

December 12, 2017

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: Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Thomas H. Bruguire, Jr. West District Supervisor – Vice Chair
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor – 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
Jesse Rutherford – East District Supervisor Elect
Ernie Reed – Central District Supervisor Elect

Absent: None

I. Call to Order

Mr. Harvey asked Ms. Brennan to call the meeting to order; which she did by tap of the gavel at 2:00 PM, with all Supervisors present to establish a quorum.

- A. Moment of Silence – A moment of silence was observed.
- B. Pledge of Allegiance – Mr. Hale led the Pledge of Allegiance.

II. Consent Agenda

Ms. Brennan moved to approve the consent agenda as presented and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

- A. Resolution – **R2017-58** FY18 Budget Amendment

**RESOLUTION R2017-58
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2017-2018 BUDGET
NELSON COUNTY, VA
December 12, 2017**

BE IT RESOLVED, by the Board of Supervisors of Nelson County that the Fiscal Year 2017-2018 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

Amount	Revenue Account	Expenditure Account
\$3,194.00	3-100-009999-0001	4-100-012150-3002
\$9,026.00	3-100-009999-0001	4-100-021040-3025
<u>\$3,671.00</u>	3-100-009999-0001	4-100-032020-5648
\$15,891.00		

II. Transfer of Funds (General Fund)

Amount	Credit Account (-)	Debit Account (+)
<u>\$7,829.00</u>	4-100-999000-9901	4-100-032020-2008
\$7,829.00		

III. Appropriation of Funds (Courthouse Project Fund)

Amount	Credit Account (-)	Debit Account (+)
\$14,195.00	3-106-009999-0001	4-106-094960-3140
\$42,070.00	3-106-009999-0001	4-106-094960-3160
<u>\$26,424.00</u>	3-106-009999-0001	4-106-094960-3161
\$82,689.00		

III. Public Comments and Presentations

A. Public Comments

1. Jannah Hunter, Schuyler

Ms. Hunter thanked Mr. Hale and Ms. Brennan for their service; noting that they had both put in thousands of hours above and beyond just coming to meetings. She noted a heartfelt thank you to them from her, her friends, and the Democrats of Nelson County.

2. Karen Grecos, Nellysford

Ms. Grecos noted that there was a VDOT issue on Route 151 in Nellysford. She advised that the road there had been repaved and there were no lines for shoulders and there were long strips with no center lines and no indication of passing zones. She added that it was becoming hazardous even though there were some temporary signs up now.

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Ms. Grecos then noted that packs of roaming dogs were becoming an issue in neighborhoods and there was a pack of six or so in hers. She added that she wished the County would consider a leash law as this was becoming a problem in residential areas.

3. Susan McSwain, Shipman

Ms. McSwain began reading aloud a prepared statement regarding a development in the recycling industry that she thought would have a substantial impact on recycling in the County. She noted that for various reasons, China had implemented a ban on the importation of scrap materials including mixed paper and mixed plastic recyclables effective January 2018. She advised that the announcement of the ban had caused prices for plastics to fall such that two major plastic recycling plants in the eastern U.S. had already closed which could affect how or if the County recycled those items in the future.

Mr. Harvey then noted that Ms. McSwain's allotted timeframe for speaking was up, the Board would read her prepared comments, and would take them into consideration.

4. Bo Delk, Roseland

Mr. Delk thanked Ms. Brennan and Mr. Hale on behalf of the emergency services people in the County for increasing funding to help buy equipment and help them operate. He then encouraged them to continue their support.

5. Pete Perdue, Afton

Mr. Perdue noted he would like to recognize the outstanding performances of Ms. Brennan and Mr. Hale. He noted that they had been friends of the underprivileged people of the community and they would be missed. He then wished them both well in the future.

B. VDOT Report

Mr. Austin noted that he had enjoyed working with Ms. Brennan and Mr. Hale on the Board and he noted that they had accomplished a lot.

