

March 10, 2020

**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: Jesse N. Rutherford, East District Supervisor  
Thomas D. Harvey, North District Supervisor – Chair  
Ernie Q. Reed, Central District Supervisor – Vice Chair  
J. David Parr, West District Supervisor  
Robert G. “Skip” Barton, South District Supervisor  
Stephen A. Carter, County Administrator  
Grace Mawyer, Administrative Assistant/Deputy Clerk  
Candice W. McGarry, Director of Finance and Human Resources  
Susan Rorrer, Director of Information Systems  
Robert Brown, VDOT Residency Administrator  
Martha Eagle, School Division Superintendent  
Philip Payne, County Attorney  
David Hill, Nelson County Sheriff

Absent: None

**I. CALL TO ORDER**

Mr. Harvey called the meeting to order at 2:08 pm, with four (4) Supervisors present to establish a quorum and Mr. Reed joining the meeting thereafter. Mr. Harvey asked Reverend Rose to lead an invocation.

- A. Moment of Silence
- B. Pledge of Allegiance – Ms. Mawyer led the Pledge of Allegiance

Following the Call to Order, Ms. Rorrer introduced new employee, Rachel Arthur who is joining the Information Systems Department staff. She will be an information systems specialist focusing on GIS, which is very important right now with some current projects going on such as NextGen 911 and the new CAD mapping system. She noted that Ms. Arthur grew up in the county and graduated from Nelson County High School in 2014. In 2018, she graduated from JMU with a B.S. in Intelligence Analysis and a minor in Geographic Science.

**II. PUBLIC COMMENTS**

1. Bill Plyler, Afton VA

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Mr. Plyler noted he had 3 matters that he would like to suggest the Board take a look at:

1. Reassess the real risk of the Second Amendment Resolution that was passed here in December, specifically the wording that was put in at the last minute to basically possibly put the county residents at risk for liable and damages that could occur if someone adhered to the resolution.
2. Asked the Board to consider if there are ways to give a priority to the residents of this county when they have public meetings. He noted that he was told that a lot of the vehicles and people here had to get here using GPS because they couldn't find the Courthouse otherwise, and he knows there were a lot of citizens who were basically terrified by the mob mentality that was here that day.
3. Requested the BOS to find a way to budget sufficient funds so that every student and teacher in Nelson County can receive a meal/lunch at no additional cost to them. He noted a few places in the United States are doing this, and he would like to see Nelson County consider this.

Mr. Plyler then thanked the Board for what they do.

## 2. Edith Napier, Arrington VA

Ms. Napier noted that she was at the February meeting before the Board regarding procedures that the emergency response personnel use in deciding which hospital to take citizens to when they require services. She stated since that time, nothing has changed, but she was able to have a meeting with Mr. Gibson, Emergency Services Coordinator, who was very informative. She noted that at some point, the County changed the policy and stopped allowing citizens in the southwestern and southeastern areas of the county to be taken to the hospitals in Charlottesville. She stated there was a process in place where they could be taken, and now they cannot. According to the policies made available to her, there seems to be some discretion into which hospitals people will be taken to, but that discretion is exercised totally by the emergency response personnel, and at this point, they are not accepting any input from the family. Ms. Napier stated that citizens in Mr. Parr's and Mr. Barton's districts deserve to be taken to UVA or Martha Jefferson Hospital just as the other citizens in the County. She noted that everything eventually comes down to finances, but the facts are they charge the same amount to take someone to Charlottesville as they do to Lynchburg. She asked the Board to reconsider the policy.

Mr. Harvey noted that he doesn't recall them ever making these changes, and this would be through the emergency services council. He added that he is the director of emergency services in the county and will get involved and find out what's going on.

## 3. Clay Stewart, Arrington VA Resident and Chief Operations Officer of SCS Broadband

Mr. Stewart noted that a formal request has been sent to the County Administrator today. He noted that SCS Broadband has been expanding across the state to offset something like Firefly, which he foresaw 4 years ago. Despite losses to Firefly, they have maintained their counts and have even increased. He stated that this will not continue for the rest of this year into Nelson County. As a result of this, he

