

Regular Meeting, Wednesday, January 24, 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
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, January 24, 2024, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Chairman Slaven welcomed those present at the meeting.

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

Joe Horn is the FFA Vice President and plans to attend University of Northwestern Ohio and then take over the family farm.

Jason Payne is the FFA Student Advisor and plans to work in HVAC or on the family farm.

Makayla Lloyd is the FFA Chaplain and plans to pursue something related to livestock.

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Daniel Almorode delivered the invocation.

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REZONING – BRENDA AND JOHN SUTTON

This being the day and time advertised to consider a request to rezone from Rural Residential to General Agriculture approximately 0.20 acres located at 45 Cedar Ridge Road in Waynesboro in the Wayne District. The Planning Commission recommends approval of the request.

Julia Hensley, Planner II, stated that the purpose of the rezoning is to rezone back to General Agriculture in order to match the zoning to the property lines of a recent boundary line adjustment. The property is located in a Rural Conservation Area of the Comprehensive Plan, planned for General Agriculture.

The Chairman opened the public hearing

There being no speakers the Chairman closed the public hearing

Dr. Seaton moved, seconded by Mr. Garber, 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.

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This being the day and time advertised to consider a request to rezone from Single-Family Residential to General Agriculture with proffers approximately 12.56 acres owned by Eric and Jodie Whitson and located at 703 Scenic Highway in Churchville in the Pastures District. The Planning Commission recommends approval of the request with proffers.

Ms. Hensley stated that the property owner is interested in rezoning to General Agriculture in order to subdivide the property using the existing dwelling division lot provision under section 25-77.4 of the Augusta County Code. The applicant has proffered out intensive agriculture operations, including large poultry houses, swine operations, and concentrated animal feeding operation small hobby farm operations may be permitted under these proffers.

The Chairman opened the public hearing

There being no speakers the Chairman closed the public hearing

Ms. Carter 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.

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This being the day and time advertised to consider an ordinance amendment to amend Chapter 25. Zoning. Division E. Business Districts. Article XXX. General Business Districts. Section 25-303. Uses permitted by Administrative Permit. K. limited outdoor storage. The Planning Commission recommends approval.

Ms. Hensley stated that the ability to obtain an administrative permit for limited outdoor

storage and general business rather than just requiring a special use permit was added several years ago. This amendment will add a ten thousand square foot limit to the definition of limited outdoor storage in the general business section of the ordinance to

match the definition of limited outdoor storage found in section 25-4 of the County code. It will also consolidate items two and three of sub subsection K that designate the location for limited outdoor storage. It will also add the standard for vehicles, not otherwise meeting the definite of inoperable vehicles as defined in section 25-74.

There being no speakers the Chairman closed the public hearing

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

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This being the day and time advertised to consider an ordinance amendment to amend Chapter 25. Zoning. Division A. Article I. General Provisions. Section 25-4. Definitions. Limited Outdoor Storage. The Planning Commission recommends approval.

The Chairman opened the public hearing.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the ordinance amendment as presented.

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

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This being the day and time advertised to consider an ordinance amendment to amend Chapter 25. Zoning. Division B. Agriculture Districts. Article VII. General Agriculture Districts. Section 25-74. Uses permitted by Special Use Permit. D. Uses away from developed areas. The Planning Commission recommends approval.

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Ms. Hensley stated that this amendment would increase the minimum setback for mining and quarry operations from two hundred feet to five hundred feet from all property lines and increase the minimum setback that the Board of Zoning Appeals may reduce or eliminate from two hundred to five hundred feet. Also note that there currently is a one thousand foot setback for all residentially zoned properties that are within the same section of this

ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-74

ordinance. This amendment will also remove the clause under item seven, which states, and the adjoining property owners agree that such a reduction is mutually beneficial.

The Chairman opened the public hearing

Glenn Cobb, 327 Luck Stone Road, Staunton, is with Vulcan Materials Company which runs the quarry on Luck Stone Road. Mr. Cobb has issues with the set back. Early indications are that the new set back requirements would cause a loss of approximately thirty percent of land that can currently be used.

Shayla Branch, 79 Gerties Lane, Stuarts Draft, is an adjacent landowner to a quarry and gravel pit. Ms. Branch spoke in favor of the amendment. She suggests tabling this amendment to allow for more review.

Chuck Barger, 10 Bordons School Lane, Lexington, stated that he is the President of Baker Sand and Stone. He points out that land is crucial to a quarry and spoke in favor of the amendment.

Melissa Golladay, 32 Sycamore Path, is concerned with reduction in the set back and spoke in favor the ordinance amendment. Safety for children and grandchildren, along with the noise, are her main concerns.

