

July 12, 2016

**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: Constance Brennan, Central District Supervisor  
Allen M. Hale, East District Supervisor – Chair  
Thomas H. Bruguiera, Jr. West District Supervisor  
Larry D. Saunders, South District Supervisor  
Thomas D. Harvey, North 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  
Tim Padalino, Director of Planning and Zoning  
Phillip D. Payne, IV, County Attorney

Absent: None

**I. Call to Order**

Mr. Hale called the meeting to order at 2:14 PM, with four (4) Supervisors present to establish a quorum and Ms. Brennan joining the meeting shortly thereafter.

- A. Moment of Silence
- B. Pledge of Allegiance – Mr. Harvey led the pledge of Allegiance

**II. Resolution Honoring Judy S. Smythers, Retiring Clerk of Circuit Court (R2016-41)**

Mr. Hale introduced the resolution and noted that Ms. Smythers could not be there and that the resolution would be presented to her at a later date. He then read the resolution aloud.

Mr. Harvey moved to approve resolution **R2016-42**, Resolution Recognizing the Honorable Judy S. Smythers, Nelson County Circuit Court Clerk, and Mr. Bruguiera seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2016-41  
NELSON COUNTY BOARD OF SUPERVISORS  
RESOLUTION RECOGNIZING  
THE HONORABLE JUDY S. SMYTHERS  
NELSON COUNTY CIRCUIT COURT CLERK**

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**WHEREAS**, after sixteen (16) years, the Honorable Judy S. Smythers is retiring from her position as Nelson County Circuit Court Clerk on August 1, 2016; and

**WHEREAS**, Mrs. Judy Smythers grew up in Nelson County and started her career in law; working in the Nelson County Commonwealth Attorney's Office from 1971-1975; and

**WHEREAS**, Mrs. Smythers has been Clerk for Juvenile & Domestic Relations Court (1982-1991) as well as Clerk for General District Court for the City of Lynchburg (1991-1999), then coming back to Nelson County as Circuit Court Clerk in 2000; and

**WHEREAS**, Mrs. Smythers is the only Clerk in Virginia that has served as Clerk to Circuit, General District, and Juvenile and Domestic Courts; and

**WHEREAS**, Mrs. Judy Smythers is an active and important part of her profession and community as a Charter Member of the Rotary Club of Nelson County, as well as an active member of Rockfish Presbyterian Church; and

**WHEREAS**, it is fitting and proper that the Nelson County Board of Supervisors recognizes Mrs. Judy Smythers who has been a truly competent and passionate clerk as well as a great asset to Nelson County and the Commonwealth, who always shows compassion and friendship to everyone she encounters,

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby recognize and extend their appreciation to the Honorable Judy S. Smythers for her combined twenty (20) years of dedicated and exemplary service to Nelson County and does hereby wish her health and happiness in the years to come.

**III. Resolution Commending the Public Service of Edward L. Rothgeb (R2016-42)**

Mr. Hale asked Mr. Harvey to read aloud the proposed resolution honoring Edward L. Rothgeb. Mr. Harvey then read aloud the resolution and Mr. Saunders moved to approve resolution **R2016-42**, Resolution Commending the Public Service of Edward L. Rothgeb and Ms. Brennan 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:

**RESOLUTION R2016-42  
NELSON COUNTY BOARD OF SUPERVISORS  
RESOLUTION RECOGNIZING EDWARD L. ROTHGEB**

**WHEREAS**, Edward Rothgeb has served on the Nelson County Service Authority since July 2005; and

**WHEREAS**, Mr. Rothgeb stepped down from the Service Authority as of May 2016; and

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**WHEREAS**, The Nelson County Service Authority has acquired, constructed, improved, extended, operated, and maintained water and sewage systems in Nelson County since 1986; and

**WHEREAS**, Mr. Rothgeb is an important part of Nelson County, dedicating his time to Nelson County Schools and the Service Authority for many years;

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby recognize and commend Edward Rothgeb for his years of public service with Nelson County and wishes him well in his future endeavors.

Following adoption of the resolution, Mr. Harvey noted that he first met Mr. Rothgeb when he was very young and he had never forgotten the football practices that were held in the gym. He added that he has had the privilege of working with Mr. Rothgeb on the Nelson County Service Authority Board and he added that the years he has given to the school system was amazing.

Mr. Hale also noted it had been a privilege serving on the Service Authority Board with Mr. Rothgeb and he added that he was fun to be with.

Mr. Bruguiere noted he first met Mr. Rothgeb when he was in the eighth grade and he taught Science etc. He added that he was principle when his wife Sandy started teaching and she loved him as principle. He then noted his appreciation for Mr. Rothgeb's service.

Mr. Harvey then presented the adopted resolution to Ms. Joan Rothgeb, Mr. Rothgeb's wife and his daughter Shannon Powell, who received the resolution on Mr. Rothgeb's behalf.

#### **IV. Consent Agenda**

Mr. Hale noted that staff had requested that item F. FY17 Salary Classification System Adjustment be considered separately. He then noted the other items for consideration.

