

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

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Gerald Garber
Butch Wells
Carolyn Bragg
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
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, July 12, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th 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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ANIMAL ORDINANCE AMENDMENT

The Board considered advertising for public hearing.

Timothy Fitzgerald, County Administrator, presented the draft of the Animal Ordinance Amendment. After meeting with James Benkahla, County Attorney, it was determined that no changes were necessary Mr. Benkahla's meeting with Dr. Seaton.

Mr. Wells asked what occurred with the meeting between Mr. Benkahla and Dr. Seaton

Mr. Fitzgerald stated that the result of the meeting was that nothing changed with the ordinance amendment.

Mr. Wells wished to table the matter so the rest of the Board could discuss the draft with Mr. Benkahla.

Ms. Carter asked if each one of them needed to go to review the draft with Mr. Benkahla.

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

ANIMAL ORDINANCE AMENDMENT (CONT'D)

Mr. Shull stated that the staff briefing would be the opportunity to further discuss it.

Mr. Benkahla said he was available to the Board at any time.

Mr. Slaven moved, seconded by Dr. Seaton, that the Board table the Animal Ordinance Amendment until the July 24, 2023 Staff Briefing for further discussion.

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

Motion carried.

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CONSENT AGENDA

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

CLAIMS:

Consider claims paid since June 1, 2023

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

Motion carried.

(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Burle Bridge discussed his issues with finding housing and being homeless. He said he is sixty-years old, disabled, and has cancer. He discussed his struggle with the court system and was disappointed with the government.

CLOSED SESSION

On motion of Mr. Slaven, seconded by Ms. Bragg, 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

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

CLOSED SESSION (CONT'D)

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

Motion carried.

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

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

Motion carried.

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

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

The Chairman 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: Seaton

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

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Dr. Seaton moved to adjourn.

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

Motion failed.

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

MATTERS TO BE PRESENTED BY STAFF - NONE

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull read the following resolution:

WHEREAS, duties of the Augusta County Board of supervisors include making decisions on behalf of the citizens of the County that often require discussions that are sensitive and private in nature; include confidential proprietary information involving individual businesses; include contract negotiations, and/or involve legal matters.

WHEREAS, the Code of Virginia recognizes the need for governing bodies to have the ability to discuss certain business matters in a confidential manner.

WHEREAS, Virginia Code 2.2-3711 allows for closed meetings where specific stated topics, which require confidentiality, may be discussed. Examples of exempt topics include, but are not limited to:

1. Discussion or consideration of specific personnel cases; to include the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or the employees of the public body.
2. Discussion or consideration of the condition, acquisition, or use of real property for public purposes, or of the disposition of publicly held property.
3. The protection of the privacy of individuals in personal matters not related to public business.
4. Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community.
5. Consultation, with or without legal counsel and staff with respect to actual or potential litigation, or other legal matters within the public body's jurisdiction.
6. Discussion of the award of a public contract involving the expenditure of public funds including interviews of bidders or offerors, or discussion of the terms of scope of the contract, where such discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.
7. Discussion or consideration of confidential proprietary records and trade secrets. (1)

WHEREAS, The Augusta County "Rules of Order", adopted on January 25th, 2023 by a 7-0 vote, address the standing rules of operation for the Augusta County Board of Supervisors. Item 11 in the Rules of Order says, "Statements made and matters discussed in closed session are strictly confidential and should be repeated to no one. This is particularly true of "advice from the County Attorney since disclosure will result in loss of attorney-client confidentiality privilege."

WHEREAS, on or about May 20, 2023 it became immediately apparent that confidential information, that had only been discussed in a closed session meeting, pertaining to a sensitive personnel matter, had been released and contents of the discussion had been made public.

WHEREAS, on Wednesday, May 22, Dr. Scott Seaton admitted to the members of the Augusta County Board of Supervisors that he shared confidential information discussed during the previous closed session meeting with persons outside of the governing body.

WHEREAS, Friday, June 2nd, during a closed meeting, it was discovered that Dr. Seaton was secretly electronically recording the meeting. After further questioning it became apparent that this was not the first/only closed meeting that had been secretly recorded.

WHEREAS, the members of the Augusta County Board of Supervisors recognize that recording during a closed meeting is not illegal and that Dr. Seaton has not violated any laws by doing so, they nevertheless wish to express their grave concerns on the secret

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

recording and public sharing of information that has been discussed during their closed meetings,

WHEREAS, it is the opinion of the Board that the breach of confidentiality and the disregard of the privacy of personnel, may impair the County's ability to negotiate business agreements between the County of Augusta and outside entities. As a result, the members of the Augusta* County Board of Supervisors find it impossible to effectively conduct the business of the County, while in the presence of Dr. Scott Seaton.

WHEREAS, the actions of Dr. Scott Seaton have resulted in a complete breach of trust and faith between him and the public, members of the Board, and staff. Furthermore, the Board finds these actions, while not illegal, to be unprofessional, unethical, and leave in question his ability to be an effective member of the Board of Supervisors.

BE IT HEREBY RESOLVED, that the Augusta County Board of Supervisors formally issue this Statement of Censure against Dr. Scott Seaton, Representative of the Wayne District, for violation of the rules of confidentiality and for behavior unbecoming of a member of the Augusta County Board of Supervisors. Furthermore, the Board expresses concerns related to the ability of Dr. Scott Seaton to effectively participate in the representation and governance of the County of Augusta.

BE IT FURTHER RESOLVED, that effective immediately, Dr. Scott Seaton will be removed from all Committees and Boards of which he is a member, as a representative of Augusta County. This removal will be in effect until December 31, 2023.

In addition, to the extent that the Board Rules of Order would delay the Board's consideration of this Resolution, the members of the Augusta County Board of Supervisors suspend the Board Rules of Order.

Mr. Wells moved, seconded by Mr. Slaven, that the Board adopt the resolution as presented.

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Dr. Seaton stated that the sixth paragraph was not true and he has it on his phone. He said the Board thinks he shared information but he did not. He said the Board just does not like the fact that the County was charging illegal fees and the ordinance could have been changed earlier. He claimed that the first amendment of the Constitution gives citizens the right to know what the government is doing. He said there is nothing against the law to his recording of meetings and the Virginia Code allows for the recording of discussions as it is a one-party consent state and equated a recording to note taking. He said it is a good thing to record government officials not a bad thing no matter what the meeting type is. He also brought up the fact that minutes are allowed to be taken during Closed Sessions in Virginia. He referenced April 19, 2023 meeting saying the truth was not being followed.