John Golladay, 32 Sycamore Path, stated that he has to have a fence around his pool for insurance purposes, but the quarry does not need anything like that. He spoke in favor the amendment.

Tia Baker, 30 Oak Lane, Stuarts Draft, stated that she has had numerous health issues with the dust coming into their house due to the quarry. She spoke in favor the amendment.

Derek Hutchinson, 106 Gerties Lane, Stuarts Draft, is concerned with property values, safety and quality of life. He spoke in favor the amendment.

Clifford Knous, 11 Sycamore Path, Stuarts Draft, stated that safety is his number one concern. He spoke in favor the ordinance amendment.

Abner Johnson, 733 Dabney Road, is concerned that this amendment would affect everyone in the County. The amendment seems to be an issue with one specific quarry, not all quarries in the County.

Nick Collins, would like to see the Board table this amendment to allow for more discussion. This amendment would penalize all quarries in the area.

Jenny Ferraro asked that the Board vote against the amendment.

Keith Branch, 79 Gerties Lane, stated that the quarry in question needs to reclaim land that is no longer used and should have a paved entry into the quarry. They need to be

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good neighbors.

Benny Connor of DM Connor Sand and Gravel, stated that their road is paved to their scale house. There are three large ponds that sand and gravel were dug out of years ago. There will always be three large ponds

ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-74 (CONT'D)

William Johnson is Vice President of Shenandoah Stone. He strongly urges the Board to vote against this proposed amendment. This would affect all mining operations if passed.

There being no other speakers the Chairman closed the public hearing

Ms. Bragg appreciates everyone who spoke. She recommends tabling and put together meetings to get different industry representatives and community members to give input.

Mr. Shull stated that industry is vital to all of the community as well as where you live. We need to work together to come to a conclusion.

Mr. Wells would hope the safety of the children would be the concentration during the discussions.

Dr. Seaton questioned the timeline on acting after the Planning Commission recommendation.

Mr. Benkahla stated that this is a Board initiated amendment and there is no time limit on action.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve postponing the request until the March 27, 2024 Board of Supervisors meeting.

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

Motion carried.

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ORDINANCE AMENDMENT-CHAPTER 25, SECTION 25-384

This being the day and time advertised to consider an ordinance amendment to amend Chapter 25. Zoning. Division F. Industrial Districts. Article VII. General Industrial Districts. Section 25-384. Uses permitted by Special Use Permit. E. Batching plants for asphalt, cement, or concrete. The Planning Commission recommends approval.

Ms. Hensley stated that this amendment would add the provision for the Board of Zoning Appeals to reduce or eliminate the one hundred foot setback between adjoining properties where similar industrial uses are ongoing.

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Dave Zimmerman, Verona, spoke in favor of the proposed amendments to the ordinance.

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Sherry Helsel, 115 Summercrest Ave, Waynesboro, continues to have issue with the livestock portion of the ordinance. She also has an issue with section 5-22 regarding ownership of a dog.

Jennifer Ferraro, has issues with the livestock portion of the ordinance. She also thinks there should be a requirement for dogs to be inoculated.

Danny Link, Mt. Sidney, stated that having worked in animal rescue for fifteen years, there is no possible way to put in policy everything that may occur. Animal Control Officers and the Shelter Manager are hired and given the right to make judgement calls if necessary. He spoke in favor of the changes.

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CHAPTER 5-ANIMAL ORDINANCE AMENDMENT (CON'TD)

Mr. Fitzgerald addressed Ms. Ferraro's statement regarding dogs being inoculated. The County's Animal Ordinance requires dogs to be inoculated. The only change that was made in this amendment changes the running at large fee to one fee verses two fees. Prior to this amendment, there was a fee for dogs that were inoculated and one for dogs that wasn't.

Mr. Slaven stated that our County Attorney has reached out to outside legal council regarding this ordinance. Mr. Slaven read a statement from Michelle Welch from the Attorney General's Office in State of Virginia that was sent to Dr. Seaton.

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

Mr. Wells stated that this has been going on for months and months. At worksession on Monday, Mr. Shull specifically asked legal council if he was comfortable with this animal ordinance and his answer was yes.

Mr. Wells moved, seconded by Ms. Carter, that the Board approve the ordinance amendments as presented.

Dr. Seaton asked why the County is insisting upon owning the dog as being guilty in section 5-22. Virginia code states that any person who permits his dog to run at large implies intent. There are also errors in the definitions in the ordinance. Why not refer to the Virginia Code instead of multiple definitions.

Mr. Shull called for the question.

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

Motion carried.

The motion on the floor was made by Mr. Wells and seconded by Ms. Carter to approve the ordinance as presented.

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

January 24, 2024, at 7:00 p.m.

Motion carried.

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REVENUE RECOVERY

The Board considered the Revenue Recovery rate updates.

