Regular Meeting, Wednesday, July 27, 2022, 7:00 p.m. Government Center, Verona, VA.

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

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, July 27, 2022, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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Chairman Garber welcomed those present at the meeting.

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Mr. Morelli, South River District, led the Pledge of Allegiance.

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Ms. Carter, Pastures District, delivered the invocation.

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PUBLIC HEARINGS

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<u>AUGUSTA COUNTY PROPERTY</u>
This being the day and time advertised to consider the sale of Beverley Manor Elementary and Verona Elementary Schools.

Timothy K. Fitzgerald, County Administrator, stated the public hearing was legally mandatory in order to consider the sale of the property.

The Chairman declared the public hearing open.

Nicole Ochletree, 63 Valley View Drive, Mt. Sidney, is the president of the Fort Little League for the Verona Community Association (VCA). She explained how VCA was founded and the activities the VCA organized, which included football, cheerleading, basketball, softball, flag-football, flag-cheerleading, wrestling, and volleyball.

AUGUSTA COUNTY PROPERTY (CONT'D)
She was contacted about the selling of the property that day. She said the VCA was run on volunteers and the selling of the Verona Elementary School property, which was used by the VCA for 58 years, would negatively impact the sports programs. Ms. Ochletree added that VCA would have difficulty solving the problem of not having a facility to host many of its sports. She said 500 kids would not have access to the sports VCA provides if the building was sold. Ms. Ochletree proposed that the property not be sold but instead converted into a recreation space that does not belong to a school. She asked the Board make their decision for the best interest of the kids.

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

There is no action required by the Board.

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(END OF PUBLIC HEARINGS)

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INFRASTRUCTURE FUNDING REQUEST
The Board considered the following funding requests:

a. Dooms Volunteer Fire Company
Funding Source: Wayne Infrastructure 8017-111 $7,855.01

Mr. Fitzgerald explained the equipment list for the fire company.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the funding request.

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

Motion carried.

b. Stuarts Draft Volunteer Fire Department and Wilson Volunteer Fire Department
Funding Source: South River Infrastructure 8016-102 $1,818.75 each.

Mr. Fitzgerald mentioned that the request was to purchase defibrillators.

Mr. Morelli moved, seconded by Dr. Seaton, that the Board approve the funding request.

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

Motion carried.

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TREASURER'S TAX REFUND AUTHORITY
The Board considered the Treasurer's request to increase refund authority from $5,000.00 to $10,000.00 per state law.

James Benkahla, County Attorney, explained the change were permissible by state code.

Dr. Seaton moved, seconded by Mr. Shull, that the Board approve the request as presented.

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

Motion carried.

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SCHOOL BOARD BRIDGE LOAN REQUEST
The Board considered the School Board bridge loan request for the Riverheads and Buffalo Gap Middle School construction projects.

Jennifer M. Whetzel, Deputy County Administrator, summarized the loan request from the School Board and explained that the plan was to apply in the Spring but that did not occur do to unknown costs. The School Board wished to get the funds of $8.2 million to start construction of the project.

Mr. Shull moved, seconded by Dr. Seaton, that the Board approve the bridge loan request.

Dr. Seaton asked about the spring application and if the Board would need to approve again.

Ms. Whetzel explained that the Board would not have to approve again but would just submit another application.

Ms. Carter wanted to clarify that this matter occurred do to Virginia's General Assembly not approving the state budget in a timely manner.

Ms. Whetzel confirmed Ms. Carter's statement.

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

Motion carried.

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SCHOOL BOARD BROADBAND ANNUAL PAYMENT PLAN
The Board considered the School Board's proposed broadband annual payment plan.

Ms. Whetzel summarized the proposed broadband annual payment plan. She explained that the County was part of an eight-county regional broadband expansion project that the Northern Shenandoah Valley Regional Commission ran. The Board had previously approved an agreement that allowed for payments over a course of years towards the project to be at least a three-year build out. The payment plan for approval at

SCHOOL BOARD BROADBAND ANNUAL PAYMENT PLAN (CONT'D)
the currently would be a four-year commitment, payable up to $2.5 million per year towards the $8.4 million allocation for the project.

