

May 9, 2017

Virginia:

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

Present: Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Thomas H. Bruguere, Jr. West District Supervisor – Vice Chair
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor – Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Tim Padalino, Director of Planning and Zoning
Grant Massie, Recycling Coordinator

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 2:15 PM, with all Supervisors present to establish a quorum.

- A. **Moment of Silence**
- B. **Pledge of Allegiance** – Mr. Bruguere led the Pledge of Allegiance

II. Consent Agenda

Mr. Saunders moved to approve the consent agenda and Mr. Bruguere seconded the motion.

Ms. Brennan then asked if the appropriation of \$100,000 for the Broadband fund was new dollars and Ms. McCann noted that the funds were for the current year's budget and were new for FY17. Mr. Carter advised that in reporting to the NCBA earlier, cash flow was a concern through the end of this fiscal year and the fund needed a transfer from the County to maintain its ability. Ms. Brennan then clarified these funds were separate from the new \$100,000 in the proposed FY18 budget.

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 – **R2017-27** Minutes for Approval

**RESOLUTION R2017-27
NELSON COUNTY BOARD OF SUPERVISORS**

May 9, 2017

APPROVAL OF MEETING MINUTES
(March 29, 2017, April 4, 2017, April 11, 2017, April 13, 2017,
April 18, 2017, and April 25, 2017)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 29, 2017, April 4, 2017, April 11, 2017, April 13, 2017, April 18, 2017, and April 25, 2017** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2017-28** FY17 Budget Amendment

RESOLUTION R2017-28
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET
NELSON COUNTY, VA
May 9, 2017

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>
\$14,062.00	3-100-002404-0017	4-100-021060-7040
\$6,650.79	3-100-002404-0001	4-100-022010-5419
\$19,213.35	3-100-002404-0006	4-100-031020-5419
\$95,000.00	3-100-003303-0009	4-100-093100-9201
\$25,000.00	3-100-002401-0002	4-100-093100-9201
\$55,250.00	3-100-002401-0045	4-100-093100-9201
\$29,750.00	3-100-009999-0001	4-100-093100-9201
\$100,000.00	3-100-009999-0001	4-100-093100-9114
<u>\$20,000.00</u>	3-100-009999-0001	4-100-081020-3012
\$364,926.14		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$1,757.05	4-100-043040-5408	4-100-093100-9201
\$2,357.00	4-100-022010-2005	4-100-022010-1003
\$3,298.00	4-100-022010-2005	4-100-022010-5401
<u>\$1,501.00</u>	4-100-022010-1001	4-100-022010-7001
\$8,913.05		

III. Appropriation of Funds (VPA-Social Services)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$1,757.05	3-150-004105-0001	4-150-053110-5408
\$95,000.00	3-150-004105-0001	4-150-053210-5706
\$25,000.00	3-150-004105-0001	4-150-053210-5714
<u>\$85,000.00</u>	3-150-004105-0001	4-150-053500-3001
\$206,757.05		

IV. Appropriation of Funds (Broadband Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$34,000.00	3-114-041050-0100	4-114-094200-3009
<u>\$66,000.00</u>	3-114-041050-0100	4-114-094200-3011
\$100,000.00		

III. Public Comments and Presentations

A. Public Comments

1. Anne Catherine Brudenell, Afton

Ms. Brudenell stated she was asking the Board to consider the true costs if the ACP came through the county. She noted that quality of life would be impacted. She noted that she was trusting in what Mr. Harvey had told her; that the Board was aware of the impacts of the ACP and that no-one was in favor of the pipeline. She further noted that there were huge unanswered questions that would cost someone and would cost taxpayers. She noted that she has heard that the pipeline coming was up to the State, however she disagreed and noted that as a voter, she looked to the Board as the first or last line of defense to uphold their oaths. She added that she hoped that the foundation of law would always come first.

Ms. Brudenell reiterated that the costs to quality of life involved were above that of the petrodollar and she was emotional about it because she felt that no one was protecting that. She then noted that she heard that State representatives were getting money from Dominion and if so, they should recuse themselves. She then noted that it was a fact that free energy has existed for twenty-five years and they should not support this wasteful egregious technology when they did not have to. She added that the County would pay the price far past the building of it.

Ms. Brudenell then noted the huge gamble with water quality and she noted that many of the County's industry depended on the quality of water. She noted that right now the County had clean water and air and she wondered when this would be looked at or the true costs of this would be put on Dominion. She then asked why corporations had more rights than a property owner. She reiterated that those were questions that should be asked and she beseeched the Board to ask them. She asked the Board to also put

May 9, 2017

a value on it, to charge them, and to hold them responsible as those costs should not be passed off to the taxpayers.

B. VDOT Report

There was no VDOT representative present to report and the Board had the following issues to be related back to Mr. Austin:

Mr. Saunders:

Pine Hill Lane in Wingina had pot holes in the asphalt that needed to be addressed.

Property owners on Route 655 have previously donated land (right of way or easement) to VDOT for the installation of guardrails but no guardrails have (ever) been installed.

Ms. Brennan:

Expressed appreciation to VDOT for the recent work the department has completed in her district and within the County.

Mr. Hale:

Ditches within the County needed to be cleaned out following the heavy rain over the past several weeks.

Mr. Bruguere:

There was storm damage to North Fork Road, no ditches and culverts have been cleaned out and no maintenance done.

Cow Hollow Road needed fixing; storms have washed 6-8 inches of gravel away.

Dickie Road culverts were still stopped up and nothing has been done.

Water went across Route 56 at Cub Creek and some maintenance needed to happen; also a lot of gravel in the road.

Mr. Harvey: The new traffic lights at the intersection of Routes 151 and 250 seemed to be working well.

