

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston Virginia.

Present: Thomas D. Harvey, North District Supervisor
Jesse N. Rutherford, East District Supervisor
Ernie Q. Reed, Central District Supervisor
Thomas H. Bruguere, Jr. West District Supervisor – Chair
Larry D. Saunders, South District Supervisor –Vice Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Phillip D. Payne, IV County Attorney
Don Austin, VDOT Residency Administrator
Dr. Martha Eagle, School Division Superintendent

Absent: None

I. Call to Order

Mr. Bruguere called the meeting to order at 2:00 pm, with all Supervisors present to establish a quorum.
A. Moment of Silence
B. Pledge of Allegiance – Mr. Saunders led the Pledge of Allegiance

II. Recognition of Debra K. McCann, Retiring Director of Finance and Human Resources (R2018-60)

Mr. Bruguere noted it was their honor to celebrate Ms. McCann’s retirement. He noted that he had been a Supervisor for nineteen years and he could not thank her enough for all of her help.

Mr. Harvey then moved to approve resolution **R2018-60**, Resolution Recognizing the County Service of Debra K. McCann and he read the resolution aloud. Mr. Saunders seconded the motion and Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2018-60
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING THE COUNTY SERVICE OF
DEBRA K. MCCANN**

WHEREAS, Mrs. Debra K. McCann, Director of Finance and Human Resources is retiring as of January 1, 2019 after having served the citizens of Nelson County for approximately thirty-six (36) years; and

WHEREAS, Mrs. McCann began her employment with the County in August of 1979 as a Title I Math Aide for the School Division, then later returned as Secretary to the Building Official, Harvey J. Elliott in 1982, subsequently working as Computer Operator, Data Processing Coordinator/Payroll Officer, then Finance Officer under Ms. Ella Browning, and finally succeeding Ms. Browning becoming the County’s first Director of Finance and Human Resources in 2001; and

WHEREAS, during her tenure with the County, Mrs. McCann served under numerous County Administrators including: Robert Murphy, Russell Otis, George Krieger, Jeffrey Johnson, Ralph Moore, Douglas Powell, John D. Cutlip, and, lastly, current County Administrator Stephen Carter, and

WHEREAS, Mrs. McCann achieved excellence in her profession by attending many finance and accounting training seminars, participating in finance and human resources peer groups, and membership in professional associations such as VAGP, Virginia Association for Governmental Purchasing, and NIGP, National Institute of Governmental Purchasing, and

WHEREAS, Mrs. McCann is highly regarded as a consummate professional in her field, her public service has served to greatly enhance the Nelson County Community and beyond, and she has been an esteemed colleague and friend;

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby honor Mrs. Debra K. McCann with great appreciation for her dedicated and steadfast service to Nelson County and its citizens throughout her tenure, and

BE IT FURTHER RESOLVED, that Mrs. McCann will be missed both personally and professionally and the Board wishes her and her family continued health, happiness, and prosperity upon her well-deserved retirement.

Mr. Brugiure then presented the resolution placard to Ms. McCann who thanked the Board and noted that she had been fortunate to have worked with so many great Supervisors and colleagues during her tenure.

III. Consent Agenda

Mr. Saunders moved to approve the Consent Agenda and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2018-61** Minutes for Approval

**RESOLUTION R2018-61
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(November 2, 2018)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **November 2, 2018** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2018-62** FY19 Budget Amendment

**RESOLUTION R2018-62
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2018-2019 BUDGET**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$7,435.00	3-100-009999-0001	4-100-012090-3003
<u>\$68,918.00</u>	3-100-004104-0006	4-100-094100-3160
\$76,353.00		

II. Appropriation of Funds (Courthouse Project Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$5,714.00	3-106-009999-0001	4-106-094960-3160

III. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$13,342.00	3-205-004105-0001	4-205-064600-8000

IV. Transfer of Funds (General Fund Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$13,342.00	4-100-999000-9905	4-100-093100-9203

IV. Public Comments and Presentations

A. Public Comments

1. Julie Burns, Lovington

Ms. Burns noted that she had been concerned about the Atlantic Coast Pipeline for four years now and that the more she learned, the more she disliked it. She noted that she was grateful for the Board's

energy and support in dealing with the problems it created. She stated she was proud of the Board of Zoning Appeals for their denial of their requested variances and she worried about erosion, water deterioration, and explosions associated with it. She then noted that photos she had seen coming from the Mountain Valley pipeline were disturbing and she questioned how they would repair landslides etc. She then noted that Dominion did not live in the County; but the Board did and the Board should support all efforts that could be taken now to protect the County. She added that time was critical and there was no better use of County funds than to protect the County and its land.

2. Connie Brennan, Faber

Ms. Brennan asked for the Board's help in endorsing the Equal Rights Amendment and distributed a packet of information for the Board that included background information, her comments from today, a sample resolution, and a copy of a petition with signatures from Nelson County residents. She noted having received 186 signatures on a petition since December 5th with many more coming in. She further explained that the Equal Rights Amendment to the United States Constitution had been passed by congress and was now awaiting ratification. She noted that in order for it to become an amendment, it must be ratified by $\frac{3}{4}$ of all of the states or 38 of the 50 states. She added that to date 37 states had ratified it. She noted that on January 9, 2019, Virginia would open its 400th consecutive General Assembly session with a historical opportunity to be the 38th state to ratify the amendment. She noted the session would last just forty-five days and during that time, Virginia's House and Senate leadership were called upon to commit to equality by ensuring a path to the resolutions to the House and Senate floors. She then related that such a constitutional amendment was needed because it would provide a fundamental legal remedy against gender discrimination for both men and women and would guarantee that the rights affirmed by the U.S. Constitution were held equally by all citizens without regard to gender. She then stated that for those that believed it was a political issue, she wanted to remind them that the late Supreme Court Justice, Antonin Scalia, formerly one of the more conservative Justices, in 2011 stated his belief that the Constitution did not protect against sex discrimination. She added that remark had been cited as clear evidence for the need for the Equal Rights Amendment in order to guarantee that all Judges, regardless of their judicial or political philosophy applied the Constitution to prohibit sex discrimination. She noted the amendment was not just about women and she added that each of the Board members had parents, has or may have children and grandchildren and would want the law to be applied equally to all of them; which was the whole point of the amendment. She then asked that the Board send a resolution to the Virginia State Legislature encouraging them to finally ratify this important constitutional amendment and thanked them for their consideration.

3. Joe Lee McClellan, Lovington

Mr. McClellan addressed the Board about the Tanbark Plaza road in Lovington. He noted that he owned half of the road in front of his restaurant property and that he did not own the entire road. He added that he had repaired the potholes in front of the restaurant since it would be opened soon and that left the drug store and Region Ten in need of having the road fixed. Mr. McClellan then stated he was asking the County to fix it as they had done so for other private roads in the County. He added that the drug store paid a lot of sales tax and they all paid real estate taxes and it behooved the County to take some action.

