

Regular Meeting, Wednesday, June 28, 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
Jennifer M. Whetzel, Deputy County Administrator
Doug Wolfe, Director of Community Development
James Benkahla, County Attorney
Angie Michael, Executive Assistant

ABSENT: Timothy K. Fitzgerald, County Administrator

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, June 28, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

The Board of Supervisors led the Pledge of Allegiance.

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Mr. Shull, Riverheads District, delivered the invocation.

VDOT 6-YEAR PLAN

This being the day and time advertised to consider and receive input in regard to the proposed Secondary System and receive input on the Secondary Road Construction Improvement budget for Fiscal Year 2023-24.

Don Komara, Resident Engineer for VDOT, introduced his staff that were present: Jeremy Mason, Cody Huffman, Kay Vance and Will Clark. He presented the secondary six-year plan for the County. The plan includes many gravel roads that are transformed to hard surface. VDOT received less money due to the small-scale project system. Mr. Komara also talked about the difficulties with contractors for going into a neighborhood to pave the roads leading VDOT to complete the projects themselves. VDOT prefers to do 18-foot wide roads since the traffic is increased after a road is paved. Mr. Komara also described the process to add proper drainage for roads that were once gravel. He said that for a road to qualify to be paved it must be state-maintained road that has 50 or more vehicles on it per day. Mr. Komara said the Riverheads meeting was good and the stakeholders meeting for the roundabout in Wilson occurred with a public hearing coming up in July. He mentioned that the 262 Project was opened for bids and listed the bids. Mr. Komara outlined the secondary six-year plan with the list of roads displayed on screen.

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

Danny Link, a resident of Mount Sydney, did not think the Board was allowed to make the decision of the Shelter fees since there were other localities involved in the Shelter. He thought the shelter's Board should be the ones making the call. He said that while Dr. Seaton was smart he did not give up on an issue and might lack common sense. He said the issue was being addressed and Dr. Seaton should back off.

David Zimmerman, a resident of Verona, stated that the County employees were not stealing from the citizens. He did not see Dr. Seaton helping with the animal abuse case that occurred. He said Dr. Seaton should be ashamed.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter mentioned that Craigsville has a parade July 4th. She then made a comment concerning the Animal Shelter:

"It's been very easy to sit back and be a Monday morning quarterback. It's very easy to point fingers and lay the blame to who was involved with the Animal Shelter in the past. However, given the harsh accusations which have been made, I want to remind Dr. Seaton and the rest of the Board that we, the setting Board members, the seven of us are ultimately responsible for the errors that have been discovered regarding the animal shelter. This is our problem, and the buck stops here. We are responsible. We have to do something. I'm grateful to the person who brought this to our attention. That gives us the opportunity to fix the issue and be in compliance. Just like we've done in the past, ensuring that all of our ordinances are in compliance with State Code; it is a very time-consuming responsibility as you can imagine, and I know from experience, the minute something is identified as incorrect, action is taken to rectify it. Now sometimes that action takes a little while, but it is taken. Dr Seaton is not the only one who has spent time on this issue. I have spent hours and hours and hours reading, talking to citizens, taking calls, reading emails. So, if you think he's the only one, you're incorrect, and I'd just like to make that correction. But it's up to us to see that the issues are corrected in a timely manner and move forward. Do I believe for one minute that there was any conspiracy on the part of those in the past to bring harm? No. Not at all. Do I believe there was adequate oversight regarding the operations of the Shelter? My answer is also no. There may be numerous reasons why that happened. Maybe it was from staff turnover. Maybe it was because the three localities were looking at each other to correct things. I don't know, but we can't go back and change what has happened. We have to move forward. It's time to stop placing blame and correct the problems that have been identified, and unfortunately that takes time especially when we have to work with two other localities. I think one of the speakers addressed that. Once these issues were brought to our attention, we confirmed that the fines were not being applied per code and things changed quickly. We're now requiring people to be charged criminally instead of civilly, which is what the ordinance says and in addition to the fines that means people have to pay a court cost of at least \$104.00, but we took what actions, what measures we could to become in compliance with State Code. We changed what we could immediately and what we have the authority to do. We all care about this Animal Shelter. Rest assured, that's one thing, that's fact. I visited the current shelter. I've taken them food; I've taken them toys. I wish I could do something to make our future shelter happen quicker, but I can't. Nobody in this room, I think, can make that happen any quicker, but what can we do? What can we currently do going forward? I'm addressing this to the Board. Number one is update our ordinances, and that is being worked on. It doesn't happen overnight. I think all of us have been a member of the Ordinance Committee,

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

and we know the process that it takes, the time it takes. You got to have a public hearing, it doesn't happen overnight but it's in the process. Number two, provide any assistance needed to get those policies updated and policies and procedures updated. That too is in the process. It's being worked on, it doesn't happen overnight. There's a review process that it has to go through to get other people to look at these things and see if there's anything that's seen or anything that doesn't jive with what current practice is. Number three, we can let the staff and the volunteers know just how much they're appreciated. That can happen now. We can empower the director and the staff to bring issues to this administration. If someone makes a mistake and let's face it, we're all human and we've all made mistakes, depending upon the seriousness, figure out why it happened, and how it can be prevented from happening again. That's called learning from your mistakes. Make sure the shelter is getting the attention that it needs and that it deserves, and I think that is happening. Mr. Fitzgerald told me a story about them needing a new dishwasher for the all the bowls that they've got. And they were just going to go out and buy a household dishwasher. And he said, no, we can't have that. We need a commercially designated dishwasher that can accept and work functionally with all the amount of work that that it's required to do. I think it was approximately ten thousand dollars maybe. The staff is so happy and so they need to let us know that. I don't know what's happened in the past, but I'm saying going forward this is what we can do. And let the system work. At this point repeating the issues at every meeting isn't accomplishing anything, in my opinion. Instead, I challenge all of us to be part of the solution. We can't change the past, only the future going forward. Let's make it better for the citizens and for the animals. So, in closing, I just want to give a big shout out to all the staff that have worked at this animal shelter and time and love they put in, and also the volunteers that give their time. I don't think we could do as good a job as what's being done without the volunteers. So, thank you."

Mr. Wells said he could not add much to Ms. Carters speech as it was well spoken. He said that when he was a member of staff in Staunton there was a point where they hired someone to go over their entire city code and make sure they were up to date; the process took a year. He wished to address that matter at a later time. He thanked the person who gave him a handout that he would read later.

Mr. Slaven mentioned the rainfall that was needed in the County for the agriculture. He said it was a disadvantageous for the Red Wing Roots Festival at the Natural Chimneys Park. While there was damage in the park, he did not see as much as expected and praised the park staff for their work. He also clarified that the festival signed an MOU that stated they cover the cost of repairs. He talked with Mr. Wells, Director of Parks & Recreation, and discussed additions that would prevent future damage. Mr. Slaven added that a campground visitor's review of the Chimney's was positive right after the Festival happened.

Dr. Seaton thanked Ms. Carter for her comments. He said his goal was for Animal Control Officers deal with their business and for the Shelter staff to work with their items. He thought in the past there had been overlap that should not have occurred. That is his reason for sticking on the issue. He said it took months for the County to stop charging the illegal fees and also said the court cost for a class one misdemeanor was \$61 in the State Code.

Mr. Benkahla said they checked with the paralegal from the Clerk Office and it was \$104.

Dr. Seaton said he was willing to meet with the County Attorney on a Wednesday to go over his issues with the Ordinance rather than bring it up in the meetings.

June 28, 2023, at 7:00 p.m.

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

Mr. Benkahla said he would be happy to do so.

Dr. Seaton stated that the Board talked about the differences concerning the definition of actual expenses. He said an attorney of the City understood his point concerning the definitions and was confused by why the County was charging certain fees. That is why he wished to go to the Attorney General.

Mr. Benkahla said he understands the difference and would be happy to discuss the issue with Dr. Seaton.

Dr. Seaton said he does not think little things should not be given attention. That is why he discusses shelter fees, transparency, and body cameras. He is running for re-election and has a competitor.

Ms. Bragg stated her condolences to officer Wagner and his family.

Mr. Garber mentioned a citizen request regarding bee hives in the County.

Mr. Shull mentioned the revisions that were made on County Ordinances concerning panhandlers as an example of the process that must take place in regards to the Animal Ordinance. He also said the public meeting for the roads in his area was successful and there was a need for a traffic study. He would be asking for a price estimate and would like to use his infrastructure account for the project along with VDOT. He mentioned a letter from the President of the Ruritan Club that thanked the Board for the annual cleanup as well as staff that contribute to the landfill operations.

Ms. Carter reminded every one of the Churchville Carnival and the parade for Churchville would be on Saturday.

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MATTERS TO BE PRESENTED BY STAFF

1. Ms. Whetzel mentioned that the Animal Ordinance would be postponed for further discussion at a later meeting.

Ms. Carter asked the staff to send the Animal Ordinance draft once made to the Board as soon as possible.

2. She reminded the Board of the fair shifts that needed to be filled and the 4th of July parade in Staunton.
3. Cancellation of the July 12th meeting was discussed.

Mr. Slaven asked for the first July meeting to still be scheduled.

4. Ms. Whetzel mentioned the income letters will be mailed soon for the reassessment of property of businesses.
5. She reviewed a list of Boards and Commission position that needed to be filled.

Ms. Carter moved, seconded by Mr. Wells, that the Board re-appoint Matt Lawler to serve a term on the Central Shenandoah Emergency Medical Council. Effective immediately and to expire June 30, 2026.

June 28, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

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

Motion carried.

Mr. Garber moved, seconded by Ms. Bragg, that the Board re-appoint Vermeil Grant to serve a term on the Blue Ridge Community College Board. Effective immediately and to expire on June 30,2027.

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

Motion carried.

Mr. Slaven moved, seconded by Mr. Wells, that the Board appoint Wes Marshall to serve a term on the Ag and Forestal District. Effective immediately and to expire on December 31,2023.

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

Motion carried.

Ms. Carter moved, seconded by Ms. Bragg, that the Board re-appoint Lisa Shifflett and Nicki Shepard to serve on the Community Management Policy Team. Effective immediately and to expire on June 30, 2027.

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

Motion carried.

ADJOURNMENT

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

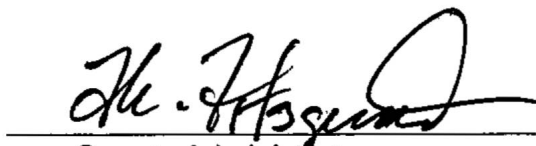
Vote was as follows: Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and
Seaton
Nays: None

Motion carried.



Chairman

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County Administrator

Staff Briefing Meeting, Monday, June 26,2023,1:30 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Butch Wells
Carolyn Bragg (arrived late)
Pam Carter
Scott Seaton
Jennifer M. Whetzel, Deputy County Administrator
Doug Wolfe, Director of Community Development
Alidia Vane, Planner II
James Benkahla, County Attorney

ABSENT: Gerald Garber
Timothy K. Fitzgerald, County Administrator

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, June 26, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

VDOT ROADS

A VDOT representative was not present to review the monthly report.

Jennifer Whetzel, Deputy County Administrator, stated that the Board would need to open the VDOT 6-Year Plan to a public hearing at the June 28th regular meeting.

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FIRE AND RESCUE

Bryan Mace, Deputy Chief of Operations, discussed the month Fire-Rescue report.

The board accepted the report as information.

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SAW REGIONAL P25 RADIO PROJECT SUBSCRIBER UNITS

Ms. Whetzel summarized the procurement process of the Radio Project and noted that the MOU was approved in April between the cities. Next, the County will consider the subscriber units contract. The contract would be for 15 years totaling about \$3.3 million. She also explained that there were changes requested by the County Attorney on the underlying infrastructure contract and they were accepted by the cities.. She added that the agenda package did not include the entire infrastructure contract since it would be too large to download online.

June 26, 2023, at 1:30 p.m.

PLANNING COMMISSION/PUBLIC HEARINGS

Alidia Vane, Senior Planner II, discussed the following:

- a. Ordinance to amend Chapter 25, Section 4.
- b. Ordinance to amend Chapter 25, Section 74.

The Board authorized placing on the June 28, 2023 regular meeting agenda.

Ms. Vane also explained that the third and fourth Ordinance Amendments on the Agenda were postponed by the Planning Commission for July in order to gather more information and hold a Public Hearing. She mentioned the request that the Board issue a Moratorium on solar requests before the Comprehensive Plan had been completed.

Mr. Benkahla does not think that the Board has the authority to issue a Moratorium on zoning applications.

Ms. Vane will advise the Planning Commission in their next meeting.

Mr. Shull said he hoped there would be more clarification about solar in the plan.

Ms. Whetzel clarified to the Board that their will only be the first two Ordinance Amendments as Public Hearings for the June 28, 2023 regular meeting.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Bragg arrived at the meeting.

Dr. Seaton asked about the wording of the Animal Shelter's website. He wanted to know if the County was allowed to impose "surrender fees".

Mr. Benkahla said he would look into that.

Dr. Seaton said the website also refers to the ACO even though he thought the County just released the dog.

Ms. Whetzel stated that she would look into the information on the website.

Dr. Seaton said he saw that on Facebook too. He asked if there are different procedures based on locality at the Shelter or if it is based on the County which is where the Shelter is.

Ms. Whetzel answered that the fines will be determined by each locality and other fees would be determined by the Shelter Board.

Dr. Seaton asked specifically about reclaiming the animal.

Ms. Whetzel said she was not sure at this time.

Dr. Seaton thought there should be one process and it should be the County Ordinance since the Shelter is in the County.

Ms. Whetzel explained it might depend on the locality since it is a partnership.

Dr. Seaton asked if the Shelter has a bank account.

June 26, 2023, at 1:30 p.m.

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

Ms. Whetzel confirmed that the Shelter has one.

Dr. Seaton asked if the account was at the County or a bank.

Ms. Whetzel explained that the account was at a bank managed through the County Treasurer.

Dr. Seaton asked what bank it was in.

Ms. Whetzel said she did not know.

Dr. Seaton asked why Staunton had Shenandoah Valley as a non-profit on their website.

Ms. Whetzel asked where he saw that.

Dr. Seaton said he saw it on their website.

Ms. Bragg apologized for being late. She attended Officer Chris Wagner's funeral. She thanked him for his service and sacrifice.

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MATTERS TO BE PRESENTED BY STAFF

Ms. Whetzel asked the Board if they had any questions concerning the Economic Development Report or the Countywide Projects Update.

Mr. Wolfe explained that the Board needed to give the County permission to clean the trash at 2 Kenwood Drive. This was due to the Ordinance 15-21. They had sent six notifications to the resident asking that the trash be disposed of.

Ms. Whetzel asked if the Board needed a consensus or would have to vote on the issue.

Vice-Chairman Slaven asked if there could be a motion that day.

Mr. Benkahla stated that the Board cannot make a motion that day and needed to vote on the trash removal.

Chairman Shull stated that the matter should be put on Wednesday's agenda.

Ms. Whetzel presented the draft of the changes for the Animal Ordinance that would make the fee a civil fee and stop the owner of a stray dog from having to go to court. She said the earliest the changes could be made would be July at a Public Hearing since the Public Hearing must be advertised twice. She asked if the Board had any questions.

Dr. Seaton said there were errors in the draft. He said there are no civil penalties for an unlicensed dogs or rabies and both must go through court summons.

Mr. Whetzel said the code he referenced were the same.

Dr. Seaton referenced other parts of the code saying his impression is that would apply for the County Ordinance.

June 26, 2023, at 1:30 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Ms. Whetzel asked about the conflicts between the Code itself.

Dr. Seaton said County Ordinance does not have an impoundment fee currently.

Mr. Benkahla said he would have to look at the code and get back to the Board.

Ms. Whetzel asked if that was a partnership issue or a County issue.

Dr. Seaton said that the County Ordinance does not have an impoundment fee.

Mr. Benkahla said the County does not have one but a fee could be placed in an ordinance some other way.

Dr. Seaton said the County Ordinance needed to be changed.

Ms. Bragg asked if they needed to talk with the other localities.

Dr. Seaton said it goes back to the location of the shelter.

Mr. Benkahla said it would be the County's issue if the animal is in the County. He understood what Dr. Seaton was saying but would have to check Dr. Seaton's statement.

Ms. Carter asked if a dog that was from a city would still go through the County.

Mr. Benkahla said he was not sure.

Dr. Seaton remarked that the Ordinance needed to clarify the actual charges incurred.

Mr. Benkahla said the actual cost is attributable to items such as personnel, lighting, and anything for the sake of housing the animals except for the capital expense of the building.

Dr. Seaton said if an animal is in the Shelter for six months then the owner of that animal should only be paying for their dog not all the animals that were there during their stay.

Mr. Benkahla said the actual cost would include overhead expenses like staff, lights, food, etc.

Ms. Whetzel said the definition described in the Ordinance included the other costs of housing the animal. She said if a person signed their dog over to the shelter then the general budget should cover it, but it was not right that the taxpayers pay for other people's animals running at large.

Dr. Seaton compared the difference between actual cost and a per diem cost.

Mr. Benkahla said that a per diem fee is allowed if it is at or below the actual cost incurred.

Dr. Seaton wanted to ask other localities.

Mr. Benkahla said he looked at other localities and their charged ranged from \$5-12 per day.

Dr. Seaton wanted to ask the Attorney General on how to proceed according to the State Code.

June 26, 2023, at 1:30 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Ms. Whetzel asked if it would be satisfactory to include the calculations the County used to reach their per diem fee in the Ordinance.

Dr. Seaton said the actual cost would still be different.

Ms. Whetzel asked if Dr. Seaton wanted the Shelter to keep track of each animal and the food they eat.

Dr. Seaton said other shelters do not charge food but only charge vet and grooming expenses. He thought the Shelter should be run in the general budget.

Vice-Chairman Slaven mentioned the court fee is something that the civilians have to pay that is not in the general budget.

Dr. Seaton said that is why he believes they should ask the Attorney General about what actual cost means.

Ms. Bragg said most of the Board members disagree with Dr. Seaton's definition of actual cost. She thought the math for the fee would be nice to have and said they might discover that \$15 per day was too low. She said the Board is not against the fee and thought it was time they moved on from the subject.

Dr. Seaton asked if the Attorney General would be able to be reached for free.

Mr. Benkahla said if the Board wished he would ask.

Mr. Wells thought that it would be embarrassing to ask that question to the Attorney General. He would like to ask other localities what they charge and why. He added that the Attorney General might laugh at the Board for asking that question.

Dr. Seaton said that the Attorney General was not laughing at them now.

Chairman Shull commented that there would be other issues that would take precedent and they might not get an answer in time.

Ms. Carter asked Dr. Seaton if electricity is not part of his definition of actual cost. She asked him to cite his source of his definition.

Dr. Seaton quoted other parts of the County Ordinance connected to reimbursement and said the definition he uses for actual expense could be found on the internet.

Ms. Carter said she did not trust everything on the internet. She asked Dr. Seaton to cite a reference.

Dr. Seaton referenced the State Code that used a flat fee, 15.2-1716. He said that the Animal Shelter is not allowed to use a flat fee.

Ms. Whetzel said a definition could be added for the actual cost.

Mr. Benkahla said he would feel more comfortable before proceeding if he was allowed to research and ask other localities.

Ms. Carter added that Dr. Seaton referenced a State Code that was not about animals but DUI.

Dr. Seaton said he knew that but that was not why he referenced that part. He said the State Code for the animal fees was only for the actual cost.

June 26, 2023, at 1:30 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Chairman Shull said they were making too much over this issue and the State Code can contradict itself in many different areas. He saw the consensus of the Board was that Mr. Benkahla should put something together as well as do more research.

Ms. Whetzel mentioned that if the Board wished to cancel July's first meeting that they should notify staff soon.

Chairman Shull asked if they were required to notify the staff at a certain time.

Mr. Benkahla said there was not a set time requirement.

Chairman Shull said the Board would decide by Wednesday.

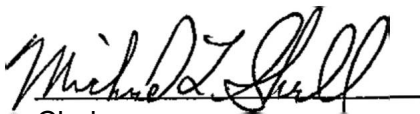
Ms. Whetzel also brought up the booth shifts for the County Fair.

