

October 8, 2019

**Virginia:**

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

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

Absent: None

**I. CALL TO ORDER**

Mr. Saunders called the meeting to order at 2:00 pm, with all Supervisors present to establish a quorum.

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

**II. CONSENT AGENDA**

Mr. Rutherford moved to approve the Consent Agenda and Mr. Bruguiera seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Minutes for Approval (**R2019-37**)

**RESOLUTION R2019-37  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(September 10, 2019)**

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**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **September 10, 2019** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Budget Amendment (**R2019-38**)

**RESOLUTION R2019-38  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2019-2020 BUDGET  
NELSON COUNTY, VA  
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**BE IT RESOLVED** by the Board of Supervisors of Nelson County that the Fiscal Year 2019-2020 Budget be hereby amended as follows:

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

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$10,663.50	3-100-009999-0001	4-100-21060-3160
\$16,684.50	3-100-002404-0017	4-100-21060-7041
\$13,311.10	3-100-001899-0005	4-100-91030-5621
\$2,860.00	3-100-003303-0008	4-100-31020-3035
\$15,100.00	3-100-003303-0008	4-100-31020-3029
\$2,863.49	3-100-001901-0030	4-100-31020-1003
<u>\$2,986.70</u>	3-100-001899-0020	4-100-71020-5410
<b>\$64,469.29</b>		

C. Change in JAUNT Board Term (**R2019-39**)

**RESOLUTION R2019-39  
NELSON COUNTY BOARD OF  
SUPERVISORS CHANGE IN JAUNT BOARD  
TERM**

**WHEREAS**, the Nelson County Board of Supervisors hereby establishes that an alternate term of office for the Jefferson Area United Transportation (JAUNT) Board is necessary due to a request from JAUNT that the term align with the County's fiscal year;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors that the new JAUNT Board term is July 1<sup>st</sup> through June 30<sup>th</sup>, with the three-year term length remaining unchanged. This resolution shall be effective immediately.

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**III. PROCLAMATION – P2019-03** October is Domestic Violence Awareness Month

Mr. Rutherford read the following proclamation:

**PROCLAMATION P2019-03  
NELSON COUNTY BOARD OF SUPERVISORS  
OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH**

**WHEREAS**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual’s privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, no one person, organization, agency or community can eliminate domestic violence on their own— we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency and the Nelson County Domestic Violence Task Force have led the way in the County of Nelson in addressing domestic violence by providing services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 40<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence; and

**WHEREAS**, the Nelson County Domestic Violence Task Force currently provides victim advocates and a support group for those seeking relief from domestic violence in Nelson County;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency and the Nelson County Domestic Violence Task Force, the Nelson County Board of Supervisors do hereby proclaim the month of October 2019 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the scheduled activities and programs sponsored by these organizations, and to work toward the elimination of personal and institutional violence against women, children and men.

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Mr. Rutherford moved to approve the Proclamation **P2019-03** and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the proclamation was approved.

#### **IV. PUBLIC COMMENTS AND PRESENTATIONS**

##### A. Public Comments

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

Mr. Rose stated he was coming to the Board on behalf of the Gladstone Senior Center and thanked them for their support of the center as well as their new stove and hood. He noted that Ms. Gunter is passing pictures around showing the new equipment. He stated that they as well as Gladstone Fire and Rescue are now able to cook at the center and don't have to bring food from home.

Mr. Rose also noted his hope for the Board to consider doing a 10-year comprehensive economic development plan for the east side of Route 29. He stated businesses are needed in that area and added that the part of the county including Shipman, Arrington, Wingina, Norwood, and especially Gladstone has seemed neglected for a long time.

###### 2. Shirley Gunter, Gladstone Senior Center

Ms. Gunter invited the Board, Staff, and their families to a dinner to be held at the Gladstone Fire Department to show their appreciation. She noted the date of the dinner is November 2<sup>nd</sup> at 3:00 pm. She then passed out the invitation to the Board as well as pictures of the new stove and hood.

###### 3. Jennifer Rous, Roseland VA

Ms. Rous stated she moved to Nelson County in May of 2017 with the intention of building a successful farm business. She bought a 36-acre property in Roseland that includes a small vineyard and worked hard, improved her property, paid her taxes, and supported local businesses. She noted her 7-acre vineyard has been in place for about 20 years, and she added she does not have a winery, but just sells her grapes to local winemakers. She stated they are her product and livelihood. Ms. Rous then noted her neighbor has a herd of, by his estimate, 65 cattle on a 100-acre property across Hat Creek. Since moving here, she has occasionally seen 1 or 2 cows on her property and thought they belonged to a herd that lived in a neighboring field to the south. She stated another neighbor gave her the phone number for the owner of those cows, and she called and left some messages. She never heard back, but the cows soon disappeared after she saw them in the vineyard. In August of this year, she discovered that the cows actually belonged to her neighbor across Hat Creek. On August 8, she saw a truck drive into her field, and she went to investigate. She met this neighbor because he was looking for his cattle that had escaped. Shortly after that introduction, her grapes began to ripen, and the neighbor's cattle began to

