

July 9, 2019

**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 Lovingson Virginia.

Present: Jesse N. Rutherford, East District Supervisor  
Thomas D. Harvey, North District Supervisor – Vice Chair  
Ernie Q. Reed, Central District Supervisor  
Thomas H. Bruguere, Jr. West District Supervisor  
Larry D. Saunders, South District Supervisor – Chair  
Stephen A. Carter, County Administrator  
Grace Mawyer, Administrative Assistant/Deputy Clerk  
Candice W. McGarry, Director of Finance and Human Resources

Absent: None

**I. CALL TO ORDER**

Mr. Saunders 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. Bruguere led the Pledge of Allegiance

Following the Call to Order, Ms. McGarry introduced the new Planning and Zoning Administrator, Dylan Bishop. She noted Ms. Bishop has a B.S. degree in Urban and Regional Studies from VCU and has most recently worked in Amherst County and Lynchburg City Planning and Zoning departments. She currently resides in Madison Heights and is looking to relocate to Nelson.

Ms. Bishop thanked the Board and noted that she looks forward to working with them.

**II. CONSENT AGENDA**

Mr. Rutherford asked to discuss the Approval of Job Descriptions item and requested more information about the Registrar's section in particular. Mr. Carter noted that during the Board's budget work sessions in the Spring, the Electoral Board and Registrar communicated that there was a requirement for a new full-time assistant's position. Staff looked at the Code of Virginia and conferred with Mr. Payne, who concurred that in a sense, the Electoral Board could mandate to the Board of Supervisors, so Staff did establish funding in the FY20 budget for the full-time position. He added that most recently, Staff worked to develop the job description and tailored it on input from the Registrar and other localities.

Ms. McGarry noted that Ms. Britt, the Registrar, talked with Staff about doing a job advertisement for a part-time registrar position because Haley Snapp, who was in that position in Nelson, took a full-time

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job in Williamsburg, so Ms. Britt thought she needed to fill that position and didn't realize that the Board had approved the full-time assistant registrar position. She noted they then began discussing that particular one. She stated that the budget included funding for a salary of \$24,669, which was mostly developed by Staff, who took the hourly rate for the current part-time person and multiplied that by 2,080 hours to equate to full-time. She then noted that now, Ms. Britt doesn't think she can attract somebody with any experience or qualifications with that salary, so she's asking for additional money to be approved for that position along with the job description. Ms. McGarry stated that the reason the Board needs to approve the job description is because the current pay classification does not have one for a full-time assistant registrar. They have one for part-time, and Staff basically used that to develop the one for full-time. She noted what needs to be determined with that is the salary and the grade associated with that job description. She added that the Registrar has provided her input and believes the salary should be equivalent to that of what the County has of a Secretary III, which is a grade 10. That salary hiring range is \$30,863 to \$35,680. Based on the information Ms. Britt provided and comparing Nelson to other localities of a similar size, Staff concurred that would be an appropriate grade to assign to the job. Ms. McGarry noted that if this is approved, Ms. Britt would need a budget amendment of \$7,392, and this could be transferred from the employee benefits line to her budget at some point in the future.

Mr. Rutherford then moved to approve the Consent Agenda and Mr. Harvey 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. Minutes for Approval (**R2019-24**)

**RESOLUTION R2019-24**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MINUTES**  
**(May 14, 2019)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **May 14, 2019** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. FY 18-19 Budget Amendment (**R2019-25**)

**RESOLUTION R2019-25**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2019-2020 BUDGET**  
**NELSON COUNTY, VA**  
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**BE IT RESOLVED** by the Board of Supervisors of Nelson County that the Fiscal Year 2019-2020 Budget be hereby amended as follows:

**A. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 8,058.97	3-100-009999-0001	4-100-91030-5621
<u>\$30,654.00</u>	3-100-002404-0035	4-100-31020-7038
\$38,712.97		

**B. Transfer of Funds (General Fund Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 5,694.00	4-100-999000-9901	4-100-32030-7003
\$13,976.00	4-100-999000-9901	4-100-21010-3016
<u>\$35,354.00</u>	4-100-999000-9910	4-100-31020-7038
\$55,024.00		

