



Augusta County Board of Supervisors
Regular Meeting
Wednesday, September 27, 2023 – 7:00 PM
Government Center Main Board Room

4:30 p.m. -- BOARD OF SUPERVISORS COMPREHENSIVE PLAN WORKSESSION

PLEDGE OF ALLEGIANCE

INVOCATION - Public participation is optional; those who wish to join the Board of Supervisors in prayer are asked to remain standing after the Pledge.

PUBLIC HEARINGS:

1. **ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.5 - SOLAR ENERGY SYSTEMS**
 - a. [Consider an ordinance amendment to amend Chapter 25 Section 25-70.5-Solar Energy Systems-Applications and Procedures for Small Energy Systems.](#)
Proposed 25-70.5 Pre-Application and Housekeeping Staff Report.pdf
Draft Ordin. 25-70.5 Pre-Application and Housekeeping.pdf
2. **ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.7 -- SOLAR ENERGY SYSTEMS**
 - a. [Consider an ordinance amendment to amend Chapter 25 Section 25-70.7-Solar Energy Systems-Applications and Procedures.](#)
Proposed 25-70.7 Pre-Application and Housekeeping Staff Report.pdf
Draft Ordin. 25-70.7 Pre-Application and Housekeeping.pdf

****(END OF PUBLIC HEARINGS)****

3. **AMBULANCE FUNDING REQUEST**
 - a. [Consider request for authorization of funding for an ambulance.](#)
Ambulance Funding Request.pdf
4. **REVENUE SHARING RESOLUTION-DICK HUFF LANE PROJECT**
 - a. [Consider resolution in support of the Dick Huff Lane Revenue Sharing Project application.](#)
Dick Huff Ln Revenue Sharing Application.pdf
5. **INFRASTRUCTURE FUNDING REQUEST-WEYERS CAVE VOLUNTEER FIRE COMPANY**
 - a. [Consider a funding request from Weyers Cave Volunteer Fire Company for a renovation project.](#)
Weyers Cave Vol Fire Funding Request.pdf
6. **SCHOOL BOARD YEAR-END FUND BALANCE**
 - a. [Consider the School Board year-end fund balance request.](#)

7. **ANIMAL ORDINANCE AMENDMENTS**

- a. [Consider Animal Ordinance amendments for public hearing.](#)
[Chapter 5 Animals revised_9-21-23.pdf](#)

8. **ORDINANCE AMENDMENTS FOR PUBLIC HEARING**

- a. [Consider the following ordinance amendments for public hearing:](#)
a. [Chapter 25 Section 25-74](#)
b. [Chapter 25 Section 25-4](#)
c. [Chapter 25 Section 25-303](#)
d. [Chapter 25 Section 25-384](#)
e. [Chapter 25 Section 25-603](#)
[Ordinances for public hearing.pdf](#)

9. **CONSENT AGENDA**

- a. [MINUTES:](#)
[Consider minutes from the following meetings:](#)
 - [Regular meeting, Wednesday, August 9, 2023](#)
 - [Staff Briefing, Monday, August 21, 2023](#)
 - [Regular meeting, Wednesday, August 23, 2023](#)[MINUTES 8-9-2023.pdf](#)
[MINUTES 8-21-2023.pdf](#)
[MINUTES 8-23-2023.pdf](#)

**** (END OF CONSENT AGENDA) ****

10. **MATTERS TO BE PRESENTED BY THE PUBLIC**

11. **MATTERS TO BE PRESENTED BY THE BOARD**

12. **MATTERS TO BE PRESENTED BY STAFF**

13. **ADJOURNMENT**



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.5 - SOLAR ENERGY SYSTEMS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Proposed 25-70.5 Pre-Application and Housekeeping Staff Report.pdf](#)

[Draft Ordin. 25-70.5 Pre-Application and Housekeeping.pdf](#)

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division A. In General.
Article VI.D. Solar Energy Systems
Section 25-70.5 Applications and Procedures for Small Energy Systems
September 12, 2023

An ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems Section 25-70.5 Applications and Procedures for Small Energy Systems.

REDLINED:

§ 25-70.5 Applications and Procedures for Small Energy Systems

1. Prior to the formal submission of an application for Special Use Permit, the applicant or his representative shall hold a conference with the Community Development Department concerning the proposed solar energy system. The pre-submission conference shall be for the following purposes:

- A. To allow the applicant to submit unofficial preliminary studies of the concept of the proposed facility for tentative review, comments, and recommendations.
- B. To review the Comprehensive Plan and County Code as it may relate to the proposed facility.
- C. To review the relevant application and public hearing procedures.
- D. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.

21. Site plan

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

- a. Property lines and setback lines.
- b. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
- c. Existing and proposed access roads, drives, turnout locations, and parking.
- d. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
- e. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
- f. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
- g. The application shall include a decommissioning plan and other documents required by Section 25-70.10 ~~Section 25-70.8~~ of this ordinance.

- h. The application shall include bonding as required by Section 25-70.11 of this ordinance.

PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-70.5
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-70.5 of the Augusta County Code is amended to read as follows:

§§ 25-70.5 Applications and Procedures for Small Energy Systems

1. Prior to the formal submission of an application for Special Use Permit, the applicant or his representative shall hold a conference with the Community Development Department concerning the proposed solar energy system. The pre-submission conference shall be for the following purposes:

- A. To allow the applicant to submit unofficial preliminary studies of the concept of the proposed facility for tentative review, comments, and recommendations.
- B. To review the Comprehensive Plan and County Code as it may relate to the proposed facility.
- C. To review the relevant application and public hearing procedures.
- D. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.

2. Site plan

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

- a. Property lines and setback lines.
- b. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
- c. Existing and proposed access roads, drives, turnout locations, and parking.
- d. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
- e. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

- f. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
- g. The application shall include a decommissioning plan and other documents required by Section 25-70.10 of this ordinance.
- h. The application shall include bonding as required by Section 25-70.11 of this ordinance.

COUNTY ATTORNEYS' STAFF COMMENTS: Did not have any comments.

COMMUNITY DEVELOPMENT STAFF COMMENTS: A similar pre-application meeting is required prior to a rezoning request. Staff find that the pre-application meeting helps explain the staff process in evaluating requests, the public hearing process, and discuss how to mitigate any concerns that may arise. Also, staff have come across several instances where solar companies have filled out the application incorrectly, causing sometimes a delay in the public hearing process in order for the applicant to correct the errors. Amendment revises the incorrect reference to the Decommissioning section of the Solar Energy Systems Ordinance.

Decommissioning section of the Solar Energy Systems Ordinance.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommend approval for these amendments to Section 25-70.5 Applications and Procedures for Small Energy Systems.

**AN ORDINANCE TO AMEND
CHAPTER 25. Zoning.
DIVISION A. In General
ARTICLE VI.D. Solar Energy Systems.
SECTION 25-70.5. Applications and Procedures for Small Energy Systems.**

WHEREAS, the Augusta County Board of Supervisors desires to amend Section 25-70.5 of the Augusta County Code; and

WHEREAS, the Board has determined that the public health, welfare, peace, safety and good zoning practice, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-70.5 of the Augusta County Code be amended as follows:

**AN ORDINANCE TO AMEND
CHAPTER 25. Zoning.
DIVISION A. In General
ARTICLE VI.D. Solar Energy Systems.
SECTION 25-70.5. Applications and Procedures for Small Energy Systems.**

§ 25-70.5. Applications and Procedures for Small Energy Systems.

1. Prior to the formal submission of an application for Special Use Permit, the applicant or his representative shall hold a conference with the Community Development Department concerning the proposed solar energy system. The pre-submission conference shall be for the following purposes:

- A. To allow the applicant to submit unofficial preliminary studies of the concept of the proposed facility for tentative review, comments, and recommendations.
- B. To review the Comprehensive Plan and County Code as it may relate to the proposed facility.
- C. To review the relevant application and public hearing procedures.
- D. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.

2. Site plan

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

- a. Property lines and setback lines.
- b. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
- c. Existing and proposed access roads, drives, turnout locations, and parking.
- d. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
- e. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
- f. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
- g. The application shall include a decommissioning plan and other documents required by Section 25-70.10 of this ordinance.
- h. The application shall include bonding as required by Section 25-70.11 of this ordinance.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: ORDINANCE AMENDMENT-CHAPTER 25 SECTION 25-70.7 -- SOLAR ENERGY SYSTEMS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Proposed 25-70.7 Pre-Application and Housekeeping Staff Report.pdf](#)

[Draft Ordin. 25-70.7 Pre-Application and Housekeeping.pdf](#)

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division A. In General.
Article VI.D. Solar Energy Systems
Section 25-70.7 Applications and Procedures for Large Energy Systems
September 12, 2023

An ordinance to amend Chapter 25. Zoning. Division A. In General. Article VI.D. Solar Energy Systems Section 25-70.7 Applications and Procedures for Large Energy Systems.

REDLINED:

§ 25-70.7 Applications and Procedures

1. Prior to the formal submission of an application for Special Use Permit, the applicant or his representative shall hold a conference with the Community Development Department concerning the proposed solar energy system. The pre-submission conference shall be for the following purposes:
 - A. To allow the applicant to submit unofficial preliminary studies of the concept of the proposed facility for tentative review, comments, and recommendations.
 - B. To review the Comprehensive Plan and County Code as it may relate to the proposed facility.
 - C. To review the relevant application and public hearing procedures.
 - D. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.

- ~~1.~~2. In addition to the requirements of article LXVII, "Site Plan Review", and article LVIII, "Special Use Permits Procedures", applications for a large solar energy system shall include the following information:

A. Community Meeting

Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned solar energy system installation. Said meeting shall be open to the public. Notice of the date, time, and location of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in the Augusta County tax records within one (1) mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at least five (5) and no more than twenty-one (21) working days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the meeting, an agenda from the meeting, and a written summary of the meeting shall be included with the application.

B. Project description

A narrative identifying the applicant and describing the proposed solar energy system, including an overview of the project and its location; approximate rated capacity of the solar energy system; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

C. Submission of a Cost Benefit Analysis

The applicant shall submit an economic and fiscal impact assessment that addresses both the initial construction of the project and continued operations of the project. The submitted analysis shall provide a detailed assessment of land use taxation as it relates to the acreage of the parcel(s) under panel and the acreage of the parcel(s) to remain in agriculture use. The analysis shall also include a detailed assessment of how the project may impact the County's Composite Index.

D. Site plan

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

1. Property lines and setback lines.
2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
3. Existing and proposed access roads, drives, turnout locations, and parking.
4. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
6. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
7. The application shall include a decommissioning plan and other documents required by [Section 25-70.10](#) ~~Section 25-70.8~~ of this ordinance.

8. The applicant shall provide proof of adequate liability insurance for a large solar energy system at the time of application.
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PROPOSED ORDINANCE TEXT:

**AN ORDINANCE TO AMEND
SECTION 25-70.7
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-70.7 of the Augusta County Code is amended to read as follows:

§ 25-70.7 Applications and Procedures

1. Prior to the formal submission of an application for Special Use Permit, the applicant or his representative shall hold a conference with the Community Development Department concerning the proposed solar energy system. The pre-submission conference shall be for the following purposes:
 - A. To allow the applicant to submit unofficial preliminary studies of the concept of the proposed facility for tentative review, comments, and recommendations.
 - B. To review the Comprehensive Plan and County Code as it may relate to the proposed facility.
 - C. To review the relevant application and public hearing procedures.
 - D. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.
2. In addition to the requirements of article LXVII, "Site Plan Review", and article LVIII, "Special Use Permits Procedures", applications for a large solar energy system shall include the following information:
 - A. Community Meeting
Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned solar energy system installation. Said meeting shall be open to the public. Notice of the date, time, and location of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in the Augusta County tax records within one (1) mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at least five (5) and no more than twenty-one (21) working days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the meeting, an agenda from the meeting, and a written summary of the meeting shall be included with the application.

