

April 9, 2019

**Virginia:**

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in 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. Bruguire, Jr. West District Supervisor  
Larry D. Saunders, South District Supervisor – Chair  
Stephen A. Carter, County Administrator  
Grace Mawyer, Administrative Assistant/Deputy Clerk  
Candice W. McGarry, Director of Finance and Human Resources

Absent: None

**I. CALL TO ORDER**

Mr. Saunders called the meeting to order at 2:01 pm, with all Supervisors present to establish a quorum.

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

Following the Call to Order, Ms. McGarry introduced new Animal Control Officers, Ethan Wood and Brian Drewry. She noted the new Building Inspector is currently in training and will be introduced in the May meeting.

**II. CONSENT AGENDA**

Mr. Rutherford moved to approve the Consent Agenda 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 following resolutions were adopted:

- A. Minutes for Approval (**R2019-11**)

**RESOLUTION R2019-11  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(January 8, 2019, March 14, 2019, March 21, 2019)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **January 8, 2019, March 14, 2019, and March 21, 2019** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

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B. FY 18-19 Budget Amendment (**R2019-12**)

**RESOLUTION R2019-12  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2018-2019 BUDGET  
April 9, 2019**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2018-2019 Budget be hereby amended as follows:

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

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
<u>\$10,000.00</u>	3-100-002404-0060	4-100-081020-5420
\$10,000.00		

B. **Transfer of Funds (FY19 Employee Salary/Benefit Adjustment)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$2,730.14	4-100-91030-5616	4-100-12090-1001
\$14,930.26	4-100-91030-5616	4-100-12150-1001
\$8,968.30	4-100-91030-5616	4-100-12180-1001
\$5,319.00	4-100-91030-5616	4-100-22010-1001
\$1,763.00	4-100-91030-5616	4-100-22010-5413
\$2,965.00	4-100-91030-5616	4-100-22010-5415
\$360.00	4-100-91030-5616	4-100-22010-5506
\$12,488.45	4-100-91030-5616	4-100-32010-1001
\$8,877.22	4-100-91030-5616	4-100-32010-1003
\$7,503.76	4-100-91030-5616	4-100-32030-1001
\$4,677.77	4-100-91030-5616	4-100-34010-1001
\$3,976.00	4-100-91030-5616	4-100-42030-1001
\$6,391.87	4-100-91030-5616	4-100-42030-1003
\$6,636.02	4-100-91030-5616	4-100-43020-1001
\$3,433.43	4-100-91030-5616	4-100-43020-1002
\$847.11	4-100-91030-5616	4-100-43020-2001
\$3,872.43	4-100-91030-5616	4-100-71020-1001
\$3,567.24	4-100-91030-5616	4-100-81010-1001
<u>\$5,704.56</u>	4-100-91030-5616	4-100-81020-1001
\$105,011.56		

**III. PUBLIC COMMENTS AND PRESENTATIONS**

A. Public Comments

1. Martha Eagle, School Division Superintendent

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Dr. Eagle began by stating how grateful she is for the partnership with the Sheriff's Office and the support of the Board of Supervisors for funding of the SRO program. They have two new SROs in their buildings this week and they're hopeful to begin their third, which would finalize their fourth altogether by the beginning of the school year. She noted this is an amazing program not only for the students but also the community. She also expressed gratitude for the recent appropriation that allows them to repair the tennis courts. She stated they will be paving on Wednesday and initial painting will be done by the weekend for the first home game on Monday, April 15<sup>th</sup>. She then provided an update on the high school/middle school electronic marquee. She noted it has been on the CIP in the past but not this year, and they've sent out RFPs and are planning for the new electronic marquee within the next few months. She stated it is not on the current CIP because the high school has over \$30,000 in their activity fund for this project as they've been working on this for several years. Dr. Eagle then spoke on the budget process noting the school division is dealing with declining enrollment and increasing costs. She added she knows the County is facing the same challenge with the decrease in the county population and increasing costs. She noted unlike the County, they are not a taxing authority and depend on the County to appropriate their necessary funds. She stated they work in a fluid budget which means they only know so many variables to begin, while using their historic costs and current needs as a basis for building a budget. Throughout the school year, there are many unknowns including maintenance repair costs and health insurance costs, which are based on how many people participate. She noted a question was posed at a recent meeting about retirees. She stated they cannot predict how many retirees or resignations they may have by July 1<sup>st</sup>. All they can do is base a budget off what they know at this time and make adjustments as they go on. She added returning unused funds to the Board at the end of the year is part of their process. She then referred to the nursing program and noted this is a vital component to the schools and community. She stated it is not included on the request because it's a separate line item, and she hopes to see it continue to be fully supported. Dr. Eagle stated they have had major cost increases this year, including a 3% staff increase, approximately \$700,000 worth, and 18.8% in healthcare costs, which is over \$600,000. If the Board of Supervisors was to only support those two increases alone at 1.3 million, they would still be a half million dollars short. Since 80% of their budget is tied up in personnel, this is likely where the cuts will be made, which will impact programs, staff, and students. She closed by thanking the Board for their continued support and noting appreciation for all the considerations they are making with the capital improvement plan.

## 2. Carlton Ballowe, Faber

Mr. Ballowe spoke in favor of the proposed repeal of the machinery and tools tax. He noted he enthusiastically supports the repeal and a number of groups he is associated with also support it. These groups include the Homebuilders Association, Chamber of Commerce, and the Nelson County Republican Committee. He added it is very rare to get the opportunity to repeal a tax, and the cost of administering and complying with it as well as the opportunity cost of businesses deterred by it add up to more than the revenue generated. He stated it would be a great symbol of the Board's outreach to businesses and an opportunity to encourage new businesses.

## 3. Ben Butler, President of Capler Homes and President of Nelson County Homebuilders Association

Mr. Butler also spoke in favor of the proposed repeal of the machinery and tools tax. He stated it is along the lines of what businesses call a punitive tax, which discourages entrepreneurship. He noted if Nelson was a county known to be supportive of businesses in the way they go about taxing them, it may encourage more businesses to locate within the county. He added as a group, the Nelson County Homebuilders Association voted unanimously to endorse the repeal of the tax.

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B. VDOT Report (Discussion of FY2020-FY25 Secondary Six Year Transportation Plan)

Mr. Don Austin of VDOT noted that he is retiring this month and added that Robert Brown could not attend today's meeting. He announced that Mr. Brown has been officially appointed as his replacement. Mr. Austin gave the following report:

He noted there is work being done on Route 29 north of Lovington in the Muddy Creek area. He stated the drainage structure is being replaced, and this week, they will begin detouring traffic to the northbound lane. The completion date on the contract is mid-August, and Pearson Construction Company is the contractor on that project.

He provided an update on the issues at Route 29 north of Woods Mill with the high accident rates. They have done some pavement testing, and results have just come back, but he has not had time to review them. He noted they will be reviewing them to see what the recommendations are for that curve.

He then referred to the upcoming hearing that evening regarding the priority list and referred to last year's list:

**NELSON COUNTY  
RURAL RUSTIC PRIORITY LIST- FY18/19 -FY 23/24**

	<b>ROUTE NAME</b>	<b>FROM</b>	<b>TO</b>	<b>LENGTH</b>	<b>TC- VPD</b>	<b>NOTES</b>
1	654 FALLING ROCK DR	1.0 MILE. RTE 657	RTE 661	1.90 Mi.	127 FUNDED	\$380,000
2	814 CAMPBELL'S MT RD	0.99 Mi. N. RTE 56	1.99 Mi. N. RTE 56	1.00 Mi.	109 FUNDED	\$200,000
3	617 BUCK CREEK RD	0.23 Mi. N RTE 29	DEAD END	1.40 Mi.	140 FUNDED FY 18/19	\$280,000
4	625 PERRY LANE	ROUTE 623	DEAD END	2.00 Mi	118 FUNDED FY19	\$400,000
5	645 AERIAL DR	RTE 646 E	RTE 646 W	0.20 Mi.	55 FUNDED FY 19/20	\$40,000
6	721 GREENFIELD DR	RTE 626	0.50 Mi. N RTE 626	0.50 mi.	51 FUNDED FY20	\$100,000
7	666 JACK'S HILL RD	2.57 Mi. W RTE 678	1.82 Mi. W RTE 678	0.75 mi.	50 FUNDED FY20	\$150,000
8	628 RHUE HOLLOW RD	Route 764	DEAD END	0.22 MI.	60 FUNDED FY20	\$44,000
9	794 RHUE HOLLOW LANE	RTE 628	DEAD END	0.20 MI.	60 FUNDED FY20	\$40,000
10	678 EMBLY'S GAP RD	2.06 Mi. N RTE 676	Rte 666	1.64 Mi.	110 FUNDED FY20/21	\$300,000
11	699 CARTER HILL RD	RTE 807	RTE 680	1.29 Mi.	40 FUNDED FY21	\$250,000

