

Regular Meeting, Wednesday, July 24, 2019, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald W. Garber, Chairman
Carolyn S. Bragg-Vice Chairman
G.L. "Butch" Wells
Michael L. Shull
Wendell L. Coleman
Pam L. Carter
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
Leslie Tate, Planner
James R. Benkahla, County Attorney
Angie Michael, Executive Assistant

ABSENT: Marshall W. Pattie

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, July 24, 2019, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 244th year of the Commonwealth....

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Chairman Garber welcomed the citizens present.

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Jennifer Lewis led us with the Pledge of Allegiance.

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Michael Shull, Supervisor for the Riverheads District, delivered the invocation.

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AUTOMATIC VEHICLE LOCATION

The Board considered authorization to finalize the AVL budget and implementation plan with a cost of \$157,243.00.

Timothy Fitzgerald, County Administrator, stated that Board authorization is needed to finalize the AVL budget and implementation plan with the partner EMS agencies so that we can move the project forward. If approved, it is estimated that implementation of this technology can take place during the second quarter of 2020. Additional information has been received regarding the cell service question in Deerfield.

David Nichols, Fire Chief, stated that IT has looked into the possibility of going with a satellite based connectivity verses the Wi-Fi or Verizon hotspot cellular option. A range of \$10,500.00 to \$15,000.00 has been determined for a cost. The exact cost is not available because the project has not been bid out. This is for the hardware and the installation of the hardware. Instead of having a Verizon hotspot there would be a dome type antenna that sits on top the roof of the apparatus. A clear satellite signal has to be available in order for this to work. The per month cost for the data plan on the satellite with 0-20mb is about \$72.47, 21-100mb is \$281.68 per month and then 101-

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250mb is

AUTOMATIC VEHICLE LOCATION (CONT'D)

\$482.00. Another question is regarding the equipment and the ability to move it between units. It can be moved from unit to unit, but it's not as simple as a plug and play. There is labor costs involved with moving it from unit to unit so it is not something that should be done often.

Mr. Shull moved, seconded by Mr. Wells, that the Board approve the funding request

Ms. Carter is concerned that this was not budgeted for. Should this be included in the next budget?

Ms. Bragg agrees with Ms. Carter on her concerns. There are more questions to be answered and we should wait for the next budget process.

Mr. Wells stated that money is found for various issues that arise within the County that do not carry the significance of saving lives. It is worth finding the money to fund this project.

Mr. Coleman stated that this is something that has been discussed over a period of time. As of Monday's Staff Briefing, it was his understanding that almost everyone was on board with this project and now it appears that is not the case.

Ms. Carter questioned if this motion includes the satellite equipment for Deerfield.

Mr. Shull clarified that the motion is not for the satellite equipment. He would like to see how it goes before spending the additional money.

Vote was as follows: Yeas: Coleman, Wells, Shull, and Garber
 Nays: Bragg and Carter
 Absent: Pattie

Motion carried.

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HEARTHSTONE DAM

The Board considered the updated agreements.

Jennifer Whetzel, Deputy County Administrator, stated that over a period of years the Board has addressed agreements and contracts for Hearthstone Dam rehabilitation. The construction contract was signed in November and there were requirements within the contract to drain the reservoir so many feet per day in order to protect the people downstream. With all of the rain that happened last year, it took a significant amount of time. There was also a grate that was preventing debris from getting into that area and this caused it to drain slower than normal. The contractor has been awarded fifteen weather days so far related to the wet weather. There is an extension, on the agreement that has been requested. This is a no cost time extension moving the date from September 2019 completion date to April 2020. This would allow for completion of the excavation and seeding in the spring. The National Watershed Rehab Program Manager in Washington, D.C. has approved the extension. Board approval is needed to amend the agreements to protect the federal funding.

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HEARTHSTONE DAM (CONT'D)

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the updated agreements for Hearthstone Dam.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull,
 and Carter
 Nays: None
 Absent: Pattie

Motion carried.

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REFUND REQUEST

The Board considered a refund request from the Commissioner of the Revenue for Martin E. Coggins in the amount of \$9,784.42.

James Benkahla, County Attorney, stated that the Commissioner of the Revenue has requested a refund for Martin E. Coggins. The U.S. Department of Veteran Affairs confirmed that Mr. Coggins has qualified for 100% disability since August 16, 2011. Mr. Benkahla has reviewed all documents.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the refund request.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull,
 and Carter
 Nays: None
 Absent: Pattie

Motion carried.

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VIRGINIA WAR MEMORIAL FOUNDATION

The Board considered a donation to the War Memorial.