Ms. Brennan then moved to approve the consent agenda absent item F. 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 resolutions were adopted:

A. Resolution – **R2016-43** Minutes for Approval

**RESOLUTION R2016-43  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(May 10, 2016 & May 26, 2016)**

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**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **May 10, 2016 & May 26, 2016** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2016-44** FY16 Budget Amendment

**RESOLUTION R2016-44**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET**  
**NELSON COUNTY, VA**  
**July 12, 2016**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2015-2016 Budget be hereby amended as follows:

I. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$982.00	4-100-999000-9901	4-100-083010-1001

C. Resolution – **R2016-45** FY17 Budget Amendment

**RESOLUTION R2016-45**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET**  
**NELSON COUNTY, VA**  
**July 12, 2016**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2016-2017 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$14,595.00	3-100-002404-0009	4-100-022010-1006
\$16,624.00	3-100-002404-0009	4-100-022010-1007
\$830.00	3-100-002404-0009	4-100-022010-5413
\$3,006.00	3-100-002404-0009	4-100-022010-5415
\$(23.00)	3-100-002404-0009	4-100-022010-5506
\$7,500.00	3-100-999000-0001	4-100-043040-5409
\$24,150.00	3-100-999000-0001	4-100-043040-7005
<u>\$3,750.00</u>	3-100-004101-0001	4-100-043040-7005
\$70,432.00		

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II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$5,211.00	4-100-999000-9901	4-100-031020-1001
\$4,363.00	4-100-999000-9901	4-100-031020-1009
\$2,771.00	4-100-999000-9901	4-100-031020-2001
\$3,459.00	4-100-999000-9901	4-100-031020-2002
\$9,788.00	4-100-999000-9901	4-100-031020-2005
\$474.00	4-100-999000-9901	4-100-031020-2006
\$10,156.00	4-100-999000-9901	4-100-091030-5606
\$2,866.00	4-100-999000-9901	4-100-083010-1001
<u>\$982.00</u>	4-100-999000-9901	4-100-083010-2002
\$40,070.00		

D. Resolution – **R2016-46** COR Refunds

**RESOLUTION R2016-46**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

**RESOLVED**, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$590.75	2016 PP Tax & License Fee	Gelco Fleet Trust Personal Property Tax 3333 Hesper Road Billings MT 59102
\$377.10	2013-2015 PP Tax & License Fee	Sheila B. Robinson 12185 Clipper Dr. #2114 Woodbridge, VA 22192

E. Resolution – **R2016-47** Petition of Circuit Court for Writ of Election  
Clerk of Circuit Court Seat

**RESOLUTION R2016-47**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**PETITION OF CIRCUIT COURT FOR WRIT OF ELECTION**  
**CLERK OF CIRCUIT COURT SEAT**

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**WHEREAS**, the serving Clerk of the Circuit Court, Judy S. Smythers, has submitted her resignation effective August 1, 2016; and

**WHEREAS**, the next regularly scheduled election for the office of Clerk of the Circuit Court is in 2023; and

**WHEREAS**, a special election to fill a vacancy in any constitutional office shall be held promptly pursuant to Virginia Code § 24.2-682; and,

**WHEREAS**, Virginia Code § 24.2-228.1 directs that the governing body of the county in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Virginia Code Sections 24.2-226, 24.2-228.1 and 24.2-682, the County Attorney be and hereby is directed to petition the Circuit Court of Nelson County requesting the issuance of a Writ of Special Election for Tuesday, November 8, 2016, being the same day as the general election, to fill the unexpired term of the Clerk of the Circuit Court's current term of office.

F. Resolution – **R2016-48** FY17 Salary Classification System Adjustment

Ms. McCann noted that a correction needed to be made to the proposed resolution. She added that at the time it was drafted, the County was not officially notified that that the State did not make its revenue projections and therefore would not be providing funding for a 2% raise. She suggested removing the sentence referencing the state raise and keeping the language regarding Compensation Board adjustments and the raise being a locally funded increase.

Mr. Harvey then confirmed that the County was giving a raise even though the State was not. Staff noted that this was the case and it included all Constitutional Officers and Compensation Board positions. Mr. Carter advised that an email had been sent out the previous day regarding the fact that the requirements were not met by the State to give a raise. He further noted that the Board would be fully funding a 2% raise for the entire year for all employees. Ms. McCann then noted that she had determined the shortfall to be \$81,719 for all groups. She added that she was not entirely sure of the associated VRS amounts. Mr. Hale then noted that this was another example of how the General Assembly and the Governor were not able to match revenues. Ms. Brennan noted they did not have complete control over revenues; however they did have control over the budget.