4. Edith Napier, Arrington

Ms. Napier asked the Board to support the Equal Rights Amendment noting it was for everyone and it was the right thing to do.

Ms. Napier then noted that she had another issue that had almost caused her family their lives. She noted that she was referring to the intersection of Route 29 and Route 655. She noted that she was not sure why there were so many accidents there and it needed to be evaluated and corrected.

Mr. Don Austin of VDOT noted he would speak with her following the meeting on this subject.

B. VDOT Report

Mr. Don Austin gave the following report:

Mr. Austin reported that the current snow had been cleaned up pretty well and higher temperatures during the day had helped.

Mr. Austin then referenced the roundabout presentation that the Board had the previous month and noted that if there were any questions, he would get answers if needed.

Supervisors then discussed the following issues:

Mr. Reed:

Mr. Reed noted that the potholes at the Nelson Wayside were huge and dangerous. Mr. Austin noted he would see if it was hard surfaced there or not and those may be forming where the pavement stopped. He added they would put some stone in it and may asphalt it.

Mr. Saunders:

Mr. Saunders thanked VDOT for the great job done on the snow removal. He then noted there was a pothole on Dick Woods Road in Albemarle County that needed repair. Mr. Austin noted that Albemarle would check on that and it was also part of one of their Rural Rustic projects.

Mr. Rutherford:

Mr. Rutherford asked for follow up on his emails and Mr. Austin noted that North of Route 6 and Route 29 Wayside, there had been a number of accidents in the double curve there. He noted that VDOT was reviewing it and had asked for signage immediately. He added that he was not sure what was going on there and had been told that in the last 2 years, the accident numbers were increasing. He noted that it was also being reviewed for high friction pavement, but that would be a couple of years out and they may do additional warning signs for the time being. He noted it was already marked with safe speeds on the curve.

Mr. Austin then noted that the Whippoorwill and Bald Mountain studies and the Salem Road culvert pipe issues had been turned over to the Shipman Maintenance Shed and he was not sure if those had been looked at it.

Mr. Harvey:

Mr. Harvey noted that the pavement had eroded again in the area between Sunrise Drive and old Small's Store, where the guardrail posts were not being held in the ground.

Mr. Bruguere:

Mr. Bruguere noted that he had been disappointed to drive by the Bryant state shed and see two trucks in the garage that had not been moved and that VDOT was paying contractors. Mr. Austin noted that there were not enough operators to cover all of the trucks there. He added they had 9 operators and had a split shift and could not get emergency staff hired to come in and work. He noted they were working 12 hour shifts and had 7 trucks with 5 people on them and if they did it all themselves, it took longer. He added that they were unable to find operators that had a CDL and they were limited with supplemental people that had those.

Mr. Bruguere asked if there was just a shortage at Bryant and Mr. Austin noted the shortage was statewide and they were limited in hiring full time people. Mr. Bruguere asked if all VDOT employees should have a CDL and Mr. Austin noted it was difficult for office workers to have a CDL and they did not operate the equipment normally and he would not want them in the snow. He noted if they hired emergency employees, they had to do drug testing etc. He advised the Board to let them know if they knew of anyone interested.

V. New Business/ Unfinished Business

A. Amicus Curiae Brief with Staunton City- Atlantic Coast Pipeline Project

Mr. Reed noted that he realized that this had been discussed during the last couple of Board meetings and he had been remiss in talking about why it was important for them to be a part of the brief.

He noted that on the table today was deciding if they would allow Mr. Carter to sign the engagement letter for the attorney to provide the legal services to craft the brief. He noted that Staunton City had signed and they were waiting on Nelson to see if both entities would be represented together.

Mr. Reed noted the brief was important because of the lawsuit challenging the FERC issuance of the certificate that allowed the project to go forward and gave Dominion the power of Eminent Domain. He noted that was only given if they described a public need, it benefitted everyone, and was necessary. He noted the lawsuit challenged the need analyses and noted its insufficiency. He added that besides opposing the pipeline, Nelson had submitted information to FERC about the insufficiency of the Section 106 information. He noted the brief was also important for landowners in Nelson because it had more unsigned easements than any other jurisdiction along the route. Mr. Reed further noted that those landowners were taking it upon themselves to challenge Dominion, had not had their day in court or been awarded compensation, and yet the FERC certificate allowed quick take, which was the exercise of easements as if they were final without compensation awarded.

Mr. Reed noted that Nelson had the most to lose, had more water body crossings, steep slopes, and button crossings and the impacts would be huge for Nelson if the project went forward. He added that if the analysis was insufficient, it should not be allowed to go forward.

Mr. Reed further noted that the case was headed for the DC Circuit whereas former proceedings had been in the Richmond Circuit and those judges were familiar with the ACP and DC was not. He noted they had heard challenges to the compressor stations and have raised many issues and stated that FERC should do a better job. He then noted that to get the brief in front of those judges ahead of time saved them time and Nelson's information was critical. He noted a good indicator was that Staunton City who initiated the brief would love to see Nelson join and they had generously offered to pay for up to 5 hours of legal time for Nelson to participate. He noted that Nelson documents had been submitted to the legal team but nothing had been done with them yet and while it was unlikely there would be additional costs past those 5 hours, the engagement letter did stipulate that the County would be liable for that should it decide to join. Mr. Reed then noted that it seemed to him that greater costs would be incurred in this case in the future and it was a critical time for Nelson as Dominion was getting more desperate. He added that the resistance was similar and it was the responsibility of the County to defend its landowners and do what was best for the County. He added he could not imagine a better way to spend the County's money. Mr. Reed then concluded that was why it was important for them to be a party to the brief. He noted that the Board had decided to go forward a few months ago and the potential costs had been a sticking point and he suggested that there were greater costs to the County if the ACP went forward.

Mr. Harvey asked why Staunton City was the only other party involved and why Augusta County and Buckingham Counties were not. Mr. Reed noted that Buckingham County had passed a resolution in favor of the pipeline four years ago before information was received. He added that Augusta County was concerned with costs and Staunton City had a direct impact to its main reservoir by Stuarts Draft, which was its main water source and they felt that the poor analysis on that and the absence of alternate routes that did not cross it, warranted them weighing in.

Mr. Harvey asked if Augusta County got the ACP maneuvered around its watersheds and Mr. Reed noted he did not recall and could not say. Mr. Harvey noted that he thought they had gone around their areas of concern. Mr. Reed added that they had been concerned with the Jenny's Branch area and there were no route changes there.

Mr. Saunders asked about the number of Counties affected by the ACP and Mr. Reed noted there were six Counties east of Buckingham and Mr. Harvey thought that sixteen came to mind. Mr. Saunders then noted his concern was that if there were that many other counties that had not joined the brief, he questioned why Nelson should. Mr. Reed noted that Staunton City's concerns were valid but he could not speak for others and he did not think that there were any other counties that would bear the costs that Nelson would as a result of the ACP project. Mr. Saunders suggested the costs to the County were not known and Mr. Reed reiterated that the brief could not be written unless the letter of engagement was signed.