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12	612	BOTTOMS LANE	RTE 788	DEAD END	0.95 Mi.	50	FUNDED FY21/22	\$200,000
13	623	SHIELDS GAP RD	RTE 151	DEAD END	0.55 Mi.	60	FUNDED FY22	\$100,000
14	650	HIGH PEAK LANE	0.50 Mi. N. RTE 772	DEAD END	1.10 Mi.	90	FUNDED FY22/23	\$220,000
15	654	CEDAR CREEK RD	2.00 Mi. W. RTE 655	3.00 Mi. W RTE 655	1.00 Mi.	100	FUNDED FY23	\$175,000
16	653	WILSON RD	RTE 655	RTE 710	2.83 Mi.	60	FUNDED FY23/24	\$550,000
17	814	CAMPBELL'S MT RD	1.99 Mi. N RTE56	2.99 Mi. W RTE 56	1.00 Mi.	100	FUNDING FY24	\$200,000
18	687	NORTH FORK RD	RTE 56	1.00 Mi. W RTE 56	1.00 Mi.	100	PARTIAL FUNDING FY24	\$200,000

Estimated cost /mile \$175,000-\$225,000  
Six Year Plan Estimated Unpaved Road Allocation

Mr. Austin noted that additional requests are included that are potential projects.

NELSON COUNTY  
RURAL RUSTIC PRIORITY LIST – DRAFT FY20 – FY25

Priority	Route	Name	From	To	Length	TC-VPD	Estim Cost
	654	Cedar Creek Rd.	3 Mi. West Route 655	Rte. 661	1.24 Mi	100	\$248,000
	814	Campbell's Mt Rd.	2.99 Mi. West Route 56	Rte. 684	1.36 Mi	140	\$272,000
	643	Ball Mt Rd	Rte. 639	Dead End	0.60 Mi	40	\$120,000
	848	Whippoorwill Ln.	Rte. 605	Dead End	0.05 Mi	60	\$10,000
	646	Hunting Lodge Rd.	Rte. 604	Rte. 645	2.00 Mi	60	\$400,000

He noted the first 4 on the first list: Falling Rock Drive through Perry Lane, are either completed or under construction, so those could be taken off the list. From Aerial Drive down, they have started some work on those, so the current 5 through 10 need to stay in that order. In developing the Six Year Plan, there's about \$800,000 between the last two years that hasn't been obligated within the plan. He noted all 18 projects on the original list have some type of funding designated in that plan through 2024, so there is some funding left in 2024 and the 2025 funding has not been obligated. So if some new priorities are established, they can add those onto the plan, or they can just show it as undesignated money at the end of the plan. He stated he will leave that up to the Board.

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Mr. Bruguere said they should leave the priority list as is. He asked if some of the projected money could be put toward Campbell's Mountain Rd. past one mile. Mr. Austin noted the money is not really there until 2025, so it can't be spent ahead of time. So if money is shifted to another, one of the prioritized routes would be put off.

Mr. Austin noted they've had some requests for Whippoorwill Lane and Ball Mountain Road, and they checked the counts, and they're above 50 on the traffic count so they're okay. They also did a new count on Carter Hill, and they reached the threshold with 59.

Mr. Rutherford asked if they have any mileage or distance figures for Whippoorwill and Ball Mountain. Mr. Austin stated about 6/10 of a mile for Ball Mountain and about \$120,000. For Whippoorwill, 0.05 of a mile and about \$10,000. Mr. Austin noted these routes are just suggested, and with \$800,000 remaining to obligate, they could not quite get all of the routes, but the majority could be added and shown in the last year of the plan. Mr. Rutherford asked if those could be added to the list of the 18, and Mr. Austin said yes. Mr. Austin then suggested removing Falling Rock, Campbell's Mountain, and Perry Lane as those are already under construction. Buck Creek has already been completed. Those four could be removed from the list since they've already been funded. Thus, Aerial Drive would become number one on the list, and the ones remaining could be shifted if the Board wishes. He noted this list is used to prioritize how they're funded in the plan. Mr. Saunders asked if they could be adjusted next year also, and Mr. Austin confirmed and added this mostly applies to the lower ones, as environmental processes, etc. are started ahead of time for the upper ones.

The Board agreed there are no additional roads they'd like to add to the list before that evening.

Mr. Saunders asked what is going on with the intersection at Colleen. Mr. Austin stated it is getting ready to be advertised.

Mr. Rutherford asked what VDOT is doing on 29 north headed toward Davis Creek. Mr. Austin stated that is where the boxco is being replaced, as he mentioned earlier. They have to close the south bound lane there and shift traffic to the north bound lane. It will be closed for the next 3-4 months.

#### **IV. NEW & UNFINISHED BUSINESS**

##### **A. Lovington Volunteer Fire Department – Application for Interest-Free Loan**

Mr. Carter stated the Emergency Services Council has endorsed Lovington Volunteer Fire Department's application for a loan of \$75,000 from the County's Emergency Services Loan Fund. The balance of the fund as of April 4<sup>th</sup> was just over \$618,000, and Mr. Carter stated that Staff recommends approval of the loan to LVFD. He noted they will use the funding to purchase a 2018 Spartan Custom Pumper.

Mr. Harvey noted the provided copy of the application was difficult to read. The Board requested a clearer copy and decided to defer the decision until the evening session.

##### **B. Consideration of Commemorative Naming of Bridge (R2019-13)**

Mr. Rutherford read the following resolution:

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**RESOLUTION R2019-13  
NELSON COUNTY BOARD OF SUPERVISORS**

**A resolution requesting the Commonwealth Transportation Board (to) name the northbound and southbound bridge structures over the Rockfish River on Route 29 in the Woods Mill area of Nelson County “The Edward L. Embrey Memorial Bridge” in honor and recognition of an esteemed, universally respected and dedicated public servant of Nelson County and the Commonwealth of Virginia.**

**WHEREAS**, the late Edward Lynn Embrey, a native son of Nelson County, was a committed, devoted and selfless public servant, beginning in his youth and continuing until his recent passing on January 31 2019; and,

**WHEREAS**, Mr. Embrey gave tirelessly of himself as a lifetime volunteer and leader of emergency services in Nelson County, serving for many, many years as Chief of the Faber Fire Department, Captain of Nelson County Rescue Squad and President of the Nelson County Emergency Services Council; and,

**WHEREAS**, Mr. Embrey was a career employee of the Virginia Department of Forestry serving Nelson County, Central Virginia and the Commonwealth for 37 years until his retirement in 2007; and,

**WHEREAS**, just a few of the countless examples of Mr. Embrey’s distinguished service include:

- Fighting a mountainside forest fire at age 12 with his father
  
- At 18 assisting in the search and rescue effort in Nelson County after the horrific aftermath of Hurricane Camille
  
- Becoming the first DOF Technician in Nelson County after serving 9 years as Chief Forest Warden
  
- First recipient of the Forest Warden of the Year presented in 1993 by the Virginia Wildlife Federation
  
- Facilitator of a Fire Readiness Plan for Wintergreen Resort
  
- Service as Assistant Director from 1983-1987 at Holliday Lake Forestry Camp and as Director from 1988 to 1998
  
- Task Force Leader of firefighters and equipment sent to assist with forest fires in Texas in 1996 and 2000 and in Florida in 1998
  
- Working tirelessly throughout his career to combat numerous large forest fires in Central Virginia and with the cleanup efforts following significant flooding in the Commonwealth in 1995 and with a blizzard that struck Nelson County in 1996 (pushing snow in an open cab dozer to open roads throughout the County)
  
- Service as a lifetime volunteer in Nelson County’s public schools working to train Keep Virginia Green crews at Nelson County High School and in the local FFA program, service that resulted in numerous awards for the program at the regional, state and national levels

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**WHEREAS**, Mr. Embrey, “Eddie” to his family, friends and all who were fortunate to know him, was the consummate professional and untiring volunteer no matter the emergency or need, never refusing to give of himself no matter the personal sacrifice, always willing to go the extra mile no matter the day or time, Eddie was always there to help his community, his state and anyone who needed help; and,

**WHEREAS**, the Nelson County Board of Supervisors seeks to honor its native son, Edward Lynn, “Eddie”, Embrey, with an enduring symbol to recognize and commemorate Mr. Embrey, for his distinguished and outstanding service to Nelson County and to the Commonwealth of Virginia.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF NELSON COUNTY, VIRGINIA:**

That said Board of Supervisors hereby respectfully requests, pursuant to §33.2-213 of the Code of Virginia, that the Commonwealth Transportation Board name the northbound and southbound bridge structures on Route 29 over the Rockfish River at Woods Mill in Nelson County, “The Edward L. Embrey Memorial Bridge”.