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would like to bring up the subject of tower leasing and their costs. Currently, SCS has a lease for all towers that are owned by the Nelson County Broadband Authority (NCBA), and they are able to use 3 of those towers. The Colleen tower fails engineering after CVEC put their radios up there. The second tower they can't use is at the firehouse in Rockfish. They don't use it because it is surrounded by fiber, and it is the original Nelson County fiber. He noted they are leasing 3 towers for the cost of 5 and are paying over \$650 per month for the 3 towers that they have. Amherst County charges him \$10, Pittsylvania County charges him \$50, and Louisa charges him \$200 after a free year. He noted that these agreements were made, and the County gets expansion to areas where they did not have broadband. Mr. Stewart added that the County has partnered with him using those discounts, which the commercial rate is \$35,000 different, which they applied as in-kind to grants that they could've done in this county. He stated that they won \$2 million using that in-kind amount as the main leverage along with their own cash. He stated that he is asking through a formal request that the Board review through NCBA the pricing that SCS is paying for towers in this county, adding that they need help. He noted that 20% of their Nelson County homes will be transferred over to fiber by the end of this year. He asked what will happen for the other 80%, which is approximately 700 homes on wireless after Firefly does their expansion. He then noted that for 16 months, he has personally eaten 30% costs on every radio on every tower, adding they have dozens of towers on 130 sites. He has not passed these costs along to the consumers. To add more pain onto it all, in January, FCC announced that he will pay \$2.22 plus another \$1.00, so \$3.22 per house on his LTE services. He noted that he has a successful product that does the job, and the company is getting clobbered. Also, the Coronavirus has shut down factories, and he is out of radios. He currently has 15 more towers to do before summer and no radios, and he is being told by his vendors that it will be the end of May before he can get them. He reiterated that he is looking at \$650 per month on towers when other counties have helped him, and he would appreciate consideration on this.

#### 4. Joyce Gray and Joyce Loving, Shipman VA

Ms. Gray noted that they are following up from last month's meeting regarding getting Helena Lane put on a road list or having it considered a state road so it can be maintained. She noted they have plans to meet with the state department to see if they can come observe the road and decide if they're qualified to get some assistance. Ms. Loving thanked the Board for doing what they have done and added that they would really appreciate it if they can get a nice road. Ms. Gray added that there is a school bus that comes through daily and noted how rough it is with all the holes.

Mr. Harvey noted that they can talk with Mr. Brown, the VDOT representative, after he finishes his report. It was noted that the six-year plan review is coming up in April or May.

Mr. Harvey stated that no other names are written on the public comment list, and anyone else who would like to speak for public comments can do so at the end of the meeting if time allows.

### **III. CONSENT AGENDA**

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Mr. Rutherford moved to approve the Consent Agenda and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2020-10** Minutes for Approval

**RESOLUTION R2020-10  
NELSON COUNTY BOARD OF  
SUPERVISORS APPROVAL OF MINUTES  
(February 11, 2020)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **February 11, 2020** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2020-11** Budget Amendment

**RESOLUTION R2020-11  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2019-2020 BUDGET  
NELSON COUNTY, VA  
March 10, 2020**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2019-2020 Budget be hereby amended as follows:

1) **Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$40,000.00	3-100-002404-0065	4-100-081050-3010
<u>\$75,000.00</u>	3-100-002404-0046	4-100-091050-7165
\$115,000.00		

2) **Transfer of Funds (SRO Reserve)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
<u>\$71,532.00</u>	4-100-999000-9910	4-100-091050-7165
\$71,532.00		

**IV. PRESENTATIONS**

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A. VDOT Report

Mr. Robert Brown of VDOT reported on the concerns that were brought forth in last month's meeting:

- Additional "No Parking" signs have been put up in Colleen in front of the Exxon.
- Williamstown Road speed study: Mr. Brown stated there is no need to do another speed study. A study was done a few years ago, and the traffic engineers have decided that the speed limit there is appropriate and the roadway has adequate warning signs/notices.
- Tye River Road: Mr. Brown noted that he was unable to find the location Mr. Barton was speaking of. Mr. Barton stated the culvert was put in a year or so ago and there is no guard rail. Mr. Brown noted he would look again.
- Pipes on Perkins Hollow: It was noted that three-tenths of a mile after the intersection, there is a pipe that is too short. Mr. Rutherford noted that is the pipe that he was referring to, and Mr. Brown stated they will plan on doing something with that.

Mr. Brown then noted that they should start their rural rustic construction program back up shortly. They are working on Route 645, Aerial Drive, and there are numerous roads they will finish up in the next couple months as soon as paving weather arrives. He noted they need to complete Jack's Hill, Aerial, Rhue Hollow Lane, and Rhue Hollow Road.

Supervisors then discussed the following VDOT issues:

Mr. Parr:

Mr. Parr requested for somebody to look at the ditching on Buffalo Mines on the 778 side toward the old railroad tracks. He noted the ditching is full and overgrown on one side.

Mr. Barton:

Mr. Barton noted that there was a serious accident on 655, Variety Mills Road, and 722, Williamstown Road, a couple weeks ago, and the people stated that there are either no signs or insufficient signs warning of those sharp curves.

