

Staff Briefing Meeting, Monday, June 26, 2023, 1:30 p.m., Government Center, Verona, VA.

PRESENT: Michael Shull, Chairman
Jeffrey Slaven, Vice-Chair
Butch Wells
Carolyn Bragg (arrived late)
Pam Carter
Scott Seaton
Jennifer M. Whetzel, Deputy County Administrator
Doug Wolfe, Director of Community Development
Alidia Vane, Planner II
James Benkahla, County Attorney

ABSENT: Gerald Garber
Timothy K. Fitzgerald, County Administrator

VIRGINIA: At an adjourned meeting of the Augusta County Board of Supervisors held on Monday, June 26, 2023, at 1:30 p.m., at the Government Center, Verona, Virginia, and in the 247th year of the Commonwealth....

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VDOT ROADS

A VDOT representative was not present to review the monthly report.

Jennifer Whetzel, Deputy County Administrator, stated that the Board would need to open the VDOT 6-Year Plan to a public hearing at the June 28th regular meeting.

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FIRE AND RESCUE

Bryan Mace, Deputy Chief of Operations, discussed the month Fire-Rescue report.

The board accepted the report as information.

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SAW REGIONAL P25 RADIO PROJECT SUBSCRIBER UNITS

Ms. Whetzel summarized the procurement process of the Radio Project and noted that the MOU was approved in April between the cities. Next, the County will consider the subscriber units contract. The contract would be for 15 years totaling about \$3.3 million. She also explained that there were changes requested by the County Attorney on the underlying infrastructure contract and they were accepted by the cities.. She added that the agenda package did not include the entire infrastructure contract since it would be too large to download online.

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PLANNING COMMISSION/PUBLIC HEARINGS

Alidia Vane, Senior Planner II, discussed the following:

- a. Ordinance to amend Chapter 25, Section 4.
- b. Ordinance to amend Chapter 25, Section 74.

The Board authorized placing on the June 28, 2023 regular meeting agenda.

Ms. Vane also explained that the third and fourth Ordinance Amendments on the Agenda were postponed by the Planning Commission for July in order to gather more information and hold a Public Hearing. She mentioned the request that the Board issue a Moratorium on solar requests before the Comprehensive Plan had been completed.

Mr. Benkahla does not think that the Board has the authority to issue a Moratorium on zoning applications.

Ms. Vane will advise the Planning Commission in their next meeting.

Mr. Shull said he hoped there would be more clarification about solar in the plan.

Ms. Whetzel clarified to the Board that their will only be the first two Ordinance Amendments as Public Hearings for the June 28, 2023 regular meeting.

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Bragg arrived at the meeting.

Dr. Seaton asked about the wording of the Animal Shelter's website. He wanted to know if the County was allowed to impose "surrender fees".

Mr. Benkahla said he would look into that.

Dr. Seaton said the website also refers to the ACO even though he thought the County just released the dog.

Ms. Whetzel stated that she would look into the information on the website.

Dr. Seaton said he saw that on Facebook too. He asked if there are different procedures based on locality at the Shelter or if it is based on the County which is where the Shelter is.

Ms. Whetzel answered that the fines will be determined by each locality and other fees would be determined by the Shelter Board.

Dr. Seaton asked specifically about reclaiming the animal.

Ms. Whetzel said she was not sure at this time.

Dr. Seaton thought there should be one process and it should be the County Ordinance since the Shelter is in the County.

Ms. Whetzel explained it might depend on the locality since it is a partnership.

Dr. Seaton asked if the Shelter has a bank account.

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

Ms. Whetzel confirmed that the Shelter has one.

Dr. Seaton asked if the account was at the County or a bank.

Ms. Whetzel explained that the account was at a bank managed through the County Treasurer.

Dr. Seaton asked what bank it was in.

Ms. Whetzel said she did not know.

Dr. Seaton asked why Staunton had Shenandoah Valley as a non-profit on their website.

Ms. Whetzel asked where he saw that.

Dr. Seaton said he saw it on their website.

Ms. Bragg apologized for being late. She attended Officer Chris Wagner's funeral. She thanked him for his service and sacrifice.

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MATTERS TO BE PRESENTED BY STAFF

Ms. Whetzel asked the Board if they had any questions concerning the Economic Development Report or the Countywide Projects Update.

Mr. Wolfe explained that the Board needed to give the County permission to clean the trash at 2 Kenwood Drive. This was due to the Ordinance 15-21. They had sent six notifications to the resident asking that the trash be disposed of.

Ms. Whetzel asked if the Board needed a consensus or would have to vote on the issue.

Vice-Chairman Slaven asked if there could be a motion that day.

Mr. Benkahla stated that the Board cannot make a motion that day and needed to vote on the trash removal.

Chairman Shull stated that the matter should be put on Wednesday's agenda.

Ms. Whetzel presented the draft of the changes for the Animal Ordinance that would make the fee a civil fee and stop the owner of a stray dog from having to go to court. She said the earliest the changes could be made would be July at a Public Hearing since the Public Hearing must be advertised twice. She asked if the Board had any questions.

Dr. Seaton said there were errors in the draft. He said there are no civil penalties for an unlicensed dogs or rabies and both must go through court summons.

Mr. Whetzel said the code he referenced were the same.