1. Resolution **R2017-59** –Addition of Route 617 to Rural Rustic Program

Mr. Austin noted that the proposed resolution for Buck Creek Lane needed to be adopted in order to build the road up to Rural Rustic standards. He added that they would have it built next year and the necessary resolution was not on file with VDOT.

Mr. Hale then moved to approve resolution **R2017-59**, Designation of Route 617, Buck Creek Lane from 0.23 Miles North Route 29 to Dead End a Rural Rustic Road. Ms. Brennan seconded

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the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2017-59
NELSON COUNTY BOARD OF SUPERVISORS
DESIGNATION OF ROUTE 617, BUCK CREEK LANE
FROM: 0.23 MILE NORTH ROUTE 29 TO: DEAD END
A RURAL RUSTIC ROAD

WHEREAS, Section 33.2-332 of the *Code of Virginia*, permits the hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Nelson County, Virginia desires to consider whether Route 617, Buck Creek Lane, From: 0.23 mile North Route 29 To: Dead End, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Virginia Department of Transportation Residency Administrator.

Mr. Austin noted that they would build Buck Creek next summer and next would be Falling Rock Drive and Campbell's Mountain Road. He added that the funding would be in place by July and the work done by fall. Mr. Austin noted that most Rural Rustics had been done in the county and they were currently working on Old Robert's Mtn. Road.

Mr. Austin then addressed the pavement marking issue on Route 151 in Nellysford. He noted that the markings were scheduled to be done and there was an issue with the contractor the previous week. He noted that they had fired their subcontractor and had gotten another one to come in and paint. He noted they were working in the Nellysford area on Route 151 that day; however how fast it got done depended upon the weather.

Mr. Hale, Mr. Bruguire, Mr. Saunders, and Mr. Harvey had no VDOT issues to discuss.

Ms. Brennan noted that she hoped Mr. Austin moved up in the VDOT organization so he could change regulations that did not suit rural localities. She then thanked him for being so wonderful about complaints and she noted he could always be counted on to be kind and responsive to people.

IV. New Business/ Unfinished Business

A. Consideration of Excavator Bid Award

Mr. Carter noted having reported in November that the County had taken bids for a new excavator for the transfer station and that the low bid was from H & E out of Roanoke. He noted that the low bid including the trade in of the Case excavator was \$121,250. He added that the Board had wanted information about maintenance and repair costs prior to taking any action.

Mr. Carter then referenced the maintenance and repair costs provided by H & E, noting that the best course of action, if the low bid was accepted, was to go with an hourly rate versus the proposed three year maintenance contract. He noted that Mr. Truslow had indicated that his staff could do all of the labor and the maintenance proposed in the contract.

Mr. Carter then advised that the current budget included \$100,000 for the purchase, and if the County accepted the low bid, staff would bring back a budget amendment for the additional funds necessary. Ms. McCann then noted that there was \$1,000 difference between the new and used equipment bids and that the trade-in allowance was for the County's Case machine that had 9,235 hours on it.

Mr. Saunders noted that staff had told him that they were happy with the Doosan; which was not what he would go with; however they were happy with it. Mr. Carter confirmed that also and noted it had performed well except for the air conditioning.

Mr. Carter then noted the particulars of the maintenance contract; noting that travel costs were \$325 round trip and he could try to negotiate it down if possible. He reiterated that Mr. Truslow had looked at the three year maintenance proposal for \$14,000 and he thought the County could do that work itself.

Mr. Saunders then moved that the County purchase the 2016 excavator with 275 hours on it for the price noted and Mr. Bruguire seconded the motion.

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Staff then clarified that the motion was to purchase the used 2016 excavator; not the new 2017; which Mr. Saunders confirmed. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Consideration of Legal Counsel for BZA – ACP Variance Applications

Mr. Carter noted that staff and Mr. Payne had several internal discussions regarding the variance applications and that Mr. Payne could not provide legal representation to the BZA on those. He added that the BZA Chair would like to have legal representation and so staff had reached out to Mr. Shreve who had an extensive background in local government counsel. He noted that funding for his retention would have to come from the County.