Mr. Rutherford:

Mr. Rutherford noted that he would like to be in the conversation regarding Helena Lane in Shipman. He then noted that he has a couple constituents who are arguing about the end of where state maintenance is supposed to be and indicating the sign has moved on Ball Mountain Lane and

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Whippoorwill Lane. Mr. Brown noted that these signs do get moved sometimes and there can be discrepancies, and he and Mr. Rutherford will discuss meeting to look at these locations.

Mr. Reed:

Mr. Reed referred to a traffic calming issue on Roberts Ridge Lane and Stoney Creek where it comes down to Rodes Farm Drive. He noted that traffic can be quick here at times, and there are just under 20 houses up there and some children. He asked what may be possible to try to slow down the traffic, such as speed bumps or some type of traffic calming. Mr. Brown noted that traffic calming is a formal plan and requires Board involvement, a public hearing, and a resolution. He added that the first thing VDOT will want to know is if the existing 25 mile per hour speed limit is being enforced at some level. He noted there are 2 types of traffic calming measures: intrusive and non-intrusive. Intrusive involves measures such as constructing chokers and things that narrow the pavement down, putting in speed humps, etc. He added that he would be glad to meet with Mr. Reed to look at this. Mr. Reed noted that he will follow up on this before meeting with Mr. Brown.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Brown advised Mr. Carter that he will be in contact with him to discuss some dates for the spring public hearing

B. Presentation – FY19 Audit Report – Robinson, Farmer, Cox Associates (D. Foley)

Mr. David Foley of Robinson, Farmer, Cox, Associates introduced himself as the Audit Manager for the County's FY19 audit. He noted the audit had been completed and he was presenting the results. He noted the two documents issued, the Audited Financial Statements and the Communication Letter on Governance.

He outlined the three main pieces of the audit that they do:

1. They audit the County's financial statements to make sure they are prepared in accordance with Generally Accepted Accounting Principles (GAAP).
2. They look at the internal controls the County has in place over financial reporting, in accordance with government auditing standards.
3. They do a federal compliance audit. For the major federal programs that the County has, OMB provides a compliance supplement, which is a list of compliance requirements that the County has to comply with when it's carrying out and expending its major federal grant programs.

Mr. Foley noted there are 3 different reports included in the County's audited financial report. The first is on page 1 of the report and is their Independent Auditor's Report. This report talks about management's responsibility for the financial statements and also talks about their responsibilities as

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auditors, which is to issue an opinion on the County's financial statements. On page 2 is their opinion on the County's financial statements, which he noted is an unmodified opinion, which is the cleanest opinion they could give. He noted an unmodified opinion means that the County's financial statements have been prepared in accordance with Generally Accepted Accounting Principles (GAAP).

Mr. Foley noted the other two reports are in the back of the report in the compliance section, starting on page 147. One is the report on the County's internal controls over financial reporting. This report was clean as well with no significant deficiencies or material weaknesses in the County's internal controls over its financial reporting. The third and final report is on page 149 and it's the report over the County's Compliance with its major federal grant programs. He noted this report was clean as well with no significant deficiencies or material weaknesses.

Mr. Foley noted overall, all three reports were clean, and there were no other issues or items that needed to be reported in a separate management letter. He then noted the Communication Letter with those charged with governance that was issued as they were required to communicate. The letter states that they had no difficulties in dealing with management; County Staff was very cooperative and helpful in working with them to get the audit completed. There were no uncorrected misstatements or proposed adjustments to the County's financial system. There were no disagreements with management, and if there were, they would have to disclose the nature of those. Also, management did not consult with any other independent accountants in terms of a second opinion.

Following Mr. Foley's presentation, Mr. Rutherford referred to the fair quality ratings on page 38 and asked about the meaning of AAAM. Mr. Foley stated that this is for the local government investment pool, and it is a good rating.

Mr. Rutherford then asked if the State changes requirements for audits yearly. Mr. Foley noted that they change some of the things the auditors have to look at, and they have to follow the Auditor of Public Accounts, who issues audit specifications, and that changes from time to time. He added that they have to get this update every year and incorporate that into their audit procedures.

Mr. Carter noted County Staff's enjoyment with working with Mr. Foley and his staff and added that we have an excellent relationship with Robinson, Farmer, Cox Associates. He noted that Ms. McGarry and her staff do an excellent job, and we are very happy with the report.

#### C. Presentation – Jefferson-Madison Regional Library (D. Plunkett)

Mr. David Plunkett introduced himself as the director of the Jefferson-Madison Regional Library System and noted he is providing an update on fundraising in concordance with the new renovations of the Nelson library as well as a brief update on statistical information.