Mr. Shull stated that this issue was not about the dogs but about Closed Session and the fact that the Board was being recorded for two years without them not knowing. He said while the 30-year lack of documentation concerning the dog ordinance had occurred all the localities had legal advice for all that time. He said the reason the problem had happened was because all the legal details had not been recorded but that the practice was to save the citizens from having to go to court. He again emphasized that the actual issue the Board was dealing with was the lack of knowledge of being recorded and the information of personnel that was leaked. He said confidential details had spread to the media despite the Board only discussing it in Closed Session.

Dr. Seaton stated that the discussion during the Closed Session had been concerning disclosure, not recording, but the Board could not find anyone he had disclosed information to. He said the Board told people he had recorded the Closed Session but that the recording was not wrong since the members are carrying out their public duties when being recorded.

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

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

Mr. Shull said the news never gives a name for a source but they still exist.

Dr. Seaton stated that this resolution seems to imply that the Board wished to penalize people for giving information to the press. He said there should be more sunlight on this government not less sunlight and the problem is when the government hides in the dark. He said he might look up all the Closed Session recordings to make sure the Board was staying on topic. He said if the government had more sunlight then maybe they would not have cocaine in the White House.

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

Motion carried.

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ADJOURNMENT

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

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

Motion carried.


Chairman


County Administrator

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

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Gerald Garber
Butch Wells
Carolyn Bragg
Pam Carter
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
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, July 24, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

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FIRE AND RESCUE

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

The board accepted the report as information.

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LIBRARY BOARD OF TRUSTEES BYLAWS

Jennifer Brown, Library Director, discussed the bylaws for the Library Board of Trustees.

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

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PARKS & RECREATION COMMISSION BYLAWS

Andy Wells, Director of Parks & Recreation, discussed the bylaws for the Parks & Recreation Commission.

Ms. Carter pointed out that "he" was referenced throughout the bylaws and asked that it be changed to "he/she" or "person".

Mr. Wells will make the changes.

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

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

PRIVATE POLICE OFFICER LINE OF DUTY ACT RESOLUTION

Timothy Fitzgerald, County Administrator, discussed the resolution.

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

ANIMAL ORDINANCE AMENDMENT - PREVIOUSLY TABLED

Mr. Fitzgerald stated that there is an Animal Shelter Owners' meeting tomorrow and fees will be discussed. This will be placed on the Wednesday, July 26, 2023 regular meeting agenda for further discussion.

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

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PLANNING COMMISSION/PUBLIC HEARINGS

Elizabeth Goodloe, Planner I, discussed the following:

- a. Ordinance to amend Chapter 25, Section 4.
- b. Ordinance to amend Chapter 25, Section 492.

The Board requested changes to the amendment on section 4 to clarify hazardous waste and re-advertise for the public hearing.

Mr. Shull requested a five-minute break

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter questioned if the Service Authority was brought into the conversation regarding the recycling ordinance amendment.

Mr. Slaven thanked everyone for their attendance on Monday regarding the farm bill.

Dr. Seaton asked for an update on the mall site.

Mr. Fitzgerald stated that work is slowly progressing.

Dr. Seaton asked why are there adoption fees charged to someone that is fostering animals.

Mr. Fitzgerald will look into the issue.

Ms. Bragg reminded everyone about the Augusta County Fair and encouraged everyone to attend.

Mr. Shull requests that the ordinance regarding rollbacks and inoperable vehicles be re-evaluated by the staff committee.

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

MATTERS TO BE PRESENTED BY STAFF


Ms. Goodloe stated that there are three ordinance amendments the require Board approval to be advertised for public hearing.

- 1) Chapter 25, Section 70.5 - Solar Energy Systems
- 2) Chapter 25, Section 70.7 - Solar Energy Systems
- 3) Chapter 25, Section 25-74 - Permitted uses by special use permit for recreational vehicles.

The Board authorized advertising for public hearing.

Mr. Fitzgerald discussed the following:

- 1) VACo County Officials Summit is August 17, 2023.
- 2) Comprehensive Plan and Economic Development Plan contract will be coming before the Board in August. The citizens committee will need to be put together to work with the consultant.
- 3) Senator Kaine held an Ag Bill event at the Government Center last week.
- 4) The county-wide project updated list was presented to the Board. There were no questions or comments regarding list.



 Chairman



 County Administrator

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

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
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Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
James Benkahla, County Attorney
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VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, July 26, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

Chairman Shull welcomed those present at the meeting.

The Board of Supervisors led the Pledge of Allegiance.

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Dr. Seaton, Wayne District, delivered the invocation.

LIBRARY BOARD OF TRUSTEES BYLAWS

The Board considered the Library Board of Trustees Bylaws.

Jennifer Whetzel, Deputy County Administrator, stated that a few items to note was they added the remote attendance update that is required by state code. The Trustees stressed that the rules and responsibilities of the board and the library director, the name of the Friends of the Library was updated to their new name to include the foundation and the document was formatted for ease of use. Most items in the bylaws were in the original bylaws. Items have either been clarified or rearranged in the current bylaw.

Ms. Carter' moved, seconded by Ms. Bragg, that the Board approve the bylaws as presented.

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

Motion carried.

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

PARKS & RECREATION COMMISSION BYLAWS

The Board considered the Parks & Recreation Commission Bylaws.

Ms. Whetzel stated that the Parks & Recreation Commission Bylaws also included the remote meeting requirement for the Code of Virginia. Items that were related to the parks and rec being an advisory board versus an administrative board were removed as they were not addressed directly as an advisory board. Finally, the last amendment was to update or remove pronouns related to article seven to include the director versus the actual pronoun of He.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the bylaws as presented.

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

Motion carried.