Mr. Bruguiere then moved to approve resolution **R2016-48** and Ms. Brennan seconded the motion. Mr. Harvey reminded staff of the need to modify the sentences as discussed 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 R2016-48**  
**NELSON COUNTY BOARD OF SUPERVISORS**

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## **SALARY AND CLASSIFICATION SYSTEM**

**BE IT RESOLVED** by the Nelson County Board of Supervisors that the local government's "Salary and Classification System" is hereby amended to incorporate the following:

A two percent (2%) salary adjustment shall be hereby authorized for Nelson County personnel (full time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on July 1, 2016. Additionally, a two percent (2%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees, inclusive of the elected/appointed official, employed in a Constitutional Office or Office of the Registrar and their Compensation Board funded permanent staff positions. The two percent (2%) shall be calculated based upon the salary in effect on June 30, 2016 (Compensation Board and local supplement). All Compensation Board salary adjustments shall be calculated pursuant to the governance established for this purpose and approved by the Board of Supervisors on November 21, 2006.

Attachment: Fiscal Year 2016-2017 Salary Scale (Full Time & Part-Time)

### **V. Public Comments and Presentations**

#### **A. Public Comments**

##### 1. Reverend James Rose, Wingina

Mr. Rose spoke on recent national tragedies and noted that there would be a prayer vigil at Nelson County High School that Thursday night at 7:00 pm and he was asking Ms. Brennan and the Sheriff to speak. He noted that the Ministers Alliance had been formed and had met and would continue to meet to discuss how they could come together as one in the County. He noted that in speaking for himself, he believed that county government had a role to play as things moved forward in the county. He added that he was asking that a task force be set up consisting of faith based leaders, County government leaders, law enforcement, and business people in the community to discuss issues.

Mr. Rose then encouraged the Board to engage themselves in the community more. He noted that Nelson County was not immune from the likes of the recent national tragedies and he implored them to not wait until something happened. He reiterated his belief that they all had a role to play in coming together to resolve some issues.

Mr. Rose then stated that this had not been discussed, however he encouraged the Board to support Sheriff Hill if he wanted to equip the deputies with body cameras. He added that they could and would come together to make the county better in which to live.

##### 2. Sheriff Hill

Sheriff Hill acknowledged that tensions and emotions were high and he thanked the Board for their support of the department. He added that it would grow stronger with time and he

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noted that the world and technology was changing. He noted that these things took money and he was a firm believer that they could only be as strong as the community allowed them to be. He again thanked the Board for their support and noted he wanted to publicly thank them.

#### B. VDOT Report

Mr. Don Austin gave the following update:

1. HB2 submittals were approved: Lovington sidewalk improvements, the turn lane to Route 664, and Route 665 access management in Colleen. He noted that they would have the sidewalk contract done this year, the turn lane at Route 664 was a couple of years out, and he was not sure about Colleen. He then noted that the HB2 program was now called SMART Scale and the next cycle of applications was starting in August. Mr. Carter noted that staff has met on the projects for submittal and there would be three (3) applications for the Board to endorse.

2. Dark Hollow Road: VDOT has ordered new pipe and will add extra protection around it to keep it from washing out. He noted that they looked at putting in a box culvert but that got out of scope and they will look at anchoring the new pipe. He noted they were hoping the road would be back open by September 1, 2016 and that it would not be open by the start of school.

3. Canoe launch at wayside: Mr. Austin noted he would be meeting with Parks and Recreation Director Emily Harper that day after the meeting. He noted that the entrance at the wayside was an issue there and they could not use the one closest to the bridge. He advised that they may combine the boat launch entrance with the wayside entrance rather than use a separate entrance. He added that they would also have to look at parking. Mr. Hale mentioned that it may be a good time to revisit having a permanent bathroom facility there.

4. LOCKN: Mr. Austin noted that the festival was moved to August and VDOT was meeting on site the following week about traffic.

Mr. Harvey then inquired about the sidewalk project and Mr. Austin noted that they would be installed straight to Route 29 from Family Dollar, tying in the sidewalk and replacing the substandard sidewalk up to Front Street and then would go from the corner down to the Post Office. It was noted that John Bradshaw Jr. was making improvements to the corner building and they should coordinate with him. Mr. Austin noted they would and that they would also do some work on other drop inlet areas of the sidewalk with safety funds.

Supervisors then discussed the following VDOT issues:

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Mr. Harvey:

Mr. Harvey reported that there was a small tree leaning over the road on Route 6 and Route 151 before the bridge.

Mr. Harvey reported that on Route 635 above Route 633 going to Taylor's Creek, the overgrowth was getting way over the road and blocking views from the driveways there.

Mr. Bruguere:

Mr. Bruguere reported that a culvert on Dickie Road was stopped up and needed opening.

Mr. Bruguere inquired as to whether or not VDOT would have to obtain additional right of way for the Route 664 turn lane project and why it would take a couple of years to do. Mr. Austin noted it was because of the way the funding was set up and they could not do work until some funding was received. Mr. Bruguere then supposed they could clean out the area to get more sight distance in the meantime. Mr. Austin noted that they could cut the right of way; however past that, someone else would have to do it. He added that they could get a temporary agreement to cut it.

Mr. Saunders:

Mr. Saunders noted the pipe on Fletcher's Lane and Route 29 was not opened up.