**C. Approval of Job Descriptions (R2019-26)**

**RESOLUTION R2019-26  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF JOB DESCRIPTIONS  
PERMIT TECHNICIAN AND FULL-TIME ASSISTANT REGISTRAR**

**WHEREAS**, the County of Nelson has a position classification plan that includes job descriptions for full and part-time employment positions; and

**WHEREAS**, job descriptions occasionally need to be updated and added;

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby approve the revision of the title of the position of Secretary III – Building Inspections to Permit Technician and the associated job description as amended and presented; and

**BE IT FURTHER RESOLVED**, that said Board additionally does hereby approve the job description of Full-Time Assistant Registrar as presented; thereby authorizing the addition of the position to the County’s Salary and Classification system.

**D. Federal Grant Awards Administration Policy and Conflict of Interest Policy (R2019-27)**

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**RESOLUTION R2019-27  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF FEDERAL GRANT AWARDS ADMINISTRATION POLICY  
AND CONFLICT OF INTEREST POLICY**

**WHEREAS**, In 2014, the Office of Management and Budget (OMB) issued new guidance for Federal awards. The new Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (The “Super Circular”, or “Uniform Guidance”) required some major policy reforms which are effective now; and

**WHEREAS**, two policies required by said guidance in order to be in compliance with the audit standards include a Federal Grant Awards Administration Policy and Conflict of Interest Policy;

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby approve the Federal Grant Awards Administration Policy and Conflict of Interest Policy as presented and attached hereto.

**III. PUBLIC COMMENTS AND PRESENTATIONS**

A. Public Comments

1. Eleanor Amadon, Afton VA

Ms. Amadon noted her disappointment that most of the Board did not attend the Friends of Nelson public meeting on June 30<sup>th</sup> because Anne Witt from DMME was there and gave a very impressive talk about the use of a new technology called Lidar. She noted this technology identifies landslides that had occurred during Hurricane Camille, which is important information that has been needed for years. Ms. Amadon stated it is her understanding that Ms. Witt will be coming to the Board to give the same or similar presentation so that they will be aware of her preliminary results. She requested that in the Board’s deliberations about other factors pertaining to the proposed Atlantic Coast Pipeline and its route, for them to keep all options open because this is new information that they really need to hear.

B. VDOT Report

Mr. Robert Brown of VDOT noted that the construction project north of Lovington on 29 should be accepted and completed on Monday. He then noted that the Colleen work is ongoing and stated to Mr. Saunders that he is still working on that 45 mile per hour speed limit through there. He added that the project is supposed to be completed on October 4<sup>th</sup>. He also noted that the right turn lane up on 151 is getting started, and that also has a fixed completion date of October 4<sup>th</sup>.

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Regarding the unpaved road program, Mr. Brown noted that they are looking to start Aerial Drive, Rhue Hollow Road, Rhue Hollow Lane, Jack's Hill, and Embly's Gap very soon. In the Schuyler area, they plan to get a contractor to take some limbs back off the road. Mr. Rutherford noted on Rockfish River Road getting into the town of Schuyler, there are some bushes that have been growing into it, and he can talk with that neighbor about taking care of them.

Mr. Brown noted a few years ago, they had a lot of reports of wrong way movement coming out of 617, Rockfish River Road, onto 29 and added he received a report again on this recently. He asked the Board if they are getting any feedback on this issue. Mr. Rutherford confirmed that he has. Mr. Brown stated they did a lot of signage changes over there a few years ago and cut the median back a lot so people could distinguish that there are four lanes there, but it seems like they are still having issues. Mr. Rutherford asked Sheriff Hill, in attendance, if there have been any accidents at this spot. Sheriff Hill noted they occasionally receive calls for wrong-way traffic there, and by the time they arrive, the person has already corrected themselves. He noted he can look in the CAD system to get more information regarding this.

Mr. Brown noted that otherwise, they are still mowing, and most of the secondary mowing is complete.

Mr. Harvey noted there are trees hanging in the road at Rodes Farm. Mr. Brown stated his team looked at that after the last meeting. Mr. Harvey stated the trees are on the edge of the road along that straightaway heading north. Mr. Brown noted he would get Mr. Eubank to discuss this with Mr. Harvey.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford asked Mr. Brown to keep up the cutting in Schuyler.