C. Presentation – Virginia State 4-H Cabinet Member (J. Johnson)

May 9, 2017

Ms. Jasmine Johnson, 4-H Cabinet Member addressed the Board and read aloud the following prepared statement:

Good evening, I'm Jasmine Johnson 4-H Cabinet Member; and I am from Afton and it is an honor for me to share my 4-H story with you all. "True Leaders grow here" "4-H starts here" I could never truly what that meant as a first year camper. I had never been to a 4-H camp, I've never heard of a walk-walk bird, and I didn't know what I was getting into when I hopped in the Gau- Gau pit. I was told 4-H starts here by a staff member at Holiday 4-H Educational Center when I was eight. At the time I thought it was just about the passion, the 4-H spirit we sang about so our camp fire would magically appear, but I have come to realize that the passion the staff had drove my passion and inspired me to further my 4- H story. They planted a seed, and indeed it did grow.

My story began before moving to Virginia in 2008. I was introduced to 4-H while I lived in Wisconsin. I'd go to the Washington County fair and watch my cousins show their livestock. For most of my life I've been surrounded by livestock and particularly cattle. I've always taken to how they can form a relationship with their owner. When I was five or six I owned my first calf. She was small Jersey with long eyelashes. I called her Lola. Lola and I have had some great memories together. Even though I live in Virginia now Lola still remembers the call I'd yell while I walked down the muddy road to the barn for feeding time.

4-H at that time was just a casual conversation at the dinner table, I never thought that I would be leading today's youth and trying to make the best better. While getting adjusted to the mountains and not being close to my farm, I had to find something that was similar to what I had in Wisconsin. While I was walking into my new elementary school, I saw the same clover, the color, and that same four H's wrapped around it. Then

I looked at my mom and said, "I need to find out where that is!" She laughed, nodded her head and said okay. That is where the Wisconsin chapter ended and that Virginia chapter opened. The following summer, I was first year camper. 4-H started to become a normal conversation with my parents. The thrill of picking my own classes, finding new adventures, and making sure I didn't lose my water bottle that week, opened my eyes and showed me that I enjoyed being here. Unfortunately, I lost a few water bottles on the way, but I picked up a plethora of chants, songs, and memories.

I want to share with today's youth the education and memories that 4-H has given me. 4-H has thought me that to be a better leader you have to take in all the opinions of others and mesh them into one cohesive unit. That stepping outside your comfort zone is a great thing because you will find your new passion. I've talked to other 4-Hers about their stories and they tell me about how 4-H introduced them to new things, whether its archery class over the summer that sparks a passion to create her own Archery club and fall in love with the sport, or stepping up and running to be a club officer and shying away from that quiet introvert.

May 9, 2017

I, myself even see the change it brought to my life. I found a passion of spreading the word about 4-H and all the opportunities it has to offer. As a senior in High-School I have thought about my future endeavors, and want to pursue a degree in Sociology along with Youth Development. I've always been a social-able person. This drive of talking to others as inspired me to run as an ambassador for cabinet and even being an Extension Agent. Helping today's youth broaden their horizons and learn something new is what I strive to do. I wouldn't be standing here in front of you all if it wasn't for the same push I had when I was younger. Finding something that I was passionate about already helped me discover that 4-H doesn't always have to be about "Cows, plows, and sows". Although 4-H as a whole is very proud of our agricultural background, I was introduced to new completions such as Food Challenge and Healthy Living. I took to Food Challenge because I love to eat, and I love to cook. I found that it was a nice balance between learning how to eat right and cooking with healthy foods, so I bridged the gap in my own life from "I don't eat vegetables." To I prefer to sauté my Brussel sprouts in rendered Pancetta fat." Now it's extreme to say that I went from hating vegetables to absolutely loving them, but the conversion to liking vegetables was great. I did start to compete at the regional level with three other teammates from my county. We had formed a team purely because the four of us love to eat and cook; we never had intentions on winning or going very far if we did win. During the training and learning nutritional facts, we started to compete at the District Level and placed first which means that we would advance to the state level at Congress that summer. When we went to 4-H Congress, we kept the same mindset we've had all along. For our winning dish we made a Brown Butter and garlic pasta dish with sautéed broccoli. We were beyond excited when Dr. Tonya Price said our name and handed us big blue ribbons. She pulled us out in the hallway and asked if we would be willing to compete in Dallas, Texas at the national level. In the beginning, Texas was a reach, but we believed we could make it. Now the dream of competing at Nationals was about to come true. We learned new recipes, proper cooking utensil names, and burned one grilled cheese on the way. Did you know that there is a thing call a pancake turner? It's just a fancy name for spatula with a wide head so you can get underneath and flip your pancake easier.

Planting a single seed is all we have to do. Showing the diversity that we have is part of that seed. We have many programs like S.T.E.M, which helps young people find their passion in the science, technology, engineering, and math fields. We have clubs that are solely based around the S.T.E.M field which help them branch out, compete, and make new friends on the way. Watching kids that develop a strong passion at such a young age inspired me to start S.T.E.M club in my county and go around to elementary and middle schools to see and talk about what they are building and even participating. That's what drives my passion. When people ask me what I do for fun. I say I hang out with my 4-H family, or most weekends I'm them. We share the same seed, the same enthusiasm as each other. The same drive that 4-H instilled in us. Even though we can't go to camp every week, or we don't always compete in the same completions, we still make a point to remember the memories and support one another in our adventures. That's why I believe 4-H is beneficial. Yes, you can make friends in the Cub or Girl scouts. You make memories that will never go away with those groups, but one thing you have when you join 4-H is family, and family for life. Peggy Whitson who is a 4-H alumna and the first woman commander for the international space station she said" We need excited, enthusiastic [young] people to help us do the next steps of exploration." That starts here in Virginia and in Nelson County. If not for the support of our

May 9, 2017

local government I know none of what I and many local youth have experienced would be possible. Thank you for your continued support and time.

Supervisors then thanked Ms. Johnson and complimented her on doing such an excellent job.

Mr. Carter then invited 4-H Agent, Corissa Wilson Vanden Hoek, to speak. Ms. Vanden Hoek noted that she had been the County's 4-H Agent for three years now and she thanked the Board for giving her the opportunity in Nelson. She noted that it was a challenging job and also a dream job. She noted she got to take 100 kids to 4-H camp, to work with great youth like Jasmine, and she could not imagine a better place to work. She then invited the Board to please reach out anytime if they had questions or knew of a youth development event that she could attend.