Dr. Seaton asked why the issue was brought up.

Ms. Whetzel explained that the School Board had allocated $2.5 million towards the project but the School Board's payment plan would be in tandem with the payments the County was paying towards the project.

Ms. Carter asked what would happen if the County had to pay a large chunk of the money up front. She wondered if the School Board would forward the money earlier or would the County have to wait.

Ms. Whetzel answered that it would just be over the course of the four years.

Dr. Seaton moved, seconded by Ms. Carter, that the Board approve the proposed broadband annual payment plan.

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

Motion carried.

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BOARD MEETING GUIDELINES
The Board considered the updated Board meeting guidelines.

Mr. Fitzgerald summarized the guidelines and pointed out the changes that were requested at the work session. He said Mr. Wells made a good suggestion after the work session to change the wording to allow request to speak up to the scheduled start of the meeting. Mr. Fitzgerald added the Board could change the guidelines in the future if necessary.

Mr. Wells commented that his suggestion was made based on two meetings that had changed start times. He added that he asked Mr. Fitzgerald to research surrounding localities, and the research showed that the guidelines were not arbitrary or capricious.

Mr. Fitzgerald confirmed that Rockingham, Albemarle, and Shenandoah County had a three-minute time limit for public comment; Waynesboro had a seven o'clock sign up cut off; Staunton had a five-minute time limit and a requirement to provide name and address. He stated that Shenandoah County did not allow for other public speakers to gift each other part of their time to speak more.

Mr. Shull moved, seconded by Mr. Slaven, that the Board approve the Board Meeting Guidelines as presented with a three minute limit for individuals and five minutes for a group.

Dr. Seaton said that Staunton provided Zoom and phone calls for people who could not be in person and wished to add that practice for the County meetings.

Ms. Carter said that more time is necessary to make an informed decision.

Ms. Carter moved, seconded by Dr. Seaton, that the Board table this agenda item until the next regular Board meeting.

BOARD MEETING GUIDELINES (CONT'D)

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

Motion failed.

Dr. Seaton moved, seconded by Ms. Carter, that the Board authorize amending the guildelines to add Zoom and phone capabilities for each meeting.

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

Motion failed.

Dr. Seaton said he did not get an answer as to what would happen to a person who could not come on time to sign up to speak for the meeting.

Dr. Seaton moved, seconded by Ms. Carter, that the Board authorize amending the guidelines to make the deadline for signing up to speak to thirty minutes after the start of the meeting.

Ms. Carter asked if the guidelines gave the public the ability to take something of the consent agenda.

Dr. Seaton believed that was an incorrect interpretation.

Ms. Carter was accurate in her reading of the guidelines because it allowed the public to make a request to the Board on a part of the consent agenda.

Mr. Fitzgerald explained that there would be a time when the Chairman would ask if anything needed to be removed from the consent agenda.

Ms. Carter believed that the request would be made after the seven o'clock cut off.

Mr. Fitzgerald said that the removal request would not need a public request to speak but if they wished to explain the reasoning they would have to request to speak.

Mr. Wells asked James Benkahla, County Attorney, about how to handle the consent agenda separately.

Mr. Benkahla said that would be plausible.

Mr. Shull said he thought the consent agenda ought to be treated as any other item on the agenda.

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

Motion carried.

Dr. Seaton said the opportunity to correct misinformation would be lost by the public if the time limit was three minutes.

Dr. Seaton moved, seconded by Ms. Carter, that the Board authorize amending the guidelines to five minutes per speaker and eight minutes for a group.

Ms. Carter said she could see that someone would have additional information that they would like to share after another person has spoken.

Chairman Garber said the idea to have guidelines was not as novel as the Board members believed. He said he has some responsibility for the lax nature of the recent meetings.

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BOARD MEETING GUIDELINES (CONT'D)
Chairman Garber said that meetings often have bad decisions made after ten o'clock.

Dr. Seaton said public comments are made after the meetings so the decisions are not made past ten o'clock. He said that the second amendment resolution was made after ten o'clock. He said if the proposed guidelines were scrapped and a five-minute time limit were imposed that could receive a unanimous vote.

