

Regular Meeting, Wednesday, May 27, 2020, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Gerald Garber, Chairman
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
James Benkahla, County Attorney
Angie Michael, Executive Assistant (Via Electronic)

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, May 27 2020, 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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Mr. Morelli led the Pledge of Allegiance.

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Dr. Seaton, Supervisor for the Wayne District, delivered the invocation.

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LIVESTOCK CLAIM

The Board considered a claim filed by Mary and Randolph Covington in the amount of \$394.00.

Funding Source: Livestock Reimbursement Fund 35010-5802 \$394.00

Timothy Fitzgerald, County Administrator, stated that a claim was filed by Mary and Randolph Covington for one sheep and two lambs killed by stray dog(s). The dog(s) were not seen in the act nor could be found. Animal Control investigated the complaint and it has been determined that the claim is supported by the investigation. The owner has submitted the necessary certification form. Payment is based on current fair market value.

Mr. Wells moved, seconded by Ms. Carter, that the Board approve the livestock claim as presented.

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LIVESTOCK CLAIM (CONT'D)

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

Motion carried.

Mr. Garber stated that this ordinance has been referred back to the Ordinance Committee to be changed. The change will allow Mr. Fitzgerald to approve claims of this nature and not require Board approval.

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HAZMAT EMERGENCY RESPONSE PLAN RESOLUTION

The Board considered adoption of the Staunton-Augusta-Waynesboro HAZMAT Emergency Response Plan resolution contingent upon changes previously discussed.

Jennifer Whetzel, Deputy County Administrator, stated that Augusta County and the Cities of Staunton and Waynesboro have recently completed an update of the Hazardous Materials Emergency Response Plan (HMERP). The Central Shenandoah Planning District Staff was involved in updating the plan. The purpose of the HMERP is to protect the public from chemical accidents and exposures to hazardous materials. The criteria that is needed in order for 911 to respond appropriately. After discussion during the Staff Briefing, there were suggested revisions to needed to be made. Those revisions have been completed and a copy of the plan is available on the Augusta County website. Adoption of a resolution by the Board is required to complete the process.

Ms. Carter moved, seconded by Mr. Shull, that the Board approve the HAZMAT Emergency Response Plan Resolution.

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

Motion carried.

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CENTRAL SHENANDOAH HEALTH DISTRICT

Dr. Laura Kornegay gave the Board an update on COVID-19. The most severely affected area in this district has been Rockingham County and the City of Harrisonburg. This is for a couple of different reasons; one is due to the large critical industry that has continued to operate and there is a number of multiple generational households. Testing has been increased in the area. The National Guard is available to assist with the testing, which allows for more testing to be done. The strong predictions from all models of this disease is there will be a second wave and could be worse. Wearing a mask is important and social distancing should be followed. It is important to have healthcare infrastructure to take care of people. Fortunately, in the Shenandoah Valley that has not been an issue so far. All information and data are available on the Virginia Department of Health website.

Mr. Garber thanked her for taking the time to share the information with the Board. He opened the floor to questions from the Board of Supervisors.

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CENTRAL SHENANDOAH HEALTH DISTRICT (CONT'D)

Mr. Shull asked if people that test positive for the virus are able to contract it again. Dr. Kornegay stated that it is unknown.

Mr. Shull questioned the use of masks.

Dr. Kornegay pointed out that the important thing to remember is if everyone wears a mask then everyone is protected. People tend to turn to public health and science for exact answers and the answers are not available. The State is in a good position as far as protective equipment is concerned.

Dr. Seaton is concerned about only being in the eleventh week of the shutdown and it has had an economic effect in the County. He agrees that a vaccine is the way out, but people need to accept the fact there is probably going to be multiple vaccines in the future. The Governor shut everything down based on what was happening in Northern Virginia and Bath County has had no cases, but are shut down. There is a lot of fear that goes along with this virus. He asked Dr. Kornegay if it was safe to see your doctor or go to the hospital if you need to. Dr. Kornegay stated that medical practices and the hospitals were in the beginning stages of opening back up and available to see patients.

Ms. Carter asked what percentage of people that have tested positive have been hospitalized. Dr. Kornegay stated that 55 out of 746 people were hospitalized in Harrisonburg. Nine people have been hospitalized in the Staunton, Waynesboro, Augusta area.

Mr. Slaven stated that the death toll from the corona virus is approaching 100,000. What is the death toll from all of the different strands of influenza? Dr. Kornegay stated there most likely are more deaths regarding influenza than there has been with the corona virus.