IV. New Business/ Unfinished Business

A. Draft Sale Agreement for Lovington Healthcare Center Building

Supervisors were provided the following sale contract for review:

CONTRACT FOR THE SALE OF REAL ESTATE

THIS CONTRACT, dated as of _____, 2017, by and between the County of Nelson, the Seller, and Region Ten Community Services Board, the Purchaser, provides:

In consideration of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Contract. Seller hereby agrees to sell, and Purchaser agrees to purchase, a parcel of real estate containing 3.0 acres more or less, the exact quantity to be determined by survey, being a part of a 7.259 acre tract, Tax Map parcel 58 A 38A, situated in Nelson County, Virginia, conveyed to Seller by deed dated April 20, 2016, and recorded in the Clerk's Office for the Circuit Court of Nelson County as Instrument No. 160000962 (the "Property"), together with all improvements thereon, appurtenances thereto belonging and rights applicable thereto and riparian rights. Seller retains a perpetual non-exclusive easement of ingress and egress fifty feet in width along and over the existing entrance roadway to serve the acreage retained by the Seller and any property adjoining such retained acreage.

Of the existing parcel Seller shall retain (1) the land lying south of the entrance roadway and (2) the western portion of the property designated as floodplain. The acreage to be conveyed and the residue and easement retained are marked on the attached sketch which sketch is subject to the final survey.

2. Purchase Price. The purchase price shall be \$1,727,200.00 payable at settlement.

May 9, 2017

3. Title to the Property. The Purchaser shall be entitled to receive a good and marketable fee simple title to the Property, free and clear of all liens, encumbrances, conditions, and restrictions, except easements granted public utilities, and such other as the Purchaser may, at its option, waive. The conveyance is subject to all applicable local zoning and subdivision laws. Seller will provide to the Purchaser, at the cost of the Seller, a General Warranty deed with the customary English Covenants of Title. Seller will pay the Grantor's tax associated with recording the deed. Real estate taxes shall be prorated as of the date of settlement.

4. Right of First Refusal. Seller's deed shall contain a provision reserving a right of first refusal in Seller, its successors or assigns, to purchase the Property if Purchaser obtains a *bona fide* offer from a third party to be exercised at the contract price of such offer or the tax-assessed value, whichever is less.

5. Survey. At its sole expense, Seller shall cause a survey of the Property to be prepared prior to closing.

6. Costs and Expenses. Except as otherwise provided hereinabove, the each of the parties shall pay their respective expenses and costs of this transaction, including, recording said deed; the cost of examining title to the Property; the premium for owner's title insurance, if desired by Purchaser; and any and all reasonable attorney's fees incurred by Purchaser and Seller in connection with this transaction. All taxes and charges for similar obligations, if any, shall be prorated as of the date of Closing.

7. Settlement. Settlement of this transaction shall occur at a mutually agreeable location on or before the 10th day of July, 2017, or, when all contingencies are satisfied, title examined, and the necessary papers prepared, whichever should first occur. Possession shall be given at settlement. **Time is of the essence.** If settlement does not occur on or before July 10, 2017, then this Contract shall be void.

8. Title Defects. If any title defects are discovered, the Seller may have a reasonable period of time to cure and correct any such defects. If, however, any such title defects cannot be cured within a reasonable period of time, Purchaser may declare this Contract null and void and neither party shall have any further duty, liability or obligation under this contract to the other.

9. Risk of Loss. Prior to the date of settlement, the Seller will bear all risk of loss for damage or destruction to the subject real estate by fire, casualty, accident or any other cause whatsoever. If any such loss or damage should occur to the subject real estate prior to settlement which cannot be completely repaired by the settlement date, the Purchaser may, at his option, terminate this Contract. If this Contract is terminated under the provision of this paragraph, the parties shall have no further duty, obligation, or liability under this Contract.

10. Condition. Purchaser agrees to accept the Property at settlement in its present physical condition, except as otherwise provided herein.

May 9, 2017

11. Remedies. If either party to this Contract defaults in the performance of its obligations pursuant to this Contract, the non-defaulting party shall have all remedies at law and/or equity to enforce this Contract and/or to recover its damages and costs, including reasonable attorney's fees and costs, incurred in any action against the defaulting party.

12. Entire Agreement. This Contract constitutes the entire agreement between the parties and may not be modified, changed, or amended except by written instrument executed by all the parties and shall be binding upon, and inure to the benefit of, the heirs, personal representatives, successors, and assigns of the parties hereto.

13. Governing Law. This Contract shall be interpreted, construed and applied in accordance with the laws of the Commonwealth of Virginia

IN WITNESS WHEREOF, the Seller and the Purchaser have executed this Contract as of the day and year first above-written.

Mr. Carter noted that staff had not yet sent the proposed contract to Region Ten as he was waiting for a sketch as described in the contract. He added that if the Board was amenable, he could send it to Region Ten for their feedback while waiting for the sketch and plat to come back.

Mr. Hale noted that Mr. Payne had drawn a sketch using tax map information and he thought that may be sufficient. He added that the County had retained the services of surveyor to prepare an accurate preliminary plat to look at before the final plat was done. Mr. Carter noted he was unaware that Mr. Payne had a sketch and Mr. Hale noted that the sketch showed what was stated in the contract and authorized by the Board. The fifty (50) ft. right of way along the existing roadway was noted and staff and Supervisors noted it was not clear how much land was on the south side of the driveway; however they agreed they should retain that strip of land so that with the acquisition of additional land, they would have a potential site for the future relocation of DSS.

It was also noted that the area in the floodplain between the right of way of US 29 to the area out of the floodplain and coming out of the drainage area could be use by the County for trails. Mr. Hale added that there was no value related to this to Region Ten. Mr. Hale then noted a typo in Item 6 of the contract. He concluded by noting that the result was they would have a real estate contract and then when the plat was done, they could look at it again.

Ms. Brennan then clarified that the County would sell three (3) acres and the rest would be retained; which Mr. Hale confirmed.

Mr. Carter advised that he thought he would have a sketch today and so the contract was for informational purposes that day. Mr. Hale noted a potential hiccup was that the timeframe imposed by the Board was a little tight in terms of having a plat to look at.