Mr. Saunders noted that there was a tree on Wilson Hill Road laying over about mid-way down.

Mr. Saunders noted that local people had cut the grass in the crossover at Colleen so they could see. Mr. Austin advised that they call VDOT if this happened and they would come out and cut it. He added that VDOT was working on mowing secondary roads now.

Ms. Brennan:

Ms. Brennan thanked Mr. Austin for the signs at the stop light.

Ms. Brennan noted that trees had become overgrown at Buck Creek Lane crossing to go north and one had to pull way out into the highway to see.

Ms. Brennan thanked Mr. Austin for repairing the median strip at Twin Poplars; however it had collapsed again. Mr. Austin advised that they would put a new pipe in, let it settle, and then resurface it.

Ms. Brennan reminded Mr. Austin to look at passing on Route 6 east. He noted that he had not heard anything on that yet; however VDOT would check the whole length of it.

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Ms. Brennan asked if VDOT got reports on incidences where people have run off of the road. Mr. Austin advised that they only got reports on these if property damage occurred. He clarified that this data was entered into their system; however they did not get these automatically. He then speculated that there was a lot of distraction and most run off the road types involved sleepy, intoxicated, or distracted driving. He added that 50% of fatalities were unbelted people. Mr. Austin then noted that traffic studies pulled the accident data and if there were a lot of people running off of the road at a particular location, they would look at it. Mr. Bruguere speculated these could be deer-related and Mr. Austin noted that many were due to over-correction.

Mr. Hale:

Mr. Hale inquired how VDOT could do work in areas such as on Route 617 and Route 639, where two streams ran together and Mr. Austin noted it was difficult as there were environmental issues associated with that.

Mr. Hale noted that traveling southbound coming into the County, the vegetation was covering the Welcome to Nelson County sign. He noted it was above and around the sign and Mr. Austin noted they would look at it.

Mr. Hale noted that on Route 617, between Rockfish Depot and Route 29, a logging road was installed along with a culvert and water was pooling there. He asked if there was any way for it to drain and noted they had not done any logging yet.

Mr. Hale noted that he would like to see the Sheriff's Department start slowing people down approaching the Food Lion intersection. He added that the southbound traffic was the biggest issue and he asked if the speed limit could be reduced. Mr. Austin noted that section of road did not meet the criteria for a reduced speed limit and he was unsure that anyone would heed any other warnings there.

Mr. Hale referred to a piece of property at the intersection of Route 56 and Route 29 in Colleen, and noted that he had spoken to the property owner about an entrance there and asked if he could refer him to Mr. Austin. Mr. Austin said he could; however he would then refer them to Jeff Kessler. Mr. Saunders advised that there was once a road coming out of the property years ago and now guardrail had been placed across it and the property owner would like it moved so he could get a tractor in and out. Mr. Austin confirmed that he would speak to the owner.

## **VI. New Business/ Unfinished Business**

### **A. Proposed Agreement- Lynchburg Juvenile Detention Center (R2016-49)**

Mr. Carter referred to the following synopsis of the County's relationship with the Detention Center:

#### **Detention Home Agreement Summary**

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Original Agreement: July 1996; 20 Year Term – Expired in April 2016 and Extended to June 30, 2016

Proposed Agreement: July 2016; 3 Year Term Expiring June 30, 2019

Members: Counties of Amherst, Appomattox, Bedford, Campbell, and Nelson as well as the City of Lynchburg. Charlotte County has elected not to be a party to the new agreement due to low utilization.

Detention Home Information:

- 48 Bed Capacity, 25 Bed Funded Capacity, and 23 Guaranteed Beds for Member Jurisdictions
- Nelson County is Guaranteed 1 Bed; NC utilized 56 total bed days in FY2016 out of a total of 4,866 utilized bed days. The six-year average utilization for Nelson is 0.27 beds.
- Employs 45.12 FTEs
- Implementation of a \*Community Placement Program (CPP) in FY2017 and other less significant cost saving measures have reduced the budgeted FY2017 Operating Cost Per Diem from \$269 to \$138. FY17 budgeted non-contract Per Diem is \$263 (applies to non-member jurisdictions).
- The CPP is implemented through a contract with the Virginia Department of Juvenile Justice and guarantees 8 beds for the program. This yields revenue of \$225 per bed/day for a total FY17 budgeted revenue of \$657,000. The program contract term is July1, 2016 – June 30, 2017 and is renewable annually for up to five (5) years.
- The Debt Service Per Diem for FY2017 is budgeted at \$25. Annual Debt Service reduces significantly in 2019, again in 2021, and the obligation ends in 2030. As of 2016, the balance of debt remaining on the facility's initial 20 year bond that was refinanced in 2010 is \$500,854.
- The Combined operational and debt service Per Diem budgeted for FY17 is \$163 vs. FY16 of \$305. FY17 combined Per Diem without the Community Placement Program is \$291.
- The FY17 Detention Home budget allocates costs of \$9,019 to Nelson. FY17 Nelson Budgeted funds for the Detention Home is \$30,000.
- Historical Detention Home costs: FY13: \$47,164, FY14: \$16,864, FY15: \$13,141, and FY16 through March 2016: \$18,329

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He then noted that the original agreement had come to conclusion and the Advisory Board and Center has been working on a new one. He noted that the new agreement essentially replicated the old one except for the new term being shorter. He advised that Nelson County was still guaranteed one bed and the debt on the center was low. He added that the County historically budgeted \$30,000 for this expense and it had varied over the years; with the FY17 projection from them being \$9,019.