Mr. Harvey then asked if the County or the BZA chose who was hired and Mr. Carter advised that the BZA would have to endorse the hire also and they had indicated they were comfortable with Mr. Shreve. Mr. Harvey added that the Board would be approving the funds and Ms. Brennan added that they would be approving the funding for a BZA attorney, not necessarily the person, to which Mr. Carter agreed.

Mr. Shreve's fee of \$300 per hour was noted and Ms. Brennan asked what happened if the BZA approved someone with a higher fee. Mr. Carter advised that staff would bring it back to the Board; however he thought the BZA would likely endorse hiring Mr. Shreve when they met on January 8th.

Mr. Bruguere questioned whether they would have to advise the BZA on each application and Mr. Carter noted that it was proposed that the BZA have a work session to start the review process, not the decision making, in order to go over logistics.

Mr. Hale stated he would like to see Dominion get the bill for that and it was noted that engineering review services would also be solicited and those costs could be presented to Dominion for payment.

Mr. Harvey then noted that the decision was on the County's payment for an attorney for the BZA and Mr. Saunders added with no limits. Ms. Brennan then supposed that the County would pay for whatever they needed. Mr. Carter noted that the County had Dominion's applications and was ready to proceed. He added that Mr. Payne potentially had a conflict since he was the County's legal counsel and the BZA was a quasi-judicial body.

Mr. Carter then reiterated that Mr. Shreve had significant local government experience etc. Mr. Harvey suggested that the Board approve funding of an attorney for the BZA as they felt appropriate and Mr. Carter advised that he was bringing the matter to the Board on behalf of the BZA.

Supervisors then agreed by consensus, except for Mr. Saunders, to approve funding for an attorney to assist the BZA with the Floodplain variance applications. Mr. Saunders indicated he would like to know the exact costs involved rather than it being unlimited.

C. Piney River Water System – Bowman Consulting Proposal

Mr. Carter noted having reported chemical exceedances in the Piney River Water system the previous month and that the Service Authority's engineers had been solicited to help assess what could be done to remedy them. He added that staff had met with the Virginia Department of Health (VDH) in October, who had oversight of the system and they had encouraged the County to get the levels under their limitations. He then noted that after reporting this matter to the Board, it had been deferred until completion of the November sampling of the system. He noted that the November sampling came back high also and the next one was in March. He added that the County could wait and see what happened with possible outcomes being a Notice of Violation or a Consent Order from VDH.

Mr. Carter noted that the decision was whether to begin studying the issue now. Mr. Harvey noted that the exceedances were parts per billion, similar to the size of a grain of sand. It was noted that Draper Aden Associates (DAA) had designed the system and Mr. Harvey advised that he thought the system was way overdone when it was built. Mr. Carter added that a contributing factor was that there were not enough subscribers. Mr. Harvey stated that they should not have built a twelve inch line when a six inch line would have sufficed. He then suggested that they cut the lines off on both ends and feed what was needed from Route 151 or from the Lowesville side, adding that a connector was not needed there.

Mr. Carter advised that the system was flushed every day and for thirty minutes prior to sampling. He added that he thought there was a six inch line there; however the main may be twelve inches. He noted that the Bowman proposal would look at both the plant and distribution system.

Mr. Harvey noted that a problem was that the water could not be pumped out onto the ground because of the chlorine content and it had to be re-treated. Mr. Saunders suggested it be treated and then pumped onto the ground and Mr. Bruguere agreed noting they could use a dechlorinating process. Mr. Harvey lamented that there were orchards in the area and millions of gallons of water were being thrown away that they could use. He added that dechlorination may be better than pumping it back into the sewer system; which did not make sense. Mr. Saunders agreed and noted that it was a simple process. Mr. Bruguere added that the wetlands had a dechlorination process there.

Ms. Brennan inquired about the consequences of the County getting a Consent Order from VDH and Mr. Carter advised that the County would then be required to do something and would possibly be assessed a fine.