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break out nightly, cross the creek, wander into her vineyard, and eat her grapes. She noted her business partner informed her of the situation on August 27<sup>th</sup>. After seeing the extent of the damage, Ms. Rous reached out to the neighbor on August 29<sup>th</sup> and respectfully asked for his help to keep his cattle out of her vineyard and away from her grapes. He was quick to tell her about what he claimed was the Virginia State Fence-Out Law, and if she wanted to keep livestock off of her property, she had to build a fence. She stated she talked with Officer Kevin Wright from Animal Control and learned that the state law is actually a fence-in law, but Nelson County had opted out of compliance when offered the opportunity to do so during its implementation. She noted her neighbor seems to believe that this fence-out policy absolves him of any and all responsibility for properly containing and responsibly managing his herd. During the weeks of her daily cow patrols, she saw 15-20 of his cattle in her vineyard every single day. She continued to ask her neighbor for his help to no avail, and this went on for 2 weeks until September 6<sup>th</sup>, when her business partner constructed a make-shift fence. This allowed them to get through the harvest without any further damage or loss, but it's not a permanent solution. She stated one ton of grapes yields approximately 720 bottles of wine, and the estimated 2 tons of grapes that her neighbor's cows ate equates to about \$4,000-\$5,000 in gross grape sales. Virginia wine makers are saying that grapes grown this year should create a stellar vintage, so the value in wine sales is 8-10 times that. Because of this tragic loss, her business partner canceled their long-term arrangement after only one season, which leaves her to bear this burden alone. She stated most ranchers she knows are responsible and care deeply about where their herd is and what they are eating. She does not wish to punish the responsible rancher for the acts of the irresponsible and added she does not understand how it is fair to have a law or policy that unjustly benefits some citizens at the expense of others. She asked the Board to change the existing policy to one that is fair and equitable to all Nelson County citizens and holds livestock owners accountable for responsibly managing their herds.

#### 4. Stu Loving, Faber VA

Mr. Loving addressed the fence-out policy. He stated the Board has not wanted to change it because they do not want to hurt the farmer, because the farmer feeds us. He noted trespassing livestock, cars hitting livestock, property damage from livestock, and nuisance problems are all contributed to the fence-out policy. He added there are no positive attributes to fence-out, and it has outlived its usefulness. He then noted the only thing fence-out accomplishes in today's environment is to enable and reinforce bad behavior for far too many irresponsible cow owners. He added that people who already are responsible are not part of the problem.

#### B. VDOT Report

Mr. Jeff Saylor introduced himself as the Administrative Assistant for the Appomattox Residency VDOT in Appomattox. He followed up on the concerns from the last board meeting:

- Routes 722 and 693: The contractor completed cutting and an inmate crew did some limbing behind the guardrail and intersection work

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- Route 6 (River Road): There were concerns about tree limbs overhanging the road and leaning trees. This is scheduled with a contractor for September 2020 and Route 6 Afton area is scheduled for April 2020
- Concern about broken trees laying along roadway: Crews currently are concentrating on patching with the warm weather. As soon as that pattern breaks, they will start with debris cleanup
- Route 56 Montebello area: Concern was related to pavement in bad shape in eastbound lane. Crews worked last week and this week on this. This is also on a paving schedule for summer 2020 to get that sealed over.
- Old sign island at Route 151 and 250 intersection: Will likely do a nighttime operation due to volume of traffic here. They are doing temporary patching on it right now but will do a permanent repair.
- Low shoulders on 29, 151, 56, and 6: Some repairs have been done on 56 in Red Apple Orchard area. 29 repairs are scheduled for October 15<sup>th</sup>. 151 and 6 repairs are scheduled for November 1<sup>st</sup>.
- Wilson Hill Road bridge issue: Area was inspected and they did not see any pipe failing, but the pavement is stressed. It is scheduled to be patched.

Mr. Saylor noted that something new coming out is Federal Highway Administration (FHWA) weight restrictions on bridges for special hauling vehicles (SHV) and emergency vehicles. The FHWA has updated federal bridge standards and now requires that bridges and structures be evaluated to determine if weight restrictions should be set or adjusted for SHVs and emergency vehicles. These standards apply to all state departments of transportation and all localities that maintain bridges. Currently, about 85% of bridges statewide have been evaluated for SHVs. The majority of these bridges that will receive new or adjusted weight restrictions for SHVs are on the secondary system. There are no new SHV weight restrictions on interstate bridges. He added that installation of weight restriction signs for SHVs at affected bridges will begin as early as September and will continue as evaluations are completed.

Mr. Saylor noted that their Lynchburg bridge section is in the planning stage of replacing the superstructure on Route 620, Farrar Bridge Lane, over the Rockfish River. The posted weight limit now is 12 tons, and once the superstructure is replaced, it will not have a limit. It will still remain a one-lane bridge.

Mr. Saylor then provided a rural rustic program update. So far this year, they have finished the surface work on Falling Rock and completed Campbell Mountain, Perry Lane, and Greenfield. He noted next on their schedule is Rhue Hollow Road, Rhue Hollow Lane, and Jack's Hill.

Mr. Saylor noted that on Friday, October 11<sup>th</sup>, there will be a bridge dedication on Route 29. He asked the Board to mention during the ceremony that carpooling to the bridge location is suggested due to limited parking.

Supervisors then discussed the following VDOT issues:

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Mr. Rutherford:

Mr. Rutherford noted to Mr. Saylor that one stakeholder group that would be of interest for the new bridge weight restrictions is the manufactured housing industry, including the Virginia Manufactured Modular Housing Association.

Mr. Rutherford advised that Route 640, Wheeler's Cove, needs trimming. He then expressed his appreciation for their efforts in Schuyler.