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CLOSED SESSION

Mr. Shull stated that the Board wished to not go into Closed Session.

Ms. Whetzel mentioned that there were Board & Commissions appointments that needed to be made: CAP SAW, Central Shenandoah Emergency Council, Blue Ridge Community College, and Ag and Forestal Board. She said she would be happy to provide the applications if the Board members wished to look over them.


Chairman


County Administrator

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Mr. Shull, Riverheads District, delivered the invocation.

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Don Komara, Resident Engineer for VDOT, introduced his staff that were present: Jeremy Mason, Cody Huffman, Kay Vance and Will Clark. He presented the secondary six-year plan for the County. The plan includes many gravel roads that are transformed to hard surface. VDOT received less money due to the small-scale project system. Mr. Komara also talked about the difficulties with contractors for going into a neighborhood to pave the roads leading VDOT to complete the projects themselves. VDOT prefers to do 18-foot wide roads since the traffic is increased after a road is paved. Mr. Komara also described the process to add proper drainage for roads that were once gravel. He said that for a road to qualify to be paved it must be state-maintained road that has 50 or more vehicles on it per day. Mr. Komara said the Riverheads meeting was good and the stakeholders meeting for the roundabout in Wilson occurred with a public hearing coming up in July. He mentioned that the 262 Project was opened for bids and listed the bids. Mr. Komara outlined the secondary six-year plan with the list of roads displayed on screen.

Regular Meeting, Wednesday, June 14, 2023, 7:00 p.m., Government Center, Verona, VA.

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Veterans led the Pledge of Allegiance.

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Ms. Carter, Pastures District, delivered the invocation.

ROAD ABANDONMENT - ROUTE 929

This being the day and time advertised to consider abandonment of State Route 929, Annex Road, in the Beverley Manor Magisterial District.

Doug Wolfe, Director of Community Development, presented the proposed abandonment of State Route 929, Annex Road, Beverley Manor Magisterial District of Augusta County, Virginia, in Staunton. The section is from Route 254, Newport Road, to Virginia 262, Woodrow Wilson Parkway, and is 2.3 miles long. Three notices were posted along the roadway in accordance with Section 33.2 on April 28, 2023. A map of the proposed abandonment was presented.

The Chairman declared the public hearing open.

Ronald Knott spoke in opposition of the abandonment.

Steven Hill spoke in support of the abandonment.

Allan Rankin spoke in favor of the abandonment.

June 14, 2023, at 9:00 a.m.

COURTHOUSE CONTRACT AMENDMENT (CONT'D)

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

Motion carried.

CONSENT AGENDA

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

MINUTES:

Consider minutes from the following meetings:

- Regular Meeting, Wednesday, April 12, 2023
- South River District Interview, Wednesday, April 19, 2023
- Staff Briefing, Monday, April 24, 2023
- Regular Meeting, Wednesday, April 26, 2023
- Regular Meeting, Wednesday, May 10, 2023
- Staff Briefing, Monday, May 22, 2023
- Regular Meeting, Wednesday, May 24, 2023

CLAIMS:

Consider claims paid since May 1, 2023

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

Motion carried.

(END OF CONSENT AGENDA)

MATTERS TO BE PRESENTED BY THE PUBLIC

Clay Mountcastle, 3428 Sandbill Run, Midlothian, VA is the Director of the Virginia War Memorials and is willing to offer assistance in establishing a War Memorial in Augusta County.

Dave Zimmerman, Verona, is in favor of a War Memorial at the new courthouse site.

Debra Sumner, 69 Linda Lane, Churchville, stated that being the daughter of a Veteran, she felt it was important to have the War Memorial.

Jeremy Nance, 546 Pleasant View Road, Staunton, saw the crash on the 262 bypass. He is against putting stop-lights there for the most part, but wants the people to be safe. He will also call VDOT about this issue.

June 14, 2023, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter asked Ms. Whetzel for the status of the Radio System Project.

Ms. Whetzel said the contract is near finalization, and she would bring the information about the subscriber contract to the Board at the next meeting.

Ms. Carter asked Mr. Wolfe for an update on the Jennings Gap Stream Restoration Project.

Mr. Wolfe said they had received approval from the trustees and an understanding of the price increases due to inflation. They are finalizing the easement documents but would not get them finalized or get payments till the other funding was situated.

Ms. Carter discussed a flyer that mentioned that the Board needed to support small businesses and get involved in the BZA. She wished to inform the people who made the flyer and explain what the actual process was.

Mr. Fitzgerald stated that he sent a letter to the address of the origin of the flyers.

Mr. Wells thanked all the people taking care of the issue with the animals acquired by the County. He asked Mr. Benkahla about being served a summons by Nexus Services. He said in the past he has talked with the person directly who has served him a summons but did not know how to proceed.

Mr. Benkahla said he would look into it and will serve as the Board members legal advisor.

Mr. Slaven stated that he would not appear for the summons.

Dr. Seaton asked if the BZA and the Planning Commission minutes would be easily accessed.

Mr. Fitzgerald answered that the website had up to 2020 all of the minutes in the first page while the older ones are in the archives.

Dr. Seaton asked if there would be a reason not to move the older minutes to be more accessible on the website.

Mr. Fitzgerald said there was not a reason to not have them up on the website but it would take more time from staff.

Dr. Seaton said for the sake of transparency it would be good to have minutes back ten years on the website. He then asked about the fees being charged for the Animal Shelter.

Mr. Fitzgerald said that he had sent Dr. Seaton an email with all that information as Dr. Seaton had requested before the meeting.

Dr. Seaton wished for Mr. Fitzgerald to state that information in the meeting for the public.

Mr. Fitzgerald read the email he sent to Dr. Seaton that explained the only fees being charged were the impoundment fee after the animal was picked up and there was a summons that went through the courts.

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Dr. Seaton asked when the fees are assessed.

Mr. Fitzgerald said the fees for the upkeep of the dog at the shelter were always updated and then there was only criminal summons if a dog was loose.

Dr. Seaton asked when the County knew the fees were being charged without the proper ordinance.

Mr. Fitzgerald said it was at the end of March and there was a review process. The County then started acting according to the ordinance which was a criminal summons.

Dr. Seaton wanted to know why the fees were charged until May when they had discovered the discrepancy in March.

Mr. Fitzgerald explained they were going through the legal review and had to get things in order before changing their process.

Dr. Seaton asked who decided the fee amount.

Mr. Fitzgerald said it was calculated by the shelter's owner group and then went through a review process including the three localities. This was last done in 2011 which was how the recommendation for the \$15 per day fee was made. He said the previous fee was a flat fee of \$126.50.

Dr. Seaton asked what fees are allowed according to the ordinance.

Mr. Benkahla said it was the actual cost of the housing of the animal.

Dr. Seaton was not sure if certain items of running the shelter should be included for the fee like the building or staff. He distinguished the difference between actual cost and average cost.

Ms. Bragg explained what the factors for operating costs were such as electricity, staff, building, etc. She said the fee probably does not include all the cost of keeping the animal.

Dr. Seaton said the code says "actual cost". He asked what other localities are charging. He said Richmond was charging \$5 per day. He mentioned cost of food or vet bill or grooming costs.

Mr. Benkahla said the actual cost was more encompassing than what Dr. Seaton listed.

Dr. Seaton wanted to ask other localities what they were charging. He does not think that the "actual cost" should include the overhead costs as the State requires the County to have a shelter.

Mr. Fitzgerald said they could reach out to other localities. The County would also get legal counsel on what is included in "actual cost".

Mr. Shull agrees that the cost of the upkeep of the animal includes many more factors.

Dr. Seaton focused on the fact that the County must follow the ordinance as it is worded. He said the County is getting fees and fines mixed up and should be acting according to its ordinance and the State. He said since the matter it

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

confusing he has prepared a statement then goes on with a speech he had written:

"In March of this year, I watched my grandson out in Seattle, Washington when I started receiving emails and messages about four dogs at the Shenandoah Valley Animal Service Center euthanized on March 3, 2023. And one dog Annabelle was euthanized two days after being impounded at the shelter. Because the owner had to surrender her dog to the shelter to avoid a possible \$400 fine and fee set by the shelter and ACO by the time she received her next paycheck. On March 8th, 2023, I zoomed the County Board of Supervisor meeting and witnessed during public commentary many people testifying how this decision was wrong and other problems at the shelter existed. During my time for commentary, I apologize that this dog Annabelle was euthanized. Subsequently, many people including current and former employees and volunteers of Shenandoah Valley Animal Service Center contacted me to discuss problems at the service center. This odyssey began with discovering the Service Center, has not ever had a policy and procedure manual. Though the shelter has existed for at least twelve years. As a background, the county became the fiscal agent in July 1st, 2022. Previously, Waynesboro was the fiscal agent. The center is located in Augusta County, which is important since Waynesboro and Staunton contract with Augusta County for their animal shelter services that are mandated by the State. The three board members of the service center are the Augusta County Administrator, Tim Fitzgerald, and the Stanton City Manager, Leslie Beauregard, and Waynesboro City Manager, Michael Hamp. Nobody has explained how a shelter director can supervise properly an organization without a policy and procedure manual. The Shelter Director didn't have to invent a brand-new manual. The Shelter only needed to modify the many manuals that are already available from other areas and on the internet. At the Board of Supervisor meeting on March 8, 2023 in public testimony, the first speaker, Amy Swope, at Blue Ridge K9 safehouse, outlined how the shelter was operating outside Virginia law. By requiring payment of a fine or fee before picking up the animal, forcing people to leave their animal at the Shelter if they can't pay the fees and fines. The Shelter and ACOs have been mixing up their roles. Both the shelter and the ACOs are mandated by the state. The Shelter can assess a one-time impoundment fee, not a daily one, and can request reimbursement for actual costs incurred such as veterinary services. The shelter's purpose is to reunite animals with their owners and not assess other fines or demand fees be paid before the animal can be picked up. ACOs assess violations of State Law and County Ordinances and issue summons to protect animals and improve the standard of living of the county. Due process was willfully thrown out the window. The Shelter denied the return of people's property against the State Code and the State Constitution. Anabelle's owner, Jessica Evans, herself of County employee, had no other option than to give up her dog to the Shelter. Amy Swope, left a packet with the Administrator detailing the illegality of the fees which the County Attorney confirmed within two weeks after further research. Yet the Shelter continued to assess these fees and fines till I demanded the County follow the law on Monday May 29, 2023, and stop assessing these fines and fees. The reason given by the County Administrator for continuing the fines is that he wanted the animal owners to avoid getting a summons and going to court. If a police officer stopped you for an infraction and offered you the choice to pay the police officer in lieu of receiving a summons, we would all agree that scenario is illegal. That is what the shelter has been doing through the ACOs, with the County being the beneficiary of the easy fine payment. To make it worse, what if the police officer impounded your vehicle unless you paid them? That is the scenario of the payment scheme of these fines and fees. No other municipal

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

shelter across the State operates like this. Returning to our situation, summons must be issued only after careful investigation by the ACO shows willful violation of the animal laws and that takes time and effort by the ACOs. And is a lot harder than playing the judge and assessing fines under the twenty-year-old system. On Monday, May 22nd, 2023, the County Administrator confirmed the Animal Control Officer has been charging unlawful fees and fines for many years, fees that did not have an ordinance or corresponding Virginia law and finds that we're not pursuant to a summons which the Administrator confirmed at the 5-24-23 meeting. The Administrator had admitted the County Shelter has assessed these unlawful fines and fees to our residents for over twenty years. I emphasize the ACO can't assess fines. Only issue a summons. We can find the duties of ACO in Virginia code 3.2-6-5-5-5. Position of the animal control officer. I will read relevant parts from that section: 'The governing body of each county or city shall or each town may employ an officer to be known as the animal control officer, who shall have the power to enforce this chapter. All ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals, animal control officers and deputy animal control officers shall have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. 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 such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed.' I don't see in this Virginia Code where the ACO has the authority to assess. The revenue from these fines and fees has been \$63,525 over the last five years. Yet our ordinances don't allow any of these. The County Ordinance 5-25d states, 'In the event that any animal confined in such facility is claimed by a rightful owner, the owner shall only be charged with the actual expenses incurred in keeping the animal impounded.' Yet we have not been following our own code that was last updated September 23, 2009. That corresponds to the Virginia Code 3.2-64-46 C, 'If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual,' (and I added, not estimated, not average expenses, it's the actual expenses incurred in keeping the animal impounded.) 'In addition to this and any other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the owner of an animal, a fee for impoundment,' (a fee for impoundment.) 'And increase fees for subsequent impoundments of the same animal.' Other localities only charge veterinary bills. Shelters usually don't charge food bills because that depends on the size of the animal and amount of food eaten. The Administrator has insisted \$15 per day impoundment fee is legal. State code allows a one-time impoundment fee, not a daily one. Additionally, \$15 of dog food is equivalent to over 8lb of Purina One dog food, or 22lb of Pedigree dog food, or 5lb of Purina Pro Plan cat food. I doubt any of the animals eat that much food per day. Virginia Code clearly states actual and not estimated or average. Because large breeds and small breeds eat different amounts, these fees, this fee can't be a static amount well over the probable consumption by any animal. Most shelters ignore this expense and charge owners only veterinarian and grooming bills that are required for the health and well-being of the animal. County Ordinance 5-22, stating, 'any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section.' The Virginia Code reads, 'any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated. And Ordinance adopted pursuant to the provisions of the section.' This Ordinance Section has not been updated since 1978. The difference in the State Code requires the owner to permit the dog to run at large instead of just owning the dog who runs at large. The dog may have escaped because someone let the dog out without the owner negligently or willfully permitting that. That's what happened to Annabelle. A structure fire nearby caused Annabelle to escape. So how has our ACO enforced this Ordinance? Was it according to the

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

Virginia code or the County Ordinance? What is worse, the ACOs didn't have to assess these fines illegally. The County has the option create a legal civil penalty ordinance that follows Virginia Code 3.2-65-43, which states 'any locality made by Ordinance establish uniform schedules of civil penalties for violations of specific provisions, of ordinances adopted pursuant to the section civil penalties may not be imposed for violations of ordinances that parallel 3.2-65-70. Designation of a particular violation of a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor. The schedule for civil penalties shall be uniform for each type of specified violation and the penalty for any one violation shall not be more than \$150. (Please note that value.) And position of civil penalties shall not preclude and action for injunctive, declaratory, or other equitable relief. Money's raised pursuant to this subsection shall be placed in the localities general fund.' If the County had followed the Virginia Code 3.2-65-43, an animal control officer or law enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a such, for a scheduled violation may make an appearance in person or in writing by mail to the Department of Finance or the Treasury of the locality issued issuing the summons or ticket. 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. This is how traffic tickets are often paid today without going to court, except for where the payment is made. Yet County Ordinance 5-51 does not provide for civil penalty and reads as follows. The following shall be unlawful acts and constitutes misdemeanors. I'll shorten this a bit. Any person convicted, therefore shall be subject to the following authorized punishments. For any dog owner to own a dog for months or older in the county without a license in violation of Section 5-11, a fine, not less than \$10 not more than \$250. I don't think that \$250 is in line with the State Code. We have many violations that have that \$250 limit which I think exceeds the State Code. The County Code has not been updated and still includes the \$250 limit instead of the \$150 limit per offense that is in the State Code. Have the judges been assessing the State Code allowable up to \$150 or the inappropriately high County Ordinance amount of \$250. When summons have been issued and the defendant has gone to court. The Administration must figure that out too. Why haven't our Animal Ordinance been updated according to the State Code, specifically those covering our pets and violations? Why hasn't the County created civil penalties that are allowed by the Virginia Code. So, I won't let this illegal practice be swept under the rug. This is about an abuse of power by the Administration of this County over many years that cost residents money and at least in one case cost the life of a family's precious dog, Annabelle, and the unlawful procedure cost taxpayers by prolonging housing, feeding, and caring for pets that should have been returned to the owner instead of unlawfully retained. Was this deliberate who thought of this illegal money raising scheme? I don't know. I don't know who thought of this. I don't know if anybody here knows, but it was done. We live in a Dillon Rule State where subordinate governments are only allowed to create ordinances permitting permitted by the State Code. The original designers of this illegal process certainly didn't follow the Virginia Code, which administrations over the years found out about this illegal scheme but chose to keep it hidden because the County was making too much money. I find it challenging to believe others did not know this was illegal. I question why the animal ordinances haven't been reviewed just to conform them to current Virginia Code as we do for many ordinances that come before us. If the County had reviewed the animal ordinances, I believe the County could have corrected this long ago, unless the county did not want to look at the Virginia Code. Furthermore, I'm concerned about the County's monetary and criminal liability. These issues need to be explored by state and federal law enforcement. Under Virginia Code 18.2-97, 'Larceny of certain animals and poultry, any person who shall be guilty of larceny of a dog, horse pony, mule, cow, steer, bowl, or calf shall be guilty of a classified felony.' Larceny is a crime against possession. It has two

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elements which must be met. The actual taking of the property I think the ACOs, if they confiscated animal, has that right to if they have a violation. But if you keep the animal away, are you culpable if you're intent to deprive the animal owner of the animal, are you at risk of having a committed larceny? I don't know. I'm a physician, not a lawyer. I will read relevant parts of US, eighteen US Code 2-41, conspiracy against rights: 'If two or more persons conspire to enter, oppress, threaten, or intimidate any person in any state, territory, commonwealth, possession, or district in the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the United States, or because of his having to exercise the same, they shall be fined under this title, armed prison, not more than ten years, or both.' Under this US Code, I'm concerned there are residents that have experienced deprivation of rights, including the right to due process because the ACO played judge and jury and found someone guilty and assessed fines. Despite being educated on the responsibilities of an ACO. Our ACO is a member of the Virginia Board of Animal Control Association. Rightful owners had their property, pets, withheld unlawfully without a court order until they paid a non-lawful fee and fine after driving miles away from the shelter. In summary, our residents lost their rights to due process and possession of property for a revenue generated scheme devised more than twenty years ago. Who made this scheme, who currently knew of the illegality and why wasn't this scheme stopped once identified? Are questions that need to be investigated by a higher authority. How can we call ourselves free when the government can act illegally and constitutionally extorting money from our citizens and residents resulting in the premature death of our pets and the people's Representatives, their County Administrator, didn't inform the Supervisors of the illegal activity and stop the illegal activity as soon as being informed of this practice was illegal? Where is the transparency? Who will hold officials accountable for creating and then hiding illegal activities? In March, a dog died because of this illegal fee and fine payment scheme. How many other dogs or other animals died because of this illegal activity? How many people were forced to surrender their pets to the shelter because they couldn't afford to pay the fees and fines? Pets are property; property possession is a right; only a court order can deprive people of their pets once the owner demands the pets return. Under the guise of expediency, due process was not followed. At some point in the past, the three localities decided not to follow the Virginia Code and created this payment scheme. This payment scheme has not been duplicated across the state. The animal shelter is the only one who charges people's fines and fees this way, and doesn't allow people to pick up their animals until they contact the ACO and a payment of fees and fines is made. Is expedience of the process a sufficient excuse to enforce unlawful fines and fees? Do we want owners to pick up their animals, then why were barriers created to pick up the animals unless it was to increase revenue? Yet also put the County at risk of lawsuits. Additionally, what is our relationship to the SPCA? Why are they importing 370 animals from state last year and placing them in foster families when we are having trouble placing our animals and frequently find ourselves at max capacity. Our shelter is frequently crowded because we created barriers to reclaiming pets, and because our relationship with the SPCA and other adoption agencies, are broken and need to improve immediately. We must restore trust in our government and I and most of us have trusted the American government. That our American bureaucracy in all its forms, executive, judicial, and legislative follows the laws or has a check and balance system to identify unlawful activities and correct the illegal activity.