Mr. Plunkett presented the following slides:

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# Nelson Memorial Library

— Annual Report —

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Mr. Plunkett noted that the Nelson Memorial Library is being expanded thanks to the support of Nelson County. He added that the Library Staff and citizens of Nelson County are very excited about the new building opening up later this year. Right now, they are on a bit of a hiatus as they move between the current library and the new space, and starting next week, they will be offering pop-up service in between the two buildings where people can come in, pick up their books, and peruse some new books and materials. He noted they will have wireless there and a few Chromebooks for people to use as well as printing available.

# Nelson Memorial Library

## REPORT ON GROW NELSON LIBRARY FUNDRAISING EFFORTS AND COMMUNITY SUPPORT



### MEET THE CHALLENGE!

Crow Nelson Library received a challenge grant from the Perry Foundation: Raise \$150,000 between July of 2019 and July of 2020 and the Foundation will contribute an additional \$100,000.

As of the beginning of March 2020 \$121,717.82 has been raised toward that grant.

### COMMUNITY EFFORTS

The Crow Nelson Library committee formed under the umbrella of the Friends of the Library in January of 2019, under the leadership of Dr. Pam Roland.

The goal of the citizen group is to raise \$500,000 to fill the beautiful renovated library that Nelson County is building with 10,000 new volumes, computer workstations for the public, STEM materials for school-aged children, and audio-visual capability for all new meeting room spaces.



**15**

Hard working fundraisers on the Crow Nelson Library committee

**280+**

Citizen and business contributors via gift, grant, or match

**\$256,897**

Total amount raised by Crow Nelson Library to date

Mr. Plunkett noted that currently, there are 20,000 volumes in the library, and their end goal is to have a total of 30,000 volumes in the library, which is 50% more capacity in the new space. He added that they are doubling the amount of computer workstations.

# Media Coverage Showing Community Support



**Benefit concert to help Nelson library's expansion project**

November 20, 2019 11:11 AM

A concert in Nelson County will benefit an ongoing project to expand a local library.

Bold Rock will be hosting the concert, where Tara Mills Music and Chamomile and Whiskey will be performing.



**Memorial walkway, pop-up library among changes coming to Nelson Memorial Library**

By KIP CHAN, NEWS 13 WASHINGTON DC, 10/22/2019

**MOST POPULAR**

- 1 Eric Gillingham on the mountain with his Virginia Lobster
- 1 Corruption, oligopoly and Reddick's bid
- 1 Workweek, City Lane
- 1 Arkansas County sets up shelter at Nelson Senior Center, looking to release senior residents
- 1 Latta, Soanara 'O' Day

**Updates**

- The story has been updated to reflect the walk building will have for renovation and a new space located as a "pop-up library" will open in place March is not March is.
- As renovation of the Nelson Memorial Library's second floor scheduled for completion this, the story is planning to include a new book using which to help work to help people.



**Grow Nelson Library hosting auction**

By Erin Conway on 10/22/2019 Oct 22, 2019

The Nelson County Library's biggest fundraiser yet will be an auction, made possible by the generosity of the community.

From 3 to 5 p.m. Nov. 5, the Nelson Center in Lovingston will be filled with art, books, and community items up for auction. Dubbed the "JML" auction because of the art, books, and community items offered, the Grow Nelson Library group hosting the event aims to raise as much money as possible.

It must raise \$250,000 by June 2020 in order to receive a \$100,000 grant from the Perry Foundation.

"We're one-third of the way there," said Susan Huffman, branch manager.

As of Oct. 21, the group had raised \$52,000.

"We invited people to donate and the word began to spread," said Pam Roland who leads Grow Nelson Library.

Now, thanks to the community, the auction has about 500 items to be auctioned off. Items include artwork by local artists, books, including a rare copy of Tom Landry, a book about maritime turtles, and gift cards from local businesses. Other auction items include sports packages, food and breakfast specials and local service offers. Roland, for example, is auctioning off art lessons she will provide. The two-hour event will also have a quiz raffle.

Auctioneer Aubrey Berkis has donated his services, and other businesses, such as The Wooden Spoon Bakery, have donated refreshments for the event.

"The community really has rallied," Roland said.

The event is free and open to the public.

Roland said Grow Nelson Library is also reaching out to state not-for-profit status to help with fundraising.

"We've reached out to Sen. Craig Deeds to help with funding at a state level," Roland said.

As for the expansion itself, Huffman said things are going well.

"They are starting the roofing this week," Huffman said Oct. 21.