Mr. Carter then noted the primary elements of the agreement and that there was a resolution authorizing staff to proceed in executing it for the Board's consideration.

In response to questions, Mr. Carter noted that staff regularly attended the Advisory Board meetings which mostly involved reporting on the Center's operations. Mr. Carter reiterated that there had been times when the end of year reconciliations provided for payment of more funds and he had no issues with the draft agreement.

Ms. Brennan then moved to approve resolution **R2016-49** Authorization to Execute Agreement, Lynchburg Juvenile Detention Center and Mr. Bruguiere 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:

**RESOLUTION R2016-49  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO EXECUTE AGREEMENT  
LYNCHBURG JUVENILE DETENTION CENTER**

**RESOLVED**, by the Nelson County Board of Supervisors that Stephen A. Carter, County Administrator, is hereby authorized to execute the proposed agreement on behalf of Nelson County as a member jurisdiction of the Lynchburg Juvenile Detention Center; with said agreement being effective July 1, 2016 and expiring June 30, 2019.

**B. Proposed Lease of County Owned Conduit Space**

Mr. Carter reported that the County has been approached by Shentel to secure an Indefeasible Right of Use (IRU) for 20 years to place their fiber within the County's fiber optic conduit. He noted that they had originally proposed a price of \$2 per foot and staff consulted with Design Nine who suggested it should be significantly higher. He advised that Shentel then came back with a \$4 per foot offer amount; which would be approximately \$500,000 and the Broadband work group thought it was worthy of consideration.

Mr. Carter advised that the County had to get NTIA's questions addressed in order to secure approval from them for a possible agreement. He noted that a benefit to the process was if Shentel was serious, they would have to be more open and detailed on their purpose for using the conduit. He noted that they have indicated that they wanted to get from Amherst or their headquarters to Waynesboro. He added that they had an agreement with Amherst County Schools as well as Nelson's and they wanted to be able to serve them over their

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fiber. He further noted that they also wanted to connect the towers acquired from Ntelos along the Route 29 corridor and to serve larger customers such as the Schools and Saunders Brothers. He noted that the question was whether or not NTIA and the Board would approve this. He noted that staff would need approval from both the Board of Supervisors and the Nelson County Broadband Authority since the County owned the network and the Authority operated it.

Ms. Brennan inquired if this included towers between Woods Mill and the southern end of the County and Mr. Carter noted that Shentel had not provided any details. He then advised that NTIA wanted to know how they would use the conduit and an explanation of how this agreement would comply with the intent of the original project. He noted that the monies gotten from the agreement could help to expand the network. He then noted that they could use a percentage of construction cost of the network to compute the fee to be charged. He added that Shentel has said they did not want to serve residential customers in the county at this point.

Mr. Carter advised that he would distribute the email from Elaine Sloan of NTIA and he noted that any future changes would have to be approved by NTIA and the IRU would spell out the details.

Mr. Bruguiere asked if they could use the network's fiber and Mr. Carter noted they could and that had been proposed. He noted that they wanted to own their own fiber and may also want an IRU for dark fiber. He reiterated that consideration for them was connectivity of their corporate facility to Amherst and they have said they would build their own infrastructure if this did not work out; however it would be cheaper if they could have an agreement. Mr. Carter then advised that if they used conduit space, there would be room left for more fiber in the future.

Mr. Bruguiere noted he thought this should be pursued. Mr. Carter advised that the consensus at the last Broadband work group meeting was that it would not threaten County operations and could be helpful.

## **VII. Reports, Appointments, Directives, and Correspondence**

### **A. Reports**

#### **1. County Administrator's Report**

**1. Courthouse Project Phase II:** The project is proceeding well. The current focuses of construction are completion of the small addition on the north side of the 1940s building addition, which includes the reconstruction of the second floor area that formerly was the location of the Gen. District and J&D Courts and Clerk. This second floor area will become the offices of County Administration, Finance and HR and Information Systems. Jamerson-Lewis's objective is to have rough-in inspection approvals within the ensuing three weeks, which will help to expedite interior work and, possibly, the project's completion (currently in the February-March 2017 time range). Other construction focuses are completing HVAC, electrical and networking services (all in process).

