

August 11, 2020

Virginia:

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

Present: Jesse N. Rutherford, East District Supervisor
Thomas D. Harvey, North District Supervisor – Chair
Ernie Q. Reed, Central District Supervisor – Vice Chair
J. David Parr, West District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Stephen A. Carter, County Administrator
Grace Mawyer, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources
Maureen Kelley, Director of Tourism and Economic Development
Martha Eagle, School Division Superintendent
Russell Gibson, Emergency Services Coordinator
Major Larry Cindrick, Nelson County Sheriff’s Office
Dylan Bishop, Director of Planning and Zoning

Absent: None

I. CALL TO ORDER

Mr. Harvey called the meeting to order at 2:01 pm, with all Supervisors present to establish a quorum. Mr. Harvey asked Reverend Rose to lead an invocation.

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

II. PUBLIC COMMENTS

1. Joanne Clarkson, Arrington VA

Ms. Clarkson noted that she had read an article in the newspaper concerning the Confederate statue outside the Courthouse. She stated she is here to express opposition to that article. She noted that she does not know when the Board of Supervisors will take up that subject but wants it to be known she is opposed to it. She advised that regarding statues, these young and older men were called to do a job, adding she believes there is a push now to destroy the history of the South. She stated that slavery did not start in Virginia, and there were slaves in biblical times. She added that she agrees that all slaves were not treated properly, but she also feels that we should not be taking down Confederate statues or

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any other statues. She asked that the Board let the public know if and when they plan to address the subject.

2. Ingrid Sherwood, Shipman VA

Ms. Sherwood noted that she wrote a letter to the Nelson County Times in favor of relocating the statue. She submitted a prepared speech to the Board and voiced a summary. She noted that she feels the young men represented a nation that wanted to fight for slavery and understands that those soldiers didn't want to leave their homes, however, they fought for somebody who wanted to keep slaves. For this reason, she feels that the statue should be moved. She stated that what someone puts in their yard is what they represent, and this courthouse represents justice and not what that soldier represented.

3. Edith Napier, Arrington VA

Ms. Napier stated she comes before the Board today to join Reverend Rose in requesting the Board to do the right thing and remove the Confederate statue that is in front of the Courthouse. She noted her appreciation that none of the present Board members were involved in having the statue erected, but finds it challenging that the Board finds it challenging that anyone would ask them to remove it from the Courthouse grounds. She stated that one of the main objectives of the Confederacy in the Civil War was to maintain slavery of black, African American people who were not thought of or treated like human beings. She added that the Confederacy lost the Civil War in 1865 and asked what the motivating factor was in having a Confederacy memorial erected on the Nelson County Courthouse grounds almost 100 years later. She suggested this may have been because the Civil Rights and Human Rights movements were gaining momentum. In 1962, she noted that the Board of Supervisors appointed a committee to select a memorial for the Confederacy, which was erected in 1965 and financed by the Virginia General Assembly, the Civil War Commission, and the Nelson County Board of Supervisors. She stated that she does not know why the previous Board decided to have the statue erected but has outlined a few things going on in this country that may have accounted for the Confederate statue. She noted that constituents will never look at the Nelson County Courthouse grounds again without the statue overshadowing everything else. She implored the Board to remove the statue and find it a suitable home in a museum somewhere. She referred to Mr. Barton's comment in the newspaper that the Civil War was one of the greatest tragedies and stated that slavery was one of the greatest tragedies of this country. She noted that she found Mr. Rutherford's newspaper comments offensive and asked Mr. Harvey why asking for removal of the statue on the Courthouse lawn, which stands for justice for all, would separate people in 2020.

4. James Bibb, Arrington VA

Mr. Bibb voiced his opposition to Reverend Rose's comments during the July meeting regarding the suggestion of the removal of the Confederate memorial on the Courthouse lawn. He advised that this memorial was erected on the centennial of the surrender of the Confederacy in 1865, irrelevant of anything else that was going on at the time. He noted that this is a very important memorial to hundreds

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of Nelson County citizens who answered the call of their home state of Virginia, and it serves in memory of the common soldier, many of which did not return home. He stated that the memorial does not represent or serve to perpetuate slavery, racism, or division, adding that the inscription on it says "Love makes memory eternal." He urged that it deserves to stay in its rightful place memorializing those that mustered upon the same ground on which it stands and serve the county of Nelson and state of Virginia.