**MOST POPULAR**

- 1 The Lynchburg Virginia Lottery
- 1 Virginia leaves outbreak
- 1 Police: Lynchburg Nelson County through visible
- 1 Marketers, Coby
- 1 Deer landscape to stateboarder 10



**JMRL Nelson Memorial Library Expansion and Renovation Under Way**

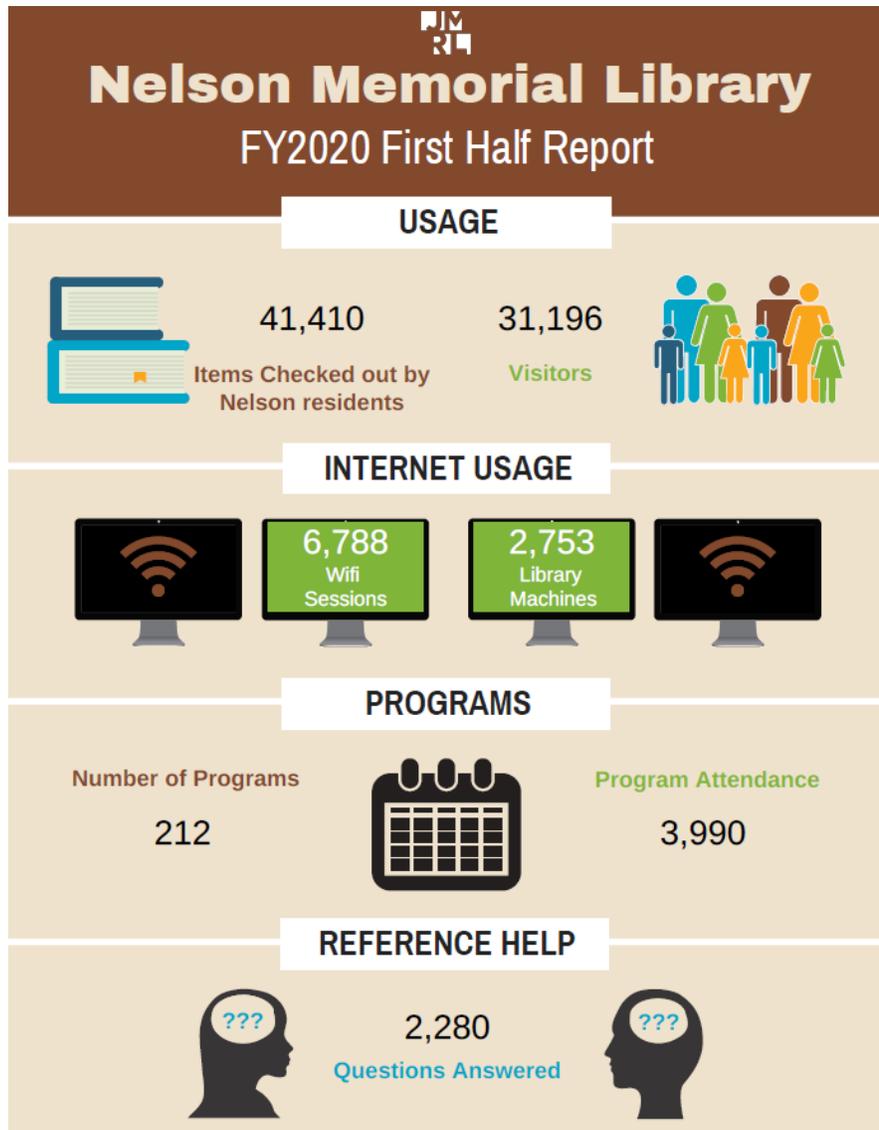
By Mary Cunningham - August 2, 2019

The Nelson County Board of Supervisors held a groundbreaking ceremony on July 9 at the Jefferson Madison Regional Library (JMRL) known locally as the Nelson Memorial Library on Route 29 in Lovingston. Construction is expected to be completed over the next year and the library will remain open throughout that time.

**MOST POPULAR**

- 1 The Lynchburg Virginia Lottery
- 1 Virginia leaves outbreak
- 1 Police: Lynchburg Nelson County through visible
- 1 Marketers, Coby
- 1 Deer landscape to stateboarder 10

Mr. Plunkett noted that the Grow Nelson group has had very diverse ways to try and raise money, and the community support has really been fantastic.



Mr. Plunkett noted that because they're adding 10,000 volumes, they're expecting a 50% increase in circulation for the next fiscal year. He added that the library machine usage number is expected to go up with the addition of more machines.