Mr. Bruguiere:

Mr. Bruguiere noted that the Cub Creek area had four inches of rain over the weekend, and the ditches on that road need work done. He added there is a lot of debris across the road and the culverts were full.

Mr. Bruguiere noted that close to Zions Church on 151, there was an accident there where a woman hydroplaned and was killed. He noted that water was coming off of that bank, right before you get to that church. Mr. Harvey stated this was just north of East Branch Loop and echoed that the water coming off of that hill can be an issue when it pours rain.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

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Mr. Reed informed Mr. Brown that one of the long standing issues the County has along the 151 corridor and route 6 between 29 and 151 is the tractor trailer traffic and the ensuing backups and safety issues. He noted he has people who come to him all the time wanting to know what can be done, and his stock answer is that there's nothing we can do. Mr. Brown noted that the truck traffic is already restricted on other routes and he isn't sure if we would want to restrict it any further. He added he can keep his eyes open for any improvements, and like Mr. Harvey, he thinks one of the best things we can do is keep the vegetation cut back and keep a good line of sight.

Mr. Rutherford noted that the Department of Transportation (DOT) are the main ones who enforce those truck traffic limitations.

Mr. Saunders:

Mr. Saunders reiterated the need to reduce the speed limit to 45 in the Colleen area during construction. He noted that this was implemented during construction north of Lovington and questioned why it can't be done in Colleen. He added that the 655 entrance is a blind spot, and something needs to be done. Mr. Brown noted they are doing the right-out only there and making them merge. Mr. Saunders stated that helps some but it should be extended a little further.

Mr. Bruguere:

Mr. Bruguere stated he got a complaint from someone who met a tractor trailer that was getting over in the opposite lane to avoid the rock that sticks out in the road on the northbound side of Brents Mountain. He noted they need to rake it using a track hoe and it wouldn't take long to do.

**IV. NEW & UNFINISHED BUSINESS**

**A. Change in August Regular BOS Meeting Date (R2019-28)**

Following discussion, the Board could not find a date that could suit everybody's schedule. As Mr. Carter was the only one who would be unable to attend the original date, the Board decided to keep it as-is on August 13<sup>th</sup>.

The Board made no action on Resolution **R2019-28**:

**RESOLUTION R2019-28  
NELSON COUNTY BOARD OF SUPERVISORS  
RESCHEDULING OF AUGUST 2019 REGULAR MEETING**

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**WHEREAS**, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board's regular monthly meeting on August 13, 2019 is necessary due to a schedule conflict of the County Administrator;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, August 13, 2019** be and hereby is rescheduled to \_\_\_\_\_.

B. FY20 Funding of Fire & Rescue Vehicles

Mr. Carter noted that Staff passed out a spreadsheet showing the history of County support of purchases of fire and EMS vehicles for the Board's reference from FY14 through the budget for current fiscal year FY20. He stated that subject to the Board's discussion, what Staff recalls is that the total funding in FY20 was to be for the replacement of an ambulance and to support the cost potentially for an ambulance at Rockfish, or that may just be to replace a blown engine in one of their vehicles. He noted that the request from Faber was not anticipated by Staff, and the budget does not support that purchase if the County proceeds with the funding of other vehicles. He added the Faber request was submitted June 7<sup>th</sup>, and the ambulance that's budgeted at \$285,000 would be acquired for either Wintergreen or preferably acquired as a County vehicle, which would help not only for the rotation, but also with the expenses of operations of the paid EMS program, because the mileage reimbursement that would go to one of the agencies, if their vehicle is in the rotation and they're answering calls outside their area, then they'll receive a mileage reimbursement. When the County vehicles are utilized, that doesn't occur, so that's helpful in a sense. Mr. Carter noted that for Rockfish, the range for the engine replacement is \$20,000-\$60,000, and supporting the Faber request would require additional appropriation of funds, if the Board wants to pursue that.

Mr. Harvey questioned if the agencies are getting ahead of themselves and overboard on these trucks. He stated he would like to know more about the trucks and noted there is nothing indicating this has been to the Emergency Services Council. Mr. Carter noted he made that same inquiry, and it is his understanding that it didn't go to the Council, but that the Council is supportive of it. Mr. Harvey added that he would like to know why these trucks cost so much money. Mr. Carter noted that the bid information that Faber submitted is included in the Board packets, but that doesn't include a list of specifications for the truck. He added that they say it's a rescue pumper.