Chairman Garber asked what was the current motion.

Mr. Fitzgerald said the only motion left was the original one made by Mr. Shull. He did not know if the five-minute time limit change was made into a motion.

Mr. Shull clarified what his motion was three minutes for individual and five minutes for a group.

Dr. Seaton summarized his motion to amend to change the time limit.

Ms. Carter asked if the motion was for the whole guidelines document or just the amendment.

Dr. Seaton said it was just the amendment.

Chairman Garber asked for a second for Dr. Seaton's amendment.

Ms. Carter seconded it.

Vote was as follows: Yeas: Carter and Seaton
Nays: Garber, Wells, Slaven, Morelli and Shull
Motion failed.

Dr. Seaton moved, seconded by Ms. Carter, that the Board authorize amending the guidelines to no name and address required to speak.

Dr. Seaton did not believe the Board should judge the person's concerns based on the address of the person or lack of name. He added that it was a violation of the fourth amendment.

Vote was as follows: Yeas: Carter and Seaton
Nays: Garber, Wells, Slaven, Morelli and Shull
Motion failed.

Dr. Seaton said he had a question that was not answered: what would the Board do if the time limit was violated.

Chairman Garber said he would say the time was up once the timer on the screen ran out.
Mr. Shull moved to call for the question.

Vote was as follows: Yeas: Garber, Wells, Slaven Morelli and Shull
Nays: Carter and Seaton
Motion carried.

Mr. Shull moved, seconded by Mr. Wells, that the Board approve the meeting guidelines with the changes discussed.

BOARD MEETING GUIDELINES (CONT'D)
Vote was as follows: Yeas: Garber, Wells, Slaven Morelli and Shull
Nays: Carter and Seaton

Motion carried.

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WAIVERS --NONE

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

MINUTES:
Consider minutes from the following meetings:
- Staff Briefing, Tuesday, June 21, 2022
- Regular Meeting, Wednesday, June 22, 2022

CLAIMS
Consider claims paid since June 1, 2022

STREET ADDITION
Consider a street addition for Overlook Subdivision Section 7A and 7B.

Vote was as follows: Yeas: Garber, Wells, Carter, Shull, Slaven, Morelli 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
David Zimmerman, 120 Lee Highway, Verona, asked where the proposed protest permit ordinance stood. He also wished to be informed as to what action was being taken against the businesses that owed back taxes.

Chairman Garber said the staff was doing everything within the legal restrictions.

Bonnie Chapman said even though the Board would be annoyed by her comments she would continue to do so because of her first amendment rights. She supported the online methods of speaking to the Board during the meetings and did not think the time limit for public comment was necessary. She was glad to receive the thirty-minute addition to submit speaking requests. Bonnie claimed that there was a predator in the

MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)
audience that stalked and harassed teens and had a 1950's white supremacy ideology. She claimed he assaulted a teenage girl with his lawnmower. She chided the Board members of saying dishonorable things.

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MATTERS TO BE PRESENTED BY THE BOARD
Dr. Seaton invited people to go to the Augusta County Fair that opened on Tuesday. He addressed the motion to rescind the "Mike Shull" rule.

Mr. Shull moved, seconded by Mr. Slaven, that the Board approve rescinding the previous Board action specifying how agenda Board member items are placed on the agenda.

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

Motion carried.

Dr. Seaton informed the Board that at the Public Safety meeting they were told there were 11 unfilled positions in the ECC. He wanted to know what was being done to fill and keep the positions.

Mr. Fitzgerald stated the salaries were brought up and there was a public campaign for emergency services as a whole including the ECC. He explained that the issue was nationwide and vacancies were not unique to the County. Mr. Fitzgerald said the learning curve was also an additional issue.

Dr. Seaton asked if the other localities were down fifty-percent.

Mr. Fitzgerald did not know but would look into it.

Dr. Seaton said the localities were in competition for the same people and asked if another pay study was needed.

Mr. Fitzgerald said that Human Resources would look into the issue. He gave background to the staffing issue and said they should have a consulting team look at ways to make the system more efficient and maybe create a regional center.

Dr. Seaton asked what the causes for people leaving were.