I am very aware that others in our society for various valid reasons do not have the same trust and remain skeptical of the government. The burden seems to be on the citizens to discover the illegal government activities while the government hides behind a veil of obfuscation, whether by hosting a confusing website that doesn't make the minutes of meetings easy to read or find or not allowing meetings to be video recorded and available for public view, even when those meetings are held in this room that has the capacity to live stream and record and open our government

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

decision making process to the public view and scrutiny. We need to remove the barriers that prevent or inhibit the public's access to government decisions. We must facilitate the public's ability to catch the government in its illegal activity whether intentional or accidental. Who is really watching the hen house? I think the 150,000 eyes of our residents on the county government are better than just fourteen eyes. I was elected three and a half years ago. I am not the representative of the government. I am the representative of residents in my district and overall seek what's best for the county residents. I may be the only person to stand in the way of an out of control bureaucracy, which desires to crush the livelihood of a resident of this County or the life of a family pet. I want the County to avoid litigation by getting in front of this liability and offering the public a sincere apology and begin reimbursing people for the unlawful fees and fines or giving these people the choice to donate their unlawful fees and fines to the Animal Shelter. I want the County Administration to work on the plan for restitution, Ordinance changes and present the plan at the next work session if possible. Three months have passed since the county administrator and attorney acknowledged the fee and fine payment scheme was illegal. Augusta County has violated fourth, fifth, and fourteenth amendment by seizing animals demanding money for release of the animals and violating due process by creating a payment system outside the laws of Virginia, all in the name of expedience. I am concerned that the ACOs in our area are experienced. Sit on the board of VACA, the Virginia Animal Control Association and should have known this practice was outside of state law. So, what is the path out of our current predicament? First, unless under court order, confinement. Any animal at the shelter that is properly identified by the owner should be returned to the owner immediately without paying a fee first. That is the Virginia law. The treasurer can figure out a billing system for the owners if the owner doesn't have the money to pay the shelter at the time of the reunification. That is the core function of the animal shelter that will lower the cost of caring for animals by reuniting animals with their owners quicker. Second, since the shelter is located in Augusta County and will remain in Augusta County when it moves from Lyndhurst to Verona, Only Augusta County needs to pass an ordinance, clarifying the one-time impoundment fee if the Board desires to impose one. Waynesboro and Stanton don't have to pass an impoundment fee because they contract with the animal shelter located in Augusta County, and Staunton and Waynesboro ordinances don't govern properties in the County. The daily fee currently is not Legal as only actual expenses can be charged by the shelter. And as I explained above, the animals aren't eating \$15 of food per day. The pickup fee that had been charged is completely illegal, as I haven't been able to locate it in Virginia Code at all and should be discontinued altogether. The one-time impoundment fee will go into the operating budget of the service center. Third, the website needs to be updated so that Augusta County residents aren't directed to the treasurer's office to pay fees and fines that are illegal. I checked the website today at the SVASC and it still is directing people to go to the treasurer's office. That should be changed immediately. Fourth, the shelter and its website should separate themselves from any mention of assessing fines. That is not the role of the shelter, because Augusta County doesn't have a Civil Penalty Ordinance, which is allowed under current Virginia code, fines can only be assessed by a judge after the ACO issues of summons. All summons must go to court unless we pass a civil penalty order. Therefore, I recommend the Board consider Ordinance changes that would allow civil penalties and lieu of prosecution. Once allowed by County Ordinance, the animal's owner has the option to pay these fines at the county treasurer's office or go to court, plead their case and wait for the judge's decision. That is due process, which is enshrined in our Virginia and US constitutions.

Chairman Shull commented that the issues Dr. Seaton brought up have already been addressed and lets Mr. Fitzgerald reply to Dr. Seaton's speech.

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

Mr. Fitzgerald agreed with Chairman Shull that many of the issues have already been addressed and so will not cover all the points brought up. He states that he is a bit out of character as he knows his place as the administrator, but he clarifies that the County Administration is not a bureaucracy. While they have discovered that the fines have not been administered properly since 1992, they have not been doing something for the sake of raising revenue. He adds that what Dr. Seaton is implying is disrespectful to the Board members and the whole County Administration as the process that was enacted was for the sake of the residents of the County to make it easier and less expensive for them when their animal is impounded. He praised the work ethic of the staff and states that they are not looking to profit off of the residents. The revenue from the shelter is \$18,000 annually but the cost to run it is \$1,000,000. He mentions that Dr. Seaton has spoken about this issue twice, but that the staff has already been working on the issue and getting legal advice. He is disappointed in Dr. Seaton being critical of the County staff and assuming that the Administration is trying to profit from the fees.

Dr. Seaton asked why the fees were still being charged into May even though the issue was brought up in March.

Mr. Fitzgerald again explained that the attorneys had to look into the issue before changing the process. He adds that the cost the people are now charged is more than what the previous fee was. The cost now is the \$25 with a criminal summons and then \$104 court fees with a criminal misdemeanor. He thinks the Ordinance should be changed so that the Shelter can collect the fees as they previously were but under a civil code.

Dr. Seaton asked if it was the normal practice to continue doing the process that is known to be illegal. He compares it to slowing down for a cop.

Mr. Fitzgerald restated that the County has been doing this since 1992.

Dr. Seaton asked if the people who were charged with the fines would be reimbursed.

Mr. Fitzgerald said there is a statute of limitations but he is not the legal expert. The residence might be able to get their \$25 and then receive a legal summons.

Dr. Seaton repeated his question.

Mr. Slaven said that people might not want to be reimbursed and admonished Dr. Seaton for not accepting the answers the staff gives to his questions. He asked how many more questions Dr. Seaton has and what proof Dr. Seaton has to charge the County with doing something illegally.

Dr. Seaton asked how many people knew about this issue.

Vice-Chairman Slaven answered that nobody knows since this happened in 1992.

Dr. Seaton again accused the Board and the County Administration of misconduct.

Mr. Slaven said that Dr. Seaton should get his team to go against the County if Dr. Seaton truly believed in his accusations.

Dr. Seaton asked again why was the Board not informed that this fee was illegal.

Mr. Slaven remarked that the question had already been answered.

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

n Ms. Bragg adds that she has also been informed on the matter. She said that Dr. Seaton has been receiving the same emails she has. She also mentioned that the Nexus News Breaking through had Dr. Seaton's speech online. She said that ordinances often have to be reevaluated and altered but since this one involves three localities it will be more work to figure it out. She was upset to see that citizens are now criminally charged because of the way Dr. Seaton has handled this issue. She saw that as a dis-service to the citizens and is embarrassed for Dr. Seaton for how he has behaved. She said the County is not attempting to take advantage of the citizens and Dr. Seaton's accusations are harmful to the Administration and do not help the citizens of the County.

Dr. Seaton said the reason citizens are being criminally charged is because the Board has not updated the law.

Ms. Bragg agrees that the Ordinance should be changed but the process has to be done.

Dr. Seaton mentioned it has been three months.

Ms. Bragg again stated that the ordinance involves three localities with a board that meets once a month.

Dr. Seaton did not think the other localities mattered in this issue.

n Ms. Bragg reminded him that it is a regional organization and it would not make sense to charge different fees depending on each locality.

Dr. Seaton said it did not make sense for Staunton and Waynesboro to have a fee for a building in Augusta County.

Mr. Fitzgerald in agreement with Ms. Bragg informed Dr. Seaton that the building is owned by all three localities and the localities all pay into the operations of the Shelter.

Dr. Seaton asked if there were any ordinances that are applied to Staunton or Waynesboro.

Mr. Benkahla answered that the ordinance is only applied to the locality which is an acted. He does clarify that this ordinance is concerning fees which would be calculated based on the cost of operating the Shelter which would involve all of the building's owners. However, the fees of the Ordinance are only the County's.

Chairman Shull said that Dr. Seaton's point has been heard and is being taken care of by the staff. He remarked that this topic has been brought up on numerous occasions. He wished to continue to other Board member's matters.

Dr. Seaton requested that they look at other localities and see how they are operating their shelters.

Ms. Bragg protested stating the County was its own municipality.

Chairman Shull asked if she had any matters or comments to add to the meeting.

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MATTERS TO BE PRESENTED BY STAFF

1. North River Agricultural and Forestal District Renewal:

Mr. Wolfe presented the information given to the Board by Michele Astarb and asked the Board accept the nomination of Ms. Astarb to take care of the matter.

2. Comprehensive Plan and Economic Development Strategy Status Update:

Mr. Wolfe said the update is still being formed and will be presented in July because of setbacks and difficulty meeting with certain companies.

Mr. Fitzgerald explained that this will be a yearlong process and the Board members should think of people to appoint to that committee.

Ms. Bragg asked if it would be people specific to their district.

Mr. Fitzgerald confirmed stating the idea is to have one citizen from each district.

3. Mr. Fitzgerald mentioned they had their first meeting with the people who were conducting the Fire and Rescue Strategic Plan.

4. On June 22 at 7:00pm in Riverheads Elementary Cafeteria, he and Chairman Shull would be hosting a meeting for the public concerning the Greenville area. He would also bring the Board a staff recommendation of an ordinance change for the animal shelter.

5. Mr. Fitzgerald asked the Board if they wished to take their vacation and cancel the first meeting of July.

Ms. Carter asked how much work had to be done.

Mr. Fitzgerald said they would be able to make adjustments if the Board wished to make that change.

Mr. Shull commented anything that would be time sensitive could be put at the end of the month.

Ms. Carter would like to wait to decide at the end of this month.

Mr. Shull asked about a meeting with the volunteer fire rescue departments and how to make sure all the information would be given at that meeting.

Mr. Fitzgerald said they would contact the departments with the questions beforehand and then would be open to follow ups after the meeting.

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CLOSED SESSION

On motion of Mr. Slaven that the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A) (1) [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

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CLOSED SESSION (CON'TD)

- a) Boards & Commissions: CAP-SAW, Central Shenandoah Planning District Commission and Central Shenandoah Emergency Medical Services, Blue Ridge Community College

Mr. Wells expressed his distrust of Dr. Seaton when going into closed session. He asked Dr. Seaton if he planned to secretly record the closed sessions as he did previously.

Dr. Seaton asked if it was illegal to tape closed sessions.

Mr. Wells clarified that he said "secretly" not "illegally." He added that Dr. Seaton did not let him know that he was recording him.

Dr. Seaton said it was a one-party consent.

Mr. Wells just wanted a yes or no but Dr. Seaton would not answer his question.

Mr. Slaven agreed that while it was not illegal to record members of the Board in closed session it was not proper or right.

Dr. Seaton asked Mr. Benkahla if they could take minutes during closed session.

Mr. Benkahla said they could.

Dr. Seaton asked if they could tape the sessions.

Mr. Benkahla said it depends on the wishes of the Board.

Dr. Seaton asked if it was illegal to talk about matters discussed in closed session.

Mr. Benkahla said was not but there was the agreement of the Board members to consider.

Mr. Slaven stated that the legality is not the issue but the understanding and respect for fellow Board members was the issue. He explained that Dr. Seaton did not tell them he was recording them in closed session.

Mr. Wells agreed that it was the difference between ethical acts and legal acts.

Mr. Slaven asked who was getting to listen to the recordings Dr. Seaton made.

Mr. Slaven moved seconded by Mr. Garber that the Board adjourn.

Dr. Seaton asked if he was allowed to take notes in shorthand.

Mr. Benkahla said it was not illegal.

Dr. Seaton said he was not sharing his recordings with outside members.

Mr. Slaven asked how they knew that to be true.

Dr. Seaton replied because he told them.

Special Meeting, Friday, June 2, 2023, 9:00 a.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
James Benkahla, County Attorney

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Friday, June 2, 2023, at 9:00 a.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

* * * * *

Chairman Shull welcomed those present at the meeting.

Dr. Seaton did not wish for the meeting to start. He wanted a live stream to be posted since he said it was a public meeting.

Mr. Slaven explained that this meeting was only called for closed session items.

Dr. Seaton wished the meeting to be recorded for the people.

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve not livestreaming the special meeting.

Dr. Seaton moved that the Board not consider Vice-Chairman Slaven's motion.

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

Motion failed.

Ms. Carter emphasized that it was a closed session.

Dr. Seaton said it was not a closed session yet until they voted it closed and wanted the Board to act on his objection before voting on the previous motion.

Mr. Shull asked Mr. Benkahla on how to proceed.

Mr. Benkahla stated that they have to vote to consider Mr. Slaven's motion.

Dr. Seaton stated that they had to vote on his objection.

Mr. Fitzgerald affirmed Mr. Benkahla's explanation.

June 2, 2023, at 9:00 a.m.

Chairman Shull asked if there was a second to Vice-Chairman Slaven's motion.

Mr. Wells seconded Mr. Slaven's motion that the Board not livestream the meeting.

Dr. Seaton said this is an example of the majority on the board not wishing to make this public. He said the only people who will hear his speech are the people here and he thanked them for showing up.

"In March of this year, I watched my grandson out in Seattle, Washington when I started receiving emails and messages about four dogs at the Shenandoah Valley Animal Service Center euthanized on March 3, 2023. And one dog Annabelle was euthanized two days after being impounded at the shelter. Because the owner had to surrender her dog to the shelter to avoid a possible \$400 fine and fee set by the shelter and ACO by the time she received her next paycheck. On March 8, 2023, I zoomed the County Board of Supervisor meeting and witnessed during public commentary many people testifying how this decision was wrong and other problems at the shelter existed. During my time for commentary, I apologized to this dog's owner that this dog Annabelle was euthanized. Subsequently, many people including current and former employees and volunteers of Shenandoah Valley Animal Service Center contacted me to discuss problems at the animal shelter. These problems need to be out in the open; they have been here for too long."

Chairman Shull asked if there was any further discussion.

Vice-Chairman Slaven wanted to clarify the reason the Board was going into closed session was not due to the animal shelter fees.

Chairman Shull wanted to know if Vice-Chairman Slaven's motion needed to be restated.

Mr. Fitzgerald answered that the motion was just to not livestream.

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

Motion carried.

Dr. Seaton continued with his speech before the Board voted on going into Closed Session.

"This odyssey began with discovering the animal shelter has not ever had a policy and procedure manual. Though the shelter has existed for at least twelve years. As a background, the county became the physical agent in July 1, 2022. Previously, Waynesboro was the physical agent. The three board members of the animal shelter are the Augusta County Administrator, Tim Fitzgerald, and the Staunton City Manager, Leslie Beauregard, and Waynesboro City Manager, Michael Hamp. Nobody has explained how a shelter director can supervise properly an organization without a policy and procedure manual. The Shelter Director didn't have to invent a brand-new manual. The Director only needed to modify the many manuals that are already available from other areas and on the internet. I have received the following complaints: the food budget was inadequate and the shelter would run out of food before the next shipment and use food donated for the animal pantry, the staff would not administer or incorrectly provided medicine to the animals, the shelter staff used non-government emails to communicate and reduce transparency. At the Board of

June 2, 2023, at 7:00 p.m.

Supervisor meeting on March 8, 2023 in public testimony, the first speaker, Amy Swope, at Blue Ridge K9 Safehouse, outlined how the shelter was operating outside Virginia law. By requiring payment of a fine or fee before picking up the animal, forcing people to leave their animal at the Shelter if they can't pay the fees and fines. Due process was willfully thrown out the window. The Shelter denied the return of people's property against the State Code and the State Constitution. Anabelle's owner, Jessica Evans, herself a County employee, had no other option than to give up her dog to the Shelter. The first speaker, Amy Swope, left a packet with the Administrator detailing the illegality of the fees which the County Attorney confirmed within two weeks after further research. Yet the Shelter continued to assess these fees and fines until I demanded the County follow the law on Monday May 29th, 2023, and stop assessing these fines and fees. The reason given by the County Administrator for continuing the fines is that he wanted the animal owners to avoid getting a summons and going to court. If a police officer stopped you for an infraction and offered you the choice to pay the police officer in lieu of receiving a summons, we would all agree that scenario is illegal. That is what the shelter has been doing through the ACOs, with the County being the beneficiary of the easy fine payment. To make it worse, what if the police officer impounded your vehicle unless you paid them? That is the scenario of the payment scheme of these fines and fees. No other municipal shelter across the State operates like this. Returning to our situation, summons must be issued only after careful investigation by the ACO shows willful violation of the animal laws and that takes time and effort by the ACOs. And is a lot harder than playing the judge and assessing fines under the twenty-year-old system. On Monday, May 22, 2023, the County Administrator confirmed the Animal Control Officer has been charging unlawful fees and fines for many years, fees that did not have an ordinance or corresponding Virginia law and finds that we're not pursuant to a summons which the Administrator confirmed at the May 24, 2023 meeting. The Administrator had admitted the County Shelter has assessed these unlawful fines and fees to our residents for over twenty years. I emphasize the ACO can't assess fines. Only issue a summons. We can find the duties of ACO in Virginia code 3.2-6-5-S-5. Position of the animal control officer. I will read from that section: 'The governing body of each county or city shall or each town may employ an officer to be known as the animal control officer, who shall have the power to enforce this chapter. All ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals, animal control officers and deputy animal control officers shall have knowledge of the animal control and protection laws of the Commonwealth that they are required to enforce. 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 such law or any ordinance enacted pursuant to such law of the locality where the animal control officer or deputy animal control officer is employed.' I don't see in this Virginia Code where the ACO has the authority to assess a fine. The revenue from these fines and fees has been \$63,525 over the last five years. Yet our ordinances don't allow any of these. The County Ordinance 5-25d states, 'In the event that any animal confined in such facility is claimed by a rightful owner, the owner shall only be charged with the actual expenses incurred in keeping the animal impounded.' Yet we have not been following our own code that was last updated September 23, 2009. That corresponds to the Virginia Code 3.2-64-46 C, 'If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be charged with the actual,' (and I added, not estimated, not average expenses, it's the actual expenses incurred in keeping the animal impounded.) 'In addition to this and any other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the owner of an animal, a fee for impoundment, and increase fees for subsequent impoundments of the same animal.' Other localities only charge veterinary bills. Shelters usually don't charge food bills because that depends on the size of the animal and amount of food eaten. The Administrator has insisted \$15 per day

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impoundment fee is legal. State code allows a one-time impoundment fee, not a daily one. Additionally, \$15 of dog food is equivalent to over 8lb of Purina One dog food, or 22lb of Pedigree dog food, or 5lb of Purina Pro Plan cat food. I doubt any of the animals eat that much food per day. Virginia Code clearly states actual and not estimated or average. Because large breeds and small breeds eat different amounts, these fees, this fee can't be a static amount well over the probable consumption by any animal. Most shelters ignore this expense and charge owners only veterinarian and grooming bills. County Ordinance 5-22, stating, 'any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section.' The Virginia Code reads, 'any person who permits his dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated. And Ordinance adopted pursuant to the provisions of the section.' This Ordinance Section has not been updated since 1978. The difference in the State Code requires the owner to permit the dog to run at large instead of just owning the dog who runs at large. The dog may have escaped because someone let the dog out without the owner negligently or willfully permitting that. That's what happened to Annabelle. A structure fire nearby caused Annabel to escape. So how has our ACO enforced this Ordinance? Was it according to the Virginia code or the County Ordinance? What is worse, the ACOs didn't have to assess these fines illegally. The County has the option create a legal civil penalty ordinance that follows Virginia Code 3.2-65-43, which states 'any locality made by Ordinance establish uniform schedules of civil penalties for violations of specific provisions, of ordinances adopted pursuant to the section civil penalties may not be imposed for violations of ordinances that parallel 3.2-65-70. Designation of a particular violation of a civil penalty shall be in lieu of criminal sanctions and preclude prosecution of such violation as a criminal misdemeanor. The schedule for civil penalties shall be uniform for each type of specified violation and the penalty for any one violation shall not be more than \$150. (Please note that value.) And civil penalties shall not preclude and action for injunctive, declaratory, or other' equitable relief. Money's raised pursuant to this subsection shall be placed in the localities general fund.' If the County had followed the Virginia Code 3.2-65-43, 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 Department of Finance or the Treasury of the locality issued issuing the summons or ticket. 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. This is how traffic tickets are often paid today without going to court, except for where the payment is made. Yet County Ordinance 5-51 does not provide for civil penalty and reads as follows. The following shall be unlawful acts and constitutes misdemeanors. Any person convicted, therefore shall be subject to the following authorized punishments. For any dog owner to own a dog for months or older in the county without a license in violation of Section 5-11, a fine, not less than \$10 not more than \$250. That's \$250 even thou VA Code only allows \$150. The \$250 is repeated multiple times in our code even though the maximum in Virginia Code is \$150. Question: have the judges been assessing the State Code allowable up to \$150 or the inappropriately high County Ordinance amount of \$250 when summons have been issued and the defendant has gone to court. The Administration must figure that out too. Why hasn't our Animal Ordinance been updated according to the State Code, specifically those covering our pets and violations? Why hasn't the County created civil penalties that are allowed by the Virginia Code. This is speculation but does the County not want these ordinances to go to public hearing or be investigated. I won't let this illegal practice be swept under the rug. This is about an abuse of power by multiple administrations of this County over many years that cost residents money and at least in one case cost the life of a family's precious dog, Annabel, and the unlawful procedure cost taxpayers by prolonging housing, feeding, and caring for pets that should have been returned to the owner instead of unlawfully retained. Was this deliberate who thought of this illegal money raising scheme? I don't know. We live in a Dillon Rule State where subordinate governments are only allowed to create