Mr. Bruguiere asked if there is any money left in the loan fund. Mr. Harvey stated yes and added that this is usually used for the 20%.

By consensus, the Board decided to request additional information about the Faber truck request and ask that it be presented to the Emergency Services Council.

C. FY20 School Capital Improvement Project Request

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Mr. Carter noted that the Board's agenda includes a letter from the school division dated June 17<sup>th</sup> wherein they're requesting transfer of funds in the amount of \$200,825 to repair the athletic track at Nelson County High School and an additional \$176,880 for the purchase of two 65-passenger buses and \$46,807.34 for two mini-vans. He noted that Dr. Eagle's letter indicates that they're working on obtaining bids to submit for other capital projects. He added that the way this has been developed is the funding for the CIP projects for the school on the County side are subject to the Board's review and approval to disburse the funds.

Mr. Harvey stated that he can't see doing the track right now when the County just finished spending \$200,000 on the tennis courts.

Mr. Saunders noted he knows the track has been done within the last 7 or 8 years, and he would like to see improvements on buildings before athletic improvements. Mr. Harvey added that he doesn't think the track is a dire need.

Mr. Carter noted that the window of opportunity to repair the track so it's ready for next year would be sometime between now and the Fall.

Mr. Rutherford asked if this is the only bid obtained for the track. Mr. Carter noted that the school division used cooperative procurement, which the Code of Virginia and their procurement policy surely allows, whereas if there's another state/national entity that does public procurement for state/local agencies, they or the County can piggyback on those things. He added that the County is doing a similar situation with the CAD system.

Mr. Harvey suggested bidding it out to see if they can get a better price.

Mr. Saunders noted he would rather see work done on Tye River Elementary School with their issues with the roof leaking and moisture problems. He added that he would like to see welding facilities too, as that would help with jobs.

Mr. Carter noted that Staff could ask Dr. Eagle and the school staff to see if there is any better competition for the track.

Mr. Harvey moved to approve the purchase of two buses and two vans and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

#### D. Special Use Permit #2018-11 – Restaurant (deferred in June meeting)

Mr. Carter noted that this is carried over from the Board's June meeting, and it's an application for a special use permit from Rockfish Valley Events, LLC for restaurant use on tax map 6-A-131. He added that all the information from last month's meeting is included in the Board packets.

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Mr. Harvey stated the big issue is that the building does not meet the setback requirement. Mr. Carter noted that the appeal by a third party to the Circuit Court of the BZA's determination is still pending. They did seek a stay if the Board had taken action on this, but nothing has progressed in the Circuit Court. He added that the Board said in June that they would consider this today, but if they still want to defer, they have until November 29<sup>th</sup>. He noted that it's his guess that the parties that have pursued this appeal are waiting to see what the Board does.

Mr. Reed noted he wasn't in favor of postponing the vote last month and asked if there is any new information has not been presented previously. Mr. Carter stated that Staff did receive notification on July 3<sup>rd</sup> from the Department of Health/Office of Drinking Water that Rockfish Valley Events LLC has been issued a waterworks construction permit. He read: "Project consists of the construction of a new transient non-community waterworks that will serve a hard cider tasting room, several retail units, and six rental cabins." He noted they are in process with getting approvals for the construction projects that have been authorized. Mr. Carter reiterated that the Planning Commission did recommend denial because of the setback concern.

Mr. Saunders asked what would happen down the road if somebody wanted to do something similar to this. Mr. Carter stated the zoning administrator, Ms. Bishop, would look at whether or not she concurs with the previous determination, or write a new one. He noted if the matter goes forward with the Circuit Court, that may be the real precedent because the courts actually will have ruled on it.

The Board invited the applicant, Todd Rath, to come forward and speak.