Mr. Slaven also asked if the virus actually stemmed from a bat or was it manmade. Dr. Kornegay stated that there are ways people produce things in a lab. Based on the genetic makeup of the virus, it is believed to be naturally occurring and not manmade.

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SELF CONTAINED BREATHING APPARATUS REPLACEMENT PLAN

The Board considered a plan to use Volunteer Equipment grant funding to set up a replacement plan for SCBA's for all volunteer fire departments.

Mr. Fitzgerald stated that the Public Safety Committee made the recommendation to use the Volunteer Equipment Grant funding to set up a replacement program for the SCBA's for all volunteer fire departments. A spreadsheet was distributed to the Board providing a list of all air packs in the volunteer stations. The spreadsheet shows what is being recommended now and what will be needed in the future. There are six different companies in need of replacement packs. In the future, as those companies' packs expire, funding for the replacement of the packs will be in the capital account. The account will also be used for yearly maintenance that is required on the air packs. This has been a priority for the volunteers for a while and there is support from the Volunteer Officers Association. \$100,000.00 of the volunteer equipment grant will be used every year to fund the replacements. The remaining \$100,000.00 in the Grant Fund will be used for grants as we have in the past.

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SELF CONTAINED BREATHING APPARATUS REPLACEMENT PLAN (CONT'D)

Mr. Shull moved, seconded by Mr. Wells, that the Board approve the plan as presented.

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

Motion carried.

Mr. Wells recommends the guidelines for the grants be put in writing to save confusion in the future.

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SHERIFF'S DEPARTMENT TACTICAL VEHICLE PURCHASE

The Board considered the purchase of a tactical vehicle in the amount of \$409,553.10.

Funding Source	South River Infrastructure	8016-96	\$184,776.55
	Beverley Manor Infrastructure	8011-99	\$184,776.55
	North River Infrastructure	8013-63	\$ 30,000.00
	Middle River Infrastructure	8012-100	\$ 10,000.00

Mr. Fitzgerald stated that this has been reviewed over several years. The cost of the tactical vehicle is \$409,553.10, which includes a 10% contingency.

Mr. Morelli moved, seconded by Mr. Wells, that the Board approve funding for the Sheriff's Department tactical vehicle.

Ms. Carter made the following statement:

We have never experienced an environment as we are experiencing today with the impact of the COVID19 situation and the financial impact it has had and continues to have on Augusta County. Our people are out of work, they are unemployed, businesses have closed and there is limited resources. As leadership of this County, we have been forced to cut \$5 million from our budget just two weeks ago. We now have a motion before us for over \$400,000.00 for something that is not essential. It is a nice to have. I have talked to numerous law enforcement personnel and that is why I say that. If it were essential, every police and sheriff's department would have one. Our neighboring localities have made the decision to eliminate this type of vehicle from their fleet based upon lack of usage, the cost in maintaining it, and the availability of such a vehicle, which are close by. We do have a current and existing option to offer protection to our law enforcement personnel while giving us some time to better assess the financial impact that COVID19 will have on our County. The options that are available are contacting the Virginia State Police, Albemarle County, and the City of Harrisonburg. This is exactly what Staunton and Waynesboro do. I asked you yesterday about applying for grant money. On the Lenco website, which is the company that is being looked at, it states; Lenco will provide free grant help based on your specific agencies requirements and regional vulnerabilities. Let's take advantage of that. I am requesting that we postpone this decision for six weeks to allow this Board time to reassess our current fiscal condition. You say you have that money in all of your infrastructure accounts; well that money is not going anywhere. It will be there in six weeks. I am asking each member of this Board to act in a fiscally responsible manner, which is exactly what our citizens expect us to do. By saying this, I am not opposed or I am not acting against law enforcement. I am not trying to say that they do not need things. I am saying, it is the wrong timing of this request and I am asking for a compromise to put it off for six weeks.

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SHERIFF'S DEPARTMENT TACTICAL VEHICLE PURCHASE (CONT'D)

Mr. Morelli made the following statement:

I have made this known from day one since I have been on this Board and not one person could deny it. This has been an ongoing problem for the Sheriff. Our Sheriff has asked for this for at least eight years. Every time you ask me to compromise and we have bent over backwards for you. I am not going to remove my motion at this time. I would love to look at it and see if we can negotiate a better price or a grant, but if not, the plan is to move forward with this vehicle. Thank you for checking in on the options.

