

Regular Meeting, Wednesday, June 28, 2023, 7:00 p.m., Government Center, Verona, VA.

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

ABSENT: Timothy K. Fitzgerald, County Administrator

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

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Chairman Shull welcomed those present at the meeting.

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The Board of Supervisors led the Pledge of Allegiance.

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Mr. Shull, Riverheads District, delivered the invocation.

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VDOT 6-YEAR PLAN

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

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

The Chairman declared the public hearing open.

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

Mr. Komara reviewed the monthly report from Monday's Staff Briefing meeting.

Dr. Seaton moved, seconded by Ms. Carter, that the Board adopt the VDOT 6-Year Plan as presented.

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

Motion carried.

This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division A. In General. Article I. General Provisions. Section 25-4. Definitions.

Alidia Vane, Planner II, presented the first ordinance amendment for section 25-4. The first amendment clarified definitions for the limit on occupancy of recreational vehicle parks. The time limits and occupancy number were further defined. Slides with the altered wording were provided.

The Chairman declared the public hearing open.

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

Dr. Seaton asked what authority the Board had to create this ordinance. He said there was no code reference.

Mr. Benkalha said it was under the general authority of the County.

Dr. Seaton referenced Code 15-2, the general power of counties.

Ms. Bragg moved, seconded by Mr. Wells, that the Board adopt Ordinance Amendment of Section 25-4 as presented.

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

Motion carried.

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This being the day and time advertised to consider an ordinance to amend Chapter 25. Zoning. Division B. In General. Article VIII. General Agriculture Districts. Section 25-74. Uses permitted by Special Use Permit.



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

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

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Mr. Wells moved seconded by Ms. Carter that the Board under Ordinance 15-21 direct the County Attorney to abate the violation.

Motion carried.

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Jennifer Whetzel, Deputy County Administrator, noted the next step in the Regional Radio Project is to consider the subscriber contract, which was discussed at Monday's Staff Briefing. The agreement is 15 years, and the cost is \$3.3 million. The County Attorney made alterations to the infrastructure contract, which was approved by all three localities.

Chairman Shull asked if the company would take care of the issues that were added to the agreement.

Ms. Whetzel confirmed that would be the case.

Chairman Shull said the agreement looked good as long as the County would be taken care of.

Mr. Slaven moved, seconded by Dr. Seaton, that the Board approve the contract as presented.

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

Motion carried.

Chairman Shull said he hoped the company fulfilled the contract. He asked if it was the last contract.

Ms. Whetzel said it would be the last formal document.

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Sheri Laubach, 104 Lanchester Court, Waynesboro, stated that the Board should consult with the Attorney General about the ordinance amendments concerning the Animal Shelter. She thought it was not good or professional that the rest of the Board did not support Dr. Seaton's request to asked the Attorney General.

Valerie Deacon, 79 W. Hill Road, Staunton, thanked Dr. Seaton for being transparent and dealing with the unlawful fees of the Shelter. She was disappointed with the rest of the Board's reaction to Dr. Seaton's research. She asked if the Shelter Director had apologized to the volunteers.

Sherri Heishman, 80 Harroyale Dr., Fishersville, stated that animal care is hard and thanked the hard work of the staff at the Animal Shelter. She just hoped that the Shelter would make it easy for the people to get their animal back.

Sherry Helsel, Waynesboro, thanked Dr. Seaton for listening to citizens and doing research. She also hoped the Board would make an ordinance compliant with the State Code. She encouraged the Board to consult the experts.

Ms. Carter asked what LVT meant.

Ms. Heishman stated that it meant licensed veterinarian.

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

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

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

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

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MATTERS TO BE PRESENTED BY THE BOARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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MATTERS TO BE PRESENTED BY STAFF

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

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

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

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

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

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

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

MATTERS TO BE PRESENTED BY STAFF (CONT'D)

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

Motion carried.

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

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

Motion carried.

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

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

Motion carried.

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

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

Motion carried.

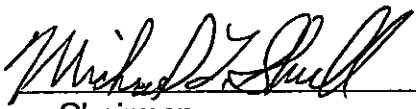
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ADJOURNMENT

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

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

Motion carried.


Chairman
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County Administrator