 12, 2022
- Staff Briefing, Monday, October 24, 2022

Consider claims paid since November 1, 2022.

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

Motion carried

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December 14, 2022, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC

Burl Bridge, 328 Lee Highway, Verona, is concerned with the facility he is currently living in.

Landon Roach, 91 Guthrie Road, Stuarts Draft, is concerned about an incident with Fire-Rescue regarding a policy of parent's not being allowed to ride with their children in the ambulance.

Mr. Fitzgerald stated that this is a personnel matter and has been addressed with the Fire Chief and he will have further discussion with him.

Mr. Shull requested a Closed Session on Personnel and Legal Matters.

Amina Matheny-Willard, Attorney, is concerned with clients that are being unfairly targeted by the Commonwealth Attorney and the Sheriff.

Sam Orlando, 475 Windsong Ct, Fishersville, spoke in favor of body cameras.

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MATTERS TO BE PRESENTED BY THE BOARD

The Board wished everyone a Merry Christmas.

Dr. Seaton expressed his condolences to the Ronnie Campbell family.

Mr. Shull congratulated the Riverheads Football Team on their State Championship win.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) Churchville Library celebrated their 20-year Anniversary.
- 2) Thank you to Mr. Garber for his work as the Chair of the Board.
- 3) Board Committee report provided to the Board. This report is in regards to the strategic planning item as it pertains to committees. Based on the report, Staff's direction beginning in January, will be to not appoint committees. When necessary, information will be provided to the Board.

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CLOSED SESSION

On motion of Mr. Wells, seconded by Mr. Slaven, the Board went 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) Fire Chief

CLOSED SESSION (CONT'D)

- (2) the legal counsel exemption under Virginia Code § 2.2-3711(A8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

a) Fire Chief

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On motion of Dr. Seaton, seconded by Mr. Slaven, the Board came out of Closed Session.

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

Roll Call Vote was as follows:

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

Motion carried.
Motion carried.

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

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December 14, 2022, at 7:00 p.m.

ADJOURNMENT

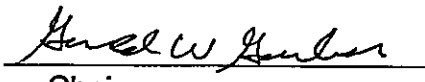
Dr. Seaton, seconded by Ms. Carter, moved that the Board adjourn the meeting.

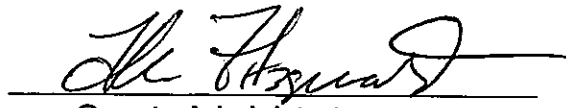
Vote was as follows:

Yeas: Garber, Wells, Shull, Carter, Slaven, Morell
and Seaton

Nays: None

Motion carried


Chairman


County Administrator

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