Mr. Bruguere:

Mr. Bruguere noted that he has had a lot of complaints about overhanging trees on Route 655, Roseland Road. He stated another issue is on Dickie Road; there is no water in the creek that runs alongside the road, so now is a good time to have it dredged.

Mr. Bruguere noted that they completed Embly's Gap on the rural rustic plan, but for some reason, the State did not release the money to finish Jack's Hill. The contractor had to leave, and a week later, the money came through. He stated the road is a mess now and would like to get it done before spring.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

Mr. Saunders:

Mr. Saunders noted that there are trees in Colleen on 29 that have been down for a while in the ditchline and asked if VDOT could take care of those when they begin cleaning up debris.

**IV. NEW & UNFINISHED BUSINESS**

**A. Change in November Regular BOS Meeting Date (R2019-40)**

Mr. Carter noted that Staff has drafted a resolution to provide for a change in the November Board Meeting due to the Board's attendance at the annual Association of Counties meeting. He stated if the Board has favorable consideration to the resolution, an alternate date is needed. He added that traditionally, the date has been the Thursday after that second Tuesday. Mr. Bruguere then moved to adopt Resolution **R2019-40** to move the regular Board meeting to Thursday, November 14<sup>th</sup>, 2019 and

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

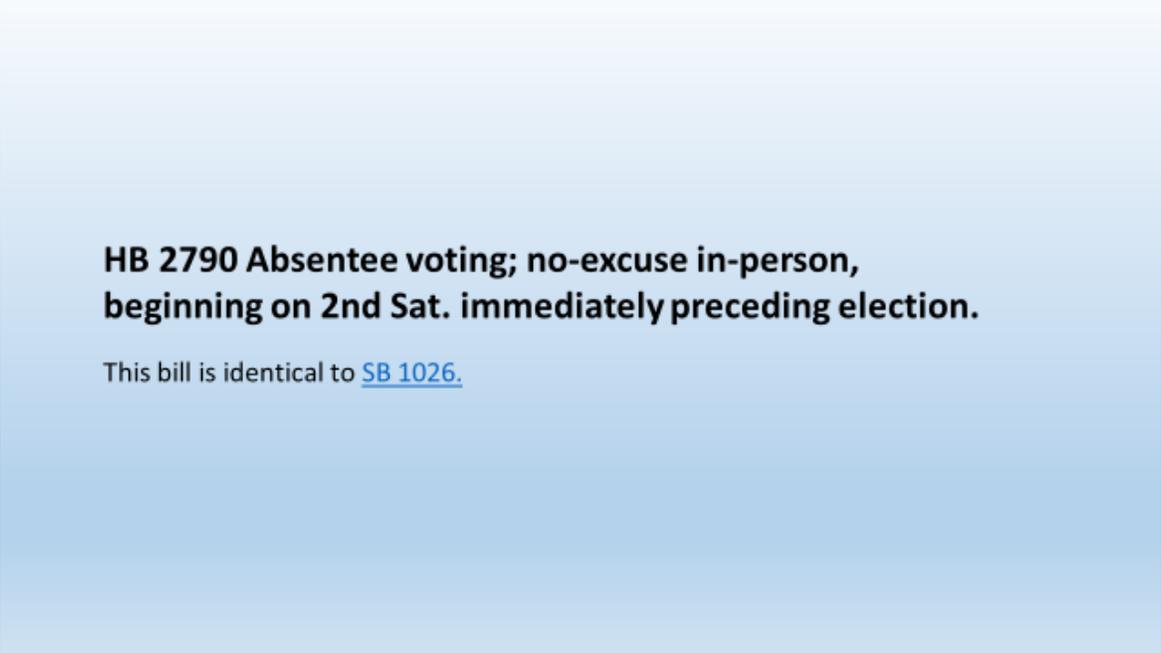
**RESOLUTION R2019-40  
NELSON COUNTY BOARD OF SUPERVISORS  
RESCHEDULING OF NOVEMBER 2019 REGULAR MEETING**

**WHEREAS**, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board's regular monthly meeting on November 12, 2019 is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through November 12, 2019;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 12, 2019** be and hereby is rescheduled to **Thursday, November 14, 2019**.

B. Presentation – No Excuse/Early Voting Report (J. Britt, General Registrar)

Ms. Britt presented the following slides:



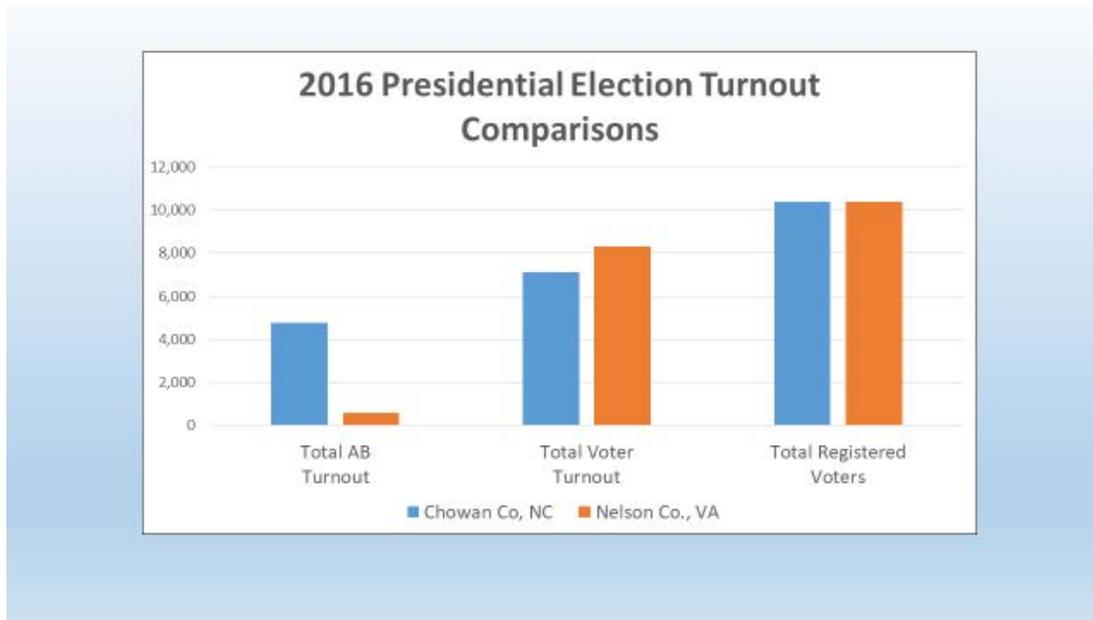
**HB 2790 Absentee voting; no-excuse in-person,  
beginning on 2nd Sat. immediately preceding election.**

This bill is identical to [SB 1026](#).

Ms. Britt noted that HB 2790 was a bill passed in the General Assembly in the last session.

**Absentee voting; no-excuse in-person voting available beginning on second Saturday immediately preceding election.**

- Allows for any registered voter to vote by absentee ballot in person beginning on the second Saturday immediately preceding any election in which he is qualified to vote *without* providing a reason or making prior application for an absentee ballot.
- The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election.
- The bill retains the current provisions for voting with an absentee ballot by mail or in person prior to the second Saturday immediately preceding the election, including the application requirement and the list of statutory reasons for absentee voting.
- The provisions of the bill do not become effective until the November 3, 2020, general election
- State Board of Elections is required to submit a report on the procedures and instructions it creates for conducting absentee voting pursuant to the provisions of the bill.
- This bill is identical to SB 1026.

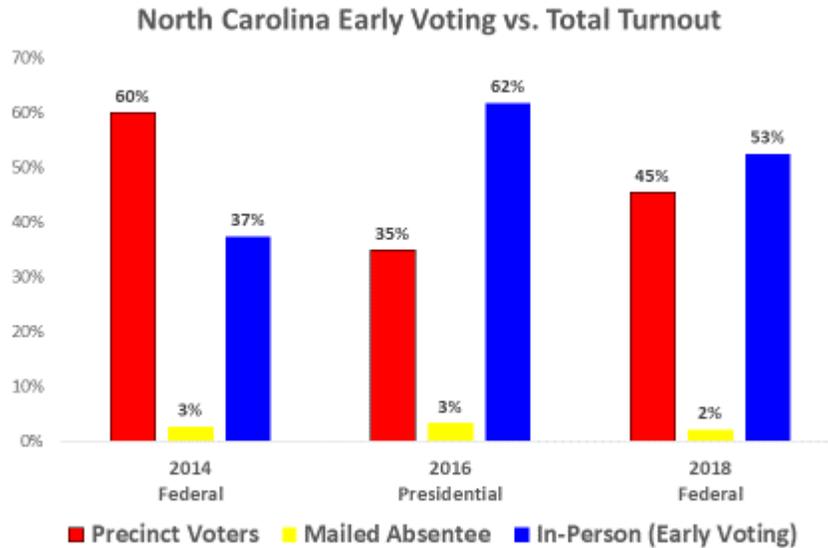


Ms. Britt stated that in 1999, the North Carolina General Assembly authorized ‘no excuse’ absentee voting and for counties to establish one-stop absentee voting sites in locations around their county, not just at the registrar’s office for even election years.

She noted in 2001, it was open to all elections. This allowed One-Stop absentee voting to be conducted starting on the third Thursday before the election and ending on the last Saturday at 1pm before the election. Using the 20 years data provided by North Carolina, we have been able to project our voter turnout in preparing for the 2020 Presidential Election implementation of early voting.

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Ms. Britt referred to the chart contained in the slide. She noted that she used the data from Chowan County in North Carolina because their number of registered voters is comparable to ours here in Nelson County. She stated that Nelson County had 568 absentee voters compared with Chowan County's 4,765 with the no excuse/early voting.



Ms. Britt noted that this chart shows North Carolina's early voting turnout ranges for different types of elections. The red columns are voters that voted in their precincts on Election Day. The yellow columns are the by mail absentee voters and the blue columns are the in-person early voters. In the 2016 Presidential Election in North Carolina, 3% voted absentee by mail, 35% voted in their precincts on Election Day and 62% voted early in-person prior to the election.

**2020 Presidential Voting Forecast for No Excuse/Early Voting**

Total Voters:	10,757
Expected Total Voter Turnout:	85%
Estimated Total Voter Turnout:	9,143
Estimated Voter Turnout:	9,143
Expected Absentee Turnout:	40%
Estimated Total Absentee Voter Turnout:	3,657
Estimated Total Absentee Voter Turnout:	3,657
Expected Mailed/Emailed Out Absentee Ballots:	914
In-Person Absentee Voter Totals:	2,743

**Total 33 Business Day of Absentee Voting**

The First 26 days - Applications  
 required to Absentee Vote In-Person  
 The Last 7 days - No Excuse and  
 No Application Require to vote In-Person

		Est. Voters
Estimated % AB in first 26 days:	25%	686
Estimated % AB in last 7 days:	75%	2,057

Nelson County historically has a voter turnout in the 80% range for Presidential elections. Using that information, we are able to project the absentee voter turnout. National Conference of State Legislatures data (affirmed by the NC data) shows anywhere from 30% to 67% of total turnout to be Early Voting.