Ms. Brennan then noted she was in favor of hiring Bowman and Mr. Carter noted that if endorsed by the Board, the Piney River fund would cover the costs. He added there was not a significant balance in the fund; however there was enough to pay \$10,000 for the study of the issue. He noted that the fix itself would be expensive.

Mr. Hale noted that Bowman had intimate knowledge of the system and Mr. Carter added that a vendor at the Virginia Association of Counties would be a subcontractor to Bowman and they had expertise with the kinds of issues the County was having. Mr. Hale then supposed that a consultant who was familiar with the system ought to have some solutions in mind and be able to present a reasonable fix; coming up with something very expensive would not do any good.

Mr. Carter reiterated that the exceedance has been a recurring issue and one good result resets the situation. He noted that a normal reading was around 80 parts per billion (ppb) and the latest sample result was 157 ppb. He added that since the County owned the system, the County was receiving the notices. Mr. Harvey noted the difficulty in having two different entities dealing with the issue. Mr. Carter agreed but noted that they both wanted the best solution at the lowest cost.

Mr. Carter then noted his recommendation was to hire Bowman noting that the challenge was to keep their recommended solutions to the lowest expense to be incurred. Mr. Hale noted they should know that was the desired outcome.

Supervisors then questioned whether or not the Service Authority was okay with working with them and Mr. McSwain of the Service Authority Board in attendance, noted that they had some issues in the past with expenses; however they would be happy to work with them.

Mr. Bruguiere then moved that the County hire Bowman for a cost not to exceed \$10,000 to see if they could come up with a solution to fix the problem. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Bruguiere then questioned whether more of the exceedance was found in summer or winter and Mr. Carter noted that he thought colder weather helped keep the number lower, so he thought it was worse in summer than in winter.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Jamerson-Lewis is working to complete punch lists jointly developed by County staff and Architectural Partners (J. Vernon) for Phase 2A (County Administration area), Phase 3 (Circuit Court Clerk area) and Phase 4 (Circuit Court areas). J-L's Project Manager has advised that the company will complete all punch list work (for subsequent

confirmation by County staff and AP) by 12-15. If confirmed by County staff the project would move to the Final Completion Phase (end of project). However, there are currently outstanding door materials and related installation work and decisions on the finishing of the wood stair and balcony railings, which J-L has proposed could extend the project to 3-1 (to complete the items, other than the punch lists, noted herein). County staff has, to date, rejected such an extension and are in process with identifying solutions to enable the project to be completed.

Mr. Carter reported that the contractor was working to get the punch list done and they were on item 31 of 51. He added they would identify items to be done by the end of the week and the County would go back and recheck. He noted that the primary hold up was a few hardware issues with doors. He noted the equipment was ordered; however it was taking a long time to get here. He then noted that Jamerson Lewis had proposed to extend the substantial completion date to March 1st and then to February 1st and the County had not agreed to that. He added that they were to get all work done except the doors and the County would hold those items. Mr. Carter advised that the doors were not a building code violation; but were being changed to meet the specifications.

Mr. Saunders asked if the doors was a bid specified item and Mr. Carter noted they were and that Mr. Payne was reviewing the contract on penalties. He noted that Jamerson Lewis and Simplex Grinnell were going back and forth on whose fault it was and there were only about three doors in question and the Court could begin using the space.

Mr. Saunders noted he had been in the courtroom and there had been no change in the last 60-90 days. It was noted that there had been one person on site working on punch list items and they were 98-99% complete. Mr. Carter emphasized that everyone wanted the project done as much as the County.

2. BR Tunnel Project: County staff have proposed to VDOT the removal of non-structural items (brick casement, graffiti and eastern parapet wall) from the Phase 2 Project (Tunnel Rehab) scope of work. Doing so, which requires VOT and FHWA approval would enable the contract for Phase 2 to be awarded to Fielder's Choice Enterprises (FCE has stated it is agreeable to the revised scope of work). The project's consultant engineer(s) is drafting a position paper to substantiate the removal of the non-structural items.