5. Bo Delk, Roseland VA

Mr. Delk referred to a representative's comments on a television interview recently saying that people have to pass by the Confederate statue every time they come to the Nelson County Courthouse to register to vote. He noted this statement was incorrect as the Registrar's Office is not on the Courthouse grounds. He noted that another statement made to the Lynchburg news station was that there are no other memorials or statues at the Courthouse other than the one for the Confederate States of America. He advised this is also incorrect and noted that on the left side of the door of the Circuit Court, which is now no longer used, there is a plaque in memory of the people of Nelson County who died in World War 1. He stated this was placed there in 1939 by the public school children of Nelson County. On the right side of the Circuit Court door, there is a plaque memorializing soldiers, sailors, marines, and airmen of Nelson County who died in World War 2, and this was placed there in 1949 by the citizens of Nelson County. Mr. Delk emphasized that there are other memorials on these grounds. He advised that there is no memorial here for the three soldiers who died in the Korean War or the nine soldiers who died in the Vietnam War. He added that the Nelson County High School classes of 1956 through 1967 are in the process of acquiring a suitable plaque to be placed at the Courthouse to memorialize their classmates killed in Vietnam, and he imagines they will also incorporate memorializing the three soldiers killed in the Korean War. He stated that there will be other reasons for people to come up to the Courthouse to conduct their business and remember some of these people. For the last three or four months, he noted he has been reading hundreds of comments in regional newspapers from citizens about how they feel. He stated this has opened his eyes to the feelings of other people that he did not know about. He suggested that the Board leave the memorial to the soldiers who died in the Civil War where it is because every time he walks up and sees it, he will remember the comments, thoughts, and feelings of the other side of the story and will make him aware of them, whereas before, he may not have been aware of them.

Mr. Barton concurred with Mr. Delk and then spoke of when he first came to Nelson County from Roanoke in 1979. He stated that Roanoke was still battling with integration of their schools, and he embraced the brotherhood that existed in Nelson County. He noted that one of the most important things that children of Nelson County learn is respect for each other, not based on race. He emphasized that the Civil War was a tragedy that would have never happened without the existence of slavery, adding that the statue in a way represents slavery. He noted that one third of all white men of military age died in the Civil War, and after the war, those young men did not go back to live life like they did previously, but rather they went to the courthouse and sat around and talked for the next twenty or thirty years about their experience of the tragedy that was war. He stated that this is about a terrible thing that happened to

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people, and to ignore that thing that happened is not good. He then noted that Virginia voted two weeks before South Carolina not to secede, adding that this area did not want to secede at all. He stated those soldiers were not fighting for slavery, but rather they were fighting for their homes, and a threat to democracy was happening.

Mr. Barton noted that democracy is dependent on respect that we have for each other, adding that human beings need to respect each other. He stated that to him, Nelson County is an enormous example of how democracy works, and it is not a racist place. He concurred with Mr. Delk's comment that we need to understand what the other person feels like. He urged that we need to make that statue something that represents the Nelson County that he loves.

III. CONSENT AGENDA

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

A. Resolution – **R2020-30** Re-adoption of Emergency Ordinance (EO2020-01)

**RESOLUTION R2020-30
NELSON COUNTY BOARD OF SUPERVISORS
RE-ADOPTION OF EMERGENCY ORDINANCE EO2020-01**

WHEREAS, the Nelson County Board of Supervisors adopted Emergency Ordinance **EO2020-01** at its March 26, 2020 meeting; and

WHEREAS, the Nelson County Board of Supervisors continues to find that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat,” and

WHEREAS, Virginia Code §15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months.

NOW, THEREFORE, BE IT RESOLVED that the Nelson County Board of Supervisors hereby readopts the attached Emergency Ordinance **EO2020-01**.

BE IT FURTHER RESOLVED that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the BOARD in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the BOARD or automatic expiration

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as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

EMERGENCY ORDINANCE 2020-01
NELSON COUNTY BOARD OF SUPERVISORS
EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN
CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC
HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF
OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 26, 2020, the governing body of Nelson County ("BOARD") confirmed the declaration of local emergency made by the local director of emergency management on March 18, 2020; and

WHEREAS, the BOARD finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Virginia Code §44-146.16 being a "communicable disease of public health threat;" and

WHEREAS, Virginia Code§ 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

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WHEREAS, Virginia Code§ 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency "proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and

WHEREAS, Virginia Code§ 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of BOARD may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act ("FOIA") are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the BOARD of Nelson County, Virginia:

- That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the BOARD, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization, and all local and regional boards, commissions, committees and authorities created by the BOARD or to which the BOARD appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
- That in accordance with Virginia Code§ 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
 - a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

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b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and

e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and

f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the BOARD in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the BOARD or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

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Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

B. Resolution – **R2020-31** 2020 VDOT Smart Scale Applications

RESOLUTION R2020-31
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION ENDORSING THE SUBMISSION OF SMART SCALE (HB2)
APPLICATIONS REQUESTING TRANSPORTATION FUNDING

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) in cooperation with VDOT and DRPT completed a comprehensive Rural Long Range Transportation Plan (RLRP 2040); and

WHEREAS, the 2040 RLRP includes the following transportation improvements noted below; and

WHEREAS, during its 2014 session, the Virginia General Assembly enacted legislation in the form of House Bill 2 ("HB2") now titled "Smart Scale", which established new criteria for the allocation of transportation funding for projects within the state; and

WHEREAS, the Commonwealth Transportation Board (CTB) during its board meeting of June 17, 2015, approved the Policy and Guidelines for Implementation of a Project Prioritization Process in accordance with Smart Scale; and

WHEREAS, many of the transportation projects identified by the Commission meet the eligibility criteria for funding under Smart Scale; and

WHEREAS, it is in the best interests of Nelson County to submit Smart Scale applications requesting state funding for eligible transportation projects;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby endorse the submission of 2020 Smart Scale applications requesting funding for the following transportation projects listed in priority order:

- 1) US 29 at Route 653 Improvements: Project will make turn lane improvements on Route 29 North and South, intersection improvements and alignment on Oak Ridge and Route 29 with additional capacity, with lane addition up to Diggs Mountain.

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- 2) Route 6 at Route 151 Intersection Improvements: Project will widen the east leg of the intersection creating a wider receiving lane for turning vehicles.
- 3) Route 151 at Tanbark Road Intersection Improvements: Project will make a variety of intersection improvements to improve safety.

C. Resolution – **R2020-32** Minutes for Approval

**RESOLUTION R2020-32
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(July 14, 2020)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **July 14, 2020** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

D. Resolution – **R2020-33** Budget Amendment

**RESOLUTION R2020-33
NELSON COUNTY BOARD OF SUPERVISORS AMENDMENT
OF FISCAL YEAR 2020-2021 BUDGET NELSON COUNTY, VA
August 11, 2020**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$8,885.00	3-100-009999-0001	4-100-043040-5409
\$93,794.00	3-100-009999-0001	4-100-043040-7005
\$170,000.00	3-100-009999-0001	4-100-999000-9911
<u>\$246,701.00</u>	3-100-009999-0001	4-100-091030-5610
\$519,380.00		

IV. PRESENTATIONS

A. VDOT Report

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It was noted that Robert Brown, VDOT Residency Administrator, was unable to attend today's meeting due to strict VDOT guidelines about meetings during this time, and he asked that any concerns be forwarded to him by Staff.

Mr. Parr noted that a lot of weeds need to be cut alongside the roads, and he will call Mr. Brown.

V. NEW & UNFINISHED BUSINESS

A. Report on CARES Act Funding

Mr. Carter presented the following information:

DRAFT Nelson County CARES ACT COVID-19 Funding (REVISED 8/10/20)	\$2,605,170
Funding Distribution Category	\$ Allocation
General Government -Compliance Public Health Measures	\$ TBD
Desktop Computer Replacement (laptops & docking stations) 24 Units	\$32,400
¹ FFCRA Employee Paid Leave/Unemployment Claims - Estimate	\$15,000
¹ Cleaning & Protective Health Measures (including Office Modifications) Estimate	\$25,000
Solid Waste (\$244,192)	
•Skidsteer Loader - Actual Cost	\$38,342
•Scale House Replacement - Quote/Estimate	\$90,000
•4 Pressure Washers and 2 Water Tanks for Convenience Center Cleaning	\$1,870
•Trucks (3) and Compact SUV (1)	<u>\$113,980</u>
	\$316,592
School Division - Distance Learning	\$TBD
Distance Learning Technology & Service	\$629,863
• Chromebook, Protective Case, MiFi Box, MiFi Service 10 mos & Flash drive for 974 Students. 281 Chromebooks Donated for a total of 1,255	
EMS/Public Safety - Compliance Public Health Measures/Medical Expenses	\$ TBD
² Fire Department Turnout Gear Extractor	\$15,000
² Gladstone Fire & Rescue Generators	\$28,659
EMD Software - ECC CAD System	\$80,000
Animal Control ACO Mobile Data Terminals	\$17,070
Sheriff's Department Dedicated Inmate Transport Van- Estimate	\$64,292
Regional Jail Unbudgeted Hazardous Pay-Officers (Nelson Contribution 7.5% of Total)	\$9,179

