

Regular Meeting, Wednesday, November 13, 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 (Via Electronic)
Wendell L. Coleman
Pam L. Carter
Marshall W. Pattie
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
James R. Benkahla, County Attorney
Angela Michael, Executive Assistant

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, November 13, 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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The following student from Stewart Middle School led the Board of Supervisors in the Pledge of Allegiance:

Wyatt Marshall is in the 8th grade. He is in the SCA and plays in the All District Band and Honor Band. He would like to be a Lawyer.

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Pam Carter, Supervisor for the Pastures District, delivered the invocation.

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Ms. Bragg moved, seconded by Mr. Wells, that the Board allow Mr. Shull to join the meeting electronically.

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

Motion carried.

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November 13, 2019, at 7:00 p.m.

VIRGINIA LIBRARY ASSOCIATION UP AND COMER AWARD-ALI MCCUE

Diantha McCauley, Augusta County Library Director, recognized Ali McCue as the Virginia Library Association Up and Comer Award recipient. Ms. McCue is the Librarian Assistant with less than five years of experience. She was chosen for the award because of her community outreach efforts and the innovative programming that she has brought to the library.

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Timothy Fitzgerald, County Administrator, stated that there has been discussion on Facebook concerning the animal shelter's budget and euthanasia policy. No discussion has been had on cutting the budget and there has never been discussion on time period of kill. There is a new director at the shelter and she was asked to look at policies and volunteers and get suggestions that would possibly improve the shelter. The owners have no desire to make changes to the budget or the euthanasia policy.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Laurie Day, 209 Cisco Lane, Stuarts Draft, stated that she is a volunteer with the animal shelter. Her intention was to bring awareness of the shelter to the Board of Supervisors. Her actions were misconstrued and the wrong information was posted on Facebook.

Patrick Shipe, 180 Plum Tree Draft Road, Churchville, is concerned with the internet service in the West Augusta, Deerfield and North River areas. Schools are now requiring internet service to complete homework so it is crucial that the issue be addressed. Mr. Shipe is also concerned with Fire and Rescue. He questions whether new equipment and apparatus are needed or is a Maintenance Supervisor needed to oversee the upkeep of all equipment.

Steve Morris, 203 Hotchkiss Road, Churchville, thanked the volunteers that were present. He also thanked Supervisors' Pattie, Bragg and Coleman for their hard work and time spent on the Board of Supervisors. Mr. Morris does not think there should be secret meetings. The people of Augusta County need to be aware of what is going on in the County. Staffing levels at the jail need to be evaluated. He feels the jail is unsafe and overcrowded. Mr. Morris is also concerned with conditions of many roadways. The voting precinct at Clymore Elementary is unsafe and suggests using the high school because parking is better. He also suggests that when re-districting is done, the Churchville voting precinct be moved to a different location. The proposed middle schools for Buffalo Gap and Riverheads needs to be evaluated. Additional gym and cafeteria space will be needed and it is currently not in the plan.

Michael McGinnis, Jr., 876 North Mountain Road, Swoope, is the owner of the vineyard in Swoope. He came to answer questions concerning the use of cannons since he was unable to attend the previous meeting.

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WAYNESBORO AREA REFUGE MINISTRY-WARM

The Board heard a presentation on "Hunger & Homelessness Awareness Week".

Brian Edwards from the Waynesboro Area Refuge Ministry (WARM) presented on "Hunger and Homelessness Awareness Week" which is next week. He stated that many people in this area are living below the poverty level, and are homeless and hungry. One in five children in the United States live in poverty. One goal of WARM is to end Veterans' homelessness in the area by mid-2020. Mr. Edwards asks the Board to send a representative to WARM's regular meeting and to encourage the local housing authority representatives to support WARM's efforts.

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NATURAL CHIMNEYS POOL RENOVATION

The Board considered a change order for Natural Chimney's Pool project in the amount of \$79,500.00 from the Parks & Recreation Depreciation account.

Funding Source: Parks & Rec Depreciation 80000-8142 \$79,500.00

Jennifer Whetzel, Deputy County Administrator, stated that on July 11, 2019 a contract was executed with National Pools of Roanoke, VA. This contract is for the pool resurfacing and equipment upgrades at Natural Chimneys. The initial contract included the option for a splash pad. It was determined that the cost associated with the splash pad did not align with the intent of this project and would be explored in the future. During a recent visit to the site, the idea of a beach entry from the tot pool into the main pool was explored. The beach entry would also include a water feature similar to the water feature that was discussed for the splash pad as well as bench seating. This beach entry is presented to the Board as a change order in the amount of \$79,500.00. This is an economical option for renovating the facility while also extending the life. This will also be providing a third means of ADA compliant entry into the pool structure.