B. Project description

A narrative identifying the applicant and describing the proposed solar energy system, including an overview of the project and its location; approximate rated capacity of the solar energy system; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

C. Submission of a Cost Benefit Analysis

The applicant shall submit an economic and fiscal impact assessment that addresses both the initial construction of the project and continued operations of the project. The submitted analysis shall provide a detailed assessment of land use taxation as it relates to the acreage of the parcel(s) under panel and the acreage of the parcel(s) to remain in agriculture use. The analysis shall also include a detailed assessment of how the project may impact the County's Composite Index.

D. Site plan

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

1. Property lines and setback lines.
2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
3. Existing and proposed access roads, drives, turnout locations, and parking.
4. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.
5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
6. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
7. The application shall include a decommissioning plan and other documents required by Section 25-70.10 of this ordinance.

8. The applicant shall provide proof of adequate liability insurance for a large solar energy system at the time of application.

COUNTY ATTORNEYS' STAFF COMMENTS: Did not have any comments.

COMMUNITY DEVELOPMENT STAFF COMMENTS: A similar pre-application meeting is required prior to a rezoning request. Staff find that the pre-application meeting helps explain the staff process in evaluating requests, the public hearing process, and discuss how to mitigate any concerns that may arise. Also, staff have come across several instances where solar companies have filled out the application incorrectly, causing sometimes a delay in the public hearing process in order for the applicant to correct the errors. Amendment revises the incorrect reference to the Decommissioning section of the Solar Energy Systems Ordinance.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommend approval for these amendments to Section 25-70.7 Applications and Procedures.

**AN ORDINANCE TO AMEND
CHAPTER 25. Zoning.
DIVISION A. In General
ARTICLE VI.D. Solar Energy Systems.
SECTION 25-70.7. Applications and Procedures.**

WHEREAS, the Augusta County Board of Supervisors desires to amend Section 25-70.7 of the Augusta County Code; and

WHEREAS, the Board has determined that the public health, welfare, peace, safety and good zoning practice, requires such amendment.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-70.7 of the Augusta County Code be amended as follows:

**AN ORDINANCE TO AMEND
CHAPTER 25. Zoning.
DIVISION A. In General
ARTICLE VI.D. Solar Energy Systems.
SECTION 25-70.7. Applications and Procedures.**

§ 25-70.7 Applications and Procedures

1. Prior to the formal submission of an application for Special Use Permit, the applicant or his representative shall hold a conference with the Community Development Department concerning the proposed solar energy system. The pre-submission conference shall be for the following purposes:
 - A. To allow the applicant to submit unofficial preliminary studies of the concept of the proposed facility for tentative review, comments, and recommendations.
 - B. To review the Comprehensive Plan and County Code as it may relate to the proposed facility.
 - C. To review the relevant application and public hearing procedures.
 - D. To determine whether the proposal may have an undue adverse impact on the surrounding neighborhood.
2. In addition to the requirements of article LXVII, “Site Plan Review”, and article LVIII, “Special Use Permits Procedures”, applications for a large solar energy system shall include the following information:

A. Community Meeting

Prior to submittal of an application, the applicant shall hold a meeting to inform the community about the planned solar energy system installation. Said meeting shall be open to the public. Notice of the date, time, and location of the meeting, as well as a contact name and phone number of the project representative and a summary of the request, shall be delivered by first class mail to all property owners as noted in the Augusta County tax records within one (1) mile of the perimeter of the project. Such notice shall be mailed so as to be delivered at least five (5) and no more than twenty-one (21) working days prior to the community meeting. Upon conclusion of the community meeting, a mailing list of property owners notified, a sign-in sheet from the meeting, an agenda from the meeting, and a written summary of the meeting shall be included with the application.

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C. Submission of a Cost Benefit Analysis

The applicant shall submit an economic and fiscal impact assessment that addresses both the initial construction of the project and continued operations of the project. The submitted analysis shall provide a detailed assessment of land use taxation as it relates to the acreage of the parcel(s) under panel and the acreage of the parcel(s) to remain in agriculture use. The analysis shall also include a detailed assessment of how the project may impact the County's Composite Index.

D. Site plan

The site plan shall conform to the preparation and submittal requirements of article LXVII, "Site Plan Review," including supplemental plans and submissions, and shall include the following information:

1. Property lines and setback lines.
2. Existing and proposed buildings and structures, including location(s) of the proposed solar equipment.
3. Existing and proposed access roads, drives, turnout locations, and parking.
4. Location of substations, electrical cabling from the solar systems to the substations, accessory equipment, buildings, and structures, including those within any applicable setbacks.

5. Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
6. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.
7. The application shall include a decommissioning plan and other documents required by Section 25-70.10 Section 25-70.8 of this ordinance.
8. The applicant shall provide proof of adequate liability insurance for a large solar energy system at the time of application.



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: AMBULANCE FUNDING REQUEST

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Ambulance Funding Request.pdf](#)



AUGUSTA COUNTY FIRE-RESCUE

County Government Center
18 Government Center Lane
P.O. Box 590, Verona, VA 24482

Main Office Line: (540) 245-5624 - Fax Line: (540) 245-5356

www.co.augusta.va.us
firerescue@co.augusta.va.us

Date: September 7, 2023

To: Timothy Fitzgerald, County Administrator

From: Greg Schacht, Fire-Rescue Chief *ms*

Subject: Request Authorization of Funding of Ambulance

Augusta County Fire-Rescue is requesting approval to order a PL Custom ambulance from Goodman Specialized Vehicle. Our strategic plan contains a detailed schedule to replace ambulances on a ten-year cycle. ACFR staffs seven (7) frontline units on a 24/7 basis and we have an additional three (3) units in reserve status.

The plan rotates each unit around Augusta County to balance out the mileage. The goal is to reach 100,000 miles (est.) while in frontline status during the first seven years. While in reserve status, the plan targets between 15K–20K miles before the unit is replaced.

The capital depreciation schedule is the source of funding with the unit being replaced fully depreciated. With the purchase of this unit, it will be on a one per year replacement rotation unless ACFR would expand the fleet or service coverage.

This unit will be a 2023 chassis. When PL ordered the chassis for our 2022 order they went ahead and ordered a second chassis (due to turnaround time) anticipating we would be ordering another ambulance this year, with no obligation of purchase. Because of this the chassis for this unit is already in production at Ford.

- 2023 PL Custom 170" Ambulance - \$402,260.00

The price quote includes the HGAC fee of \$1,000 with the total capital expenditure not to exceed the requested amount. I have attached the quote for your review.

If you have any questions, please feel free to contact me.



September 6, 2023

Augusta County Fire and Rescue
Greg Schacht, Fire Chief
18 Government Center Lane
Verona, VA 24482

Dear Chief Schacht:

On behalf of Goodman Specialized Vehicles LLC I am happy to provide you with the following quote for one (1) PL Custom Classic 170" ambulance mounted on a 2023 Ford F450 4x4 gas chassis.

This unit is offered at a price of **\$402,260.00**.

Included in the proposal above is the following:

1. Stryker Power-Load System
2. Factory trip to PL Custom Emergency Vehicles for (2) people for the final inspection.

Pricing is based on the specifications provided to you, quote number **A6412-0001**, and is related to Augusta County Sourcewell Account #17707.

This is a maximum guaranteed price. The cost of this project is not to exceed the quoted amount. The price takes into account the future price increases detailed below and includes **\$49,515** in potential increases.

Pricing is based on the following:

- **Chassis availability:** It is my hope the 2023 Ford F450 4x4 gas chassis ordered with Augusta County in mind can be used for this project.
- **PL Custom Production Slot:** PL Custom is booked with buildable orders through Q4 2024 into 2025. I am estimating 30-36 months from order to delivery.
- **Anticipated cost increases:** Last year we witnessed unprecedented increases in raw material costs, supplier and vendor costs, and production costs. We anticipate these increases continuing but slowing in the near future.



GOODMAN SPECIALIZED VEHICLES
17020 PATRICK HENRY HWY • PO Box 840 • AMELIA VA 23002
PH: 804-873-2067 • TOLL FREE: 877-904-2008 • FAX: 804-561-4823
WWW.GOODMANSV.COM





Thank you again for the opportunity to provide you with this quote. We look forward to working with Augusta County Fire and Rescue. As always, if you have any questions about this information that I have given you, feel free to contact me.

Matt Goodman

Matt Goodman
Regional Account Manager
Goodman Specialized Vehicles, LLC
(804)393-0216



GOODMAN SPECIALIZED VEHICLES
17020 PATRICK HENRY HWY • PO BOX 840 • AMELIA VA 23002
PH: 804-873-2067 • TOLL FREE: 877-904-2008 • FAX: 804-561-4823
WWW.GOODMANSV.COM





**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: REVENUE SHARING RESOLUTION-DICK HUFF LANE PROJECT

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Dick Huff Ln Revenue Sharing Application.pdf](#)



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

To: Board of Supervisors

From: Doug Wolfe, Director of Community Development

Date: September 20, 2023

Re: Dick Huff Ln Revenue Sharing Project Application

Copy: Timothy K. Fitzgerald, County Administrator
Misty Cook, Director of Finance

In conjunction with construction of the Augusta County Courthouse in Verona, Timmons Group is developing construction plans for recommended upgrades to Rt 940 (Dick Huff Ln), the main entrance to the Augusta County Government Center.

Since Dick Huff Ln is a VDOT roadway to its intersection with Government Center Lane, staff recommends the county apply for 50/50 funding available through VDOT's Revenue Sharing Program. Staff submitted a pre-application for the project in June, with an anticipated total project cost of \$2,059,417 (\$1,029,708.50 County).

Final revenue sharing applications are due to VDOT on October 2, 2023 and require that the Board adopt a resolution committing the county's share of funding. We have included the preliminary estimate with the board packet and anticipate refined plans and estimates prior to the Board's staff briefing on Monday September 25th, 2023.

Funding Source:

Revenue Sharing Capital 80000-8162

DDW



**RESOLUTION IN SUPPORT OF THE
DICK HUFF LANE
REVENUE SHARING PROJECT APPLICATION**

At a regularly scheduled meeting of the Augusta County Board of Supervisors held on September 27, 2023, on a motion by _____, seconded by _____, the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the Augusta County Board of Supervisors desires to submit an application for an allocation of funds of up to \$_____ through the Virginia Department of Transportation Fiscal Year 2025-26, Revenue Sharing Program; and,

WHEREAS, \$_____ of these funds are requested to fund the improvement of Rt 940 (Dick Huff Lane), from US 11 to 0.16m E of US 11; and,

WHEREAS: The Augusta County Board of Supervisors hereby supports this application for an allocation of \$_____ through the Virginia Department of Transportation Fiscal Year 2025-26 Revenue Sharing Program.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Augusta hereby commits to fund its local share of preliminary engineering, right-of-way and construction of the project under agreement with the Virginia Department of Transportation in accordance with the project financial document.