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PRIVATE POLICE OFFICER LINE OF DUTY ACT RESOLUTION

The Board considered the following resolution:

WHEREAS, Mark Christopher Wagner II served for seven years with the Massanutten Police Department, beginning his law enforcement career as a Gate Attendant and in May of 2019, earned Police Officer status following his graduation from Central Shenandoah Police Academy; and

WHEREAS, Officer Wagner joined the Wintergreen Police Department in August of 2020 and diligently served the Wintergreen Community with unwavering honor and commitment; and

WHEREAS, Officer Mark Christopher Wagner II was killed in the line of duty on June 16, 2023, in his capacity as a law enforcement officer employed by the Wintergreen Police Department, a private police department; and

WHEREAS, the Line of Duty Act, Virginia Code § 9.1-400 *et seq.*, excludes private Police Officers from the benefits of that Act; and

WHEREAS, by definition under the Code of Virginia private Police Officers are law enforcement officers; and

WHEREAS, private Police Officers, just as their counterparts employed by a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, are responsible for the prevention and detection of crime and the enforcement of the penal laws and are exposed to the same risks of injury or death; and,

WHEREAS, it is the sense of the Augusta County Board of Supervisors that the Line of Duty Act should be amended to afford private Police Officers the benefits available under the Act.

NOW, THEREFORE, BE IT RESOLVED, the Augusta County Board of Supervisors hereby honors Officer Mark Christopher Wagner II of Wintergreen Police Department for his heroism and honorable service to the citizens of Wintergreen and the County, for whom he made the ultimate sacrifice, and

BE IT FURTHER RESOLVED, the Augusta County Board of Supervisors hereby calls upon the General Assembly to amend the Code of Virginia to afford private Police Officers the benefits available under Virginia Code § 9.1-400 *et seq.*, Line of Duty Act, and

BE IT FINALLY RESOLVED, said Board hereby directs that a copy of this Resolution requesting these State Code amendments be delivered forthwith to representatives in the General Assembly.

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

CONSENTAGENDA

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

MINUTES:

Consider minutes from the following meetings:

- Special Meeting, Friday, June 2, 2023
- Regular Meeting, Wednesday, June 14, 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

Scott Cline, PO Box 327, Mt. Sidney, spoke about the Augusta County Republican Party Committee regarding Dr. Seaton’s opponent for the Wayne District Magisterial District.

Marco Floyd has concerns with volunteer fire and rescue operations and its members.

Tracy Pyles, 3665 Churchville Ave, Churchville, disagrees with the three-minute time limit to speak and is concerned about the conduct of the Board of Supervisors.

Mr. Shull addressed the three-minute time limit and stated that the Board rules were adopted and the time limit was a part of those rules.

Mona Huffer read a letter regarding Dr. Seaton from Linda Dickerson in the Wayne District.

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Garber stated that it was brought to the Board’s attention of incorrect dates on the censure resolution that was adopted on July 12, 2023.

Mr. Garber moved, seconded by Mr. Wells, that the Board authorized to amend the resolution previously adopted on July 12, 2023 to correct the dates that are in error. May 20, 2023 should be corrected to reflect May 22, 2023 and Wednesday, May 22nd should be corrected to Wednesday, May 24, 2023.

Dr. Seaton asked for clarification on what rule was broken to deserve the censure and if there was evidence of who he spoke with.

Mr. Shull stated that the censure was regarding the fact of closed meeting being recorded without the entire Board knowledge.

Dr. Seaton disagrees with the dates that are on the floor to be amended. He believes

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

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

the real motion to be to remove the censure, not to change the wrong dates to wrong dates again.

Mr. Garber withdrew his motion due to conflicting dates. The motion is about the dates not the resolution. He requests the dates be confirmed and addressed at the next meeting.

Ms. Bragg reminded everyone of the Augusta County Fair.

Dr. Seaton moved, seconded by Ms. Carter, that the Board authorize staff to place all bylaws for Board and Commissions on the website for public access.

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

Motion carried.

Dr. Seaton asked if Carolyn Bragg is currently serving as Chair on the Planning Commission.

Ms. Bragg stated that the Planning Commission voted to table it until the meeting in August.

Dr. Seaton stated that at the last meeting, the Planning Commission voted to set aside the bylaws of the Planning Commission, 3-1, that states the chair and the vice chair shall not be members of the Board of Supervisors nor a member of County staff. Does Robert's Rules allow bylaws to be set aside?

James Benkahla, County Attorney, stated that rules and bylaws can be suspended with a 2/3 vote.

Dr. Seaton argues that bylaws cannot be suspended or set aside. He states that Ms. Bragg was appointed to the Board of Supervisors on April 19, 2023 and conducted Planning Commission meetings as the Chair in May and June which is against the bylaws. Also, bylaws cannot be set aside without notice and the Planning Commission did not give notice. According to their bylaws, Ms. Bragg is not required to resign as Chairman, she is automatically not Chairman by accepting her position on the Board of Supervisors on April 19, 2023 and being sworn in.

Dr. Seaton made the following statement:

"Too many in my position have told themselves I should never have done that. This is regarding things that I've done to protect our animals, to protect our constitutional rights, whether it is first amendment. I hate to say this, but I would agree with Tracy Pyles that we need more time to be able to speak. Three minutes is not enough to get a clear thought across and to get in some arguments. Too many in my position have told themselves I should never have done that because the government leaders got me reprimanded, demoted or fired, or in my case, members of the Board recruited someone to run against me for Board of Supervisors. That is the power people in government believe they have. Instead of listening to constituents or other representatives, they try to get you fired from your job or run someone against you for your office. My life would have been so much easier if I had just kept my mouth shut regarding the animal shelter. I would have cruised to an uncontested election. Perhaps that is what members of the Board and multiple County Attorneys have done for thirty-one years as the County supervisors unlawfully created and later maintain the illegal fee and fines scheme. That stole money from residents, and more importantly, knowingly held our pets as hostage to get that money, violating our resident's rights to due process

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

ADJOURNMENT


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

Vote was as follows:

Yeas: Shull, Slaven, Garber, Wells, Bragg, Carter and
Seaton

Nays: None

Motion carried.



Chairman



County Administrator

h:7-26min.23

Special Meeting, Wednesday, August 2, 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
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
James Benkahia, County Attorney
Angie Michael, Executive Assistant

ABSENT: Scott Seaton

VIRGINIA: At an adjourned special meeting of the Augusta County Board of Supervisors held on Wednesday, August 2, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th 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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Ms. Carter, Pastures District, delivered the invocation.

