

Regular Meeting, Wednesday, February 28, 2024, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Jeffrey Slaven, Chairman
Pam Carter, Vice-Chair
Michael Shull
Butch Wells
Gerald Garber
Carolyn Bragg
Scott Seaton (Via Zoom)
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Doug Wolf, Director of Community Development
Julia Hensley, Planner II
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, February 28, 2024, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

* * * * *

Chairman Slaven welcomed those present at the meeting.

* * * * *

The following students from Riverheads High School led the Board in the Pledge of Allegiance:

Mackenzie Hinton plans to major in business in college and become a loan officer.

Audrey Wallace plans to major in exercise science and go into physical therapy.

Presley Hevener plans to attend a four year college and major in psychology.

Ella Galford plans to go to a college to be a dental hygienist.

Emily Modlin plans to take courses at Blue Ridge Community College to become a paramedic.

* * * * *

Sgt C.J. Aikens, member of Memorial Baptist Church in Staunton, delivered the invocation.

* * * * *

Mr. Garber moved, seconded by Ms. Carter, that the Board allow Dr. Seaton to join the meeting via Zoom.

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

Motion carried.

* * * * *

February 28, 2024, at 7:00 p.m.

RESOLUTION FOR SENATOR EMMETT HANGER

Ms. Bragg read the following resolution:

Whereas, Emmett Wilson Hanger, Jr., born in Augusta County, Virginia, with a very humble background, has led a principled life of public service benefiting generations of Virginians; and

Whereas, Emmett graduated from Fort Defiance High School and then James Madison University with a Master of Business Administration with concentration in Accounting, and a Bachelor of Science degree in Management and Economics; and

Whereas, Emmett began his career in public service in the U.S. Army as an Infantry Officer attaining rank of Captain. He served eleven years in the Virginia Army National Guard and six years as Commander of the Harrisonburg National Guard; and

Whereas, elected in 1979, Emmett served as Augusta County Commissioner of the Revenue, then in the Virginia House of Delegates for nine years, and then later returned to serve in the Senate of Virginia for 28 years. Emmett distinguishably served as the Chairman of the Senate Finance Committee; co-Chair of the Senate Finance Subcommittee on Health and Human Resources; and as a long-time General Assembly budget conferee. His depth of institutional knowledge is profound and well demonstrated as he also served as past Chair of the Senate Committee on Agriculture, Conservation and Natural Resources as well as past Chair of the Senate Committee on Rehabilitation and Social Services; and

Whereas, Emmett has worked tirelessly on consequential and compelling statewide issues such as all budget matters of the Commonwealth, Medicaid Expansion to better serve the working poor and those with disabilities; mental health advocacy; preventing and treating substance abuse addictions; ensuring second chances to those who have served time in prison and can become contributing citizens again; the education of our youth and child safety issues; updating our tax code; providing support to our local governments, law enforcement and health care workers; and safety issues and the expansion of Interstate 81; and

Whereas, Emmett has promoted our environment and natural heritage with his work such as clean up and conservation of the Chesapeake Bay, improving agricultural best management practices to promote farming and protect our lands, and numerous conservation measures including bringing Natural Bridge into the State Park system and expanding, promoting, and protecting our Park system statewide; advancing solar initiatives; staving off sprawl; and other measures to insure our air, waters and land can be protected and enjoyed for future generations; and

Whereas, locally, Emmett has left an indelible mark with his guidance and support to bring the Frontier Culture Museum of America to fruition and is Chairman Emeritus of their Board of Trustees; he also championed efforts such as the American Shakespeare Center; the sale and reuse of the former Staunton Correctional Center that is now the Blackburn Inn and Conference Center and additional housing for the area; the land swap for Western State Hospital to bring about Staunton Crossing; securing funding and promoting a satellite museum in Waynesboro for the Virginia Museum of Natural History; and

Whereas, Emmett also assisted with the establishment and ongoing support of Mary Baldwin's Virginia Women's Institute for Leadership in Staunton and the transition of the Wilson Workforce and Rehabilitation Center in Fishersville. He also was the past Chair of the Board of Visitors for the Virginia Schools for the Deaf and Blind and worked to consolidate a similar, historic Hampton school into today's more modern campus in Staunton. Emmett successfully patroned budget amendments to refurbish or construct multiple projects and support operations at James Madison University and the University of Virginia as well as numerous colleges, universities and community colleges across his Senate district and the Commonwealth over the years; and