Mr. Carter reported that he wanted to remove the brick casement work on the western side, the graffiti removal, and the eastern parapet wall for now, which would save \$1.2 Million. He noted that Fielder's Choice was agreeable to the scope changes but the County had to get substantiation that the items not done were not structural and a justification had to be written to VDOT to move it along. He added that he hoped the project would be awarded the following month.

Mr. Hale noted that his impression from looking at the numbers, was that even though they only had one bidder both times, most of the other items were reduced in cost and the brick items were

way over the engineer's estimate. He added that the engineer had changed the number of square feet required; which was a significant error and he thought it had to be resolved at some point in the future to go forward. Mr. Carter noted that with the reduced scope, the tunnel would be substantially restored and the County could move on to Phase 3 and finish. In response to questions, he noted that the bulkheads would be removed and people would be able to get through the tunnel. He added it would be much safer once it was done.

3. Broadband: Central VA Electric Cooperative has obtained approval from its Board of Directors for the initiation of a five year Fiber to the Home Project, which would offer high speed internet service to all of CVEC's subscribers (approximately 36,000). The primary purpose of the CVEC project is additional operational efficiency and reliability through installation of a fiber optic network throughout the Cooperative's operating system/infrastructure. The FTTH Project is an enhancement to the primary operational initiative. The CVEC Project presents possible opportunity and challenge to the County/NCBA Middle Mile Network. CVEC CEO Gary Wood will present to the Board of Supervisors and NCBA in January/February 2018 on the Cooperative's initiative. The NCBA's request for a strategic planning work session was delayed pending input on CVEC's project. A CVEC power point presentation on its FTTH Project has been forwarded to the BOS and the NCBA.

Mr. Carter reported that CVEC proposed to complete a fiber to the home project for their customers over five years that would also provide enhancements to their operations. He noted this would be at a very affordable price. He added that the challenge would be what to do with non-CVEC subscribers.

Mr. Carter then noted he had sent the Board the presentation by Mr. Wood on the project and Ms. Brennan asked if he would be presenting it to the Board and or the Broadband Authority. Mr. Carter noted that would have to be decided.

Mr. Harvey noted it to be discouraging given that the County was in a tight spot with the current project. Mr. Carter advised that CVEC was using their own poles, and that Mr. Wood had reported that they had the right to put fiber in on their existing network. Mr. Hale noted there must be some precedence from the BPOL project. Ms. Brennan supposed they had power easements and had the right to do it. Mr. Carter noted that Mr. Wood acknowledged that some would not agree with that and they would have to deal with those. Mr. Carter noted the proposed pricing of 100 megabits per second for \$49.99/month and 1 gigabit per second for \$79.99.

4. Region 2000 Service(s) Authority & Solid Waste/Recycling: The Authority approved on 11-29 the distribution of excess revenues to Campbell County and Lynchburg City (Nelson County did not support this approval). The Authority's consideration of a Property Value Protection Pan was deferred. At the meeting on 11-29, Authority staff presented a planning project that has the potential to extend the active life of its current landfill facilities by an estimated 10+/- years (to 2037-38). As land use approvals from Campbell County would be required, this project will first be presented to the County's governing body before additional

study to confirm the feasibility of the project is approved. The R2KSA will conduct a planning budget work session in January 2018.

5. 2018 General Reassessment: Wampler-Eanes is currently conducting its assessor hearings with real estate property owners. W-E will submit its final report to the County by not later than 12-31. Based upon current input from W-E, local real estate revenues are projected to decline by an approximate \$300,000).

Mr. Carter reported that the Assessors had received twenty-eight letters, forty-nine emails, had twenty-nine phone appeals, and one hundred and fifty face to face meetings. He noted that there were people who had just now gotten notices that were contacting the offices and he was encouraging them to speak to those people. He noted he should have a full report at the end of the month.

6. EMS and Fire Study: In process. A final report and presentation by Department of Fire Programs staff is anticipated for the February 2018 Board meeting.