Mr. Rath stated the building was a gas station decades ago, and when the county was rezoned, this should have been B-1, but instead, it was labeled A-1. He noted it is just 8 feet of nonconforming based on the 75-foot setback. He stated he does not wish to tear the building down because it has structural integrity, and it actually has a lot of hard pine inside which they plan to use for the structure. He noted they are trying to move forward with a structure that will look a lot better than how it looks currently. He stated the neighbors seem to be upset, and he's tried to speak to them many times. He added that one concession he's made is that he decided to leave the garage as storage which gives a nice boundary to the neighbors, and also a 10-foot-tall fence. He noted that the water and septic are fine, and they have a couple hundred grand invested in engineering.

Mr. Carter reminded the Board that when the Planning Commission originally looked at this, despite their recommendation for denial, they came up with conditions so if the Board decides to act favorably on the application, he recommends including these conditions that they recommended:

1. Outdoor amplified music shall be limited to the hours between 1:00 pm and 6:00 pm on Sundays, and between the hours of noon and 8:00 pm Mondays through Saturdays.
2. All exterior lighting shall be fully-shielded and no light trespass shall be permitted on adjacent properties. All light fixtures shall meet professional standards for fully-shielded, full cut-off fixtures designed to protect the dark night sky. Parking lot light poles shall be limited to 18 feet in height.

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3. All businesses shall be limited to operating between 9:00 am and 8:00 pm Sundays through Thursdays, and between 9:00 am and 9:00 pm Fridays and Saturdays.
4. The developer shall construct an 8-foot tall privacy board fence along the entire length of the northern property line abutting tax parcel #6-15-18. The developer shall install a three-board fence with rolled wire along the western property line on the east side of the creek from the northern-most point of the property line extending south to the point where the property becomes marshy, which is approximated at the location of analysis point 2 as shown on page C5.00 of the site plan dated June 25, 2018.
5. The site shall be developed in substantial conformance with the site plan and other plans submitted with the request.

Mr. Saunders noted that if the Board approves this, it is still subject to go to court. Mr. Carter stated there is still a pending suit appealing the BZA's decision; if the Circuit Court found in favor of the plaintiffs to overturn that decision, then it would be stopped.

Mr. Bruguiere asked if the BZA's determination overrides the Board's decision. Mr. Carter stated the Board assesses the overall merit of the application and the criteria in the zoning ordinance, not necessarily just the nonconforming use question.

Mr. Rutherford asked if Staff has gotten any case law on this particular topic from other counties. Mr. Carter stated not that he is aware of. Mr. Harvey noted that the County's attorney believed that anytime there's a tossup, that it should be in the favor of the property owner, which he does not totally agree with. Mr. Carter noted that when Mr. Payne came up with that supporting position, as Mr. Harvey made reference, that he likely did not find any case law on it, and that's why he came up with his own determination that if the ordinance is vague, to err in favor of the applicant. Mr. Carter stated that he is not opposed to this business' application, but he just does not concur with that determination personally.

Mr. Harvey stated the court case needs to go through because this needs to be addressed to set a precedent. Mr. Carter speculated that if the Board denies the permit, the appeal to the Circuit Court will be withdrawn.

Mr. Rutherford agreed with Mr. Harvey and stated a precedent needs to be set by somebody. He added the courts are the best way to create case law to set that precedent. Mr. Carter noted that what Mr. Payne has suggested is, now that Ms. Bishop is here, to rework the nonconforming use provisions to make sure they aren't vague.

Mr. Reed stated he is unsure if it's prudent for them to adjudicate something to the courts when they have the opportunity to do the right thing here despite the courts, which would be to get the ordinance cleaned up. Mr. Rutherford agreed that the ordinance does need to be cleaned up to be more clear and concise.

Mr. Carter then read the four criteria from the ordinance:

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- A. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;**
- B. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;**
- C. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities;**
- D. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.**

Mr. Harvey then moved to deny **SUP #2018-11** because of the failure to meet the setback requirement, and Mr. Reed seconded the motion. Mr. Rutherford reiterated the need to get the ordinance cleaned up. Mr. Bruguere noted that in his opinion, Mr. Rath should remove the building, set it back to the proper setback, and build a nice new building, which would save him money and hassle in the long run. There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Bruguere and Mr. Rutherford voting No.