Mr. Fitzgerald answered that there were many different reasons such as location, workload, training issues, salaries, etc.

Dr. Seaton asked what status was the County's salary in comparison to other localities.

Mr. Fitzgerald said they were in the middle.

Dr. Seaton asked if they should raise salaries to attract more people for ECC. He wished to have another pay study done.

Chairman Garber asked Dr. Seaton to bring the issue up in work session.

Mr.. Fitzgerald said the staff would get more information by the next work session.

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MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)
Mr. Slaven said there were localities that would take the County's trained people and asked if it was right for that to continue to happen without the County trying to appeal to other trained staff of other localities.

Mr. Fitzgerald answered he would clarify the issue later.

Dr. Seaton asked about the change in the online survey.

Ms. Whetzel said it had not occurred yet.

Dr. Seaton asked about the body cameras grant information.

Mr. Fitzgerald said that staff was still researching the topic.

Dr. Seaton asked about the budget survey.

Ms. Whetzel said the Sheriff and Finance Director were still looking into it and she would ask the status of that project.

Dr. Seaton asked about the cigarette tax revenue amount.

Ms. Whetzel said this past year the County received $96,000.

Dr. Seaton asked if that was within the last six months.

Ms. Whetzel answered yes. She said they were restructuring the number of packs sold against the cost. The Count has about 30% of the packs sold in the region so the County will likely pick up more cost. She said the predicted budget was $267,000.

Dr. Seaton asked if that would mean the County would get more or less money from the tax.

Ms. Whetzel believed the County would receive more overall from the tax but also incur more cost.

Dr. Seaton asked if it was seasonal or predictable.

Ms. Whetzel said it was predictable but they will be sure to be accurate in the calculations. She added that the number of packs sold is startling.

Dr. Seaton said he wished to get his patients to live to 100 but the cigarettes do not help his cause. He then mentioned his support to fund the body cameras and mentioned that the Sheriff wanted body cameras. He listed the localities that use body cameras and those that are purchasing them. Dr. Seaton continued to speak on the issue and brought up examples that supported his case for the purchasing of body cameras. He quoted a resolution from NAACP for the use of body cameras.

Mr. Morelli congratulated John Wilkinson on a new grandson and invited people to the Augusta County Fair. He stated that Dr. Seaton misheard the Sheriff and explained that the Sheriff clearly stated that body cameras were not his first priority.

Mr. Shull said the ECC was a statewide issue and an added incentive to dispatchers would be to get the LEOS benefit for them.

Mr. Fitzgerald said they put it in the legislative package every year but Leos has not been

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MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)
passed and agreed with Mr. Shull.

Mr. Shull asked when school would be back in session.

Mr. Fitzgerald answered the second week of August.

Mr. Shull asked everyone to be aware of the school buses and child safety.

Ms. Carter asked the requirements to start to consolidate 911 centers.

Mr. Fitzgerald said an RFP would need to be issued to study what would be needed and the cost associated.

Ms. Carter asked if the localities ought to be contacted before the RFP.

Mr. Fitzgerald said with the support of the Board those actions would be taken by staff.

Chairman Garber said the topic has been looked at many times but the decision of the other localities might have changed recently. He thought the idea ought to be attempted again.

Ms. Carter offered to help in anyway.

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MATTERS TO BE PRESENTED BY STAFF
Mr. Fitzgerald attended the groundbreaking of the Shenandoah Airport for the Hanger Project. He also attended the I-81 truck climbing lane public hearing for VDOT. Mr. Fitzgerald announced that they had a new Commonwealth Transportation board member from Staunton, Randy Laird, who was appointed by the Governor.

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BOARDS AND COMMISSIONS
Mr. Wells moved, seconded by Dr. Seaton, that the Board appoint Eric Young to serve on the Blue Ridge Criminal Justice Board. Effective immediately and to expire June 30, 2024.

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

Motion carried.

Ms. Carter moved, seconded by Dr. Seaton, that the Board re-appoint Timothy Simmons to serve on the Augusta County Service Authority Board. Effective immediately and to expire on June 30, 2026.

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

Motion carried.

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

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

Motion carried.

Chairman

County Administrator

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