

October 9, 2018

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: Thomas D. Harvey, North District Supervisor
Jesse N. Rutherford, East District Supervisor
Ernie Q. Reed, Central District Supervisor
Larry D. Saunders, South District Supervisor –Vice Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Phillip D. Payne, IV County Attorney
Deborah Harvey, Nelson County Historical Society President
Don Austin, VDOT Residency Administrator
Deborah Harvey, Nelson County Historical Society President

Absent: Thomas H. Bruguere, Jr. West District Supervisor – Chair

I. Call to Order

Mr. Saunders served as Chair in Mr. Bruguere’s absence and called the meeting to order at 2:01 PM, with four Supervisors present to establish a quorum.

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

II. NC Historical Society Presentation of Historic Preservation Award for Courthouse Renovation Project (D. Harvey)

Ms. Deborah Harvey, President of the Nelson County Historical Society addressed the Board. She noted that she was pleased to present the Society’s first ever historic preservation award, in recognition and appreciation of the efforts of the Board of Supervisors and Judge Michael Gamble in the preservation of key pieces of history throughout the renovation and expansion of the Nelson County Courthouse. She noted that not only was the Courthouse designated as a historic landmark and listed in the National Register of Historic Places, but as stated by Judge Gamble, it was the centerpiece of the County. She noted that the renovation and expansion of the Courthouse had not only retained and restored the historical integrity of the courthouse but also provided the necessities required for 21st century and beyond operations. She then congratulated the Board on that accomplishment and noted that they would like to present the plaque as an acknowledgement of their work. She noted that the award was for work completed 2015 to 2017 and recognized the members of the Board at that time. She noted the plaque read as follows:

Nelson County Historical Society, Historic Preservation Award 2018 presented to the Honorable J. Michael Gamble and the Nelson County Board of Supervisors: Connie Brennan, Central District, Thomas H. Bruguere, Jr., West District, Allen Hale, East District, Thomas D. Harvey, North District, and Larry Saunders, South District for the preservation of the Nelson County Courthouse and the Thomas Jefferson designed jail.

October 9, 2018

She then noted that with the Board's approval, the Historical Society suggested that the plaque be hung in the new ante-room of the Courtroom. She again congratulated the Board on the successful renovation and expansion of the Courthouse and thanked them for their service to the citizens of Nelson County.

Ms. Harvey then presented the plaque to Mr. Saunders who thanked the Historical Society and noted that the Board was very proud of the work done on the project.

III. Consent Agenda

Mr. Saunders asked Mr. Rutherford to read aloud Resolution **R2018-52**, October is Domestic Violence Awareness Month. The Board then discussed Resolution **R2018-53**, Change in the November Regular BOS Meeting Date. Mr. Reed noted that he and Mr. Rutherford had the Service Authority meeting at the same date and time as was proposed in the resolution. Supervisors discussed dates and settled on Monday, November 19th.

Mr. Rutherford then moved to approve the consent agenda as revised and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2018-51** Minutes for Approval

**RESOLUTION R2018-51
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(September 11, 2018)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **September 11, 2018** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2018-52** October is Domestic Violence Awareness Month

**RESOLUTION R2018-52
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

October 9, 2018

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 39th 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 2018 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.

C. Resolution – **R2018-53** Change in November Regular BOS Meeting Date

RESOLUTION R2018-53
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF NOVEMBER 2018 REGULAR MEETING

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board’s regular monthly meeting on November 13, 2018 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 13, 2018;

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 13, 2018** be and hereby is rescheduled to **Monday, November 19, 2018**.

IV. Public Comments and Presentations

A. Public Comments

1. Reverend James Rose, Wingina

Mr. Rose noted he was speaking on behalf of Gladstone Senior Center. He noted they had reorganized from eight to twenty-seven members now with four members from Amherst and four from Appomattox. He noted that they needed help in buying a hood for the stove at the center and the price was \$8,960. He added that the hood would benefit the Fire Department and the Senior Center as they were now bringing food from home. He then reported that they had applied for 501 c3 status, the IRS had sent back questions, and he was working with them on it. He noted that they would appreciate the Board’s help and they needed to know if the Board would help so they would know how much more in funding they would need. Mr. Rose noted that it was unsafe and unhealthy for them to bring food from home.

October 9, 2018

Mr. Rose then mentioned the recent accidents on Route 60, and he asked the Board to work with VDOT to do something. He noted that many of the timber trucks travelled fast and there were many accidents on that road; especially around the fire house and maybe they could lower speed limits.

2. Ferris Williams, Appomattox County - Gladstone Address

Mr. Williams noted he had been attending the Senior Center meetings and noted that they had a good place to cook at the old YMCA. He noted that they would be happy to give whatever funds were raised for the stove hood to the Fire Department as well as anything over and above that cost. He noted they would also be asking Appomattox County for help and they had started an account for the money raised. Mr. Williams then asked the Board to help to purchase the hood.