Mr. Wells made the following statement:

Approximately twenty years ago, Augusta County apparently found it necessary that the Sheriff needed to replace this vehicle. It is unfortunate that we did not keep up with it. It has gotten to the point where it has broken down and has been for two years. I asked the Sheriff to do some research for me when Mr. Morelli approached me to see if I would support this. Since he has come on as the Sheriff of Augusta County, they have had 55 calls where this vehicle would have been used if it had been available to them. About 89% of those calls were approached knowing that there was a possibility the suspect was armed. In actuality, 63% of those cases, weapons were found in the conclusion. What is embarrassing; in September 2018, they were responding to call for an arrest of shooting suspect and the vehicle broke down in route to the call. That is unacceptable and the citizens of our County deserve better than that. That is why I second the motion. I call for the question.

Mr. Shull made the following statement:

I have to agree with Ms. Carter on this situation. I talked to the Sheriff and I told him that I would support this if the economic times were better. As you stated, we had to cut and we lost the revenue that is coming in. A statement was made yesterday about not getting the vehicle for nine months to a year. I am afraid to say that we may take two, three or five years to get back what we have lost. Unless this Board is willing to raise taxes. Under the current economic conditions, it is not looking good. I agree that we need to look at grants. I also brought up that this should be a regional vehicle. If we are going to use it in Staunton and Waynesboro then we should seek help from them on the cost. The Sheriff has drawbacks on that option, but we try to work regionally and this is something that should be regional.. The air packs is something that has to be done. It is mandated. The past eight to ten years that it was asked for it was not mandated for this vehicle. It was asked for. It is like every department in the Government Center, when we are working on the budget, we ask Department Heads to prioritize the things they need the most. When the Sheriff's Department has prioritized before, there were greater needs than this. That is why it was turned down in past budgets. It was not a top priority. I feel like right now is the wrong time to move forward with this. You need to look at your constituents and tell them the Board is spending almost a million dollars right now and in economic hard times.

Mr. Morelli made the following statement:

I do not think it is a point that we like spending money. The safety of our public, officers and rescue is a top priority of this County. We need to make sure every employee and residents are safe. We cannot continue borrowing other localities tactical vehicles. We are a large enough County that we could buy our own. It is coming out of infrastructure money. It is not coming out of the operating budget.

Dr. Seaton made the following statement:

If we are going by Robert's Rules, it requires 2/3 vote when a question is called to be able to proceed forward. We have two new councils in the local cities that may want to help with the expense. This is something that is needed, but not now. It is needed in the near future, but the economy is going to dictate the near future for us. I support police and fire-

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SHERIFF'S DEPARTMENT TACTICAL VEHICLE PURCHASE (CONT'D)

rescue and I want to see them safe. I support the schools too. There are five schools in my district and I want to make sure infrastructure money is available to my schools if they have a need.

Mr. Slaven made the following statement:

The first time I heard about this vehicle is during the orientation when assuming my position on the Board. It was not presented to us during general oversight and duties of the Sheriff's Department. In conversation, as we adjourned, we were discussing things of need and this vehicle came up. It was my understanding at that time that the vehicle had been discussed for several years. Some of those years, the economy was a lot better. I give Mr. Morelli credit for spearheading this and Mr. Wells with his history in law enforcement, but the infrastructure money is used as a designated amount of money within our district to benefit our citizens in that district. I do not have the amount of money in my infrastructure account that these two gentlemen have in theirs, but I wanted to participate. It is my understanding that the vehicle that was received from the State Police many years ago was well worn when we took possession of it. So much so that it was never put on a depreciation schedule because the State Police did not think it was worth anything and it was given to the County. We have been able to take a vehicle that was in that condition when we got it and keep it going for another twenty plus years. This investment is not an investment for today, it is an investment for probably the next two decades in this County. We all have fire insurance, smoke alarms, and insurance for our vehicles in hopes that we never use it. The amount of this vehicle is a lot, but I have seen a lot of money pass here in the short time I have been on the Board for other things. I feel like this is an investment in something that if this County does not get its worth out of this vehicle, all of our citizens have been blessed. The need for this vehicle is not pleasant, but I do feel like in times of need that this vehicle is priceless.

Mr. Shull asked if there was consideration of looking into used vehicles.

Mr. Garber stated that there was a number of fairly new ones available, but are they worth it. He understands the timing not being right to purchase this vehicle.

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

Motion carried.

Mr. Wells recommends putting the tactical vehicle on a depreciation sheet. Also, ask the Sheriff for annual updates on the activity involving the vehicle.

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WAIVERS

The Board considered a parking waiver request for William Park's affordable senior apartment.