Mr. Harvey asked if Buckingham was involved in opposing the compressor stations and Mr. Reed stated that opposition to those had been raised not by the County but by a citizens group in Union Hill. He added opposition was not something that the government or Board had supported.

Mr. Reed then moved that the Board of Supervisors give Mr. Carter the authority to sign the engagement letter to go forward on the amicus brief related to the FERC lawsuit and Mr. Rutherford seconded the motion.

Mr. Rutherford then echoed concerns about the unpredicted costs associated with the lawsuit. He added that he wished there had been an opportunity for the County Attorney to have read it over in order for him to make a more educated vote. He added that he did not know what the costs could be and the

burden that could be put on taxpayers. He noted he echoed what Mr. Reed had to say; however he was not sure it was a financially responsible thing to take on.

Mr. Reed clarified that they would not be a party to the lawsuit and there was no liability to that. He noted that once their statement was made, they would be done and there would be no costs beyond that.

Mr. Harvey suggested a spending ceiling of \$1,000 be imposed to limit potential costs and Mr. Reed noted that if doing so would make them more comfortable in approving it, he would entertain that idea.

Mr. Saunders noted he was not in favor of eminent domain but noted that gas lines had been allowed by the government. Mr. Reed reiterated that had been interpreted up to this point and the lawsuit would challenge that the pipeline was in the public's benefit.

Mr. Rutherford noted he would second an amendment to the motion that set the spending ceiling at \$1,000. Mr. Reed then amended his original motion to include a spending ceiling of \$1,000 and Mr. Rutherford seconded the amended motion.

There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Saunders and Mr. Bruguere voting No.

B. Tye River Water System – Interim Maintenance Agreement with NCSA

Mr. Carter noted that the Service Authority had previously given notice to the County related to the water tank at the Old Middle School. He added that they did not want to incur capital expenses in relation to that water system and subsequently the County was working with two firms to evaluate the tank - its wall thickness etc. to establish if it should be replaced. He noted that in the meantime the current agreement ended the following week, which would end the Service Authority's operation of the system. He noted as an interim measure, the County and NCSA had drafted an agreement for continued operations on month to month basis whereby each party would share costs 50/50 until they got to closure on the tank replacement and then a new agreement on overall operation of the system would be drafted.

Mr. Carter noted he had expressed concern about the 50/50 provision since it was not stipulated that way in the previous long term agreement. He noted there were also minor changes that needed to be made and the question was whether or not the Board was comfortable with sharing the costs. He added he was not sure what those would be and if they were not, the Service Authority could go forward with the notice to stop operations and the County would be in a pickle.

Mr. Harvey questioned why the Service Authority would agree to cover 50% of the costs and Mr. Carter asked if they wanted the county to assume 100% of the costs which was not related to capital costs.

Mr. Carter noted that the agreement said that the Service Authority would be responsible for improvements which was akin to capital improvements. He added that he should know about the water tank's future that week. He noted that preliminarily, it could be sound and then there would be the question about what to do about a long term agreement. He noted that Service Authority staff had been good about keeping him apprised of the status of the agreement.

Mr. Harvey supposed that if the roles were reversed, and operating the system was costing customers and offering no benefit to the County, the County would want to turn it back over also. Mr. Carter advised that his thought was that the operating and maintenance costs were pretty small and they could certainly change it to be 100% the County's responsibility. He added that the Service Authority had presented the agreement; not County staff.

Mr. Carter then noted he was requesting authorization to sign the agreement and then they would move forward with something longer term in the future. Supervisors then agreed by consensus to authorize Mr. Carter to sign the agreement as presented.

Supervisors then questioned the structural integrity of the tank with Mr. Carter advising that it was a 5,000 gallon tank and he was not sure how tall it was. He noted that thickness testing was supposed to have been done on the 10th; however he was unsure if it was done due to the weather. He noted that structural integrity of the tank was the biggest issue and it may be okay preliminarily. Supervisors and staff then discussed sandblasting inside and outside of the tank as being expensive. Mr. Carter note it had been patched once when someone shot a hole in the bottom of it. He added that if the tank proved to

be sound, then hopefully the Health Department did not have the ability to force the County to do anything with it yet.

C. Status Report- Computer Aided Dispatch (CAD) and Sheriff's Dept. Records Management System (RMS)

Ms. Rorrer reviewed the following report that was provided to the Board:

Status Report for 911 Computer Aided Dispatch (CAD) and Sheriff's Office Records Management System (RMS) Procurement

In July a team comprised of staff from the County's Information Systems Department, Sheriff's Department and Emergency Communications Center began evaluating CAD and RMS systems to replace the County's current CAD and RMS which are nearing end-of-life. The team attended in-depth presentations provided by four vendors which included ID Networks, Motorola/Spillman, Southern Software and Zuercher.

Through its evaluation, the team determined Motorola/Spillman to be the vendor that will provide the best solution for the County based on performance, cost and other factors that contribute to the County's efficient and effective handling of 911 calls, records management and reporting.

Company and select product information for the Motorola/Spillman solution is attached.

Benefits of the system include:

- System demonstrates that it has the ability to meet all needs for dispatching calls in the ECC and records management/incident-based reporting in the Sheriff's Office.
- Spillman has a solid track record in the industry that is enhanced by its acquisition by Motorola ensuring the system will be around for years to come. The County has had four different CAD/RMS vendors over the past 25 years and each has gone out of business which is primarily attributable to them being small companies who are not able to meet the demands of continued development and support of the system. Purchase of the Motorola/Spillman system will position the County for a long-term solution. This is of great benefit to the County as records will be maintained long-term within a system that will be around for years to come rather than only being available in an archive of a defunct system or input into a new system through a costly data conversion with less than desired success rates that ultimately compromise the accuracy of the database moving forward.
- The County currently utilizes Motorola systems for both radio communications and 911 call handling. Utilizing a Motorola product for CAD positions the County to take advantage of Motorola's future plans to fully integrate the three systems. This will simplify operations for the dispatcher by eliminating the use of multiple keyboards and mice and streamlining functionality among systems.
- Mapping is also included in the Motorola/Spillman solution and will eliminate the need for a stand-alone mapping system in the ECC. This will provide better interaction between CAD and mapping information a cost savings to the County.
- Records management, reporting and database management capabilities for the Sheriff's Office will be greatly enhanced with the implementation of the Motorola/Spillman solution.
- The Motorola/Spillman solution is already in use in the Counties of Powhatan, Fluvanna and Greene and these localities are quite happy with the product.
- Options are also available for Mobile Data Computing and e-Citation solutions for Sheriff's Deputies.

Cost:

Current pricing for the system is as follows and may be subject to change based on the timeframe for contract signing and availability of discounts.