## **V. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

### **A. Reports**

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

**A. BR Tunnel Project:** The Phase 2 Project is currently scheduled for completion on August 7<sup>th</sup> but Fielder's Choice Enterprises has submitted Change Order 7, inclusive of a scheduling analysis based upon additional grouting and brick work, that would, if approved, establish the completion date as 9-20-19. The critical path for completion of the project hinges on VA-DCR's approval of \$242,507.84 in Recreational Trails Program grant funding that will enable all aspects of the Phase 2 Project to be completed. County staff have submitted the drawdown request, inclusive of supporting documentation to DCR to provide for release of the funding to the County. Work that is pending includes brick reset or replacement, additional shotcrete installation, graffiti removal and the trail installation within the Tunnel. The Phase 3 Project has been approved for bidding and was advertised on 6-9-19. A pre-bid meeting was conducted on 6-24-19 with three construction firms in attendance. Bid proposals are due on July 17<sup>th</sup>.

Mr. Carter noted that Staff conferred with the project engineer yesterday, and there haven't been any real inquiries received from any of the contractors interested in the project, so that July 17<sup>th</sup> date is firm and won't be extended.

**B. Broadband:** Federal NTIA staff are in process with completing the review of the network transfer agreement (Fiber Backbone Transfer Agreement) from Nelson County to CVEC/CVSI. County staff have responded to two sets of questions from NTIA staff, who have indicated they are working to

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finalize federal review as soon as possible. VA-DHCD staff are also in process with review of the transfer agreement but, to date, have not requested additional information.

**C. Library Project:** A “ground breaking” ceremony is scheduled for Tuesday, July 9<sup>th</sup> at 12:30 p.m.

**D. Lovingston Revitalization:** The project is pending establishment of a possible work program with JMU, VA Tech, or UVA, which would utilize university students and faculty to assist in the development of a revitalization plan for Lovingston, inclusive of work towards a CDBG Community Improvement Grant application to VA-DHCD in March 2020.

**E. Closeout of Groundwater Monitoring Program:** The closeout of the GWMP and landfill permit is currently in a 30-day public comment period, which will be completed on July 26<sup>th</sup>. If there is not a request for a public hearing/meeting by property owners that received notification of the program’s closeout, then County and Draper Aden staff will submit a report to VA-DEQ notifying of the completion of the comment period and requesting final approval for closeout of the GWMP and the rescinding of the landfill permit.

**F. Gladstone Depot Project:** County staff completed and submitted on June 6-28-19 a Transportation Alternatives Program (TAP) grant application to VDOT for funding of the relocation and restoration of the Depot building in Gladstone. A project cost estimate was completed by Coleman-Adams in the amount of \$2,246,687 and included as an important component of the pre-application. The next step is to await VDOT review and a decision on authorizing the submittal of a final project application to VDOT by 10-30 followed by funding decisions by VDOT and the Commonwealth Transportation Board (May-June 2020).

Mr. Carter noted a concern he has is that the cost estimate was almost \$2.5 million, so he’s not sure how that’s going to go, but Staff did submit a good and detailed application which is very helpful. He noted we will just have to wait and see whether we’re competitive or not.

**G. Piney River Water & Sewer System:** The pilot program to resolve the TTHM compliance requirement continues to be in process. Additionally, a **wire transfer in the amount of \$664,307.31 was submitted to USDA-RD/RUS on 7-2 to provide for retirement of the debt obligation(s) on the Piney River 3 Water and Sewer System.**

Mr. Carter noted that sometime in the fall, they will bid this work out, once additional results are reported to the health department.

**H. Regions 2000 Service Authority:** The Authority is continuing to consider 1) acceptance of solid waste via contract with Bedford County 2) the question of distribution of excess revenues to Campbell County and Lynchburg City and, 3) the long range future of the Authority.

**I. Norwood-Wingina Rural Historic District:** The Virginia Board of Historic Resources approved the placement of the Norwood-Wingina Rural District on the VA Landmarks Registry on June 20<sup>th</sup> in a

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meeting held at Sweet Briar College. VA-DHR will now forward the District's nomination to the National Park Service for placement on the National Register of Historic Places.

**J. Edward Embrey Bridge:** VDOT staff have advised the Commonwealth Transportation Board will consider the naming of the bridge on Route 29 across the Rockfish River at Woods Mill in honor of Mr. Embrey at the CTB's July meeting.