BE IT FURTHER RESOLVED, that the County Administrator is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

Adopted: September 27, 2023

By: _____
Michael L. Shull, Chairman
Augusta County Board of Supervisors

PROJECT BUDGET (10% CONCEPT PLANS)
DICK HUFF LANE IMPROVEMENTS
AUGUSTA COUNTY
3/28/2023

CONSTRUCTION COSTS		Phase	Option 1	Option 5
Pavement Demolition and Resurfacing, Saw Cut, and Earthwork			\$ 101,150	\$ 132,250
Undercut			\$ 12,575	\$ 19,750
Storm Sewer and Hydraulics			\$ 107,550	\$ 268,250
Pavement and Stone			\$ 93,400	\$ 146,900
Curb, Sidewalk, Pavement Markings, Misc.			\$ 136,715	\$ 313,193
Maintenance of Traffic			\$ 35,000	\$ 50,000
Erosion and Sediment Control			\$ 15,000	\$ 25,000
Relocations & Utility Impacts			\$ 6,000	\$ 6,000
Sub-Total A:			\$ 507,390	\$ 961,343
OTHER BID COSTS				
Mobilization for Sub-Total A			\$ 43,054	\$ 77,101
Materials Testing	4%		\$ 20,296	\$ 38,454
Construction Staking / Surveying	4%		\$ 20,296	\$ 38,454
Sub-Total B:			\$ 83,645	\$ 154,008
Total Bid Items (A + B):			\$ 591,035	\$ 1,115,351
Contingency for Total Bid Items	30%		\$ 177,311	\$ 334,605
Sub-Total C (Total Bid Items + Contingency):		CN	\$ 768,346	\$ 1,449,957
OTHER COSTS AND SERVICES (ESTIMATED)				
Design fees (Timmons Group)	10%	PE	\$ 76,835	\$ 144,996
Right-of-Way and Easement Acquisition*		RW	\$ -	\$ 30,000
Nutrient Credits**		PE	\$ -	\$ -
PreConstruction and Construction Administration (Timmons Group)	5%	CN	\$ 38,417	\$ 72,498
Construction Inspection and QA Testing (Consultant)	12%	CN	\$ 92,202	\$ 173,995
Sub-Total D:			\$ 207,453	\$ 421,488
TOTAL PROJECT BUDGET (C+D) (ROUNDED):			\$ 980,000	\$ 1,870,000
SUMMARY				
Preliminary Engineering		PE	\$ 76,835	\$ 144,996
Right of Way		RW	\$ -	\$ 30,000
Construction		CN	\$ 898,965	\$ 1,696,449

*Assumes no right-of-way cost from Augusta County owned properties

** Assumes water quality needs satisfied by adjacent Courts/site project

PE \$145,000

RW \$ 30,000

CN \$ 1,115,351

Apply 30% CN Contingency in Smart Portal
 Apply 17% CEI and Admin in Smart Portal



Revenue Sharing Pre-Application

Dick Huff Lane Improvements

Project Status: Processing

Organization: Augusta County

Project ID: 10305-Pre

General

Project Information

Project Title

Dick Huff Lane Improvements

Locality's Ranking

1

Project Type

Construction

Administered By

Locality

Scope of Work

Widening (ex. 2 to 4 lanes)

Project Short Description

Widen to increase capacity and provide turn lanes on Dick Huff Lane associated with construction of the new Augusta County Courthouse.

Locality

Augusta County

Priority Selection Criteria

Priority 1

In order to meet the Priority 1 selection criterion, this project must have received a prior Revenue Sharing allocation through the application procedure. Is this request expected to meet Priority 1?

No

Priority 2

This project will be identified specifically by name in the locality's approved Capital Improvement plan (CIP). Is this request anticipated to meet the CIP Priority 2 selection criterion? If yes, appropriate CIP documentation will be required in the full application submission.

Yes

Location

Location Details

Length

0.16

From

US11

To

0.16m E of US11

Route #

940

Local Road Name, if available

Dick Huff Ln

Location Map

Areas Served

Districts Served

- Staunton

MPOs Served

- Staunton-Augusta-Waynesboro Metropolitan Planning Organization

PDCs Served

- Central Shenandoah

Jurisdictions Served

- Augusta County

Function Class

- Minor Arterial

Phase Estimate and Schedule

Phase Milestone		Status	
PE (Survey, Environmental, Design)		Not Started	
Base Cost Estimate	Risks/Contingency/Unknowns	Start Date	End Date
\$145,000.00	0.00 %	2024-07-01	
CEI		Phase Estimate + Contingency	
		\$164,429.00	
Phase Milestone		Status	
RW (Right of Way and Easement Acquisition, Utility Relocation)		Not Started	
Base Cost Estimate	Risks/Contingency/Unknowns	Start Date	End Date
\$30,000.00	5.00 %	2024-12-01	
CEI		Phase Estimate + Contingency	
		\$35,721.00	
Phase Milestone		Status	
CN (Construction, Oversight, Contingencies)		Not Started	
Base Cost Estimate	Risks/Contingency/Unknowns	Start Date	End Date
\$1,115,351.00	30.00 %	2025-03-01	2025-06-30
CEI		Phase Estimate + Contingency	
17.00 %		\$1,859,267.00	
Total Cost Estimate			
2,059,417			

Project Funding Sources

SYIP Allocations

Total SYIP Allocations
\$0.00

Other Committed Funds

Total Other Committed Funds
\$0.00

Project Financial Information

Total SYIP Allocations

\$0.00

Total Other Committed Funds

\$0.00

Cost to Complete

\$0.00

Total Cost Estimate

\$2,059,417.00

Total VDOT Revenue Sharing (state) matching funds anticipated to be requested with this project application for FY2027-2028

\$1,029,708.50

Total Locality Revenue Sharing matching funds anticipated with this project application for FY2027-2028

\$1,029,708.50

Supporting Documents

Attachment Type	Description	File Name	Is Cloned	Upload Date
Project Sketch	Dick Huff Lane Preferred Alternative.pdf	Dick Huff Lane Preferred Alternative.pdf	No	2023-06-26 19:52:36

Attachment Type	Description	File Name	Is Cloned	Upload Date
Detailed Cost Estimate	10% Detailed Cost Estimate	2023-03-28 Dick Huff Lane 10% Estimate Comparison_Annotated.pdf	No	2023-06-27 12:11:10



Virginia Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219
(804) 786-4440



VDOT Central Office
1401 East Broad Street
Richmond, VA 23219
(804) 367-7623 (toll-free)
711 (hearing impaired)

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**COUNTY OF AUGUSTA
STAFF REPORT**

**AGENDA SECTION: INFRASTRUCTURE FUNDING REQUEST-WEYERS CAVE
VOLUNTEER FIRE COMPANY**

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Weyers Cave Vol Fire Funding Request.pdf](#)



Weyers Cave Voluntary Fire Company, Inc.
1235 Keezletown Road – P.O. Box 69
Weyers Cave, Virginia 24486-0069
Phone: 540-234-8041 Fax: 540-234-9611

July 19, 2023

Mr. Gerald Garber & Mr. Jeff Slaven,

First and foremost, thank you for meeting with us regarding our renovation project at the fire company. When the station was originally constructed and then expanded in the late 1970's, it was never meant for volunteer and career staff to be living within the station 24/7/365.

The total cost of the renovation project, not including other furnishings is \$381,525.44. The renovation project provides new living space including separate career/volunteer bunkrooms, updated kitchen, ADA compliant bathrooms and showers, as well as offices and a dedicated workout space. We met with the contractor who provided the following pricing as requested,

Item	Cost
Main Station HVAC	\$28,456.39
Gas Line for HVAC	\$6,453.00
Career Bunk Room	\$29,243.15
ADA Bathrooms	\$60,900.00
Total	\$125,052.54

Any financial assistance that Augusta County could provide through infrastructure funds is appreciated. As always, if you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Wampler'.

Jeremy S. Wampler, FO, NRP, CCEMT-P, EC
Assistant Fire Chief



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: SCHOOL BOARD YEAR-END FUND BALANCE

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[School Board Year-End Fund Balance.pdf](#)



AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond
Division Superintendent

18 Government Center Lane
PO Box 960
Verona, VA 24482

Phone: 540-245-5100
Fax: 540-245-5115

September 19, 2023

Mr. Timothy K. Fitzgerald
County Administrator
County of Augusta
P.O. Box 590
Verona, VA 24482

Dear Mr. Fitzgerald:

The Augusta County School Board reviewed the 2022-2023 financial reports at their September 7, 2023 meeting. We are pleased to inform the Board of Supervisors that the fund balance for the operational budget for the 2022-2023 school year is \$521,528, or 0.39% of the total revised operational budget.

As has been the prevailing practice from previous years, we are requesting the \$521,528 be placed in the School Capital Improvement Program account to fund the two new middle schools currently under construction and to address future emergency and/or capital projects.

Should you have questions regarding the fund balance, please do not hesitate to contact me.

Sincerely,

Dr. Eric W. Bond
Division Superintendent

cc: Mr. Nicholas T. Collins, School Board Chairman
Mr. Mark E. Lotts, Executive Director of Finance



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: ANIMAL ORDINANCE AMENDMENTS

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Chapter 5 Animals revised_9-21-23.pdf](#)

COUNTY OF AUGUSTA, VA.

BOARD OF SUPERVISORS

JEFF SLAVEN
North River

GERALD W. GARBER
Middle River

PAM L. CARTER
Pastures

BUTCH WELLS
Beverley Manor

SCOTT SEATON
Wayne

MICHAEL L. SHULL
Riverheads

CAROLYN BRAGG
South River



TIMOTHY K. FITZGERALD – COUNTY ADMINISTRATOR

AUGUSTA COUNTY GOVERNMENT CENTER

P.O. BOX 590, VERONA, VA 24482-0590

(540) 245-5610 FAX (540) 245-5621

coadmin@co.augusta.va.us

23-066

MEMORANDUM

TO: Board of Supervisors

FROM: Timothy K. Fitzgerald, County Administrator **TKF**

DATE: September 21, 2023

SUBJECT: Chapter 5 Animal Ordinance

Attached for review is the revised chapter 5 animal ordinance. No major changes have been made from what was presented on September 13th. You will find Code of Virginia references have been added in multiple places through ordinance.

Section 5-12 was changed to 3.2-6527

Sections 5-21 and 5-22 added state code reference 3.2-6539

Section 5-51 added state code reference 3.2-6543

In regards to section 5-22 "*Dogs prohibited from running at large*" Based on Mr. Benkahla's opinion the language that is in the ordinance is legal and lawful. That section has not been changed since our last meeting.

TKF/am

CHAPTER 5. ANIMALS.

ARTICLE I. In General.

- § 5-1. Lawful fences.
- § 5-2. Definitions.
- § 5-3. Cruelty to animals.

ARTICLE II. Licensing of Dogs.

- § 5-11. Unlicensed dogs prohibited.
- § 5-12. Evidence showing inoculation for rabies prerequisite to obtaining dog license.
- § 5-12.1. Rabies inoculation of companion animals; availability of certificate.
- § 5-13. How to obtain license.
- § 5-14. Amount of license tax.
- § 5-15. When license tax payable.
- § 5-16. Effect of dog not bearing tag as evidence.
- § 5-17. Dog license; defined.
- § 5-18. Duplicate license tags.
- § 5-19. Displaying receipts; dogs to wear tags.
- § 5-20. Payment of license tax subsequent to summons.

ARTICLE III. Control of Dogs.

- § 5-21. Running at large defined.
- § 5-22. Dogs prohibited from running at large.
- § 5-23. Dogs not inoculated prohibited from running at large.
- § 5-24. Reserved.
- § 5-25. Impoundment.
- § 5-26. Records.
- § 5-27. Reserved.
- § 5-28. Dogs killing, injuring or chasing livestock or poultry.

ARTICLE IV. Compensation for Livestock and Poultry Killed by Dogs.

- § 5-31. Compensation provided.
- § 5-32. Requirements for compensation.
- § 5-33. Subrogation.
- § 5-34. Penalty for false claim.

ARTICLE V. Diseased and Deceased Fowl.

- § 5-41. Importation of diseased fowl and carcasses of diseased fowl prohibited.
- § 5-42. Disposal of diseased fowl off-site prohibited.

ARTICLE VI. Enforcement.

- § 5-51. Miscellaneous offences.
- § 5-52. Power to issue summons.
- § 5-53. Issuance and service of summons in place of warrant.
- § 5-54. Violation of chapter; notice.
- § 5-55. Violation of Chapter 5; penalty.
- § 5-56. Giving false reports.
- § 5-57. Interfering with an animal control officer.

ARTICLE VII. Coyotes.

- § 5-61. Killing of coyotes.

CHAPTER 5. ANIMALS.

ARTICLE I. In General.

§ 5-1. Lawful fences.

The boundary line of each lot or tract of land and any stream in the county shall be a lawful fence as to any livestock domesticated by man. (3/28/67)

State law reference - Virginia Code § 55-310

§ 5-2. Definitions.

As used in this chapter unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in §3.2-6503 of the Code of Virginia for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. In addition,

(A) Shelter, for livestock, includes structures or natural features such as trees or topography.

(B) Shelter, for a dog, includes one (1) or more of the following: (a.) The residence of the dog's owner or other individual.

(b.) A shelter that is an enclosed structure with a roof, floor and at least three solid walls, or four solid walls with an opening in one side large enough to permit the dog to enter and exit comfortably, and of appropriate dimensions for the breed and size of the dog. The shelter shall have appropriate bedding. (ex. Shavings, hay, straw, leaves, pine needles)

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring state of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from a releasing agency to an individual.