- CAD and RMS: \$311,000
- Option for Mobile Data Computing: \$24,000 (does not include +/- \$60,000 in associated hardware cost)
- Option for Citations: \$39,000

The current budget includes \$200,000 for the project which includes \$75,000 in grant funding from the PSAP Grant Fund for the purchase of CAD.

Mr. Harvey inquired if the system would be obsolete in five years and it was noted that Spillman included upgrades every five years for the cost of annual maintenance. Ms. Rorrer noted that radios were different based on the nature of the beast and their ends of support. She noted that the CAD was a software program that ran on the computer and the only change should be the computer. Mr. Carter added that they should not see a total swap out of the system; however there may be some computer upgrades over time.

Ms. Rorrer noted that Powhatan and Greene Counties had the same system and it was a good fit for Nelson.

She added that she had used a quote from a vendor with a simpler program to derive the budget numbers and then found that two of the four quotes received were inferior and the County was actually \$111,000 short between budget and cost.

Ms. Rorrer then advised that there was interest from the Sheriff in getting the mobile data solution which was a \$24,000 option with a \$60,000 hardware price tag. She noted that the solution did streamline the dispatch process such that when a call was entered in the CAD, it would pop up on the deputies' screen and would include GPS and vehicle location etc. She noted that additionally, there was an option for e-citations that would allow all ticket writing to be done over a mobile terminal and printed out in the field. She added that the system would auto fill the ticket information from outside sources and that system could be integrated with the Supreme Court system, which would eliminate a lot of work for the General District Court.

Mr. Carter then noted that the County was ready to proceed with the selected vendor for the CAD and RMS; however the issue was the cost overrun from the estimate and then the addition of enhancements for the Sheriff's Department. Mr. Carter noted he had not spoken with the Sheriff and he questioned if they would use the mobile data and e-citations applications since they were not currently writing many tickets. He added that there may be a cost savings associated with getting it now though. He noted that the Sheriff had vacancy savings that was county related and there may be sufficient funding for optional purchases without impacting the overall budget at all. He reiterated that there was \$180,000 in additional costs and he thought they had about that amount in vacancy savings.

Ms. Rorrer added that the Sheriff's Department could assess a \$5 fee for traffic citations issued through e-citations. Mr. Carter noted that staff was not pushing for the options; but staff had been working on the CAD system for a while now and wanted to bring it to closure.

Mr. Saunders supposed that if the options were not purchased now, they may cost a lot more later and Ms. Rorrer noted that the mobile data option would cost much more later on per the vendor; she added it was getting rolled in for a reasonable price. Mr. Carter advised that staff would also negotiate harder with the selected company if the Board was amenable to move forward.

Mr. Rutherford asked about the cost of annual maintenance and Ms. Rorrer noted that was \$36,000 per year. It was noted that included updates that were \$3,000 per month. Ms. Rorrer noted that the County was paying \$9,000 per year now on a different system. She noted that the County currently had a stand-alone mapping system from Geocom and the mapping component was included in this system and the County would pay \$9,000 per year for that. Mr. Carter reiterated that staff thought they were at a point where they needed to report to the Board and had discussed having a demonstration after discussing the considerations.

Ms. Rorrer advised that staff had not select the highest priced vendor and their system cost was \$80,000 more and maintenance was \$60,000 including hardware.

Mr. Rutherford asked if it was a cloud based system and Ms. Rorrer stated it was not and the data would be stored in house. She added that there may be a cloud-based solution out there, which she thought

would be okay; she noted however that the cloud was not always the best idea especially for applications that they needed to have access to such as time stamps for police, EMS etc.

When asked about implementation, Ms. Rorrer noted that there was an 18 month implementation plan as it was a large system to build and would take a lot of work.

Mr. Bruguere asked how many hardware units for cars were priced and Ms. Rorrer noted twelve (12). She added that there was mounting and wiring of hardware so installation was involved. She noted they would shop around and that Toughbooks were recommended for use. Mr. Harvey noted that they were talking about buying more hardware than they had deputies and School Resource Officers needed to be discussed.

Mr. Saunders then asked if the added costs would be a wash in the Sheriff's Department budget and Mr. Carter confirmed it would if they still had vacancy savings in county funded positions. He added that staff would have to bring back a budget amendment to transfer money from the Sheriff's Department to Capital Improvements.

Mr. Carter then advised that staff needed the Board's consensus to move forward including the discussed options and they would continue to negotiate the best pricing. The Board then agreed by consensus to have staff move forward as presented.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter extended his appreciation to Ms. McCann and noted that words could not describe how fantastic it was to work with Debbie.

A. BR Tunnel Project: The Phase 2 (Tunnel Rehabilitation) Project is in process. Fielder's Choice Enterprises, Inc. has mobilized equipment to the site to provide for the start of construction. VA-DCR staff have advised that the previously awarded Recreational Trails Program grant can be utilized for Phase 2. The project agreement must also be updated. An updated Engineer's Cost Estimate for Phase 3 (Western Trail & Parking Lot) has been submitted to VDOT as the initial step to obtain approval to bid Phase 3. A tour of the Tunnel by Gov. Northam's newly formed Conservation Commission is presently scheduled for December 7.

Mr. Carter advised that the tunnel tour had been rescheduled due to conflicts.

B. Broadband: County and CVEC/CVSI staffs are meeting weekly (each Tuesday morning) to facilitate the planned transfer of the local network, which also assists with the submittal to federal NTIA for approval to complete the network transfer. Tentatively, all work is projected for completion by January 2019 with NTIA approval then in process (estimated 6 – 8 months may be required for this approval).

C. Library Project: Architectural Partners is working to complete final construction drawings for the project. AP has projected 75% completion drawing by January 2019 with construction bidding to follow in February 2019 (a month ahead of the project's schedule).

Mr. Carter advised that a property survey was done and there was a twenty foot setback on the north side that narrowed going back towards the west and that impacted fire suppression requirements. He added that he was not familiar enough yet to report on it; however it was not a panic issue.

D. Lovingson Revitalization & Schuyler STP: County and TJPDC staff are working to complete the initial set of project submittals to VA-DHCD to establish eligibility for a \$35,000 planning grant award. The current project activities include: 1) Public Meeting (to be conducted on 12-11 during the evening Board meeting); 2) two management team meetings; 3) provision of the most recent County audit report (completed); and, 4) a physical inventory (comprehensive) of the proposed project area. The deadline for completion of these requirements is January 7, 2019.

Mr. Carter noted the County had gotten \$3,000 in pre-planning funds for Lovingson and nothing would be done with the Schuyler project until a PER was done.

E. School Division Transportation Study: TJPDC will facilitate the transportation study. A scope of work and cost estimate are pending receipt (but in process). A request for information with which to assist with the study's completion has been submitted to School Division administration.

F. Federal Rail Administration (Positive Train Control): County staff and residents of the Norwood/Wingina area are working together to complete an informational submittal to CSX to provide for a decision to permanently cease the sounding of horns at private rail crossings. A completion date has not been established but the gathering of information is nearing completion.