WHEREAS, John Avoli began his journey in education as a teacher and coach at Wilson Memorial High School in Fishersville, ascending to positions of increasing responsibility including assistant principal at Valley Vocational Technical Center in Fishersville, principal of Stuarts Draft High School, and later serving as principal at Valley Vocational Technical Center; and

WHEREAS, John Avoli's commitment to education and civil service extended beyond the classroom as he served on the Staunton City Council for 16 years, including 14 years as Mayor, playing a pivotal role in fostering downtown Staunton's nationally-recognized renaissance and working tirelessly to improve the quality of life for residents; and

WHEREAS, John Avoli's legislative endeavors were instrumental in advancing critical issues such as initiatives in public health emergency preparedness, comprehensive education reform, and the safeguarding of local waterways, embodying his unwavering commitment to the well-being of citizens throughout the Commonwealth; and

WHEREAS, John Avoli demonstrated exceptional dedication to Augusta County, Virginia, by sponsoring and championing HB902 in 2022, a pivotal piece of legislation that allowed Augusta County to hold a crucial referendum on the relocation of the courthouse. Avoli's leadership ensured that the referendum proceeded, resulting in its successful passage by voters in November 2022. This landmark decision empowered Augusta County to relocate its court systems to Verona where a new courthouse will be constructed near the Government Center, fulfilling a transformative vision set forth in the master plan for Augusta County conceived over 35 years ago.

NOW, THEREFORE, BE IT RESOLVED, that the Augusta County Board of Supervisors hereby honors and recognizes John Avoli for his exemplary service, unwavering dedication, and profound impact on the citizens of Augusta County and the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED, that this resolution be appropriately inscribed and presented to John Avoli as a token of the sincere gratitude and highest esteem in which he is held by the Board of Supervisors and the community he has served with such distinction.

Ms. Bragg moved, seconded by Mr. Shull, that the Board adopt the following resolution:

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

Motion carried.

* * * * *

This being the day and time advertised to consider a request to rezone from General Agriculture to General Industrial approximately 2.843 acres owned by JRE Fishersville, LLC located on Expo Road in the Beverley Manor District. The Planning Commission recommends approval of the request.

February 28, 2024, at 7:00 p.m.

REZONING – JRE FISHERSVILLE, LLC (CONT'D)

Julia Hensley, Planner II, stated that the property is located on Expo Road directly across from James River Equipment in Fishersville. It is located in an Urban Service Area of the Comprehensive Plan planned for General Industrial. The purpose of the rezoning is to rezone to General Industrial in order to be in compliance for the display and storage of agricultural and construction equipment. The parcel is an extension of the James River Equipment business located at 94 Expo Road.

The Chairman opened the public hearing

There being no speakers the Chairman closed the public hearing

Mr. Wells moved, seconded by Ms. Carter, that the Board approve the rezoning request as presented.

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

Motion carried.

* * * * *

REZONING – D&H PROPERTIES, LLC

This being the day and time advertised to consider a request to rezone from Single Family Residential 10 to General Agriculture with proffers approximately 60.635 acres owned by D&H Properties, LLC located in the South River District. The Planning Commission recommends approval of the request with proffers.

Ms. Hensley stated that the property is located near Lyndhurst Tract 3 Trench Land Farm in Lyndhurst. It is located in a Community Development Area of the Comprehensive Plan planned for Low Density Residential. The purpose of the rezoning is to rezone from Single Family Residential 10 to General Agriculture in order to grow crops on the land. The parcel adjoins a parcel to the south also owned by D&H Properties, LLC.

The Chairman opened the public hearing.

There being no speakers the Chairman closed the public hearing

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the rezoning request as presented.

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

Motion carried.

* * * * *

February 28, 2024, at 7:00 p.m.

MOSELEY ARCHITECTS CONTRACT AMENDMENT

The Board considered an amendment to the current contract with Moseley Architects.

