

Regular Meeting, Wednesday, June 22, 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
 John Wilkinson, Director of Community Development
 Leslie Tate, Senior Planner
 James Benkahla, County Attorney

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 22, 2022, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 246th year of the Commonwealth....

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Chairman Garber welcomed those present at the meeting.

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Leslie Tate, Senior Planner, introduced her daughters Mary Hunter and Whinney and her husband.

Mary Hunter led the Pledge of Allegiance.

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Mr. Shull delivered the invocation.

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****PUBLIC HEARINGS****

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VDOT 6-YEAR PLAN

This being the day and time advertised to consider and receive input in regards to the proposed Secondary System and receive input on the Secondary Road Construction Improvement budget for Fiscal Year 2022-23.

Don Komara, Residency Administrator, stated that there used to be a \$6 million budget but now there is an estimated \$1 million in the budget. VDOT makes use of state forced equipment to make the budget stretch. He emphasized the importance of transportation.

Josh Dunlap, Assistant Residency Administrator, spoke on the budget and various projects within the plan's budget that have been completed, started, and planned for the future. Some of the projects were from smart scale and other projects for the County were moved to the state-wide improvement plan. He also went through the County Wide UPCs.

Mr. Dunlap stated that the project is in a different funding category.

Mr. Dunlap explained they were counting traffic to determine if Amazon would have an impact in the future.

Tracy Pyles, 365 Churchville Avenue, requested an increase in funding be made by the Board to VDOT.

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

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

Motion carried.

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This being the day and time advertised to consider a request to rezone from Single Family Residential 15 to General Agriculture approximately 3.8 acres (TMP 066-89) owned by Dillon and Erica Sipe and located east of Troxell Lane approximately 500ft. from the intersection of Troxell Lane and Jefferson Highway in Staunton in the Beverley Manor District. The property is located in an Urban Service Area of the Comprehensive Plan planned for future medium density residential development at a density of 3-4 dwelling units per acre. The proposed general use of the property is residential lots on agriculture zoned property.

Leslie Tate, Senior Planner, stated that the recommendation by the Planning Commission was to deny the rezoning request. She referenced the maps within the presentation slides and showed how the request's purpose would not be suitable for the land. She noted that the applicant was not present.

Chairman Garber declared the public hearing open.

Kelly Troxell, 118 Troxell Lane, Staunton, spoke against the rezoning request. She described the history of the road and damage of the road sustained due to construction. She emphasized the safety concerns of the locals.

Leslie Tate thanked them and said she was glad to still work for the area as she would work for Waynesboro.

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ANIMAL SHELTER MEMORANDUM OF UNDERSTANDING

The Board considered the MOU.

Timothy K. Fitzgerald summarized the memorandum and highlighted the changes made. He said the City of Waynesboro had approved it and the City of Staunton would vote on it the next day.

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

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

Motion carried.

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VERONA ELEMENTARY SCHOOL PROPERTY

The Board considered a funding request for ballfield improvements on the Verona Elementary School property.

Funding Source:	Beverley Manor P&R Infrastructure	8021-064	\$775.82
	Middle River P&R Infrastructure	8022-054	\$775.81
	North River P&R Infrastructure	8023-052	\$775.82

Mr. Fitzgerald summarized the funding request for \$2,907.50 by the Verona Community Association to improve the ballfields at the east end of the Verona Elementary School property. The Parks and Recreation Commission recommended approval of the request.

Jennifer M. Whetzel, Deputy County Administrator, stated that the total cost was altered and the resulting amount would be split between three magisterial districts, which would equal to \$775.82.

Mr. Slaven moved, seconded by Mr. Wells, that the Board approve the Verona Elementary School property funding request.

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

Motion carried.

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REASSESSMENT

The Board considered the intent to award the contract to Wampler-Eanes Appraisal Group.

Ms. Whetzel stated that all proposals have been reviewed and evaluated. Interviews have been held for the services. Subject to compliance with contractual requirements, Augusta County intends to award the contract to the Wampler-Eanes Appraisal Group with a cost estimate of approximately \$1,548,944.00.