7. FY18-19 Budget: Development of the ensuing fiscal year budget is in process with staff's goal being to complete the draft budget for submittal to the Board much sooner than in previous fiscal years, per, a) the anticipated outcome of the 2018 General Reassessment, b) two new members of the Board of Supervisors, and c) to expedite analysis of the County's revenue capacity.

8. Go VA: Regional and statewide applications from Go VA funding must be completed by May 2018 for subsequent funding approval consideration by the state Go VA Board. A Central VA Partnership for Economic Development initiative is being developed for very preliminary engineering analysis of potential business parks in Go VA Region 9 (Nelson County's region). The CVPED work currently includes a property in Nelson County.

9. TJPDC Legislative Forum: Staff attended the annual forum on 11-29.

Added:

Mr. Carter thanked Mr. Hale and Ms. Brennan for their work as Supervisors on behalf of the staff.

2. Board Reports

Mr. Saunders, Mr. Bruguere, Mr. Hale, and Mr. Harvey had no reports.

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Ms. Brennan reported the following:

Ms. Brennan reported participating in a conference call with FERC, Mr. Carter, and Phil Payne to understand the County's responsibilities pertaining to the Section 106 Programmatic Agreement. She noted they said they did not have to sign it and she hoped they all read her series of comments on it. She added that the County had not been treated fairly by FERC or Dominion on the Section 106 process and that was typical.

Ms. Brennan reported attending the retirement event for Peggy Whitehead.

Ms. Brennan reported attending the JABA Board meeting, where they got a full explanation of the Mountainside project for memory care in Crozet. She noted they heard that many new people were coming from Nelson County.

Ms. Brennan reported attending the NCCDF dinner that included an update on housing development in the County.

Ms Brennan reported attending the TJPDC Legislative Forum.

Ms. Brennan reported attending the Crisis Intervention Team meeting, where they were in the process of putting together a list of resources in Nelson from mental health to childcare.

B. Appointments

Ms. McGarry reviewed the following table of appointments noting the only change from the previous month was that an application from Ms. Cindy Westley had been received for the JABA Advisory Council seat.

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Keep Nelson Beautiful Council (KNC)	12/31/2017	2 Years/ Y (3)	N/A	N/A	Cindy Westley - N
Advertised in NC Times and Website - Deferred Until Have a West District Candidate					Elwood Waterfield - S
					Mary Cunningham - N
					Michele Regine - C
					Nancy Uvanitte - E
					Ronald Fandietti - E
					Susan McSwain - E
					Victoria Jenkins - N
					Anne Catherine Briddell - C
MACCA	10/31/2017	2 Years/N	Dian McNaught	N	No Applications Received
Advertised in NC Times and Website					
JAUNT Board	9/30/2019	3 Years/ N	Sarah Holman-Resigned	N	Dian McNaught
Advertised in NC Times and Website					
JABA Advisory Council	12/31/2017	2 Years/N	Pamela Baldwin	N	Cindy Westley
(2) Existing Vacancies:					
Board/Commission	Terms Expired	Term & Limit Y/N	Number of Vacancies		
Board of Building Appeals	6/30/2016	4 Years/ No Limit	1		
Piedmont Workforce Network Council	6/30/2019	3 Years/ N	1		
Advertised in NC Times and Website					

Ms. Brennan then moved to appoint Ms. Cindy Westley to the JABA Advisory Council and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

1. Caroline County Letter re: Aqua Virginia Rate Increase

Mr. Carter noted the letter from Caroline County that listed counties affected by the Aqua Virginia rate increases such as the Stoney Creek area of the county. He noted they asked for interest in monetarily supporting their effort to set aside applications to the SCC with the estimated cost to be \$50,000-\$60,000. Mr. Carter noted that he had spoken to the Wintergreen Property Owner’s Association Director and he said that a couple of residents may get involved in it. He added that Aqua Virginia was seeking rate increases of 11.4% for water and 5.4% for waste water statewide. He noted they were also seeking an additional surcharge for improvements in systems statewide; however the SCC order was not specific about that.