B. Rockfish River Elementary School Destination Imagination Team

May 9, 2017

The Board of Supervisors was provided the following request for consideration:

May 4, 2017

Nelson County Board of Supervisors
P.O. Box 336
Lovingsston, VA 22949

RE: Funding for the Rockfish River Elementary School Destination Imagination team 2017 Globals tournament

Dear Ladies and Gentlemen,

Our Rockfish River Elementary Destination Imagination team recently advanced through regional and state competition, to earn a spot in the final level of competition ... the Global Finals, taking place in Knoxville, TN from May 23rd-27th, 2017. We are very fortunate to have the support of the Nelson County school division, many local businesses, and friends and family. We are asking for your financial support to help the team raise the additional \$5,000 needed to attend the global competition.

Throughout the DI Season, each team competes in both an Instant Challenge, which requires the teams to engage in quick, creative and critical thinking to solve a problem or task, which they have not had any preparation for, and a Central Challenge. For the Central Challenge we chose to take part in the Scientific/Top Secret Challenge, where we had to do the following:

- Create and present a story about a secret mission
- Research and apply methods from cryptography and steganography to reveal secret messages
- Design and create a gadget that appears to be an everyday item
- Create and integrate a disguised character into the story
- Create and present two Team Choice Elements that show off the team's interests, skills, areas of strength, and talents

The Central Challenge was our strong point, thanks to six months of almost daily after school practices, and loads of creativity, we earned the highest scores in both the regional and state competitions for our Candyland Based Skit.

Our Road to Globals ...

- Regional Competition, February 25th at Western Albemarle High School. We came in 1st place out of 17 teams in the Scientific Category.
- State Competition, April 8th at Atlee High School in Mechanicsville. We came in 1st place in the Scientific Challenge, which earned us a Wild Card spot in the Global

May 9, 2017

Competition.

We have worked so hard the last six months, with the support and guidance of Mrs. Ziegler, and we can't wait to represent Nelson County in Knoxville at the end of May.

At Global Finals we will have the opportunity to not only compete against teams from all over the U.S. but also teams from 15 other countries. We are looking forward to participating in many fun and educational activities at the Innovation Expo, a hands-on science exhibition, where we can learn about chemistry, physics, construction, robotics, and many other science related activities. We will also have the opportunity to interact with exhibitors from NASA, National Geographic, and The Hovercraft Project, to name a few.

Any financial support you can provide to help us on this journey would be appreciated.

Sincerely,

RRES Destination Imagination Team: Lily Armour 4th grade, Chris Chaffinch 4th grade, Darion Flores 4th grade, Chandler Giles 5th grade, Taylor McGann 5th grade, Caleb Thompson 4th grade, Jack Winter 4th grade & Linda Ziegler (Team Manager)

Ms. Linda Ziegler, addressed the Board. She note she was a first grade teacher at Rockfish River Elementary School and was the Destination Imagination team Manager. She noted the makeup of the team and reported that the team had come in 1st place in regional competitions in two areas and also in the main challenge out of sixteen teams. She then noted that they were now moving on to the Globals competition in Knoxville TN. She added that these were amazing kids that used many skills. She added that they made an electro- magnet as part of a skit and used candy skittles to make a portrait of a team member.

Ms. Ziegler then reported that they have been fundraising and the School Board gave them \$6,000 to cover registration, transportation, and entrance to the events at University of Tennessee. She noted that they would be there for four (4) days, the challenges should take a part of two (2) days, and they would have free time to participate in other DI organized activities at additional costs. She then noted that because of the ages of the students, many parents were wanting to attend and travel with the team and the additional funds needed was \$5,000. She added that they had raised almost \$1,500 since April and had one more weekend of selling raffle tickets. She noted that she thought they could raise another \$100 and they would appreciate anything the Board could give. She added that the Middle School team received \$2,000 two years ago and they greatly appreciated the experience.

Ms. Ziegler then noted that the DI team could not come because of SOL testing; and she wanted them to know that the kids loved DI and it gave them the skills to be successful.

Ms. Brennan thanked Ms. Ziegler for the extra time she had taken to work with the kids and she noted that her Grandson Oliver loved DI. Ms. Ziegler remarked that the elementary level

May 9, 2017

competition was great and it was exciting that they had done so well.

Ms. Brennan then moved that the Board provide funding for the DI team to go to Knoxville and she suggested \$3,500. Mr. Hale noted that they had done \$2,000 last time and Mr. Bruguere acknowledged that the amount was high; however they were younger kids who had less ability to fundraise on their own. He added that he would go along with \$3,500 based on their ages and he seconded the motion.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and funding of \$3,500.

C. FY18 Budget Work Session

Thomas Jefferson Soil and Water Conservation District:

Ms. McCann advised that the Thomas Jefferson Soil and Water Conservation District was bypassed last time and she had made an error in the amount that they had requested. She noted they had requested an additional \$993 which was not currently funded in the budget.

Supervisors then noted that at a previous meeting they had agreed by consensus to provide them with level funding.

Commonwealth Attorney Budget Request:

Mr. Saunders suggested that the Commonwealth Attorney's budget be discussed and Mr. Carter advised that he was requesting an increase in compensation beyond what the Board's supplement policy provided for and also to make a part-time clerical position full-time.

Mr. Saunders noted Mr. Rutherford had asked for approximately \$24,000 and he suggested providing \$6,500 for both items adding that would still result in a total budget of \$10,000 less than last year's budget. In explaining how he came up with that figure, he noted that he had discussed it with Mr. Rutherford and he said he would be happy with that; he noted he could divide up the \$6,500 however he wanted.

Supervisors then had no objections and agreed by consensus to provide \$6,500 in additional funding for the Commonwealth Attorney.

Mr. Bruguere then asked how many hours the current part time person worked and Mr. Rutherford advised that she worked twenty-five (25) hours per week and he was asking for funding for a minimum of twenty-nine (29) hours per week.