3. Janet Wellman, Lovingson

Ms. Wellman read the following prepared statement:

“Good afternoon to the Nelson County Supervisors

Request

Wood's Mill Property Owners Association would like to explore the possibility of having a 1 1/2 mile portion of Old Ridge Road (route 700) improved and once again maintained by the state.

History

The state maintained the entire 2 miles of route 700 until February 1949 when it abandoned maintenance. We've been told route 700 was part of the Old Lynchburg Turnpike. It's been around a long time.

At the time that maintenance was abandoned there was a church and very little else located on the road and the common tore is that the state stopped maintenance because the church was no longer used. The reason given for maintenance abandonment was "No essential service". It is our understanding that the road remained public even when it is privately maintained.

In 1973 when 304 acres were sold, that later became Wood's Mill subdivision, the deed clearly states that Old Ridge Road is a public road and that the deed includes access to the public road.

The land was subsequently subdivided and parcels sold. The people who purchased the lots believed that this road that is necessary to enter and exit from the lots is a public road and that state maintenance would be reinstated as the subdivision developed and that the road no longer offered "no essential service".

Current Status

I don't know how much traffic the road handles but it is significant. As of now, we have 21 occupied dwellings. The only way into and out from our lots is via Old Ridge Road (route 700). The neighborhood has done its best to do maintenance on the section we use so that the road is passible and safe, but it is frankly an uphill battle. Public safety would be well served if state maintenance were reinstated.

I appreciate being able to share this with you and hope you give our request full consideration.”

October 9, 2018

Janet Wellman
776 Laurel Lane
Lovingston, VA 22949
434-263-84 7 4

4. Louis Elliott, Arrington

Mr. Elliott noted he was speaking on behalf of the Salt Triad group and was inviting the Board to attend their fair next Tuesday, October 16th at 10 am with lunch served. He noted they would have 8 participants, including: JABA, PACE, JAUNT, NCCDF, and DSS who would present on what they were doing in the community. He added that the fair was a free event and he encouraged them to come out and participate. He added that it would be held at the Nelson Center across from Calvary Baptist Church in Lovingston.

5. Elwood Waterfield III, Arrington

Mr. Waterfield noted he considered himself a whistleblower to corruption in Nelson County noting he had met with the Commonwealth Attorney in 2017 to advise him of past cover ups. He added that there was a history of corruption in the Sheriff's Department and he wanted a board of citizens appointed to investigate complaints.

Mr. Waterfield then noted that it was 2018 and he still lived on a gravel road. He added other roads were tarred and graveled or surface treated and he was sick of eating dust. He advised that at one point his road (Cedar Creek) was #1 on the 2005 Rural Rustic priority list to be paved. He added he wanted a board of citizens to handle how Rural Rustic road funds were spent. He then noted how ridiculous it was that so much money was paid to road contractors and he bemoaned the amount of money spent on the Harry S. Harris Memorial Bridge that could have gone towards paving.

Mr. Waterfield then noted how ridiculous it was to cancel school for LOCKN.

Mr. Waterfield then noted illegal dumping on Findlay Gap Road that he had reported to DEQ five years ago and nothing had been done. He noted he had spent 15,000 hours picking up 500 Tons of trash in the County. He added that the dump was a violation of the Clean Water Act and the Environmental Responsibility Act. Mr. Waterfield noted he was tired of living in a nasty neighborhood where there were drugs and junk yards. He noted that there were many things that people saw that did not get reported to the County and he thought it was time to have county employees clean things up. He reiterated that nobody reported things and that they needed to be reported in writing.

6. Peter Hawes, MACAA

Mr. Hawes Introduced Art Thorne, the County's MACAA Board representative and Georgia Brown, the Rural Outreach agent.

Mr. Hawes then noted he wanted to discuss the outcomes reported and he presented the Board with a handout. Mr. Hawes then noted that their mission was to improve the lives of people living with low incomes by helping them become self-reliant. He noted they had been working on that mission since 1965 and was a designated community action agency with high standards of accountability. He added

October 9, 2018

that they collected local data to have an informed approach to deliver effective services and target the best areas.

Mr. Hawes noted that county funding was approximately \$31,000 per year and was critical to the work that they did. He noted that it was used to leverage additional funding from other sources. He reported that they served 300 people with a cost of about \$100 per client per year for all programs.

Mr. Hawes noted that there were 38 students in the Head Start program in two classes. He noted that the Project Discovery Program had 26 students and that they provided \$18,000 in Nelson County College Scholarships along with the Community Development Foundation. He added that they had four workshops during the year to aid in those applying to and attending college. Mr. Hawes then noted that the Rural Outreach Program provided emergency assistance and other services in times of crises. He noted that 1/3 of families in the county were paying more than 30% of their paycheck on housing. He noted that they helped fill in gaps in order for families to work towards true self sufficiency and that 40% were children and were vulnerable to eviction and utility turn off.