"Agricultural animals" means all livestock and poultry.

"Ambient temperature" means the temperature surrounding the animal.

"Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, of the Code of Virginia, animal means any species susceptible to rabies. For the June 2020

CHAPTER 5. ANIMALS.

purposes of § 3.2-6570 of the Code of Virginia, animal means any nonhuman vertebrate species

including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

"Animal control officer" means a person appointed as an animal control officer or deputy animal control officer as provided in § 3.2-6555 of the Code of Virginia.

"Boarding establishment" means a place or establishment other than a public or private animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

"Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

"Dangerous dog" is defined in § 3.2-6540 of the Code of Virginia.

"Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or life.

"Dump" means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

"Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

"Enclosure" means a structure used to house or restrict animals from running at large.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

"Farming activity" means, consistent with standard animal husbandry practices, the raising, management, and use of agricultural animals to provide food, fiber, or transportation and the breeding, exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals pursuant to such purposes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600 of the Code of Virginia; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574 of the Code of Virginia and who adopts or receives a dog or cat from a releasing agency.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either

natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

"Treasurer" includes the treasurer and his assistants or other officer designated by law to collect taxes in such county.

"Treatment" or "adequate treatment" means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

"Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

"Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species and has ingested such food, without nursing, for a period of at least five days.

State law reference - Virginia Code § 3.2-6500

§ 5-3. Cruelty to animals.

A. Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for

the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care: (v) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (vi) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (vii) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

B. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

C. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including Title 29.1, or to farming activities as provided under this title or regulations adopted hereunder.

D. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor.

E. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. **The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or 3.2-6552 of the Code of Virginia.**

F. Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

State law reference - Virginia Code § 3.2-6570

Sections 5-4 through 5-10. Reserved.

ARTICLE II. Licensing of Dogs.

§ 5-11. Unlicensed dogs prohibited.

It shall be unlawful for any person to own a dog four months old or older in the county unless such dog is licensed as required by the provisions of this article. (Ords.6-13-62; 9-13-72; 11-28-72)

State law reference - Virginia Code § 3.2-6524 and 3.2-6543

June 2020

§ 5-12. Evidence showing inoculation for rabies prerequisite to obtaining dog license.

No license tag shall be issued for any dog unless there is presented, to the treasurer or other duly authorized issuing agency, evidence satisfactory to him showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian.

State law reference - Virginia Code § 3.2-65279

§ 5-12.1. Rabies inoculation of companion animals; availability of certificate.

A. The owner or custodian of all dogs and cats four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

B. All rabies clinics require the approval by the appropriate local health department and governing body. The licensed veterinarian who administers rabies vaccinations at the clinic shall (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal and (ii) ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate. The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an official of the Virginia Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained. However, the county or city shall ensure that a clinic is conducted to serve its jurisdiction at least once every two years.

C. Vaccination subsequent to a summons to appear before a court for failure to do so shall not operate to relieve such owner from the penalties or court costs provided under § 16.1-69.48:1 or 17.1-275.7, Code of Virginia.

D. The Virginia Board of Health shall, by regulation, provide an exemption to the requirements of subsection A if an animal suffers from an underlying medical condition that is likely to result in a life-threatening condition in response to vaccination and such exemption would not risk public health and safety. For the purposes of § 3.2-6522, Code of Virginia such exemption shall mean that the animal is considered not currently vaccinated for rabies. For the

purposes of § 3.2-5902, 3.2-6526, and 3.2-6527, Code of Virginia, such exemption shall be considered in place of a current certificate of vaccination.

State law reference - Virginia Code § 3.2-6521

§ 5-13. How to obtain a dog license.

A. Any person may obtain a dog license by making oral or written application to the treasurer of the county, accompanied by the amount of the license tax and current certificate of vaccination as required by this article.

B. Upon receipt of proper application and current certificate of vaccination as required by this article, the treasurer or other officer charged with the duty of issuing dog licenses shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year or years for which issued and the serial number of the tag, and deliver the metal license tags or plates provided for in this article.

C. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses. 6/13/62)

State law reference - Virginia Code § 3.2-6527

§ 5-14. Amount of license tax.

A. There is hereby imposed a license tax on the ownership of dogs within the county, unless otherwise exempted by law.

B. The annual license tax on a fertile dog not in a licensed kennel shall be Ten Dollars (\$10.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Twenty-five Dollars (\$25.00).

C. The annual license tax on a neutered or infertile dog shall be Six Dollars (\$6.00). A multi-year license tax that runs concurrently with the dog's rabies vaccination effective period shall be Fifteen Dollars (\$15.00). Any person who applies for a license tag for a neutered or infertile dog shall present at the time of application certification from a licensed veterinarian attesting the neutering or infertility of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on fertile dogs.

D. The tax for each kennel shall be calculated at the rate of fifty Dollars (\$50.00) for each block of up to twenty dogs.

E. For purposes of this chapter, "kennel" means an enclosure with five or more dogs.

(Ord. 6/13/62; 9/13/72; 11/28/72; 5/5/92; 9/23/09; 3/10/10, eff. 1/10/10)

State law reference - Virginia Code § 3.2-6528

§ 5-15. When license tax payable.

A. On January 1 and not later than January 31 of each year a license tax is due, the owner of any dog four months old or older shall pay a license tax as prescribed in section 5-14 of this article.

B. Within thirty days after the dog becomes four months of age, or not later than thirty days after an owner acquires a dog four months of age or older, the license tax for the current calendar shall be paid.

State law reference - Virginia Code § 3.2-6530

§ 5-16. Effect of dog not bearing tag as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

State law reference - Virginia Code § 3.2-6533

§ 5-17. Dog license; defined.

A. A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number.

B. A kennel license shall consist of a license receipt which shall show that the county issued the license, shall show the number of dogs authorized to be kept under such license, and shall bear a serial number. It shall also consist of metal tags for the individual dogs, each of which shall be stamped or otherwise permanently marked to show that the county issued the license and bear a serial number. (6/13/62)

State law reference - Virginia Code § 3.2-6526

§ 5-18. Duplicate license tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the

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treasurer or his agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his agent shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog shall be one dollar. (Ords. 6/13/62; 9/13/72)

State law reference - Virginia Code § 3.2-6532

§ 5-19. Displaying receipts; dogs to wear tags.

A. Dog and kennel license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer.

B. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by the licensed dog.

C. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at large at any time without a license tag.

D. The owner or custodian of the dog may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of the owner or custodian.

E. A kennel dog shall not be permitted to stray beyond the limits of the enclosure but this shall not prohibit removing dogs therefrom temporarily while under the immediate control of the owner or custodian. (Ord. 6/13/62)

State law reference - Virginia Code § 3.2-6531

§ 5-20. Payment of license tax subsequent to summons.

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

State law reference - Virginia Code § 3.2-6536

ARTICLE III. Control of Dogs.

§ 5-21. Running at large defined.

A. A dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

B. A dog shall not be deemed under its owner's or custodian's immediate control unless it is under restraint. A dog under restraint shall mean any dog (i) secured by leash or lead, (ii) under control of a responsible person and obedient to that person's commands, (iii) within the real property limits of its owner or other person consenting to its presence, or (iv) restrained as a hunting dog as provided by state law. (Ord. 9/26/78)

State law reference - Virginia Code § 3.2-6538 [and § 3.2-6539](#)

§ 5-22. Dogs prohibited from running at large.

It shall be unlawful for any dog to run at large at any time anywhere in the county. Any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section. (Ord. 9/26/78)

State law reference - Virginia Code § 3.2-6538 [and § 3.2-6539](#)

§ 5-23. Dogs not inoculated prohibited from running at large.

It shall be unlawful for any dog which has not been inoculated or vaccinated against rabies to run at large at any time anywhere in the county. A dog shall be deemed not inoculated if its owner or custodian cannot produce proof of current rabies vaccination. Any person who owns a dog which is not inoculated and such dog runs at large, shall be deemed to have violated the provisions of this section.

State law reference - Virginia Code § 3.2-6522 and 6525

§ 5-24. Reserved.

§ 5-25. Impoundment.

A. The board of supervisors shall maintain or cause to be maintained a public animal shelter or enclosure in accordance with state law and shall cause dogs running at large in violation of article III of this chapter to be confined therein.

B. Any animal which has been so confined must be kept for a period of not less than five days, such period to commence on the day immediately following the day the animal is initially confined to the facility, unless sooner claimed by the owner thereof.

C. A reasonable effort must be made to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

D. In the event that any animal confined in such facility is claimed by its rightful owner, In addition to any other fees and or penalties prescribed in this chapter, the owner shall ~~only~~ be charged with the actual expenses incurred in keeping the animal ~~impounded~~.

E. If an animal has not been claimed upon expiration of the appropriate holding period as provided in subsection B; it shall be deemed abandoned and become the property of the public animal shelter.

F. The public animal shelter shall be accessible to the public at reasonable hours during the week or by appointment.

(Ords. 9/26/78; 5/22/79; 9/23/09)

State law reference - Virginia Code § 3.2-6546

§ 5-26. Records.

An animal control officer or the custodian of any public animal shelter, upon taking custody of any animal in the course of his official duties, shall immediately make a record of the matter in a daily log. The record shall include a description of the animal including color, breed, sex, approximate weight, reason for seizure, location of seizure, the owner's name and address if known, all license or other identification numbers and the disposition of the animal.

State law reference - Virginia Code § 3.2-6557

§ 5-27. Reserved.

§ 5-28. Dogs killing, injuring or chasing livestock or poultry

A. It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of

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livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

B. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall confine the animal until such time as evidence shall be heard and a verdict rendered. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be euthanized immediately.

Notwithstanding the provisions of subsection B, if it is determined that the dog has killed or injured other poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to the owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure to sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

State law reference - Virginia Code § 3.2-6552

Sections 5-29 and 5-30. Reserved.

ARTICLE IV. Compensation for Livestock and Poultry Killed by Dogs.

§ 5-31. Compensation provided.

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry.

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not to exceed limits established by state law, provided the requirements of this article have been met. (Ord.4/24/79)

State law reference - Virginia Code § 3.2-6553

§ 5-32. Requirements for compensation.

No person shall be entitled to receive compensation under section 5-31 unless:

A. The claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog;

B. The animal control officer shall have been notified of the incident within seventy-two hours of its discovery;

C. The animal control officer has conducted an investigation which included a visual examination of the dead or injured livestock;

D. The County Administrator or designee of Augusta County, Virginia, has determined that the claim is supported by the investigation of the animal control officer; and

E. The claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under section 5-31 is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

(Ord. 4/24/79; 3/12/86; 6/24/20)

State law reference - Virginia Code § 3.2-6553

§ 5-33. Subrogation.

Upon payment under section 5-31, the board of supervisors of Augusta County, Virginia, shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law. (Ord. 4/24/79)

State law reference - Virginia Code § 3.2-6553

§ 5-34. Penalty for false claim.

For any person to present a false claim or to receive any money on a false claim under the provisions of this article shall constitute a Class 1 misdemeanor.

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State law reference Virginia Code § 3.2-6587

Sections 5-35 through 5-40. Reserved.

ARTICLE V. Diseased and Deceased Fowl.

§ 5-41. Importation of diseased fowl and carcasses of diseased fowl prohibited.

It shall be unlawful for any person knowingly to import, haul or transport into or through Augusta County any diseased fowl or carcasses of diseased fowl from areas subject to any lawful quarantine declared by any federal, state or local governmental agency without being properly permitted by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services and with the concurrence of the Augusta County Board of Supervisors. (Ord. 6/24/84).

State law reference - Virginia Code § 15.2-1200

§ 5-42. Disposal of diseased fowl off-site prohibited.

A. It shall be unlawful for any person knowingly to deposit, dump or bury diseased fowl or carcasses of diseased fowl, which have been determined to have contracted a disease within an area subject to any lawful quarantine declared by any federal, state or local governmental agency, on property located within Augusta County, unless the property is the site where said fowl were ordinarily maintained and kept at the time the disease was detected.

B. Nothing herein shall be deemed to require on-site disposal of such fowl and carcasses where a determination is made by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services that on-site disposal would increase the risk of spread of contagious diseases among persons, animals or fowl or would be hazardous to the environment.