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**2. Broadband: A) Expansion Project** - Phase 1 (Routes 6 & 151 at Martins Store to Routes 151 and 664) is completed (as of July 1<sup>st</sup>). The project contractor, CCTS, is working to complete installations along Phase 1, including Horizons Village (17-21 connections), Devils Backbone Brewery (connected), Bold Rock Cider (connected). Permit applications to VDOT for Phase 2 (Route 151 north to Albemarle County Line) and Phase 3 (Routes 6 and 151 to Saddleback Lane on Rt. 6) have been submitted and VDOT review comments are being addressed. It is anticipated that work on Phase 2 will begin the week of July 11th. A potential issue with Phase 3 is VDOT may only have a 'prescriptive easement" in the Route 6 project area, which may require obtaining approvals from property owners along the project route.

There are currently 159 service connections, 34 service connections in process and a significant number of interest statements for service and requests for quotes that are also in process. The NCBA's FY 17 Budget projects the addition of 85 new connections. It is quite possible or probable that this is a conservative estimate!

Mr. Carter added that Ms. Rorrer was working on six (6) neighborhoods which could mean one hundred new connections.

**B) Broadband Planning Project** - The project remains in process (longer than anticipated). Specific outcomes which will be action recommendations to the NCBA include: 1) re-structuring of the current fee/rate schedule, 2) improvements to the overall tower network, 3) market demand (based) growth model, 4) unbundling network operations from retail services. The project may entail additional strategies as an outcome of 1) possible agreement with Shentel for the company's use of the local middle mile (fiber) network and 2) a forthcoming announcement from CVEC of the ability of broadband service providers to utilize the Cooperatives infrastructure free of make ready expenses (i.e. no cost) to deploy broadband services.

**3. BR Tunnel Project:** The project's engineering consultant, Woolpert, is working to complete all required construction submittals to VDOT and to Augusta County to enable the project to be approved for receipt of construction bids. The submittals to Augusta County (construction plans, stormwater, etc.) will be sent to the County the week of 7-11. The submittals to VDOT are in a comment period (VDOT to Woolpert). It is probable that VDOT comments will be acceptably addressed by not later than 7-31. As to final project approval by VDOT, FHA and Augusta County and, thereafter, construction bidding and award of the project, it is very possible that this period will encompass five to seven months (but still TBD).

Mr. Hale noted his frustration that VDOT has not answered questions regarding changing the width of the trail and Mr. Carter noted he would follow up with Greg Parsons.

**4. Lovingson Health Care Center:** Valley Care Management was contacted after the Board's June 14th meeting and advised of the Board's establishment of a 60 day period from the June to August for receipt of proposals on the Center after which the Board would

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endeavor to decide the future of the property. Thereafter, VCM was advised by Supervisor Brennan that the company's proposal had to be received by July 8th or the County would interpret a non-response as the company's position of no interest in the property. As of today, 7-8, VCM has not responded or provided any information to the County. As to other interest in the Center, staff of Piedmont Housing Alliance has reiterated PHA's "possible" interest in the property albeit as a housing project (not an assisted living/memory care operation). County staff advised PHA staff of the BOS's 60 time line and has also provided PHA with information on the LHCC for review/use.

Mr. Hale inquired about the status of Region Ten's interest and Mr. Carter advised that he had not spoken to them again regarding their initial proposal. Ms. Brennan suggested that he touch base with them again and she noted that PHA may be interested in a partnership with them. Mr. Carter noted he had referred them to Marta Keane of JABA.

Mr. Hale then advised that someone has expressed interest in the property for a project and he thought the building should be auctioned off; establishing a set minimum price.

Following brief discussion, no action was taken and Supervisors agreed to wait the sixty (60) days as previously agreed to.

**5. Region 2000 Service(s) Authority:** Please see the attached information on the Authority's strategic planning project. An ensuing project consideration is the designation of up to 15 County residents to represent the County in the project's focus group component.

Mr. Carter reviewed what would be happening over the next six months according to the following schedule:

<b>MONTH</b>	<b>KEY ACTIVITIES</b>
July	<ul style="list-style-type: none"><li>• Develop website and identify possible content and/or links.</li><li>• Collect baseline information on existing operations for Authority and member programs.</li><li>• Working Group members to work with their locality to identify potential Focus Group invitees and individuals to interview.</li><li>• Working Group to consider mailing lists that may exist or links to inform public of project.</li></ul>
August	<ul style="list-style-type: none"><li>• Working Group meeting to review information prepared in July. Determine target groups for email.</li><li>• Activate website. Include short simple survey to assess interest.</li><li>• Develop instructional information for Focus Groups.</li><li>• Prepare for Informational Forum; send out invitations, press releases etc.</li><li>• Authority meeting to discuss progress on project.</li></ul>
September	<ul style="list-style-type: none"><li>• Working Group meeting to review information prepared in August.</li><li>• Member jurisdictions send out invitations to potential Focus Group members. Provide instructional information.</li></ul>