**BE IT FURTHER RESOLVED:**

That said Board of Supervisors of Nelson County is committed to provide for the expense necessary to produce, place and to maintain the sign(s) the Board is requesting to honor Mr. Edward Lynn, “Eddie”, Embrey and to take any other action required to support this petition to the Commonwealth.

Mr. Rutherford moved to approve resolution **R2019-13** and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and resolution **R2019-13** was adopted.

The family of Mr. Embrey was present and thanked the Board.

C. Commissioner of Revenue – Report and Machinery & Tools Tax

Pam Campbell provided the following values regarding the machinery and tools tax:

2015: \$13,058  
2016: \$32,985  
2017: \$61,483  
2018: \$79,229  
2019: Estimated to be \$93,755

Mr. Bruguiere asked who exactly is supposed to pay this tax. Ms. Campbell stated anyone with machinery and tools and added a lot of them are breweries. Some trucking companies are taxed at the machinery and tools rate because they have interstate mileage that they get to deduct, so they have to be taxed at the machinery and tools rate instead of the personal property rate. She added any manufacturing company or any company that has a machine that changes a product gets taxed as well. Mr. Bruguiere asked if loggers are exempt, and Ms. Campbell said no. She stated farms are exempt. Mr. Rutherford then asked Ms. Campbell about the enforcement mechanism for determining this tax and what businesses owe. Ms. Campbell stated businesses are sent out a list of their equipment with their business license every year. Then, her office checks the Department of Taxation schedule C’s to see if that matches what the businesses

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have submitted to them. If they are not sent anything or they can't find anything, they will do a statutory assessment, and normally if they do one, that's how businesses will call them and bring in a list of their equipment, and the office can adjust their files accordingly. Mr. Rutherford asked if somebody had paid cash for their equipment, therefore it is not on their schedule C, would Ms. Campbell's office not know. Ms. Campbell confirmed. He asked if their enforcement mechanism would be going to the property, looking at the equipment, and determining a value. Ms. Campbell confirmed. She stated that is something that could be done when the reassessment is done.

Mr. Rutherford asked what the appeal process would be. Ms. Campbell stated the person would come to her and protest it. He asked if the machine and tools tax is a voluntary tax, so to speak. Mr. Carter noted it is mandatory and compliance is required; it's not voluntary. Ms. Campbell noted there are very few counties that don't have the tax, and there are probably a dozen whose tax rate is less than ours, and most of them have gross receipts. Mr. Rutherford noted he understands that some localities have this at zero, and law does not allow anyone to get rid of this tax, however, some localities have put the tax at a thousandth of a penny-a fee. Ms. Campbell noted most of them have gross receipts. The Board agreed that the County is not going there.

Mr. Rutherford noted the Board should ask itself: Can we generate new businesses by being more business friendly with possibly lowering the tax? Ms. Campbell asked about how they would make those paying business personal property tax feel better about what they would be doing for machinery and tools.

Mr. Saunders asked how many people have been in Ms. Campbell's office complaining about this tax. Ms. Campbell stated nobody. Mr. Saunders stated he does not believe this has deterred any business from coming into the county.

Mr. Harvey suggested lowering the tax if we can't get rid of it. Ms. Campbell noted the rate is \$1.25 and we're one of the lowest in the state.

Mr. Rutherford asked if the Board did lower the tax, would there have to be a public hearing. Mr. Carter stated he believes there would have to be one, however, Mr. Payne does not agree. Mr. Payne's input was that the Board could just set the rate, and a public hearing would not be required. Mr. Carter noted he disagrees and believes there would have to be a public hearing whether the tax is raised or lowered. He added he would have to follow up.

Mr. Harvey stated it is already a nuisance tax, and even if it was lowered to half, people would still have the same amount of paperwork, and it would be even more of a nuisance. Mr. Saunders noted no one has complained about it. Mr. Rutherford noted multiple committees and contractors have discussed it, and just because no one has gone to the Commissioner of the Revenue's office to talk about it doesn't mean it isn't something of significance.

Mr. Reed noted he believes it is ironic that we are looking at something that will decrease revenue at a time when finding new revenue streams and sources is increasingly challenging, and the Board, rightfully so, tends to be highly critical of those things. He added reducing the amount of revenue the county gets at this time does not seem like a prudent thing to him, especially if it is not a significant problem to start with. Mr. Rutherford stated the significant problem in his opinion is the lack of business growth in this county. Mr. Harvey noted they have cut the water and sewer bills in half, which is a bigger cut than this would be. Mr. Carter stated there is no gross receipts tax in the county. Mr. Harvey noted that now that this has been

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brought to attention, more revenue may be collected, adding breweries are significant in this. Mr. Carter noted the upward trend of revenue since 2015 that Ms. Campbell reported and added it does not seem to be a disincentive for businesses to locate here. Mr. Rutherford asked what businesses primarily were growing in those five years, and Ms. Campbell stated breweries and distilleries, so a good portion of that revenue was from brewery equipment.

The Board made no action on this subject.

**D. Establishment of 2019 Tax Rates (R2019-14)**

Mr. Bruguire moved to approve Resolution **R2019-14**, Establishment of 2019 Tax Rates with no change and Mr. Harvey seconded the motion. Mr. Rutherford noted he would like to see the machine and tools tax lowered, but he would fight that another day. Mr. Bruguire stated if it was a quarter million dollars, then he would say to go ahead and lower it, and he thinks it's a nightmare to try to collect it, but since they can't get rid of it, they're stuck with it. Mr. Harvey asked when the machine and tools tax started, and Mr. Carter stated he would have to research that, but it's been at the \$1.25 rate since he started working here 21 years ago.

There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Rutherford voting No and the following resolution was adopted:

**RESOLUTION R2019-14  
NELSON COUNTY BOARD OF SUPERVISORS  
ESTABLISHMENT OF 2019 TAX RATES**

**RESOLVED**, by the Nelson County Board of Supervisors, pursuant to and in accordance with Section 58.1-3001 of the Code of Virginia, 1950, that the tax rate of levy applicable to all property subject to local taxation, inclusive of public service corporation property, shall remain as currently effective until otherwise re-established by said Board of Supervisors and is levied per \$100 of assessed value as follows:

Real Property Tax	\$0.72
Tangible Personal Property	\$3.45
Machinery & Tools Tax	\$1.25
Mobile Home Tax	\$0.72

**E. Establishment of 2019 Personal Property Tax Relief (R2019-15)**

Mr. Harvey moved to approve Resolution **R2019-15**, Establishment of 2019 Personal Property Tax Relief and 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 R2019-15  
NELSON COUNTY BOARD OF SUPERVISORS  
2019 PERSONAL PROPERTY TAX RELIEF**

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**WHEREAS**, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3524 has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

**WHEREAS**, the Nelson County Board of Supervisors has adopted an Ordinance for Implementation of the Personal Property Tax Relief Act, Chapter 11, Article X, of the County Code of Nelson County, which specifies that the rate for allocation of relief among taxpayers be established annually by resolution as part of the adopted budget for the County.