C. In the event on-site disposal is not approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services, such fowl and carcasses may be deposited and disposed of by methods approved by the Virginia Department of Health at locations within the county approved by the Virginia Department of Health or the Virginia Department of Agriculture and Consumer Services. (Ord. 4/24/84)

§ 5-43 through § 5-50. Reserved.

ARTICLE VI. Enforcement.

§ 5-51. Miscellaneous offenses.

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~~The following shall be unlawful acts and constitute misdemeanors, and any person convicted thereof shall be subject to the following authorized punishments:~~

- A. ~~Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a class 4 misdemeanor.~~
- B. ~~Unless otherwise specifically provided, any person found violating County Code Sections 5-11, 5-22, 5-23 (which occurs within 12 months of the occurrence of the first violation) shall be assessed a civil penalty of \$75.00. A third or more subsequent violation (which occurs within 12 months of the occurrence of the first violation) shall be assessed a civil penalty of \$150.00~~
- C. ~~Any owner convicted of, or otherwise found violating the provisions of this chapter shall, in addition to the penalty and/or fine imposed, be required to pay costs extended for the impoundment, handling, care, housing or medical care for the animal concerned.~~
- D. ~~The foregoing notwithstanding, violations of Sections 5-11, 5-22, and 5-23, are hereby designated as civil violations, with the civil penalties for such violation set forth as follows:~~

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<u>Section</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third and Subsequent Offenses</u>
<u>5-11 Unlicensed Dogs Prohibited</u>	<u>\$10.00*</u>	<u>\$75.00*</u>	<u>\$150.00</u>
<u>5-22 Dogs Prohibited from Running at Large</u>	<u>\$25.00</u>	<u>\$75.00</u>	<u>\$150.00</u>
<u>5-23 Dogs not Inoculated Prohibited from Running at Large</u>	<u>\$50.00*</u>	<u>\$100.00*</u>	<u>\$150.00</u>
<u>*Violator must also obtain proper license and/or rabies vaccination certificate</u>			

~~For any dog owner to own a dog four months or older in the county without a license in violation of section 5-11, a fine of not less than ten dollars (\$10.00) and not more than two hundred fifty dollars (\$250.00).~~

~~A. For any dog owner to allow a dog to run at large in violation of section 5-22, a fine of not less than twenty five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00).~~

~~B. For any dog owner to allow a dog not inoculated to run at large in violation of section 5-23, a fine of not less than fifty dollars (\$50.00) and not more than two hundred fifty~~

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dollars (\$250.00).

~~C.E.~~ An animal control officer or law enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the County treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charge.

~~D.F.~~ For any person to violate any other provision of this chapter for which specific fine or penalty is not provided, a fine of not less than ten dollars (\$10.00) and not more than ~~one~~two hundred fifty dollars (~~1~~250.00).

State law reference - Virginia Code § 3.2-6587 §3.2-6543

§ 5-52. Power to issue summons.

When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons to any person found in the act of violating any provision of this chapter.

State law reference - Virginia Code § 3.2-6543 and 3.2-6555

§ 5-53. Issuance and service of summons in place of warrant.

A. Whenever any person is found violating any provision of this chapter punishable as a Class 3 or Class 4 misdemeanor or any other misdemeanor for which he cannot receive a jail sentence, the animal control officer or other authorized authority shall take the name and address of such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice.

B. Upon the giving by such person of his written promise to appear at such time and place, the animal control officer or other authorized authority shall forthwith release him from custody.

C. If any such person shall fail or refuse to discontinue the unlawful act, the animal control officer or other authorized authority may proceed according to the Commonwealth's procedures for arrest without warrant.

D. Any person refusing to give written promise to appear under the provisions of this section shall be taken immediately by the animal control officer or other authorized authority before a magistrate or other issuing authority having jurisdiction, who shall proceed according to the Commonwealth's procedures for arrest without warrant.

E. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the Commonwealth's procedures and penalties for failure to appear.

State law reference - Virginia Code § 3.2-6555 and 19.2-74

§ 5-54. Violation of chapter; notice.

The treasurer may, on a form to be provided by the county, notify a dog owner by mail at his last known address, that the dog owner may pay the dog license fee within the time specified by the notice together with the added cost of the mailing and, if such fee is not paid within the time so prescribed, the treasurer will notify the animal control officer or other authorized authority that the dog owner has failed to pay such fee within the time so prescribed.

(Ord. 9/23/09)

§ 5-55 Violation of Chapter 5; penalty

Any person convicted of a violation of this chapter, unless a penalty is otherwise specified, shall be guilty a Class 4 misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars (\$250.00)

State law reference - Virginia Code § 3.2-6587

§ 5-56. Giving false reports.

A. It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any animal control officer or law-enforcement official with the intent to mislead, or (ii) without just cause and with intent to interfere with the operations of any animal control officer or law-enforcement official. Any person knowingly giving false reports shall be guilty of a Class 1 misdemeanor.

B. Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 of the Code of Virginia, who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

State law reference - Virginia Code § 18.2-460 D and § 18.2-461

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§ 5-57. Interfering With an Animal Control Officer

No individual shall interfere with an animal control officer in the legal performance of his or her duties. This includes but not limited to, striking or attempting to strike the animal control officer; providing the animal control officer with false information; taking or attempting to take any animal from an animal control officer in the legal performance of his or her duties; or from any official vehicle used by the department to transport animals; or taking or damaging any county property used in conjunction with the animal control officer's duties. Any person interfering with an animal control officer's duties shall be by guilty of a Class 1 misdemeanor.

State law reference - Virginia Code § 18.2-460

Sections 5-58 through 5-60. Reserved.

ARTICLE VII. Coyotes.

§ 5-61. Killing of coyotes.

It shall be lawful for any person to kill coyotes within the boundaries of Augusta County at any time, provided that, as to the property on which any such coyote is killed, (i) such person owns the property, (ii) such person is the lawful tenant in possession of the property, (iii) such person has the permission of the owner or lawful tenant in possession of the property to kill such coyote, or (iv) such property is owned by the Commonwealth of Virginia or the United States of America.

§ 5-62. Payment of bounty for coyotes, and § 5-63. Penalty for false claims repealed by ordinance dated May 12, 2010, effective July 1, 2010.

(Ord. 10/12/05, eff. 1/1/06; 5/12/10, eff. 7/1/10)

State law reference - Virginia Code §15.2-926.1

(Ord. 6/28/17)



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: ORDINANCE AMENDMENTS FOR PUBLIC HEARING

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:

Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[Ordinances for public hearing.pdf](#)



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Board of Supervisors
FROM: Elizabeth Goodloe, Planner I
Julia Hensley, Planner II
CC: Doug, Wolfe, Community Development Director
DATE: September 20, 2023
SUBJECT: Consideration to release ordinance amendments for public hearing

Below is a brief description of five (5) ordinance amendments that the Ordinance Working Group has recommended to move forward. Staff requests that the Board review and release these amendments to advertise for public hearings in **November**.

- **Chapter 25. Zoning. Division B. Agriculture Districts. Article VII. General Agriculture (GA) Districts. Section 25-74. Uses permitted by special use permit. D. Uses away from developed areas.** Amendment increases the minimum setback for mining/quarry operations from 200' to 500' from all property lines and increases the minimum setback the Board of Zoning Appeals may reduce or eliminate from 200' to 500'. Amendment also removes the clause under item 7 "and the adjoining property owners agree that such a reduction is mutually beneficial."
- **Chapter 25. Zoning. Division A. Article I. General Provisions. Section 25-4. Definitions. Limited Outdoor Storage.** Amendment revises the current definition for Limited Outdoor Storage to match the updated language in Section 25-303 K. Limited Outdoor Storage.
- **Chapter 25. Zoning. Division E. Business Districts. Article XXX. General Business (GB) Districts. Section 25-303. Uses permitted by Administrative Permit. K. Limited outdoor storage.** Amendment adds the 10,000 square feet limit from the definition of limited outdoor storage, Section 25-4. Amendment consolidates item numbers two (2) and three (3) of Section K that designates the location for limited outdoor storage. Amendment adds the standard for vehicles, boats, recreational vehicles, and similar vehicles not otherwise meeting the definition of inoperable vehicles as defined in Section 25-4 of this code.

- **Chapter 25. Zoning. Division F. Industrial Districts. Article XXXVIII. General Industrial (GG) Districts. Section 25-384. Uses permitted by Special use Permit. E. Batching plants for asphalt, cement, or concrete.** Amendment adds the provision for the Board of Zoning Appeals to reduce or eliminate the one hundred foot (100') setback between adjoining property owners where similar industrial uses are ongoing.
- **Chapter 25. Division I. Permits and Amendments. Article LX. Rezoning and other amendments. Section 25-603. Submission of petition for rezoning.** Amendment deletes the requirement under item B that the petitioner shall be notified of the last day prior to consideration by the planning commission when the owner may proffer conditions. Amendment revises item C to allow for proffers to be submitted during a public hearing for the board of supervisors.

Attached are the relevant staff reports, including the redlined text, proposed text, and comments from the County Attorney's office and Community Development staff for each proposed ordinance amendment. Please do not hesitate to let staff know if you have any questions or comments regarding the proposed changes.

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division B. Agriculture Districts.
Article VII. General Agriculture (GA) Districts.
Section 25-74. Uses by special use permit.
September 25, 2023**

**An ordinance to amend Chapter 25. Zoning. Division B. Agriculture Districts.
Article VII. General Agriculture Districts. Section 25-74. Uses by special use
permit.**

REDLINED:

§ 25-74. Uses permitted by special use permit.

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state-maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and

6. All buildings, structures, and operations will be set back at least ~~two~~ five hundred feet (~~2500'~~) from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
- ~~7. The board of zoning appeals may reduce or eliminate the ~~two~~ five hundred foot (~~2500'~~) set back between adjoining properties where similar industrial uses are ongoing. ~~and the adjoining property owners agree that such a reduction is mutually beneficial.~~~~
7. 8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

**AN ORDINANCE TO AMEND
SECTION 25-74
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-74;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that item 9 of Section 25-74. D. of the Augusta County Code is amended to read as follows:

D. Uses away from developed areas.

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, oil or natural gas and similar materials but not to include extraction of such materials by means of enhanced recovery, hydraulic fracturing, and/or horizontal drilling, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

2. A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state-maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and
6. All buildings, structures, and operations will be set back at least five hundred feet (500') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the five hundred foot (500') set back between adjoining properties where similar industrial uses are ongoing, and
8. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.
9. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

COUNTY ATTORNEYS' STAFF COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment increases the minimum setback for mining/quarry operations from 200' to 500' from all property lines and increases the minimum setback the Board of Zoning Appeals may reduce or eliminate from 200' to 500'. Amendment also removes the clause under item 7. "and the adjoining property owners agree that such a reduction is mutually beneficial."

**COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division A.
Article I. General Provisions.
Section 25-4. Definitions.
September 25, 2023**

An ordinance to amend Chapter 25. Zoning. Division A. Article I. General Provisions. Section 25-4. Definitions.

REDLINED:

§ 25-4 Definitions

Limited Outdoor Storage. The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall not exceed ~~be in a designated storage area of less than~~ 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard. (Ord. 6/26/19)

**AN ORDINANCE TO AMEND
SECTION 25-4
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-4;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County Code is amended to read as follows:

Limited Outdoor Storage. The keeping of any goods, materials, equipment, or merchandise, other than in a completely enclosed building during any time other than normal business hours. Limited outdoor storage shall not exceed 10,000 square feet and no more than twelve feet (12') in height. Limited outdoor storage shall be fully shielded or screened from view. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard. (Ord. 6/26/19)

COUNTY ATTORNEYS' STAFF COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment revises the current definition for limited outdoor storage to match the updated language in Section 25-303 K. Limited Outdoor Storage.

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division B. Agriculture Districts.
Article VII. General Agriculture (GA) Districts.
Section 25-303. Uses by special use permit.
September 25, 2023

An ordinance to amend Chapter 25 Zoning. Division B. Agriculture Districts. Article VII. General Agriculture (GA) Districts. Section-303. Uses by special use permit.