Ms. Britt noted that what is shown in this slide is the midpoint of 40%.

*A note of Caution:* there could be a higher turnout due to the media, 3<sup>rd</sup> party organizations, social media and political parties advertising the early voting option.

<b>No Excuse Early Voting Daily Count Down Estimates.</b>		
	<b>2,057</b>	
<b>1st Saturday</b>	<b>20%</b>	<b>411</b>
<b>Day 8 - Mon</b>	<b>15%</b>	<b>309</b>
<b>Day 7 - Tues</b>	<b>9%</b>	<b>185</b>
<b>Day 6 - Wed</b>	<b>8%</b>	<b>165</b>
<b>Day 5 - Thur</b>	<b>8%</b>	<b>165</b>
<b>Day 4 - Fri</b>	<b>15%</b>	<b>309</b>
<b>Last Saturday</b>	<b>25%</b>	<b>514</b>

Of those 3,657 projected that will vote by way of an absentee ballot in the 2020 Presidential election, it is estimated that 75% of them will wait until the last week to cast their ballot in-person without an excuse. That would equate to 2,057 early voters casting their ballots in the period between Saturdays, October 24, 2020 and October 31, 2020 preceding the 2020 Presidential Election.

Ms. Britt noted that these numbers are an estimated breakdown of the No Excuse Early Voting daily voters casting ballots from Saturday to Saturday for November 2020 using our current voter registration numbers.

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## Current Office Absentee Voting Space



These photos show our current space in the Registrar's Office. We are able to handle the current level of absentee voting. The current space will not accommodate the number of voters projected to cast a no excuse absentee ballot. Additional temp staff, equipment, parking, and security will be required. A larger space will be needed for the General Registrar's office or an additional satellite location for the No Excuse Voting period from Saturday to Saturday. Our current location has been working very well for us and would continue to be adequate except for the new No Excuse Early Voting requirements.

Ms. Britt noted that we will be receiving further implementation guidance and requirements from the State Board of Elections and she will share that as it is received.

## Elements to consider:

- Voting Area – space for processing large numbers of voters per day.
- Voting Equipment Needed –
- 12-16 voting booths, 2 electronic pollbook (EPBs), 1 printer , 1 tabulator (ballot scanner), and 1 ADA ballot marker
- Processing Area – workstations for 6 employees
- Data and phone line drops for two staff workstations
- Ballot Security Area – Security cages or room
- Parking - designated voter parking and Handicap curbside voting spaces
- Office personnel security measures

This last slide details some of what will be needed to set up a satellite voting location for the No Excuse Early Voting facility. We will know more once the guidance is received from the State Board of Elections.

## Preliminary Estimated Budget Cost

### County Administration

- Space: Unknown
- Parking
- Ballot Security Area: Unknown
- Phone/Internet Access: Unknown

### Registrar Department

- Voting Equipment
  - 12 Booths: \$6,000
  - 2 Electronic Pollbooks w/software: \$1,500
  - 1 Printer: \$200
  - Tabulator (Ballot Scanner): \$6,040
  - 1 ADA Ballot Marker: \$4,000
  - 1 Curbside signage/call bell: \$500
- 4 – 6 additional staff/temps: \$3,500
- Workstations: Unknown
- Data Connectivity: Unknown
- \* These costs are estimates and have not been quoted.

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Ms. Britt noted two definite figures are a new ballot scanner for a different location and the ADA ballot marker; she did get those prices quoted.

Ms. Britt then reiterated that there is a lot to consider regarding costs and implementation, and she does not have the answers today, but she wanted to get this in front of the Board so we can start preparing.

Mr. Rutherford asked if the State will help out with any of these expected costs. Ms. Britt noted that the State is saying there is no cost effect to the General Assembly, and the Department of Elections will incur a certain amount of expense to update their voter registration information system. There is currently no planned funding for the localities, and she added they are partnering with various organizations to try and acquire some money for the localities. Ms. Britt reiterated that this change is something that is definitely going to happen as the law has already passed, and there is the possibility that the Saturday to Saturday time period may be expanded, which would increase costs on a local level.

Mr. Bruguiere asked if increased voter participation is anticipated because of this. Ms. Britt stated yes and added it will change the dynamics of voting.

Mr. Rutherford asked if she expects they'll make primaries and caucuses earlier in the year because of this. Ms. Britt stated they would have to change the Constitution for that because those are set dates.

### C. Paving of Nelson Center Parking Lot

Mr. Carter stated that County Staff did follow up with the Nelson Center manager on the Board's proposal to acquire the parking lot at the Nelson Center. He noted that Mr. Krieger, the manager, followed up and said that he had been directed by his board not to accept or consider that proposal, and the Center is proceeding with priming and sealing the parking areas. Mr. Carter added that they submitted an annually renewable no-cost lease agreement to the County for the use of the parking area at the Nelson Center by the patrons of the library, library staff, staff of the Department of Economic Development and Tourism, and visitors to the Visitor Center. He noted that he polled the Board while he was out on vacation, and Staff did not sign the lease agreement. Staff did acquire a certificate of insurance from VACORP, so we are ready to proceed with that if the Board wants to consent to the lease agreement, which historically has never happened before.