Mr. Carter noted that hopefully, Staff will hear back on this sometime either late July or early August.

## 2. Board Reports

### Mr. Reed:

Mr. Reed noted that Claire Richardson from Parks and Recreation was unable to attend the meeting and asked that he let the Board know that July is National Parks and Recreation Month. He stated Parks and Recreation has a theme called "Game On" and there's a series of pickup games and events going on for youth 15 and under and for adults at the Nelson Center throughout the month. He noted this information can be found on the Parks and Rec website. He added there is also a "Pints for Parks and Rec" initiative going on to raise money for parks and rec at some of the local breweries and distilleries. On particular days, \$1 per pint or cocktail goes toward parks and rec.

Mr. Reed then noted the other information he has pertains to the Daniel Sturt nature preserve. They have had a series of meetings, and things are moving really well at this point. He noted the intent for the park to promote nature and the cultural history and heritage of the land is really driving what's going on there. He added that 3 miles of the roadwork has been completed with another mile to go, the entrance has been seeded, and a survey of the property is in process. He noted that Parks and Rec is looking to highlight riding, mountain biking, hunting, and hiking at the area, and signage is to include a Historical Society marker. A boardwalk and observation tower are in the offing, and they're looking at a dedication perhaps before the end of the year.

Mr. Saunders noted he saw where the County received \$8,000 in timber sales from this, and Mr. Carter noted this is still in process. Mr. Reed then noted there's a \$5,000 grant that's pending from the Paul and Heather Haaga Foundation that they applied for and expect to be getting.

### Mr. Harvey:

Mr. Harvey noted that there's been some more activity at the overlook on 250. Hopefully this week, they will get started on trying to build some of that wall back, and they would like to cut back some more trees, which the property owner is willing to let them do, but they'll have to get a contractor in there that has the right equipment. He added that he has spoken with Mr. Brown of VDOT, who advised he would arrange for it to be paved. He noted parks and rec is coming in with some different options on

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maybe a bench and some picnic tables, and they have a big concern with trying to put trashcans there. He then noted he would like to request the County to give the fire department the money and letting them work the expenses of it, and \$7,500 would likely get them completely there. This would entail cutting the trees back, doing the rockwork, purchasing picnic tables, and all of the other needed work. He noted that the footers for the picnic tables are already there.

Mr. Carter noted that Ms. Richardson with Parks and Rec has been assisting with this, and Staff has put together some specs on the picnic tables and such, and if the Board endorses the \$7,500, hopefully Staff can still work to assist the fire department.

Mr. Saunders stated he believes this is money well spent because that is a busy place.

Mr. Bruguere noted his concern with putting trashcans there as there is a cost of having to empty them, and they would end up with overflowing trash from the public every day. Mr. Carter noted it would be much easier for County staff to periodically go up there and pick up trash rather than having assignment to go get it on a daily basis, which would be difficult.

Mr. Reed asked if there's anything in that \$7,500 for signage to be able to promote the County. Mr. Harvey noted they are trying to come up with a kiosk-type area that is weatherproof and can hold brochures. He added he would like to have one of the view finders there similar to what they had at the Afton Howard Johnson's Restaurant.

Mr. Harvey moved to contribute \$7,500 to the Rockfish Fire Department for their fund that would see this work through and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Harvey noted that the bills will be turned in to the County by the fire department to show the progress.

Mr. Bruguere:

Mr. Bruguere noted that Congressman Riggelman came yesterday to see the courthouse, and he was very appreciative that the Congressman took time to visit our offices. He added that he was unable to see the judge because court was in session.

Mr. Rutherford:

Mr. Rutherford noted that on July 20<sup>th</sup>, they will be having a Schuyler cleanup on the roadside. They will be meeting that morning around 7 or 8 am and picking up trash in Schuyler proper and then having

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breakfast. He noted he would love to have as many people come help out as possible. He added there is now a Friends of Schuyler group that has developed.

Mr. Rutherford also noted that TJPDC is not meeting this month.

Mr. Saunders:

Mr. Saunders noted that the Historical Society has requested him to ask the Board to do a resolution for the anniversary of Hurricane Camille. He added it would need to be approved in the August Board meeting.