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ordinances permitted by the State Code. The original designers of this illegal process certainly didn't follow the Virginia Code, which administrations over the years found out about this illegal scheme but chose to keep it hidden because the County was making too much money. I find it challenging to believe others did not know this was illegal, and. I question why the animal ordinances haven't been reviewed just to conform them to current Virginia Code as we do for many ordinances that come before us. If the County had reviewed the animal ordinances, I believe the County could have corrected this long ago, unless the County did not want to look at the Virginia Code. Furthermore, I'm concerned about the County's monetary and criminal liability. These issues need to be explored by state and federal law enforcement. I am concerned with the possibility of larceny. I'm not an attorney; I don't pretend to be one but on Virginia Code 18.2-97, 'Larceny of certain animals and poultry' includes dogs. Larceny is a crime against possession. It has two elements which must be met. The actual taking of the property; I do not know if that fits. But if you keep the animal away, are you culpable if you're intent to deprive the animal owner of the animal, are you at risk of having committed larceny? I don't know. Under US eighteen US Code 2-41, conspiracy against rights: 'If two or more persons conspire to enter, oppress, threaten, or intimidate any person in any state, territory, commonwealth, possession, or district in the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the United States, or because of his having so exercise the same, they shall be fined under this title, armed prison, not more than ten years, or both.' I shortened it for brevity. Under this US Code, I'm concerned there are residents that have experienced deprivation of rights, including the right to due process because the ACO played judge and jury found someone guilty and assessed fines. Despite being educated on the responsibilities of an ACO. Our ACO is a member of the Virginia Board of Animal Control Association. Not every ACO is a member of this board. He is an experienced ACO, an educated ACO. Owners had their property, pets, withheld unlawfully without a court order until they paid a non-lawful fee and fine after driving miles away from the shelter. In summary, our residents lost their rights to due process and possession of property for a revenue generated scheme devised more than twenty years ago. Who made this scheme, who currently knew of the illegality and why wasn't this scheme stopped once identified? There are questions that need to be investigated by a higher authority. How can we call ourselves free when the government can act illegally by unconstitutionally extorting money from our citizens and residents resulting in the premature death of our pets and the people's Representatives, their County Administrator, didn't inform the Supervisors of the illegal activity and stop the illegal activity as soon as being informed of this practice was illegal? Where is the transparency? Who will hold officials accountable for creating and then hiding illegal activities? In March, a dog died because of this illegal fee and fine payment scheme. How many other dogs or other animals died because of this illegal activity? How many people were forced to surrender their pets to the shelter because they couldn't afford to pay the fees and fines? Pets are property; property possession is a right; only a court order can deprive people of their pets once the owner demands the pets return. Under the guise of expediency, due process was not followed. At some point in the past, the three localities decided not to follow the Virginia Code and created this payment scheme. This payment scheme has not been duplicated across the state. The animal shelter is the only one who charges people's fines and fees this way, and doesn't allow people to pick up their animals until they contact the ACO and a payment of fees and fines is made. Is expedience of the process a sufficient excuse to enforce unlawful fines and fees? Do we want owners to pick up their animals then why were barriers created to pick up the animals unless it was to- increase revenue? Yet also put the County at risk of lawsuits. Additionally, what is our relationship to the SPCA? Why are they importing 370 animals from the state last year and placing them in foster families when we are having trouble placing our animals and frequently find ourselves at max capacity. Our shelter is frequently crowded because we created barriers to reclaiming pets, and because our

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relationship with the SPCA and other adoption agencies, is broken and needs to improve immediately. Now we come to the question of why we are having this meeting and having a closed session. Closed Session is not the place to ask for a Board Member's resignation and if it is about me then I am not ashamed of my actions. I trust Augusta County Residents to tell me where I am wrong or support me as they have. I am their representative, and what I do is for their benefit. They have the right to vote me out. Closed Session is to protect the County employee. The meeting is retaliation for my revealing of the actions of the County and is an attempt to suppress the revealing of the legality of the County's actions. That is part of my duty as a representative. This body clearly does not want transparency. Four Board members used parliamentary procedures to cut off debate. Once in 2022 debate was cut off after part of the budget was voted on."

Dr. Seaton continued to critique the Board for not listening to the people's input on the issue of body cameras. He references the positive response to a survey that people were supportive of body cameras being paid through taxes. He also brought up the creation of limitations for public input and motion restrictions as well as the rescinding the body dash donation account, which he claimed would have saved citizens money once they were purchased. He critiqued the Commonwealth Attorney for accusing four taxpayers but not publicly apologizing. He then brought up the debated proposed rules that were anti first amendment being that once a presentation by an individual or organization was made it may not be made again within three months. He was relieved that the majority of the Board did vote against it.

Dr. Seaton continued stating:

"We must restore trust in our government and I and most of us have trusted the American government. That our American bureaucracy in all its forms, executive, judicial, and legislative follows the laws or has a check and balance system to identify unlawful activities and correct the illegal activity. I am very aware that others in our society for various valid reasons do not have the same trust and remain skeptical of the government. The burden seems to be on the citizens to discover the illegal government activities while the government hides behind a veil of obfuscation, whether by hosting a confusing website that doesn't make the minutes of meetings easy to read or find or not allowing meetings to be video recorded and available for public view, even when those meetings are held in this room that has the capacity to live stream and record and open our government decision making process to the public view and scrutiny. We need to remove the barriers that prevent or inhibit the public's access to government decisions. We must facilitate the public's ability to catch the government in its illegal activity whether intentional or accidental. Who is really watching the hen house? I think the 150,000 eyes of our residents on the county government are better than just fourteen eyes. I was elected three and a half years ago. I am not the representative of the government. I am the representative of residents in my district and overall seek what's best for the county residents. I may be the only person to stand in the way of an out of control bureaucracy, which desires to crush the livelihood of residents of this County or the life of a family pet. I want the County to avoid litigation by getting in front of this liability and offering the public a sincere apology and begin reimbursing people for the unlawful fees and fines or giving these people the choice to donate their unlawful fees and fines to the Animal Shelter. I want the County Administration to work on the plan for restitution, Ordinance changes and present the plan at the next work session if possible. The matters of the SVAC have been a problem for years. I would add the County Administrator to the Closed Session, but the special meeting rules doesn't allow this.

Dr. Seaton finished his speech and apologized not including everything that citizens have informed him of in his speech.

Vice-Chairman Slaven explained again that the Closed Session was not for the Animal Shelter. He emphasized it was a personnel matter.

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Ms, Carter added that she was all for transparency for the citizens but the type of discussion for an animal shelter should be on a regular meeting agenda where it can be published for the people to be able to participate. She was all for the Board members asking questions but was concerned that the meeting was not following the published agenda.

With no further discussion the Board voted on the motion to go into Closed Session.

* * * * *

CLOSED SESSION

On motion of Mr. Slaven, seconded by Mr. Wells, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A) (1) [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

a) Board of Supervisors

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

Motion carried.

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

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

Motion carried.

* * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify. Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board

Regular Meeting, Wednesday, May 24, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
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
Angie Michael, Executive Assistant

ABSENT: Gerald Garber

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, May 24, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

□ * * * * *

The following student from Wilson Memorial Middle School led the Pledge of Allegiance:

Spencer Staut is in 8th grade and plans to be a Veterinarian.

* * * * *

Dr. Seaton, Wayne District, delivered the invocation.

ORDINANCE AMENDMENT - SECTION 25-12 -SINGLE FAMILY DWELLINGS

This being the day and time advertised to consider an ordinance amendment to revise Section 25-12, item B to state that the size of a single-family dwelling is measured by calculating "the total floor area of each floor." The Planning Commission recommends approval.

Alidia Vane, Planner II, presented the request to amend Ordinance Section 25-12 item B which addresses how the square-footage of a single-family dwelling is calculated in order to determine if the dwelling meets the 900 square foot minimum. This minimum is not applied in a general agriculture with an administrative permit or in other zoning districts with a special use permit that allows for smaller dwellings. The amendment would make it easier for citizens to reach the square foot minimum and states that the size of a single-family dwelling is measured by calculating "the total floor area of each floor." This amendment reflects current practice unlike the original

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ORDINANCE AMENDMENT - SECTION 25-12 -SINGLE FAMILY DWELLINGS (CONT'D)

ordinance which only measures the ground floor area. The Planning Commission recommends unanimous approval of this request.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Ms. Carter asked if the amendment would impact real-estate taxing or had any financial impact.

Ms. Vane said this was an internal process and would not have any effect to citizens' finances.

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

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

Motion carried.

* * * * *

ORDINANCE AMENDMENT - SECTION 25-492 - PUBLIC USE OVERLAY DISTRICTS

This being the day and time advertised to consider an ordinance amendment which allows for "government or municipal animal shelters, with or without outdoor runs" as a permitted use within Public Use Overlay districts. The Planning Commission recommends approval.

Ms. Vane presented the request to amend Ordinance Section 25-492. The amendment would allow for "government or municipal animal shelters, with or without outdoor runs", as a permitted use within Public Use Overlay districts. She reminded the public that Public Use Overlay Requests have to be seen by the Planning Commission and the Board of Supervisors for Public Hearings. This proposed amendment would not impact current public use overlay districts but would impact future applicants.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

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

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

Motion carried.

*****□□*□□□***

May 24, 2023, at 7:00 p.m.

AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY

This being the day and time advertised to consider a request to add a Public Use Overlay for a government animal shelter with outdoor runs on approximately 20.195 acres owned by the Augusta County Board of Supervisors located at 1011 Lee Hwy in Verona in the North River District. The Planning Commission recommends approval.

Ms. Vane presented the request from the Augusta County Board of Supervisors to add a Public Use Overlay for a government animal shelter with outdoor runs on approximately 20.195 acres (TMP 036C 1 1A, 036A 1 2, 036C, 036C 1 4, 036C 1 5, 036C 1 6, and 036C 1 7) owned by the Augusta County Board of Supervisors located at 1011 Lee Hwy in Verona in the North River Magisterial District. The property is located in an Urban Service area of the Comprehensive Plane, planned for Public Use. Slides showing pictures of the location, zoning, and concept plan were provided. The area was the old Verona Elementary School. The Planning Commission recommends unanimous approval of this request with the recommendation that a three-hundred-foot-long opaque fence and tree plantings be installed along the southern border of the property to reduce noise impacts on adjacent residential properties and if any noise issues are noted deal with that in the future.

Candy Hensley, Assistant County Administrator, presented the animal shelter project. It is owned by three jurisdictions Waynesboro, Staunton, and Augusta County. The localities have set aside \$2.7 million to renovate the school and create the animal shelter. The County is responsible for approximately 60% of those funds calculated based on the intake of the animals for the shelter. The layout includes all the needs for the Animal Shelter and outdoor play areas as well as room for future expansions. The whole campus will be fenced in. There will be agricultural room for farm animals in those rare cases.

The Chairman declared the public hearing open.

Dave Meadows, 149 Lee Hwy, Verona, is concerned with noise and spoke in opposition of the request.

Shelly Meadows, 149 Lee Hwy, Verona, works from her home and is concerned with the noise. She spoke in opposition of the request.

Keith Clark, DWS Properties, is concerned with noise and the effect on the neighborhood. He spoke in opposition of the request.

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

Mr. Slaven mentioned that when the plans were approved the shelter had outdoor runs and they would be utilized in a timely manner.

Mr. Fitzgerald explained that the cleanliness would be the same to indoor runs and outdoor areas would not have dogs running outside all day unsupervised. The outdoor space was added for the animal-friendly public.

Mr. Slaven wanted to emphasize the outdoor facilities would not be abused.

Ms. Carter asked what materials would be used to build the outdoor runs.

Mr. Fitzgerald stated that it was concrete.

Ms. Carter asked if there would be troughs to collect the water.

Mr. Fitzgerald confirmed that the water would be contained.

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AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY
(CONT'D)

Mr. Wells asked if the fence and trees were recommended by the Planning Commission for the visuals or the noise issue.

Ms. Vane believed that it was a mix of both concerns.

Mr. Wells asked if there is more of a noise issue after the shelter is built what would the plan be.

Mr. Fitzgerald asked Ms. Candy Hensley if there were any renovations inside the shelter for the noise.

Ms. Hensley stated that inside the pods there would be sound panels and the outside structures are CMU brick.

Dr. Seaton asked if the County received input from the neighborhood before planning the shelter. He said if the shelter made too much noise then he would not feel good about voting on the item.

Mr. Slaven stated that since it was in his district he is familiar with the community and the neighborhood. He did talk with Mr. Fitzgerald about the noise issue and said the supervision and the limited time outside would be a good plan for noise mitigation.

Mr. Shull asked if there would be any land disrupted in the construction.

Ms. Hensley explained the construction would be in the area of the other buildings.

Dave Meadows wished to speak.

Chairman Shull stated that the public hearing was closed.

Dr. Seaton moved, seconded by Ms. Carter, that the Board allow Dave Meadows to speak again.

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

Motion carried.

Mr. Meadows pointed out that the property surrounding the Animal Shelter was not being represented tonight.

Mr. Shull mentioned that those owners were notified.

Ms. Vane confirmed that all adjacent property owners were notified.

Mr. Slaven asked if the little leagues were still able to use the gym and ballfields.

Mr. Fitzgerald confirmed that the athletics teams would still be able to use the facilities.

Mr. Slaven wanted to assure the locals that the gym would still be used by the Verona Athletic Group.

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AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY
(CONT'D)

Ms. Carter asked Dave Meadows where he lived.

Dave Meadows stated that Larry Ship, who owns the cattle, was probably not notified. He then showed on the map where his house was located.

Mr. Slaven stated that the issue of the shelter was reviewed by the Board for a few years and said there have been various locations that had been considered before this one. The idea to use a building already built was the option that made all three localities involved happy. The old shelter facilities are not good enough for the animals' needs. He promises to address future issues if they arise.

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve the Public Use Overlay as presented.

Dr. Seaton would like to wait and see if another location becomes available. He thought the plan had the approval of the neighborhood but realized now that it did not. He is concerned if new board members do not hold their concern on the noise issue.

Mr. Shull asked how many houses are near the current location.

Ms. Hensley stated that there is one house just south very close against the shelter but there were not noise issues.

Ms. Bragg said the Planning Commission also recommended that there be a statement that the Board would deal with future issues if they arise.

Dr. Seaton asked how that could be added.

James Benkahla, County Attorney, stated that should be made as a separate motion to not confuse the two issues.

Mr. Fitzgerald said the dogs would be supervised and the staff would deal with any barking.

Mr. Shull noted that there should be two motions for that issue.

Dr. Seaton asked if the future Board would be bound to uphold the motion to deal with future noise issues.

Mr. James Benkahla said they cannot bind a future Board.

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

Motion carried.

Mr. Slaven explained that the outdoor runs was approved of after that issue of the noise was investigated. He wished to have something noted about dealing with future complaints.

Mr. Fitzgerald stated that the animal shelter does not want to be a nuisance and would bring that issue up to the Board if there is too much noise that creates an issue.

May 24, 2023, at 7:00 p.m.

AUGUSTA COUNTY BOARD OF SUPERVISORS PUBLIC USE OVERLAY
(CONT'D)

Mr. Slaven explained that there is a difference between a noise and a nuisance.

Mr. Shull commented that when the school was in operation there was probably noise in the area.

Dr. Seaton asked also that if the apartments have to deal with odor issues that those be addressed as well.

Mr. Fitzgerald said there would be air purifiers and processes to deal with odor. He said that odor is too subjective to actually be officially noted.

Ms. Bragg said the old shelter does deal with odor and does not have a broad range of noise.

Dr. Seaton is in favor of the shelter as long as the promises the Board makes are kept to mitigate the odor and noise.

NATIONAL DEVELOPERS OF VIRGINIA, LLC - REZONING

This being the day and time advertised to consider a request to rezone from Single family residential with proffers to General Agriculture with proffers approximately 14.276 acres owned by national Developers of Virginia, LLC and to amend the existing proffers associated with Phase 2 of the Shannon Lea Subdivision on the north side of Route 610 in Stuarts Draft in the South River District. The Planning Commission recommends denial.

Ms. Vane presented the request from National Developers of Virginia, LLC to rezone from Single-Family Residential to General Agriculture approximately 14.276 acres (TMP 084 77 portion) owned by National Developers of Virginia, LLC and located in the Shannon Lea Subdivision on the north side of Route 610 in Stuarts Draft in the South River Magisterial District. The applicant has also requested to amend the existing proffers on all of TMP 084 77. The property is located in a Community Development Area of the Comprehensive Plan, planned for Low Density Residential. Slides showing pictures of the location and zoning were provided. The Planning Commission held a public hearing on March 20, 2023 and unanimously recommended denial due to three concerns:

- 1) Proffer not being consistent throughout the Subdivision & Homeowners Association
- 2) Request not compliant with the Comprehensive Plan
- 3) Agricultural Use being incompatible with the adjacent single-family residential development

The applicant provided revised proffers which were discussed at Monday's Staff Briefing

William Raike, representing National Developers, was an investor and then became the developer for the project. He wished to be in a position to be able to sell the property. The 14 acres were not planned to be used for something specific. It is a request because of economics.

The Chairman declared the public hearing open.

May 24, 2023, at 7:00 p.m.

NATIONAL DEVELOPERS OF VIRGINIA, LLC - REZONING (CONT'D)

John White, 7 Jacobs Lane, Stuarts Draft, spoke in opposition of the request. He stated that they had not had a functioning HOA for five years partly because of objections from the developer. None of his neighbors support this request. The acres proposed to be agriculture would be a problem for all the residents surrounding it. The neighbors are concerned with what happens with the building Mr. Raike uses in the future. All of the changes Mr. Raike made would decrease revenue from the HOA, which needs the funds for maintenance.

Thomas Tellson, 16 Jaspers Lane, Stuarts Draft, is a new resident of Shannon Lea. He agreed that the request should be denied and thinks the agriculture acres would hinder the neighborhood. He is retired and cannot afford to lose value on his home.

Don Clark, 39 Jacobs Lane, Stuarts Draft, also agreed that the request should be denied. He mentioned that the change to agriculture, this is about 12 lots, would reduce revenue for the HOA as well as the County and added that this situation had happened before. Mr. Raike took away some of the neighborhood's green space. The economic issue would be at an advantage to Mr. Raike and disadvantage to all the residence.

Andy Delikat, 23 Jaspers Ln, Stuarts Draft, is against the request. He mentioned the HOA bylaws only allow three lots to be combined while Mr. Raike wishes to combine 11-12 lots.

Doug Brooks, 1018 Howardsville Tpke, stated that his property is very close to the area being discussed and wished for the property to become general agriculture. He does not want to see all those houses built.

Richard Raines, 984 Howardsville Tpke, Stuarts Draft, stated that the property is right behind his house. He supports the change to agriculture. He enjoys the farmland around his house.

West Flint, 982 Howardsville Tpke, Stuarts Draft, supports the change to agriculture. He thought the fourteen acres was the third phase. He added that the other plans were not good for his property.

Mark Hayman stated that he had invested \$500,000 and was concerned with the elimination of sidewalks since he had a disabled father.

