

Staff Briefing Meeting, Monday, February 26, 2024, 1:30 p.m., Government Center, Verona, VA.

PRESENT: Jeffrey Slaven, Chairman
Pam Carter, Vice-Chair
Michael Shull
Gerald Garber
Carolyn Bragg
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
James Benkahla, County Attorney
Doug Wolf, Director of Community Development
Julia Hensley, Planner II
Elizabeth Goodloe, Planner I
Misty Cook, Finance Director

ABSENT: Scott Seaton
Butch Wells

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, February 26, 2024, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT status report of February 26, 2024.

The Board accepted the report as information.

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FIRE AND RESCUE

Greg Schacht, Fire Chief, discussed the Fire and Rescue monthly report.

The Board accepted the monthly report as information.

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VALLEY COMMUNITY SERVICES BOARD

Dr. Kimberly McClanahan, Director of Valley Community Services Board presented to the Board information concerning the proposed Crisis Stabilization Unit on land that the state owns in Fishersville.

The Board accepted the report as information.

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MOSELEY ARCHITECTS CONTRACT AMENDMENT

Candy Hensley, Assistant County Administrator, discussed an amendment to the current contract with Moseley Architects.

The Board authorized placing on the February 28, 2024 regular meeting agenda.

February 26, 2024, at 1:30 p.m.

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COURTHOUSE CONSTRUCTION CONTRACT

Ms. Hensley discussed awarding contract for the courthouse project.

The Board authorized placing on the February 28, 2024 regular meeting agenda.

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DEED OF EASEMENT AND TEMPORARY ROAD CONSTRUCTION EASEMENT

Ms. Hensley discussed 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.

The Board authorized placing on the February 28, 2024 regular meeting agenda.

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BOARD RULES OF ORDER

Timothy Fitzgerald, County Administrator, discussed changes to the Board Rules of Order.

The Board instructed staff to delete number three under the current Rules of Order.

The Board authorized placing on the February 28, 2024 regular meeting agenda.

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FY2025 ARTS GRANT

Jennifer Whetzel, Deputy County Administrator, discussed the Arts Grant for FY2025.

Board directed staff that Oak Grove Theater should be the recipient of the grant funds for FY2025.

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PLANNING COMMISSION/PUBLIC HEARING

Julia Hensley, Planner II, discussed the following:

- 1) 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.
- 2) A request to rezone from Single Family Residential 10 to General Agriculture with proffers approximately 60.635 acres owned by D&H Properties located in the South River District. The Planning Commission recommends approval of the request with proffers.

The Board authorized placing on the February 28, 2024 regular meeting agenda.

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February 26, 2024, at 1:30 p.m.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) Courthouse ground breaking will be March 15th at 10:00 a.m.
- 2) The Code of Virginia changes several years ago to allow counties to do siting agreements and negotiate on large solar projects over five megawatts. Currently, Augusta County has not participated in siting agreements. AES Solar in Stuarts Draft has sent the County a siting agreement and has continued to ask for a meeting to discuss. Mr. Fitzgerald asked the Board for direction as to whether siting agreements is something they want to entertain.

Mr. Garber stated that it may be legal, but not ethical.

Mr. Shull agrees with Mr. Garber.

Ms. Bragg stated that this takes out the ability or one of the options for the public to weigh in on the matter.

Ms. Carter agrees and does not like that it would circumvent the public.

Mr. Slaven agrees and stated that it is hard to make some follow the rules for what they want to obtain and not others. Every one needs to go through the same process.

Doug Wolfe, Director of Community Development, clarified that there would still be a public hearing for the siting agreement, however, it could remove the Planning Commission from the process.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Bragg plans to make a motion to appoint Kirk Barley to the Broadband Committee at the regular meeting on February 28th. She also plans to bring up an issue with Patton Farm Road gates at a low water bridge.

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CLOSED SESSION

On motion of Ms. Carter, seconded by Mr. Shull, 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 prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body]:
 - a) Boards and Commissions- Economic Development Authority and CAPSAW
- (2) 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.

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CLOSED SESSION (CONT'D)

- (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 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) Breaking Though Media, LLC, et al. vs. Scott Seaton and 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) Breaking Though Media, LLC, et al. vs. Scott Seaton and Augusta County

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

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

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:

Yeas: Slaven, Carter, Garber, Bragg and Shull
 Nays: None
 Absent: Seaton and Wells

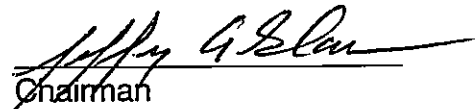
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Motion carried.

CLOSED SESSION (CONT'D)

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

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