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Contribution to Nelson County EMS Council (\$643,000)	
• Self-Contained Breathing Apparatus Masks for All Firefighter 1s and Above	\$40,000
• Two (2) Zoll Cardiac Monitors for Wintergreen Rescue Squad	\$68,000
• Six (6) Ventilators for Rescue Squads	\$79,000
• Two (2) Ambulances with Cardiac Monitors	<u>\$456,000</u>
	\$857,200
Community Relief Initiatives - Economic Support	
	\$ TBD
Small Business Grants- Economic Support/Business Interruption	\$350,000
TJPDC Contribution for Regional Affordable Housing Search Tool	\$1,452
4-H Educational Center Grant	\$10,000
Broadband Expansion- Contribution to CVEC/Firefly	\$1,125,000
MACAA Request	<u>\$34,092</u>
	\$1,520,544
Contingency	
	\$ TBD
Total Requested Funds with \$0 Contingency	\$3,324,199
Balance of Available Funding	(\$719,029)
¹ As of 7/15/2020 approximately \$3,863 and \$10,108 has been charged to CARES ACT Funding ² As of 7/15/2020 \$15,000 and \$28,659 has been charged to CARES ACT Funding As of 7/15/2020 a total of \$57,639 in CARES ACT funding has been expended	

Mr. Carter noted that the first CARES Act allocation of about \$1.3 million was received around a month ago, and there was uncertainty whether or not there would be a second allocation. Just over a week ago, Staff received notice from the State following the Governor’s press conference that there would be a second allocation for an approximate equal amount. He advised that the County’s new total allocation is \$2,605,170, which is listed at the top of the draft funding document. Listed below the amount are various potential uses for the funding, which has to be at least somewhat related to the COVID-19 virus. He noted that the bold items in the listing are expenses that have already been incurred, and to date, the total expenses the County has incurred and paid for is \$58,648.

Mr. Carter noted that as some of the Board is already aware, the Broadband Authority met earlier and received an overview from Mr. Gary Wood on Firefly’s operations and the potential for Firefly to utilize about \$1.125 million to extend broadband to several areas in the county by December 31st. He added that one of the conditions of the County’s use of this funding is that the money has to be expended by December 31st.

Mr. Carter noted that himself, Ms. McGarry, and Mr. Gibson have been working to develop this list and can answer any questions the Board may have. He suggested that the Board consider reserving \$50,000-

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\$100,000 to see what happens in the next month or so, as Staff is continually seeing expenses come in that they need to cover, and this funding could be used for them.

Mr. Rutherford noted that Mr. Wood did say that time is of the essence in relation to the broadband money. Mr. Carter advised that for anything the Board endorses, the expense has to be completed by the end of the year.

Mr. Harvey noted that the Board can go through the list and decide what items need to be done right now and what items can wait, adding they need to do it pretty quickly. He agreed with Mr. Rutherford and encouraged making the commitment to CVEC/Firefly because broadband will touch more lives and do more for everything in Nelson County. He added that money can always be transferred from the Broadband Fund back to the County if something else needs to be taken care of, and he feels strongly that they need to use that money out of this CARES Act funding for the CVEC/Firefly project.

Mr. Rutherford emphasized that this project is targeting non-CVEC members where they do not have access to internet.

Mr. Reed asked if there are any other considerations on the table besides the ones listed that have been received by the County. Mr. Carter noted that the following letters from the Heritage Center have been provided to the Board, adding they were received after the list was distributed:

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Nelson County Board of Supervisors

Lovingsston, Virginia 22949

August 8, 2020

RE: Request Funds for Preliminary Work on Possible Relocation of the Nelson County Health Department to the Nelson Heritage Center

Request the Nelson County Board of Supervisors be an active participant in the effort to relocate the Nelson County Health Department to the Nelson Heritage Center. In the midst of a world pandemic, the lead agency in the county responsible for guidance, education, testing and preparation, the Nelson County Health Department, has been actively looking for office space for over a year. The county has been allotted approximately 1.3 million dollars for COVID-19 related expenses. Requesting that a minimum of \$100,000 be budgeted for preliminary work on suitable office space for the Health Department at the Nelson Heritage Center.