Mr. Saunders asked if the County is still expected to pay for part of the paving. Mr. Carter stated that in Mr. Krieger's follow-up, he made no mention about the County providing any funding for this priming and sealing, so the Board is under no obligation to do so.

Mr. Reed asked if Mr. Carter sees any liabilities connected to this that should be considered. Mr. Carter stated the certificate of insurance protects the County if something were to happen. He added that Staff is unsure after all the years of the partnership why the lease agreement is necessary, and he noted they

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maybe spoke to their attorney. He noted that Mr. Payne looked at the agreement and had no real issues with it, and it is no expense to the County. He added it is more or less a formality.

Mr. Harvey stated he does not like the fact that the County is putting money into the library expansion and we do not own the land that we're parking on.

Mr. Carter noted that this lease agreement they've submitted is annually renewable and would begin once the Board would approve it. He reminded the Board that the parking at the library is going to lose 2 spaces from what was there before due to the expansion. So, there will still be parking, but when there is overflow of patrons or employees because of the volume of library traffic or Visitor's Center, our Staff or citizens will park over at the Nelson Center.

Mr. Rutherford asked if the lodge behind the library is signing the same lease. Mr. Carter stated not that he is aware of, and he's not sure if they would need it.

Mr. Bruguiere noted that the lease would guarantee us parking, even though they didn't want to sell or give the lot to us.

Mr. Saunders noted the County would be in good standing if we would pave the loop road that goes to the exit in front of the Nelson Center, and that would be a benefit to everyone.

Mr. Reed stated he doesn't see any problem with signing the lease agreement and added the Board may want to consider having longer than a one-year term. He noted that doing this would seal their relationship for an extended amount of time.

By consensus, the Board agreed to defer this subject and have Staff ask Mr. Krieger why the Nelson Center staff did not accept the proposal, the reason for the lease agreement, and if they will consider an extension on the agreement.

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

### **A. Reports**

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

**A. BR Tunnel Project:** The Phase 2 Project's completion date is currently projected to be 10-31-19 due to change orders to substitute the use of shotcrete for brick installation in a section of the Tunnel's brick liner that is very wet, preventing the installation of new brick to the existing brick liner. A project walk through (substantial completion) inspection is scheduled with VDOT staff for 10-23. The Phase 3 Project has been awarded to Fielder's Choice Enterprises, including a Notice to Proceed, effective on 9-30-19. As such the two project phases will be concurrently in process until Phase is completed. Phase 3's completion date is 6-30-20. Lastly, VDOT staff have requested (informally) the scheduling of a

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ribbon cutting ceremony for the Phase 2 Project; confirmation and details are pending receipt and scheduling.

Mr. Saunders asked who the inspector was for this job. Mr. Carter stated that Chuck Miller was the County's daily inspector, and Fielder's Choice had their own geotechnical inspectors. He added that the County's engineering staff and the sub-engineer to Woolpert also had people there daily for weeks on end. He noted that VDOT staff would periodically come as well. He added that this is a locally administered project, so the responsibility is the County's. Mr. Saunders noted that he would like to see a punchlist of all the inspectors.

**B. Broadband:** Approval of the local middle mile network's transfer to Central VA Services, Inc. has moved from federal NTIA to (the) federal NOAA grants office, which is the final approval required for the network's transfer. This approval is anticipated very soon. A meeting with NCBA, County, CVSI and AEP representatives has been scheduled for 1:30 p.m. on October 7 in the County Courthouse.

Mr. Carter noted the meeting with NCBA, County, CVSI, and AEP representatives occurred yesterday, and they discussed the future of broadband in the county and both boards' objective of universal access to broadband. He added it was a very productive meeting, and Mr. Wood from CVSI suggested he would come back in a couple months with additional information on what their plans are to extend their services beyond just CVEC's footprint.

Mr. Harvey noted he thought it was a very positive meeting. He stated AEP is beginning to replace some transmission lines, and in the next several years, they will replace some of the regular lines. He noted that one thing Mr. Wood with CVSI and Mr. Jackson with AEP had mentioned was a goal of trying to get to pockets of people in certain areas. Mr. Harvey added that Mr. Jackson had indicated that AEP has no problem with CVSI being on their poles, as long as they meet all the requirements. He added that Mr. Wood and Mr. Jackson had already been communicating, and these meetings/follow-ups will be continuous.

Mr. Rutherford asked if there is an update on the Connect America money. Mr. Carter noted that Mr. Wood had stated that they are still trying to determine how to use that funding most effectively. He added that they have the obligation to work within census tracts, but they can sort of pick and choose who they are going to serve. Also, they have the commitment to serve or provide access to a certain amount of people, and they are trying to decide how to best meet that obligation.

Mr. Carter noted it sounded reasonable to him that from listening to Mr. Wood speak about CVEC's project partnering with AEP and the FCC funding that possibly during the 5 years of CVEC's project, it could easily move from 80-90+% of the county at least having access to high speed internet.

**C. Library Project:** The project is proceeding well. Architectural Partners Field Report No. 3 is attached for review.