BOARD OF SUPERVISORS RESOLUTION

The Board considered the following resolution:

**RESOLUTION OF THE AUGUSTA COUNTY BOARD OF SUPERVISORS
TO ASSERT ITS RIGHTS TO THE POSSESSION, CUSTODY, AND CONTROL
TO PUBLIC RECORDS FROM BOARD MEMBER DR. SCOTT SEATON**

WHEREAS, the Augusta County Board of Supervisors finds it necessary to meet in closed meeting from time to time as a public body; accordingly, each Board Member is admitted because he or she is a member of the public body's governing board.

WHEREAS, the purpose of closed meetings by the Board of Supervisors is to transact public business; and, therefore, recordings and notes of closed meetings are records that this Board asserts belong to the public body.

WHEREAS, the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700, *et seq.* ("VFOIA"), defines "public records" as "all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of

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BOARD OF SUPERVISORS RESOLUTION (CONT'D)

physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.” See Virginia Code § 2.2-3701.

WHEREAS, the Board of Supervisors asserts that surreptitious recordings of closed meetings of the Board of Supervisors by a Board Member may be public records and as such belong in the possession, custody, and control of the County and not an individual board member, although such recordings may be lawfully exempt from disclosure to others not in attendance at such closed meetings.

WHEREAS, the Board of Supervisors of Augusta County has determined that certain public records pertaining to closed session, including but not limited to recordings of closed meetings, are in the possession, custody, and control of Board Member Dr. Scott Seaton.

WHEREAS, Dr. Seaton has been asked by individual board members in an open meeting for copies of recordings of closed meetings to be shared with other members of the Board but has thus far failed, or refused, to share such public records with other board members.

WHEREAS, the VFOIA applies to records regardless of whether they are created and/or stored on a device owned by the public body or a personal device or a device owned or controlled by another entity.

NOW THEREFORE, IN LIGHT OF THE FOREGOING, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA that:

1. The Board, on behalf of the County, is hereby asserting its right to possession, custody, and control of any and all public records (as that term is defined in the VFOIA) pertaining to closed meetings of the Board of Supervisors. These records include but are not limited to any and all public records created during a closed meeting, public records created outside of any closed meeting but pertaining to the subject of a closed meeting, any and all communications pertaining to the subject of a closed meeting, and any and all communications mentioning information distributed and/or discussed during a closed meeting, and recordings —regardless of any VFOIA exemption that might apply.
2. The Board is hereby further requesting, without waiving any lawful exemption(s), that Dr. Scott Seaton turn over to the County any and all public records as that term is defined in the Virginia Freedom of Information Act and cases and opinions interpreting the VFOIA, which are in his possession, custody, or control pertaining to closed session as described above.
3. Such records being requested include but are not limited to recordings and/or communications such as texts, emails, messages, voicemail(s), letters, memorandum, and any other medium meeting the definition of “public record” under the VFOIA.
4. Such records being requested include any and all records that fall within the definition of “public record” regardless of the ownership of the device or server upon which the record was created and/or stored.
5. Such records being requested include any and all public records from January 1, 2020, to present.
6. If Dr. Seaton refuses this request or fails to provide the public records within 7 business days of this resolution, the Board hereby authorizes the Chair to submit a request to Dr. Seaton on behalf of the Board for the aforementioned records pursuant to the VFOIA.

This Resolution shall take effect immediately upon its adoption.

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

BOARD OF SUPERVISORS RESOLUTION (CONT'D)

Ms. Carter verified that paragraph three, which defines VFOIA, includes any information that was transmitted during a closed meeting.

James Benkahla, County Attorney, stated that it does as long as there is a record of it.

Ms. Carter asked for clarification on what a public record consisted of.

Mr. Benkahla stated that any document the County has is a public record by definition. Certain public records are exempt under the Freedom of Information Act or other lawful exemptions.

Mr. Slaven moved, seconded by Mr. Wells, that the Board adopt the resolution as presented.

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

Motion carried.

Mr. Wells directed Staff to send a copy of the signed resolution by certified mail to Dr. Seaton.

Ms. Carter asked if Dr. Seaton was afforded the opportunity to call into the meeting.


Mr. Fitzgerald stated that Dr. Seaton did not request to call in.

ADJOURNMENT

Ms. Bragg moved, seconded by Ms. Carter, 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

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

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

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

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Chairman Shull welcomed those present at the meeting.

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

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

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

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

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

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

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

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

***** * * * * *

Mr. Shull, Riverheads District, delivered the invocation.

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

Mr. Shull made the following statement:

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

VALLEY COMMUNITY SERVICES BOARD

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

□ * * * * *

VERONA PEDESTRIAN PROJECT

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

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

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

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

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

Motion carried.

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

PERSONAL PROPERTY TAX RELIEF PROGRAM-RESOLUTION

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

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

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

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

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

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

1. For purposes of § 3(c) of the Ordinance, the rate of tax relief with respect to qualifying vehicles with assessed values of more than \$1,000, and applied to the first \$20,000 in value of each such qualifying vehicle, shall be twenty-six (26%).

2. All other provisions of the Ordinance shall be implemented by the Commissioner of the Revenue or the County Treasurer, as applicable, including, without limitation, those set forth in § 3(b) of the Ordinance, pertaining to the elimination of personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less, and in § 4, pertaining to liability of taxpayers whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid.

3. This Resolution shall take effect immediately upon its adoption.

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

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

PERSONAL PROPERTY TAX RELIEF PROGRAM-RESOLUTION (CONT'D)

Dr. Seaton asked how the 26% is calculated.

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

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

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

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

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

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

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

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

Motion carried.

□ * * * * *

BUFFALO GAP HIGH SCHOOL SPORTSMAN CLUB FUNDING REQUEST

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

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

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

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

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

Motion carried.

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

MATTERS TO BE PRESENTED BY THE PUBLIC

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

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

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

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

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

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

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

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

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

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MATTERS TO BE PRESENTED BY THE BOARD

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

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

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

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

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

Motion failed.

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

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

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

Dr. Seaton moved to record all closed session meetings.

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

Motion failed.

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

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

Motion failed.

Dr. Seaton made the following statement:

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

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

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

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

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

Mr. Garber stated that the dates on the Censure Resolution are incorrect and should be amended to March 20 and March 24, 2023

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

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

Mr. Garber moved, seconded by Mr. Wells, that Board approve amending the dates on the resolution.