G. Piney River Water System (TTHM Corrective Action Project): The project's statuses include 1) completion of a pilot study (completion date is by 6-30-19) and 2) receipt of a revised Consent Order from VDH to provide for the completion of the pilot study.

H. Tye River Water System: Wall thickness testing of the elevated tank is pending completion. Once done, Nolen Frisa (structural engineering consultant) will be able to complete the analysis of the structural integrity of the tank. NCSA staff have submitted an interim, month to month agreement to continue to operate and maintain the water system. Staff has expressed concern with provisions in the agreement which require the County to share the cost of system operation and maintenance as well as bear all expense(s) for capital improvements.

I. (Local) Health Department/Meeting with Blue Ridge Medical Center: Follow up from BRMC on a six month to one-year lease extension beyond November 2019 is pending receipt.

Mr. Carter advised having received an email indicating that a six-month extension had been agreed upon by the BRMC Board. He added that there may be an effort underway for someone to build a new facility and lease it back to VDH.

J. Albemarle-Charlottesville Regional Jail Authority: Final testing results of the Victim Notification and Notification Everyday (VINE) system is pending completion pertinent to a decision by ACRJA to forego direct notification to federal ICE when individuals in the U.S. illegally are released from the regional jail.

Mr. Carter noted that if final testing was successful, the Jail Board may vote to have ICE use this system for notification purposes.

K. Region 2000 Service Authority: The R2KSA Board of Directors discussed on 11-28 future operational options for the regional solid waste authority, given Campbell County's position not to authorize future landfill expansion in the County. No specific actions were determined on 11-28.

Mr. Carter advised that in the past, Campbell County had rezoned the land within a mile of the landfill for Delegate Fariss for residential use that had caused upheaval with those residents. He noted it was done then and their Board of Supervisors had just done it again.

In response to questions, Mr. Carter advised that maintaining the landfill there was the best overall solution; however politics was involved now so it was hard to say what would happen. He added that the Authority may build a transfer station which Nelson did not need. He added that the Authority still had until 2030 to decide and he noted there was potential to build a berm that would increase the landfill's capacity. He noted that if the landfill stayed and expanded in Campbell, they could have 70 more years of capacity and would have the lowest tipping fees in state.

Mr. Bruguiere asked about joining with Amherst County and Mr. Carter noted he had not heard from them but have heard some rumblings behind the scenes. He noted that any Authority discount to them was set aside as they were supposed to be an original member but backed out at last minute.

L. Operational System(s): County staff have completed a web-ex with Bright and Associates staff on upgrades to the local operations software to enable greater public access. No decision has been made to date on this subject and additional work is pending on assessing other operational systems. This subject is considered and FY 19-20 Budget item.

M. Closeout of Groundwater Monitoring Program: Draper Aden staff have completed the draft submittal (substantive) to VD-DEQ to provide for approval to close out the long term ground water monitoring program at the County's closed landfill facility. The draft in review but anticipated to be submitted to DEQ this month (December 2018) or in early January, 2019.

Mr. Carter advised that the County had been monitoring the groundwater for about 25 years at a cost of \$80,000 - \$100,000 per year.

N. Office Facility Study: Architectural Partners is completing a scope of work proposal to provide for the Board’s priority to complete a study to analyze the cost to purchase and renovate an existing building(s) versus the expense to construct a new County office facility. It is anticipated work will begin on this subject in the month of December 2018.

Mr. Carter stated that staff needed guidance from the Board and asked if he should move ahead with the study as described at the retreat. Mr. Bruguieri affirmed he should as they needed to come up with some real costs. Mr. Carter noted that he should get the scope of work that week.

O. Growth Management: County staff (Administration) has submitted a request to TJPDC staff to request completing an evaluation of the County’s zoning ordinance to then submit recommendations for revisions that will address the Board’s priority for improved growth management tools. Staff’s suggestion is to incorporate this proposed work into the Comp Plan strategy TJPDC staff will assist the County to develop in 2019.

P. FY 19-20 Budget: Initial development of the draft FY 19-20 Budget has been initiated. A budget schedule of budget presentation and Board work sessions has not been presently completed.

Mr. Carter advised that the draft budget could be ready by the end of February.

2. Board Reports

Supervisors had no reports.

B. Appointments

<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
<i>NC Social Services Board</i>	6/30/2018	4 Years/ 2 term limit	Joan Giles-West (served 2T)	N/A	None
JABA Advisory Council	12/31/2018	5 Years/ No Limit	Mary Cunningham	Y-email	None

Mr. Reed moved to re-appoint Mary Cunningham to the JABA Advisory Council. There was no second and Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

Supervisors had no directives for staff.

VII. Other Business (As May Be Presented)

Introduced: Special Use Permit Expirations

Mr. Saunders inquired as to why holders of Special Use Permits were not notified when they were expiring and Mr. Carter advised that the Ordinance did not require it; however it could be done. He noted that staff was caught by surprise in Mr. Rath's case, it was a unique situation, and had not happened before.

Mr. Saunders noted he was concerned that Special Use Permits were not being done properly and there was no follow up. Mr. Carter advised that the follow up occurred through inspections and site plans.

Mr. Bruguere commented that in the case of Connie Brennan's subdivision, DEQ required more work every time they submitted things back to them and it went back to the bottom of the pile for another 60 days. Mr. Carter noted that in her case, when the site plan went through evaluation by DEQ, there was a stormwater evaluation that needed to be done and there was an unresolved issue as to who would take the drainage easement. He added that they were still waiting to see how that unfolded as he has had conversations with VDOT who says the County has to take it and they cannot show that statutory authority. He added that the Board could accept the drainage easement and VDOT would maintain it; but then there was the question whether or not that went into the deed.

Mr. Bruguere suggested that there should be an exception if the holder of an SUP had plans etc. that were in an agency's hands and they went beyond the one year deadline. Mr. Harvey noted that the SUP holder had the right to come in and ask for an extension. Mr. Reed added that in terms of responsibility, the applicant should have that responsibility and the County should not have to remind them that their SUP is coming due. Mr. Saunders noted he thought it was a courtesy and was not that big of a burden.

Mr. Carter advised that only a couple of SUPs were granted each year and it should be stated in the permit that it expires after a year if nothing was done. He added that staff may already be doing that as well as tracking them on a spreadsheet. Mr. Saunders supposed that they would have been aware of it had they been tracking it on a spreadsheet.

Introduced: Snow Routes for Schools

Mr. Bruguere asked Dr. Eagle in attendance if they had snow routes for areas like Montebello. Mr. Harvey noted the liability issues were different now from when they were in school and Mr. Bruguere added that parents would come out on short routes then.

Dr. Eagle advised that she was not aware of any snow routes right now. She noted that the Montebello parents had worked with them during road closures before for 8 or 9 students. She added that they were concerned with the northern end of the county now and back roads.