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Mr. Carter noted that the roof framing is coming up and he believes the expansion will be completed by the end of the year, so the library staff will transition over into the new area while Jamerson Lewis is then moving over to the existing library footprint to renovate and work to the final design.

Mr. Saunders noted they have Paul Whitney back as the project superintendent. Mr. Carter confirmed and noted the next project meeting is October 17<sup>th</sup>.

**D. Lovington Revitalization:** Pending is a decision on issuance of an RFP for consultant services to assist with the planning grant project. The School Division has issued an RFP for architectural services and added, per County staff's request, a provision for cooperative procurement that will enable the County to utilize the firm the Division retains, if the firm is well suited to assist the County with the Lovington and/or other County projects. It is understood the Division will make a selection decision on 10-10.

**E. R2KSA:** At the Authority's regular meeting on 9-25, Appomattox and Nelson counties representatives voted against the distribution of excess revenue to Campbell County and the City of Lynchburg, which blocked the distribution of about \$1.3 million to the two localities. It is certain that Campbell and Lynchburg will endeavor to reverse this decision – TBD.

Mr. Carter noted that Mr. Saunders received a letter from the chairman of the Campbell Board expressing their concerns. He added Staff is discussing the issue with Mr. Payne, but he is not sure if anything can be done by either jurisdiction because the member use agreement specifically calls for a vote for that distribution, and a tied vote is a no vote. Mr. Carter noted that his position for many years has been that Campbell and Lynchburg were actually paid for what they called excess airspace, rather than they contributed. He added that Appomattox has done their own research and agree with him at this point.

Mr. Rutherford asked about the amount of this money. Mr. Carter stated the amount changes every year because the local government members have a tipping fee of about \$30.25, but the commercial haulers have a \$10 cost above that, and any monies above operations then become excess revenues. Whatever amount that is at the end of the year gets distributed per the vote.

Mr. Bruguere asked why this amount can't be distributed evenly or by tonnage. Mr. Carter noted this has been discussed over time, but the position he has taken is that Nelson doesn't really want the money, but would rather have a lower tipping fee, which we would benefit from.

**F. Gladstone Depot Project:** As previously advised, a final application for VDOT-TAP funding was not processed, per input from VDOT staff that the application could not move forward that additional work needed to be completed to provide for an ensuing TAP application.

Mr. Carter noted that we could come back during the next cycle and apply. He added it is his understanding that the Friends of Gladstone Depot organization may have a deadline of June 2020 to move the building.

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**G. Piney River Water & Sewer System: 1) GAC Project** – Bidding the project is pending. Input on this is expected from Bowman Consulting by 9-10. A draft agreement for operation and maintenance of the GAC system, which will be in line with NCSA's Black Creek Water Treatment Plant, was forwarded to Authority staff and a red-lined agreement has been returned to County staff for review. **2) System Turnover** - County staff forwarded a letter (copy attached) to NCSA staff to communicate the Board's consensus to transfer the water and sewer system to the Authority. County and Authority staff subsequently met and discussed information presented by the Authority regarding the proposed transfer with County staff requesting a follow up, written response from the Authority that the County could address with respect to endeavoring to effect the system's transfer. The requested response from the Authority is pending receipt.

**H. Edward Embrey Bridge:** The unveiling ceremony for dedication of the bridge to Mr. Embrey is scheduled for 3 p.m. on Friday, October 11<sup>th</sup> at the community room within the Nelson Center.

**I. ACO Office:** The purchase and installation of the modular office building for location adjacent to the ACO Shelter is in process. The building is on site with final installations being completed.

Mr. Carter then noted that Mr. Bruguire had called last week and asked about a local burn ban. He added that Staff drafted and distributed this earlier, and he's unsure if the Board wants to consider it or not. He stated Staff drafted a local emergency ordinance, which would go out of effect in 60 days if the Board didn't act to formally adopt the ordinance. He distributed a map showing the 23 or 27 localities who have enacted a burn ban to date. He noted that Russell Gibson, the County's Emergency Services Coordinator, has checked with all the fire and rescue squads, and their input is strongly encouraging the Board to consider this. He stated that Martha Warring, from the Forestry Department, has suggested waiting until after Wednesday, but the Board will not be back in session. He added that when the Board is back in session on November 14, if there's been considerable rain, they could rescind it at that point.

Mr. Harvey asked Mr. Gibson, in attendance, what comments have been made from the fire chiefs in the county. Mr. Gibson stated they unanimously are in favor of recommending that we enact a burn ban. He noted that Chief Sheets from Wintergreen suggested that we follow the State's lead. He added that the local chiefs, knowing of their own manpower capabilities if there were a wildfire or brush fire to break out, would prefer to have a ban in place to not add that additional chance. Mr. Gibson noted the forecast is for higher temperatures and drier than normal.

Mr. Rutherford asked if this has to be 60 days or if they can make it from this meeting until the next meeting. Mr. Harvey noted that they can take it away at any time. Mr. Carter noted they could have a special meeting, and this is just a precautionary measure.