Mr. Fitzgerald stated that there has been a donation request from the Virginia War Memorial Foundation. As a part of their Speak Their Names campaign, they are asking each Virginia municipality to recognize its sons and daughters whose names are among the nearly 12,000 names inscribed on the walls of the memorial shrine in Richmond. There are 146 names of fallen soldiers from Augusta County on the wall. It was suggested to donate \$1.00 per name, however Mr. Fitzgerald recommends donating \$200.00 per infrastructure account for a total of \$1,400.00.

Ms. Bragg moved, seconded by Mr. Wells, that the Board approve the donation request with \$200.00 from each district for a total of \$1,400.00.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull,
 and Carter
 Nays: None
 Absent: Pattie

Motion carried.

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STUARTS DRAFT DIAMOND CLUB

The Board considered a funding request for anchors, cables and pole repairs.

Funding Source: South River Infrastructure 80000-8016-90 \$1,365.43

Mr. Fitzgerald stated that the Stuarts Draft Diamond Club had damage to anchors, cables and poles that hold the netting behind home plate during a recent storm. They have met with Ms. Bragg about possibly helping with the expense.

Ms. Bragg moved, seconded by Mr. Shull, that the Board approve the funding request from the Stuarts Draft Diamond Club.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, and Carter
Nays: None
Absent: Pattie

Motion carried.

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AUGUSTA SPRINGS WASTE SITE

The Board considered funding for an additional open top dumpster.

Funding Source: Pastures Infrastructure 80000-8014-102 \$2,280.00

Mr. Fitzgerald stated there is currently an open top container at the Augusta Springs waste site which is different from a compactor. There has been a need for a second open top container each month. Ms. Carter has agreed to pay the additional amount required to allow the open top container to be placed one Saturday a month.

Ms. Carter moved, seconded by Mr. Coleman, that the Board approve the funding request for an additional open top dumpster.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, and Carter
Nays: None
Absent: Pattie

Motion carried.

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OLD RIVERHEADS ELEMENTARY SCHOOL

The Board considered funding for building upgrades to allow for occupancy.

Funding Source: Riverheads Infrastructure 80000-8015-83 \$12,196.52
Beverley Manor Infrastructure 80000-8011-94 \$12,196.52
South River Infrastructure 80000-8016-91 \$12,196.52

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OLD RIVERHEADS ELEMENTARY SCHOOL (CONT'D)

Mr. Fitzgerald stated that there have been groups using the gymnasium, the cafeteria and the office area for various activities. The water meter had been removed and relocated with good intentions to save money on the new elementary school. The waterline and service meter, along with some building code updates to the building are being requested in order to stay in compliance with fire code. The total amount being requested is \$48,786.80. The School Board has agreed to split the cost. The total amount will be split between three infrastructure accounts and the School Board will cover the remaining portion.

Mr. Shull moved, seconded by Mr. Wells, that the Board approve the funding request.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, and Carter
Nays: None
Absent: Pattie

Motion carried.

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VERONA VOLUNTEER FIRE DEPARTMENT

The Board considered funding for replacement of HVAC equipment.

Funding Source: Beverley Manor Infrastructure 80000-8011-95 \$30,000.00

Mr. Fitzgerald stated that Mr. Wells has met with the Verona Volunteer Fire Department regarding concerns about the HVAC system. The current system is no longer working and cannot be repaired. They are working on getting estimates to replace the system. The maximum amount for the project is \$30,000.00.

Mr. Wells moved, seconded by Mr. Coleman, that the Board approve the funding request to replace the HVAC system at Verona Volunteer Fire Department.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull, and Carter
Nays: None
Absent: Pattie

Motion carried.

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WEYERS CAVE LIBRARY

The Board considered funding for start-up and operating for the proposed Weyers Cave Library.

Funding Source: Middle River Infrastructure
Start up 80000-8012-96 \$80,500.00
Operating 80000-8012-97 \$88,700.00

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of the zoning ordinance is when you create a new lot that is less than 20 acres there is

WAIVERS (CONT'D)

a requirement that every lot will have either a connection to public sewer or an approved septic disposal system. There are no plans to install septic bathroom facilities on this project.

Mr. Shull moved, seconded by Ms. Bragg, that the Board approve the various request from the subdivision ordinance requirements.

Vote was as follows: Yeas: Garber, Bragg, Coleman, Wells, Shull,
 and Carter
 Nays: None
 Absent: Pattie

Motion carried.

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CONSENT AGENDA

Chairman Garber asked if the public wished for any item to be removed from the Consent Agenda and considered separately. There was no request.