**NOW THEREFORE BE IT RESOLVED** that the Nelson County Board of Supervisors does hereby authorize tax year 2019 personal property tax relief rates for qualifying vehicles as follows:

- Qualified vehicles with an assessed value of \$1,000 or less will be eligible for 100% tax relief;
- Qualified vehicles with an assessed value of \$1,001 to \$20,000 will be eligible for **39%** tax relief;
- Qualified vehicles with an assessed value of \$20,001 or more shall be eligible to receive **39%** tax relief only on the first \$20,000 of assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicle, farm use vehicle, motor homes, etc.) will not be eligible for any form of tax relief under this program.

**BE IT FINALLY RESOLVED** that the personal property tax relief rates for qualifying vehicles hereby established shall be effective January 1, 2019 through December 31, 2019.

F. FY2019-2020 Budget Work Session – as required

The Board elected to do this at the end of the afternoon meeting.

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

### A. Reports

#### 1. County Administrator’s Report

**A. BR Tunnel Project:** The project is in full progress. Both bulkheads have been removed. Current activities include rock bolt installation, investigative probing and grouting, brick repointing and replacement, trail development.

**B. Broadband:** The final draft agreement is pending a decision by CVEC/CVSI/Firefly on the County’s provision of easements from its middle mile network. Once this question is resolved, the agreement will be ready for submittal to federal NTIA for review and comment followed by a formal submission.

**C. Library Project:** Five general contractors attended the mandatory pre-bid meeting on 4-2. Bid submittals are due on April 24<sup>th</sup>.

**D. Lovingson Revitalization:** Receipt of the contract from VA-DHCD for the planning grant project is pending. Consideration of retaining a private consulting firm to assist with the project is recommended but will require an outlay of funds from the County.

**E. Closeout of Groundwater Monitoring Program:** A final decision from VA-DEQ on the County’s submittal for program closeout (as facilitated by Draper Aden Associates) is pending.

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**F. FY 19-20 Budget:** Subject to consideration at the 4-9 regular session, a final work session is proposed for 4-11.

**G. Repair/Replacement of Scales at Transfer Station:** Staff of the VA Department of Agriculture completed a “routine” inspection (see attachment) of the scales on 4-4. The outcome was a mandated to replace the scales by April 4, 2020 (with interim repairs also required).

**H. Piney River Water System (TTHM CAP):** The pilot program for the Granular Activated Carbon (GAC) system is in process and has had very positive initial results. The ensuing warmer months of spring and summer during which organic constituents increase in the filtered water will provide a better test for the effectiveness of the GAC system, including providing for necessary adjustments of the systems. Plans and specifications for the GAC system will be submitted to VA-DEQ in May albeit the pilot program will continue into the fall of 2019.

**I. Regions 2000 Service Authority:** Subject to final approval the Authority’s tipping fee for member localities will remain at \$30.25 per ton.

**J. Recycling Program:** An acceptable alternative location for the recycling of plastic and mixed paper has not been identified. Madison Heights based Sunoco, the County’s current recycling company, has indicated that the recently initiated tipping fees for these materials will be periodically revised dependent on market conditions. For April 2019 Sunoco’s tipping fees are adjusted to \$60 per ton for plastics and \$40 per ton for mixed paper (down \$10 from March). Staff recommends continuing to utilize Sunoco through April and reevaluate this subject in May.

**K. Albemarle-Charlottesville Regional Jail Authority:** The Authority will consider at its May meeting the ongoing question of maintaining notifications to federal ICE of individuals released from the facility who are not legally in the United States.

**L. VDOT-Transportation Alternatives Program (TAP):** County staff attended the TAP workshop in Farmville on 4-4. Pre-applications are due July 1 and will be screened by VDOT for approval to submit final project applications by October 1, 2019. Potential project applications include the Gladstone Depot and Downtown Lovingston Revitalization or other TBD projects that meet the program criteria.

Mr. Saunders noted that Gladstone has gotten an extension from CSX on moving the depot. He added they have gotten the approval for the extra land as well. Mr. Carter stated that if the pipeline project goes through, there is a historical set-aside of possibly \$7 million, and the Gladstone folks are hoping they could be in line for that funding. He noted this is definitely to be determined, and there is not even a date for when that funding might be available.

## 2. Board Reports

Mr. Rutherford:

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Mr. Rutherford provided an update about the affordable housing council. He noted there will be a summit on April 19<sup>th</sup>, and there will be stakeholders discussing the needs of urban and rural central Virginia and how to address affordable housing.

Mr. Bruguere:

Mr. Bruguere stated he has missed the last couple emergency services meetings for personal reasons, and he has nothing to report.

Mr. Reed:

Mr. Reed noted he has been unable to attend meetings the last couple months and will have a better report next month.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Saunders:

Mr. Saunders had no report.

B. Appointments

Ms. Mawyer reviewed the following table:

<b>(1) New Vacancies/Expiring Seats &amp; New Applicants :</b>					
<b>Board/Commission</b>	<b>Term Expiring</b>	<b>Term &amp; Limit Y/N</b>	<b>Incumbent</b>	<b>Re-appointment</b>	<b>Applicant (Order of Pref.)</b>
<i>Region Ten Community Services Board</i>	<b>6/30/2019</b>	<b>3 Years/ 3 term limit</b>	<b>Patricia Hughes</b>	<b>N - resigned</b>	<b>None</b>
<b>Agricultural &amp; Forestal District Advisory Committee</b>	<b>5/13/2019</b>	<b>4 Years/ 3 term limit</b>	<b>Joyce Burton (T1)</b>	<b>Y-email</b>	<b>None</b>
	<b>5/13/2019</b>	<b>4 Years/ 3 term limit</b>	<b>Billy Newman (T2)</b>	<b>Y-email</b>	<b>None</b>
	<b>5/13/2020</b>	<b>4 Years/ 3 term limit</b>	<b>Bill Halverson (T2)</b>	<b>N - resigned</b>	<b>None</b>
	<b>5/13/2019</b>	<b>4 Years/ 3 term limit</b>	<b>Bruce A. Vlk (T2)</b>	<b>N - resigned</b>	<b>None</b>
	<b>5/13/2019</b>	<b>4 Years/ 3 term limit</b>	<b>Andy Wright (T3)</b>	<b>N</b>	<b>None</b>
	<b>5/13/2019</b>	<b>4 Years/ 3 term limit</b>	<b>Susan McSwain (T3)</b>	<b>N</b>	<b>None</b>
	<b>5/13/2019</b>	<b>4 Years/ 3 term limit</b>	<b>Dr. Andre Derdeyn (T3)</b>	<b>N</b>	<b>None</b>
	<b>5/13/2019</b>	<b>4 Years/ 3 term limit</b>	<b>Chapin Wilson, Jr. (T3)</b>	<b>N</b>	<b>None</b>
			<b>Staff Member</b>		
			<b>Pam Campbell-Comm. Of Rev.</b>		
			<b>Connie Brennan-BOS</b>		

Ms. Mawyer noted there has been one resignation on the Region Ten Community Services Board and she has submitted an ad to the newspaper. She then noted four positions will have reached their term limit in May on the Agricultural and Forestal District Advisory Committee. Two have moved out of the county and resigned, and she has received response via email for two that wish to be reappointed. She added she has also sent out an advertisement to the newspaper for those vacancies. Mr. Rutherford asked for a summary

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of what this committee is. Ms. McGarry stated this committee gets together whenever somebody submits an application to the Planning and Zoning Department to become part of an Ag. Forestal District that already exists. They get together on an as-needed basis to review the applications. After discussion, the Board decided to see if the positions who have reached their term limit would be interested in continuing to serve, and they also decided to look into changing the bylaws regarding the term limits.

### C. Correspondence

Mr. Rutherford noted there was recently a town hall meeting in Schuyler and there is a lot of concern for the drug situation there. He noted it is a rampant conversation everywhere, and added there are some passionate people there who want to continue the conversation.

Mr. Bruguere had no correspondence.

Mr. Reed had no correspondence.

Mr. Saunders referred to the surplus property information from DGIF in the Board packets (Tax Parcel 94-A-21B). It was noted that the fair market value price would be \$80,000, and the Board agreed that is too high and took no action.