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

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY STAFF

1. Mr. Fitzgerald made the following statement:

“In regards to Dr. Seaton’s discussion tonight on the animal ordinance, we all know that we’ve been working hard trying to get that done. I don’t know that we need to continue down a path of that, but we are working to try to get it wrapped up. The other thing that concerns me a little more was that Dr. Seaton insinuated that I signed a contract outside of the Board’s approval. That has never happened. That is not something I do as an Administrator. I do not act unless this Board gives me the responsibility and the duty to do so. I can tell you for a fact that has not happened and to have that insinuated tonight in a public forum in front of the public body that it may have happened was not appreciated. I also wanted to share about closed sessions. Closed sessions are allowed by the Virginia Code. Very clearly in the Virginia Code they allow closed sessions for various things, exceptions that you can go into closed sessions for. Some of those would be a personnel matter and certainly we do that. Other closed session items would be a position in where we may be in a contract negotiation and our bargaining power may be jeopardized by having that discussion in public and we are certainly allowed to go into closed session for that. We are allowed to go into closed session to talk about Economic Development projects. That is very important. When people look at us and look at this county, they count on us to be confidential in their proprietary information. Many times, they ask me to sign an agreement that says I will not speak about the company or what they do. They count on this Board to be confident in doing that. The Virginia Code allows us to go into closed session to discuss those items. Our County Attorney has been involved in every closed session we have. If the discussion goes into a direction that is not in the identified call the County Attorney stops the discussion immediately. After each one of those closed sessions the Chairman asked for a vote for all the Board members to certify. What they are doing is certifying that they discussed in closed session only what was on the call to go into closed session. This Board has always certified with the exception of one meeting where Dr. Seaton did not certify. All local governments do this. It is something we have to do in order to be able to operate our government.”

- 2. Mr. Fitzgerald reminded the Board of the VACo County Officials Summit
- 3. Dr. Bond and Mr. Fitzgerald have served on the ASAP Board and it is written in the County code that the Superintendent of County Schools and the County Administrator would represent the two entities on that Board. There is a time frame in which a re-appointment is needed and requires Board action.

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

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

ABSENT: Michael Shull, Chairman

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, August 21, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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VDOT ROADS

Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

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• FIRE AND RESCUE

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

The board accepted the report as information.

INFRASTRUCTURE ADDS/DELETES

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

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

YEAR END FINANCE REPORT

Ms. Cook presented the Year End Finance Report.

The Board accepted the report as information.

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

COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN

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

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

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WEYERS CAVE VOLUNTEER FIRE COMPANY FUNDING REQUEST

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

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

□***□□□*□**

MATTERS TO BE PRESENTED BY THE BOARD

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

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

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

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

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

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

* * * * *



Chairman
H8-21sbmin.2023



County Administrator

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

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

ABSENT: Michael Shull, Chairman

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

* * * * *

Vice Chairman Slaven welcomed those present at the meeting.

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

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Dr. Seaton, Wayne District, delivered the invocation.

INFRASTRUCTURE ADDS/DELETES

The Board considered the infrastructure account status.

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

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

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

Motion carried.

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

COMPREHENSIVE PLAN AND ECONOMIC DEVELOPMENT STRATEGIC PLAN

The Board considered awarding a contract Hill Studio.

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

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

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

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

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

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

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

Motion carried.

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

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

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

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

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

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

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

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

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MATTERS TO BE PRESENTED BY THE BOARD

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

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

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

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

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

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

Motion failed.

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

Dr. Seaton made the following statement:

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

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

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

Motion failed.

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

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

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

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

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

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

Motion carried.

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

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

Motion carried.

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

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

□ *****□*□*****□□

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

MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

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

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

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

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

Motion carried.

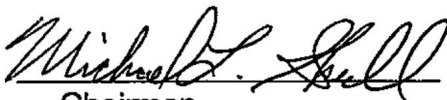
3. Mr. Wolfe gave an update on the Jennings Branch Project. Nineteen of nineteen title exams are complete and five easements are signed.

ADJOURNMENT

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

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

Motion carried.



 Chairman



 County Administrator

Regular Meeting, Wednesday, September 13, 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 (Via Zoom)
Scott Seaton
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
James Benkahla, County Attorney
Angie Michael, Executive Assistant

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, September 13, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

Vice Chairman Slaven welcomed those present at the meeting.

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

Jacob Terry is a senior and plays football, tennis and runs track. He plans to attend James Madison University and become a history teacher or a real estate agent.

Tyler Culpepper is a senior and plans to join the Air Force.

Maggie Martino is doing a mentorship in the Augusta County Dispatch Center and she plans to be a dispatcher after graduation.

Skyler Breeden is a junior and would like to attend the University of Tennessee and get a degree in criminal justice or veterinary care.

*** * * * * * * * * * * * * * * *

Mr. Shull, Riverheads District, delivered the invocation.

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

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

Motion carried.

September 13, 2023, at 7:00 p.m.

DROUGHT RESOLUTION

The Board considered the following resolution:

WHEREAS, there continues to be dry conditions throughout 2023 in Augusta County, Virginia, which have caused widespread, substantial crop and grassland damage, and;

WHEREAS, unseasonably high temperatures are accelerating the effects of the rainfall deficit, and;

WHEREAS, livestock water resources are declining, and;

WHEREAS, the lack of sufficient pasture has required farmers to use winter feed reserves, and;

WHEREAS, there does not appear to be any significant relief in the foreseeable future, and;

WHEREAS, these conditions have and continue to cause financial loss to the farmers in Augusta County.

NOW THEREFORE BE IT RESOLVED, that the Augusta County Board of Supervisors hereby petition Ronald H. Howell, Jr. Ed. D., State Executive Director, Virginia Farm Service Agency-USDA, to declare Augusta County a disaster area in order to provide the means for those affected to qualify for some relief assistance.

Timothy Fitzgerald, County Administrator, stated that this is a resolution that would ask the Director of the Farm Service Agency of the State of Virginia for consideration for Augusta County to be declared a drought emergency that would allow for our citizens to access federal funds that may be available to them. However, the County must declare a drought stage upon declaration by the Commonwealth. Because the Commonwealth, through the Department of Environmental Quality has placed Augusta County under what is called a drought warning. In the County Code, the drought warning is listed along with suggestions of voluntary measures for water consumption. Before accepting the resolution, the Board will need to declare Augusta County in a drought warning stage at this time.