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

MINUTES

Approved minutes of the following meetings:

- Regular Meeting, Wednesday, May 8, 2019

CLAIMS

Consider Claims paid since June 1, 2019.

Vote was as follows: Yeas: Garber, Bragg, Shull, Coleman,
 and Carter
 Nays: None
 Absent: Pattie

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Shaun Mooney gave a handout to the Board members. He has concerns on some things that were witnessed at the Board of Zoning Appeals meeting on July 3, 2019 regarding County staff. Elective representatives have a sworn duty to represent the citizens of Augusta County. The County mission statement reflects this duty to citizens. The Government of Augusta County exists to provide the citizens of the County with essential services which will address their individual and collective well-being. In partnership with the community of residents, the Government of Augusta County pledges civic stewardship that is physically accountable, socially responsive and worthy of the citizens trust. Can County officials be trusted? This has been addressed a number of times.

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MATTERS TO BE PRESENTED BY THE PUBLIC (CON'TD)

During the recent BZA meeting County staff came into the meeting with the attorneys from Flow Beverage. They sat together during the meeting and coordinated with one another during the breaks. Citizens see County staff working with Flow Beverage. Mr. Benkahla, Mr. Wilkinson and Ms. Bunch exhibited behavior that demonstrated that cooperation. Who do they work for? They exhibited behavior that demonstrates they do not work for the citizens. It is highly upsetting to watch this type of behavior and is disrespectful and disappointing. There are three examples from Mr. Benkahla's emails in which he worked with Flow prior to the meeting to coordinate their argument. The first email is on May 28, 2019 from Michael Sharp, Attorney for Friends of Seawright Springs. It was sent to Ms. Bunch and Flow's attorney was copies on the email. Mr. Benkahla resent the email to Flow to insure they received it. On June 7, 2019 there is another email forwarded to Flow by Mr. Benkahla. On June 26, 2019 Carol Satterwhite sent another email on behalf of Mr. Benkahla to the Flow attorney. It was case law that would help argue the County and or Flow's case in this matter. This is inappropriate. Mr. Benkahla is the County Attorney, not the Attorney for Flow. Can County Officials be trusted? The answer seems to be no or at least the Staff. This has been the concern from the beginning. Why are County Officials unresponsive to resident's questions and concerns? To date no information has been received and nothing has been addressed regarding concerns raised by the citizens. The Board of Supervisors sit in silence when addressed. Supervisors only want to meet in private to discuss the project instead of in public. Staff makes decisions without oversight or authority. The Economic Development Director made a decision that had a domino effect. It's important to note that the County gave \$250,000.00 to Flow in Sales and Use taxes. Flow paid millions of dollars to a Canadian popstar to promote their product last week. Was that a good use of the County's money and tax dollars? The project was not understood and we did not know what the company was going to do. The real concern is the pattern in behavior that is seen. When is the Board going to hold Staff accountable for their actions in support of Flow? Mr. Benkahla's three emails that were sent on May 28, June 7 and June 26 were inappropriate. Amanda Glover's actions to support this project were not well considered or well thought out. Sandy Bunch's decision to support a 1996 document which does not exist to reiterate a special use permit that never occurred on a by-right use that cannot happen is highly questionable, but County Officials continue to defend the actions. Several weeks ago the County had a luncheon sponsored by First Bank. From the outside, that's incredibly inappropriate. The County accounts are in First Bank. The tax payer wasn't invited to the luncheon. First Bank paid almost \$4,000.00 for the meal. That's not an act of goodwill. It may not violate the law in Virginia because if you divide the cost of the meal by the number of employees for Augusta County it falls under the \$20.00 limit, but it's ethically irresponsible. Banks want customers near where they work and where they live. To have 400 employees attend a luncheon at the Government Center ½ mile away from a First Bank is troubling. Will every business be allowed to do that in Augusta County? Are County Officials demonstrating fiscal responsibility? In 2015 a lot in Mill Place Commerce Park was sold for \$200,000.00 under the assessed value to Blue Ridge Machine Works. That business is not there. Three of the current Board of Supervisors were on the Board at that time. Mr. Mooney listens to the needs of Fire and Rescue personnel. He has listened to athletes as for lights on softball fields. In the minimal research that he completed, there has been \$450,000.00 that vanished into the Economic Development black hole on two projects that do not seem to have gone very well. These are a few examples of how County Staff, who serve at your pleasure, have failed to fulfill the mission. Failed because Board members need to pay attention to what is going on. The Staff needs to be held accountable. Do what is in the best interest of the citizens. There are four requests from the citizens. Put Matters to be Presented by the Public at the beginning of the meeting, live stream the Staff Briefing on Monday and the regular meeting on Wednesday night, review actions of Staff and the podium that the citizens speak from should be on the same level as the Board of Supervisors. Think hard about what has been said and consider that things need to change. A letter was provided

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MATTERS TO BE PRESENTED BY THE PUBLIC (CON'TD)

from Michael Sharp, Attorney for Seawright Springs, to the Board with significant concerns on the Flow project.