Introduced: Direction on Equal Rights Amendment Endorsement

Mr. Carter asked for the Board's direction on the endorsement resolution presented on the Equal Rights Amendment.

Mr. Saunders stated he had not yet seen the packet that Ms. Brennan spoke of and Mr. Carter advised he would send it out to them. Mr. Rutherford noted that the interpretation of it was terrifying and it was an interesting case.

Mr. Bruguere directed staff to distribute the information presented by Ms. Brennan and the Board would take it up in January.

VIII. Adjourn and Continue Until 7:00 PM

At 3:50 PM, Mr. Rutherford moved to adjourn and continue the meeting until 7:00 PM and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

**EVENING SESSION
7:00 P.M. – NELSON COUNTY COURTHOUSE**

I. Call to Order

Mr. Bruguere called the meeting to order at 7:00 PM, with all Supervisors present to establish a quorum.

II. Public Comments

There were no persons wishing to be recognized for public comments.

III. Public Hearings

A. Ordinance O2018-03 Livestock Fence-In Provisions:

Consideration of an Ordinance to amend the Code of Nelson County to incorporate provisions such that “the boundary line of each lot or tract of land, or any stream in such county, or any magisterial district thereof, or any selected portion of such county, to be a lawful fence”; thereby reversing the “fence-out” general rule and to include penalties for violation. **(O2018-03)**

Mr. Carter noted that a public hearing would be conducted on the following proposed Ordinance:

**ORDINANCE 02018-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 3, ANIMALS, ARTICLE IV FENCE LAW (NEW)**

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Virginia Chapter 3, Animals, is hereby amended as follows:

New Section

Article IV. Fence Law

4.1. Boundaries Declared Lawful Fences.

(a) The boundary line of each lot or tract of land in this county is hereby declared a lawful fence to any livestock domesticated by man.

[OPTIONAL PENALTIES]

(b) Option 1

Any owner of livestock domesticated by man crossing a lawful fence shall be guilty of a Class 4 misdemeanor.

(b) Option 2

Any owner of livestock domesticated by man crossing a lawful fence shall be assessed a civil penalty of \$_____.

(c) Option 3

Neither.

BE IT FURTHER ORDAINED, that this Ordinance becomes effective upon adoption.

Mr. Carter noted that if approved, the Ordinance would replace the current fence-out provisions where a property owner had to fence-out his neighbor’s cattle. He added that it provided for penalty options for the Board’s consideration and noted those. He added that if no penalty was selected, the County would not have any enforcement ability and it would be incumbent upon the property owner to address any violations.

Mr. Bruguiere then opened the public hearing noting that the County currently had a fence-out law, they were looking at fence-in provisions, and would now take comments from the public. The following persons were recognized during the public hearing:

1. Richard Speilman, Lovington- Freshwater Cove

Mr. Speilman spoke in favor of the proposed Ordinance. He noted that he lived in Freshwater Cove and represented himself and his neighbors. Mr. Speilman noted that if it were one incident, the livestock owner should receive a warning as he would hate to see them penalized. He noted that on the other hand a producer who in the last five years that has had 200 incidents and was a habitual offender needed to have substantial penalties or they would not pay attention to the law. He added that fences were not part of a business plan for that person. He added their issues were not isolated and he was in favor of changing it.

2. Mike Campbell, Lowesville and President of Nelson/Amherst Beef Producers Association

Mr. Campbell spoke against the proposed Ordinance. He noted his organization was against changing the law as there were 12,000 head of cattle in Nelson and on average there were maybe problems out of 10-15 producers. He added that was a small percentage for a blanket rule that punished those who were doing things right for a few who were doing it wrong.

3. Harry Baum, Afton

Mr. Baum spoke in favor of the proposed Ordinance. He noted that he has had cattle for the past thirty years and only two times had his animals been off his property and he fixed the fence after that. Mr. Baum noted that on one occasion he had twelve head show up in his yard, he then opened the fence, found the owner, and kept them until they got back. He added he had no problem helping people; however there were habitual offenders that never fixed their fence and they needed some penalty for those habitual offenders. He added that regular/normal issues should not carry a penalty.

4. Ed McCann, Massies Mill

Mr. McCann spoke against the proposed Ordinance. He noted that he had taught Agriculture for nearly four decades in Nelson County and had instilled in his students that fences were a management tool and the majority of farmers in Nelson used them to help maximize profits. He noted that Nelson was mainly an agricultural county and had aging farmers. He asked the Board to strongly reconsider the way they may be heading and consider the burden they would be placing on farmers; which was one they would not want themselves. He noted there had been storms where fences had been decimated. He added that the majority of farmers took care of their livestock well; however there were a few bad apples that needed to be addressed separately. He then asked the Board to consider leaving the fence law the way it was because if they changed it, it would inhibit agriculture in the county.

5. Tom Laeng, Afton

Mr. Laeng spoke in favor of the proposed Ordinance. He stated he has been in Nelson County since 1983 and in the past 4-5 years, the cows occupying a pasture to the north of him have been well behaved. He noted that in the past 2-3 years; they had become a nuisance in that they had come onto his property and destroyed gardens, a corn crop, and left markings over most of his property. He added that they had trampled the neighbor's yard and had caused considerable damage. He noted that he had made several calls to the livestock owners. He added that he had spoken to Mr. Harvey and apprised him that because of the fence out rule, nothing could be done except to build his own fence. He stated he did not think that was fair, they were not his animals, and he was brought up to believe that one was responsible for their own animals. He advised that those cows had also been in the road on Afton Mountain Road. Mr. Laeng stated he would like for the Board to adopt one of the penalty options as he was tired of seeing his property rights not even protected and laughed at. He stated that he understood Nelson was an agricultural county; however a law from the 1600s did not make sense in the 21st century. He added that if Nelson wanted to attract more business and development that change needed to take place. He noted that for the most part there were conscientious farmers who did the right thing; however if there was no penalty for the ones that did not, then the burden was on adjacent property owners.

6. J.H. Fitzgerald, Tyro

Mr. Fitzgerald spoke against the proposed Ordinance. He stated he was strongly against a fence-in law when only four different people in the County were the source of the problem. He asked if there was

some other way to protect property owners other than a blanket law. He then questioned who would determine who was a habitual offender. He added that they all had grievances imposed on them and he did not see how the County could have a blanket law for a small percentage of offenders.

7. Paul Cangioli, Gladstone

Mr. Cangioli spoke against the proposed Ordinance. He noted that last summer his cows got out and got into the neighbors garden and he called them up and offered to help them build a fence around the garden. He added that there was a hole where cows had gotten into his yard that was on his side and he tried to fix it himself. He noted that there were deer prints all over the neighbor's garden and to him there were unreasonable people on both sides of the issue. He noted that being a good neighbor went both ways. He noted an example of where he went to feed his cows the other day and somebody had broken the chain keeping the gate closed, so he questioned who was responsible when somebody left the gate open. He then asked the Board to consider the can of worms they were opening up as it would criminalize those farmers. He noted he had spoken with Sheriff Hill who said they would use discretion in charging people and he questioned what that meant. He stated if they passed the Ordinance, it needed to be applied fairly; however he did not think it necessary nor that it could be applied fairly.

