

Regular Meeting, Wednesday, March 9, 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, March 9, 2022, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 246th year of the Commonwealth....

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Chairman Garber welcomed those present for the meeting.

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Students from Stuarts Draft High School led the Pledge of Allegiance.

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

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AMERICAN RED CROSS MONTH RESOLUTION

Mr. Wells moved, seconded by Mr. Slaven, that the Board adopt the following resolution.

AMERICAN RED CROSS MONTH, 2022 A Proclamation

WHEREAS, In times of crisis, people from across Central Virginia come together to take care of each other. This humanitarian spirit is part of our community and exemplified by American Red Cross volunteers and donors.

WHEREAS, In 1881, Clara Barton founded the American Red Cross, turning her dedication to helping others into a bold mission to prevent and alleviate people's suffering. More than 140 years later, we honor the kindness and generosity of the Red Cross volunteers here in Central Virginia, who continue to carry on Clara's legacy of saving lives. They join millions of people across the United States who volunteer, donate blood, make monetary donations, or learn vital life-preserving skills through the Red Cross.



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WHEREAS, Their work to prevent and alleviate human suffering is vital to bolstering the resilience of our community. We dedicate this Month of March to all those who continue to drive the noble legacy of the founder of the American Red Cross, Clara Barton, who lived in her words: "You should never think about anything but need, and how to meet it." We ask others to join this commitment to giving back in our community.

IN WITNESS WHEREOF, I sign this 22 day of March, of the year two thousand and twenty-two, and of Augusta County, Virginia.

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

Motion carried.

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This being the day and time advertised to consider an amendment to Augusta County Code Section 22-15 to remove open space real estate as a qualifying use for the Augusta County land use assessment program.

John Wilkinson, Director of Community Development, stated that this would leave three of the four classes of real estate, including real estate devoted to agriculture use, real estate devoted to horticultural use, and real estate devoted to forest use. The amendment would remove only open space qualification for land use.

Jean Shrewsbury, Commissioner of the Revenue, stated that currently in Augusta County there are no parcels that are qualifying under the open space category. This request would remove the fourth category and leave the three categories. In order to qualify for the one of three categories, the owner would qualify with income producing and production.

The Chairman declared the public hearing open.

There being no speakers the Chairman closed the public hearing.

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

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ORDINANCE AMENDMENT – LAND USE TAXATION (CONT'D)

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

Motion carried.

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NATURAL CHIMNEYS FENCE PROJECT

The Board considered a funding request for a fencing project at Natural Chimneys.

Funding Source: North River P&R Infrastructure 8023-51 \$23,333.00

Jennifer Whetzel, Deputy County Administrator, stated that the chain link fencing that is installed around the Maintenance shop yard area at Natural Chimneys Park is showing signs of age and environment. It is being proposed to have this fencing replaced with new fencing and gates. There is approximately 485 feet of fencing along with several gates, which include two double gates. The total estimate is \$23,333.00, which would replace the entire fence as well as one 20' gate and one 10' gate. If the Board feels that this is a worthwhile investment, additional quotes will be required to meet procurement guidelines, and the funds will need to be allocated from other sources. This repair/replacement is an unbudgeted expense not accounted for in the Maintenance Operating accounts or depreciation schedules.

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

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

Motion carried.

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SHENANDOAH VALLEY JUVENILE CENTER.

The Board considered the Member Lease Agreement and Member Jurisdiction Resolution.

Timothy K. Fitzgerald, County Administrator, stated that this agreement has been in place since the Juvenile Center moved to Verona. When reviewing the agreement, it was determined that there was an end date to the agreement. The terms have been updated in the agreement and the agreement did not change otherwise. This agreement will end on June 30, 2032. The agreement has been reviewed by the County Attorney.

Mr. Wells moved, seconded by Mr. Slaven, that the Board approve the agreement and resolution as presented.

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

Motion carried.

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Mr. Fitzgerald discussed the following:

- 6) Mr. Wells gave an update of courthouse.

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- (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 and Commissions: Youth Commission, Ag & Forestal Dist., Ag Ind. Brd, Recycling, Library, Broadband Committee,
- (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) Verona Elementary School
- (3) the legal counsel exemption under Virginia Code § 2.2 3711(A) (7)
Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such

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CLOSED SESSION (CONT'D)

consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. 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) Hershey Chocolate of Virginia, Inc. v. Augusta County

(4) the legal counsel exemption under Virginia Code § 2.23711(A)(8) 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) Hershey Chocolate of Virginia, Inc. v. Augusta County

On motion of Mr. Shull, seconded by Ms. Carter, the Board came out of Closed Session.

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

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