Mr. Bruguere referred to an email about the Dixie Ball Field. It was noted they have outgrown the field, and the email asked the Parks and Recreation Department to look into a solution. Mr. Carter noted Ms. Richardson, the director, is working on identifying properties that could be suitable, but she has not come up with anything, yet. Mr. Harvey noted before spending any money there, he would prefer to improve the fields at the high school first, because they are pitiful. Mr. Saunders asked if the Dixie youth could use the fields at the high school, and Mr. Carter noted the problem is that the seasons conflict with each other. Mr. Carter reiterated that Ms. Richardson is actively looking into locations.

### D. Directives

Mr. Bruguere suggested using some of the Broadband money to put up some towers to take care of the Appalachian Power customers who won't be served by the broadband. He spoke to Gary Wood with CVEC the previous week who told him if they do get an agreement with Appalachian, it would still be five years down the road after everything they are currently working on. Mr. Bruguere noted he thinks that wireless would be the cheapest way to go to give people access instead of putting fiber in. He suggested discussing this further at the next Broadband meeting.

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

### **A. FY2019-2020 Budget Work Session**

Staff provided the Board with the following updates to the FY 19-20 General Fund Budget:

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**Contingency Balances as of March 28, 2019**

**Impacts to Recurring Contingency**

<b>Beginning Balance on 3-12-19</b>	<b>\$ 1,434,696</b>
Addition of Expense: Treasurer's Request for Local Funding of Employee Career Development Salary Increase (9.3%)	\$ (3,212)
Addition of Expense: Clerk's Request for Making Part Time County Funded Position Full Time	\$ (30,296)
Addition of Expense: Registrar's Request for Making Part Time Assistant Registrar Full Time and Retaining 1 Part Time Employee	\$ (27,080)
Reduction of Expense: Funding for TJEMS Council	\$ 9,629
Reduction of Expense: Funding for Central VA Small Business Development Center	\$ 1,000
Addition of Revenues: Wintergreen Police Department Cost Reimbursement for CAD	\$ 10,614
Addition of Revenues: State Compensation Board Reimbursements of Shared Expenses for Constitutional Offices	\$ 47,103
\$500,000 Transfer to School Ops (Maximum Amount TBD) and \$8,263 Increase to JMRL 3-28-19	\$ (508,263)
<u>Subtotal of Changes</u>	\$ (500,505)
<b>Ending Balance in Recurring Contingency as of 3-28-19</b>	<b>\$ 934,191</b>

**Impact to Non-Recurring Contingency**

<b>Beginning Balance on 3-12-19</b>	<b>\$ 1,527,280</b>
Addition of Expense: ECC Carpet/Floor Replacement	\$ (4,475)
Addition of Expense: ECC Position 4 Radio Console Addition	\$ (4,988)
Reduction of Expense: ECC Station Reconfiguration	\$ 2,366
Addition of Expense: School Division Tennis Courts Authorized on 3/14/19	\$ (199,400)
Addition of Expense: Piney River TTHM Solution (Transfer to PR Fund)	\$ (160,000)
Additional Expense: Balance of Funds Needed to Pay Off Piney River Water/Sewer Debt (Transfer to PR Fund)(Budget Includes \$430,180 and Pay-off is Approximately \$660,078 after Regular Payment of \$67,072 and \$3,900 interest payment in July)	\$ (300,870)
Transfer to School Capital 3-28-19	\$ (859,913)
<u>Subtotal of Changes</u>	\$ (1,527,280)
<b>Ending Balance in Non-Recurring Contingency as of 3-28-19</b>	<b>\$ -</b>

**Net Change to Contingency Balances \$ (2,027,785)**

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**Budgetary Changes as of 3-28-19**

**Expenditures:**

	<b>Budget Impact</b>
Treasurer's Request for Local Funding of Employee Career Development Salary Increase (9.3%)	\$ 3,212
Clerk's Request for Making Part Time County Funded Position Full Time	\$ 30,296
Registrar's Request for Making Part Time Assistant Registrar Full Time and Retaining 1 Part Time Employee	\$ 27,080
Piney River TTHM Solution (Transfer to PR Fund)	\$ 160,000
91050-7060 ECC Carpet/Floor Replacement	\$ 4,475
91050-7072 ECC Station Reconfiguration	\$ (2,366)
91050-7078 ECC Position 4 Radio Console Addition	\$ 4,988
Funding for School Division Tennis Courts Authorized on 3/14/19	\$ 199,400
Reduction to TJEMS Council Funding	\$ (9,629)
Reduction to Central Virginia Small Business Development Center Funding	\$ (1,000)
Additional Expense to Pay Off the Balance of PR Water/Sewer Debt after July Payment	\$ 300,870
Increase to JMRL 3-28-19	\$ 8,263
Transfer to School Ops (Maximum Amount TBD) 3-28-19	\$ 500,000
Transfer to School Capital 3-28-19	\$ 859,913
Net Expenditure Changes as of 3-28-19	\$ 2,085,502

**Revenues:**

	<b>Budget Impact</b>
Wintergreen PD Cost Reimbursement for CAD	\$ 10,614
State Compensation Board Reimbursements of Shared Expenses for Constitutional Offices	\$ 47,103
Net Revenue Changes	\$ 57,717

Net Budgetary Impact as of 3-28-19 \$ (2,027,785)

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Mr. Carter noted a letter in the Board packets from future Judge Watson. He will be here as the sitting judge in Nelson County, and since his office will be here, he is requesting \$46,000 to cover a secretary. This number is inclusive of benefits. He noted this is another change that will have to be made in the budget.

Mr. Ruther noted Mr. Watson is his current attorney, and he feels it is best to abstain from conversation and voting on this matter.

Mr. Carter noted the County already contributes to the judge's secretary in Amherst, and Mr. Watson indicated Amherst will be covering that full cost, so we'll be able to reallocate that money toward this salary.

Mr. Saunders noted the expense of the Transfer Station scales will need to be added, as they will have to be replaced by next April. Staff confirmed this is about \$68,000.

Ms. McGarry noted the Circuit Court Clerk's budget would be adjusted by \$46,000 for the secretary position, and the Transfer Station scales would be added to the capital outlay section, so that would reduce the balance in the recurring contingency to \$820,191. She added that after the last meeting, there is a zero balance in the non-recurring contingency. So any other expenditure adjustments would reduce the recurring contingency.

Mr. Carter stated the budget has to be advertised in the newspaper once, and the Board can't have the public hearing until seven days later, and then after that, they have to wait at least another seven days until the budget can be approved. He noted the Board could have the public hearing in May or sooner, and set it up for approval at the June meeting, including the appropriation of the various fund groups.

The Board then discussed the school operational budget.

Mr. Rutherford stated he wants to see our kids getting a great education, but at the same time, there may be some changes in how they operate. He believes allocating an additional \$350,000 from the recurring contingency to their operational budget is more than fair, but at the same time, the Board is also giving \$859,913 to their capital fund. He noted concern that there will not be much left in the Board's capital for the future.

Mr. Harvey noted they used to go through and do the rest of the budget, and what's left over, they give to the schools. He thought they had started the process of doing the school budget first, and then making the adjustments throughout. He added that they just had to, out of the blue, allocate \$68,000 to replace the Transfer Station scales. He asked Mr. Carter when that has to be completed, and Mr. Carter said the letter states by April 4, 2020.

Mr. Saunders noted they had discussed the possibility of buying property to consolidate all the County's rental properties, and stated there will not be any money left for that. Mr. Harvey stated they could

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borrow the money. Mr. Saunders asked why should they borrow it if they already have the money. He agreed with Mr. Rutherford and said if you are operating a business, if you need more money, you have to drop back and adjust things to make up for it. He noted the Board has never turned down any capital expenditure request that the schools have made, like the tennis courts they recently funded. He stated if enrollment keeps dropping and they keep asking for more money, something is wrong. Mr. Rutherford noted concern with losing 300 kids in the last 14 or 15 years and stated as officials, the Board needs to look at what they can do different to get these kids back, and added that increasing that population will get the schools more money from the State.