8. William Paul (W.P.) Mays, Roseland and Farm Bureau Board of Directors

Mr. Mays spoke against the proposed Ordinance and noted that he represented the Farm Bureau Board of Directors. He noted they had met last week and adopted a policy that stated that fences were an essential tool in the management of livestock and they recommended that Nelson stay a fence-out county. He noted that the county had many producers that were getting older and the county had a lot of rural lands that were sparsely populated. Mr. Mays noted that Virginia was a fence-out state and most of its counties were the same. Mr. Mays stated that the county had 12,000 head of cattle and a very small percentage of cows and producers were rogue. He then suggested that they look at the State Code that allowed for provision for those breaking the law by infringing on property rights of others and Section 15.2-1218 allowed counties to prosecute those doing that. He added that he would like to work with them to enact such a provision and come to a good solution instead of having a blanket law for a few rogue producers that would tie up the courts and law enforcement.

9. Jim Saunders, Piney River

Mr. Saunders spoke against the proposed Ordinance. He stated he would like to see Nelson stay a fence-out county and agreed with everyone else. He stated they should take care of those producers causing the problem, noting that most wanted to abide by laws and be good neighbors and keep their cattle in. He suggested that they address the core problem.

10. Wayne Wright, Lovington

Mr. Wright spoke against the proposed Ordinance. He noted he had been on both sides of the issue and had sued a negligent farmer. He noted he had gotten a settlement and saw no reason to change the law. He added that he was sued for one cow and that had been held up in court for nine years. He noted that they should protect farmers all they could.

11. Bill Brenneman, Afton

Mr. Brenneman spoke in favor of the proposed Ordinance noting that cows were in his hay pasture quite a bit and he would like something done.

12. John Saunders, Tyro

Mr. Saunders spoke against the proposed Ordinance. He noted he represented Silver Creek Orchard and noted they had been raising cattle for 100 years and were opposed to the change in fencing laws.

13. Stu Loving, Faber

Mr. Loving spoke in favor of the proposed Ordinance and noted that the dynamics of the County had changed since the last ordinance update in 1970. He noted that to change it to fence-in would give authorities the tools to handle those situations. He added that presently, if cattle were out and the Sheriff or Animal Control was called, they could not do anything and they needed the tools to be able to handle those situations. He noted that if a person had livestock, they knew at some point they would get out. He noted this was a matter of people being responsible and taking care of those problems. He noted the ones

not acting responsibly were creating this issue and it was why laws were enacted. He encouraged the Board to give the County the tools to handle those issues. He asked them to consider that there were more tourists here and the roads were not undeveloped like in 1970.

14. Rosalind Stratton, Afton

Ms. Stratton spoke against the proposed Ordinance. She stated that they wanted to criminalize somebody for their animals getting out. She questioned the use of discretion and questioned when a person would get charged for livestock getting out. Ms. Stratton noted that trees came down every day and things happened. She added that she did not think the proposed Ordinance would effectively help the county.

15. Stu Loving, Faber (Previous Speaker)

Mr. Loving stated that citations could be issued and then if it kept happening and they had to pay, they would soon figure out that the money could be spent on better fencing. He added he was not suggesting there be criminal charges; however citations could be applied in increments and eventually, the habitual offenders would learn. He noted that people could see that if farmers were actively getting their livestock back, they could consider the situation and the Sheriff would know if they were called to the same place five or six times. He added that the County needed a tool for the responding personnel to levy against the ones that did not seem to really care.

16. Mike Campbell, Roseland (Previous Speaker)

Mr. Campbell reiterated what Mr. William Paul Mays said and stated that the State Code section he mentioned would take care of trespassing on private lands as well as on roads. He added that was the tool that was already in place and the Board should look into that before making Nelson a fence-in county.

17. David Campbell, Afton

Mr. Campbell spoke in favor of the proposed Ordinance and questioned why, if the tool was already in place, did the Sheriff not use it?

18. Jane Davey, Lovington

Ms. Davey spoke in favor of the proposed Ordinance. She asked the Board to keep in mind the people whose gardens and yards got demolished time and time again and she noted that there were always cows on the road. She stated they needed help.

19. Tom Laeng, Afton (Previous Speaker)

Mr. Laeng stated that as he saw it, the reason for the ordinance was to give enforcement people the legs to do something. He noted that as it was now, pleas were listened to but there was no recourse for them and they as homeowners had to absorb property loss and damages. He added that they were a nation and county of laws and the ones who were doing the right thing did not have anything to worry about, it was those habitual offenders that needed something to hold them accountable. He agreed that 98% of cattle owners were doing the right thing; however the ones who were not, were getting away scott-free.

20. Rosalind Stratton, Afton (Previous Speaker)

Ms. Stratton noted that there were laws in place for property damage so she questioned why the fence law should be changed.

21. Richard Speilman, Lovington (Previous Speaker)

Mr. Speilman noted his disagreement reiterating the incidences he was having and not penalizing somebody who was responsible. He stated that people were uninsured and that became a burden on you financially to hire a lawyer etc. and he really did not want to have to do that. He reiterated that he had dealt with multiple incidences and he just wanted to live his life.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Brugiére advised that the Board would not be voting on the issue that night as they had a lot of input to digest. He noted that there was an Ordinance on the books that had civil penalties and he thought it was worthwhile for the Board to work with the Farm Bureau Board to come up with more tools to help all involved.

Mr. Reed noted that there was obviously a problem that needed a solution and he was not in favor of laws when they were not needed. He added that he believed in most cases that neighbors worked things out; however if that was not possible an individual could press charges. He noted that if they did not have anything on the books that provided some kind of recourse to combat rogue producers then there was no opportunity to get them to change their ways unless the farming community could get them to change their ways. He noted if not, they would end up back here to put a law on the books that maybe was not necessary. He added that in the absence of those two things, the Board needed to take action on that.

Mr. Saunders stated that he raised cattle and they got out and he fixed the fences. He added that the habitual offenders were the reason for the proposed Ordinance and public hearing that night as they had gotten complaints about it and decided to hold a public hearing to get input. He noted the intent was not to impose the law on somebody whose cows got out one time. He noted there was a problem to be solved and they had not figured out yet how to do it. He added that percentage-wise the issues were minor and they had work to do in order to make both sides happy and he was not sure how.