Dr. Seaton referenced other parts of the code saying his impression is that would apply for the County Ordinance.

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Ms. Whetzel asked about the conflicts between the Code itself.

Dr. Seaton said County Ordinance does not have an impoundment fee currently.

Mr. Benkahla said he would have to look at the code and get back to the Board.

Ms. Whetzel asked if that was a partnership issue or a County issue.

Dr. Seaton said that the County Ordinance does not have an impoundment fee.

Mr. Benkahla said the County does not have one but a fee could be placed in an ordinance some other way.

Dr. Seaton said the County Ordinance needed to be changed.

Ms. Bragg asked if they needed to talk with the other localities.

Dr. Seaton said it goes back to the location of the shelter.

Mr. Benkahla said it would be the County's issue if the animal is in the County. He understood what Dr. Seaton was saying but would have to check Dr. Seaton's statement.

Ms. Carter asked if a dog that was from a city would still go through the County.

Mr. Benkahla said he was not sure.

Dr. Seaton remarked that the Ordinance needed to clarify the actual charges incurred.

Mr. Benkahla said the actual cost is attributable to items such as personnel, lighting, and anything for the sake of housing the animals except for the capital expense of the building.

Dr. Seaton said if an animal is in the Shelter for six months then the owner of that animal should only be paying for their dog not all the animals that were there during their stay.

Mr. Benkahla said the actual cost would include overhead expenses like staff, lights, food, etc.

Ms. Whetzel said the definition described in the Ordinance included the other costs of housing the animal. She said if a person signed their dog over to the shelter then the general budget should cover it, but it was not right that the taxpayers pay for other people's animals running at large.

Dr. Seaton compared the difference between actual cost and a per diem cost.

Mr. Benkahla said that a per diem fee is allowed if it is at or below the actual cost incurred.

Dr. Seaton wanted to ask other localities.

Mr. Benkahla said he looked at other localities and their charged ranged from \$5-12 per day.

Dr. Seaton wanted to ask the Attorney General on how to proceed according to the State Code.

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Ms. Whetzel asked if it would be satisfactory to include the calculations the County used to reach their per diem fee in the Ordinance.

Dr. Seaton said the actual cost would still be different.

Ms. Whetzel asked if Dr. Seaton wanted the Shelter to keep track of each animal and the food they eat.

Dr. Seaton said other shelters do not charge food but only charge vet and grooming expenses. He thought the Shelter should be run in the general budget.

Vice-Chairman Slaven mentioned the court fee is something that the civilians have to pay that is not in the general budget.

Dr. Seaton said that is why he believes they should ask the Attorney General about what actual cost means.

Ms. Bragg said most of the Board members disagree with Dr. Seaton's definition of actual cost. She thought the math for the fee would be nice to have and said they might discover that \$15 per day was too low. She said the Board is not against the fee and thought it was time they moved on from the subject.

Dr. Seaton asked if the Attorney General would be able to be reached for free.

Mr. Benkahla said if the Board wished he would ask.

Mr. Wells thought that it would be embarrassing to ask that question to the Attorney General. He would like to ask other localities what they charge and why. He added that the Attorney General might laugh at the Board for asking that question.

Dr. Seaton said that the Attorney General was not laughing at them now.

Chairman Shull commented that there would be other issues that would take precedent and they might not get an answer in time.

Ms. Carter asked Dr. Seaton if electricity is not part of his definition of actual cost. She asked him to cite his source of his definition.

Dr. Seaton quoted other parts of the County Ordinance connected to reimbursement and said the definition he uses for actual expense could be found on the internet.

Ms. Carter said she did not trust everything on the internet. She asked Dr. Seaton to cite a reference.

Dr. Seaton referenced the State Code that used a flat fee, 15.2-1716. He said that the Animal Shelter is not allowed to use a flat fee.

Ms. Whetzel said a definition could be added for the actual cost.

Mr. Benkahla said he would feel more comfortable before proceeding if he was allowed to research and ask other localities.

Ms. Carter added that Dr. Seaton referenced a State Code that was not about animals but DUI.

Dr. Seaton said he knew that but that was not why he referenced that part. He said the State Code for the animal fees was only for the actual cost.

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MATTERS TO BE PRESENTED BY STAFF (CONT'D)

Chairman Shull said they were making too much over this issue and the State Code can contradict itself in many different areas. He saw the consensus of the Board was that Mr. Benkahla should put something together as well as do more research.

Ms. Whetzel mentioned that if the Board wished to cancel July's first meeting that they should notify staff soon.

Chairman Shull asked if they were required to notify the staff at a certain time.

Mr. Benkahla said there was not a set time requirement.

Chairman Shull said the Board would decide by Wednesday.

Ms. Whetzel also brought up the booth shifts for the County Fair.

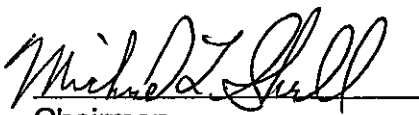
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CLOSED SESSION

Mr. Shull stated that the Board wished to not go into Closed Session.

Ms. Whetzel mentioned that there were Board & Commissions appointments that needed to be made: CAP SAW, Central Shenandoah Emergency Council, Blue Ridge Community College, and Ag and Forestal Board. She said she would be happy to provide the applications if the Board members wished to look over them.

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Chairman


County Administrator

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

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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.