## Nelson Memorial Library Programs and Services

- Usage of downloadable materials on the rise, with over 5,000 digital materials checked out by Nelson residents last fiscal year.
- Expecting to add 10,000 new physical volumes to the renovated library in the next few years, with money from fundraising.
- Staff already working with Virginia Career Works on job training, will be able to expand those services in the new business center.
- Expanded genealogy room, as well as more computers for in-house access to Ancestry and Heritagequest.
- Innovative services- Toy library for early childhood education, STEM and Health Literacy kits for at home use of health care and maker/ STEM supplies, 1000 Books before Kindergarten to promote school readiness, Nelson Reads, Laundromat Library.
- Future services- Outreach inside the County, STEM programming, Electronic resource instruction.

Mr. Plunkett noted that the electronic resource instruction would go along with the Career Works job training that they are interested in offering for the new business center.

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# Thank You Nelson County

— For your support of library —  
services to your community

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Mr. Plunkett thanked the Board and County Staff for the work they have done on the beautiful new building, adding that his organization is looking forward to expanded service in the new spot. He then asked the Board if they have any questions.

Mr. Rutherford noted that the Board is very excited about the new library, and he also has constituents who have questions. He noted he will be having a town hall meeting in Lovingston and asked if a library staff member could attend so they can discuss the new services with constituents. He stated the meeting is on March 25<sup>th</sup> at 6:30 pm at The Well. Mr. Plunkett noted that he and his staff would love to be there.

## **V. NEW & UNFINISHED BUSINESS**

### **A. School Board Capital Improvement Plan Update**

Mr. Carter referenced a letter from the School Division dated February 24<sup>th</sup>, 2020 requesting a total of \$39,265 for four study projects that may result in future capital improvement initiatives at the NCHS/NMS complex:

- 1) Brick Veneer Study to determine cause and ways to mitigate water infiltration behind the brick veneer at multiple sites and brick cracking in select locations - \$5,440
- 2) Pavement Study to determine the cause and remedy of the road settling and pavement cracking in front of the facility - \$10,010

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- 3) Greenhouse Study to recommend the most cost effective way to upgrade the controls and secure the glass panels - \$6,990
- 4) Welding Facility Study to determine optimal location and renovations needed to house the welding program - \$16,825

Mr. Carter noted that as the letter indicates, if the Board is amenable to the request, then the balance of funding remaining in the budget for this year would be \$208,329. He added that Dr. Eagle and Ms. Irvin are present, and Mr. Harvey asked if there is anything they would like to add.

Dr. Eagle stated they do not have anything to add and thanked the Board for their consideration.

Mr. Parr moved to approve the school board capital improvement plan request as presented and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

#### B. Grievance Procedure Policy (**R2020-12**)

Mr. Carter noted that Mr. Payne, the County Attorney, has drafted an employee grievance procedure pursuant to State law. Historically, the County has had very few grievances, and State law requires a procedure to enable applicable employees who have a dispute with administration to file a formal grievance, and this policy/procedure provides those steps to work through the grievance and resolve it. He noted that he believes State law changed in 1991 or there was a requirement to file the local procedure with the Clerk of the Circuit Court, and this was never done, so we always followed the State procedure. Mr. Carter noted that we have been encouraged over time by Mr. Payne to go ahead and present a local grievance procedure to the Board. He added that the language of the local procedure basically mirrors the State law provisions. He stated Staff is recommending to the Board approval of a local procedure, which would be certified to the Clerk and used for any future issues between employee and management.

Mr. Harvey asked if action on this has to be taken now or if it can be brought back. Mr. Carter stated it can be brought back.

Mr. Rutherford asked if this only applies to County employees and not Constitutional officers. Mr. Carter confirmed.

Mr. Carter noted a discussed change is on page 2 of the document; the notice should say 30 calendar days, not 20. Staff will make this adjustment.

By consensus, the Board decided to defer any action on this resolution.

The Board then took a short recess.

C. Closed Session Pursuant to Virginia Code §2.2-3711 A.8

Mr. Reed 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)(8): Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel (regarding real property taxation); 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. Rutherford 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. Parr 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.

**VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

A. Reports

1. County Administrator's Report

**A. BR Tunnel Project:** The project team is currently in process with work to address state/federal regulatory requirements (e.g. environmental, right of way, right of entry, etc.) to enable minor realignment areas of the western trail to be authorized by VDOT and FHWA. This additional work may result in the project being delayed beyond its June 30, 2020 completion date albeit the goal is completion by 6-30.

**B. Nelson Memorial Library Project:** The project is proceeding towards its 6-16-20 substantial completion date. Library staff are in process of transitioning from the original library area to the expansion area to enable Jamerson-Lewis to complete renovation of the original library footprint.

**C. Lovingson Revitalization:** County and TJPDC staff are working to complete a Preliminary Engineering Report and Economic Restructuring Plan, which are the principal requirements from VA-DHCD for the planning grant funded project. The project is scheduled for completion by 6-30-20.