REDLINED:

§ 25-303. Uses permitted by Administrative Permit.

K. Limited outdoor storage.

Limited outdoor storage may be permitted by Administrative Permit provided:

1. Limited outdoor storage shall not exceed 10,000 square feet and not be more than twelve feet (12') in height and shall be fully shielded or screened from view. Gates shall remain closed except when goods are moved to and from the enclosed area; and
2. Limited outdoor storage shall be located in the rear yard; or to the side of a building, provided it is not located within a required buffer yard, and
3. Vehicles, boats, recreational vehicles, and similar vehicles, not otherwise meeting the definition of inoperable vehicles as defined in Section 25-4 of this Code, awaiting repair for more than thirty (30) days must be located within the vehicle impoundment area.

NOTE: Any outdoor storage that does not meet the requirements listed above or the requirements for Outdoor display of merchandise listed in subsection J above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25- 304B.

**AN ORDINANCE TO AMEND
SECTION 25-303
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-303;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that item 9 of Section 25-303 of the Augusta County Code is amended to read as follows:

K. Limited outdoor storage.

Limited outdoor storage may be permitted by Administrative Permit provided:

1. Limited outdoor storage shall not exceed 10,000 square feet and not be more than twelve feet (12') in height and shall be fully shielded or screened from view. Gates shall remain closed except when goods are moved to and from the enclosed area; and
2. Limited outdoor storage shall be located in the rear yard; or to the side of a building, provided it is not located within a required buffer yard, and
3. Vehicles, boats, recreational vehicles, and similar vehicles, not otherwise meeting the definition of inoperable vehicles as defined in Section 25-4 of this Code, awaiting repair for more than thirty (30) days must be located within the vehicle impoundment area.

NOTE: Any outdoor storage that does not meet the requirements listed above or the requirements for Outdoor display of merchandise listed in subsection J above can apply to the board of zoning appeals for a Special Use Permit pursuant to the requirements listed in §25- 304B.

COUNTY ATTORNEYS' STAFF COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment adds the 10,000 square feet limit from the definition of limited outdoor storage, Section 25-4. Amendment consolidates item numbers two (2) and three (3) of Section K that designates the location for limited outdoor storage. Amendment adds the standard for vehicles, boats, recreational vehicles, and similar vehicles not otherwise meeting the definition of inoperable vehicles as defined in Section 25-4 of this code.

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division F. Industrial Districts.
Article VII. General Industrial (GI) Districts.
Section 25-384. Uses permitted by Administrative Permit.
September 25, 2023

An ordinance to amend Chapter 25 Zoning. Division F. Industrial Districts. Article VII. General Industrial (GI) Districts. Section 25-384. Uses permitted by Administrative Permit.

REDLINED:

§ 25-384 Uses permitted by special use Permit.

E. Batching plants for asphalt, cement, or concrete.

Batching plants for asphalt, cement, or concrete may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing the said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.

5. The board of zoning appeals may reduce or eliminate the one hundred foot (100') set back between adjoining properties where similar industrial uses are ongoing.

**AN ORDINANCE TO AMEND
SECTION 25-384
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-384;
NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that item E of Section 25-394 of the Augusta County Code is amended to read as follows:

E. Batching plants for asphalt, cement, or concrete.

Batching plants for asphalt, cement, or concrete may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing the said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties.
5. the board of zoning appeals may reduce or eliminate the one hundred foot (100') set back between adjoining properties where similar industrial uses are ongoing.

COUNTY ATTORNEYS' STAFF COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment adds the provision for the Board of Zoning Appeals to reduce or eliminate the one hundred foot (100') setback between adjoining property owners where similar industrial uses are ongoing. Amendment also removes the clause: "and the adjoining property owners agree that such a reduction is mutually beneficial."

COUNTY OF AUGUSTA
STAFF REPORT
Ordinance Amendment
Chapter 25. Zoning. Division I. Permits and Amendments.
Article LX. Rezoning and other amendments.
Section 25-603. Submission of petition for rezoning.
September 25, 2023

**An ordinance to amend Chapter 25 Zoning. Division I. Permits and Amendments.
Section 25-603. Submission of petition for rezoning.**

REDLINED:

§ 25-603. Submission of petition for rezoning.

A. After pre-submission review as set forth in § 25-602 above has been completed, the petitioner may submit his petition for rezoning. If the petitioner is not the owner, the petition shall be accompanied by written consent from the owner. The petitioner shall be notified in advance of the time and place the petition will be considered by the planning commission and the board of supervisors. Revision # 37, August 2017

B. ~~The petitioner shall also be notified of the last day prior to consideration by the planning commission when the owner may proffer conditions.~~ All conditions voluntarily proffered by the owner pursuant to § 25-604 below shall be submitted prior to consideration by the planning commission in time to allow advertising of such proffers in summary form along with the advertising of the proposed rezoning ordinance before the meeting of the planning commission.

C. Amendments to proffered conditions may be submitted prior to a public hearing before the board of supervisors without referral to the planning commission or during the public hearing provided such amendments (i) do not address matters different from the matters addressed by the proffers considered by the planning commission, (ii) do not permit a more intensive use of the property than would have been permitted by the proffers considered by the planning commission, and (iii) do not otherwise reduce or relax any proffers considered by the planning commission which impose restrictions or limitations on the use of the property designed to protect the interests of neighboring properties and the public at large.

State law reference--Virginia Code § 15.2-2286

**AN ORDINANCE TO AMEND
SECTION 25-603
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to update the requirement for the Section 25-603;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that items B and C of Section 25-603 of the Augusta County Code is amended to read as follows:

A. After pre-submission review as set forth in § 25-602 above has been completed, the petitioner may submit his petition for rezoning. If the petitioner is not the owner, the petition shall be accompanied by written consent from the owner. The petitioner shall be notified in advance of the time and place the petition will be considered by the planning commission and the board of supervisors. Revision # 37, August 2017

B. All conditions voluntarily proffered by the owner pursuant to § 25-604 below shall be submitted prior to consideration by the planning commission in time to allow advertising of such proffers in summary form along with the advertising of the proposed rezoning ordinance before the meeting of the planning commission.

C. Amendments to proffered conditions may be submitted prior to a public hearing before the board of supervisors without referral to the planning commission or during the public hearing provided such amendments (i) do not address matters different from the matters addressed by the proffers considered by the planning commission, (ii) do not permit a more intensive use of the property than would have been permitted by the proffers considered by the planning commission, and (iii) do not otherwise reduce or relax any proffers considered by the planning commission which impose restrictions or limitations on the use of the property designed to protect the interests of neighboring properties and the public at large.

State law reference--Virginia Code § 15.2-2286

COUNTY ATTORNEYS' STAFF COMMENTS: The County Attorneys have reviewed and approved this language.

COMMUNITY DEVELOPMENT STAFF COMMENTS: Amendment deletes the requirement under item B. that the petitioner shall be notified of the last day prior to consideration by the planning commission when the owner may proffer conditions. Amendment revises item C. to allow for proffers to be submitted during a public hearing for the board of supervisors. This amendment updates the language currently in the ordinance to be in alignment with the state code's language for the submission of proffers for a rezoning. Virginia Code § 15.2-2286



**COUNTY OF AUGUSTA
STAFF REPORT**

AGENDA SECTION: CONSENT AGENDA

DEPARTMENT:

STAFF MEMBER:

DATE OF REQUEST:

REQUESTED ACTION FOR THE BOARD OF SUPERVISORS:
Consider

EXECUTIVE SUMMARY:

ATTACHMENTS:

[MINUTES 8-9-2023.pdf](#)

[MINUTES 8-21-2023.pdf](#)

[MINUTES 8-23-2023.pdf](#)

Regular Meeting, Wednesday, August 9, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Gerald Garber
Butch Wells
Carolyn Bragg
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Kathleen Keffer, Assistant County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, August 9, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

* * * * *

Chairman Shull welcomed those present at the meeting.

* * * * *

The following students from the Buffalo Gap High School FFA and SCA led the Pledge of Allegiance:

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

Emory Sea is the FFA Treasurer and plans to attend college and study biochemistry or mechanical engineering.

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

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

Chloe Emurian is the SCA Senior Executive President and plans to attend Liberty University to study interior design.

Trinity Cline is the SCA Public Relations Coordinator and plans to attend Blue Ridge Community College for nursing.

Dr. Ian Marshall, Principle of Buffalo Gap High School, thanked the Board for allowing them to come lead the Pledge of Allegiance.

* * * * *

Mr. Shull, Riverheads District, delivered the invocation.

* * * * *

August 9, 2023, at 7:00 p.m.

Mr. Shull made the following statement:
“This is a business meeting for Augusta County. As we work through the items on our agenda, we ask that all in attendance act in accordance with our meeting guidelines that are printed with the agenda. This would include refraining from any disorderly, disruptive, boisterous conduct such as clapping, speaking loudly from your seat and making noise. Please be respectful to others and their point of views.”

* * * * *

VALLEY COMMUNITY SERVICES BOARD
Dr. Kimberly McClanahan, Executive Director of VCSB, shared a presentation on intent to develop a Crisis Receiving Center in Augusta County.

* * * * *

VERONA PEDESTRIAN PROJECT
The Board considered awarding a contract to A&J Development & Excavating and authorized the County Administrator to sign contracts.

Funding Source: Beverley Manor Infrastructure 8011-109 \$256,203.91
Revenue Sharing Capital 80000-8162 \$185,865.56

Doug Wolfe, Director of Community Development, stated that the project will provide sidewalks on the north side of Route 612 from the Shenandoah Valley Railroad East to the park and ride on Lodge Lane. Also, on the east side of US Route 11 from the vicinity of the First Bank parking lot to the signal at the entrance to the Augusta County Government Center. It will include a pedestrian crossing of the entrance as well as sidewalk along Dick Huff Lane from US 11 to just across the railroad tracks at the Government Center. The project costs include preliminary engineering, right-of-away acquisition and construction for a total of \$3.2 million. This amount is funded 80% by the federal grant funding with 20% from the County. Applications were distributed across three primary funding cycles from 2017 to 2021. The project was too big to put into one application so it was broken up into Rt. 612, which was the most dangerous segment for pedestrian safety, and the Route 11 segment. Intent was to construct the Route 612 segment while designing the Route 11 segment. There were no bids received on the Rt. 612 segment and the design for the Route 11 segment was complete. The projects were able to be bid together for both segments. Bids were received on April 27, 2023. Of the two bids received, A&J Development & Excavating was the low bidder at \$2,374,951.43. The County is currently \$442,069.47 short in funding for this project. A large portion of this was committed, but not obligated when we applied for the third grant round in 2021. This amount is \$256,203.91 and is requested to come from the Beverley Manor Infrastructure account. An additional \$185,865.56 is then needed to match VDOT funding and complete the project. Staff recommends this funding be allocated from the Revenue Sharing Capital account. It is recommended by staff to award the construction contract to A&J Development & Excavating, in the amount of \$2,374,951.43 with a 5% contingency of \$118,747.57 and authorize the County Administrator to sign contracts.

Mr. Wells moved, seconded by Mr. Slaven, that the Board approve the funding request and authorize the County Administrator to sign contracts.

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

Motion carried.

August 9 2023, at 7:00 p.m.

* * * * *

PERSONAL PROPERTY TAX RELIEF PROGRAM-RESOLUTION

The Board considered a resolution establishing the rate of tax relief of qualifying vehicles for the Personal Property Tax Relief Act.

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act).

WHEREAS, by its enactment of an ordinance on December 14, 2005 (“Ordinance”), the Board of Supervisors of Augusta County, Virginia (the “Board of Supervisors”) has previously implemented such modifications of the PPTRA.

WHEREAS, the Board of Supervisors now desires to set the rate of tax relief for tax year 2023 for purposes of the Ordinance.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be twenty-six (26%).
2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in § 3(b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in § 4, pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.
3. This Resolution shall take effect immediately upon its adoption.