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DONATION ACCOUNT

- a. The Board considered rescinding the vote.
- b. The Board considered equipment and storage software.
- c. The Board considered acceptance of credit cards for donations and ACH transfers.
- d. The Board considered guidelines for account.

Sheriff Donald L. Smith spoke on the issue of body cameras. He explained that at a previous meeting in May 2021 he expressed the Sheriff's Office's needs. The needs included a digital radio system, vehicles, better wages, support staff, and additional deputies. He acknowledged his previous comments on body and dash cameras but he restated that he would use more money for deputies over body and dash cameras. He stated that body cameras do not stop shooters. Sheriff Smith told Dr. Seaton that he did not quote him on what he actual deemed important over body and dash cameras. He applauded Mr. Shull for trying to fulfill the Sheriff's office request without raising taxes. He thanked the Board for the funding given to the Sheriff's Office. Sheriff Smith emphasized that his highest priority is the ECC and the need for more staff. He said since the Texas shooting the calls he has received were all about the concern for school safety so his second priority was to get more school resource officers. His third priority is the digital radio system and getting funding for the system. Sheriff Smith also emphasized the need for new vehicles, better pay for his staff, and more deputies. He addressed the accusations that he is racist and stated his staff included women, African Americans, Asians, and Hispanics. He also defended his deputies against the same accusations. Sheriff Smith said the paid protestors do not support his office nor do they care about the safety of his deputies. He stated that he has twelve lawsuits against him such as being a homophobe, racist, and 4th amendment violation. He informed the Board that the protestors are not the voice of the citizens. Sheriff Smith states that the protestors accused him of being a human trafficker and pedophile and attacked his family and deputies' families. He addressed Scott Cline and blamed him for the attacks against his character that occurred and denied Cline's estimates for the cost of body cameras. Sheriff Smith also denied Dr. Seaton's numbers needed for body cameras stating that Dr. Seaton never asked him such a question. He disliked becoming the face of Nexus' GoFundMe page and petitions and has no desire to become part of their politics. He said the body cameras were a taxpayer issue and do not need one donation because it requires sustainability. Sheriff Smith asked the Board to address the issues that were priorities before body and dash cameras and if the Board members wish to support the Sheriff's Office they ought to vote to close the donation account. He again implores the Board for additional deputies, better wages, new radio system, new vehicles, etc. He addressed the incident on May 14, 2021 of Mr. Bruce, a 48-year-old white male, being shot by a deputy and the incident on May 19, 2021 of a 31-year-old black male being shot for carelessly waving a gun around. He asked the Board close the account and the GoFundMe page be closed for the safety of the people and the safety of his deputies.

Mr. Morelli moved, seconded by Mr. Slaven, that the Board approve the rescinding of the vote of the creation of the donation account.

Dr. Seaton stated that the motion was not the correct motion and objected because he believed that the vote could not legally be rescinded.

James Benkahla, County Attorney, stated the Robert's Rules of Order was just a rule of procedure for Board Meetings and in his opinion the undoing of an account was possible because the Board has authority over the entire account.

Dr. Seaton said the original vote to his motion was 5-2 and that he did not understand what changed within one month. He recalled all of his motions in support of the Sheriff and asked about the digital radio system.

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DONATION ACCOUNT (CONT'D)

Mr. Fitzgerald said the committee is currently interviewing potential vendors for the project.

Dr. Seaton asked when the issue would be brought to the Board.

Ms. Whetzel answered sometime in the fall.

Dr. Seaton said the Board has been working on the digital radio system and then asked about Sheriff vehicles.

Mr. Fitzgerald stated that they replaced some vehicles every year and the problem of obtaining vehicles has been an issue due to the pandemic.

Dr. Seaton reminded the Board that they voted the four extra employees for the Sheriff's Office down and agreed with the Sheriff that they needed more deputies and better wages. He asked people in the audience to stand up if they were in favor of body cameras.

Many people stood up.

Dr. Seaton then asked how much has been donated to the account.

Mr. Fitzgerald stated that three donations had been made: \$200, \$1,500 and \$4,400.