Dr. Pattie does not support this. Not necessarily the feature, but the order of work to be completed. He feels there are more important things to be done at the park.

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

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

Nays: Pattie

Motion carried.

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FIRE ENGINE PURCHASE

The Board considered approval to purchase one fire engine and request authorization to execute an agreement with Atlantic Emergency Solutions/Pierce Manufacturing.

Funding Source: Capital 70-80000-8057 \$597,148.00

David Nichols, Fire Chief, addressed the questions raised during Matter to be Presented by the Public regarding the vehicles and equipment that are being replaced. He updated the Board on the status of the recruits noting that, upon their graduation, Fire-Rescue will be close to filling all of the open positions.

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FIRE-RESCUE GRANT FUND (CONT'D)

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

Motion carried.

Augusta County Fire-Rescue requests \$50,000.00 for an engraver for accountability tags, hose roller, stationary air cascade compression and system to be located at the burn building facility.

Mr. Wells moved, seconded by Mr. Pattie, that the Board approve the funding as requested.

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

Motion carried.

Churchville Volunteer Fire Company requested \$50,000.00 for a new roof on a portion of their building and various items needed within the station. The committee recommends placing this request on hold until final amounts are received for the community room equipment. The committee also feels with the possibility of a new building expansion in the upcoming future, the new roof also be held off until final decisions are made.

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DEERFIELD COMMUNITY CENTER

The Board considered a request for infrastructure funding for January-June utilities at Deerfield Community Center.

Funding Source: Pastures Infrastructure 8014-104 - \$4,000.00

Mr. Fitzgerald stated that approval of a resolution is needed to dissolve the Deerfield Trust agreement in order for the building to automatically revert back to County property per the trust agreement. The membership of the Deerfield Ruritans is aging and decreasing and majority of the funds raised are going towards expenses to operate the building. A lease will be provided to allow the ruritans to continue to meet in the building.

Ms. Carter moved, seconded by Ms. Bragg, that the Board adopt the following resolution:

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF AUGUSTA COUNTY, VIRGINIA**

WHEREAS, the County of Augusta conveyed certain property identified as Tax Map No. 040-19b to the Deerfield Community Center Land Trust by way of Deed dated November 28, 1989 and recorded in the Circuit Court for Augusta County, Deed Book 990, Page 664; and

WHEREAS, the property was conveyed for the use and purposes set forth in the Trust Agreement, dated November 28, 1989, which created the Deerfield Community Center Land Trust; and

WHEREAS, by way of the Trust Agreement, the Ruritan Club agreed to establish a community center; and

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14th.

Dr. Pattie indicated a need for additional polling pads at the Clymore Elementary polling place.

Mr. Shull expressed appreciation to Veterans.

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MATTERS TO BE PRESENTED BY STAFF

- 1) Mr. Fitzgerald reminded the Board about the Fire-Rescue recruit graduation on November 22nd.
- 2) The Legislative Package will be ready on November 19th when the Board meets with the legislative representatives.
- 3) There is a Board farewell dinner on December 3rd at 6:00p.m. to honor those who are going off the Board.
- 4) John Wilkinson, Director of Community Development, updated the Board on the November 12th Planning Commission public hearing for the Stuarts Draft Small Area Plan. The Planning Commission voted to table the plan and requested a work session with the Board. The public hearing that was originally scheduled for November 26th has been cancelled and will be rescheduled.

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CLOSED SESSION

On motion of Ms. Bragg, seconded by Ms. Carter, 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- Youth Commission, Ag Industry Board, Economic Development Authority
- (2) **the legal counsel exemption under Virginia Code § 2.2 3711(A)(7)**
Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. 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) McKee Foods Corporation vs County of Augusta
 - b) Campaign Finance Act
- (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.

CLOSED SESSION (CONT'D)

- a) McKee Foods Corporation vs County of Augusta

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On motion of Dr. Pattie, seconded by Mr. Coleman, the Board came out of Closed Session.

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

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.

Roll Call Vote was as follows:

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

Motion carried.

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

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BOARDS AND COMMISSION

Mr. Wells moved, seconded by Ms. Bragg, that the Board appoint Faye McCauley to serve on the Blue Ridge Criminal Justice Board effective immediately and to expire on November 13, 2021.

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

Motion carried.

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ADJOURNMENT

