Regular Meeting, Wednesday, November 13, 2024, 7:00 p.m., Government Center, Verona, VA.

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

ABSENT: Jeffrey Slaven, Chairman

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Wednesday, November 13, 2024, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 249th year of the Commonwealth....

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Vice-Chairman Carter welcomed those present at the meeting.

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The following students from Stewart Middle School led the Board in the Pledge of Allegiance:

Brooklyn Jefferson is in 8th grade and would like to become an Audiologist.

Braelynne Robinson is in 7th grade and would like to attend Cosmetology School.

Emma Nowlin is in 7th grade and would like to become a Forensic Officer.

Valeria Bautista is in 7th grade and would like to learn about astrology.

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Pastor Jamie McClanahan from Wayne Hill Baptist Church delivered the invocation.

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<u>AMBULANCE FUNDING REQUEST</u>
The Board considered a request for authorization of funding to purchase an ambulance.

Funding Source: Capital Account 709105-480573 $429,394.00

November 13, 2024, at 7:00 p.m.

AMBULANCE FUNDING REQUEST (CONT'D)
Greg Schacht, Fire Chief, stated that this is a request for approval to order a PL Custom ambulance from Goodman Specialized Vehicle. The Ambulance Fleet Replacement Plan is a ten-year cycle. There are seven frontline units and an additional three units in reserve status. The plan rotates each unit around the County to balance out the mileage. The goal is to reach 100,000 miles while in frontline status during the first seven years. While in reserve status, the plan targets between 15,000 to 20,000 miles before the unit is replaced. The price of the ambulance is $429,394.00 and includes the HGAC fee of $1,000.00. The estimated delivery time has reduced to twenty-four to twenty-seven months. The ambulance committee chair reached out to other localities to determine what they were spending on ambulances. A breakdown of the information was provided to the Board.

Mr. Shull questioned what the cost of the last ambulance ordered.

Chief Schacht stated that it was approximately $402,500.00. This is approximately a 6.5% increase over last year.

Mr. Garber moved, seconded by Dr. Seaton, that the Board approve the funding request to purchase a new ambulance.

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

Motion carried.

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AUGUSTA COUNTY RECREATIONAL FACILITY
The Board considered the Augusta County Recreational Facility conceptional planning in the amount of $12,000.00

Timothy Fitzgerald, County Administrator, stated that this is a request in regards to a potential Augusta County Recreation facility. There have been discussions over the years regarding this project, but with changing Board members, priorities changed as well. Members from the Parks & Recreation Commission, Planning Commission, Ms. Bragg and Mr. Wells met to begin the discussion again. This rec center is proposed to include athletic fields, track space and basketball courts at the south end of the Government Center. The first step in this project is to have an engineering firm look at some concept planning and what the layout might look like. A quote from Balzer and Associates has been received. Balzer and Associates is the County's on call contractor for this type of scope of services. The scope of services is there for them to do some base mapping, have three to four concepts of a hundred thousand square foot facility along with the current conditions and surroundings and then meet with staff to go over that and then refine those conceptual plans to give the Board a plan to consider. Balzer's lump sum fee for this service is $12,000.00. Mr. Wells and Ms. Bragg requested this be placed on the agenda for consideration for the two of them to split the cost and to come from their Parks & Recreation Infrastructure account.

Dr. Seaton asked what would be included in the facility and is concerned that it might compete with private businesses.

Mr. Fitzgerald stated that this was not intended to be a fitness center. This would be more of an opportunity for sports tourism.

AUGUSTA COUNTY RECREATIONAL FACILITY (CONT'D)

November 13, 2024, at 7:00 p.m.

Dr. Seaton, Ms. Carter and Mr. Garber requested that their Parks & Recreation Infrastructure account be included in the division of the cost.

Mr. Shull questioned if the previous plans that were established years ago were still available?

Mr. Fitzgerald stated that he was not certain there were actual plans. It was discussed and saved for, but not certain it went further than that.

Mr. Shull would like to check into the previous plans before moving forward.

Dr. Seaton suggested looking into other available properties that may be more suitable.

Mr. Shull moved, seconded by Dr. Seaton, that the Board postpone this agenda item to the November 25, 2024 meeting.

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

Motion carried.

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CONSENT AGENDA

MINUTES:

Consider minutes from the following meetings:

- Regular Meeting, Wednesday, September 11,2024
- Staff Briefing, Wednesday, September 25, 2024
- Regular Meeting, Wednesday, September 25,2024
- Regular Meeting, October 9,2024
- Staff Briefing, October 21, 2024

CLAIMS:

Consider claims paid since October 1, 2024.

STREET ADDITION:

Consider Community Development's and VDOT'S recommendations to adopt resolution for acceptance of the following into the Secondary Road System in accordance with VDOT requests:

- Westgate Subdivision

STREETLIGHT REQUEST

Consider approval of three streetlights located off of North Windsong Court within Windward Pointe subdivision.

Dr. Seaton requested that the minutes from September 11, 2024 and October 9, 2024 be removed from the Consent Agenda.

Ms. Carter questioned if this was in reference to the discussion that was held in January of this year?