In conclusion, he then thanked the Board for their support.

B. VDOT Report

Mr. Austin of VDOT gave the following report:

Mr. Austin reported that work on Rural Rustic projects on Falling Rock and Buck Creek Lane had been held up by rain. He noted that Route 56 at Crabtree Falls was down to one lane there for slope repairs to prevent sliding. He added that they were using flaggers to maintain one way traffic and he had alerted the schools.

Mr. Austin then reported that pending work included Route 634 by Stoney Creek where there was a pipe failure and that road was down to one lane. He noted there were three other locations that they would be getting back to in the next 30 days.

Mr. Austin then commented on the recent Route 60 accidents, noting that fatal accidents were reviewed by traffic engineering and studies were being done at that location. He added that there had been a double fatality due to one of the vehicles leaving the road and coming back on to hit another head on and VDOT would investigate. He noted that they have discussed installing more center line and edge line rumblers throughout county and that they would look at that location if it was not already programmed.

Mr. Austin then noted he would check on the Rural Addition requests and would work with Mr. Carter and citizens on those.

Members of the Board then discussed the following:

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

October 9, 2018

Mr. Reed:

Mr. Reed commented that he had met with Ms. Wellman and looked at the road; he then inquired about the process. Mr. Austin noted they would look at the laws to see what criteria it would fall under. He noted that there were some funding mechanisms where VDOT did not pay all of the costs and it was a general practice for localities to apply for revenue sharing which was a 50/50 cost share. He added that he would have to look to see where it would fall.

Mr. Rutherford:

Mr. Rutherford advised that Whippoorwill Lane in the Shipman/Elma area needed a new traffic count for paving eligibility. Mr. Austin noted that 50 vehicles per day were needed to be eligible.

Mr. Rutherford then inquired if Tanbark Drive in Lovington could be maintained by VDOT even though it served 100% businesses. Mr. Austin noted he would have to look at it and if it was serving multiple businesses it was probably not eligible. Mr. Rutherford advised that he would like an official review and position from VDOT on it.

Mr. Rutherford then inquired if the trees in the Salem area had been trimmed and Mr. Austin advised it had been looked at but he was not sure it had been done yet.

Mr. Saunders:

Mr. Saunders noted that they had discussed the proposed roundabout at Route 151 and Route 250 several times and he stated that if Nelson County did the maintenance there, then they should have a say in that. Mr. Austin noted that Nelson did the maintenance on Route 151 and Albemarle did it on Route 250. He added that the funding was coming through the Culpeper Office and there were tradeoffs there. He advised that they should be having 3-4 public hearings on it now. Mr. Saunders then noted that the light was working great and he thought it was a shame to spend so much money on it. Mr. Austin then noted that roundabouts were supposed to be safer than lights.

V. New Business/ Unfinished Business

A. Establishment of Local Onsite Permanent Wastewater Pump & Haul Permit and Agreement (R2018-54)

Mr. Carter advised that the consideration was to endorse the application by the County to VDH to hold a pump and haul permit which would allow businesses in the county to establish pump and haul operations at their locations.

He noted that Blue Mountain Brewery had made the request, they had done a test program, and signed an agreement with Aqua Virginia to accept the wastewater. He added that they had purchased equipment and were ready to go.

Mr. Carter then noted that the resolution authorized the County to enter into an agreement with the State Commissioner of Health to establish the pump and haul permit and also to enter into an agreement with Blue Mountain Brewery establishing the framework of their operation under the County's permit.

October 9, 2018

Mr. Carter noted the steps were to endorse the County's application and work with the local Health Department. He noted the initial application went to the Commissioner of Health for review and once approved, any other entity could be under the permit by working with the regional Health Department office rather than every application going to the state for approval.

Mr. Rutherford asked if they had a good contract and Mr. Carter advised that they had a contract that had been executed by Blue Mountain Brewery and they were positioned to go forward predicated on the Board endorsing the application. He added that the draft agreement with Blue Mountain had been included in the Board's package and BMB had executed the agreement. He further advised that the next step was submitting the application to the state. Mr. Carter noted he had seen their equipment and they had been doing a pilot program over the last six months. He added that the real liability was on the permit sub holder, which was BMB.

Mr. Saunders invited Mr. Taylor Smack of Blue Mountain Brewery to speak in order to advise how the pilot program had been working.

Mr. Smack advised that the pilot operation was working great and was better than dealing with wastewater treatment. He noted he had hired a CDL driver, they were pumping 5 days per week, and it was working well. In response to questions, Mr. Smack noted they were hauling nine loads out of Afton per week at 2,350 gallons per load. He noted that Aqua Virginia was thrilled with the operation as it gave them a more regular burst of flow at the lift station. Mr. Smack then noted that they maintained their tanks at 1/3 full, with 30,000 gallons in tank space to continue treatment. He added that also provided a buffer if the truck went down. Mr. Smack then noted he did not know if their peers would take advantage of the permit, but it was a great thing and others could use it. Mr. Smack also noted that their Maintenance Manager was their backup driver.