Mr. Reed stated one way of doing that is having good schools. He noted we can't jeopardize our schools on behalf of the fact that we have a smaller population. He added that by looking at the proposed school budget, he can see it's highlighted that there are reductions in areas that are not easy places to have reductions, such as dual enrollment, teaching positions, custodians, and technology. He feels that the schools have been genuine in prioritizing those things they feel are most important. He noted he was absent during the earlier budget discussions and asked what the level funding amount would be. Ms. McGarry noted the local funding contribution would be \$14,579,887 with level funding.

Mr. Saunders noted he was originally in favor of a \$250,000 increase but \$350,000 is as far as he will go. Mr. Rutherford was in favor of \$350,000. Mr. Harvey noted he was in favor of a \$500,000 increase. Mr. Reed stated he would like to go above \$500,000, but would go with that number if they could reach a consensus on it. Mr. Bruguere noted he was in favor of \$350,000 because of other projects the County needs to be thinking about such as buying property to replace the rentals, and if they borrow money, they'll have to put it back in the budget to pay it back. He added they are paying for the library expansion and looking at the request from the recreation department to enhance facilities for the children as well.

Supervisors agreed by consensus for an increase of \$350,000 in contingency funding to the schools, noting this could change after the public hearing.

Supervisors then discussed the school capital improvements. By consensus, they agreed to reserve \$859,913 of their non-recurring contingency for school capital.

Mr. Rutherford stressed the importance of being conscientious as that is all of the non-recurring money, and we have capital improvements and could potentially be looking at tax increases in the future. Mr. Harvey noted we go through this every year and asked for the total fund balance. Mr. Carter stated at the end of June, it should be around \$25 million, and added that is not recurring money. It was noted that the total budget is about \$32 million or so, not including the schools, and the fund balance is about sixty percent of the operational budget. Mr. Carter added they would want to use this on something very important and not erode it away of course. He noted the County, a year or so ago, was rated highly by the State for good fiscal management. He stated unless the Board takes on some major project, they should be fine next year and not need to raise taxes.

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Mr. Rutherford then moved to have a public hearing on the FY2019-2020 budget on May 14<sup>th</sup>, 2019 and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Saunders noted that emergency services will have their vehicles parked in the Courthouse parking lot at 6:15 that evening to show what the Board has purchased over the last few years.

## **VII. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM**

At 4:36 PM, Mr. Rutherford moved to adjourn and reconvene at 7:00 PM 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.

### **EVENING SESSION 7:00 P.M – NELSON COUNTY COURTHOUSE**

#### **I. CALL TO ORDER**

Mr. Saunders called the meeting to order at 7:01 PM with all Supervisors present to establish a quorum.

#### **II. PUBLIC COMMENTS**

1. Mary Cunningham, Afton

Ms. Cunningham stated there have been no new meeting minutes on the website since December. She said she has called the Courthouse and has been told staff is too busy and they will get to it. Mr. Harvey noted there has been a personnel change, and Ms. Cunningham stated she understands it's too soon for the March meeting minutes but January and February should be prioritized. She reiterated that people do look for the minutes on the website. She asked if draft minutes would be available, and Mr. Harvey stated staff does not put out draft minutes. Mr. Saunders advised they should be posted on the website as soon as possible.

Following public comments, Mr. Saunders referred back to the Lovington Volunteer Fire Department (LVFD) Application for Interest-Free Loan item on the afternoon agenda. He stated that the Board had received clarification on how the money would be used. Mr. Harvey moved to approve the application for the interest-free loan for the LVFD and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

#### **III. PUBLIC HEARINGS**

##### **A. Relocation of Roseland Polling Place**

April 9, 2019

Consideration of an Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Chapter 2, Article II, Section 2-28 to change the Roseland Precinct polling place from the Roseland Rescue Squad to the Massie Mill Ruritan Club located at 5439 Patrick Henry Highway, Roseland, VA 22967.

Mr. Carter noted Staff has advertised the notice of public hearing for the Board's consideration of this, there is a draft ordinance for the Board's approval consideration, there will be conduct of the public hearing, and then, the decision on whether or not to endorse the ordinance and change the polling place. He added if the Board approves the change, Staff will work with Ms. Britt to get the proper notices out. He stated Staff would need to work on an agreement to use the facilities with the Ruritan Club. Mr. Bruguere asked what would need to be done about the handicapped paving. Mr. Carter stated Staff would put that information together and bring it back. Ms. Britt noted there is a deadline; they can't make any changes sixty days prior to the November election. This includes notifying all of the registered voters.

Mr. Saunders opened the public hearing and the following person was recognized:

1. Mary Cunningham, Afton

Ms. Cunningham asked for the rationale for the change. Mr. Saunders stated it is a safety issue. He added the current location is close to the highway and people couldn't get off the road. The new location has a larger parking lot and is easier to enter and exit. It is also only a mile or so from the current location.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Bruguere noted he has not had any negative feedback on this, and the Ruritans all voted in favor of it. It is just two miles further south on 151, and there is plenty of parking. He added there is more space for people setting up booths. He then moved to approve **Ordinance 2019-01** and 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 ordinance was adopted:

**ORDINANCE 2019-01**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AN ORDINANCE TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 2 (ADMINISTRATION, ARTICLE II (BOARD OF SUPERVISORS))**  
**SECTION 2-28 (PRECINCTS AND POLLING PLACES)**

**BE IT HEREBY ORDAINED**, that Chapter 2, Administration, of the Code of Nelson County, Virginia be hereby amended as follows:

**Sec.2-28. Precincts and Polling Places**

April 9, 2019

West District:

Roseland Precinct

Polling Place: Massies Mill Ruritan Club, Roseland

**BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon adoption.

**B. FY20-FY25 Secondary Six Year Plan**

The Board and VDOT will receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2020 through 2025.

Mr. Robert Brown referred to the draft plan of the Rural Rustic Priority List:

**NELSON COUNTY  
RURAL RUSTIC PRIORITY LIST- FY19 -FY24**

	<b>ROUTE NAME</b>	<b>FROM</b>	<b>TO</b>	<b>LENGTH</b>	<b>TC- VPD</b>	<b>NOTES</b>
1	654 FALLING ROCK DR	1.0 M.I.E. RTE 657	RTE 661	1.90 Mi.	127 FUNDED	\$380,000
2	814 CAMPBELL'S MT RD	0.99 Mi. N. RTE 56	1.99 Mi. N. RTE 56	1.00 Mi.	109 FUNDED	\$200,000
3	617 BUCK CREEK RD	0.23 Mi. N RTE 29	DEAD END	1.40 Mi.	140 FUNDED FY 18/19	\$280,000
4	625 PERRY LANE	ROUTE 623	DEAD END	2.00 Mi	118 FUNDED FY19	\$400,000
5	645 AERIAL DR	RTE 646 E	RTE 646 W	0.20 Mi.	55 FUNDED FY 19/20	\$40,000
6	721 GREENFIELD DR	RTE 626	0.50 Mi. N RTE 626	0.50 mi.	51 FUNDED FY20	\$100,000
7	666 JACK'S HILL RD	2.57 Mi. W RTE 678	1.82 Mi. W RTE 678	0.75 mi.	50 FUNDED FY20	\$150,000
8	628 RHUE HOLLOW RD	Route 764	DEAD END	0.22 MI.	60 FUNDED FY20	\$44,000
9	794 RHUE HOLLOW LANE	RTE 628	DEAD END	0.20 MI.	60 FUNDED FY20	\$40,000
10	678 EMBLY'S GAP RD	2.06 Mi. N RTE 676	Rte 666	1.64 Mi.	110 FUNDED FY20/21	\$300,000

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11	699	CARTER HILL RD	RTE 807	RTE 680	1.29 Mi.	40	FUNDED FY21	\$250,000
12	612	BOTTOMS LANE	RTE 788	DEAD END	0.95 Mi.	50	FUNDED FY21/22	\$200,000
13	623	SHIELDS GAP RD	RTE 151	DEAD END	0.55 Mi.	60	FUNDED FY22	\$100,000
14	650	HIGH PEAK LANE	0.50 Mi. N. RTE 772	DEAD END	1.10 Mi.	90	FUNDED FY22/23	\$220,000
15	654	CEDAR CREEK RD	2.00 Mi. W. RTE 655	3.00 Mi. W RTE 655	1.00 Mi.	100	FUNDED FY23	\$175,000
16	653	WILSON RD	RTE 655	RTE 710	2.83 Mi.	60	FUNDED FY23/24	\$550,000
17	814	CAMPBELL'S MT RD	1.99 Mi. N RTE56	2.99 Mi. W RTE 56	1.00 Mi.	100	FUNDING FY24	\$200,000
18	687	NORTH FORK RD	RTE 56	1.00 Mi. W RTE 56	1.00 Mi.	100	PARTIAL FUNDING FY24	\$200,000

Estimated cost /mile \$175,000-\$225,000  
Six Year Plan Estimated Unpaved Road Allocation

He stated it reflects last year's unpaved road priority list, and he noted some of those projects have been completed, including Old Roberts Mountain Road and Buck Creek Lane. He added these accordingly have no priority on the draft plan.