The Nelson County Health Department needs ample space to perform its mission in support of the citizens of Nelson County. The Nelson Heritage Center has ample space and is in negotiations with the Health Department regarding possible relocation to the Center. We urge the County to take an active role in making the relocation a reality for the following reasons:

1. In the midst of an international pandemic, the county's health department is spending precious time and energy on looking for office space.
2. The Health Department needs long term facilities for the performance of its mission and the Heritage Center can provide long term space.
3. The county and the health department both have verbalized that they have been unable to find suitable space, when the County Administrator is aware of ample space at the Nelson Heritage Center.
4. The use of COVID funds on preliminary work for the Health Department relocation to the Heritage Center would be beneficial and appropriate usage of the funds.
5. At this point in time, It Is The Right Thing To Do.

In summation, we are requesting you to carefully evaluate this request for a minimum of \$100,000 be budgeted for preliminary work on suitable office space for the Nelson County Health Department at the Nelson Heritage Center.

Please feel free to contact us at (434) 386-7580 any time to discuss this request with you.

The Nelson Heritage Center Executive Board.

Reverend Rodney Sandidge, Chairperson

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Nelson County Board of Supervisors

Lovingsston, Virginia 22949

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RE: Request funds for gymnasium HVAC system, repair of the gymnasium floor and upgrade of the locker rooms at the Nelson Heritage Center in support of the County's emergency response requirements in a natural or man-made disaster

Request the Nelson County Board of Supervisors be proactive in planning for future emergencies such as an extended COVID-19 situation or other public health crises, and emergencies. Request that funds be set aside at this time for repair of the gymnasium floor, installation of a HVAC system and upgrade of the locker rooms to have appropriate and accessible facilities readily available in an emergency. The Nelson Heritage Center has an operating commercial kitchen, a large conference room, and two other meeting rooms including one with a kitchen. Having an operating and functional gymnasium, in this facility could meet most emergency requirements and would be extremely beneficial to the county for any shelter-in-place situation. Requesting that \$95,900 be budgeted for Nelson Heritage Center to provide the county with ready resources in an emergency.

Nelson County needs appropriate facilities to address any and all emergencies. At this time there is very limited space for shelter in southern Nelson County during a wide spread disaster. The Nelson Heritage offers handicap accessible facilities on Route 29 which has or could have many of the features and services which would be required in a county or state emergency. We urge the County to be proactive in planning for an extended COVID-19 situation, natural disaster or any situation of mass destruction.

In the midst of a disaster, man-made or natural, an operational gymnasium at the Nelson Heritage Center would offer the county a facility that could meet the need for shelter, food, and a safe space for children and adults. There are two functioning kitchens at the Center, classroom space, office space and high speed internet access. Again, this facility would have the features required to provide shelter-in-place in an emergency situation. Funds requested totals \$95,900 with a breakdown of HVAC at approximately \$49,000, flooring at approximately \$26,900 and locker rooms upgrade of \$20,000.

In summation, we are requesting you to carefully evaluate this request and that \$95,900 be budgeted to enable you to have a valuable resource for the citizens of Nelson County in an emergency situation.

Please feel free to contact us at (434) 386-7580 any time to discuss this request with you.

The Nelson Heritage Center Executive Board.

Reverend Rodney Sandidge, Chairperson

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Mr. Carter noted an example of costs that will be incurred is expenses associated with jury trials as Circuit Court resumes. He advised the County will incur expenses for this such as extra custodial services, providing the jurors with lunches, and whatever else the Court mandates. He pointed out that one of the expenses on the list is a recent bill from the Regional Jail; they want the County to pay \$9,179 for expenses they incurred. He added things just sort of present themselves, and Staff is addressing them as they are presented.

Mr. Reed asked Mr. Carter if he believes the requests from the Heritage Center would qualify for CARES Act funds. Mr. Carter stated they likely would not qualify for the Health Department portion, adding he is certainly not opposed to the Heritage Center being restored. He noted that the letter suggested the gymnasium serving potentially as shelters for the County, but the County's Emergency Operations Plan already lists numerous shelters that would be utilized in case of an emergency. He advised this is up to the Board.

Mr. Carter then summarized each item on the list.

It was noted that the cost for the skid-steer includes the trade-in value of the current loader. Also, regarding the truck and SUV request, it was noted that most of the County's vehicles are ten to twelve years old with the exception of two Building Inspection trucks.