Mr. Slaven moved, seconded by Mr. Wells, that the Board declare a drought warning for Augusta County in order to meet the requirements.

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

Motion carried.

Mr. Slaven moved, seconded by Ms. Bragg, that the Board approve the resolution as presented.

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

Motion carried.

September 13 2023, at 7:00 p.m.

ANIMAL ORDINANCE AMENDMENT

The Board considered the Animal Ordinance amendments for public hearing.

Mr. Fitzgerald stated that Chapter 5 of The Augusta County code is before the Board for consideration to advertise for public hearing. There have been meetings with the City of Staunton and Waynesboro concerning the ordinance to ensure that there is consistency among the region. Upon review you will see that the proposed changes to the ordinance will allow for civil fees instead of criminal fees. These civil fees match what is currently in the City of Staunton's ordinance and is planned to be in the changes that Waynesboro will make as well. The Shelter board discussed the possibility of adding an impoundment fee to the ordinance, however ultimately it is not being recommended due to the need to be able to have a per day fee, especially on court cases where we often have to hold animals for a long period of time. The per day fee is not proposed to be changed at this time, however the fee should be set by the Shelter board before each fiscal year begins as part of the budget process as the actual cost of keeping the animals could change based on the cost of services provided.

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve advertising the Animal Ordinance amendments for public hearing.

After several questions raised regarding wording of the ordinance amendments, the Board concluded they would discuss further at the Staff Briefing meeting on Monday, September 25, 2023.

Ms. Bragg withdrew her motion. The Board will discuss at the Monday, September 25, 2023 Staff Briefing.

*****◆*□□**□□****

TAX REFUND REQUESTS

The Board considered the approval the following tax refund requests:

- a. Windgate, LC in the amount of \$17,532.90.
- b. Gables East, LLC in the amount of \$3,592.60.

James Benkahla, County Attorney, stated that this is a request by the Commissioner of the Revenue for a refund for real estate taxes to Windgate, LC in the amount of \$17,532.90. The company contracted to build condominiums. The condominiums were originally taxed as apartments with all the buildings and the land taxed together. When the apartments were converted to condominiums, the land assessment for the original real estate was not reduced to reflect the addition of land to each condominium. Therefore, the land was taxed as both apartments and condominiums, resulting in dual taxation. The taxpayer notified the Commissioner of the Revenue of the dual taxation by letter on March 1, 2021. The Commissioner of the Revenue has reviewed the original assessments and the changes as each phase of the project was converted from apartments to condominiums and determined that the County owes the taxpayer a refund in the amount of \$20,688.15. \$17,532.90 is for tax years 2023, 2022, 2021, and 2020 and is within the Commissioner's statutory authority to correct with the approval of the Board. Application must be made to the Circuit Court for the remaining refund amount of \$3,155.25, which is owned for tax year 2019.

Dr. Seaton moved, seconded by Ms. Bragg, that the Board approve the tax refund as presented for Windgate, LC in the amount of \$17,532.90.

September 13 2023, at 7:00 p.m.

CONSENT AGENDA (CONT'D)

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

Motion carried.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

Dulcey Fuqua, Wayne District Resident, submitted the following statement online and requested the statement be included in the official meeting minutes:

I am animal advocate in Augusta County and was a volunteer at the county's shelter until April 13, 2023, when I received a suspension notice from Shelter Director, Jon Hilbert. This came after a I had stepped up my involvement during a time the shelter was extremely short staffed and at the time Sarah Nessar, the new kennel manager, who has now been fired from her position, was in need of assistance. Sarah had asked for help in organizing and setting up animal management systems for her new position that were not currently in place. I assisted her with filing, processing adoption and foster applications, and connecting stray hold dogs at the shelter with their owners through the use of social media. During this period, my professional communication and organizational skills were also utilized by the director to assist in improving the volunteer and foster programs. In addition to his support, I received compliments of my role in communicating with the community and rescues to advocate for dogs into fosters, homes or rescue, and provided my photography skills for positive marketing of the dogs. Often, I received calls and messages from citizens asking about how to help, become a volunteer, who to talk to about situations, etc.

After several care concerns were escalated from staff interactions and seeing things for myself related to the conduct that was impacting the safety and care of the animals, I brought my concerns to Jon on multiple occasions. Another volunteer and I had a meeting with Mr. Fitzgerald, Mr. Hilbert and Ms. Hensley to discuss these concerns and offer our support.

As things appeared to be declining and the admitted situations of neglect (per Jon Hilbert) escalated, including my witnessing of a staff abusing a dog and exhibiting unprofessional conduct, I did approach my County Supervisor, Dr. Seaton to express my concerns with the animals and staff.

Jon Hilbert requested a meeting with myself and Page Heam, operator of Virginia Paws for Pits Rescue, and who also witnessed this incidence of abuse and inappropriate interaction with us from the same staff person. We echoed these concerns and would continue to offer support for the shelter. Two days after this meeting both Ms. Heam and I received emails from Mr. Hilbert stating our suspension was based on release of a photo of a court hold dog, which poorly represented the shelter, which we had both clarified when we met with him, that we were not part of.

This began the process of both Ms. Heam and I trying to get clarification on these accusations and their lack of accuracy. The Board of Supervisors was included in this communication. My last email was sent on April 27, 2023 and still, no response. We were seeking the validity of our suspension based on the accusation of a phot release. This is a false accusation because the person that took and shared that photo, a former released employee, admitted to myself, Jon and others in the animal advocacy arena, that she shared the confidential information.

September 13, 2023, at 7:00 p.m.

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

I have adopted three dogs from the shelter, yet now I have been blocked from the SVASC Alumni Group on Facebook, which is a place where adopters can share the joy of adopting instead of shopping. I was active in this group and stayed in contact with some of the animals that I was part of their foster family placement or adoptions, which kept the connection with the shelter going. Just prior to my suspension, I fostered and helped transfer into rescue of three ninety plus pound dogs out the shelter system and I am now removed from the Volunteer and Foster Group. I have since requested the policies associated with the Facebook group SVASC Alumni and also requested copies of my suspension letter and additional communication that was case for the suspension.