Mr. Rutherford noted that this particular topic had been sensitive in the east District. He added that his family had raised pigs in Shipman and he echoed what Mr. Saunders had said. He noted that habitual offenders had been tormenting neighbors especially in the east District. He noted that he only saw good producers in the room and noted that those who were the problem had not shown up. He stated that they had to figure out how to protect people from them and he was interested in what the Farm Bureau representative mentioned and he would get details on that soon. Mr. Rutherford stated that the Board would need to figure out what to do with them and the Dillon Rule provided that they could not put any law in place that the State did not allow them to. He added that the process was to have a public hearing and receive public input. He noted he did not want to see a Class IV Misdemeanor imposed; however he wanted to protect people from habitual offenders. He concluded that the Ordinance was not meant to go after farmers in general, but only the irresponsible ones.

Mr. Harvey stated that an issue not mentioned that night had been deer damage to fences. He stated that the County did not have the manpower to address these issues if it were made a criminal case or penalties were imposed. He likened this to the Noise Ordinance, which was a nuisance ordinance and noted that the Sheriff's Department would not enforce it. He advised that neighbors needed to reach a truce and in most cases there was brand new fence up and it was not being neglected. Mr. Harvey stated he would not support anything that would have any liability to it as far as it being a crime as they needed to look after the ones that looked after them.

Mr. Brugiére noted that he has been leaning both ways on the issue; but owed his allegiance to Farm Bureau and the 350 livestock producers in the County. He added that the State did have additional ordinances that would protect everyone and he thought they should work with the Farm Bureau Board to come up with something that would suit everyone. He reiterated that the Board would not vote that night, they would take everyone's comments under advisement, and look at additional ordinances presented to see if they could help everyone. He added that he knew that habitual offenders were out there that needed to be taken care of. He noted that his own cows had been out and he had insurance that paid for the destruction of his neighbor's corn; however he noted that many part time farmers did not carry insurance and could not pay for damages.

IV. Other Business

A. Public Meeting – Lovington Business District Revitalization Pre-Planning Grant (DHCD-CDBG)

Mr. Carter advised that Nick Morrison of the TJPDC and Maureen Kelley were present and had been working with staff on the project. He noted that the County had pursued a planning grant for Lovington and had initially submitted the answers to an eight question survey and was awarded \$3,000 to move towards a \$35,000 planning Grant.

Mr. Brugiére noted that Gordonsville had done a revitalization project; however one person bought up most of the town and it was easy for him. He noted it was more difficult if there were multiple property owners. Mr. Rutherford noted that there were two owners that owned most of Front Street and they were

trying to get them active. He noted he was interested in real estate values going up and they could only find out if they tried to do something.

Mr. Carter advised that the project could not be one of Lovingson beautification with the CDBG funding. He added that there could be a façade program; however something else would have to be targeted that would really invigorate Lovingson. Mr. Harvey supposed that the biggest business in Lovingson was the Funeral Home and Mr. Carter advised that it was currently outside of the target area.

Mr. Carter stated they had discussed a parking area in Lovingson and the County could target that with the larger grant but that was to be determined. He noted that the mission was to get through the next five steps and hopefully get another grant award to further the effort.

Mr. Morrison noted that they would be processing the physical inventory that week and next and they would go out with an iPad to geo-locate and upload the properties into their mapping software. He noted they would then cross check data with staff. Mr. Morrison added that they were looking at physical conditions not aesthetics and once they had that, they would summarize and map things. He added that they were looking forward to partnering with Nelson County on the project.

Mr. Carter then advised that sparkplugs, Trish Becker and Patty Avalon had been identified and would give input and guidance during the project.

Mr. Carter noted that the public meeting that night addressed one of the requirements of the current \$3,000 pre-planning grant and he then gave the following presentation:

LOVINGSTON REVITALIZATION PROJECT

Objective:	Work towards Lovingson Business District Revitalization
Partner:	Thomas Jefferson Planning District Commission
Project Time Line:	2018 – 2020
Project Funding Target:	Virginia Community Development Planning & Block Grant Program

LOVINGSTON REVITALIZATION PROJECT

Project Development:

- A. Initial Work Sessions Conducted (County & TJPDC Staffs)
- B. CDBG Program Questionnaire Completed & Submitted to VA-DHCD
- C. Initial \$3,000 Award from VA-DHCD with 5 Requirements to be completed by January 7, 2019:
 - 1. Submit Recent County Audit – Completed
 - 2. Complete an Initial Public Meeting – December 11, 2018 @ 7 p.m. (Nelson County Courthouse)
 - 3. Complete an Initial Project Meeting w/Community Sparkplugs – December 13 @ 2 p.m. (Courthouse)
 - 4. Complete a Physical Inventory Survey in the Proposed Project Area - In Process
 - 5. Complete a Second Management Team Meeting

LOVINGSTON REVITALIZATION PROJECT

What Is Business District Revitalization?

- * Improve Economic & Physical Conditions w/in the Community
- * Develop Economic Restructuring Plan
- * Must Determine Level of Physical & Economic Blight

Project Area Must Have a Minimum:

- 1. 25% Physical Blight
- or
- 2. 50% Vacancy Rate

LOVINGSTON REVITALIZATION PROJECT

PROJECT AREA:



Mr. Carter advised that they had looked at the entire village of Lovington initially; however the inventory scope would have been too much to report on in time. He added that Mr. Morrison and Ms. Kelley had developed a template for doing the inventory survey.

LOVINGSTON REVITALIZATION PROJECT

NEXT STEPS:

- Submit 5 Preliminary Requirements to VA-DHCD by January 7, 2019
- Wait for VA-DHCD Decision on \$35,000 CDBG Planning Grant Award
- Complete Planning Grant Requirements Per Agreement w/VA-DHCD
- Submit Community Improvement Grant to VA-DHCD in 2020 (\$700,000 Possible)

Mr. Carter advised that if awarded the \$35,000 for the planning grant, the County would probably have a year timeline to complete it. He added that once the study was done, the target area may be expanded or contracted. He noted that the physical inventory was the most important step.

Mr. Reed asked what would be the economic restructuring plan and Mr. Carter advised that was to be determined as they did not have that guidance yet. He noted that revitalizing the business district may include job creation and address vacancy in the district. He added that he had contacted DHCD about what that would entail and had pulled the restructuring plan from the program design. He noted that DHCD had advised the County to complete the five tasks in the letter and if done successfully, they would tell the County what to do next. He noted that the goal was to try to determine what to do to stimulate business in the district and it would not be a housing rehabilitation project.

Mr. Bruguere asked if the physical inventory had been done when the County did the Lovington Historic District and Mr. Carter advised it was done before in a previous planning grant but that project entailed all of historic Lovington and the major application for \$700,000 had failed because Lovington had not had enough blight. Mr. Carter reiterated that they qualified by eliminating slum and blight and a benefit to 51% LMI would be a target. He added that the other criteria was “other catastrophic event” and that did not apply. He advised that staff would use some historic information.

Mr. Rutherford added that the map was drawn to encompass blight and vacancy. Mr. Carter then noted that they would have a Management Team meeting and the next task was to get the physical inventory done.

V. Adjournment

At 8:10 PM, Mr. Harvey moved to adjourn and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.