Candy Hensley, Assistant County Administrator, stated that this amendment is for design services for Dick Huff Lane, which is being called Dick Huff Lane West, from its intersection with Route 11 to its intersection with Government Center Lane. This connects to the part that where the new courthouse is being built. Mr. Wolf is working on grant money to fund a portion of this. Easement plats were added to the contract for creation. This is the easement plat set for water and sewer and for the road connection between the jail and the courthouse. There is one additional amendment that is at no cost. There were incorrect values previously given and those are being corrected as shown in the documents. The total cost for the additional services is \$115,306.00. Ms. Hensley requests approval for the County Administrator to sign the necessary documents.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the amendments as presented and add that Mr. Fitzgerald can sign as needed.

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

Motion carried.

* * * * *

COURTHOUSE CONSTRUCTION CONTRACT

The Board considered awarding contract for the Courthouse project.

The Chairman asked Delegate Avoli and Senator Hanger to join Ms. Hensley at the podium.

Ms. Hensley stated that this is the next step of the courthouse project. The County has been under court order to provide a safe and secure courthouse by February 11, 2026. All milestones in the court order have been met and the construction contract is ready to be awarded. The invitation for Bids was issued for the new Augusta County Courthouse on November 29, 2023. Three bids were received on January 18, 2024. The low bid was from Branch Builds for \$62,995,000.00. A contract was vetted with Branch Builds and included value engineering exercises. Value engineering exercises resulted in \$665,516.00 being removed from the bid amount. For clarification, the approximate \$62 million for courthouse construction is the construction of the building and the site area. This is part of the overall total of \$80 million. Ms. Hensley request authorization for Mr. Fitzgerald to sign the contract once it is complete.

Mr. Slaven pointed out that this vote to build a new courts facility for this County has not been taken in one hundred twenty years. This is not something that happens everyday for a locality and certainly does not include the opportunity of a sitting Board to be part of it. As the longest sitting member of the Board, Mr. Slaven asked Mr. Shull if he would like to make the motion.

Mr. Shull stated that there is a lot of history in the current courthouse. Under the Judge's orders, in order to perform court duties in the County, we need to upgrade our courthouse. This is also part of history.

Mr. Shull moved, seconded by Mr. Garber, that the Board approve awarding the contract for the Courthouse project to Branch Builds and authorize the County Administrator to execute the documents.

COURTHOUSE CONSTRUCTION CONTRACT (CONT'D)

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

* * * * *

DEED OF EASEMENT AND TEMPORARY ROAD CONSTRUCTION EASEMENT.
The Board considered a Deed of Permanent Access Easement and Temporary Road Construction Easement in order to connect the new Courthouse to Middle River Regional Jail via a new 50-foot road.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the Deed of Easement as presented.

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

Mr. Slaven thanked Ms. Hensley for her hard work and dedication.

* * * * *

Dr. Seaton stated that the December 13, 2023 meeting minutes does not include the questions he asked of Phil Martin regarding the Solar Ordinance amendments and the January 3, 2024 meeting minutes did not include the questions he asked of the nominated Chair and Vice Chair. He requested that those two sets of minutes be removed from the Consent Agenda.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the minutes from the Consent Agenda for the Regular Meeting on Wednesday, January 10, 2024 and the Staff Briefing on Monday, January 22, 2024.

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

Motion carried.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve delaying adoption of the December 13, 2023 and the January 3, 2024 meeting minutes to allow time for review.

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

Motion carried.

* * * * *

(END OF CONSENT AGENDA)

* * * * *

Dave Zimmerman, 120 Lee Highway, Verona, commends the Sheriff on his hard work and deputies. The Deputies are also to be commended for their dedication and protection provided for the citizens. All County employees do a great job and he is thankful.

John Nalberczinski, 85 Briar Creek Cir, Weyers Cave, is concerned with the reassessment group. There are numerous errors and accuracy is important.

Laura Hayes, 1340 Sangers Lane, Staunton, is concerned that Shenandoah Valley Electric and Dominion Energy are installing smart meters for their customers. There are many health problems that have been linked to smart meters.

* * * * *

MATTERS TO BE PRESENTED BY STAFF - NONE

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Garber reminded everyone that the Board of Supervisors does not set the reassessment number and cannot change the reassessment. The Board only sets a tax rate.

Ms. Bragg moved, seconded by Mr. Shull, that the Board appoint Kirk Barley to serve on the Broadband Committee.

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

Motion carried.