Tracy Pyles, 3665 Churchville Avenue, Churchville, VA, believes the Board of Supervisors violated State Code 15.2-2507-Amendment of Budget on August 24, 2022.

David Zimmerman, 120 Lee Highway, Verona, VA, honored those who lost their life on 9/11. Mr. Zimmerman is concerned by the actions of some that are attending the Board meetings.

MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter expressed her condolences to the Justine Tilghman family.

Dr. Seaton stated that September 17th is the day the Constitution was passed. The Constitution only matters if the people force the Government to follow it.

Ms. Bragg moved, seconded by Ms. Carter, that the Board appoint Hannah Cooper to serve a term on CAP-SAW. Effective October 1, 2023 and to expire on September 30, 2025.

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

Motion carried.

Ms. Bragg moved, seconded by Mr. Wells, that the Board appoint Becky Angelo to serve on the Comprehensive Plan Steering Committee.

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

Motion carried.

Ms. Bragg would like for the Board to direct staff to review the ordinances that pertain to both the large and small solar projects. She also requests that staff review ordinances from other localities.

Mr. Garber moved, seconded by Ms. Bragg, that the Board appoint Craig Nargi to serve on the Comprehensive Plan Steering Committee.

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

Motion carried.

Staff Briefing Meeting, Monday, September 25, 2023, 1:30 p.m., Government Center, Verona, VA.

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

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, September 25, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

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VDOT ROADS

a. Don Komara, Residency Administrator, discussed the VDOT monthly report.

The Board accepted the monthly report as information.

b. Doug Wolfe, Director of Community Development, discussed the Revenue Sharing Resolution for the Dick Huff Lane Project.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

* * * * *

FIRE AND RESCUE

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

The board accepted the report as information.

b. Chief Schacht discussed a request for authorization to purchase an ambulance.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

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INFRASTRUCTURE FUNDING REQUEST-WEYERS CAVE VOLUNTEER FIRE COMPANY

Mr. Fitzgerald discussed a funding request from Weyers Cave Volunteer Fire Company for a renovation project.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

September 25, 2023, at 1:30 p.m.

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ANIMAL ORDINANCE AMENDMENTS

Mr. Fitzgerald discussed amendments to the Animal Ordinance.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

PLANNING COMMISSION/PUBLICS

Julia Hensley, Planner II, discussed the following ordinance amendments:

- a. Ordinance amendment-Chapter 25 Section 25-70.5-Solar Energy
- b. Ordinance amendment-Chapter 25 Section 25-70.7-Solar Energy

The Board authorized placing on the Wednesday, September 25, 2023 regular meeting agenda.

MATTERS TO BE PRESENTED BY THE BOARD - NONE

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MATTERS TO BE PRESENTED BY STAFF

Mr. Fitzgerald discussed the following:

- 1. Letter of Support for an additional MRI scanner at Augusta Health.
- 2. School Board Year-End Fund Balance request.

The Board authorized placing on the Wednesday, September 27, 2023 regular meeting agenda.

- 3. VACo Conference voting credential requirement. This has been Ms. Carter in the past.

The Board agreed for Ms. Carter to continue for this year.

- 4. Comprehensive Plan Worksession will be Wednesday prior to the regular Board meeting.
- 5. Jennifer Whetzel, Deputy County Administrator, stated that a FOIA request has been received for all communications sent or received by any member of the Board of Supervisors and training records for each member.
- 6. Mr. Fitzgerald stated they would be reimplemting for FOIA requests starting October 1,2023.
- 7. The ICMA Conference is next week.
- 8. Ms. Hensley discussed five ordinances for the Board to authorize for public hearing.

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Chairman

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County Administrator

Regular Meeting, Wednesday, September 27, 2023, 7:00 p.m., Government Center, Verona, VA.

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

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, September 27, 2023, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 248th year of the Commonwealth....

Chairman Shull welcomed those present at the meeting.

Veterans led the Board in the Pledge of Allegiance.

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Ms. Carter, Pastures District, delivered the invocation.

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

This being the day and time advertised to consider an ordinance amendment to amend Chapter 25 Section 25-70.5-Solar Energy Systems-Applications and Procedures for Small Energy Systems.

Julia Hensley, Planner II, stated that the first amendment adds the requirement for an applicant or representative to hold a conference with the Community Development department prior to the formal submission of an application for a special use permit for a small energy system. A similar pre-application meeting is required prior to a rezoning request. Staff finds that the pre-application meeting helps explain the staff process in evaluating requests, the public hearing process, and to discuss how to mitigate any concerns that may arise. This will also help to eliminate applications that are incomplete or have inaccurate information. The second amendment is a housekeeping amendment that revises the incorrect reference to the decommissioning section of the Solar Energy Systems Ordinance. The Planning Commission recommends approval.

The Chairman declared the public hearing open.

September 27, 2023, at 7:00 p.m.

AMBULANCE FUNDING REQUEST (CONT'D)

before the unit is replaced. The capital depreciation schedule is the source of funding with the unit being replaced fully depreciated. With the purchase of this unit, it will be on a one per year replacement rotation unless ACFR would expand the fleet or service coverage. The price quote of \$402,260.00 includes the HGAC fee of \$1,000.00 with the total capital expenditure not to exceed the requested amount.

Mr. Shull asked if putting this out for bid was considered.

Chief Schacht stated that due to satisfaction of the spec that has been developed and what has been used through PL Custom.

Mr. Wells moved, seconded by Mr. Slaven, that the Board authorize funding the purchase of an ambulance.

Mr. Shull does not agree with the process when purchasing new equipment.

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

Motion carried. *****

REVENUE SHARING RESOLUTION - DICK HUFF LANE PROJECT

The Board considered the following resolution in support of the Dick Huff Lane Revenue Sharing Project application:

At a regularly scheduled meeting of the Augusta County Board of Supervisors held on September 27, 2023, the following resolution was adopted:

WHEREAS, the Augusta County Board of Supervisors desires to submit an application for an allocation of funds through the Virginia Department of Transportation Fiscal Year 2027-28, Revenue Sharing Program; and,

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

WHEREAS, The Augusta County Board of Supervisors hereby supports this application for an allocation of 50% of the project cost through the Virginia Department of Transportation Fiscal Year 2027-28 Revenue Sharing Program.

