

Regular Meeting, Wednesday, February 12, 2020, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Pam L. Carter, Vice-Chair
Butch Wells
Michael L. Shull
Scott Seaton
Jeffrey Slaven
Steven Morelli
Timothy K. Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
John Wilkinson, Director of Community Development
James Benkahla, County Attorney
Angie Michael, Executive Assistant

ABSENT: Gerald Garber, Chairman

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, February 12, 2020, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 244th year of the Commonwealth....

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Vice-Chair Pam Carter welcomed the citizens present.

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The following students from the Fort Defiance High School led us with the Pledge of Allegiance:

Gabriella Nicolescu is a junior at Fort Defiance High School. She plans to attend University of Virginia and study medicine.

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Butch Wells, Supervisor for the Beverley Manor District, delivered the invocation.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Timothy Fitzgerald, County Administrator, stated that the first speaker had sent in information regarding lights on the high school softball fields. The information was included in the agenda package.

Rebecca Breeden asked the Board of Supervisors to provide funding for lights on all high school softball fields. She stated that girls and boys should be treated equally and safety is a major concern without proper lighting. The School Board has stated that their budget will allow for one field per year, but that is not acceptable. Ms. Breeden requests that the Board discuss the issue during the meeting and make a decision. She provided a signed petition of citizens in support.

Courtney Begoon is a sophomore at Fort Defiance High School. She spoke during the Board of Supervisors meeting in May 2019 concerning this issue. Safety is the main concern. Games are shortened due to not having lights. Ms. Begoon realizes this is an enormous expense, but it should be viewed as an investment for the female athletes. The revenue that can be a result of having lights should be considered.

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

Elizabeth Good of 624 Stingy Hollow Road, Staunton is a mother of a softball player for Riverheads High School. She stated that safety and being able to complete a game are the main issues with not having lights. Girls need to be shown that they are as important as boys are and all athletes deserve a safe place to play.

Destiny Good is a softball for Riverheads High School. Girls deserve the same opportunities as boys.

Dr. Robin Hawks of 112 Winding Creek Lane, Mt. Sidney is in support of the girls softball program in Augusta County. The issue is not listed on the agenda as requested. No vote is necessary under Matters to be Presented by the Public. Regarding Title IX, the law requires the court to specifically review the quality, availability, exclusivity of use, maintenance and preparation of practice and game facilities, as well as the locker rooms. There are nine areas where gender equality must occur in sports. They include, lighting, scoreboards, dugouts, backstops, coaches' offices, locker rooms, pitching machines, equipment, and seating for spectators. Schools generally lose the cases targeted by Title IX. While losing the case, the taxpayers' dollars will be spent on legal fees. Dr. Hawks pointed out page 25 of the County's Financial Annual Report. It shows over \$13 million in unassigned funds. She is aware that the funds are required in case of a rainy day. Page 25 also shows over \$31 million in capital improvement funds, which includes investment accounts. The School Board's budget shows very little capital funds. It is clear that the County has the money to provide the lighting, not the School Board.

Riley Breeden is a softball player from Fort Defiance High School and agrees that lights are a necessity. Girls need to take a stand and be treated equally.

Steve Morris of 203 Hotchkiss Road, Churchville is in favor of funding lights on the softball fields. Broadband is an issue in the County. Action is needed in the western part of the County. Mr. Morris asked if work would be done to Jennings Branch. The jail is another major concern. Mr. Morris suggests the jail be operated by the Sheriff. He stated that hemp is a younger generation of farming. Mr. Morris also stated that more fire fighters are needed and the schools need more money.

Nick Collins, Chairman of Augusta School Board, gets excited when improvements can be made at the schools. The request for lights is understandable; however, there are many areas of need within the school system. The money given to the School Board by the Board of Supervisors is greatly appreciated. That funding is what helps to provide renovations and new schools to be built. It is a challenge to find balance in a budget where there are great needs. Health insurance will increase for the next year. Mr. Collins is proud of female athletes and supports them. The School Board is open to discuss options that are available.

Dr. Seaton questioned the number of fields needing lights.

Mr. Morelli suggested using wooden polls. He also understands that once the money is given to the School Board it is at their discretion how it is used.

Mr. Collins pointed out that wooden polls are in violation of Virginia High School League regulations. The Code of Virginia does not allow the Board of Supervisors to micromanage the School Board's budget.

Mr. Wells has spoken to numerous people about this issue. No one is opposed to idea, but the questions is how it will be paid for.

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

Mr. Shull's daughter played softball for Riverheads and there was never an issue with shortened games due to lighting.

Mr. Wells is appreciative of the politeness and respect shown by the students that spoke.

Mr. Slaven was impressed by the comment from Courtney Begoon regarding revenue associated with this cost.

Paul Cangialosi of 2986 Allens Creek Road, Gladstone spoke in support of forming a Virginia Militia. The Virginia Militia already exists in the state. It was created by popular vote of the citizens in 1771. He is requesting the County call a militia muster to get information from members of the unorganized militia that already exists. This is to call together a group of citizens who are already members of a government sanctioned, government defined entity.

Larry Howdysshell of 697 Timber Ridge Road, Mount Solon is concerned about the significant tax increases over the past several years.