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**D. Piney River Water System – GAC Project:** The project is in process. Bowman, Consulting Group, the project’s engineering consultant is reviewing installation submittals received from WACO, Inc. the project contractor. Substantial completion is scheduled for 8-3-20.

**E. Tye River Water System:** Bowman Consulting Group, the project engineer, is within two weeks of completing project design drawings for submittal to the VA Department of Health (Office of Drinking Water-Lexington) for project approval. It is anticipated that Lynchburg based Falwell, Inc. will complete the overall construction project pursuant to the emergency provisions of the County’s purchasing policy.

**F. Comprehensive Plan:** County staff are working towards issuance of a Request for Proposals to provide for retention of a consulting firm to assist with the planned update of the County’s Comprehensive Plan. The RFP will be issued as immediately as possible and projected for completing within the next 30 days.

**G. FY 20-21 Budget:** The initial budget work session with the Board of Supervisors was conducted on 3-5 with ensuing work sessions to be scheduled from session to session. Subsequent meeting must provide for local tax rates with final budge approval required prior to 6-30-20.

Mr. Rutherford referred to Item C and asked if Staff has received any updates from Bill with Land Planning and Design Associates (LPDA), and Mr. Carter stated not yet and added that he’s sure the TJPDC staff is working on this.

## 2. Board Reports

Mr. Parr:

Mr. Parr had no report.

Mr. Reed:

Mr. Reed noted that there was no Planning Commission meeting last month as they did not have a quorum and there was not much on the agenda, so they rolled it over to this month’s agenda.

Mr. Reed noted that he and Mr. Barton met with Doug Coleman and John James of the Wintergreen Nature Foundation about the Sturt Nature Park. Mr. Barton added that he also met with Allen Hale and took a tour of the property and got a better idea of what the people who donated the property intended it for. Mr. Barton noted that Mr. Hale pointed out that 3.5 acres had been timbered on the Sturt property that shouldn’t have been, and he was under the impression that the County is owed money for this. Mr. Carter noted that he doesn’t think this is correct, and to substantiate this would require a boundary

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survey, which is being considered, but the survey would be expensive and likely would not result in proving that the company timbered property on the County's side of the line. Mr. Harvey noted that the property needs to be surveyed if it hasn't been done. Mr. Carter stated this is one of the next steps, plus an overall plan for development of the park, which is what the Recreation Department is currently working on. He added that there is a survey of record.

Mr. Reed then noted that the Nelson County Wellness Alliance is meeting with some grantors for a potential for a significant grant that deals with opioids, both research education and treatment.

Mr. Barton:

Mr. Barton thanked Mr. Reed for going to the Social Services meeting in his place. Mr. Reed noted that they did not have a quorum either.

Mr. Rutherford:

Mr. Rutherford referred to the TJPDC and the County's donation to the Regional Housing Partnership. He noted they are very grateful and a lot of the stakeholders are excited to be working in Nelson. He noted he will forward the convention dates to the Board when he finds out, and he would like the Board to attend.

Mr. Rutherford referred to the Schuyler Wastewater Treatment subject and suggested the possibility of soliciting a CDBG grant for a partial of whatever the County may be responsible for. He stated that he knows this is something that has been done in the past. Mr. Carter noted that County Staff actually recommended this in the fall, and his understanding was that either the staff or the authority board didn't want to pursue it. He added that he would be happy to bring it up again to the authority board but noted that typically, those CDBG applications are due in March, so they would possibly have to wait a year.

Mr. Harvey:

Mr. Harvey noted that he met with the Chairman of the School Board, Ms. Janet Turner-Giles, last Tuesday. He advised that the meeting went very well, and he thinks it is getting close to the time that the two boards need to sit down and discuss some things.

The Board then discussed a date for their next budget work session. Following discussion, they tentatively agreed on Thursday, March 12<sup>th</sup> beginning at 3:00 pm.

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>
James River Alcohol Safety Action Program Policy Board	3/8/2020	3 Years/ No limit	James E. Hall	Y - email	N/A
MACAA Board of Directors	3/13/2020	2 Years/ No limit	Arthur Thorn (UT)	Y - email	N/A
Board of Zoning Appeals	3/30/2020	5 Years/ No limit	Shelby Bruguere (Alternate)	Y - email	N/A
<b>(2) Existing Vacancies:</b>					
<b>Board/Commission</b>	<b>Terms Expired</b>				
Agricultural & Forestal District Advisory Committee	5/13/2020	4 Years/ 3 term limit	Bill Halverson (T2)	N - resigned	None
	5/13/2019	4 Years/ 3 term limit	Chapin Wilson, Jr. (T3)	N - resigned	None
			Staff Member		
			Pam Campbell-Comm. Of Rev.		
			Thomas H. Bruguere, Jr.-BOS		
JABA Council on Aging	12/31/2019	2 Years/ No limit	Cindy Westley	N	None

Ms. Mawyer noted that there are three expiring seats. James Hall would like to be reappointed to the James River Alcohol Safety Program Policy Board, Arthur Thorn would like to be reappointed to the MACAA Board of Directors, and Shelby Bruguere would like to be reappointed as an alternate to the Board of Zoning Appeals.