He noted going down the list, the first priority, Falling Rock Road, is under construction. They anticipate this being completed by July 1<sup>st</sup>. The next project, Campbell's Mountain Road, is also under construction. Perry Lane is also under construction. Those projects should all be completed by July 1<sup>st</sup>. He noted the next projects going down the list, beginning with Aerial Drive, are projects they anticipate to get constructed this calendar year. This includes Aerial Drive, Greenfield Drive, Jack's Hill Road, Rhue Hollow Road, Rhue Hollow Lane, and Embly's Gap. He stated Carter Hill Road has a construction date of next year, FY21. Bottoms Lane, Shields Gap Road, High Peak Road, Cedar Creek Road, Wilson Road, Campbell's Mountain Road, and North Fork Road are the remainder of the roads in the proposed plan. He added this plan reflects the priority that the Board set last year and is based on input from citizens who made requests.

He stated the unpaved road priority list reflects just what's in the draft plan of the six year plan. There are currently 18 priorities, but the list will be revised to show a new priority after the draft process. The ones that are under construction will not carry a number because they will have already been constructed. He asked if the Board wants to keep the same priority on the lower projects at the bottom of the list. He noted he included some proposed projects that could be added to the unpaved road priority list for inclusion into next year's plan:

April 9, 2019

NELSON COUNTY  
RURAL RUSTIC PRIORITY LIST – DRAFT FY20 – FY25

Priority	Route	Name	From	To	Length	TC-VPD	Estim Cost
	654	Cedar Creek Rd.	3 Mi. West Route 655	Rte. 661	1.24 Mi	100	\$248,000
	814	Campbell's Mt Rd.	2.99 Mi. West Route 56	Rte. 684	1.36 Mi	140	\$272,000
	643	Ball Mt Rd	Rte. 639	Dead End	0.60 Mi	40	\$120,000
	848	Whippoorwill Ln.	Rte. 605	Dead End	0.05 Mi	60	\$10,000
	646	Hunting Lodge Rd.	Rte. 604	Rte. 645	2.00 Mi	60	\$400,000

Mr. Brown noted Cedar Creek Road and Campbell's Mountain Road on this list are the remaining sections of those roads that they have been working toward over the last four or five years to complete. He noted Ball Mountain Road and Whippoorwill Lane were requested over the last year and they did new traffic counts. The new count on Ball Mountain Road is 51, which makes it eligible for the rural rustic program. He stated Hunting Lodge Road is on the list because it intersects with Aerial Drive, which is in the plan to be constructed this year, and it would close a loop in that part of the county, and it also does have quite a few houses on it.

Mr. Rutherford noted someone has mentioned Warminster Drive to him, and he would like to get a traffic count on that one and see if it could be incorporated in a future list.

The Board suggested keeping the current priorities and adding the other five, but not prioritizing those, yet.

Mr. Saunders then opened the public hearing.

There being no persons who wished to be recognized, the public hearing was closed.

Mr. Bruguere then moved to approve resolution **R2019-16** Approval of FY20-FY25 Secondary Six-Year Road Plan and FY19/20 Construction Priority List and 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:

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**RESOLUTION R2019-16  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF FY20-FY25 SECONDARY SIX-YEAR ROAD PLAN  
AND FY19/20 CONSTRUCTION PRIORITY LIST**

**WHEREAS**, Sections 33.2-331 and 33.2-332 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2019/20 through 2024/25) as well as the Construction Priority List (2019/20) on April 9, 2019 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

**WHEREAS**, Staff of the Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2019/20 through 2024/25) and the Construction Priority List (2019/20) for Nelson County,

**NOW THEREFORE BE IT RESOLVED**, that said Board finds the Plan(s) to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, and as such said Secondary Six-Year Plan (2019/20 through 2024/25) and Construction Priority List (2019/20) are hereby approved, as amended if applicable.

The Board then recognized Mr. Don Austin, who was retiring. Mr. Don Austin came forward and thanked the County. He noted it's been nine years since he was transferred to this area and added the Board and County staff have been great to work with. Mr. Saunders noted his appreciation for all Mr. Austin has done for the County and wished him the best.

**C. Class C Tower Permit #2019-01**

Consideration of a Class C Tower Permit application requesting County approval to use the specified subject property for a "130' Self Support Tower". The subject property is located in Arrington off of Diggs Mountain Rd, Tax Map Parcel #77-A-2A (85 acres), owned by Saunders Farms LLC. The subject property is zoned Agricultural (A-1).

Ms. Shackelford provided the following report:

**BACKGROUND:** This is a request for a Class C Communications Tower on property zoned A-1, Agricultural in accordance with §4-1-22 and §20-13 of the zoning ordinance.

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Public Hearings Scheduled: P/C – February 27, 2019; Board – April 9, 2019

Location / Election District: East of, and across the street from 875 Diggs Mountain Road / South Election District

Tax Map Number(s) / Total acreage: 77-A-2A / 85.0 acres +/- total.

Applicant Contact Information: Dale Hill, Apex Towers, LLC, 2838 Riverside Drive, Suite C, North Tazewell, VA 24630; 276-964-7416.

Comments: The requested use is for a new 130' monopole telecommunications tower. The tower does not include a lightning rod. The applicants have agreements with AT&T and T-Mobile to utilize the tower for service provision, and have offered to allow Nelson County to place its communication equipment on the tower free of charge. One of the service providers has requested waivers from §20-12.D.4, which limits the equipment that can be attached to the tower.

T-Mobile is requesting to be permitted to utilize a four-sector configuration, with two antennae per sector, to utilize four different spectrum bands. The configuration requested from AT&T appears to comply with §20-12.D.4.

The applicants have also requested a waiver from the landscaping requirements since the tower location is in a heavily wooded area.

This property is located south of and adjacent to the LockN Farm property, so this will also allow additional coverage for large events.

**DISCUSSION:**

Land Use / Floodplain: This area is rural in nature. The property does not fall within any 100-year flood plains.

Access and Traffic: Property is accessed from Diggs Mountain Road (62-668, AADT 160). The proposed tower will not take impact the daily traffic once construction is completed.

Utilities: The proposed tower will not utilize water or septic/sewer services. A 40' access/utility easement is proposed to access the property.

