

Regular Meeting, Wednesday, July 26, 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
Angie Michael, Executive Assistant

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....

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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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Dr. Seaton, Wayne District, delivered the invocation.

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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.

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Motion carried.

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The Board considered the following resolution:

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.

Mr. Fitzgerald stated that this resolution honors the life of Mark Christopher Wagner II, which was the police officer from Wintergreen who lost his life in the line of duty. This resolution resolves that Augusta County is calling upon the General Assembly to amend the Code of Virginia to afford local private police officers the benefits under the Line of Duty Act of the Virginia Code. Municipal Government provides line of duty act benefits. Currently, the Code of Virginia does not allow private police departments to utilize the benefits. This resolution honors the life of Mr. Wagner and also shows that Augusta County stands in support with Nelson County.

Jesse Rutherford, Nelson County Board of Supervisors Chairman; Mr. Dennis Russell, Chief of Police for Wintergreen and Curtis Sheets, Chief of Fire and EMS, were present and thanked the Board for their consideration of the resolution.

Mr. Wells stated that Delegate Ellen Campbell contacted him and asked that he speak on her behalf. It was made clear that she will do everything possible to see that this goes through the General Assembly.

Mr. Garber moved, seconded by Dr. Seaton, that the Board adopt the resolution as presented.

Dr. Seaton stated that he was contacted by Chairman Rutherford after Officer Wagner's death and asked that this be brought before the Board for consideration. This resolution is the first step to encourage our delegates and senators to amend the line of duty act in the next session to provide benefits to the families of private police officers killed in the line of duty.

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

Motion carried.

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PREVIOUSLY TABLED – The Board considered advertising for public hearing.

Timothy Fitzgerald, County Administrator, stated that there was discussion at the Animal Shelter Owners' meeting regarding a potential impoundment fee and how it may look going forward. The shelter board asked that this amendment be placed on hold to allow for further discussion among the three localities.

The Board agreed to hold the ordinance amendment for a future meeting.

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

Consider minutes from the following meetings:

- 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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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.

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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

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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

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ADJOURNMENT

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

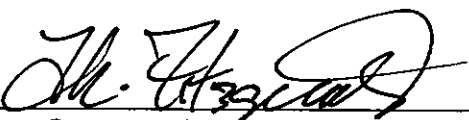
Vote was as follows:

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

Nays: None

Motion carried.


Chairman


County Administrator

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