Jennifer McKnight, resident of Shannon Lea, agreed with her other neighbors and said the vision of the community was what the neighbors were sold.

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

Mr. Raike said he offered the group to expand the green space with the eight lots that comprise the 14 acres. He did not think the houses would be negatively impacted by the change. He does think that the houses would be impacted if the developer went bankrupt. He wanted to be in a place to sell phase two to a developer who could provide them with a neighborhood.

Mr. Wells asked what amenities were there and what was promised.

John White said there is a clubhouse and there was supposed to be a pool and tennis courts. A big issue is that the sidewalks are not put in or some are smaller in width than the others. There are no streetlights or walking trails either.

Mr. Wells asked Mr. Raike what amenities were planned that have not been put in.

May 24, 2023, at 7:00 p.m.

NATIONAL DEVELOPERS OF VIRGINIA, LLC - REZONING (CONT'D)

Mr. Rake said there was supposed to be a pool and tennis courts. They might still put it in but they do not wish to go bankrupt. The walking trails he wanted to work on this summer.

Mr. Wells asked if the clubhouse was built before or after residents moved in.

Mr. Raike said it was built before the residents came.

Ms. Carter asked if the sidewalks were required when they started construction.

Mr. Raike said they planned on doing the sidewalk, but the concrete costs much more now.

Ms. Carter is concerned that he did not comply with the original commitment.

Mr. Raike said he had and was trying to find a way to work with the neighbors.

Ms. Bragg said this project was started in 2008. She mentioned that the residents had conceded with certain proffers in the past. She thought that the vision they were sold was not being delivered. She was concerned with the financial impact of the home owners. If there is more green space then they will have to carry more financial burden. She adds that the phases should mirror each other. She also thought the down zoning is not good or compliant with the Comprehensive Plan.

Ms. Bragg moved, seconded by Mr. Slaven, that the Board deny the rezoning request as presented.

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

Motion carried.

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DOMINION ENERGY EASEMENT

This being the day and time advertised to consider a request from Dominion Energy to grant power easement in order for DISH Network to gain access to a transformer on County property.

Ms. Hensley presented Dominion Energy's request of easement. A 65 feet line from the transformer to the communication tower.

Ms. Candy Hensley asked that the Board grant Mr. Timothy Fitzgerald the authority to sign when the easement is ready.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the easement request as presented and authorize the County Administrator to execute documents.

May 24, 2023, at 7:00 p.m.

DOMINION ENERGY EASEMENT (CONT'D)

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

Motion carried.

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CONSENT AGENDA

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

MINUTES:

Consider minutes from the following meetings:

- Budget Worksession, Monday, March 27, 2023

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

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Robert Howdysshell, 39 Frontier Drive, said his road is dangerous and needs to be addressed. The road is not designed for tractor trailers. He tried contacting VDOT and the Sheriff's Department. The speed limit is 25 mph but people go 40 mph or higher. The Board considered the issue a long time ago and it should be talked about again.

Mr. Wells said he had talked with Robert at Walmart and had contacted the Sheriff's Department. The deputies are trying but are strapped with resources.

Mr. Shull stated that that he would ask VDOT to put signs up and see if they would do more for that road.

Dr. Seaton would also bring it up for the MPO Meeting.

Mr. Shull added that there are other roads with issues.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter mentioned that there was a Memorial Service on Monday at 2pm. She mentioned that the Board had lively discussion on Broadband, and she got numerous responses.

May 24, 2023, at 7:00 p.m.

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

Mr. Slaven stated that the Davies Group were measuring poles in his area for the Broadband project.

Dr. Seaton brought up the fees that were being charged by the animal shelter and thought there were no ordinances. He asked if there needed to be an ordinance.

Mr. Fitzgerald explained that the State Code allows for the fees and it was only the cost of maintaining the dogs.

Mr. Benkahla answered that there was no need for an ordinance for this fee, only for a civil penalty. The County ordinance actually does cover the fees as well as State Code.

Dr. Seaton asked if the owners were still allowed to pick up their animal even if they did not pay the fee.

Mr. Fitzgerald said the shelter would not hold the animal even if the owner could not pay.

Dr. Seaton asked when they looked into the matter of the fees.

Mr. Fitzgerald said it was brought up a couple months ago in a regular meeting by a member of the public. He Could go back and check the exact meeting.

Dr. Seaton asked when an ordinance to confirm the fee would come to the Board.

Mr. Fitzgerald did not want to comment since it was a legal issue.

Mr. Benkahla said that there were several issues to be brought to the Board.

Ms. Bragg asked if this would be included with other operating policies.

Mr. Fitzgerald said that it was a separate issue.

Mr. Benkahla explained how the fee should be handled.

Dr. Seaton asked if there would be restitution for the fees charged previously.

Mr. Benkahla said he would discuss that in Closed Session but it was at the pleasure of the Board.

Dr. Seaton asked who first discovered the lack of an ordinance.

Mr. Fitzgerald said everyone was informed around the same time.

Mr. Benkahla said around the time of the public hearing the issue was brought up but he did not know beyond that.

Ms. Bragg congratulated all the graduates. She mentioned the largest potato in the world was in Stuarts Draft.

Chairman Shull also congratulated the graduates. He mentioned that there were a lot of opportunities to stay and work in the County.

May 24, 2023, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

1. The Blue Ridge Tunnel Foundation Board has a new historic sign. There have been 250,000 people have visited the tunnel. There was an animal shelter owner meeting and the architects came and presented. They are on track to finish drawing in the fall and have construction start in January 2024.
2. The plans for the new shelter were presented to the Board. Construction is estimated to begin in January 2024.


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ADJOURNMENT

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

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

Motion carried.



 Chairman



 County Administrator

h:5-24min.23

Staff Briefing Meeting, Monday, May 22, 2023, 1:30 p.m., Government Center, Verona, VA.

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

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, May 22, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT status report of May 21, 2023.

The Board accepted the report as information.

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FIRE AND RESCUE

Bryan Mace, Deputy Chief of Operations, discussed the month Fire-Rescue report.

The board accepted the report as information.

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BROADBAND PRESENTATION

All Points Broadband gave a presentation on the VATI 2022 project.

The Board accepted the presentation as information.

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DOMINION ENERGY EASEMENT

Candy Hensley, Assistant County Administrator, discussed a request from Dominion Energy to grant power easement in order for DISH Network to gain access to a transformer on County property.

The Board authorized placing on the May 24, 2023 regular meeting agenda.

May 22, 2023, at 1:30 p.m.

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MS4 UPDATE

Doug Wolfe, Director of Community Development, presented an MS4 update.

The Board accepted the update as information.

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PLANNING COMMISSION/PUBLIC HEARINGS

Alidia Vane, Senior Planner II, discussed the following:

- 1. Section 25-12 - Ordinance Amendment
- 2. Section 25-492 - Ordinance Amendment
- 3. Augusta County Board of Supervisors - Rezoning
- 4. National Developers, LLC - Rezoning

The Board authorized placing on the May 24, 2023 regular meeting agenda.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter would like online media a priority regarding zoning announcements for public hearings.

Ms. Vane stated that they are in the process of getting this information on the website.

Ms. Carter also suggests changing the yard sign placement rules from immediately adjacent neighbors to some measured point. This will allow the neighborhood, not just the adjoining neighbors would know about the proposed changes.

Ms. Carter invited everyone to attend the Craigsville Memorial Service at 2:00 p.m. on Monday.

Dr. Seaton would like the website improved when searching for minutes. He also asked about the policy and procedures manual for the animal shelter. Dr. Seaton questioned what ordinance authorized the County to charge the Shenandoah Valley Animal Services Center fees and animal fines?

Mr. Fitzgerald stated the website is currently being evaluated and realizes there are issues with it. The policy and procedures manual for the animal is completed and is currently being reviewed before being submitted for approval. The County Attorney is currently looking into the question of fees and fines for the animal shelter.

Ms. Bragg reminded everyone of Draft Days on June 3rd.

MATTERS TO BE PRESENTED BY STAFF

- 1. Ms. Vane discussed release of ordinance amendments for public hearing.

The Board authorized advertising for public hearing.

- 2. Amazon ribbon cutting was a success.

May 22, 2023, at 1:30 p.m.

CLOSED SESSION (CONT'D)

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.


Roll Call Vote was as follows:

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

Motion carried.

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

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Chairman



County Administrator

Regular Meeting, Wednesday, May 10, 2023, 7:00 p.m., Government Center, Verona, VA.

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

ABSENT: Scott Seaton

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, May 10, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

The following students from Stuarts Draft Middle School led the Pledge of Allegiance:

Braden Gerber is in 8th grade.
Maddie Gore is in 8th grade.
Steele Towler is in 8th grade.

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Mr. Shull, Riverheads District, delivered the invocation.

PERFORMANCE AGREEMENT UPDATE

The Board received an update on outstanding performance agreements.

Jennifer Whetzel, Deputy County Administrator, presented the Performance Agreement Update. She explained that the Board considers extending a performance agreement to businesses that locate or expand in the County. This could be through helping fund infrastructure to attract businesses or provide matching grants. The performance requirement usually is matched with a tax rebate. This works with matching state grants like the Commonwealth Opportunity Fund; the County would then match the funding with a tax rebate. She summarized the Outstanding Economic Development Agreements:

- Hershey Chocolate 2019 & 2020 Expansion: completed in 2024 or 2025

May 10, 2023, at 7:00 p.m.

PERFORMANCE AGREEMENT UPDATE (CONT'D)

- Augusta County Mill Place Water Tank: completed in 2024 or 2025
- Augusta County Route 636: involved VDOT, currently completed in 2033 but will work with the Commissioner's Office to attempt to review footprint of map to pay it back simultaneously with the debt
- CAVA: reimbursing Augusta County for the land

The list has more agreements but many have been paid off since last update. The County had 20 agreements some extending 30 years back. The County has offered over \$15 million in economic development incentives.

CONSENT AGENDA

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

MINUTES:

- Consider minutes from the following meetings:
- Regular Meeting, Wednesday, March 22, 2023

CLAIMS:

Consider claims paid since April 1,2023

Vote was as follows:

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

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Dave Zimmerman, 120 Lee Highway, Verona, apologized for not stepping off the podium last meeting after he had run out of time. He still wished to impress upon the Board on the seriousness of the matter he discussed.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter moved, seconded by Mr. Garber, that Board approve the funding request for Churchville Diamond Club concession equipment.

Funding Source: Pastures Parks & Rec Infrastructure 8024-31	\$6,661.29
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May 10, 2023, at 7:00 p.m.

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

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

Motion carried.

Ms. Carter explained that the Craigsville Library wished to increase their hours open by four hours, but since that was not in the finalized budget she and Dr. Brown have been working with Mr. Fitzgerald and Administration to work that out. Until that time, she wished to cover that cost with the Pastures infrastructure account.

Ms. Carter moved, seconded by Ms. Bragg, that the Board approve the funding request from the Craigsville Library increase in hours.

Funding Source: Pastures Infrastructure 8014-118 \$3,490.79

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

Motion carried.

Mr. Wells thought that the suggestion last meeting to have the Planning Commission and the Board of Zoning Appeals livestream their meeting was not necessary or proper for the Board of Supervisors to request of those boards. He believes the members are all highly competent individuals and that the majority of items each of those boards review are passed through the Board of Supervisors. He asked the board not to instruct these board to livestream the meetings.

Mr. Wells moved, seconded by Mr. Slaven, that the Board approve that livestreaming of the Planning Commission and Board of Zoning Appeals meetings should be decided by the individual boards.

Ms. Carter said it should not be mandatory or requested from the Board of Supervisors, but she wished to still have a conversation with those boards saying that it was an option open to them.

Ms. Bragg said she had talked to the Planning Commission as requested at their last meeting. Five people did not really want that, one person would not stay on the commission, another person thought it had always been occurring due to COVID-19, and one person did not care either way.

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

Motion carried.

Mr. Slaven attended the transportation meeting at Blue Ridge Community College. He shared his experience and overall found it very interesting.

May 10, 2023, at 7:00 p.m.

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

Ms. Bragg explained there was a request for assistance from Library Stuarts Draft Station since it only has one person and is just as busy as Churchville. The Library needs someone there part-time.

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve funding an additional part-time position at the Stuarts Draft Library.

Funding Source: South River Infrastructure	8016-106 \$7,165.19
Beverley Manor Infrastructure	8011-108 \$7,165.18

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

Motion carried.

Ms. Bragg commented that she enjoyed attending the Market Animal Show
 Mr. Shull thanked everyone for participating in the Market Animal Show and the buyers of the animals. He thought that there used to be more recognition for the Animal Show and he was sad to see there is not so much publicity for the kids. He asked if we could place on the website.

Mr. Fitzgerald confirmed that pictures were posted

Mr. Shull stated that the public should look at the website and see the pictures. He spent money on the animal show and thought the kids received a life lesson in business. He then mentioned that he received a letter of concern from person in Verona. The person thought Fishersville got more attention in the County. Fishersville is one of the main growth areas of the County. The courthouse in Verona will be a big investment from the County in that area and will increase business there.

Mr. Shull discussed calls he has received about internet.

Ms. Whetzel informed the Board that All-Points will be at the next staff briefing. There has been pole analysis and upgrades. They will see how the fiber will be able to be put down. No one is actually digging yet, but the process has started. She has given feedback on the areas unserved. She agreed that it is frustrating to not have the project be completed as soon as wished. The public needs more information about the project's progress, and Administration will work with press to share how the project is coming along.

Mr. Shull was told some cable is being pulled through, so he hopes for the best.

Vice-Chairman Slaven followed up on Chairman Shull's comment about coverage for the Market Animal Show and had invited press to the show. The press did come and had a good time; they had not heard of the show before and were surprised by the professionalism of the kids.

Ms. Bragg said she is committed to having more listening sessions and hear more people's opinions. She will be at the Stuarts Draft Library on May 17th 6:30-7:30.

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May 10, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

1. Mr. Fitzgerald explained that the Blue Ridge Parkway would be going through a Comprehensive Planning Process all the way from North Carolina to Augusta County. They will hold a focus meeting on June 13th. He asked if Ms. Bragg would attend as the representative for the Board

Ms. Bragg was happy to attend and asked if there was a time set.

Mr. Fitzgerald did not have a time for the meeting yet but would share it once he had it.

2. He mentioned that this week was Economic Development week and thanked Rebecca Castle and Julia Hensley for working hard in the Economic Development Department.
3. Kathleen Keffer, Assistant County Attorney, presented the draft for the charging of services for fire-rescue. This was a draft ordinance at the request of Ms. Carter. There are certain billings for firefighter response that are allowed during situations like a DUI. This was not an advertised draft, so this was just to begin discussion.

Mr. Fitzgerald said the specific codes were referenced. The charges could not exceed the total of \$1,000 for one incident and the flat fee would be \$350; these are following statute. The Board could look over the draft and then get back to it to advertise it and hold a public hearing.

Mr. Shull asked that the Board could discuss at the next Staff Briefing.

4. Ms. Whetzel explained that the second set of school bonds for the two middle school wings had been sold at a rate of 3.5%, which is lower than last time.
5. Mr. Fitzgerald presented a map of the government center. He was at the Blue Ridge Community College CDL meeting and is on the driver training advisory board. The County has been working with them to relocate the training school so the site is available to construct the Courthouse. They have looked for temporary locations and none have worked out. There is an area south of the government center that might work and asked if he could work with Blue Ridge Community College to have a temporary place for a couple years. He thought the program is wonderful and currently the program has 2.5 million in state budget to build a permanent location in Weyers Cave. The state funding is not official but it would be good to work with the college to provide the space. They prefer it be paved, but he does not. The program can train and test their students. VDOT sends drivers there as well as other localities to get training.

Mr. Slaven moved, seconded by Mr. Garber, that the Board support the CDL program on a temporary location at the Government Center.

Ms. Bragg asked about who would be funding the project changes for the program.

Mr. Fitzgerald said the program would pay for it and explained how the roads would look.

May 10, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Mr. Garber said the money for the temporary place is approved for the program, and the sooner the program got a permanent place the sooner the County could spend money on other projects.

Ms. Carter asked if the stormwater management would be affected.

Mr. Fitzgerald does not think so but the program would be asked to do the changes as required.

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

Motion carried.

CLOSED SESSION

On motion of Mr. Slaven, seconded by Mr. Garber, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A) (1)
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
 - a) Boards & Commissions: Youth Commission, Ag & Forestal Dist., Recycling, Broadband Committee, Economic Development Authority.
- (2) the real property exemption under Virginia Code § 2.2-3711(A) (3)
[discussion of the acquisition for a public purpose, or disposition, of real property]:
 - a) Augusta County Courthouse
- (3) the legal counsel exemption under Virginia Code § 2.23711(A) (8)
Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
 - a) Legal advice and legal strategies for collection of delinquent business license taxes and engagement of outside counsel for such purposes.

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

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

Motion carried.

May 10, 2023, at 7:00 p.m.

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CLOSED SESSION (CONT'D)

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

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

Motion carried.

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

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Ms. Bragg moved, seconded by Mr. Garber, that the Board authorize the County Administrator to negotiate real estate as discussed in Closed Session.

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

Motion carried

May 10, 2023, at 7:00 p.m.


ADJOURNMENT

Mr. Garber moved, seconded by Ms. Bragg, that the Board adjourn the meeting.

Vote was as follows:

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

Motion carried



Chairman



County Administrator

h:5-10min.23

Staff Briefing Meeting, Monday, May 22,2023,1:30 p.m., Government Center, Verona, VA.

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

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, May 22, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT status report of May 21, 2023.

The Board accepted the report as information.

FIRE AND RESCUE

Bryan Mace, Deputy Chief of Operations, discussed the month Fire-Rescue report.

The board accepted the report as information.

BROADBAND PRESENTATION

All Points Broadband gave a presentation on the VATI 2022 project.

The Board accepted the presentation as information.

DOMINION ENERGY EASEMENT

Candy Hensley, Assistant County Administrator, discussed a request from Dominion Energy to grant power easement in order for DISH Network to gain access to a transformer on County property.

The Board authorized placing on the May 24, 2023 regular meeting agenda.

Regular Meeting, Wednesday, April 26, 2023, 7:00 p.m., Government Center, Verona, VA.

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

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, April 26, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

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The Board of Supervisors led the Pledge of Allegiance:

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Ms. Carter, Pastures District, delivered the invocation.

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Before the Public Hearings, Chairman Shull spoke on the matter voted on by the Board on July 27,2022 concerning time limits on the public comments. The vote was 5-2 in favor of limiting public speakers to 3 minutes for individuals and 5 minutes for groups. He pointed out that other localities have time limits as well as the state committees while Rockingham County does not have any public comments.

HUGHES BOARDWALK, LLC

This being the day and time advertised to consider a request to add a Public Use Overlay (PUO) for a school on approximately 1.93 acres (TMP 036A4 1 8) owned by Hughes Boardwalk LLC located at 81 Quicks Mill Rd in Verona in the North River Magisterial District. The property is located within an Urban Service Overlay District, in an Urban Service Area of the Comprehensive Plan, planned for Medium Density Residential. The proposed usage of the property is to add a Public Use Overlay over the current Single Family Residential (SF-15) zoning in order to relocate a school for up to 27 students. The Planning Commission recommends approval.

April 26, 2023, at 7:00 p.m.

Chief Schacht commented that the failure to enact the previous strategic plans has not been due to a lack of investment from the department staff but from the decisions of past boards.

Mr. Slaven agreed with Mr. Wells about his concerns with the coverage of the Fire-Rescue. He commented that the volunteer agencies are priceless but their staffing is an issue. He believes the Board should make changes before a crisis occurs. The price is high, but the project is valuable.

Mr. Shull said he was against the plan from the beginning. While he is not against strategic planning, he is against spending \$93,000. He has seen past strategic plans, but they all involve spending money. He does not think that the future projects within this plan will be able to be funded if the other necessary projects need to be completed. He adds that the residents of the County are not concerned with the statistics but with the results of the Fire-Rescue department. He believes the department needs an operation plan more than a strategic plan. He thinks there might be people skilled in house to create a strategic plan or just ask local companies. He does not think studying the departments would benefit it.