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

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

Doug Wolfe, Director of Community Development, stated that with construction of the Augusta County Courthouse in Verona, Timmons Group is developing construction plans for recommended upgrades to Dick Huff Lane. Since Dick Huff Lane is a VDOT roadway to its intersection with Government Center Lane, staff recommends the County apply for the 50/50 funding available though VDOT's Revenue Sharing Program. Funding the 50% match for the County is allocated within the courthouse budget. The County is currently at a 35% conceptual design with the entrance roadway. Final revenue sharing applications are due to VDOT on October 2, 2023 and require that the Board adopt a resolution committing the County's share of funding. Current estimate for the 35% plans is \$2,758,674 and the County's responsibility of that estimate is \$1,379,337. There is a 30% contingency built into the estimate.

September 27, 2023, at 7:00 p.m.

REVENUE SHARING RESOLUTION - DICK HUFF LANE PROJECT

The estimate has gone up since the initial preapplication was submitted in June. This is based on some of the construction costs. It is important to apply for more funding than what is needed to get to the 50% match. VDOT will match 50% of what is spent. Inflation to the construction year is included in the total, which is 2026. Staff will work with VDOT to try to pull the project forward into prior years so that it will sync with the construction and completion of the courthouse in 2025.

Ms. Bragg moved, seconded by Ms. Carter, that the Board approve the resolution and authorize the County Administrator to sign agreements.

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

Motion carried.

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INFRASTRUCTURE FUNDING REQUEST-WEYERS CAVE VOLUNTEER FIRE CO.

The Board considered a funding request from Weyers Cave Volunteer Fire Company for a renovation project.

Funding Source: Middle River Infrastructure 8012-104 \$30,000.00
 North River Infrastructure 8013-75 \$30,000.00

Timothy Fitzgerald, County Administrator, stated that this is a funding request to assist with a renovation project for a total of \$60,000.00.

Mr. Garber moved, seconded by Mr. Slaven, that the Board approve the funding request as presented.

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

Motion carried.

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SCHOOL BOARD YEAR-END FUND BALANCE

The Board considered the School Board year-end fund balance request.

Mr. Fitzgerald stated that the School Board has requested in writing for consideration to use their year-end fund balance. The prevailing practice, in previous years, is to use the fund balance for their School Capital Improvement Program. The current fund balance is \$521,528.00 and the School Board would like to utilize that fund balance to help fund the two middle schools that are currently under construction and to address some future emergency or capital projects in their capital program.

Mr. Garber moved, seconded by Ms. Bragg, that the Board approve the School Board year-end fund balance request.

September 27, 2023, at 7:00 p.m.

SCHOOL BOARD YEAR-END FUND BALANCE (CONT'D)

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

Motion carried.

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ANIMAL ORDINANCE AMENDMENTS

The Board considered the Animal Ordinance amendments for public hearing.

Mr. Fitzgerald stated that these amendments add a table that would allow for the civil fees and fines for various violations of the code versus what is criminal today. Also, changes to code section 5-12, 5-21, 5-22 and 5-51 in regards to state code references.

Dr. Seaton asked for a description of the process of how the civil penalties will be assessed.

Mr. Fitzgerald stated that under section 5-51, there is language in the ordinance that specifies the different code sections that would be civil violations. There are first, second and third offences in the new ordinance, if a dog was found running at large and the Animal Control Officers were able to capture the dog running at large, if the owner is unknown the dog would be taken to the Animal Shelter. The shelter would hold the animal and then if the owner comes forward they would get a civil violation first offense and a \$25.00 charge. If the owner chooses to not pay the \$25 fine, they will receive a summons and will need to appear in court. The fine for a second offense is \$75.00 and a third offense is \$150.00.

Mr. Slaven moved, * seconded by Ms. Bragg, that the Board approve the Animal Ordinance amendments for public hearing on October 25, 2023.

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

Motion carried.

Dr. Seaton moved that the Board approve replacing the second section of 5-22 that says any person who owns a dog that runs at large shall be deemed to have violated the provisions of this section with the corresponding state code that is found in 3.2-6238 that says any person who permits his dog to run at large or remain unconfined, unrestricted, or not penned up shall be deemed to have violated an ordinance adopted pursuant to the provisions of this section.

Dr. Seaton made a statement regarding the issues with the animal ordinance.

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

Motion failed.

September 27, 2023, at 7:00 p.m.

(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE PUBLIC

David Zimmerman, 120 Lee Highway, Verona, is concerned with the actions of a certain Board member. He also has concerns about the actions of campaigners.

David Briggman, 7556 Mountain Valley Road, Keezletown, restated an email that he sent to the Board. He is concerned about what taxpayers are having to pay due to unnecessary lawsuits from Nexus.

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MATTERS TO BE PRESENTED BY THE BOARD

Dr. Seaton discussed a FOIA request received by a former Board member.

Ms. Bragg reminded everyone that September is Public Transportation Month. She attended a joint MPO meeting with Charlottesville, Albemarle, Staunton, Augusta County and Waynesboro.

Mr. Garber has issues with the fact that the state budget allotted \$100 million for Rail to Bike Trail through the Shenandoah Valley when there are numerous road improvements that are needed.

Ms. Carter thanked the Service Authority for their work in Deerfield. She also stated that there is a potential opportunity for a cell tower to be put in West Augusta. Based on the current ordinance, the tower site will require a variance. Ms. Carter asks for Board support to send the current telecommunications ordinance for review to allow for more flexibility.

The Board directs staff to review the ordinance and determine the possible solution to the issue.

Mr. Wells requests that Dr. Seaton respond to the text or email that Mr. Fitzgerald sent to him regarding the contract he claimed was signed without Board's approval.

Mr. Slaven stated that he can give a small example of how to take something factual and twist it around and make it seem favorable for one's position. There is a two-question survey done between July and August of 2022. The first question is; to what extent do you support providing body cameras and dash cameras for the County Sheriff's deputies? The highest figure answered is 65%. That is not 90%. The second question is; to what extent do you support using county taxes to fund body cameras and dash cameras? The answer percentage drops to 47%. The question does ask how to fund, it simply says County taxes. The survey makes no mention of the ongoing cost once the County enters into the program. It is time to start pushing back to inaccuracies.

Mr. Shull expressed concerns with 181 and the number of accidents happening. The return on the corridor taxes and the fuel taxes being paid is not what it should be for this region.