Dr. Seaton stated that September 11' 2024 minutes are in relation to that discussion. The other is due to incomplete minutes on October 9, 2024.

CONSENT AGENDA (CONT'D)
Ms. Carter stated that the minutes related to the January meeting in question have been approved. She also stated that she, as the acting Chair, has the duty of refusing to recognize the motion according to Robert's Rules of Order, section 47.7 and 48.2. This is frivolous and it is dilatory behavior and a waste of time for the organization by keep bringing it up.

Dr. Seaton asked that the October 9, 2024 minutes be removed from the consent agenda as well as the September 11, 2024. He requests they be voted on separately.

Mr. Shull moved that the Board adopt the Consent Agenda as presented with the removal of the September 11, 2024 and the October 9, 2024 minutes.

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

Motion carried.

Dr. Seaton stated that he requests amending the minutes from September 11, 2024 on page 12. His statement made during that meeting was not included in the minutes and requests the statement be included. The statement was regarding the Veterans Memorial in front of the new courthouse. He also questioned who owned the lease for the radio tower that was voted on during that meeting.

Ms. Bragg stated that the minutes are not word for word. They reflect the business that was conducted during the meeting.

Dr. Seaton moved that the Board approve an amendment to the September 11, 2024 minutes by adding the statement made by Dr. Seaton on Veterans and add the lease owner's name for the Grottoes tower.

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

Motion failed.

Dr. Seaton moved that the Board approve an amendment to the October 9, 2024 minutes to add questions that were asked of the Chair and Vice Chair candidates on January 3, 2024.

Ms. Carter, as Chair, refused to recognize Dr. Seaton's motion and requested the Board move forward.

Mr. Garber moved, seconded by Ms. Bragg that the Board approve the September 11, 2024 minutes as presented.

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC -- NONE

November 13, 2024, at 7:00 p.m.

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MATTERS TO BE PRESENTED BY STAFF

The following was discussed:

1) Mr. Fitzgerald reminded the Board that on Monday, November 25, 2024 there will be a Joint EDA/Board of Supervisors meeting to review the Economic Development Strategic Plan at 2:30p.m. The Staff Briefing will follow at 4:30p.m. and the Regular Meeting will be at 7:00 p.m.
2) Dominion Energy has submitted a proposal to PGM, which is the group that manages electrical supply across the Commonwealth. They look at areas where there may be a need for additional electricity and then they ask power companies to give proposals of how they could help. Dominion Energy has a preliminary proposal into them to add another line from Dooms to Lexington. This would be adding an additional tower beside the existing towers. This would also mean the easements would need to be widened in those areas. Dominion will not know until February whether PGM accepts the proposal. Dominion has offered to do a presentation for the Board regarding the project.
3) A request has been received from Project Grows to add solar facilities on their barn rooftop. The current lease with the County requires Board approval for this.

Mr. Garber moved, seconded by Ms. Bragg, that the Board approve solar panels on Berry Farm barn for Project Grows.

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Bragg stated that the County needs to review how the next reassessment will be done.

Dr. Seaton pointed out that the Fishersville Library survey has been completed.

Ms. Carter was a part of a documentary on the Craigsville Prison closure.

Dr. Seaton moved, seconded by Mr. Garber, that the Board approve a funding request from the Pastures Infrastructures account in the amount of $8,647.28 for the Craigsville Volunteer Fire Department to purchase a fire hose.

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

Motion carried.

November 13, 2024, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)
Ms. Carter stated that based on a discussion during the VACo Conference, several localities require a report that shows the top five users of FOIA and the costs that are associated with those requests. In the spirit of transparency to county citizens, a report should be provided with that information.

Mr. Fitzgerald stated that a report could be provided at the Staff Briefing.

Dr. Seaton is against the idea. Clarity is always good, but is concerned this is being done to intimidate people.

Ms. Bragg moved, seconded by Mr. Garber, that the Board direct Staff to provide a report of who is making FOIA requests. The report should include the top five requesters and the cost.

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

Motion carried.

Mr. Fitzgerald informed the Board of an e-comment that was received from Kathleen Cavender regarding soccer fields in the County.

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CLOSED SESSION
On motion of Mr. Shull, seconded by Ms. Bragg, the Board went into closed session pursuant to:

(1) **the legal counsel exemption under Virginia Code § 2.2 3711(A)(7)** [consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter]:

a. The purpose of the closed session is consultation with legal counsel and briefings by staff members pertaining to probable litigation. The subject matter of the closed session is probable litigation between Augusta County and a certain commercial property owner pertaining to the 2024 reassessed valuation of the owner's real property for purposes of taxation.

Dr. Seaton questioned how discussing this issue in open session would adversely affect negotiating or litigating posture.

Nicole Price, Assistant County Attorney, commented to say that in this situation it could compromise the County's position.

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CLOSED SESSION (CONT'D)

November 13, 2024, at 7:00 p.m.

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

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

Motion carried.

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

1. Public business matters lawfully exempted from statutory open meeting requirements, and

2. Only such public business matters identified in the motion to convene the executive session.

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

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

Roll Call Vote was as follows:

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

Motion carried.

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

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ADJOURNMENT

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

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

Motion carried.

Chairman

County Administrator

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