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Ms. Brennan noted she thought they would be hearing about that from folks in the system in Nellysford and Mr. Hale supposed that they should submit something rather than the County or the Service Authority. Mr. Carter confirmed that a couple of residents wanted to pursue it and Mr. Bruguere advised that it was not the Board's business to get in the middle of private company matters. Mr. Harvey noted that they system did need improvements.

Mr. Carter noted that he had received the notices from the SCC and was just passing along the correspondence from Caroline County.

Following this brief discussion, no action was taken by the Board.

Ms. Brennan noted getting correspondence from Dominion regarding the Treatment Plan for the Warminster Historic District. She noted that once again, the County was not consulted about this. She noted that the Treatment Plan was used for mitigation and that the plan itself was not so bad; however the County should have been of part of Section 106 process, which meant the County and those in the area should have been given notice of this and a chance to provide input.

Mr. Bruguere noted that VDOT had to have the same type of plan with the bypass in Amherst County.

Ms. Brennan then asked Mr. Carter to follow up on that and he noted that DHR was the critical path there.

D. Directives

Mr. Hale:

Mr. Hale noted he had no directives and stated that he planned to continue to work with the Blue Ridge Tunnel Foundation. He noted meeting with Dwayne Jones in Waynesboro and noted that the Foundation would have to play an increased role in the future of the tunnel. He then asked to get a financial report from the Foundation Treasurer. He noted that it was suggested that the Foundation would hire someone to help with fundraising and there was a great wealth of opportunity to bring in funds for the project.

Mr. Bruguere:

Mr. Bruguere asked if the Broadband Authority would have a work session before or after the January meeting and Mr. Carter suggested that it be after so that they could hear the CVEC presentation and then decide how to proceed. He then suggested having a joint meeting and then changed his mind noting it may not be a good time due to organizational meeting issues.

Mr. Carter noted that Mr. Wood had indicated presenting either January or February and perhaps February was better. He noted he had spoken to NTIA on the potential options; however it was

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all to be determined. Mr. Bruguire noted that they needed to be able to have a plan in light of what CVEC was doing, there were still many served by AEP in the County, and they needed to figure out what to do to serve them.

Mr. Harvey asked if the CVEC project was contingent on federal funds and Mr. Carter noted that they intended to borrow \$20 Million from the Rural Utility Service (RUS) and should be fine to borrow the funding. Ms. Brennan added they may get some grants and some incentives from the localities they serve. Mr. Carter noted that they were also planning to propose in the reverse auction held by the FCC and that was to be determined. He noted that they had a plan and even without support from localities or additional funding, they thought they could make it work.

Mr. Saunders:

Mr. Saunders noted that somebody needed to go pick up the stone bench that was donated to the County by Mr. Meeker or he said he would sell it.

Mr. Saunders noted that trees needed to be cut around the County sign at the north end of the county. Mr. Hale also suggested using linseed oil on the lettering to make it darker and bring it out.

Ms. Brennan:

Ms. Brennan began by noting to Mr. Hale to keep working on the Blue Ridge Tunnel project and to enjoy his retirement. She then thanked him for his dedication and for being the articulate brain guy on the Board.

She then advised Mr. Bruguire to keep his mind on the future and to not say things he did not mean. She thanked him for always mulling over the issues.

Ms. Brennan then asked Mr. Harvey to keep his campaign promise to fight the Atlantic Coast Pipeline and to not hold grudges. She thanked him for being a mentor to her on the Board.

Ms. Brennan then asked Mr. Saunders to think more outside of the box and she thanked him for being consistent and for sharing laughs together.

She then asked Mr. Carter to consider employing a new strategy for when people came into his office and that was so ask to hear more before saying no. She then thanked him for his work over the past sixteen years.

Ms. Brennan then advised Ms. McGarry to keep doing what she had been doing; that her kindness would carry her far and serve her well.

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She then advised Ms. McCann that when she retired to have as much fun out of the office and she thanked her for her patience in trying to help her understand the budget.

Ms. Brennan then thanked everyone in the Central District and noted that it had been an honor to serve them and all of the county.