Mr. Garber thinks the discussion has ballooned to talk about several different things. He is against doing planning in house since that plan was never used. He says the last person who made a plan got fired and that cost the County more. He asks if the Board is paying for the plan or taking Mr. Well's infrastructure money. He agrees that there is not a point in doing the plan if it is not agreed upon and is saddened by the fact that the Fire-Rescue staff knows what needs to be done. He agrees that they do have limited resources and the Board needs to spend it in the right place in the right order. He adds that the will to follow the plan might be greater if the Board pays for it.

Mr. Wells said even though he will not be on the Board in future years he will be asking the Board why they are not following the plan if he paid for it out of his infrastructure account. He said that it might be better for him to pay it so he will bug the Board about following the plan.

Ms. Carter remarked that she does not want people to think she does not care about the Western part of the County.

Ms. Bragg said she thinks the inside method is always riddled with issues. She thinks a plan from the outside is important and there should be a roadmap for how to spend the money in the future for the Fire-Rescue.

Chief Schacht commented the volunteer agencies will be involved in the plans. He agrees that if the Board follows the plan it is worth it but if not, it is a waste of money.

Mr. Slaven agreed with Chief Schacht and replied that he thinks this is a good place to start on improving the department. He also thinks that Mr. Wells should not have to pay for a public safety concern since the money is there.

Chairman Shull said no matter the outcome of the vote the Fire-Rescue department will still keep doing their jobs. He adds that the infrastructure accounts are still from all the tax-payers funds. He also thinks people need to understand that the size of the County is large so the response time is long because of the travel time. He also thinks the County needs to find a way to retain volunteers.

April 26, 2023, at 7:00 p.m.

FIRE-RESCUE STRATEGIC PLAN (CONT'D)

Dr. Seaton asked if it will solve the fire flow issues.

Chief Schacht said it would be looked at but mostly go through the Service Authority. The 911 center would be the only other service involved in the study. The issues of fire flow are known by the Service Authority but it has not been acted upon.

Dr. Seaton said he has tried to make fire flow an issue to be fixed by the Board but has not had needed support.

Chief Schacht said there are things in place for fire flow using different methods.

Mr. Fitzgerald said there would be other plans and organizations to look over the issue. The comprehensive plan for the County would be where such issues would be identified.

Mr. Shull said the \$90,000 is small compared to the water line replacements. He then continued with the motion to postpone the study till after assessments for next year.

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

Motion failed.

Mr. Wells moved, seconded by Ms. Bragg, that the Board approve moving forward with utilizing the Center for Public Safety Management, LLC to complete the Fire-Rescue Strategic Plan.

Chairman Shull asked for clarification on the motion and the funding source of the plan.

Mr. Fitzgerald clarified that the motion was to approve moving forward as presented in the amount of \$93,550 coming from the capital budget.

Ms. Carter again stated that it is the approval of the hiring of the developers for the plan not the plan itself.

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

Motion carried.

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REGIONAL RADIO PROJECT

The Board considered a Memorandum of Understanding for the Regional Radio Project.

Ms. Whetzel reviewed the procurement of a regional radio system in partnership with the two cities. The next step is the creation of a MOU to establish a structure of management for the radio system. 56% of total cost would be from Augusta. The lifespan of the system would be 15 years. The agreement had several revisions to be added:

April 26, 2023, at 7:00 p.m.

REGIONAL RADIO PROJECT (CONT'D)

- Requested, two members would be from Augusta. Policy Team will remain at three members, similar to the Animal Shelter, DSS or the Jail. It would need three members, one from each locality. Chairman will rotate through each locality with Staunton being first due to being procurement lead.
- Quorum updated to show all three members must be present.
- Management review before decision is official
- Coverage is part of the infrastructure contract with City of Staunton being procurer.

Ms. Whetzel referenced RFP items that mitigate this issue and if the vendor does not pass coverage test then vendor will make adjustments.

The Board is asked to approve the project with the adjustments to move forward.

Ms. Carter stated that she had many questions on Monday and has talked to many people since then about this project. She supports the project but wanted to clarify the MOU is not about the vendor selection but concerning how the localities will work together. She said she would like to see Augusta County as the chairman of the quorum but is fine if Staunton is better suited.

Mr. Slaven was also concerned that the County be represented. He mentions that it will be addressed through the contract with the vendor and the County.

Mr. Wells is also supportive of the project and adds that he would be very comfortable if the chairman serving currently be the one due to the quorum change.

Dr. Seaton wished the project go through even though the price is high, and is concerned with how broadband not covering the whole County.

Mr. Slaven moved, seconded by Mr. Garber, that the Board approve the Memorandum of Understanding as presented.

Mr. Shull stated that he was concerned with all of the vendors hired that guaranteed 95% coverage but the actions to make that possible have in the past not been made. He believes that the past attorneys have missed things in the contracts, though he does clarify Mr. Benkahla is not to blame.

Mr. Wells asked Mr. Fitzgerald if the Board will be able to meet with the consultant of all three areas of concern before the plan is finalized.

Mr. Fitzgerald said he would look into it.

Mr. Wells said that would be beneficial to hear comments from all of the areas.

Mr. Shull thought it should be part of the contract.

Dr. Seaton asked Ms. Whetzel for the timeline of completion.

Ms. Whetzel answered it would be two years and finish building by Christmas of 2025.

Ms. Carter wanted to make the finish date part of the contract.

Mr. Shull suggested making the contract like other businesses where if the date is not fulfilled the vendor pays the County back.

Ms. Whetzel explained the date is dependent on the timeline of other steps that need to be approved.

April 26, 2023, at 7:00 p.m.

REGIONAL RADIO PROJECT (CONT'D)

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

Motion carried.

* * * * *

Dr. Seaton moved seconded by Ms. Carter that the Board reorder the meeting's financial agenda items to have Revised Budget for FY2022-2023 (11), Proposed Budget for FY 2023-2024 (12), then 2023 Tax Rates (13).

Ms. Carter added that she is for the motion because the tax rates could be set according to the need of the approved budget which if done the other way would be the cart before the horse.

Mr. Fitzgerald clarified to the Board that the motion is to have Revised Budget for FY2022-2023 (11), Proposed Budget for FY 2023-2024 (12), then 2023 Tax Rates (13).

Ms. Cook said she was clear on the motion and would present the items accordingly.

Mr. Garber is not for or against the motion but does want to understand the implications of the item position change.

Dr. Seaton explains how the order will benefit being swapped. He thinks seeing the two budgets right after each other will better orient the Board to make a good decision.

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

Motion carried.

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REVISED BUDGET FOR FY2022-2023

The Board considered the revised budget for FY2022-2023.

APPROPRIATIONS

On the motion of Mr. Garber, seconded by Mr. Wells, the following Resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of the County of Augusta, Virginia, that the following appropriation be made for the fiscal year 2022-2023 from the funds and for the functions or purposes indicated:

BE IT FURTHER RESOLVED that the Treasurer be, and is hereby authorized to transfer to other funds from the GENERAL OPERATING FUND from time to time as money becomes available, sums equal to, but not in excess of the appropriations made to these funds from GENERAL OPERATING FUND for the period covered by the appropriation.

BE IT STILL RESOLVED that the County Administrator is authorized, pursuant to a resolution adopted by this Board of Supervisors on November, 11, 1959, to pay all normal and routine claims, when presented for which appropriations are hereinafter made, with his own warrant.

April 26, 2023, at 7:00 p.m.

REVISED BUDGET FOR FY2022-2023 (CONT'D)

GENERAL OPERATING FUND

11010 BOARD OF SUPERVISORS	175,910
12010 COUNTY ADMINISTRATOR	1,096,170
12030 HUMAN RESOURCES	338,030
12040 LEGAL SERVICES	457,082
12090 COMMISSIONER OF REVENUE	1,179,616
12100 REASSESSMENT	996,835
12130 TREASURER	652,064
12150 FINANCE	443,342
12200 INFORMATION TECHNOLOGY	1,163,678
13010 BOARD OF ELECTIONS	510,827
21010 CIRCUIT COURT	204,265
21020 GENERAL DISTRICT COURT	21,697
21030 MAGISTRATE	4,461
21060 CLERK OF THE CIRCUIT COURT	1,188,155
22010 COMMONWEALTH ATTORNEY	1,706,913
31020 SHERIFF	9,591,201
31040 EMERGENCY COMMUNICATIONS CENTER	2,456,261
32010 FIRE DEPARTMENT	11,048,809
32020 EMERGENCY SERVICES - VOLUNTEERS	1,952,919
32030 FIRE & EMS TRAINING	643,969
33030 J&D COURT	39,981
33040 COURT SERVICES	5,552
33050 JUVENILE & PROBATION	5,405,413
34010 BUILDING INSPECTIONS	450,887
35010 ANIMAL CONTROL	800,559
35050 EMERGENCY MANAGEMENT	105,977
41020 HIGHWAYS & ROADS	20,000
41040 STREET LIGHTS	121,000
42010 SANITATION & WASTE	2,450,423
42020 RECYCLING	172,900
43010 FACILITIES MANAGEMENT	2,284,642
51010 HEALTH DEPARTMENT	628,127
51020 TAX RELIEF FOR THE ELDERLY	363,115
71010 PARKS & REC INCL. NATURAL CHIMNEYS	908,870
73010 LIBRARY	1,765,655
81010 COMMUNITY DEVELOPMENT	1,143,618
81020 TOURISM	655,689
81050 ECONOMIC DEVELOPMENT	330,811
83010 EXTENSION OFFICE	141,194
83050 AGRICULTURAL OUTREACH	6,760
92020 OTHER OPERATIONAL FUNCTIONS	1,216,611
92030 CONTRIBUTIONS	509,618
92040 CONTINGENCIES	55,000
94000 TRANSFERS TO OTHER FUNDS	<u>74,600,355</u>
GRAND TOTAL - GENERAL OPERATING FUND (11)	130,014,961

FROM: Fire Revolving Loan Fund (12)

TO: Fire Revolving Loan Fund (12)

50000 - Disbursement of Loans & Gear Purchases 1,105,000

Grand Total - Fire Revolving Loan Fund (12) 1,105,000

FROM: Asset Forfeiture Fund (13)

TO: Asset Forfeiture Fund (13)

31030- Operations 69,092

April 26, 2023, at 7:00 p.m.

REVISED BUDGET FOR FY2022-2023 (CONT'D)

Grand Total - Asset Forfeiture Fund (13) 69,092

FROM: Economic Development Fund (14)

TO: Economic Development Fund (14)
53000 - Payments to E.D.A. 832,450
Grand Total - Economic Development Fund (14) 832,450

FROM: Revenue Recovery Fund (15)

TO: Revenue Recovery Fund (15)
32020 - Payments to Agencies 839,102
94000- Transfers to Other Funds 1,307,698
Grand Total - Revenue Recovery Fund (15) 2,146,800

FROM: ARPA Fund (20)

TO: ARPA Fund (20)
12010 Stormwater 32,675
12010 Renovation Project 3,180,504
31020-Sheriff 109,075
32010 Fire Department 103,125
43010 Facilities Management 14,110
80000 Special Projects 869,349
81020 VTC Funds 85,000
92030 Broadband 3,360,000
Grand Total - ARPA Fund (20) 7,753,838

FROM: Virginia Public Assistance Fund (23)

TO: Virginia Public Assistance Fund (23)

For the operation of the Augusta County Department of Public Welfare, Virginia Public Assistance Fund and to be expended only on order of the Board of Welfare for the functions and objects as outlined in the budget requests as presented to the Board of Supervisors for informative and fiscal purposes only:

53010- Administration 11,517,060
53020 - Public Assistance 2,902,705
Grand Total - Virginia Public Assistance Fund (23) 14,419,765

FROM: Children's Services Act Fund (24)

TO: Children's Services Act Fund (24)
53060 - Children's Services Act 5,189,024
Grand Total - Children's Services Act Fund (24) 5,189,024

FROM: School Operating Fund (41)

TO: School Operating Fund (41)

For the operation of the Public Schools of the School Operating Fund (41) and to be expended only on order of the Augusta County School Board of Augusta County, Virginia, for the functions and objects as contained in their budget requests as presented to the Board of Supervisors for financial and fiscal purposes:

11000- Instruction 108,016,852
20000 - Admin/Attend/Health 5,654,186
30000- Pupil Transportation 8,279,071
40000 - Operation/Maintenance 12,108,413
50000- School Food Service 819,121
Grand Total - School Operating Fund (41) 134,877,643

April 26, 2023, at 7:00 p.m.

REVISED BUDGET FOR FY2022-2023 (CONT'D)

FROM: School Cafeteria Fund (43)

TO: School Cafeteria Fund (43)

To be expended on order of the Augusta County School Board for the operation of the School Cafeteria Fund:

50000 - School Food Services	<u>6,939,815</u>
Grand Total - School Cafeteria Fund (43)	6,939,815

FROM: School Capital Improvement Fund (44)

TO: School Capital Improvement Fund (44)

13800- Technology	475,226
34000- Transportation	1,626,073
62020- Valley Career & Technical Center	764,428
62400 - Buffalo Gap Middle School Wing	11,696,482
62410 - Riverheads Middle School Wing	13,737,758
94000 Transfer to Other Funds	2,913,596
99999 Bond Issuance Cost	<u>251,809</u>
Grand Total - School Capital Improvement Fund (44)	32,330,372

FROM: School Debt Fund (45)

TO: School Debt Fund (45)

92040 - Debt Service - County	732,946
92050 - Debt Service - School	<u>6,983,495</u>
Grand Total - School Debt Service (45)	7,716,441

FROM: Head Start Fund (47)

TO: Head Start Fund (47)

10000- Instruction	3,123,596
20000 - Admin/Attend/Health	494,887
30000 - Pupil Transportation	97,497
40000 - Maintenance Services	<u>44,107</u>
Grand Total - Head Start Fund (47)	3,760,077

FROM: Governor's School Fund (48)

TO: Governor's School Fund (48)

11000- Instruction	1,855,853
20000 - Health Services	31,982
40000 - Operations/Maintenance	62,200
66000 - Building Improvement	<u>135,000</u>

Grand Total - Governor's School Fund (48)	2,085,035
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FROM: County Capital Improvement Fund (70)

TO: County Capital Improvement Fund (70)

8005 - Landfill	400,000
8011 - Infrastructure - Beverley Manor	50,000
8012 - Infrastructure - Middle River	50,000
8013 - Infrastructure - North River	50,000
8014 - Infrastructure - Pastures	50,000

April 26, 2023, at 7:00 p.m.

REVISED BUDGET FOR FY2022-2023 (CONT'D)

8015 - Infrastructure - Riverheads	50,000
8016 - Infrastructure - South River	50,000
8017 - Infrastructure - Wayne (includes VDOT project)	50,000
8021 - Matching Grants - Beverley Manor	15,000
8022 - Matching Grants • Middle River	15,000
8023 - Matching Grants • North River	15,000
8024 - Matching Grants - Pastures	15,000
8025 - Matching Grants - Riverheads	15,000
8026 - Matching Grants - South River	15,000
8027 - Matching Grants - Wayne	15,000
8049 - Electoral Board - Voting Machines	139,000
8053 - Library - Automation	117,775
8057 - Fire Apparatus & Equipment	1,470,500
8058 - Emergency Communications	2,495,500
8060 - Sheriff/K-9	340,001
8134 - County School	4,544,094
8135 - Regional Correction Center	1,544,124
8139 - Tourist Information Center	10,000
8142 - Parks & Recreation/Community Center	500,000
8144- Information Technology	895,562
8145 - Economic Development	1,870,624
8146 - Firing Range	40,000
8147 - Government Center Expansion	250,000
8148 - County Courthouse	3,100,000
8149- A.C.S.A.Contribution	100,000
8152 - Fire & Rescue Equipment	200,000
8153 - Haz Mat Grant	10,000
8155 - Dupont Settlement Grant	48,000
8161 - Blue Ridge Community College	137,585
8162 - Secondary Roads - Revenue Sharing	149,287
8164 - Storm Water Management	47,229
8165 - Government Center Security	125,000
8166 - Vehicle Sinking Fund	972,490
8198 - Building Sinking Fund	259,373
8199- Contingencies	(1,965)
94000 - Transfers To Other Funds	<u>723,188</u>
Grand Total - Capital Improvement Fund (70)	20,942,367

GRAND TOTAL - APPROPRIATIONS (All Funds) 370,182,680

Mr. Garber moved, seconded by Dr. Seaton, that the Board approve the revised budget as presented.

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

Motion carried.

April 26, 2023, at 7:00 p.m.

PROPOSED BUDGET FOR FY2023-2024

The Board considered the proposed budget for FY2023-2024.

APPROPRIATIONS

On the motion of Mr. Garber, seconded by Mr. Wells, the following Resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of the County of Augusta, Virginia, that the following appropriation be made for the fiscal year 2023-2024 from the funds and for the functions or purposes indicated:

BE IT FURTHER RESOLVED that the Treasurer be, and is hereby authorized to transfer to other funds from the GENERAL OPERATING FUND from time to time as money becomes available, sums equal to, but not in excess of the appropriations made to these funds from GENERAL OPERATING FUND for the period covered by the appropriation.

BE IT STILL RESOLVED that the County Administrator is authorized, pursuant to a resolution adopted by this Board of Supervisors on November, 11, 1959, to pay all normal and routine claims, when presented for which appropriations are hereinafter made, with his own warrant.

GENERAL OPERATING FUND

11010 BOARD OF SUPERVISORS	180,344
12010 COUNTY ADMINISTRATOR	1,126,908
12030 HUMAN RESOURCES	367,813
12040 LEGAL SERVICES	451,018
12090 COMMISSIONER OF REVENUE	1,212,796
12100 REASSESSMENT	579,109
12110 BOARD OF EQUALIZATION	4,300
12130 TREASURER	662,841
12150 FINANCE	511,406
12200 INFORMATION TECHNOLOGY	1,147,978
13010 BOARD OF ELECTIONS	496,416
21010 CIRCUIT COURT	208,355
21020 GENERAL DISTRICT COURT	18,744
21030 MAGISTRATE	4,771
21060 CLERK OF THE CIRCUIT COURT	1,214,214
22010 COMMONWEALTH ATTORNEY	1,698,059
31020 SHERIFF	10,136,525
31040 EMERGENCY COMMUNICATIONS CENTER	2,741,983
32010 FIRE DEPARTMENT	11,122,676
32020 EMERGENCY SERVICES - VOLUNTEERS	1,986,730
32030 FIRE & EMS TRAINING	686,052
33030 J&D COURT	40,075
33040 COURT SERVICES	4,800
33050 JUVENILE & PROBATION	2,928,620
34010 BUILDING INSPECTIONS	516,680
35010 ANIMAL CONTROL	766,187
35050 EMERGENCY MANAGEMENT	107,285
41020 HIGHWAYS & ROADS	20,000
41040 STREET LIGHTS	121,000
42010 SANITATION & WASTE	2,630,274
42020 RECYCLING	176,300
43010 FACILITIES MANAGEMENT	2,225,311
51010 HEALTH DEPARTMENT	719,687
51020 TAX RELIEF FOR THE ELDERLY	360,833
71010 PARKS & REC INCL. NATURAL CHIMNEYS	926,627

April 26, 2023, at 7:00 p.m.