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	<ul style="list-style-type: none"><li>• Send out invitations to Informational Forum.</li><li>• Hold Informational Forum.</li><li>• Schedule and hold Focus Group meetings and individual interviews.</li><li>• Develop Survey to assess interest in criteria</li><li>• Conduct interviews</li></ul>
October	<ul style="list-style-type: none"><li>• Working Group meeting to review information prepared in September.</li><li>• Determine final options and criteria for assessment of options</li><li>• Prepare draft summary information for review and comment by Working Group.</li><li>• Authority meeting to discuss preliminary findings.</li></ul>
November	<ul style="list-style-type: none"><li>• Working Group meeting to review information prepared in October and comments on draft documents.</li><li>• Finalize documents and submit to Authority for review and comment.</li></ul>
December	<ul style="list-style-type: none"><li>• Authority meeting to discuss final information.</li><li>• Present proposal for next task(s)</li></ul>

Mr. Carter noted that an upcoming component of work was the use of a focus group from each member locality within the group starting in September. He added that he would like to see if the Board could have a member from each District and/or staff could come up with potential participants. He then reported that he voted against proceeding with the study because he still thought the future of the Authority was using the Bennett Property that was previously purchased. He noted that the Solid Waste Authority was effectively addressing the odor problem now; however citizens surrounding the landfill did not want the landfill to stay there.

Mr. Saunders then inquired about the potential for the County to partner with Amherst County in dealing with solid waste. Mr. Carter advised that he had some conversations with them around three months ago and would need to know parameters and cost etc. He noted that the status was that they were working on it and would get back to him and then staff could evaluate the option. He noted that cost would be a key consideration and there would also be a cost to leave the Solid Waste Authority.

Mr. Carter then asked the Board to consider one or two people from their districts to participate on the focus group, noting that the County could have up to fifteen people.

Mr. Carter then advised that the Landfill was getting complaints every day from residents regarding bad odors and when they would go out to check, nothing was detected. He reiterated that the gas collection system had reduced the number of complaints so far. He noted that the system collected methane gas that could be sold or used on site for energy; noting that Lynchburg City sold methane to a local company for energy.

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**6. Warminster Historic District Project:** V A-DHR staff has advised County staff that the Department will not award state cost share funding for the proposed WHDP. DHR staffs' comment was further review was required and that the project may be more of an archaeological initiative than a historic district project.

**7. Route 29 Corridor Study:** County staff are meeting today, 7-8, with staff of TJPDC to work towards a possible application to VA-DHCD for a CDBG Planning Grant to develop an economic development plan/assessment for the Rt. 29 Corridor. A specific strategy has not yet been developed but discussion will entail inclusion of business district revitalization (Lovingston and Colleen) as well as an overall plan for the corridor.

Mr. Carter noted that the TJPDC would re-scope their proposal and then submit it to DHCD to see if the County could do a planning grant. He noted that AEP also had grant funds for up to \$20,000 for planning. He added that Ms. Kelley had suggested looking at an area from Woods Mill to Colleen in order to encompass some of the new businesses along there. Mr. Saunders then suggested that the area to look at should be the Albemarle County line to Colleen.

*Added:*

*Radio Project:* Mr. Carter noted that Motorola was working on concluding the radio project.

*McGinnis Building:* Mr. Carter reported that the McGinnises had hired a real estate agent and had asked the County for a copy of the lease agreement and for permission to speak to their real estate agent. He added that they would be marketing the building for sale.

## 2. Board Reports

Ms. Brennan:

Attended a Rockfish Valley Area Plan (RVAP) meeting, which was well attended. She noted that Tim Padalino had done an excellent job of clarifying what the plan was and wasn't. She noted that the next step was a work group meeting in early August to evaluate the information and survey results.

Attended a GIS meeting in Richmond and noted that the Virginia Association of Surveyors was there and expressed concern over whether or not the maps generated by VGIN were legally acceptable for more than just planning. She noted that there was a disclaimer on the maps that they were for planning purposes only and she questioned if communities were using the VGIN maps inappropriately. She noted that a Delegate in attendance noted he would like to see the maps being generated used in farming.

Mr. Bruguere:

Mr. Bruguere noted he thought that the aerial maps being generated could be being done in violation of one's personal property rights. Ms. Brennan noted she did not think these VGIN

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maps were doing that and his concern was more related to the use of drones. Mr. Carter noted that these digital maps were accessible and the County used them.

Mr. Saunders:

Visited Gladstone Fire and Rescue with Mr. Harvey to discuss their issues and answer questions.

Mr. Hale:

Attended an EDA meeting along with Mr. Saunders with the purpose of working to sort out the maintenance issues of Calohill Drive.

Attended a meeting with Grant Massie and Mr. Bruguire on solid waste and noted that the County would have two tire amnesty days on July 16th and July 23rd. He advised that they would take a maximum of twenty-five car tires less than 20 inches in size per citizen and it was on the website.

Reported that tours of the Blue Ridge Tunnel had been given and there was a lot of interest there. He added that the tours filled up quickly and there was a waiting list so he suggested doing more of these in September, October, and November. He advised that those that went on the tours provided a donation to the Blue Ridge Tunnel Foundation. Supervisors agreed by consensus that the tours should continue and it was noted that these had been led by Emily Harper and Mr. Hale as well as some others. He then noted that most of the tour-goers were from Waynesboro, Stuarts Draft, and Crozet and each had made a \$10 donation. He noted that the tours met at 10:00 am and were one and a half hours long.