Ms. Brennan then stated that because of the ACP Section 106 Programmatic Agreement coming in late, she wanted to ask for an extension of time to make comments. She noted that in August the County was granted Section 106 consulting party status and she wanted to make sure they paid attention to historic and archaeological issues. She advised that Augusta County would join Nelson to ask for an extension until January 15th. She noted that December 15th was the current deadline. She advised that she had found out about the letter from someone on Facebook; with the County never having received the letter directly. She and staff then called FERC about it and they sent it over by email; shortchanging the County once again.

Ms. Brennan then moved to ask staff to send a letter to FERC asking for an extension of time to comment until January 15th and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms Brennan noted that the whole document was required to be sent to all Section 106 consulting parties and they had to identify how they would handle things during the project. Mr. Bruguere questioned what happened with any archeological things discovered and Mr. Carter advised that the Programmatic Agreement would address how they dealt with those things. Ms. Brennan noted that the agreement contained odd language about what they would do in different scenarios; however they had not met their own requirements.

Ms. Brennan then asked that if the extension was not granted; should her comments be sent in and Mr. Carter advised that they should do both concurrently.

VI. Other Business

A. Recognition of Outgoing Board Members

Mr. Harvey noted that it had been a privilege to work with Mr. Hale and Ms. Brennan; noting that he had sat on multiple boards and the current one had been one of the better ones. He added that they could agree and disagree and still be friends. Mr. Harvey noted a lot had happened in the last twenty years or less; phenomenal accomplishments had been achieved which took everyone. He added that consistency in the County Administrator's position had helped and he added that the County was managed very well through both the Board's and Administration's efforts. He noted that Ms. Brennan had served on the Board for sixteen years with terms on the School Board prior to that and Mr. Hale had served on the Board for twelve years. He noted it was hard to find people willing to come out and do the job that needed to be done and it had been a joy working with them.

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Mr. Hale then thanked the voters of the East District for three terms and he expressed appreciation for all of the support from citizens in Nelson all over the county. He noted he appreciated it and was honored to have had the opportunity to serve the people; noting that Nelson was a special place, having lived here for forty years.

Mr. Hale then recognized the Supervisors-Elect and noted he was grateful that people sought the office. He lamented that too many people did not know them or what they did as Supervisors. He wished them the best of luck with the challenges ahead, noting it was one task to run and another job in office. Mr. Hale then noted it had been a pleasure to work with County staff over the years from the County Administrator to the part-time convenience center workers. He noted that big accomplishments had been made there. Mr. Hale noted that the Board went through piles of paper and it was the County staff who did the work of operating on a daily basis and they should be commended for that. He added that he appreciated their efforts and he also appreciated working on a Board with different political perspectives that worked together successfully. He added that they were not always unanimous but he could not ask for better folks to work with. He concluded by stating it was an honor and a pleasure to serve and he was looking forward to retirement.

Mr. Bruguieri echoed Mr. Harvey's comments and noted it was important to work together and leave meetings; coming back together as friends.

Mr. Saunders thanked Ms. Brennan and Mr. Hale noting that they had been a help to him and he had learned a lot. He noted it had been a real pleasure to work with them; that they had a great Board and had respected each other's opinions. He then joked that he would not be the youngest member anymore now.

Mr. Hale then related that he would be officially resigning from the Broadband Authority as well.

Mr. Harvey then presented both Ms. Brennan and Mr. Hale with framed prints of the Courthouse that included a brass placard denoting their tenures on the Board. It was noted that the print and framing had been done by local artist, Ms. Pat Saunders.

Mr. Harvey reiterated that Nelson County was lucky to have the five of them through the momentous times in the County. He added he was expecting great things from Mr. Rutherford and Mr. Reed and it was exciting to have two new members.

VII. Adjournment - No Evening Session at 7 PM

At 3:40 PM, Mr. Hale moved to adjourn the meeting, there was no recorded second and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned with Mr. Hale closing the meeting by tap of the gavel.