There being no further questions or discussion, Mr. Harvey moved to approve resolution **R2018-54** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2018-54
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO ESTABLISH A LOCAL ONSITE-PERMANENT
PUMP AND HAUL-GENERAL PERMIT AND AGREEMENT THROUGH
THE VIRGINIA DEPARTMENT OF HEALTH

RESOLVED, by the Nelson County Board of Supervisors that pursuant to Virginia State Code Part IV, Article 4, §12VAC5-610-598 et. Seq., the establishment of a local onsite-permanent-pump and haul-general permit through the Virginia Department of Health is hereby authorized; and

BE IT FURTHER RESOLVED, that the County Administrator, on behalf of the Board, is hereby authorized to execute the attached agreement with the Virginia Department of Health, State Health Commissioner, establishing said permit and listing its approval for Blue Mountain Brewery to pump and haul sewage on a permanent basis from its facilities within Nelson County; and

BE IT LASTLY RESOLVED, that the County Administrator, on behalf of the Board, is hereby authorized to execute the attached agreement with Blue Mountain Brewery, which delineates the

October 9, 2018

framework by which Blue Mountain Brewery will pump and haul sewage on a permanent basis under the County's local onsite-permanent-pump and haul-general permit, once approved and until such approval is otherwise revoked.

B. Consideration of a Livestock "Fence-In" Ordinance (**R2018-55** Authorization for Public Hearing)

Mr. Payne addressed the Board and advised that the Virginia rule was that the landowner needed to fence out livestock. He added that was the general rule and there was no ordinance pertaining to it in recent history. He noted that if a landowner wanted to collect damages, they must fence out livestock with a lawful fence as defined by state code. He then noted that State code allowed for fence in provisions which could make a boundary a lawful fence such that livestock crossing that imaginary lawful fence entitled landowners to seek damages for that trespass.

Mr. Payne noted that with fence out, the burden was on the landowner and with fence in, it was on the livestock owner to prevent trespass and damage.

Mr. Payne then advised that the highway issue was different in that when there were animals on highways causing injury, the liability fell on the livestock owner; however the injured still had to prove negligence. He noted there was also a State Code section that said livestock could not graze on the State right of way unless chained or roped.

Mr. Reed then asked if the proposed ordinance applied to any other animals other than livestock and Mr. Payne noted that it only applied to livestock domesticated by man, which was defined in the state code. He added that it would not apply to cats, dogs, and usual pets. Mr. Payne advised it was an old statute and was not dealt with much by the courts.

Mr. Rutherford asked for Mr. Payne's suggestions on penalties and Mr. Payne related from his opinion what was allowed as follows:

As for penalties for livestock crossing a lawful fence, the Board has two options:

1. No penalty; or
2. Criminal misdemeanor.

It is worth noting that the Board need not provide for a criminal penalty but can leave the injured landowner to his remedy through a private civil action.

He explained that by code, they could make it a criminal offense and assign it whatever level of misdemeanor desired. He noted he could not find where they were entitled to set a civil penalty; however, the civil liability option was always there and would be automatic even if the law were changed; meaning the Board would not have to change anything for that to apply. He noted they did not have that ability now and that in a fence out jurisdiction, they ran the risk of animals damaging crops and so forth if the property owner did not fence out with a proper fence. He added that was a general rule and he had not found anything otherwise.

Mr. Rutherford then asked what other counties had in place and Mr. Payne noted that half were fence out and he was not sure if they had criminal penalties involved. Mr. Rutherford noted he did not want to

October 9, 2018

go after the farmer with a class 5 misdemeanor but would like to see a small fine. Mr. Payne noted he was not sure they could impose a civil penalty. He added that the problem with it was that cows could do amazing things, jumping over 6 ft. tall fences for example and criminal offenses usually required intent to violate the law. He noted he could see what other jurisdictions had as far as penalties. Mr. Harvey commented that he thought Amherst was working on something.

Mr. Rutherford noted he would like to see some form of civil penalty rather than going straight to imposing misdemeanors. Mr. Carter noted his concern was to consider tying up police or staff if a penalty was involved that the county had to pursue. He noted that if they wanted fence in, the aggrieved property owner could seek damages in the court. Mr. Payne added that it was similar to timbering trespass where boundaries were unknown; unless it was a criminal offense, the civil remedy for someone who made a mistake was through civil courts. Mr. Rutherford reiterated that they needed to find some civil penalties.

Mr. Saunders then inquired of the Board if they were interested in the ordinance at all.

Mr. Reed noted he was in favor of it; and there was a process civilly to decide if charges would be brought or not and also the parties could work it out between themselves. He noted it was not a question of generating revenues for the County and he thought the County would be happy not to be in the compensation business for livestock.