Robin Hawks questions if a conversation was had with Blue Ridge Community College about the library. Blue Ridge has a library that is open to the public. She noted that the Board talks about my accounts and my money. It is not the Board's money, it is the tax payer's money. The Board should be interacting with the tax payers to decide how the money is spent. Ms. Hawks has been speaking concerns about administrative processes. The Board sees themselves as authority figures rather than partners of the citizens. In psychology Groupthink is discussed. Groupthink is a parallel to organized activity. When a group of individuals fail to consider all opinions, they are destined to fail. As she watches the Board meetings, everyone is looking at each other and looking to Mr. Garber before making a decision. The Chair's role is to facilitate expression of all opinions. As behavior is observed, she sees a group of individuals who are unprepared for the seats that are occupied. Personal opinions, associations and our background all impact who you are and what decisions are made. Ms. Hawks challenges the Board to consider that what they are doing is engendering anger and distrust. The Friends of Seawright Springs are not enemies and not rebellious adolescents or people who all think the same about everything. Ms. Hawks read the County's mission statement. The leadership that is in place has failed to lead the Board in accomplishing the mission. The County Administrator, the Economic Development Director, the Zoning Administrator and the County Attorney have failed in the mission and the Board has allowed it. They need to leave or the Board needs to leave. Someone needs to show leadership and willingness to perform in a matter worthy of the citizen's trust.

Mr. Spiegel lives near Seawright Springs. The Board of Supervisors have taken a beating over this project and the Board does a good job. They look out for economic growth within the County.

John Albergenzkie of 85 Briar Creek Circle in Weyers Cave questions the tax reassessment and how the process works. How much was paid to the reassessment company to reassess the County? There are discrepancies with assessment that were made in his neighborhood that do not make sense. He requests a report that shows how the decisions were made.

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MATTERS TO BE PRESENTED BY THE BOARD --NONE

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MATTERS TO BE PRESENTED BY STAFF

1) The County applied for the VACo Achievement Award and Trails at Mill Place won. Presentation of the award will come at a later meeting.

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CLOSED SESSION

On motion of Ms. Bragg, seconded by Mr. Shull, the Board went 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 and Commissions - Ag Industry Board, Economic Development Authority, DSS Advisory Board, Youth Commission, Blue Ridge Criminal Justice, CAP-SAW,

- (2) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**
[discussion of the acquisition for a public purpose, or disposition, of real property]:
 - a) Augusta County Courthouse

- (3) **the legal counsel exemption under Virginia Code § 2.23711(A)(8)**
Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
 - a) Augusta County Courthouse

- (4) **the security exemption under Virginia Code § 2.2-3711(A)(19)**
Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § [2.2-3705.2](#), where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
 - a) Augusta County Government Center

On motion of Mr. Shull, seconded by Mr. Wells, the Board came out of Closed Session.

Vote was as follows: Yeas: Garber, Bragg, Shull, Coleman,
 and Carter
 Nays: None
 Absent: Pattie

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.

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CLOSED SESSION (CONT'D)

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.

Roll Call Vote was as follows:

Yeas: Garber, Bragg, Shull, Coleman,
and Carter
Nays: None
Absent: Pattie

Motion carried.

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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Ms. Bragg moved, seconded by Mr. Wells, that the Board proceed with security upgrades based on discussion in Closed Session in the amount of \$36,000.00

Vote was as follows: Yeas: Garber, Bragg, Shull, Coleman,
and Carter
Nays: None
Absent: Pattie

Motion carried.

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BOARDS AND COMMISSIONS

Ms. Bragg moved, seconded by Mr. Coleman, that the Board appoint Mark Frazier to serve on the Economic Development Authority. Effective immediately and to expire March 28, 2022.

Vote was as follows: Yeas: Garber, Bragg, Shull, Coleman,
and Carter
Nays: None
Absent: Pattie

Motion carried.

Mr. Coleman moved, seconded by Mr. Shull, that the Board re-appoint Leah Thomas to serve on the Economic Development Authority. Effective immediately and to expire March 25, 2023.

Vote was as follows: Yeas: Garber, Bragg, Shull, Coleman,
and Carter
Nays: None
Absent: Pattie

Motion carried.