Mr. Reed then moved to reappoint the three representatives to the aforementioned boards 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 noted that Partners for Revitalizing Schuyler invited the Board to a town hall type of meeting on Saturday, May 2<sup>nd</sup>, 2020 from 9:00-11:00am. He added a venue will be decided later, and Mr. Parr, the Commonwealth Attorney, and himself will be attending.

D. Directives

The Board had no directives.

**VII. OTHER BUSINESS (AS PRESENTED)**

Mr. Harvey then invited Dr. Eagle to address the Board.

Martha Eagle, School Division Superintendent

March 10, 2020

Dr. Eagle noted lots of great things are going on in the schools and spoke of the Beauty and the Beast production put on by the high school. She also noted that the schools had a visit from Dr. Lane, our State Superintendent, last week. Additionally, Newton's Apple program came to Tye River Elementary School, and the middle school had an art contest winner who placed second.

Mr. Rutherford asked when graduation is scheduled, and Dr. Eagle responded Friday, May 22<sup>nd</sup>.

Mr. Barton commended the high school musical and added it shows the quality that exists in Nelson County.

Mr. Harvey then invited Sheriff David Hill to address the Board.

Sheriff Hill noted that they have a new School Resource Officer (SRO), Brian Tharpe, who joined the department on the first of March. He stated Mr. Tharpe worked for the County years ago, in the early 2000s. Mr. Tharpe left here as an animal control officer and went to work in Amherst. As time passed, he became a deputy sheriff there and eventually became an SRO, and he comes to Nelson with quite a few credentials. He is a crime prevention specialist and is D.A.R.E. certified as well. Sheriff Hill noted that Mr. Tharpe will be working in the elementary schools, and the department still has one vacancy in the elementary schools.

Sheriff Hill noted that he heard there was a bill introduced in regards to retirees. For those that have retired from VRS and stay out of the system for a year and want to come back with their law enforcement certification, they can be used in an SRO position or bailiff/courthouse security position with no impact upon their retirement. He noted if this is factual, we do have some interested people that would be prime candidates for these positions. He added it is very difficult getting people that want to do the work that they do. Mr. Rutherford noted he believes this bill made it out of the House but may not have survived the Senate.

It was noted that Mr. Tharpe is going to be the SRO at Rockfish River Elementary School. The SRO at the middle school is there under a grant position; per the grant, he can float some, but they ask that he do the majority of his time at the middle school. The high school SRO is Zach Barnett. Sheriff Hill noted that along with their deputies on the road plus state police, they float in and out of the other schools. It was noted that the grant for the middle school position is partially funded by the State.

Sheriff Hill noted there is another bill in the Senate in regards to increasing the local fees whereas the fee can be bumped up to help pay for courthouse security. He added that he understands there has been a drop in revenues. He also noted our deputies spend a lot of time on the road doing transports, which is why they are not always in the school zones. When they leave the school zones, they are instructed to mark out on the radio, so there is a log of this. If they are not in the school zones, they are likely doing transports to and from the complex for court appearances that typically start at 9:00 am. He noted that this can be intensive at times, and they'll sometimes have 20+ transports in one day.

March 10, 2020

Sheriff Hill then noted he had talked with Mr. Carter about a year ago about adopting an ordinance to help pay for the cost of the mobile data terminals and the eTicket system. He stated if the Board chooses to adopt the ordinance, it is an additional fee to help pay for the upkeep. Mr. Rutherford asked if we have the eTicket system, and Sheriff Hill noted we are working on it now. He added it should go out in June of this year, and that's when the new records management system will be turnkey. Mr. Carter noted to the Board that more information on this subject is included in Susan Rorrer's latest department report.

Mr. Rutherford asked if Staff has received an updated spreadsheet of the vehicle odometers. Sheriff Hill confirmed and noted the information is in the budget worksheet that has been submitted.

Sheriff Hill then referred to the recent rock-throwing incident on Route 151 and noted that state police have just put out a release in regards to this. He added this is an ongoing investigation and he hopes we'll have more information soon.

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

At 4:12 PM, Mr. Rutherford moved to adjourn and continue the meeting until Thursday, March 12, 2020 at 3:00 PM and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.