Mr. Saunders noted he had been getting regular complaints on free ranging livestock. He noted he also had cattle but thought it may be time to change to a fence in law.

Mr. Rutherford noted he was in favor of the ordinance and he thought the Board could set a precedent by having some teeth in it. Mr. Saunders agreed and Mr. Rutherford clarified that he did not want to see the penalty be a misdemeanor right off the bat.

Mr. Harvey asked who would enforce the ordinance and Mr. Payne noted he was unsure if it would be the Sheriff's Department or Animal Control. Staff added that they were only considering authorizing the public hearing at this point and things were not set in stone.

Mr. Rutherford asked if the penalties had to be in place at the time of the public hearing and Mr. Payne advised that the Board should advertised generally what they would like to consider, the public hearing is then held, and once they have received input, they could make changes. He added that they would not have to advertise the strictest thing and go down from there and they could adopt something different than advertised. He noted the purpose of the public hearing was to receive input and make changes thereafter. He reiterated that they could develop the penalties after the public hearing.

Mr. Reed then moved to approve resolution **R2018-55**, Authorization for Public Hearing, Amendment of the Code of Nelson County, Virginia, Livestock "Fence-In" Provisions. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2018-55
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA

LIVESTOCK “FENCE-IN” PROVISIONS

BE IT RESOLVED, that pursuant to §55-310 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Monday, **November 19, 2018** at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend the Code of Nelson County, Virginia to incorporate provisions such that “the boundary line of each lot or tract of land, or any stream in such county, or any magisterial district thereof, or any selected portion of such county, to be a lawful fence”; thereby reversing the “fence-out” general rule.

C. Consideration of Roseland Rescue Squad Ambulance Funding

Roseland Rescue Squad provided the following information regarding the 2017 Ambulance Grant:

Breakdown of December 2017 Grant Financial Information	Price	Grant Award	State Funds
<u>Ambulance</u>			
- Ford F-450	\$225,303.00	80/20	\$173,004.80
- Stryker Powerload	\$21,000.00	80/20	\$20,481.60
- Stryker XPS Stretcher	\$16,955.95	50/50	\$8,681.00
- Stryker Stair Chair	\$3,117.95	50/50	\$1,815.50
Sub Total	\$266,376.90	77/23	\$203,982.90
Breakdown of June 2018 Grant Financial Information	Price	Grant Award	State Funds
<u>Monitors</u>			
- 3 Lifepak 15 Monitors with all accessories	\$82,679.10	80/20	\$75,743.28
<u>Lucas CPR Device with all accessories</u>	\$14,811.43	50/50	\$7,405.72
- additional battery	\$605.00	n/a	\$0.00
<u>Computers</u>			
- 3 Microsoft Surfacebook 2 and 3 Stylus	\$7,796.97	50/50	\$3,898.49
Sub Total	\$105,892.50	82/18	\$87,047.48
Grand Total	\$372,269.40	78/22	\$291,030.38
50/50 Grant Cost of Truck with amenities	\$133,188.45		
Difference needed after State Funds	\$81,239.02		
County Savings from 50/50 Grant	\$51,949.43		<u>14 Total Grant Items</u>
*Grant award = State funds % vs needed funds percentage			
i.e. Grand Total in award column means state funds 78% of all items and 22% of the funds are what remains to be paid			

October 9, 2018

Mr. Carter noted that staff wanted the Board to be comfortable with Roseland's request and he noted that the adopted budget allocated 50% of the cost of a VDEM/OEMS ambulance grant. He noted that the estimated cost was just over \$225,000 and they got an 80/20 grant which reduced the County's share. Mr. Carter noted that they had added equipment and requested that the Board disburse approximately \$81,000 to them for overall costs and he wanted to be sure the Board was okay with that before proceeding.

Mr. Harvey noted he had discussed this with them and that they needed life packs to be replaced. He noted that they had saved the County a lot of money and even if the grant were 50/50 on nothing but the ambulance, the County saved \$52,000. He noted that they got more from the state on the ambulance and equipment and he would like to see the additional money provided.

Mr. Carter noted that staff had no concerns with the request and was only reporting it to the Board.

Supervisors then agreed by Consensus for them to proceed with it as proposed.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

A. BR Tunnel Project: The Phase 2 (Tunnel Rehabilitation) Project contract has been completed with Fielder's Choice Enterprises. The project's pre-construction meeting will be conducted on October 10th in the former Board of Supervisors meeting room. Project completion is projected for 2nd quarter 2019.

Mr. Carter advised there would not be a tour of the tunnel so the County's consultants would be conferenced in. He noted that a Notice to Proceed to FCE would be issued sometime thereafter. Mr. Carter then advised again that for Phase 3, the Commonwealth Transportation Board had allocated an additional \$1 Million in addition to the other grant funding and once the County had VDOT and FHWA approval that would be bid out hopefully in spring.