PROPOSED BUDGET FOR FY2023-2024 (CONT'D)

73010 LIBRARY	1,776,836
81010 COMMUNITY DEVELOPMENT	1,217,002
81020 TOURISM	469,443
81050 ECONOMIC DEVELOPMENT	338,152
83010 EXTENSION OFFICE	158,418
83050 AGRICULTURAL OUTREACH	6,760
92020 OTHER OPERATIONAL FUNCTIONS	1,525,268
92030 CONTRIBUTIONS	539,014
92040 CONTINGENCIES	55,000
94000 TRANSFERS TO OTHER FUNDS	<u>64,792,117</u>
GRAND TOTAL - GENERAL OPERATING FUND (11)	118,980,727
FROM: Fire Revolving Loan Fund (12)	
TO: Fire Revolving Loan Fund (12)	
50000 - Disbursement of Loans & Gear Purchases	<u>605,000</u>
Grand Total - Fire Revolving Loan Fund (12)	605,000
FROM: Asset Forfeiture Fund (13)	
TO: Asset Forfeiture Fund (13)	
31030- Operations	<u>48,000</u>
Grand Total - Asset Forfeiture Fund (13)	48,000
FROM: Economic Development Fund (14)	
TO: Economic Development Fund (14)	
53000 - Payments to E.D.A.	<u>802,450</u>
Grand Total - Economic Development Fund (14)	802,450
FROM: Revenue Recovery Fund (15)	
TO: Revenue Recovery Fund (15)	
32020 - Payments to Agencies	1,121,422
94000 - Transfers to Other Funds	<u>1,280,012</u>
Grand Total - Revenue Recovery Fund (15)	2,401,434
FROM: ARPA Fund (20)	
TO: ARPA Fund (20)	
12010 Stormwater	453,000
12010 Renovation Project	2,120,338
31020-Sheriff	271,025
32010 Fire Department	103,125
80000 Special Projects	334,651
81020 VTC Funds	60,004
92030 Broadband	<u>3,360,000</u>
Grand Total - ARPA Fund (20)	6,702,143
FROM: Virginia Public Assistance Fund (23)	
TO: Virginia Public Assistance Fund (23)	
For the operation of the Augusta County Department of Public Welfare, Virginia Public Assistance Fund and to be expended only on order of the Board of Welfare for the functions and objects as outlined in the budget requests as presented to the Board of Supervisors for informative and fiscal purposes only:	
53010- Administration	12,286,634
53020 - Public Assistance	<u>3,312,574</u>
Grand Total - Virginia Public Assistance Fund (23)	15,599,208

April 26, 2023, at 7:00 p.m.

PROPOSED BUDGET FOR FY2023-2024 (CONT'D)

FROM: Children's Services Act Fund (24)

TO: Children's Services Act Fund (24)

53060 - Children's Services Act	<u>5,500,000</u>
Grand Total - Children's Services Act Fund (24)	5,500,000

FROM: School Operating Fund (41)

TO: School Operating Fund (41)

For the operation of the Public Schools of the School Operating Fund (41) and to be expended only on order of the Augusta County School Board of Augusta County, Virginia, for the functions and objects a contained in their budget requests as presented to the Board of Supervisors for financial and fiscal purposes:

11000 - Instruction	109,789,740
20000 - Admin/Attend/Health	5,852,832
30000- Pupil Transportation	8,091,268
40000 - Operation/Maintenance	12,717,694
50000- School Food Service	<u>2,455,500</u>
Grand Total - School Operating Fund (41)	138,907,034

FROM: School Cafeteria Fund (43)

TO: School Cafeteria Fund (43)

To be expended on order of the Augusta County School Board for the operation of the School Cafeteria Fund:

50000 - School Food Services	<u>6,484,386</u>
Grand Total - School Cafeteria Fund (43)	6,484,386

FROM: School Capital Improvement Fund (44)

TO: School Capital Improvement Fund (44)

13800- Technology	754,763
34000 - Transportation	1,080,000
42000 - Building/Facility Services	765,000
62020- Valley Career & Technical Center	3,260,000
62400 - Buffalo Gap Middle School Wing	17,880,831
62410 - Riverheads Middle School Wing	21,215,397
94000 Transfer to Other Funds	<u>414,933</u>
Grand Total - School Capital Improvement Fund (44)	45,370,924

FROM: School Debt Fund (45)

TO: School Debt Fund (45)

92040 - Debt Service - County	732,092
92050 - Debt Service - School	<u>9,978,062</u>
Grand Total - School Debt Service (45)	10,710,154

FROM: Head Start Fund (47)

TO: Head Start Fund (47)

10000- Instruction	3,159,514
20000 - Admin/Attend/Health	438,022
30000 - Pupil Transportation	102,674
40000 - Maintenance Services	<u>46,197</u>

Grand Total - Head Start Fund (47)	3,746,407
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April 26, 2023, at 7:00 p.m.

PROPOSED BUDGET FOR FY2023-2024 (CONT'D)

FROM: Governor's School Fund (48)

TO: Governor's School Fund (48)

11000-	Instruction	2,003,596
20000 -	Health Services	32,838
40000 -	Operations/Maintenance	62,200
66000 -	Building Improvement	<u>100,000</u>

Grand Total - Governor's School Fund (48)	2,198,634
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FROM: County Capital Improvement Fund (70)

TO: County Capital Improvement Fund (70)

8005 - Landfill	400,000
8011 - Infrastructure - Beverley Manor	50,000
8012 - Infrastructure - Middle River	50,000
8013 - Infrastructure - North River	50,000
8014 - Infrastructure - Pastures	50,000
8015 - Infrastructure - Riverheads	50,000
8016 - Infrastructure - South River	50,000
8017 - Infrastructure - Wayne (includes VDOT project)	50,000
8021 - Matching Grants - Beverley Manor	15,000
8022 - Matching Grants - Middle River	15,000
8023 - Matching Grants - North River	15,000
8024 - Matching Grants - Pastures	15,000
8025 - Matching Grants - Riverheads	15,000
8026 - Matching Grants - South River	15,000
8027 - Matching Grants - Wayne	15,000
8049 - Electoral Board - Voting Machines	25,000
8053 - Library - Automation	17,000
8057 - Fire Apparatus & Equipment	570,500
8058 - Emergency Communications	495,500
8060 - Sheriff/K-9	50,000
8135 - Regional Correction Center	1,064,124
8139 - Tourist Information Center	10,000
8142 - Parks & Recreation/Community Center	100,000
8144- Information Technology	245,562
8145- Economic Development	200,000
8146 - Firing Range	40,000
8148 - County Courthouse	600,000
8149- A.C.S.A. Contribution	100,000
8152 - Fire & Rescue Equipment	200,000
8153 - Haz Mat Grant	10,000
8155 - Dupont Settlement Grant	700,000
8161 - Blue Ridge Community College	137,585
8162 - Secondary Roads - Revenue Sharing	1,185,506
8164 - Storm Water Management	973,554
8165- Government Center Security	25,000
8166 - Vehicle Sinking Fund	275,500
8198 - Building Sinking Fund	261,460
8199- Contingencies	(1,965)
94000- Transfers To Other Funds	<u>3,736,851</u>
Grand Total - Capital Improvement Fund (70)	11,876,177

GRAND TOTAL - APPROPRIATIONS (All Funds)	369,932,678
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April 26, 2023, at 7:00 p.m.

PROPOSED BUDGET FOR FY2023-2024 (CONT'D)

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve proposed budget as advertised with body cameras.

r Dr. Seaton highlighted that the Revised Budget includes increases for Valley Children’s Advocacy Center, Brite Transit to improve services there, increased funding for Valley Community Server Board, Health Department, Shenandoah Valley Animal Service Center and Body & Dash Cameras. The topic of Body & Dash Cameras has been discussed for the past two years. Since May 2021 there were two shootings that occurred, and the County has seen excellent work of the police. The Board need only look at Nashville where they have cameras and see the police officers who risk their lives going into a school there to see why cameras are important to protect our sheriff and deputies here. The Board had a poll of 801 individuals on the internet that returned 90% favorable for cameras and those who wanted to pay for it 80% even the majority on the budget poll that was released which wasn’t quite scientific because it could be answered twice or more. It also showed a majority approve of the budget. He thinks the Board has a plan to approve this and should proceed to approve the cameras. He thinks it will help the deputies. Back in June of 2022 the Sheriff came to the Board and had seven items, on his list of priorities. Since the Board proceeded with the MOU of the Regional Radio Project, which was the seventh item on the Sheriff’s list, and one item on the list the Board could not improve because there is not capacity for it as it is a state-wide issue, which dealt with deputies being at the emergency room. He believes the Board took care of other items on the list and the Sheriff has in the past advocated for the cameras in multiple places such as newspapers, TV, and social media. Dr. Seaton thinks the Board should go ahead with the cameras.

Ms. Braggs asked if the Advertised Budget was the balanced budget or the balance budget plus the consideration of the additions for Body Camera package.

Ms. Cook answered that the Advertised Budget was the work that came out of the work session of March 27 and was not the original recommended balanced budget that the County Administration originally presented to the Board. It does include the changes that the Board did with the Body Cameras and would include the \$0.01 tax increase to fund them.

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

Motion failed.

Mr. Garber moved, seconded by Mr. Wells, that the Board approve the proposed balanced budget as presented by staff without the tax increase to fund cameras.

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

Motion carried.

April 26, 2023, at 7:00 p.m.

2023 TAX RATES

The Board considered the real and personal property tax rates for 2023.

Real Estate:	Current: \$0.63 Proposed: \$0.64
Personal Property-auto ,motorcycle,campers, boats.boat trailers,horse trailers, airplanes,trailers:	Current: \$2.60 Proposed: \$2.60
Personal Property-business ,large trucks and trailers, machinery and tools	Current: \$2.00 Proposed: \$ 2.00

Ms. Cook presented the 2023 Tax Rates. The advertised real estate tax rate was \$0.64 per 100, which was an increase of \$0.01 from 2022 rates. She continues stating that the current personal property rate of \$2.60 per 100 remained unchanged, which includes vehicles, campers, boats, and trailers. The business rate for personal property would be \$2.00 for thing such as large trucks and trailers. She added that it is important to note that the advertised rate is the highest that this Board can adopt for 2023 but it can be lowered. A public hearing was held on April 12, 2023 and there were 15 speakers about the 2023 tax rate.

Chairman Shull asked the Board if there were any questions commenting that the tax rates were a moot point since the Board already approved the Budget.

Mr. Garber moved, seconded by Ms. Bragg, that the Board approve the 2023 tax rates and keep the current tax rate of \$0.63 for real estate.

Ms. Carter asked what Mr. Garber’s motion was.

Mr. Garber stated that the increase of \$0.01 for something specifically which was not approved in the budget. So, keeping the increase would be disingenuous at best, and the Board voted against the specific item.

Ms. Carter clarified then that there would not be tax increases.

Mr. Garber confirmed that his motion would not increase the tax rates.

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

Motion carried.

□ * * * * * □

MATTERS TO BE PRESENTED BY THE PUBLIC

Judy Desetti, 160 Carrier Lane, spoke in favor of body cameras.

Joel Desetti, 160 Carrier Lane, agreed with Mr. Shull’s idea on the radio project. He spoke in favor of body cameras.

Dave Zimmerman, Verona, apologized for going over his time limit at the last meeting.

Randall Wolf, Stuarts Draft, stated that he is disappointed that the proposed budget was not approved.

□□*□□**□***

April 26, 2023, at 7:00 p.m.

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

Ms. Bragg said she still thinks there would be a person that the Board would need to pay for the task.

Dr. Seaton asked if there was not a paid secretary for the meeting already.

Mr. Fitzgerald said there was but the person was not able to work the equipment. He added that there would be more costs to consider so he is not sure the total the additional livestream would be. He said he would be able to look into the matter more but it would likely require another staff member.

Mr. Shull was not in favor of this right now and it is hard enough to get people to be on the committees but livestreaming it would make it more unappealing.

Dr. Seaton thinks the transparency is more important than feelings.

Mr. Shull added that the decision of the planning commission goes through the Board so there is transparency that way.

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

Motion failed.

Ms. Carter asked if it would be permitted to still look into the process. She then attempted to make a motion

Ms. Bragg asked the Chairman if a motion was needed.

Chairman Shull said it was not needed and said that Mr. Fitzgerald would look into it.

Dr. Seaton said the BZA should also be looked into since it was an important part of the County and would be good to have transparency there.

Mr. Benkahla said the Board cannot make the BZA have a livestream but the Board could ask.

Chairman Shull asked if the judge would have to give permission.

Mr. Benkahla said he thinks BZA would have to be the one to give the permission.

Dr. Seaton commented that he and Ms. Carter had a two-hour meeting with Mr. Fitzgerald and the meeting was very productive. He said Mr. Fitzgerald is good at getting answers and was encouraged by the improvement on the animal shelter.

Ms. Bragg congratulated the Stuarts Draft FFA team who won the FFA state championship and will be going nationals this fall. This is national library week and there are other things the library provides other than books.

Mr. Garber addressed one question he received. He voted to send something to public hearing and wants to represent the people. 187 responses to a survey is not the entire story. He has talked to 20 people, heard 20 reasons for and against. It is not a simple issue on the body cameras and it is not just about the money. He listens to the people he represented. People heard the list Dr. Seaton gave on things included in the

April 26, 2023, at 7:00 p.m.

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

Budget. While certain items were not in it. If you don't vote for the budget you do not vote for anything.

Chairman Shull said the businesses in the city need to support the kids in the upcoming Market Animal Show who work with the animals since it teaches the kids to run a business and have a skill. Some people want to have the Board not question everything but he thinks the people elected him to be a good steward of the people's money. If the people do not want him then they will not elect him as his term is coming up. The Board will not get it perfect but the members try their best for the good of the County. He is a majority people and changes his mind if the people wish it. He got calls on broadband and is concerned with people not getting coverage He would like the companies to hear the concerns of the county

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) Mr. Garber moved, seconded by Ms. Carter, that the Board re-appoint Stephen Grepps to serve on the Youth Commission. Effective immediately and to expire on January 30, 2026.

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

Motion carried


* * * * *

ADJOURNMENT

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

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

Motion carried



Chairman



County Administrator

Staff Briefing Meeting, Monday, April 24, 2023, 1:30 p.m., Government Center, Verona, VA.

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

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, April 24, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

ECONOMIC DEVELOPMENT

Rebekah Castle, Director of Economic Development, discussed a Contribution Agreement for the Tourism Grant Program.

The Board authorized placing on the April 26, 2023 regular meeting agenda.

VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT status report of April 21, 2023.

The Board accepted the report as information.

FIRE AND RESCUE

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

The board accepted the report as information.

2. Chief Schacht discussed the Fire-Rescue Strategic Plan.

The Board authorized placing on the April 26, 2023 regular meeting agenda.

3. Chief Schacht discussed the committee's recommendations for the Fund Grant.

The Board authorized placing on the April 26, 2023 regular meeting agenda.

April 24, 2023, at 1:30 p.m.

COURTHOUSE PRESENTATION

Ted Cole, Davenport Public Finance, presented to the Board on Courthouse financing.

The Board accepted the presentation as information.

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OPIOID RESOLUTION

The Board discussed a resolution for a regional grant to access state opioid funds.

The Board authorized placing on the April 26, 2023 regular meeting agenda.

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REGIONAL RADIO PROJECT

The Board discussed a Memorandum of Understanding for the Regional Radio Project.

The Board authorized placing on the April 26, 2023 regular meeting agenda.

* * * * *

ERP (FINANCIAL) SOFTWARE

The Board discussed a contract award to Tyler Technologies for ERP (financial) software.

The Board authorized placing on the April 26, 2023 regular meeting agenda.

* * * * *

PLANNING COMMISSION/PUBLIC HEARINGS

Alidia Vane, Senior Planner 11, discussed the following:

- 1. Hughes Boardwalk, LLC - Rezoning
- 2. Wilson Investments, LLC - Rezoning
- 3. F&P Homes, LLC - Rezoning
- 4. Stuarts Draft Ruritans Charities Rezoning

The Board authorized placing on the April 26,2023 regular meeting agenda.

* * * * *

MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter questioned the status on the motion/no motion from the interview meeting.

Mr. Fitzgerald will discuss the situation with James Benkahla, County Attorney, prior to Wednesday's meeting.

Ms. Carter asked for a status of the procurement improvements and presentation.

Misty Cook, Director of Finance, stated that it is being worked on.

April 24, 2023, at 1:30 p.m.

CLOSED SESSION (CONT'D)

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

- 1. Public business matters lawfully exempted from statutory open meeting requirements, and
- 2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.


Roll Call Vote was as follows:

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

Motion carried.

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

*□****□□**■**□*



 Chairman



 County Administrator

South River District Interviews, Wednesday, April 19, 2023, 4:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Butch Wells
Gerald Garber
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, April 19, 2023, at 4:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Shull called the special meeting to order. This meeting is to go through the interview process for the South River District Supervisor position.

□ *****□*□□***.*■

Timothy Fitzgerald, County Administrator, reviewed the interview process. Candidates include Randall Wolf, Carolyn Bragg and James Kindig. There is a list of questions that Mr. Shull will be asking. The questions will be asked similar to a candidate forum. The following questions were asked of each candidate:

1. Tell us about yourself and why do you want to serve on the Board of Supervisors?
2. What benefit would your appointment bring to the South River District; what benefit would your appointment bring to the Board?
3. What is the biggest challenge facing the South River District and how will you work to address it if appointed?
4. What is the biggest challenge facing Augusta County today and how will you work to address it if appointed?
5. What do you believe the County's main priorities in terms of economic development are?
6. What is your opinion regarding the County's real estate tax rate/tax structure in Augusta County?
7. What is the most important service Augusta County provides? What one service should Augusta County not provide?
8. Suppose the economy sours during your term and tax revenues dip considerably. Would you advocate cutting services or raising taxes?
9. The County is getting ready to start a Comprehensive Plan update. What do you believe is an essential element to the plan that needs to be reviewed?
10. Do you plan to run for election in November?
11. Board member questions?

Each candidate answered the questions and other questions from the Board.

* * * * *

April 19, 2023, at 4:00 p.m.

CLOSED SESSION

On motion of Mr. Slaven, seconded by Mr. Garber, the Board went into closed session pursuant to:

(1) the personnel exemption under Virginia Code § 2.2-3711(A) (1)
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

a. Board of Supervisors

Dr. Seaton questioned what would be discussed in closed session. There should not be a decision made on the candidate until the next meeting.

Mr. Garber understood that the interviews would happen and then a decision would be made.

Dr. Seaton suggests looking at the video from the last meeting for clarification.

Dr. Seaton moved to adjourn until April 26, 2023.

Dr. Seaton amended his previous motion.

Dr. Seaton moved, seconded by Ms. Carter, that the Board restrict closed session to discuss candidates and not appoint today.

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

Motion failed.

Dr. Seaton moved, seconded by Ms. Carter, that the Board recess to look at the video of the last meeting from the previous meeting.

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

Motion failed.

Dr. Seaton moved to adjourn the meeting until April 26, 2023.

Ms. Carter moved, seconded by Mr. Garber, that the Board allow the video to be reviewed and reviewed and discussed by the Board after coming out of closed session.

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

Motion carried.

April 19, 2023, at 4:00 p.m.

CLOSED SESSION (CONT'D)

Mr. Shull stated that a vote is needed for the original motion of going into closed session.

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

Motion carried.

□□□**□□**

On motion of Mr. Garber, seconded by Mr. Slaven, the Board came out of Closed Session.

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

Motion carried.

□ *****□□**□□**

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

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

Motion carried.

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

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Mr. Fitzgerald stated that after reviewing the meeting it was determined to be the March 22, 2023 meeting, not the April 12, 2023 meeting. The video will begin at the point that he starts talking about the process of the interviews.

April 19, 2023, at 4:00 p.m.

CLOSED SESSION (CONT'D)

Dr. Seaton moved, seconded by Ms. Carter to adjourn.

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

Motion failed.

Mr. Slaven moved, seconded by Mr. Garber, that the Board select the candidate today.

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

Motion Carried.

Mr. Garber moved, seconded by Mr. Wells, that the Board appoint Carolyn Bragg to serve the unexpired term for the South River District.

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

Motion carried.


* * * * *

ADJOURNMENT

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

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

Motion carried.


Chairman


County Administrator



Regular Meeting, Wednesday, April 12, 2023, 7:00 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Butch Wells
Gerald Garber
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Misty Cook, Director of Finance
Doug Wolfe, Director of Community Development
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, April 12, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Shull welcomed those present at the meeting.

***** * * * * *

The following students from St. John's Preschool led the Board of Supervisors in the Pledge of Allegiance:

- Harper wants to be a veterinarian.
- Quinn wants to be a veterinarian.
- Owen wants to be a construction worker and a fireman.
- Ava wants to be a veterinarian.
- Otto does not know what he wants to be.
- Henry wants to be a racer.