Mr. Harvey then moved to adopt Emergency Ordinance **2019-01** and Mr. Bruguire seconded the motion. Mr. Bruguire noted that October is one of the highest camping months in the whole year and added this is worthwhile. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following emergency ordinance was adopted:

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**EMERGENCY ORDINANCE 2019-01**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**LOCAL BURN BAN**  
**(October 8, 2019)**

**WHEREAS**, there exist extremely dry conditions which create an immediate and substantial threat of fire; and,

**WHEREAS**, it is appropriate and necessary that an emergency ordinance be adopted banning open air burning;

**NOW, THEREFORE**, pursuant to Sections 15.2-1427F and 15.2-992.1 of the Code of Virginia, **BE IT ENACTED:**

1. The making of fires in streets, alleys, and other public places and on private property is hereby prohibited.
2. Violation of this ordinance shall be punishable as a Class 2 misdemeanor.
3. This ordinance shall expire in sixty days unless readopted in conformity with the provisions of the Code of Virginia.
4. The provisions herein shall be effective upon adoption.

2. Board Reports

Mr. Reed:

Mr. Reed noted that the Thomas Jefferson Planning District Commission (TJPDC) has their next meeting on November 7<sup>th</sup>, and the issue of recycling will be discussed. He noted every county is having problems with this, and they're looking to try to come up with some better solutions than we have currently.

Mr. Harvey:

Mr. Harvey noted he had a question for Mr. Gibson. He stated that Rockfish Volunteer Fire Department (RVFD) is supposed to be picking up their ambulance tomorrow. He understands that Roseland Rescue Squad just put a new engine in one of their vehicles. Mr. Gibson noted that Roseland had a vehicle that was down for some time, and this had been planned maybe late last year. Mr. Harvey asked if this is one

that works in our fleet, and Mr. Gibson confirmed. Mr. Harvey stated that they need to be aware of the procedure and added that theirs may have been more expensive. Mr. Gibson noted he thought Roseland was doing this on their own, and it was not part of the regular rotation. Mr. Carter stated Staff is not aware that they have asked for any funding. Mr. Harvey stated that they need to get in the loop. Mr. Carter noted that Staff will need to reach out to Roseland because they have not been in contact about payment.

Mr. Rutherford:

Mr. Rutherford asked Dr. Eagle, in attendance, if she has a report on the roof at Tye River Elementary School. Dr. Eagle stated a couple people have looked at it, and they are doing interviews for a RFP to figure out what will work best. She noted that she will return in November with more information.

Mr. Rutherford noted that they had a productive meeting with PVCC in September wherein they discussed career and technical education and workforce development.

Mr. Bruguiera:

Mr. Bruguiera had no report.

Mr. Saunders:

Mr. Saunders had no report.

B. Appointments

There were no new vacancies or expiring seats to report.

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<b>Board/Commission</b>	<b>Term Expiring</b>	<b>Term &amp; Limit Y/N</b>	<b>Incumbent</b>	<b>Re-appointment</b>	<b>Applicant (Order of Pref.)</b>

<b>(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. Bruguire, Jr.-BOS		

C. Correspondence

Mr. Bruguire noted he received an email from Senator Warner about a 6-mile section of the Blue Ridge Parkway north of Roanoke being closed due to it being deemed unsafe. He added they are trying to pass a bill to correct the road problems in the National Parks and Blue Ridge Parkway.

D. Directives

Mr. Bruguire noted that Gary Wood with CVEC/CVSI spoke with him before the meeting, and Mr. Wood had stated that the process of waiting on all the VDOT permits is slowing their progress to a crawl. He had asked if the Board and Staff could ask VDOT to speed that process up. Mr. Bruguire asked Mr. Carter to make the call to VDOT.

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

Mr. Bruguire asked Dr. Eagle, in attendance, if they had a man physically inspect the roof at Tye River Elementary School in addition to the drone footage. Dr. Eagle confirmed.

Mr. Carter noted that Staff met with Dr. Bonds, the Regional Health Department Director, last week, and Dr. Bonds expressed significant concern about an office location, as they will have to vacate from the Blue Ridge Medical Center by May 31<sup>st</sup>. He added they are still looking for locations preferably in the Lovingston area. They have a potential site in Colleen, but she said it would be very expensive, and she asked about the vacant side of the McGinnis property in Lovingston. Mr. Carter noted that the Board and Staff would have to look at the floodway situation at that site.

Mr. Carter noted that County Staff have been receiving requests to hunt on the Sturt property and asked for the Board’s input. Mr. Reed stated he is on the committee and has spoken with some people about this. He noted that Pete Rose, the custodian out there, has made hunting available to a select group of

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people that he knows, and he's been monitoring that, and that's how it has been done in the past. Mr. Reed stated that once it becomes a park, hunting is going to be considered one of the activities that would be allowed with some oversight. Mr. Carter noted that the concern has been that select people are allowed by Mr. Rose and other people who want to hunt are being told no, and it's a public property. Mr. Harvey noted this becomes a safety issue as well. Mr. Saunders asked how many acres it is, and Mr. Carter stated around 320. Mr. Reed noted the fact that it is a work in progress makes it different than having it open season, which it is not. He added they are currently doing some clean-up after all of the logging that has been done. Mr. Carter noted that they have about \$70,000 from the timber sales, and what has been discussed internally is coming up with a long-term master plan for the site to include adding trails, site access, culverts, and such.

Mr. Saunders suggested the Board look at the fence-in law again. He noted they should get more information and study it again. Mr. Rutherford asked about the status of it at this time. Mr. Carter noted that it was tabled, and he would ask Mr. Payne if they could take it back up for discussion without an additional public hearing. He added that they had the ordinance ready to go, and it's just a matter of whether the Board wants to reconsider it as well as if a public hearing is required.

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

At 4:05 PM, Mr. Rutherford moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.