Mr. Rutherford asked if funding was sufficient and Mr. Carter advised that phase 2 construction would be \$2.87 Million, and Phase 3 around \$1.3 Million, so funding should be sufficient. He noted that Phase I cost were around \$875,000 which may not include property acquisition for which the Foundation provided some of the funding.

B. Broadband: Approval from federal NTIA and VA-DHCD to transfer the local network to Central VA Electric Cooperative continues to be in process.

C. Library Project: The initial project meeting with Architectural Partners was conducted on 9-20. Meeting notes are attached hereto. Execution of the services contract with AP is pending but not a concern. Schematic drawings for the project are due by the end of October.

D. Lovington Revitalization & Schuyler STP: TJPDC staff on behalf of the County have completed and submitted initial informational questionnaires to VA-DHCD to establish eligibility for the submittal of planning grant applications for the two projects. An eligibility determination for the Lovington Revitalization initiative is in process. However, additional information for the Schuyler STP is required and will likely be delayed until the NCSA completes additional work on this project.

October 9, 2018

Mr. Carter noted the additional information would be available next spring after they completed a PER.

E. School Division Transportation Study: Implementation of the study is pending. TJPDC staff are working to schedule a meeting with the Architectural/Planning School at UVA to determine if it is feasible for a second semester planning class to conduct the study including timely completion of the study's outcomes. Otherwise, TJPDC staff would compete the study unless a private planning company is retained.

F. Federal Rail Administration (Positive Train Control): CSX Corporation staff (R. Marcus) contacted County Administration on 10-3 to advise that the railway is working towards how to resolve concerns with safety alerts (horns) sounding at public and private rail crossing. Mr. Marcus indicated he would be back in communication with County staff the week of 10-8.

G. Piney River Water System (TTHM Corrective Action Project): The project is in process.

H. Tye River Water System: Staff is endeavoring to determine the structural integrity of the existing elevated water tank. Input from VA-DEQ staff, who facilitated to the state's UST mitigation program, and staff from Draper Aden Associates, the County's landfill consultant (groundwater monitoring) have recommended against test wells, citing the severity of the water contamination plumes, including results from test wells DEQ completed at the time the Department was working to address the UST issue.

Mr. Carter noted that he was waiting for feedback from structural engineers on whether or not they could evaluate the tank without any drawings. He added that he hoped to reduce the cost of the tank analysis by Bowman. He noted that staff was still searching for plans and Mr. Saunders supposed they could be on the site plan and not the building plans.

I. Grant Awards: The County has received \$29,013 in grant funding from the state Department of Criminal Justice Services to support the employment of a School Resource officer position. Recruitment of this position, which is in process, will be for an SRO position at Nelson Middle School. The Sheriff's Departments is also recruiting to fill SRO positions at Tye River and Rockfish River elementary schools. Additionally, the School Division has been awarded \$53,366 in School Security Equipment Grant funding by the office of Gov. Northam. The funding can be utilized to pay for video monitoring systems, metal detectors, classroom locks, electronic-access controls, visitor-identification systems, direct communication links between schools and law enforcement agencies and other security upgrades.

J. Board Retreat: Pending. Department and Office reports for the Board's consideration are to be submitted to the County Administrator by not later than 10-15.

Mr. Carter advised that he was just waiting on the Board's consent to proceed. He noted he could send out some new dates and they could have a called meeting once he had confirmation. He noted that the last one was held at Veritas; however it could be held at the Courthouse complex. The Board agreed by consensus to have it somewhere other than at the Courthouse and Mr. Carter advised he would touch base with Veritas and go from there.

K. (Local) Health Department/Meeting with Blue Ridge Medical Center: A meeting scheduled for 10-5 was postponed again at the request of BRMC. County staff subsequently sent a communication to

October 9, 2018

BRMC providing background information and requesting input from the Center on its decision give notice to end the lease agreement providing office and clinic space for the local VDH unit at BRMC.

L. Introductory Meeting with Lynchburg District CTB Member (Mr. Bert Dodson): The previously scheduled meeting with Mr. Bert Dodson, recently appointed by Gov. Northam to serve as the Lynchburg District member of the Commonwealth Transportation Board, has been rescheduled for October 25th at 3 p.m. The meeting will be held in the Bridge Conference Room in the Courthouse. The BOS Chair and Vice-Chair have been invited to the meeting.

Mr. Carter advised that Mr. Dodson was instrumental in getting the extra money for the Tunnel project.

M. Personnel: The vacant position in the County Administrator's office has been filled by Ms. Amanda Spivey, who will begin work on 10-15. Interviews for vacancies in the Department of Animal Control have been conducted and applicant background and reference checks are in process.

Mr. Carter noted that Ms. Spivey is a Sweetbriar College graduate who was currently working in the Amherst County Clerk's Office.