Jennifer Whetzel, Deputy County Administrator, stated that in the late 1990’s the Governor showed interest in returning a portion of personal property tax to individuals at the state level. In the early 2000’s, under the Governor’s initiative, the state set aside \$950 million per year in the budget to go towards the Personal Property Tax Relief Act. Each locality had to report their tax rates to the state and the state allocated a portion of the \$950 million to the locality. Augusta County receives approximately \$4.3 million each year. The Commissioner of the Revenue’s office has to take the values of the personal property book and compare it against the \$4.3 million and allocate it back to the tax bills based on qualifying vehicles. The resolution states the rate of tax relief with respect to qualifying vehicles with an assessed value of more than \$1,000.00 and applied to the first \$20,000.00 in value of each qualifying vehicle shall be 26%. 26% is the same percentage as it was in the previous year

Dr. Seaton asked how the 26% is calculated.

Ms. Whetzel stated that as the personal property book grows due to increased cars and increased values so the percentage will change from year to year.

Dr. Seaton asked what the effect of a decreasing percentage would be.

Ms. Whetzel stated that for those qualifying cars individuals would get a reduction for the PPTRA of 26%. If the book were to shrink and that rate goes up then there would be a bigger deduction on their tax bill. State Code dictates how the percentage is calculated.

Dr. Seaton stated that last year there was a 92% to value that was added on later in the month due to rising vehicle values due to COVID. What are the plans as far as the 92%?

Ms. Whetzel stated that nothing had been discussed relative to that percentage. The percentage will go back to the 100%.

Ms. Carter stated that it is important for citizens to understand that this process is dictated by the state.

Ms. Bragg moved, seconded by Ms. Carter, that the Board the resolution as presented.

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

Motion carried.

* * * * *

The Board considered a funding request from Buffalo Gap High School Sportsman Club in the amount of \$14,211.00 for concession stand equipment.

Funding Source:	Pastures Infrastructure	8014-119	\$4,737.00
	Beverley Manor Infrastructure	8011-110	\$4,737.00
	North River Infrastructure	8013-74	\$4,737.00

Mr. Fitzgerald stated that the Sportsman Club is requesting funding for a freezer, two warming cabinets, a popcorn popper and two hot dog grills with a total cost of \$14,211.00.

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

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

Motion carried.

August 9 2023, at 7:00 p.m.

* * * * *

CONSENT AGENDA

Mr. Slaven moved, seconded by Ms. Carter, that the Board approve the consent agenda as follows:

MINUTES:

Consider minutes from the following meetings:

- Staff Briefing, Monday, June 26, 2023
- Regular Meeting, Wednesday, June 28, 2023
- Regular Meeting, Wednesday, July 12, 2023
- Staff Briefing, Monday, July 24, 2023

CLAIMS:

Consider claims paid since July 1, 2023

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

Motion carried.

* * * * *

(END OF CONSENT AGENDA)

* * * * *

Mr. Shull made the following statement:

"Matters by the public is a time when you have comments on matters, not specifically listed on the agenda. This is an opportunity for you to inform the Board about your views and provide input that the Board will take into consideration as we make decisions. Please approach the podium and speak clearly into the microphone stating your name and address. All questions should be directed to me. The County Administrator and the Board are not expected to respond to the questions. An individual has three minutes to speak and anyone representing a group will have five minutes. We go above and beyond giving public comments compared to some localities. Two years ago, state code was amended stating that public comment was required four times per year.

Kathleen Keffer, Assistant County Attorney, stated that State Code section 15.2-1416 Part D states the governing body shall provide members of the general public with the opportunity for public comment during a regular meeting at least quarterly. This code section was amended in 2020 to add that requirement.

* * * * *

August 9, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC

Rebecca Breeden, 93 Patterson Mill Road, Grottoes, is unhappy with the actions of the Board and allowing the public to speak. She voiced concerns regarding the real estate assessment that is currently taking place.

Beverly Farra, 890 Augusta Springs Road, Craigsville, is concerned with the Board allowing the citizens to voice their opinions and concerns.

Terry Pyles, 36 Equestrian Drive, Staunton, is concerned with the Board putting a time limit on the citizens wanting to speak. Each citizen should be heard.

Tracy Pyles, 3665 Churchville Ave, Churchville, is concerned with the Board's actions and restricting the time a citizen can speak. Trust is an issue.

Chanda McGuffin, 1016 Bridge Ave, Waynesboro, there is a lack of transparency with the Board of Supervisors.

Scott Cline, PO Box 327, Mt. Sidney, questions why there are not minutes kept during a closed session.

Sophie Alberts is disappointed in the actions of the Board. The public should know what is going on behind closed doors.

Dave Zimmerman, Verona, stated that the Board has important things to deal with. The Board members must be held accountable for their individual actions.

Cherish Alberts, 84 Birch Way, Barboursville, is disappointed in the actions of the Board.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Wells appreciated the demonstrations and information that was given regarding the new radio system.

Mr. Slaven appreciates the Board members he works with and the staff of the County.

Dr. Seaton recommends eliminating the three-minute time limit for speakers.

Dr. Seaton moved to eliminate the three-minute time limit on speaking and make it five minutes.

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

Motion failed.

Dr. Seaton gave Jennifer Whetzel, FOIA Officer, the thumb drive with all of his recordings.

August 9 2023, at 7:00 p.m.

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

Dr. Seaton moved to record all closed session meetings.

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

Motion failed.

Dr. Seaton moved to develop a plan to return fines to the payees of the animal shelter with potential options given to the Board to consider.

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

Motion failed.

Dr. Seaton made the following statement:

"We do have a lot of important business on this Board, but the Board has been gas lighting the public. At the March 8, 2023 meeting, the Board was informed that the county animal ordinances were unlawful. The animal shelter continued assessing unlawful fees and fines. Here we are five months later and administration still has not corrected the animal ordinances. The only reason the fines and fees are not being assessed now is because I demanded that the county stop illegally assessing them on May 30, 2023, thus starting the journey of retaliation by the rest of the Board against me. Beginning at the June 2, 2023 special meeting, continuing with the July 13, 2023 meeting of censure, which still has the wrong dates on it, and the August 2, 2023 meeting when the Board demanded, through resolution, the recordings of the closed meetings that they attended with the exception of Carolyn that came on the Board at a later time. Through all of this, I received nearly unanimous support from the public. I have been placing more and more campaign signs in my district. Let's look at the laws, rules and conduct of the Board. In the recent county survey, Augusta County residents supported body cameras and dash cams for our deputies, 90% to 2%. Four members agreed to put the cameras in the budget this year and then removed them when it came to a vote because they were mad. Placing body cameras on law enforcement is a sign of a mature government that values transparency. The animal shelter has been assessing fines and fees without due process and holding the animal's hostage until the money was paid to the Treasurer. That violates our residents fourth, fifth and fourteenth amendment rights to property and due process. The majority on the Board has limited the time to speak at our meetings to three minutes. A three-minute speech is one and a half pages, fourteen-point font size, double spaced and hardly enough time for a thesis and conclusion in one argument. This is a restriction of our resident's first amendment rights to address their grievances to the government. What is the Board afraid of? Do they really want to get home earlier from meetings that much that they are willing to suppress the first amendment rights of our residents? Our animal ordinances don't follow the Virginia Code and the animal shelter didn't even follow our own ordinance when assessing these fines and fees. For its entire existence, the animal shelter hasn't even had a policy and procedure manual to help the director and the employees with operating the shelter. On the Planning Commission, the Chair of the Planning Commission became a Supervisor and according to the Planning Commission bylaws a Supervisor shall not be a Chair or Vice Chair of the Planning Commission. Instead, the Planning Commission just ignored the bylaws and allowed her to be Chair and the rest of the Supervisors didn't care that she was still Chair of the Planning Commission. So, at the last Planning Commission meeting they changed the bylaws to fit the situation instead of following the bylaws. In summary, I followed the Virginia Code and took

August 9, 2023, at 7:00 p.m.

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

notes of some closed sessions. I recorded closed meetings sporadically before my wife died because during one unrecorded closed session the County Administrator had announced he proceeded with a contract when I didn't recall the Board giving him consent, but couldn't get other Board members to agree with me, though some looked puzzled by the announcement. I wasn't sure if my recall was true. After my wife was killed I increased the recordings to replay them and helped me with recall while my memory and concentration were affected by the tragedy. The Board asserts that my notes were surreptitious. That word implies that I need permission to record. Well established Virginia Code 19.2-62B2 and 2.2-3712, states that I may take notes during closed sessions by recording them. The Board Chair asserts that my conduct, while legal, was unethical. Yet he won't site authority for his opinion. Perhaps recording government officials conducting government business is unethical to him, but not to the residents of the County or our Country. Calling our rights under the US and Virginia Constitution unethical is wrong and is the first step toward violating our rights. Our rights in the US and Virginia Constitution, whether enumerated or implied, are derived from each person's responsibility to preserve their own life, liberty and property and to defend themselves from an often-overreaching government. This is one reason why we need more transparency at all levels of government. Whether on the Board of Supervisors, Planning Commission, Board of Zoning Appeals or body cameras and dash cams for our deputies so that our residents can trust the decisions and activities of our government. I would say better trust. I do trust our deputies and I want to make sure that's clear. I trust our deputies. I think they do an excellent job, but I think there are some people who may not and I think we could better trust them if we have the body and dash cameras. Until the residents of our county insist upon transparency and change the leadership in the county, the county government will do whatever it wants until the residents discover the illegal activities and report them to a higher authority. Hopefully those authorities will act whether by judicial or executive powers to preserve our constitutional rights and force our county to follow Virginia Code County Ordinances and its own bylaws. I have turned over my correspondence with the Department of Justice regarding these recordings and a copy of the recordings of closed meetings to the County FOIA Officer, Jennifer Whetzel, because it is required and the right thing to do. Procedures can be followed so that a judge may be able to release some the recordings. I have received freedom of information requests and the County FOIA Officers will determine if any of the meetings will be released. The public deserves to hear some of these meetings, particularly when the topic is the Board of Supervisors, such as the March 20 and June 2, 2023 meetings. I don't believe that an elected official should have the same personnel exemption protection as county employees, but that will be up to a judge to determine if a decision is appealed. I have not released any of the recordings myself. The FOIA Officer can tell the requesters how to appeal the decision not to release and it will be up to the individuals to pursue the appeal. I still trust the system. I don't regret recording these closed meetings. I trust the citizens to hold me and the Board accountable for statements made during these closed meetings. In conclusion, our local government needs retraining on the rights of our residents. Our residents are ready for a mature government that responds to the residents instead of hiding from them."

Ms. Bragg thanked everyone that supported the fair. The Virginia Secretary of Labor was in the area for the Valley Business Summit. National Night Out was a huge success. The Stuarts Draft Fireman's Carnival is coming up.

Mr. Garber stated that the dates on the Censure Resolution are incorrect and should be amended to March 20 and March 22, 2023

Mr. Slaven moved, seconded by Mr. Wells, that the Board re-appoint Eric Bond and Timothy Fitzgerald to serve a three-year term on the Valley ASAP Board. Effective immediately and to expire June 30, 2026.

Motion carried.

4. Currently the County Code specifies that the Ag Industry Board members are appointed per magisterial district. They are requesting to allow those members to be appointed as at large members instead of by magisterial district. This will require a code change. The change will have to be advertised and a public hearing held.
5. Mr. Fitzgerald introduced Joe Pozzo and Cheryl Harris as part of the team from the Center for Public Safety Management, LLC that will be working on the Fire and Rescue Strategic Plan.

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

Motion carried.

County Administrator

Staff Briefing Meeting, Monday, August 21, 2023, 1:30 p.m., Government Center, Verona, VA.

PRESENT: Jeffrey Slaven, Vice-Chair
Gerald Garber
Butch Wells
Carolyn Bragg
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Doug Wolfe, Director of Community Development
James Benkahla, County Attorney

ABSENT: Michael Shull, Chairman

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, August 21, 2023, 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 monthly report.

The Board accepted the monthly report as information.

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FIRE AND RESCUE

Greg Schacht, Fire Chief, discussed the month Fire-Rescue report.

The board accepted the report as information.

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INFRASTRUCTURE ADDS/DELETES

Misty Cook, Finance Director, discussed the infrastructure account status.

The Board authorized placing on the Wednesday, August 23, 2023 regular meeting agenda.