Dr. Seaton stated he donated the \$200 and that the Board and County Treasurer refused \$6,300 donation in the previous meeting. He again said he was in favor of all of Sheriff Smith's requests. He said many people are for cameras, both democrats and republicans, and said the cameras would aid the Sheriff and deputies in fighting against false accusations. He discussed at length the issue and claimed Mr. Slaven brought the issue of Scott Cline.

Mr. Slaven said he asked a simple question and never received an answer.

Ms. Carter and Dr. Seaton asked for a point of order.

Dr. Seaton apologized and did not know where the comment on Scott Cline came from. He continued talking about the body camera issue and reiterated at length the issue of funding the saying that the no-cost motions for public funding of body cameras ought to be supported. He added that it would be better for protestors to look to public funding over protesting. He asked the County Administrator to figure out the cost of body cameras in other counties. He encouraged the Board members to vote in favor of the account and said the Sheriff's points further support the need for body cameras.

Mr. Shull asked Dr. Seaton if he trusted the deputies.

Dr. Seaton said it was not a matter of trust.

Mr. Shull went on to say that if there was a need for body cameras then that meant there was a lack of trust in the Sheriff's Office.

Mr. Shull stated that he does not care about race and if people do not trust the deputies then they do not trust the County.

Dr. Seaton said he trusted the Sheriff's deputies but also trust the police chiefs of Staunton and Waynesboro, who support the use of body cameras for transparency.

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DONATION ACCOUNT (CONT'D)

Mr. Morelli asked Sherriff Smith if everyone on the Board had reached out to the Sheriff's Office.

Dr. Seaton said he did send an email to the Sheriff Tuesday night.

Mr. Wells explained that the Board members are all for body cameras, and he himself voted in favor of the account. However, he will vote to close the account because it was created without any guidelines. He said the GoFundMe page was also opened at the same time, and the two accounts would be unnecessary.

Ms. Carter thanked Sheriff Smith for speaking and clarifying his position. She said the Board has supported the Sheriff's Office and did not think the projects had to be either/or. She did not understand why there was so much debate over an account. She disagreed with the County Attorney based on her interpretation of Robert's Rules of Order. She emphasized the support for the Sheriff's Office.

Mr. Slaven added that the Sheriff is elected by the people and not employed by the Board so the people should communicate with the Sheriff and the Board should not act as the employer of the Sheriff.

Dr. Seaton said he also thought the motion to rescind was wider than the original motion. He also spoke on the Sheriff's list of priorities and said they should be added to the agenda. He also mentioned his wish to make the body cameras a question on the online public survey.

Mr. Fitzgerald re-read the motion to rescind the account for the purchasing of body cameras until the state mandates it.

Dr. Seaton said the "state mandate" was going beyond the original motion.

Chairman Garber addressed Dr. Seaton saying he has been patient with Dr. Seaton but Dr. Seaton has been claiming the meaning of motions and had voted against the entire budget, which did support the Sheriff.

Dr. Seaton explained that he voted against the budget because it was not altered based on his wishes for School Resource Officers and Sherriff's Office staffing.

Chairman Garber reminded Dr. Seaton that he advised Dr. Seaton to separate his motions, which Dr. Seaton did not do. Chairman Garber added that it would be very rare that he voted for a whole budget that he agreed with entirely.

Mr. Wells called for the question.

Ms. Carter did not like the calling for the question. She said she believed that calling for the question was the reason the School Resource Officers were not passed.

Chairman Garber restated the lack of separation between the motions at the time the officers being considered.

Dr. Seaton said that another member could have separated the motions by making a different one.

Chairman Garber called for the vote.

Dr. Seaton asked what the motion was.

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DONATION ACCOUNT (CONT'D)

Chairman Garber said it was a vote on the motion to rescind.

Ms. Carter abstained to vote because she did not believe the motion was correct.

Some of the public applauded.

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

Motion carried.

Mr. Fitzgerald stated that with that motion carried the rest of the subitems (b, c, d) were no longer relevant.

Dr. Seaton brought up the motion to rescind the rule requiring Board members to request to place items on the agenda before the actual meeting passed on the last meeting and why it was not on the agenda.