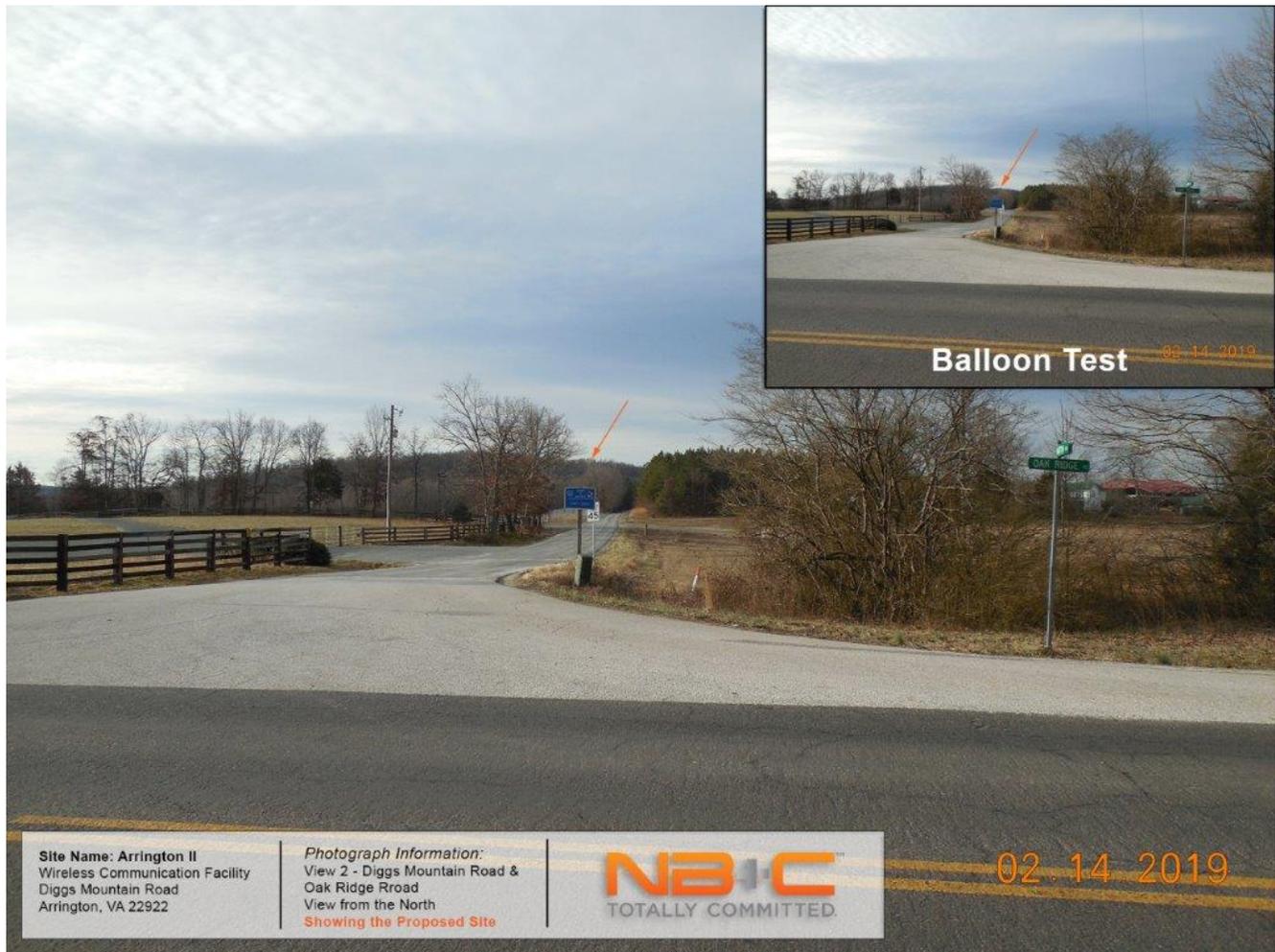
Conditions: The final approving authority for this request is the Board of Supervisors. The ordinance states that the final approving authority shall approve the color of the tower and may impose other conditions upon approval. The Planning Commission may make recommendations to the Board of Supervisors regarding proposed conditions. The applicants have proposed leaving the tower galvanized silver, which traditionally seems to be the most unobtrusive option for towers to blend in with the sky in spaces where it may be visible above the tree line.

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Comprehensive Plan: The current Comprehensive Plan has this area identified as Rural and Farming. The current Comprehensive Plan does not address communications towers/infrastructure. The application meets the guidelines established in §20-2 of the Zoning Ordinance outlining the purpose of the Communications Tower Ordinance including the importance of protecting the scenic nature of the County.

**RECOMMENDATION:** The Planning Commission recommended approval of the tower including the granting of the waivers for the equipment configuration and the landscaping requirements, as well as the proposed color of galvanized steel for the tower by vote of 6-0.

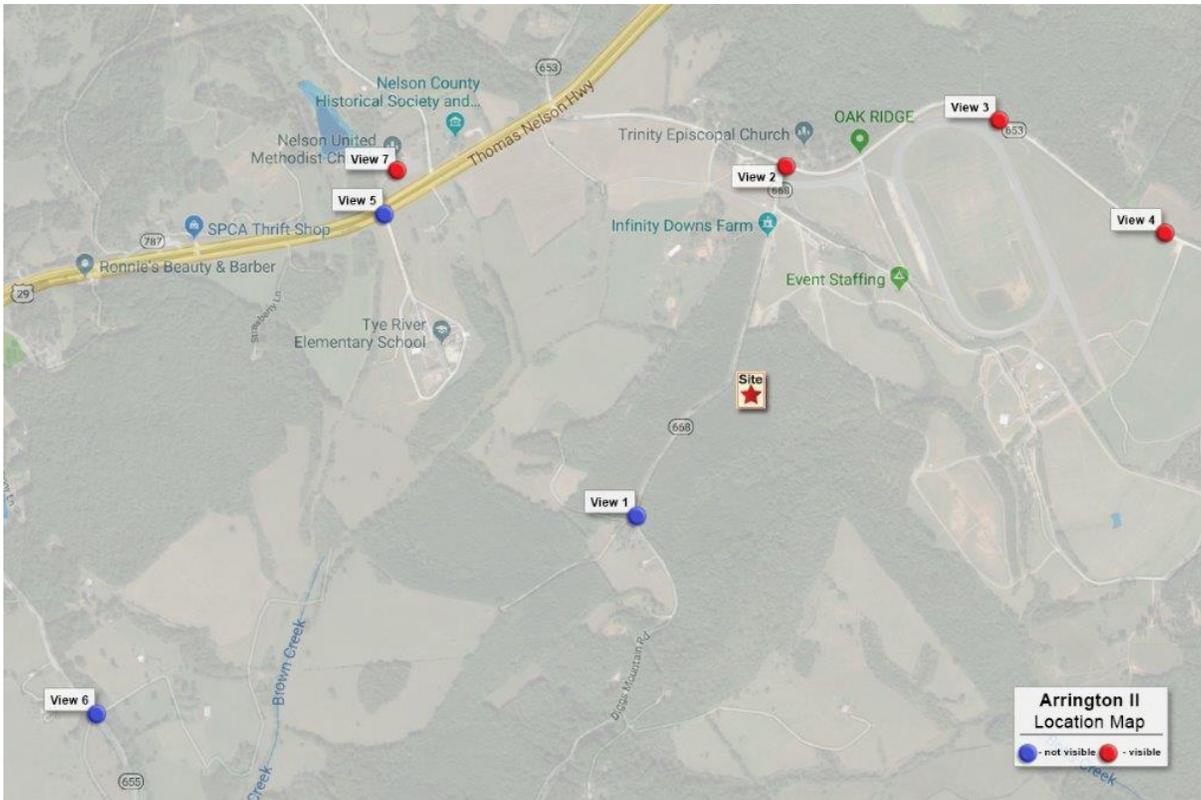
Ms. Shackelford then showed some photo simulations:



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Mr. Saunders asked who the two providers using it would be, and Ms. Shackelford stated AT&T and T-Mobile. Mr. Rutherford asked if the County could put emergency equipment on the tower, and Ms. Shackelford confirmed and added that was part of the application that the applicants offered. Mr. Saunders asked if Stewart Computer Services could rent space off the tower, since it's currently a dead zone area. Ms. Shackelford stated they have a colocation policy, and it depends on how much additional space they have available for lease.

The applicant, Dale Hill, came forward and stated that including the County, it would be a five tenant tower.

Mr. Saunders asked if the tower would be up and running by this year's Lockn' festival in August. Mr. Hill stated it would be close and they are shooting for an end of July turnover date to the carrier. They have to get through the building permit section and so forth.

Mr. Saunders then opened the public hearing.

There being no persons who wished to be recognized, the public hearing was closed.

Mr. Rutherford then moved to approve the Class C Tower Permit #2019-01 as amended by the Planning Commission with the landscape and equipment waivers from Apex Towers, LLC, applicant and Mr.

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Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

Mr. Harvey noted that Ms. Shackelford would be moving on and thanked her for her services to the County and wished her the best. Ms. Shackelford thanked the Board and stated she will be working on the Thomas Jefferson Planning District Commission and hopes to bring rural perspective to them. She noted her enjoyment working with the County and citizens.

**V. ADJOURNMENT**

At 7:43 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.