Mr. Carter then reported that there were videos from people that came in to the trail off of the tracks through the West side and then of them going through the pipes within the tunnel and out of the other side. He added that the videos were out there on the Internet.

Reported working with the Temporary Events Permits working group and noted they hoped to have it ready by the next Board meeting. He added that they were working on honing it down to only necessary things such as clarifying issues and making the fees in line with the amount of work required.

Mr. Bruguire reported working on the Floodplain Ordinance and issues. He added that they would be clearing up some things with DHR and it would most likely come to the Board the following month.

Mr. Harvey:

Attended the meeting in Gladstone with Mr. Saunders and noted he hoped they were working things out.

Attended the Service Authority meeting which was standard.

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B. Appointments

Ms. McGarry reviewed the following table regarding board and commission appointments:

<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term &amp; Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
Board of Building Appeals	6/30/2016	4 Years/ No Limit	Shelby Bruguere	N	None
			Steven C. Crandall	Y	None
			Kenneth H. Taylor	Y	None
N.C. Service Authority Board - South	6/30/2016	4 Years/ No Limit	Edward Rothgeb - S	N	Gary L. Sherwood
JABA Advisory Council	12/31/2015	2 Years/ No Limit	David Holub	N	Mary S. Cunningham
JABA Board of Directors	7/15/2016	2 Years/ No Limit	Diane Harvey	Y	None

**Board of Building Appeals:**

Mr. Harvey moved to re-appoint Mr. Crandall and Mr. Taylor and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**Nelson County Service Authority:**

Mr. Saunders asked that this appointment be deferred as he had not yet spoken with Mr. Sherwood.

**JABA Advisory Council:**

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

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**JABA Board of Directors:**

Ms. Brennan moved to re-appoint Diane Harvey and Mr. Saunders seconded the motion. There being no further discussion, 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

Mr. Harvey had no directives.

Ms. Brennan:

Ms. Brennan noted she would like the County to better communicate with the public and she directed staff to think about what could be done besides Internet use or the newspaper. She suggested the possible use of the Reverse-911 system. Mr. Carter advised that citizens could sign up for alerts through the County's website and he suggested that the Board consider conducting town hall meetings.

Ms. Brennan noted she was worried about people coming through the fence at the Blue Ridge Tunnel and she questioned the County's liability. Mr. Carter advised that this was considered trespassing so there was less grounds for liability. He added that the property was posted and any lawsuits would be made in Circuit Court. Mr. Hale then noted that the greater risk was people trespassing on the active line and Mr. Harvey suggested that the Railroad should be pursuing this.

Mr. Saunders:

Mr. Saunders noted to the Sheriff in attendance that he had a concern with farm use tags on vehicles out on the road. He noted that these did have to have insurance and he wanted to see some enforcement of that. He added that use of these tags began with the right purpose in mind. Mr. Hale noted that he observed writing on vehicles instead of tags and he supposed enforcement of this would be detrimental to the Sheriff's re-election.

Mr. Bruguiere:

Mr. Bruguiere inquired of the Sheriff in attendance his thoughts on the use of body cameras by his department. Sheriff Hill noted that they had looked into these and they were pretty expensive; however they had a sales representative come in. He advised that they did have patrol car cameras in most of their cars and recently had to troubleshoot and fix some issues. He noted some of it was related to networking and it had been worked out with Andrew Crane. Sheriff Hill then noted that that the body cameras ranged in cost from \$600 to \$1500 per camera and outfitting each deputy (3-6 per shift) would cost a lot of money. He noted

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that they may be able to use Asset Forfeiture funds for this in the future and he did think they would be an added benefit and would be helpful in evaluating complaints. He added that it would be protection for them and the community. He related that some cameras showed a certain degree of viewpoint and even past that of human peripheral vision. Sheriff Hill then advised that the lifespan of the current patrol car cameras installed in 2014 was about a year and these were \$3,000 each to replace.

Mr. Harvey noted that he had attended a session at the VACO conference on body cameras and they said that the last thing needed was these cameras. He noted that the speaker was from Henrico County and he had advised that there were so many things to consider policy-wise and he would be a good person to talk to. Staff noted that they could possibly forward this 2015 session information to the Sheriff. Sheriff Hill then noted he was concerned about having to buy the software updates as well for the cameras. He noted that he would want the in-car cameras and the body cameras to be in sync with each other so that they could capture two dimensions.

Sheriff Hill then reported that on August 1, 2016 a former Department of Game and Inland Fisheries Officer would be joining them and he would not need training. He also noted that new hire Zach Clarkson was in the Police Academy and would be ready to go in December.

#### **VIII. Adjournment – No Evening Session Will Be Held**

At 4:25 pm, Mr. Harvey moved to adjourn and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.