Added: Land Purchased by DGIF in Wingina

Mr. Saunders asked if there was any more information on the land in Wingina bought by DGIF and Mr. Carter noted he did not have any new information. Mr. Saunders noted that the person hauling stone for the road there said it would be a subdivision. Mr. Carter advised that DGIF had acknowledged they would have the property so he did not think it would be a subdivision.

Added: Remarks by Dr. Eagle:

Mr. Saunders invited Dr. Eagle in attendance to provide remarks and Dr. Eagle noted they were excited about the grants received and she looked forward to having dates for a joint meeting. She noted understanding that the Board wanted to have its retreat first and she would welcome dates to get the two Boards together for a state of the schools positives and challenges before budget season.

Mr. Harvey asked how many schools currently had SROs and it was noted that there was one based at the High School that traveled around as needed.

Mr. Carter advised that the Sheriff Department was recruiting and the Sheriff was aware of the priority. Ms. McCann noted that he was hoping to get someone in for the grant funded position as of October 1st and have them attend training at the end of October for 3 days. She noted that there were currently four other vacancies in the Sheriff's Dept. and the SROs were in addition to that. She added that they were working on it, but there were a lot of slots to fill. Mr. Carter noted that staff had offered to help them with advertising but they typically handled that. He noted that he was sure they were advertising and not to speak for him but he noted he was trying to get certified officers and that was the challenge. He added he preferred not to have to send them to school for twenty-six weeks. Mr. Harvey asked if the County could use outside firms until people were hired and Mr. Carter noted that could be looked into. He noted they had discussed the use of accumulated vacancy savings in hiring.

October 9, 2018

2. Board Reports

Mr. Reed:

Mr. Reed reported that he sat in on family treatment court in Charlottesville and noted that a team of case workers and DSS support along with the Judge discussed each case prior to meeting with them. He noted it took one hour each for nine cases. He noted that the Judge spoke to them about returning in two weeks and he was impressed at the dedication of the judge and all involved. He noted it was a positive thing and the Wellness Alliance was moving forward on that.

Mr. Reed reported that he met with Greg Buford of Southern Environmental Law Center (SELC), who was committed to challenge FERC's approval of ACP's Certificate based on market demand and benefits outweighing the adverse impacts. He noted they were challenging those arguments. Mr. Reed noted that the case was argued in December and SELC was providing the lead representing a group of clients and they were looking for Nelson, Augusta, and Staunton to file friends of the court briefs. He noted that the brief would not be weighing in on what should happen but rather documenting information on those specific counties.

Mr. Reed added that he was asking the Board if they could move forward on it and the other jurisdictions were waiting to see what everyone else did. He noted that in speaking with Mr. Carter and Mr. Payne, it was up to the Board if it wanted to move forward to create a document for the Board to look at as soon as possible.

Mr. Rutherford asked how many counties had joined in and Mr. Reed noted that none yet, it was on their agendas in October. He noted besides Nelson it involved Augusta County and City of Staunton.

Mr. Harvey noted he had no problem having something prepared for the Board to review. Mr. Reed noted that a draft would be available for the next meeting and the Board would have it a week ahead with no action until the next meeting. Mr. Rutherford then confirmed that they would vote to proceed or not at the next meeting.

Mr. Saunders noted he was okay with it as long as they were not sending it in now and the Board agreed by Consensus to proceed as noted by Mr. Reed.

Mr. Rutherford:

Mr. Rutherford reported that he had held a town hall meeting and was now having a Lovingston Stakeholders meeting on Oct 23rd at 6:30 pm at The Well for discussion about visions for Lovingston, grant opportunities incorporating the historical aspects of Lovingston, how they could encourage businesses and how they could thrive, conversations about throwing a festival, and how to establish Lovingston's own thing beyond parades. He noted having fifteen people on his email list that wanted to participate and he hoped to soon hear about the planning grant. He noted that Mr. Greenburg had provided him with the 2006 plan done by UVA students. He noted a lot of energy was put into looking at Lovingston and how to make it pretty.

Mr. Rutherford reported attending the TJPDC meeting and noted that they had an opportunity for an affordable housing group. He noted the start of that was postponed to November or December and they

October 9, 2018

needed someone from Nelson County on that Board. He added that he would bring that up again next month.

Mr. Harvey:

No report.

Mr. Saunders:

Mr. Saunders noted he had some comments on the staff reports and noted discrepancies in the tax revenues between the Commissioner's and Tourism and Economic Development. It was noted that it may be that the Tourism report was year to date whereas the Commissioner's report was monthly. Ms. McCann advised that the summary budget report would show those revenues for the month and year to date. Mr. Saunders noted that they were getting more meals and lodging money than people realized. Mr. Carter noted that Ms. McCann's report showed those categorically. Mr. Saunders noted that it was reported that \$87,973 in LOCKN meals and lodging was collected in August and September. Mr. Carter noted he liked that the Commissioner of Revenue's report reflected that they were being aggressive on those that were not paying their meals taxes and that she was taking people to court.