Mr. Rutherford then advised the Board that he had a spreadsheet showing how other localities handled supplements and he noted that surrounding jurisdictions did provide supplements for their

May 9, 2017

newest Commonwealth Attorneys and Assistants. He added that his budget had shrunk by \$17,000 as it should have since his predecessor made more than him. He noted that the \$6,500 was less than that and he had asked for those funds not for himself but so his employees could be paid what they were worth. He then added that he took what the Board provided seriously.

Mr. Bruguere then confirmed that he would be able to provide for the part time hours to increase to twenty-nine (29) per week and Mr. Hale added that he would also be able to supplement the Assistant Commonwealth Attorney's salary; which he thought was appropriate. Mr. Saunders stated this was better than the \$24,000 requested.

Mr. Bruguere then asked if the Commonwealth Attorney's Office security had been resolved and it was noted to be under study.

Board of Supervisors Compensation:

Ms. Brennan suggested that the Board entertain giving themselves a raise. She added that she would not be there to see that raise; however she thought the Supervisors were hard working people. She then suggested a raise of \$1,000 each.

Mr. Hale suggested that their annual compensation go from \$6,000 to \$7,200 adding \$6,000 to the Board's budget. Mr. Carter advised that if approved, the raise would be effective January 2018. Ms. McCann added that she would have to calculate Social Security taxes and figuring it would go into effect in January. It was noted that if they did the raise effective any sooner, it would have to be done by passage of an Ordinance.

Ms. Brennan reiterated that anybody who had not been on the Board could not understand how much work was done.

Mr. Hale then noted the annual compensation for Board members of other localities noting that Madison County paid \$9,000 and King William County was paying \$10,000. He added that there were also others that were lower with comparable population sizes to Nelson. In contrast he added that Arlington Supervisors made \$52,000 per year and Fairfax paid \$95,000 per year.

Mr. Hale then reiterated Ms. Brennan's sentiments and noted that the Board members were conscientious in their efforts to see that taxes were spent well and in many cases their actions had saved the County far more than the compensation they were paid.

Mr. Carter advised that the Board would have to pass a resolution effecting the raise or they may be able to just include it in the budget adoption resolution.

Ms. Brennan then moved to increase the Board's salary by \$1,200 each and Mr. Bruguere seconded the motion.

May 9, 2017

Mr. Harvey noted he was not there for the money and a 20% increase was a lot. Mr. Hale then advised that their last pay increase was in 2008.

There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting No.

1. Other Funds

Ms. McCann provided the following overview:

May 4, 2017
Overview of FY18 Other Fund Budgets

Debt Service Fund

Debt service expenditures relative to the General Fund total \$1,050,563, a decrease of \$332,572 due to the payoff of Solid Waste debt in the current fiscal year. The Fiscal Year 2017-2018 budget includes debt service and trustee fees for the following:

- 1) Courthouse Judicial Center (15 Yr. Refinancing, May 2013)
- 2) Radio Project
- 3) Existing Courthouse Renovation (Phase 2)

Debt service expenditures relative to the School Fund total \$2,183,256 and include debt service payments and trustee fees related to the following:

- 1) Rockfish River Elementary (Literary Loan refinanced 5/13)
- 2) Early Retirement Incentive (Refinanced in FY2000)
- 3) NCHS Renovations/ New Middle School (Lease Revenue refinanced in FY12 & VPSA)

All debt is supported by a transfer from the General Fund in the amount of \$3,233,819. County debt reflects an overall decrease of \$332,572. School debt reflects an overall decrease of \$15,006 (net decrease in interest payments due).

Ms. McCann also provided the following debt service pay-off schedule:

County Debt Service

Principal Bal. Avg. Annual

May 9, 2017

General Fund Debt:	<u>Last</u> <u>Payment</u>	<u>6/30/2017</u>	<u>Payment</u>
VRA 2013A (Courthouse Judicial)	10/2027	\$ 4,630,000	\$ 529,350.52
VRA 2007 (Solid Waste)	10/2016	\$ -	\$ 332,287.50
VRA 2012 (Radio Project)	10/2022	\$ 1,020,000	\$ 195,129.70
VRA 2015 (Courthouse Ph.2)	10/2030	\$ 3,420,000	\$ 323,820.00

		Principal Bal.	Avg. Annual
School Debt:	<u>Last</u> <u>Payment</u>	<u>6/30/2017</u>	<u>Payment</u>
VRA 2013A (Lit Loan RRiver)	10/2018	\$ 470,000	\$ 263,968.65
VPSA (NCHS/NMS)	07/2023	\$ 6,720,000	\$ 1,145,651.20
VRS Refinance	05/2018	\$ 66,987	\$ 70,467.95
BB&T (NCHS/NMS)	08/2027	\$ 7,565,000	\$ 776,783.43

		Principal Bal.	Avg. Annual
Piney River Water/Sewer:	<u>Last</u> <u>Payment</u>	<u>6/30/2017</u>	<u>Payment</u>
USDA (Water)	10/2047	\$ 446,997	\$ 26,232.00
USDA (Sewer)	10/2047	\$ 608,789	\$ 36,840.00

Ms. McCann noted the two closest pieces of debt to come off were in 2018; adding that the average annual payments were \$263,968.65 and \$70,467.95 for those. She noted that those funds would be available in FY20

Mr. Hale clarified that the VRS Refinancing dollars would come off in 2018 and would be available in FY19

Capital Fund

Expenditures reflect funding in the amount of \$300,500 that was allocated in Fiscal Year 2011-2012 (remains unspent) as a Capital Reserve for the School Division (TRE). An additional expenditure is requested for a transfer of \$25,000 to the Courthouse Project Fund. The budget also reflects an unallocated Capital Reserve in the amount of \$572,751.

No revenue is anticipated in Fiscal Year 2017-2018. The budget is based solely upon existing fund balance.

Ms. McCann noted that the transfer of \$25,000 to the Courthouse Project Fund was because the Courthouse funds had been exhausted. She noted there was no significant cost overrun; but advised that

May 9, 2017

the costs for all of the audio visual features in the courtroom far exceeded what was estimated. She added that the work with Simplex for door access, fire suppression, and controls had also gone beyond estimates and the contingency was based on that. Mr. Carter added that those were separate contracts with vendors and not with Jamerson Lewis Construction. Mr. Saunders confirmed and reiterated that the A/V items in the courtroom was a big overage.