Mr. Saunders then noted that he has been contacted by the Friends of Gladstone about the next steps toward rezoning of the depot. He noted it was said previously that they don't have to get it rezoned, but it was recommended. Mr. Carter noted we could bring this back in August for a referral to the Planning Commission.

### B. Appointments

Ms. Mawyer reviewed the following table:

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<b>Board/Commission</b>	<b>Term Expiring</b>	<b>Term &amp; Limit Y/N</b>	<b>Incumbent</b>	<b>Re-appointment</b>	<b>Applicant (Order of Pref.)</b>
<b>Agricultural &amp; Forestal District Advisory Committee</b>	5/13/2019	4 Years/ 3 term limit	Andy Wright (T3)	Y	Agreed to 4th term
	5/13/2019	4 Years/ 3 term limit	Dr. Andre Derdeyn (T3)	Y	Agreed to 4th term
	5/13/2020	4 Years/ 3 term limit	Bill Halverson (T2)	N - resigned	None
	5/13/2019	4 Years/ 3 term limit	Bruce A. Vik (T2)	N - resigned	None
	5/13/2019	4 Years/ 3 term limit	Chapin Wilson, Jr. (T3)	N - resigned	None
			<b>Staff Member</b>		
			Pam Campbell-Comm. Of Rev.		
			Thomas H. Bruguere, Jr.-BOS		
<b>Nelson County Economic Development Authority</b>	6/30/2019	4 Years/None	Mark B. Robinette	Y - letter	
			John Bruguere	Y - email	
<b>Nelson County Library Advisory Committee</b>	6/30/2019	4 Years/None	Jane Strauss - Central District	Y - email	
<i>Appointed by District</i>					
<b>Piedmont Workforce Network Board-business repres.</b>	6/30/2019	3 Years/None	Melanie Thigpen (UT)	Y - letter	
<b>Nelson County Social Services Board</b>	6/30/2019	4 Years/ 2 term limit	Tanya Stewart-South District (UT)	Y - email	
<b>JABA Board of Directors</b>	7/15/2019	2 Years/None	Constance Brennan	N	Dana E. Quillen

Ms. Mawyer noted that there are still three vacancies on the Agricultural & Forestal District Advisory Committee, and she has not heard of any interest so far.

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Ms. Mawyer noted that she contacted the expiring seats on the EDA, Library Advisory Committee, Piedmont Workforce Network Board, and Social Services Board, and they all wished to be reappointed for another term.

Ms. Mawyer noted that Connie Brennan did not wish to be reappointed to the JABA Board of Directors. She added that Dana Quillen has submitted an application for that seat, and the application is included in the Board packets.

Mr. Reed then moved to appoint Ms. Quillen to the JABA Board of Directors and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

### C. Correspondence

Mr. Rutherford had no correspondence.

Mr. Bruguere noted he had a request from Betty Brown at Mac's Market. She stated they are no longer receiving the Dogtown News/Nelson paper or the Lynchburg paper. Apparently, they have stopped all deliveries to peoples' mailboxes east of 29, and none of the stores are getting the papers. Ms. Erin Conway, news reporter in attendance, noted she would look into this.

Mr. Harvey had no correspondence.

Mr. Reed had no correspondence.

Mr. Saunders had no correspondence.

### D. Directives

Mr. Reed had no directives.

Mr. Harvey had no directives.

Mr. Bruguere had no directives.

Mr. Rutherford requested that the Planning Commission start working on the nonconforming use ordinance. Mr. Carter noted he would speak with Ms. Bishop about this.

Mr. Saunders had no directives.

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The Board then took a 5-minute recess.

## **VI. OTHER BUSINESS (AS PRESENTED)**

### **A. Closed Session Pursuant to Virginia Code § 2.2-3711 A.3 & A.7**

Mr. Rutherford moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711 (A)(3): Discussion or consideration of the acquisition of real property for a public purpose; and Virginia Code Section 2.2-3711 (A)(7): Consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Reed moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

## **VII. ADJOURNMENT (AN EVENING SESSION WILL NOT BE CONDUCTED)**

At 4:54 PM, Mr. Rutherford moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.