Mr. Morelli asked what was on the table to be rescinded.

Dr. Seaton said the rule to be rescinded was made at the last meeting. It restricted a motion made in one meeting to only be voted on in the next meeting.

Mr. Shull referenced the Robert's Rules of Order, which did not allow the losing party to rescind a motion made.

Dr. Seaton referencing the same Rules of Order claimed reconsidering could not be done by the losing side but rescinding could be done by any member of the Board.

Chairman Garber answered Dr. Seaton that the reason it was not listed on the agenda was because it was supposed to be discussed in Matters to be Presented by the Board.

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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:

- Regular Meeting, Wednesday, April 27, 2022
- Regular Meeting, Wednesday, May 11, 2022
- Staff Briefing, Monday, May 23, 2022
- Regular Meeting, Wednesday, May 25, 2022

June 22, 2022, at 7:00 p.m.

CONSENT AGENDA (CONT'D)

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

Andrea Jackson, Waynesboro, read a comment for Nicholas Patler, another Waynesboro resident, in support of body cameras. She then spoke about her feelings against the Augusta County Sheriff, distrust of the police, and favor of body cameras.

David Zimmerman, 120 Lee Highway, Verona, spoke on matters regarding taxes. He brought up the back taxes owed by Nexus, Richard Moore, Michael Donovan, and associates. He remarked that Dr. Seaton did not asked how many people are being sponsored by Nexus, which would have shown the same people who stood up in response to his first question.

Bonnie Chapman, 260 Windsor Drive, spoke for the donation account and against the Board. She read for Cameron Chapman which was also for the donation account and stated a law suit against the County Treasurer.

Sam Orlando, 475 Windsong Court, Fishersville, spoke for body cameras. He said the protesters did not call Sheriff Smith racist but his deputies did. He also accused deputies of following protestors home.

Chanda McGuffin, Waynesboro, spoke for body and dash cameras. She also said she would except checks for Rise Foundation.

Danny Link, 270 Leaport Road, Mt. Sidney, spoke on respect for the Board and that it was hard for him to respect Dr. Seaton based on Dr. Seaton's actions. He did not like the context in which his name was mentioned concerning body cameras. He gave his support but believed there were other concerns to be addressed. He thought that it was embarrassing to have a GoFundMe page for County equipment and the Sheriff should be the one telling the Board what his office needed. He said he would rather his name be mentioned concerning the animal shelter.

Tracy Pyles, PO Box #77, Churchville, spoke on the issue of body cameras and the Board's job to fund the Sheriff's Office. He critiqued the Board on their spending of the budget.

Sharon Fitz, Waynesboro, spoke for body and dash cameras and said there was good reason to not trust police officers.

Scott Cline, PO Box #327, Mt. Sidney, spoke on his respect for law enforcement. He mentioned the affidavit against Sheriff Smith. He spoke for the purchasing of body cameras.

Judy Desetti, 160 Carrier Lane, Waynesboro, spoke for body cameras and mentioned her six-month jail time and loss of nursing license due to what she believed were false accusations.

Sofie Alberts, Barboursville, spoke for body cameras for safety.

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June 22, 2022, at 7:00 p.m.

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CLOSED SESSION

On motion of Mr. Wells, seconded by Mr. Shull, that the Board convene into closed session pursuant to:

- (1) the personnel exemption under Virginia Code § 2.2-3711(A) (1)
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:
 - a) Boards & Commissions: Youth Commission, Ag & Forestal Dist., Ag Ind. Brd, Recycling, Broadband Committee, Library Board, Augusta County Service Authority, Valley Community Services Board, Shenandoah Valley Partnership, Planning Commission, Parks & Recreation, Community Policy Management Team
- (2) the legal counsel exemption under Virginia Code § 2.2-3711(A) (19)
[A discussion of plans to protect public safety as it relates to terrorist activity in accordance with §2.2-3711 (A) (19) of the Code of Virginia]:
 - a) Security-School Safety

On motion of Mr. Shull, seconded by Ms. Carter, that the Board came out of closed session.

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

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.

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

Motion carried.