Ms. McCann noted that \$168,000 for EMS vehicles would come out of the unallocated capital reserve and she would make that adjustment.

Courthouse Project Fund

The Courthouse Project Fund expenditure budget for Fiscal Year 2017-2018 includes \$406,270 in architectural and construction related expense relative to the existing Courthouse renovation project. It is anticipated that final project expenditures and retainage will be paid out no later than August 2017.

The project funding initially included bond proceeds of \$4,062,478 (recognized in FY16), remaining fund balance from the previously completed Judicial Center, and a transfer from the General Fund of approximately \$1.4 million. The Fiscal Year 2017-2018 budget reflects the balance of allocated funding and additionally a transfer of \$25,000 from the Capital Fund providing funding to complete the project.

Piney River Water/Sewer Enterprise Fund

In FY17, this budget is increased by \$57 in the telecommunications line. Several phone lines serve as monitoring devices at the pumping stations and it is anticipated that this expense will increase slightly. The expenditure budget reflects no other changes.

Receipts for water and sewer fees are projected to be approximately \$127,000; an increase of \$7,000 over the current year budget. This increase is reflective of seven new residential customers and one non-residential connection installed in Fiscal Year 2015-2016 as well as several payment plans that have recently been implemented. Although no new customers have been installed in Fiscal Year 2016- 2017, the budget allows for six new residential customers in Fiscal Year 2017- 2018. Fees for connection and installation are estimated to be \$42,000 (\$12,000 Connection Fees and \$30,000 installation expense). In Fiscal Year 2017-2018, expenses are anticipated to exceed revenues by \$49,336. This shortfall is covered by a transfer from the General Fund in the amount of \$40,000 and \$9,336 in anticipated fund balance at year end.

Ms. McCann noted the increase in the telecommunications line had to do with monitoring devices at the pumping stations.

May 9, 2017

Mr. Carter noted that the total Rural Development debt was just over \$1 Million and the debt service was less than \$15,000 per year. He added that could be paid off and there was thirty (30) years left.

Broadband Project Fund

This budget will be presented to the Broadband Authority at a later date.

2. Employee Compensation

Ms. McCann provided the Board with the cost to implement the pay study beginning in July as opposed to August as follows:

July 1	12months	33%/2%	50%/2%
Full Time	\$318,169	\$110,378	\$163,579
Part Time	\$35,372	\$13,673	\$19,686
Total	\$353,541	\$124,051	\$183,265
<u>Constitutional & Registrar</u>			
July 1	12months		
Full Time	\$47,856		
Part Time	\$3,036		
Total	\$50,892		

She then reiterated that those employees who were already being paid at or above the market rate would get a 2% raise.

Mr. Hale then noted that a 2% raise for the Constitutional Officers and Registrar was approximately \$50,000.

Mr. Hale noted that the Board had received the results of the pay study last week and it was very complicated. He noted that he felt like there were some areas where he had doubts about some of the comparisons. For instance, he did not think Nelson was in the same category as the City of Waynesboro and the City of Staunton; as he considered them to be different. He then noted that he could not undertake adopting the plan without fairly extensively thinking about it. He added that it gave the Board some idea that many employees may be deserving of the increases outlined in the study; however he thought it premature to adopt its implementation at this time. He noted that the study did represent a lot of work but it was difficult to compare things in a brief time and there were other factors that came into play that had a greater influence. In conclusion, Mr. hale stated he did not want to implement the pay study results at that time. In follow up he noted that implementing the pay study at 33% resulted in a one-time payment of \$74,000 above what a 2% raise would be.

May 9, 2017

Ms. Brennan noted that the Board had asked for the study out of concern about the pay scale and she would be in favor of implementing 33% of the new pay scale as a step in the right direction.

Mr. Saunders agreed and noted he felt that people should be compensated if they worked hard. He added that people switched jobs because of pay and he would like to see something implemented that got the County closer to other counties and it would be a start. He added he had no issues with implementing 33% of the new pay scale or even 50%.

Ms. Brennan acknowledged that some would get a significant increase; however that indicated that they had been significantly underpaid for a number of years. Mr. Hale noted that of the proposed increase, \$124,000 or greater than 40% would go to ten (10) employees and per tab 6g (33%), \$56,000 would go to ten (10) employees.

Ms. McCann explained that part of the issue was that employees were on a pay scale and they had not moved up the scale. She added that long-time employees were not where they should be on the current scale and should be higher based on their years of service. Mr. Carter advised that staff was proposing to drop the steps on the scale and go to a salary range. Mr. Hale agreed that made sense and could happen anyway. Mr. Carter confirmed that they could keep the current salary ranges and just eliminate the steps.

Staff then confirmed that in the plan, those showing that they should make less than their current salary would get a 2% pay increase and nobody would have a drop in pay.

Mr. Saunders noted there was not an easy solution and Mr. Harvey noted that he thought the best thing to do was to study it further. Mr. Hale then noted they would not be able to adopt the budget with that size of an increase. Ms. McCann advised that the funds would come from contingency and that would be advertised as part of the budget to be re-allocated later. She noted they had \$900,000 in recurring funds and if nothing was done with it, it would stay in contingency and if after July first, the Board decided to spend it on something, staff would do a budget amendment to transfer it.

Mr. Bruguiere noted it was worth considering another month. Mr. Carter advised that the decision to do something would be a public one whenever it was decided; even if they kept the funds in contingency.

Mr. Hale noted that there may be a compromise in moving salaries closer to the pay study. He suggested that they provide a 2% raise for all of those employees who were below market rates and apply the 2% to the 100% pay study salary. He added that those who were above market rates would have the 2% applied to the higher comparison.

Supervisors discussed giving 2% across the board for the sake of the Budget and then coming back to the pay study. Mr. Hale noted that if they kept chipping away at recurring funds, they would be faced with finding it in the future. Ms. Brennan noted she still thought they should implement 33% of the pay plan.