Mr. Fitzgerald stated that typically this has been brought to the Board every January. Staff recommends the County's billing rates be 125% of the Medicare allowable rate. Medicare releases their upcoming rates each calendar year in December. The rates are effective for the first day of the new calendar year. For 2024, there was an increase in the rates over the prior year of approximately 2%.

Ms. Carter moved, seconded by Mr. Wells, that the Board approve the Revenue Recovery update as presented.

REVENUE RECOVERY (CONT'D)

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

Motion carried.

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INFRASTRUCTURE ADDS/DELETES

The Board considered the infrastructure account status.

Jennifer Whetzel, Deputy County Administrator, stated that the current list is a total of \$1,095.00 that will go back into individual infrastructure accounts. This is a requirement of the Net Assets Policy.

Mr. Garber moved, seconded by Mr. Shull, that the Board approve the infrastructure adds and deletes.

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

Motion carried.

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COURTHOUSE BORROWING

The Board considered a resolution authorizing application to Virginia Resources Authority for the Courthouse project.

Ms. Whetzel stated that at the last meeting the Board approved a reimbursement resolution. This is a resolution to apply to the Virginia Resources Authority as part of their pooled financing program which would allow the County to borrow through VRA in any upcoming bond issue.

Ms. Carter moved, seconded by Mr. Shull, that the Board adopt the resolution as

presented.

Motion carried.

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Dr. Seaton stated that the November 8, 2023 minutes are incomplete and do not reflect the detailed testimony of Sherry Helsel at the public hearing of the animal ordinance.

Motion carried.

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

January 24, 2024, at 7:00 p.m.

Jennifer Ferraro cautions the Board to start researching about the 234,000 sealed federal indictments.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) An email was sent to each Board member to set up a time for a phone call with Kim Payne to discuss the Board retreat.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Garber moved, seconded by Mr. Shull, that the Board approve appealing the Orlando court case.

Dr. Seaton asked questions regarding the cost associated with this case and whether it is covered under insurance.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

James Benkahla, County Attorney, stated that this case was not covered by insurance and he is unsure of the cost at this time.

Dr. Seaton stated that he recorded the meetings for his notes and turned them over when asked to do so. The recordings then became County property and subject to FOIA. A motion to appeal is setting tax payers up for quite an expense.

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

Motion carried.

Ms. Bragg moved, seconded by Mr. Shull, that the Board appoint Steve Bridge to serve on the Parks & Recreation Commission for the South River District.

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

Motion carried.

Mr. Shull would like the County to look at every solar project that comes in to the County and evaluate the top soil depth and have the ordinance written to state when reclamation comes, top soil will be replaced to its original depth in order to reclaim the ground back into the farming establishment that it was before it was disturbed. He would like this reviewed by the Ordinance Committee.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board re-appoint Samantha Bosserman to serve on the Parks & Recreation Commission. Effective July 1, 2024 and to expire June 30, 2028.

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

Motion carried.

Dr. Seaton moved, seconded by Mr. Shull, that the Board re-appoint Matthew Egeli to serve on the Augusta Service Authority (DBA Augusta Water). Effective July 1, 2024 and to expire June 30, 2028.

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

Motion carried.

Dr. Seaton moved, seconded by Ms. Carter, that the Board appoint Scott Alleman to serve on the Library Board. Effective July 1, 2024 and to expire June 30, 2028.

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

Motion carried.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

Dr. Seaton read a statement from Circuit Court Judge, Thomas J. Wilson, on his opinion of the court case.

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CLOSED SESSION

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- Recycling, Library, Broadband, Planning Commission, Parks & Recreation, Youth Commission, Augusta Water, Central Shenandoah Planning Dist. Commission, Social Services, Blue Ridge Committee, Board of Zoning Appeals, Valley Community Services Board, Workforce Investment Board, Economic Development Authority
- (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.

Dr. Seaton questioned why openings on Boards and Commissions were considered personnel issues and confidential.

Mr. Slaven asked Dr. Seaton if he intended to record closed session.

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

Mr. Shull stated that people who apply for a Boards and Commissions position are wanting to volunteer their services for the community. Some information in the application may be confidential and the people do not want to be publicly scrutinized.

Mr. Slaven stated that the question asked in Closed Session about being recorded was a fair question. If we are going to be transparent, why shouldn't the Board know if they are being recorded.

Mr. Shull stated that it may not be illegal to record, but it is unethical.

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

Motion carried.

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

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

Dr. Seaton indicated that he could not 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, Shull, Garber, Wells, Carter and Bragg
Nays: Seaton

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

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ADJOURNMENT
Mr. Shull, seconded by Ms. Carter, moved that the Board adjourn the meeting.

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

Motion carried.


Chairman
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County Administrator