Steven Grepps of 63 Eastgate Drive, Verona is the President of Augusta County's Professional Fire Fighters and Paramedics. He asked that the Board to contact Richmond and their Legislators in support of House bill 783 and Senate bill nine. These are the cancer presumption bills for fire fighters. Currently, if a fire fighter gets cancer there has to be proof given that the cancer was contracted on a certain date and time. Mr. Grepps has been fighting Richmond since 2013 for the cancer presumption laws, which keeps getting pushed to the side. PTSD is also an issue. Under the current law, it would need to be proven that PTSD was caused by a certain event. House bill number 848 is associated with this issue.

Nicholas King spoke in favor of forming a militia in Augusta County.

Justin Hash spoke in favor of forming a militia in Augusta County.

Chris Smith spoke in favor of forming a militia in Augusta County.

Rock Mummaw stated that the Greenville ballfields have lights. The money for the lights was through a loan. Fundraising was done to cover the remaining cost. He would like to see the money given to the schools to provide the lights that are needed.

Josh Bond spoke in support of forming a militia in Augusta County.

Ms. Carter asked that everyone in support of forming a militia to stand. She stated that this matter is important. An oath was taken to uphold the Constitution. This will be on the next Work Session agenda to allow staff to review information.

Dr. Seaton thanked everyone for defending their constitutional rights.

Mr. Shull thanked everyone in support of the militia. The Sheriff is in Richmond fighting for Augusta County. Everyone is encouraged to vote.

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(END OF CONSENT AGENDA)

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MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull stated that the South Augusta is starting their spring league. The fields are in need of maintenance. He will have more information at the next meeting.

Mr. Morelli will have a request from the Schneider Park for maintenance on the fields.

Dr. Seaton stated that there is a new restaurant in his area. Augusta Kitchen is now open and the community's involvement is appreciated.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issues:

- 1) An update was given on the progress in the General Assembly. All items have a fiscal impact on the County. The minimum wage bill could raise the minimum wage rate to \$15.00 per hour. The collective bargaining law is also up for consideration. If this bill passes it will mean a new position in the Human Resources Department for someone that is familiar with the collective bargaining process. Senate Bill 704 also brought attention. This bill is in regards to fencing cattle out from a stream if you own twenty or more cattle. Currently there is a cost sharing program in place. This is a voluntary option. The new bill is a mandatory requirement. This will have a big impact on the farmers.
- 2) This Board took action and passed a resolution to support the Fiscal Impact Review Bill or Senate Bill 188. This would require the bill to be entered December 15 to allow the County time to do a local fiscal impact on what it may cost the locality. This bill is not moving forward.
- 3) There is also a bill that is a mandate for Public Defenders salary. The Public Defender's office is a State office. If the County supplements the salary of the Commonwealth Attorney more than what the state provides then the salary of the Public Defenders would get the same supplement.
- 4) The Line of Duty Act changes may affect the insurance premiums.
- 5) There is a bill for voter laws that states a person has 45 days to vote and the time is lengthened to 8:00p.m. All will have an increased cost on the Voter Registrar's Office. A room in the Government Center has been reserved for 45 days for the Board of Elections. This will also need to be staffed.
- 6) The Fair Taxation bill in regards to meals, lodging and cigarette taxes has been passed through the Senate.

Mr. Shull stated that the bill regarding fencing cattle could be detrimental to farmers if it passes. He requests that Staff get a rough estimate of how much it could potentially cost the County and give it to the Legislators.

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CLOSED SESSION

On motion of Mr. Wells, 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- Youth Commission, Ag Industry Board, Economic Development Authority, Ag & Forestal Dist., Planning Commission, BZA and CSPDC
 - b) County Attorney
 - c) Director of Economic Development

- (2) **the economic development exemption under Virginia Code § 2.2-3711(A)(5)**
 [discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:
 - a) Proposed Office space, flex space, storage facilities, manufacturing facilities, utility and mixed use development.

- (3) **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) Ladd Elementary School

- (4) **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 Corp. vs Augusta County

- (5) **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) Mckee Foods Corp. vs Augusta County

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

Vote was as follows:

- Yeas: Carter, Wells, Shull, Slaven
Seaton and Morelli
- Nays: None
- Absent: Garber

Motion carried.

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CLOSED SESSION (CONT'D)

The Vice-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:

Public business matters lawfully exempted from statutory open meeting

1. requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Vice-Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Vice-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: Carter, Wells, Shull, Slaven
Seaton and Morelli
- Nays: None
- Absent: Garber

Motion carried.

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

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BOARDS AND COMMISSIONS

Mr. Shull moved, seconded by Mr. Morelli, that the Board appoint Pam Carter to the Central Shenandoah Planning District Commission to serve an unexpired term. Effective immediately and to expire on June 30, 2021.

Vote was as follows:

- Yeas: Carter, Wells, Shull, Slaven
Seaton and Morelli
- Nays: None
- Absent: Garber

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Slaven moved, seconded by Mr. Wells that the Board adjourn subject to call of the Vice-Chairman.

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

Motion carried.

Vice-Chairman

County Administrator