Ms. Carter, Pastures District, delivered the invocation.

NATIONAL LIBRARY WEEK PROCLAMATION

Dr. Seaton moved, seconded by Mr. Garber, that the Board adopt the following proclamation:

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life;

WHEREAS, libraries strive to be trusted and welcoming institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

April 12, 2023, at 7:00 p.m.

NATIONAL LIBRARY WEEK PROCLAMATION

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships;

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs;

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals;

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it resolved that the Augusta County Board of Supervisors, proclaim National Library Week, April 23-29, 2023. During this week, I encourage all residents to visit their library to explore the wealth of resources available.

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

Motion carried.

PUBLIC HEARINGS - DIRECTOR OF FINANCE PRESENTATION

Misty Cook, Director of Finance, announced that there would be three public hearings. They can be held as one public hearing once opened. One hearing is on the proposed tax rate for 2023 and the second hearing is on the revised budget for 2022-2023 and the third on the proposed budget for 2023-2024. Ms. Cook gave a PowerPoint presentation with the following highlights.

REVISED BUDGET FOR 2022-2023

This being the day and time advertised to hear public input on the revised budget for 2022-2023.

Ms. Cook stated that the FY23 revised budget as advertised totals \$298,818,772. The revised FY23 budget had adjustments for expenditures that materialized during the budget year. A few items included were adjustments for the school resource officers and the public safety pay reclassifications approved by the Board after the initial appropriations of the 2023 budget. Adjustments were also made due to increases in the cost of goods and services related to inflation. Lastly, there has been adjustments made to conserve escrows for the Middle River Regional Jail, the Children Services Act, the Shenandoah Valley Social Services and dependent care. Bond proceeds for the middle school projects are reflected in the school capital improvement fund.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

April 12, 2023, at 7:00 p.m.

PROPOSED TAX RATES FOR 2023

This being the day and time advertised to consider public input on the real and personal tax rates for 2023.

	<u>2022</u>	<u>2023</u>
Real Estate	\$0.63	\$0.64
Personal Property - auto & motorcycle, campers boats, boat trailers, horse trailers airplanes, trailers	\$2.60	\$2.60
Personal Property - business, large trucks and trailers, machinery & tools	\$2.00	\$2.00

Ms. Cook stated that the advertised budget includes a proposed increase of \$0.01 to the real estate tax rate. The current rate is \$0.63 per \$100. This additional revenue would be used solely to fund the public safety camera project for the Sheriff's Department and associated personnel. This increase would not be part of the growth funding formula, which shares 50% real estate tax revenue with the schools. All other advertised rates would remain the same. It is important to note that the advertised rate is the highest that this board can set for calendar year 2023.

The Chairman declared the public hearing open.

Larry Powell, 407 Pine Top Road, Fort Defiance, spoke in opposition of the tax rate increase.

Chanda McGuffin, 11016 Bridge Ave, Waynesboro, spoke in favor of the tax rate increase.

Sharon Fitz, 1320 Ohio Street, Waynesboro, spoke in favor of the tax rate increase.

Sophie Alberts, 84 birch Way, Barboursville, spoke'in favor of the tax rate increase.

Edward Long, 140 New Hope and Crimora Road, Waynesboro, spoke in opposition of the tax increase.

Judy Desetti, 160 Carrier Lane, spoke in favor of the tax rate increase.

Andrea Jackson, Waynesboro, spoke in favor of the tax rate increase.

Leigh Ashley Harden, 73 Emerald Heights Drive, Fishersville, spoke in favor of the tax rate increase.

Essen Daley, 34 Longview Circle, Fishersville, spoke in favor of the tax rate increase.

Tracey Pyles, 3665 Churchville Avenue, Churchville, stated that the County has a surplus in money and the tax rate increase is not necessary.

David Zimmerman, 120 Lee Hwy, Verona, spoke in opposition of the tax rate increase.

Randall Wolf, PO Box 61, Stuarts Draft, spoke in favor of the tax rate increase.

Danny Link, Mt. Sidney, spoke in opposition of the tax rate increase for body cameras.

Cherish Alberts, 84 Birchway, spoke in favor of the tax rate increase for body cameras.

April 12, 2023, at 7:00 p.m.

PROPOSED TAX RATES FOR 2023 (CONT'D)

Sarah Crenshaw, 9 Villa View Drive, Staunton, spoke in favor of the tax rate increase for body cameras.

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

PROPOSED BUDGET FOR 2023-2024

This being the day and time advertised to consider public input on the proposed budget for 2023-2024.

Ms. Cook gave a brief overview of the budget process.

The Code of Virginia (§ 15.2507) notes the following:

- Sets the fiscal year for localities (July 1 through June 30)
- Sets deadline for presentation of budget to Board of Supervisors by April 1 (Work session March 27th)
- Sets public hearing notice requirements (seven days before the public hearing, April 5, 2023)
- Sets minimum period before budget approval
- Sets deadline for State agencies to provide information to localities after General Assembly session (within 15 days)
- The County is required to approve a budget by July 1

Budget process is a cooperative effort:

- Departments of the County
- Community Agencies
- School Board
- Shenandoah Valley Social Services
- Regional Agencies

The budget is a cooperative effort that is affected by many components. Departments/Schools/Regional entities draft a budget, Finance and Co. Admin compile a balanced budget within current revenue streams, the Board of Supervisors reviews and decides what to advertise. At the public hearing, the public input is shared with the Board of Supervisors and taken into consideration before approving the budget and setting a tax rate. The budget is set to be approved Wednesday, April 26, 2023.

At the budget worksession on March 27, 2023, a balanced budget was presented of approximately \$119 million. At that meeting, the Board of Supervisors authorized to advertise a \$0.01 tax increase to pay for the public safety camera bundle. Initially in the balanced budget the interview room and the tasers were included, but not part of the bundle. The public safety camera bundle is actually at a cheaper price if everything is bought together. The interview room and tasers are included in the balanced budget, but at a discounted price. The balanced advertised budget includes the public safety camera bundle, two Commonwealth Attorneys and the two IT personnel for the Sheriff's Office that is required per state code. The remaining estimated revenue was allocated to contingencies. Total school allocation is \$57.3 million. \$49 million of this funding is for the school operating account and \$1,080,000 is for their bus capital expenditures. This will go directly to the school capital account. The remaining \$7.2 million is to cover their debt service for any loans they have on school construction projects. The formula funding is based on a growth calculation. Total revenue for the FY24 budget is \$243,840,910. Local revenue makes up the largest portion of this at \$128.5 million, or about 52.7%. State revenue makes up the second highest percentage at \$98.7 million, or about 40.5%. Federal Revenue is third at \$15.7 million or 6.4%. Total expenditures are \$298,043,265.

April 12, 2023, at 7:00 p.m.

PROPOSED TAX RATES FOR 2023 (CONT'D)

Budget Advertisement Summary:

Recommended budget	\$118,980,727
Work session revisions:	
Expenditures	
FY24 Budget:	
Public Safety Camera Bundle With Personnel	\$ 836,884
031020-3320 less interview room in balanced Budget	\$ (12,646)
031020-3320 less tasers in balanced budget Contingency	\$ (65,700)
	<u>\$ 31,462</u>
	\$ 790,000
Revenues	
Increase RE rate 1 cent	<u>\$ 790,000</u>
	\$ 790,000
Total Advertised budget	\$119,770,727

Total revenue in the Proposed FY24 Budget: \$243,840,910

Property Taxes	\$ 76,477,426
Local Revenue	\$ 52,026,771
State Revenue	\$ 98,783,642
Federal Rev.	\$ 15,706,885
Other*1*	\$ 846,186

(1)non-revenue receipts

Expenditures for the Proposed FY24 Budget: \$298,043,265

General Govt	\$ 6,740,929
Judicial	\$ 3,335,615
Public Safety	\$ 40,081,244
Public Works	\$ 5,172,885
Health & Welfare	\$ 22,179,728
Cultural	\$ 2,703,463
Community Dev.	\$ 2,992,225
Contributions& Non Departmental	\$ 2,150,744

Education	\$148,880,961
School Capital Improv.	\$ 44,955,991
Debt Service	\$ 10,710,154
Capital Improvements	\$ 8,139,326

The Chairman declared the public hearing open.

April 12, 2023, at 7:00 p.m.

PROPOSED TAX RATES FOR 2023 (CONT'D)

Dave Leatherwood, 60 Pambrook Drive, Fishersville and represents the Electoral Board of Augusta County. Mr. Leatherwood stated that with increased responsibilities with elections, he is requesting additional staffing for the Registrar's Office be included in the budget.

Vic Ludlum, 41 Hickory Nut Lane, Staunton and is the Vice-Chairman of the Electoral Board. Mr. Ludlum reiterated Mr. Leatherwood's statement and requests additional staffing in the Registrar's Office.

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

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Mr. Shull asked Ms. Whetzel and Ms. Cook to address how much money is in the County accounts for clarification.

Ms. Whetzel stated that the County has a fund balance policy where it is required to keep a 15% minimum of expenditures. This will allow for unexpected expenses that would require ready cash. There are also other assignments within the fund balance policy where the Board of Supervisors may have set money aside for infrastructure spending and that is set in a different account until it is released and the project is done. Larger term accounts would include money for the new courthouse project or for replacing a fire truck.

* * * * *

PROJECT CONSTRUCTION MANAGEMENT SERVICES-NEW AUGUSTA COUNTY COURTHOUSE

The Board considered construction management services with Skanska for the new Augusta County Courthouse in the amount of \$1,497,234.00. Services include value engineering and constructability review as well as commissioning design and construction management.

Jennifer Whetzel, Deputy County Administrator, stated that the County issued a request for proposal for a project construction manager to assist with the new courthouse project and manage construction on behalf of the County. The project manager will provide qualified, on-site field staff to manage the project schedule, review design development submittals, provide a value engineering study, review site plan submittals, assist the County in the construction procurement phase, and oversee, administer and coordinate work during the entire construction phase. Services will commence upon contract execution and conclude in December 2025, at the end of construction. Staff recommends approval of the contract, funded by the courthouse capital account.

Mr. Garber moved, seconded by Mr. Wells, that the Board approve the request as presented.

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

Motion carried.

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April 12, 2023, at 7:00 p.m.

VERONA COMMUNITY FOOD PANTRY

The Board considered the following:

- a. Appropriating funds from infrastructure accounts to pay for a portion of the cost of the HVAC unit replacement in the amount of \$11,728.00.

Funding Source:	North River Infrastructure	8013-72	\$1,954.67
	Beverley Manor Infrastructure	8011 -105	\$1,954.67
	Middle River Infrastructure	8012-103	\$1,954.67
	Wayne Infrastructure	8017-113	\$1,954.67
	Pastures Infrastructure	8014-115	\$1,954.66
	Riverheads Infrastructure	8015-92	\$1,954.66

- b. Revision of the current lease to commit to a 5-year lease with the option to renew an additional 5-years, versus a year-to-year lease.

Mr. Fitzgerald stated that in 2011 the Verona Community food Pantry replaced some HVAC units for their space. One of the heat exchangers has gone bad and needs to be replaced. In 2011 the food pantry paid \$22,259.00 for the original unit. Today the replacement is \$39,895.00. Currently in the capital account there is \$18,127.00 in a depreciated amount for that unit. The additional funding that is needed is \$21,728.00. The food pantry has agreed to donate \$10,000.00 towards the new HVAC unit. The food pantry is requesting Board's consideration for funding of the remaining \$11,728.00 to come from infrastructure funds. Along with the funding request, they request that the Board consider a five-year lease of the property versus a year-to-year lease.

Mr. Wells moved, seconded by Mr. Slaven, that the Board approve the funding request as presented and approve 5-year lease with the option to renew an additional 5-years.

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

Motion carried.

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RESOLUTION TO INCLUDE AUXILIARY SHERIFF DEPUTIES AS EMPLOYEES FOR PURPOSES OF WORKERS' COMPENSATION

The Board considered the following resolution:

WHEREAS the Augusta County Board of Supervisors desires to include the reserve/auxiliary sheriff deputies as Employees for purposes of the Virginia Workers' Compensation Act pursuant to Va. Code §65.2-101;
 WHEREAS the Augusta County Board of Supervisors intends to promptly acquire workers' compensation coverage for the purpose of providing benefits to reserve/auxiliary sheriff deputies.
 NOW, THEREFORE, BE IT RESOLVED THAT: the Augusta County Board of Supervisors hereby extends workers' compensation benefits to the reserve/auxiliary sheriff deputies for the County of Augusta, Virginia.

April 12, 2023, at 7:00 p.m.

RESOLUTION TO INCLUDE AUXILIARY SHERIFF DEPUTIES AS EMPLOYEES FOR PURPOSES OF WORKERS' COMPENSATION

Mr. Fitzgerald stated that the Board approved a similar resolution for the volunteer firefighters. This request comes from the Sheriff due to having several reserve deputies that do work for him and he asks that the Board consider the resolution to treat the reserve deputies under the same as we would volunteer firefighters under the County's workers' compensation insurance policy. Currently there are twenty reserve officers which would be a cost of \$9,300.00.

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

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

Motion carried.

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CONSENT AGENDA

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

MINUTES:

Consider minutes from the following meetings:

- Regular Meeting, Wednesday, February 8, 2023
- Staff Briefing, Tuesday, February 21, 2023
- Regular Meeting, Wednesday, February 22, 2023
- Joint School Board and Board of Supervisors Meeting, Thursday, March 16, 2023
- Staff Briefing, Monday, March 20, 2023

CLAIMS

Consider claims paid since March 1, 2023

Dr. Seaton stated that the February 8, 2023 minutes needed an update to show the correct Magisterial District delivering the Invocation.

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

Motion carried.

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(END OF CONSENT AGENDA)

April 12, 2023, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE PUBLIC

Shiela Ahmadi, College Circle, Staunton, spoke in support of body cameras and the tax increase.

Dorothy Via, 92 Provence Drive, Stuarts Draft, is a previous employee of the animal shelter. Ms. Via stated that there are issues and concerns with the shelter that need to be addressed. The volunteers deserve an apology and staff needs to be investigated.

Page Hearn, 151 Old White Hill Road, spoke regarding concerns about the operation of the animal shelter.

Casey Eldridge, 2325 Monroe Street, Waynesboro, is a volunteer and foster for the animal shelter. She expressed support for the shelter and gave clarification on certain instances at the shelter.

Via Email: Nick Patler, Waynesboro, is in favor of body and dash cameras.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter moved, seconded by Dr. Seaton, that the Board approve a funding request for a war memorial in the Town of Craigsville in the amount of \$26,500.00.

Funding Source:	Pastures Infrastructure	8014-116	\$6,625.00
	Wayne Infrastructure	8017-114	\$6,625.00
	Beverly Manor Infrastructure	8011-106	\$6,625.00
	North River Infrastructure	8013-73	\$6,625.00

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

Motion carried.

Mr. Wells thanked the ones that honored the time limit for speakers that the Board has in place.

Mr. Slaven stated that renovations have started in Emergency Communications Center.

Dr. Seaton asked the following questions:

1. Are the Sheriff's vehicles replaced on a regular basis?

Mr. Fitzgerald stated that multiple vehicles are replaced every year.

2. Does the Sheriff have the vehicles he needs?

Mr. Fitzgerald stated that yes, he does.

3. What is the status of the countywide communication system?

Jennifer Whetzel, Deputy County Administrator, stated that the goal is to bring MOU to the Board for consideration at the next meeting or the first meeting in May.

4. If the proposed tax rate of \$0.64 is approved, does that go on the current value or the reassessed value?

Ms. Cook stated that the reassessment is still ongoing so there is no reassessment figure to be included the FY24 budget. The reassessment will be in affect January 1, 2024. Next year's advertisement budget will include the reassessment.

5. Does the Board vote on the Parks and Recreation Bylaws?

April 12, 2023, at 7:00 p.m.

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

Mr. Fitzgerald stated that the updated bylaws will be ready for Board's consideration at the end of the month.

6. Can the website be made more user friendly to find minutes?

Angie Michael, Executive Assistant, stated that minutes prior to 2021 are in a different section on the website. If you are unable to find certain minutes let her know and she will email them.

7. In regards to the animal shelter, why is there a shortage of food for the animals?

Mr. Fitzgerald stated that he was not aware of a shortage.

8. Is the shelter using donated food that is intended for the animal pantry, for the public to feed the animals?

Mr. Fitzgerald stated that he was not aware of this being an issue.

9. Is there a policy and procedure manual for the shelter?

Mr. Fitzgerald stated that they are currently being worked on.

10. Is there a euthanasia policy?

Mr. Fitzgerald stated that the decision is made through the director, along with other staff. There will be a written policy on this.

11. How are bite reports documented and the records stored?

Bite reports have to be filed with the state and documents are kept at the shelter.

12. Are there policies on reaching out to outside help and rescue organizations to help with overcrowding to prevent the euthanasia?

Mr. Fitzgerald reiterated that policies and procedures are currently being worked on and will include a volunteer rescue policy.

13. Trainers, behavioral assessment and recommendations of the animal, do trainers look at the animals.

Mr. Fitzgerald stated that the director has tried multiple times to get people in to help train the staff. Animal control has been willing to do that as well. An outside party is not typically brought in to do specific behavioral assessments.

14. Are medication logs being doctored using white out to hide when medication errors were made.

Mr. Fitzgerald will inquire about that situation.

15. Do you have to be certified to administer medication to the animals?

Mr. Fitzgerald stated that certain types of medication require a certification.

16. Has the shelter been inspected by a veterinary board?

Mr. Fitzgerald stated the shelter has been inspected.

17. Is there a way to speed up the changes needed in regards to paying a shelter bill?

Mr. Fitzgerald stated that the process is being re-evaluated.

18. Why would the owner of Annabelle decide to surrender the dog if she was not instructed to do so and if she wanted the dog?

Mr. Fitzgerald is not aware of the reason. He only has the report from the time of surrender.

19. Were there rescues contacted before the shelter reached forty-nine dogs when they made the decisions?

Mr. Fitzgerald stated he did not have that answer, but could find out.

20. Van Diesel was euthanized at the same time as Annabelle, why was Van Diesel castrated several days before being euthanized? Who made this decision?

21. How much time is the shelter director spending at the shelter?

Mr. Fitzgerald stated that he is typically off on Thursdays, but he is there Monday through Saturday. He is not at the shelter every day, but is confident that the director is managing the shelter efficiently.

22. Would it be beneficial to have a citizen advisory committee to help with procedures and policies?

Mr. Fitzgerald stated that the policies and procedures are currently being constructed and will be brought forward for citizens to view and comment on.

April 12, 2023, at 7:00 p.m.

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

Dr. Seaton addressed the citizen's statement regarding the inclusion of the cameras in the budget.

Mr. Shull has received several calls regarding broadband. He would like an update from All Points.

Ms. Whetzel will schedule All Points for a time to give an update on the broadband progress.

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1) The South River District Board seat selection is in process. There have been two applicants so far with the closing on Friday. Interviews will be April 19, 2023 at 4:00 p.m. in the main board room.
- 2) This is National Animal Control Officers Week and National Public Safety Telecommunications Week. The two departments are to be commended for all of their hard work and dedication.
- 3) Spring Clean-Up is April 22-29, 2023
- 4) Verona Pedestrian Projects bids are due April 27, 2023.

CLOSED SESSION

On motion of Mr. Slaven, seconded by Mr. Wells, the Board went into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A) (1) [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
 - a. Boards & Commissions: Youth Commission, Ag & Forestal Dist., Recycling, Broadband Committee, Economic Development Authority.
- (2) the economic development exemption under Virginia Code § 2.2-3711 (A) (5) [discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:
 - a. Proposed Office space, flex space, storage facilities, manufacturing facilities, utility and mixed use development.

On motion of Mr. Slaven, seconded by Mr. Wells, the Board came out of Closed Session.

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

Motion carried.

April 12, 2023, at 7:00 p.m.

CLOSED SESSION (CONT'D)

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

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

Motion carried.


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

ADJOURNMENT

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

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

Motion carried.


Chairman


County Administrator

h:4-12min,23



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