John Wilkinson, Director of Community Development, stated that a request was received from William Park associated with the approved senior affordable housing apartment project along Pinnacle Drive in Fishersville. Currently, two off-street parking spaces are required per unit plus 10%. This is a ratio of 2.2 spaces per unit. Mr. Park is requesting a 1.1 space per unit. Staff has concerns related to the comparison with other apartment complexes in the area in terms of public transportation access as well as nearby mixed use amenities. Staff has determined that some parking reduction may

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CONSENT AGENDA (CONT'D)

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

Motion carried.

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MATTERS TO BE PRESENTED BY THE PUBLIC --NONE

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MATTERS TO BE PRESENTED BY THE BOARD

Ms. Carter stated that the Community Foundation continues the COVID-19 efforts. A survey was recently distributed. The top four issues identified by the citizens is mental health, childcare activities, ability to pay bills and access to food, medical care and medicine.

Dr. Seaton congratulated the recent winners of the election.

Mr. Shull stated that businesses need to be opened back up for business. Recommends sending a letter to the Governor and our Representatives, as a board, to voice our opinions. He is not in favor of wearing masks.

Mr. Slaven thanked Staff for being so willing to help with the budget process and figuring out the business at hand.

Mr. Garber monitors ECC frequently. It has occurred to him that over doses have increased. There are more people in danger because of the reaction to COVID-19. People are frustrated.

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MATTERS TO BE PRESENTED BY STAFF

Timothy Fitzgerald, County Administrator discussed the following issues:

- 1) In preparation of re-opening the government, you will see noticeable changes at the counters and within the building. The goal is to re-open June 1. Masks will be required for the public coming into the building. Employees are not required to wear a mask, but can do so if they choose.

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CLOSED SESSION

On motion of Ms. Carter, 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]:

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CLOSED SESSION (CONT'D)

a) Boards and Commissions: Youth Commission, Economic Development Authority, Ag & Forestal Dist., Planning Commission, Shenandoah Workforce Development

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

Vote was as follows: Yeas: Garber, Carter, Wells, Shull, Slaven
Seaton and Morelli
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:

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 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, Carter, Wells, Shull, Slaven
Seaton and Morelli
Nays: None

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 COMMISSIONS

Ms. Carter moved, seconded by Mr. Wells, that the Board appoint Courtney Thompson to serve an un-expired term on the Shenandoah Valley Workforce Development Board. Effective immediately and to expire on June 30, 2021.

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BOARDS AND COMMISSIONS (CON'TD)

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

Motion carried.

Mr. Slaven moved, seconded by Mr. Shull, that the Board re-appoint Andrew Middleton to serve on the Augusta County Service Authority. Effective July 1, 2020 and to expire on June 30, 2024.

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

Motion carried.

Mr. Slaven moved, seconded by Mr. Wells, that the Board re-appoint Mr. Shull to serve on the Augusta County Service Authority. Effective July 1, 2020 and to expire June 30, 2024.

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

Motion carried.

Mr. Shull moved, seconded by Ms. Carter, that the Board re-appoint Carol Turrentine to serve on the Library Board. Effective July 1, 2020 and to expire on June 30, 2024.

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

Motion carried.

Mr. Slaven moved, seconded by Mr. Shull, that the Board re-appoint Andrew Crummett to serve on the Agriculture Industry Board. Effective July 1, 2020 and to expire on June 30, 2024.

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

Motion carried.

Dr. Seaton moved, seconded by Mr. Shull, that the Board re-appoint James Stewart to serve on the Library Board. Effective July 1, 2020 and to expire on June 30, 2024.

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BOARDS AND COMMISSIONS (CON'TD)

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

Motion carried.

Dr. Seaton moved, seconded by Ms. Carter, that the Board re-appoint Samantha Bosserman to serve on the Parks & Recreation Commission. Effective July 1, 2020 and to expire on June 30, 2024.

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

Motion carried.

Mr. Shull moved, seconded by Dr. Seaton, that the Board re-appoint Leslie Tate to serve on the Central Shenandoah Planning District Commission. Effective July 1, 2020 and to expire on June 30, 2023.

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

Motion carried.

Mr. Shull moved, seconded by Mr. Wells, that the Board re-appoint Vickie Moran to serve on the Central Shenandoah Planning District Commission. Effective July 1, 2020 and to expire on June 30, 2023.

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

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Dr. Seaton moved, seconded by Mr. Morelli that the Board adjourn subject to call of the Chairman.

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

Motion carried.

Chairman

County Administrator