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YEAR END FINANCE REPORT

Ms. Cook presented the Year End Finance Report.

The Board accepted the report as information.

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August 21, 2023, at 1:30 p.m.

COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN

Doug Wolfe, Director of Community Development, discussed awarding the contract to Hill Studio.

The Board authorized placing on the Wednesday, August 23, 2023 regular meeting agenda.

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WEYERS CAVE VOLUNTEER FIRE COMPANY FUNDING REQUEST

Timothy Fitzgerald, County Administrator, discussed a funding request from the Weyers Cave Volunteer Fire Company for a renovation project.

The Board authorized holding the request for a later meeting date.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter suggested that the Board respond to citizens comments that are incorrect.

Ms. Bragg stated that at the beginning of the public comment agenda section the Board can take time to respond to questions and comments from the previous meeting.

Ms. Carter asked to have a status update on the Jennings Branch Restoration Project at the Wednesday meeting.

The Board discussed changing the time limit for public comment from three minutes to four minutes and do away with the group time limit.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1. Updated County Project list was provided to the Board.
- 2. The Economic Development report was provided to the Board.
- 3. Ms. Carter, Ms. Bragg and Mr. Fitzgerald attended the VACo County Officials Summit.
- 4. Ag Industry Board appointments regarding at large members verses magisterial district. It is recommended to have one representative from each magisterial district and possibly two at large members.
- 5. Eldon James’ contract for legislative services is expiring. There is an opportunity to piggyback on a contract that he has with Fauquier County. Staff recommends doing this and updating his contract for the next legislative session.
- 6. The Registrars Senate bill requiring the State Board of Elections to adopt guidance for determining the recommended number of Deputy Registrars that serve in a County or City be based on the size of the population as of the most recent census. This is being pushed to be in the budget bill.
- 7. Appointments to the MPO and the CAPSAW are needed.

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Regular Meeting, Wednesday, August 23, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Jeffrey Slaven, Vice-Chair
 Gerald Garber
 Butch Wells
 Carolyn Bragg
 Pam Carter
 Scott Seaton
 Timothy K. Fitzgerald, County Administrator
 Jennifer M. Whetzel, Deputy County Administrator
 James Benkahla, County Attorney
 Angie Michael, Executive Assistant

ABSENT: Michael Shull, Chairman

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, August 23, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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Vice Chairman Slaven welcomed those present at the meeting.

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Phillip Kauffman led the Pledge of Allegiance. Mr. Kauffman served as a Marine and owns and operates a gymnastics gym.

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Dr. Seaton, Wayne District, delivered the invocation.

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INFRASTRUCTURE ADDS/DELETES

The Board considered the infrastructure account status.

Jennifer Whetzel, Deputy County Administrator, stated that the adds and deletes to the infrastructure accounts that were previously committed were reviewed at the Staff Briefing. This is in accordance with the net assets policy and this is addressed twice a year. The list included items related to Parks & Recreation, as well as library. These are projects that the Board has allocated funding for that are now completed. The funds will go back to the respective accounts.

Mr. Garber moved, seconded by Ms. Carter, that the Board approve the infrastructure account status as presented.

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

Motion carried.

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August 23, 2023, at 7:00 p.m.

COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN

The Board considered awarding a contract Hill Studio.

Funding Source: Contingency 80000-8199 \$317,780.00

Doug Wolfe, Director of Community Development, introduced Julia Hensley as the new lead Planner for Community Development.

Mr. Wolfe stated that this agenda item to consider award of a contract to Hill Studio for the Comprehensive Plan and Economic Development Strategic Plan. The last rewrite of the Comprehensive Plan was completed in 2007 with significant updates in 2014/2015. Small Area Plans for the communities of Fishersville and Stuarts Draft were also completed in 2009 and 2020, respectively. Since 2015, the County continues to grow in population and now seeks to respond to this past and continued projected growth to develop a Comprehensive Plan that will best serve the long-term needs of all County residents. The last strategic plan for economic development for Augusta County was completed in 2009 and last updated in January of 2015. The Code of Virginia mandates periodic review of the locality's Comprehensive Plan. At the Board's strategic planning session in late 2022, the Board ranked an updated Comprehensive Plan and Economic Development Strategic Plan as high priorities and has since directed staff to initiate work towards this much needed work. The 2024-2044 Comprehensive Plan will revisit and articulate a community vision for the next 20 years and establish the specific goals, policies, and actions to achieve that vision. A critical component of the Comprehensive Plan will be the Economic Development Strategic Plan. The Economic Development Strategic Plan is the primary focus of the economic development section of the Comprehensive Plan. On March 1st, a request for proposals was issued seeking a consultant to lead the upcoming review and update of the Augusta County Comprehensive Plan and Economic Development Strategy. Four (4) proposals were received, and the top three firms were invited to interview. Interviews were held with the Fourth Economy, Hill Studio and Summit Design and Engineering Services. After a thorough request for proposal, interview, and negotiation process, staff recommends awarding the contract for this work to Hill Studio. As the attached scope of work outlines, Hill Studio will subcontract with Sanford Holshouser Economic Development Consulting (SHEDC) for economic development consulting and RiverLink Group for public engagement. Based in Roanoke, Virginia, Hill Studio has completed multiple comprehensive plans within Virginia and is currently working on three within the state. SHEDC is a comprehensive economic development consulting firm based out of North Carolina with a satellite office in Roanoke. SHEDC has conducted over sixty Strategic Economic Development Action Plans. The project managers for the Economic Development Strategic Plan have over eighty years combined experience in economic development. RiverLink Group focuses on stakeholder facilitation and business retention and growth among other efforts. Upon approval, staff will begin work immediately, with initial larger scale kickoff meetings beginning in September. A worksession has been discussed to share the Board's vision with the consultants. Mr. Hill has indicated that he will make himself available at the Board's convenience. The scope of work includes a robust public engagement plan which includes community meetings, focus groups, external ally interviews and community surveys. Goals for completion are early summer 2024 for Economic Development Strategic Plan and winter 2024 for the Comprehensive Plan. Mr. Wolfe provided the Board with a set of expectations for the Comprehensive Plan Steering Committee members and a rough outline of what is being asked of them to do. The next steps are to approve the contract and appoint the Comprehensive Plan Steering Committee members.

Ms. Bragg moved, seconded by Dr. Seaton, that the Board approve awarding the contract to Hill Studio and authorize the County Administrator to execute the Comprehensive Plan and Economic Development Strategic Plan contract between the County of Augusta and Hill Studio pending review by the County Attorney.

August 23 2023, at 7:00 p.m.

COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN
(CONT'D)

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

Motion carried.

Dr. Seaton moved, seconded by Mr. Garber, that the Board appoint Emmett Toms to serve on the Comprehensive Plan and Economic Development Strategic Plan Steering Committee.

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Fitzgerald read an online comment received from Mary Beth Barbagallo. The key highlights are how the meetings are handled in regards to citizens listening online and the importance of using the microphones and recognizing who is speaking.

Marco Floyd continues to be concerned with Fire/Rescue and how the organization is operated.

Sophie Alberts is concerned with the actions of the Board and how they conduct business.

Chanda McGuffin, 1016 Bridge Avenue, Waynesboro, is concerned with the actions of the Board and the lack of transparency.

Steve Morris, 203 Hotchkiss Road, Churchville, is concerned with trust for the Board. Public safety continues to be a big concern for the County.

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Garber stated that new buildings at the Shenandoah Valley Regional Airport will be dedicated soon.

Ms. Bragg stated that new businesses in the County were celebrated with their ribbon cuttings. August 30 at 7:00 p.m.at Schneider Park will be a public information meeting for the second solar project that has been applied for on Wayne Avenue.

August 23, 2023, at 7:00 p.m.

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

Dr. Seaton moved to remove the restriction on applause during the meetings.

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

Motion failed.

Dr. Seaton moved, seconded by Mr. Garber, to remove the time limit on public comment.

Dr. Seaton made the following statement:

“The excuse I’ve heard from the Board is that residents have other ways of expressing their views to the Board, such as email and calling. I think we have all bought something and tried to return it because it didn’t work or didn’t fit. Thankfully, Amazon has made this much easier, but before Amazon made returns so easy, how many of us have tried to send an email and never receive a reply or how many of us have tried to call an 800 number only to be put on hold or forced to leave a message or hung up on. That’s why I like brick and mortar businesses in our area where I can buy something and if I don’t like it I can return it to a person in the store. I think many people share my feelings. They would rather talk directly to a person face to face than on an impersonal computer or phone. Our Government is slowly moving toward more transparency. Though often too slowly or sometimes going backward, it’s encouraging that the state legislators and Governor recognize in Virginia Code that residents have the right to address their government during meetings at least four times a year. Our board has recognized the public commentary as needed during our meetings, but a couple of years ago this Board took a step back in freedom and restricted the public’s ability to speak before the Board. Today, let’s correct that and remove the time limit on public speaking. We have very capable people working for the County and they are available at the Government Center. People don’t want just to email or call their government. As a Board, we should not be impersonal bureaucrats that only want emails and phone calls. Therefore, I will not vote for any time limit on the public’s input toward their government or for that matter for restricting any Board member’s speech on this Board by calling for the question or imposing actual time limits on the Board members. I think we just need to take a step forward. I think, mature governments don’t have these time limits.”

Mr. Garber stated that this rule is due to some people abusing the fact that public comment is allowed. He takes a different view on this matter. If you speak for twenty minutes, after about ten minutes no one cares what you said, but people remember how long you talked. It is a self-defeating thing. The time limit given to speak is too short. The change discussed at worksession is a good change. Mr. Garber will likely vote against this motion because there is another option coming up.

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

Motion failed.

August 23 2023, at 7:00 p.m.

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

Ms. Carter attended the Central Shenandoah Planning District meeting and one of the items discussed was some significant changes that the Commonwealth Transportation Board is considering making to the Smart Scale Project scoring process. As a result, that would affect project eligibility and competitiveness for this region. There have been several organizations that have submitted a letter reviewing with the Transportation Board why they feel like these suggestions are detrimental. She requests that Augusta County submit a letter.

Mr. Fitzgerald will draft a letter that reflects the County’s views and concerns on the changes being proposed.

Ms. Carter moved, seconded by Ms. Bragg, that the Board approve sending a letter to the Commonwealth Transportation Board regarding the proposed Smart Scale changes.

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

Motion carried.

Mr. Wells moved, seconded by Ms. Carter, that the Board appoint Carolyn Bragg to serve on the Metropolitan Planning Organization Board. Effective immediately and to expire December 31, 2023.

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

Motion carried.

Mr. Wells commended Animal Control Officers on how they handled a situation with a dog in his community. He attended a program of grant awards for the Valley Alliance of Education held at Blue Ridge Community College. The program included the three localities; Staunton, Waynesboro and Augusta County. Three teachers of the year from each locality were recognized; Elizabeth Benbow from Augusta County, Amber Gibson from Waynesboro and Brandi Johnson from Staunton. In addition, there were approximately forty-five more teachers in twenty-one different schools in the three localities that were awarded creative grants for things they have done in their classrooms. Each grant ranges from \$1,000.00 to \$3,000.00.

Mr. Slaven stated that Blue Ridge Community College is in the process of bringing the Agriculture programs back as part of their curriculum.

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August 23, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1. There was an Animal Shelter meeting held yesterday. The shelter is close to being full. There are positions open for employment at the shelter. The updated euthanasia policy was approved. The ordinance is still in discussion with both cities.
- 2. During Monday's Staff Briefing, the Board discussed changes to the public comment period during Board meetings. The idea of eliminating the group designation was discussed.

Mr. Wells moved, seconded by Ms. Carter, that the Board change the three-minute time limit for public comment to four minutes and eliminate the representing a group option.

Dr. Seaton does not agree with having a time limit and will be abstaining from the vote.

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

Motion carried.

- 3. Mr. Wolfe gave an update on the Jennings Branch Project. Nineteen of nineteen title exams are complete and five easements are signed.

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ADJOURNMENT

Dr. Seaton moved, seconded by Mr. Wells, that the Board adjourn the meeting.

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

Motion carried.

Chairman

County Administrator