May 9, 2017

Mr. Hale then moved that the Board move forward with a 2% across the board pay increase and revisit the pay study possibilities in the coming year. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Bruguere then asked if the study would be brought back up before the end of the fiscal year; and that they needed to sit down and discuss it. Ms. Brennan noted it was most important to look at the position and not the person in it and Mr. Hale noted that the study could very easily be construed as self-serving.

Mr. Hale then questioned what the salaries in the gray meant and Ms. McCann noted that they were ones that when placed on the scale based on years in their position, were off the scale; so they were capped at the top of the scale.

Mr. Hale then inquired where the salaries of the two positions just filled fit in the pay study and Mr. Carter advised he guessed it was below it and Ms. McCann added that they had gone above the bottom of the current scale to bring people in. Ms. Brennan stated that the Board should carefully look at the pay study and revisit it. Mr. Carter noted that the top of the hiring range was given in order to bring candidates in.

Mr. Hale then inquired if the newly hired EMS Coordinator's pay reflected who was coming in and Ms. McCann noted it was more in line with the new scale than the old.

Mr. Carter then advised that if the goal was to get people to the median of the range, then the new Planning and Zoning Director was \$17,000 less than that. He clarified that if the County went with the new scale, they offered \$17,700 less than what should have been offered. Mr. Hale commented that the candidate accepted it and that went to his point of fair market value.

Mr. Harvey then questioned what the Board would do when the School Board wanted the same salary adjustment. Mr. Hale noted that they had been provided the funds and Ms. McCann noted that they had done market adjustments to their scale at times.

Mr. Bruguere questioned having performance evaluations for giving raises and Mr. Carter advised that the County did employee evaluations; however raises were given unless someone got a completely negative evaluation. Ms. McCann added that they had always raised the scale by the percentage increase because the steps were 2.5%.

3. Authorization for Public Hearing (**R2017-29**)

Mr. Hale then moved to approve resolution **R2017-29**, Authorization for Public Hearing on FY18 Budget and he read the resolution aloud.

Mr. Bruguere seconded the motion and Supervisors and staff discussed the date with Mr. Saunders

May 9, 2017

who noted he could not make it on May 25th. Staff advised that the plan had been to hold the public hearing on the Secondary Six Year Plan and the Budget on the same night and the SSYP public hearing had already been advertised for May 25, 2017. Supervisors then agreed that date was okay as presented.

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

**RESOLUTION R2017-29
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON FY18 BUDGET**

RESOLVED, by the Nelson County Board of Supervisors that a public hearing on the FY18 Budget is hereby authorized to be held on Thursday, May 25, 2017 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingson, Virginia.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: The project is progressing well but project completion has slipped to 8-1-17 (albeit 7-15 is possible, per Jamerson-Lewis).

2. BR Tunnel Project: The project has been advertised for bids. A mandatory pre-bid meeting is scheduled for 5-12. Bid proposals will be received no later than 2 p.m. on 5-31-17.

Mr. Carter noted he could not speak to the level of interest in the project; however contractors had to access the Woolpert FTP site in order to get the plans etc. He added that staff had sent the document access information to the previous bidders on Phase I and there were five or six of those. He noted that staff would know after the pre-bid meeting.

3. Lovingson Health & Rehab Center: A sales contract has been drafted. However, completion of a property survey to determine areas the County may retain is pending.

4. 2018 General Reassessment: The monthly update from Wampler-Eanes is attached.

5. Region 2000 Service(s) Authority & Solid Waste/Recycling: The Authority will conduct a focus group meeting on its strategic planning project on May 10th at 6 p.m. at the Hilton Garden Inn, 4025 Ward Rd. in Lynchburg. Project consultants (Draper Aden and Burns & McDonnell) will provide a summary on the planning project's current status.

May 9, 2017

Mr. Carter noted that there were two potential outcomes: expanding onto the Bennett property on a smaller footprint or building a regional transfer station in Lynchburg or Campbell. He noted that he had expressed opposition to a Transfer Station since Nelson had one; however it was to be determined.

6. Rt. 29 Corridor Study: Meetings with industry consultants, scheduled in May will result in the project's completion date moving to June 2017.

Mr. Carter noted that there would be a 3pm meeting Thursday in the County Administrator's Office. Mr. Hale advised that he would not be able to attend and someone else could attend in his place.

7. EMS and Fire Study: Pending re-scheduling with Dept. of Fire Programs.

8. Surplus Property Auction: Scheduled for May 6, 2017.

Added: CSX Properties in Gladstone

Mr. Carter noted he had omitted reporting on CSX Properties in Gladstone and Mr. Hale noted that staff needed to ask if CSX would tear down the dormitory and then move the electrical panels to serve the building left standing. He noted that would give them the information that would help them decide. Mr. Harvey supposed that the seniors would spend all their money maintaining that building rather than supporting the group and he added that they really did not want the building or the liability.

Attachments:

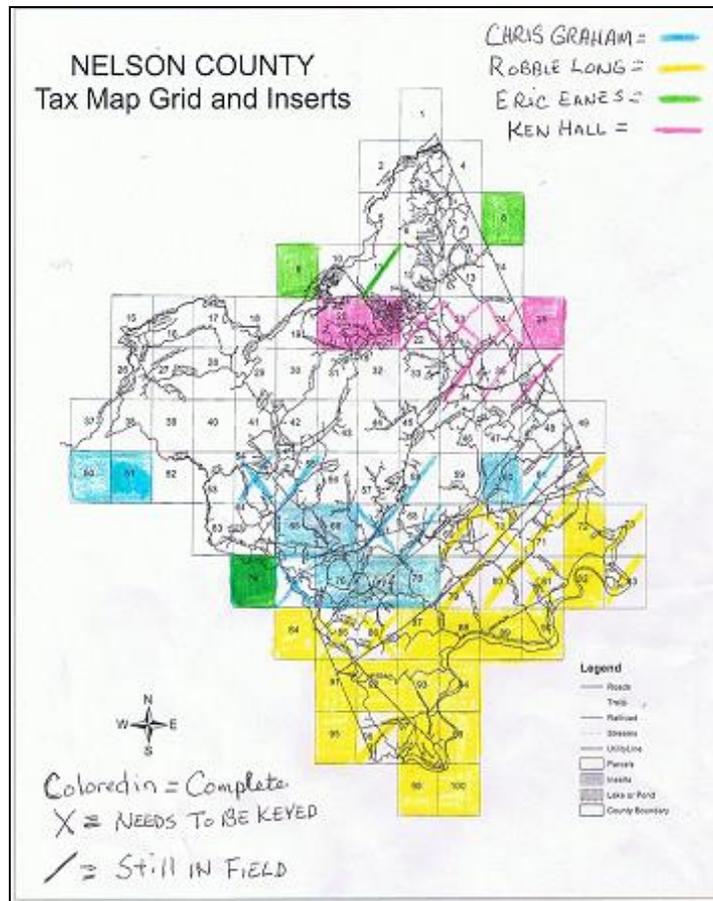
May 1, 2017

Update on Reassessment for Nelson County

- Reassessment process began in November 2016 and is proceeding as planned.
- Field work is 64.2% complete.
- Data entry is 34% complete.
- Currently, four assessors are working in the following areas: Lovington, Roseland, Skyler, Faber and Wintergreen.
- The field work is complete in Lake Nelson and the majority of parcels are worked in Arrington.
- Areas remaining to work are Montebello and Stoney Creek.

Wampler-Eanes appreciates the opportunity to serve the citizens of Nelson County and are happy to answer any questions or provide additional information at the County's request.

May 9, 2017



2. Board Reports

There were no reports from the Board.

B. Appointments (None)

Ms. McGarry noted there were no appointments to be made that day and that the majority of appointments for the year would be in June. It was noted that the County would have to advertise to fill the vacant East District seat on the Department of Social Services Board.

C. Correspondence

Ms. Brennan reported getting a letter from someone in Florida regarding a Board member in Amherst County. Mr. Carter noted he and the other Supervisors also got the letter and it was noted that it pertained to something that occurred a while ago.

May 9, 2017

Ms. Brennan reported getting a letter from the Historical Society.

Ms. Brennan reported getting an email from Victoria Jenkins regarding re-use shed issues. Mr. Carter noted he had also received the email and he had asked Maintenance to stripe the area she had noted. He added that a work order had been generated for that and also the shelving that she had referenced. He then noted that he was not sure a painted crosswalk to the shed was needed and he added it was hard to line gravel, however that was what would be done. Mr. Bruguere advised that an Attendant in Roseland had said that nothing had changed at Rockfish.

Ms. Brennan reported getting a copy of a letter from Dickie Bell regarding the use of Jake brakes. Mr. Hale then noted that the Board needed to find out from VDOT what was needed in order to put no Jake Brake signs up at the top of the Lovington Gap heading down Route 29. He added that it was within the authority of the local jurisdiction. Mr. Harvey noted that use of those was a major safety issue and Mr. Bruguere added that trucks needed to do whatever they needed to do to be able to stop.

Mr. Hale noted he was saying that it was preferable for them to put on their regular brakes. He added that trucks came down from the Gap and did not slow down and went through the stop light far exceeding the speed limit. Ms. Brennan then suggested that they talk to VDOT about it next month.

Mr. Saunders noted having received an email regarding the ownership of Calohill Drive. He noted attending the County auction that Saturday and noticed a piece of property was now for sale. It was then noted that Mr. Doug Long owned Calohill Drive to the paved area and that the property owners should have a meeting about what to do with the road. He noted that a road maintenance agreement existed; but there was no money. Mr. Carter advised that the EDA would pursue that again as a year ago, the Board had directed that the EDA assume authority for the agreement. He added that it had been years since the road fund had been maintained. Mr. Carter then noted that the EDA had pursued this last year and their attorney had written an agreement to establish an LLC to assume that responsibility. He advised that a letter was sent out to property owners with no response; so it has been tabled. Mr. Carter then noted that it was his understanding that the property for sale had sold; however the sale had not closed. Mr. Saunders noted that property was beyond the property owned by the County. Mr. Saunders noted Mr. Long owned from the pavement to the other end of the road and he was not sure about an easement. Mr. Carter noted he would check on it and he noted that the road was not built to state standards and only served commercial interests.

D. Directives

Mr. Hale, Mr. Saunders, Ms. Brennan, and Mr. Harvey had no Directives.

Mr. Bruguere noted that the Board needed to talk about the courtroom stenciling and their position to the Judge. He noted that he had several constituents tell him to leave it up since it was a part of history. He added that since the Board had offers of free representation, he thought they should go forward.

May 9, 2017

Mr. Saunders suggested that they get in touch with Liberty or an Attorney named Stanley that won a similar type of case in Franklin County.

Mr. Hale stated that he thought the Board would be well advised to follow the wishes of the Circuit Court Judge who had given them the option to have it there but to cover it during court. He added that it could be uncovered for historical gatherings. He noted the Board did not need to spend money on this and it was subject to suits. He noted he felt strongly that it was a matter of religious freedom and there were people who were not believers in one God or at all and if they had the whole jury sitting there staring at it, that would be an imposition of one religion over another. He reiterated the Judge's preference and noted he was familiar with legal issues that might come up if it were left visible to the jury.

Mr. Saunders noted that Jerry Fallwell, Jr. gave a great explanation of Church and State recently. Mr. Bruguiere agreed he did not want to spend money on it but the County had people willing to defend the cause; it was history. Mr. Hale then cited the Virginia Statute of Religious Freedom and Mr. Saunders agreed that they should not spend money on it.

Supervisors then directed that a meeting with Judge Garrett should be set up with a committee of Mr. Harvey and Ms. Brennan.

VI. Adjournment – No Evening Session Will Be Held

Supervisors and staff noted that continuation of the meeting was required to May 25, 2017 for conduct of the previously approved public hearings.

At 4:30 PM, Mr. Hale then moved to continue the meeting until May 25, 2017 until 7pm 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 meeting adjourned.