Mr. Carter then advised that the County had cooperated with Weyerhaeuser and DEQ to clean up the dump site mentioned during public comments. He added they had agreed to waive the tipping fee if they cleaned the site up and then the next step was to determine preventative measures. He added that 20+ tons was cleaned up.

Mr. Saunders then questioned Mr. Gibson's report on fire calls for September, noting that 156 calls were reported and he asked if that was correct. Mr. Harvey advised that most were Route 29 accidents and Mr. Carter noted the average EMS calls per year was 1000-1400.

Mr. Saunders then noted he would like to see a letter from the Board to VDOT opposing the roundabout at the intersection of Route 151 and Route 250. Mr. Carter noted he could draft a resolution saying the Board was opposed to it for consideration in November. It was acknowledged that they were not holding public hearings on it but would be set up to take comments during a period of time.

Mr. Saunders then asked the Board if they could help with funding for the Gladstone hood for the Gladstone Senior Center. Mr. Harvey suggested that they make sure the Fire Department was on board since it was their building and if they were, they could come up with some money. Mr. Harvey noted he would like to see them give \$5,000 to the Fire Department and designate its use.

Mr. Harvey then moved that the Board provide funding of \$5,000 to the Gladstone Fire Department for the hood since it was their building and Mr. Rutherford seconded the motion.

Supervisors asked Reverend Rose how much money was in the fund and he noted not much as their fundraising was just starting. Mr. Reed then inquired where donations should be sent and Mr. Rose noted he would get that information.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

B. Appointments

Ms. McGarry presented the following:

<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
<i>NC Social Services Board</i>	6/30/2018	4 Years/ 2 term limit	Joan Giles-West (served 2T)	N/A	None
Board of Zoning Appeals	11/9/2018	5 Years/ No Limit	Carole L. Saunders	Y-email	NA - To Be Advertised

Ms. McGarry noted that no applications had been received for either the DSS Board or the BZA however the BZA needed to be advertised. She noted the incumbent Ms. Carole Saunders had indicated by email that she wished to be reappointed. Mr. Saunders noted that her middle initial was L. and Ms. McGarry noted the correction.

C. Correspondence

1. Faber Volunteer Fire Department – Ambulance Sale

The following letter was received from Faber Volunteer Fire Department:

September 28, 2018

Steven Carter County of Nelson
 P.O. Box 336
 Lovington, VA 22949

Dear Mr. Carter,

The Board of the Faber Volunteer Fire Department met on September 27, 2018 to discuss the sale of the ambulance to Nelson County. The board has agreed to the sale of the ambulance under certain conditions. The price that was conveyed to the board was \$16,000. The board has agreed to that price for the ambulance only. The board has set the price of the ambulance at \$17,000 if the stretcher is included in the sale price of the ambulance.

The fire department will convey the ambulance to the county upon receipt of a check for the ambulance and a signed bill of sale. The sale of the ambulance is with the terms that the truck is sold "as is, where is", with no warranty expressed or implied.

If the county agrees to the terms of the department, please let us know.

October 9, 2018

Sincerely,
John H. Adkins
President

Mr. Carter noted staff had met with Curtis Sheets who recommended this purchase, \$16,000 was offered, and then they came back with \$17,000. He noted that when he polled the Board, some had said not to do it, so he was bringing it back for consideration. He added that it was not an emergency and that the Wintergreen ambulance was back in the rotation now.

Mr. Harvey noted he did not like the attitude of the letter received as much as the County has done for them. He added he was not sure of the chain of command there and Mr. Carter advised that the price had always been \$16,000 but he had heard from Russell Gibson that they may come back for more money. Mr. Harvey advised that the ambulance would be nice to have but they did not need it.

Supervisors agreed by Consensus to let it sit for now and Mr. Harvey noted that Rockfish was looking to fix their engine.

D. Directives

Mr. Reed, Mr. Harvey and Mr. Bruguiera had no directives.

Mr. Rutherford asked if the Board could donate \$750 to cover expenses of the Lovington Christmas parade. He noted that a group from Green Acres and Front Street were organizing it and not the Chamber of Commerce. Mr. Harvey advised that the Board could not contribute money to an unorganized group and he suggested that either the Lovington Fire Department or the Chamber of Commerce be that connection.

VII. Other Business

A. 2017/2018 Courthouse Addition Plaque Presentation

Mr. Carter unveiled the soapstone plaque made to commemorate the new courthouse addition. He noted the thought was to hang it across from the other one on the other brick column in the main entryway where the most people would see it.

VIII. Adjournment – No Evening Session Will Be Held

Mr. Saunders noted there would be no evening session and at 4:00 PM, Mr. Rutherford moved to adjourn and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.