It was noted that the EMD Software is something the dispatch center would use in lieu of the current flip charts they use in emergencies for giving medical assistance to someone calling 911. Also, the Animal Control ACO Mobile Data Terminals would be used in conjunction with the CAD update that has recently been completed and the Sheriff's Office use of mobile data terminals. Mr. Carter noted that the Board has already authorized Animal Control to have the same set of equipment. Regarding the requested Dedicated Inmate Transport Van, it was noted that the Sheriff's Office has always utilized individual cars to transport inmates to and from the Regional Jail.

Mr. Reed asked about the \$456,000 request for two ambulances. Mr. Carter noted that Staff knows other jurisdictions are doing this, and the ambulances would be titled to the County. He added this would also help with mileage reimbursements, as the County would keep that money. Also, in the last several budget cycles, the Board has approved at least 50% funding for the purchase of ambulances, so this would forego those future costs for probably two or three cycles.

It was noted that the Small Business Grant Program was submitted to the Board in June and would be funding to support local businesses, and if the Board so endorses, there is an overall program that would be utilized to manage the use of those funds. Mr. Rutherford asked Ms. Maureen Kelley to come forward and further discuss the grant program.

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Ms. Kelley addressed Mr. Harvey's previous question about the first come first served aspect of the program. She noted there are several different ways of handling that including a deadline and review committee, and it is easily rectified. She advised that the program can be adjusted subject to the Board's input and comments. She assured that this is a necessary program.

Mr. Harvey noted that some businesses have been hurt a lot more than others during this pandemic.

Mr. Rutherford noted that the two most important things the Board can do with CARES Act money are support people and support business, adding he finds a huge importance to the small business grants.

Mr. Barton asked how they decide who gets a grant and who doesn't. Ms. Kelley noted that they would have a committee and set criteria, and the applications would be scored based on eligibility and the criteria. She advised that the broadband project would positively impact the businesses as well.

It was noted that the 4-H educational center grant was requested because they are having financial issues due to being unable to have campers right now.

Mr. Harvey asked at what level the County currently funds MACAA. Mr. Carter noted he believes the County contributes between \$30,000 to \$40,000 per year.

Mr. Rutherford suggested taking out the Scale House Replacement for \$90,000.

Pertaining to the Distance Learning Technology and Service request from the School Division totaling \$625,863, Mr. Rutherford asked if Staff has received an update regarding pupil count for the MiFi boxes. Mr. Carter stated that no additional information has been received, adding that their request was pretty well documented.

Mr. Harvey asked Dr. Eagle to come forward and speak. She noted that she called Mr. Wood of CVEC/Firefly on Friday and worked with him on a heat map showing where the students live. She then noted that part of the School Division request is for MiFi boxes, which are small boxes that work on a cellular signal and can be connected to a TV or computer. Mr. Harvey asked about the cost of these, and Dr. Eagle noted that each MiFi box is \$40 each and \$18 per month for service. Mr. Harvey asked if these would allow a household unlimited use so that they could use it for things other than school. Dr. Eagle advised that they set these up so they are connected directly to the student's Chromebook. She noted that some families are asking for three or four of them, or one per child. She advised that it does not necessarily have to be one per child, however, one can be troublesome for two students, especially if they are having to look at videos or download items. She made note that the MiFis are contingent on cell service, which is limited in some places in Nelson such as Schuyler, Montebello, Piney River, and Massies Mill. She stated that the MiFis are on loan, so they are not a long-term commitment. She noted

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she is hopeful that the schools will not be going virtual for the entire next year, adding this school year will be a challenge. Dr. Eagle stated that on the other hand, Chromebooks are needed all of the time.

It was noted that flash keys could be used to load information onto the Chromebooks for those who do not have good internet access or cell signal. Also, different hotspots will be around the community and the schools will be open every evening.

Mr. Rutherford noted that he would like to be apprised of how many MiFis are requested and how many go out. He also echoed the concerns of cell service and noted that is a big issue in his district. He asked who will be the internet supplier for the MiFis, and Dr. Eagle stated Verizon.

Mr. Parr noted that he is concerned about this number and believes it should be cut down. He understands the need to be constantly replacing hardware, but one thing they did as a School Board was get to a 1:1 initiative for much of the division, so a lot of these kids already have Chromebooks. He noted that he doesn't believe 1,255 brand new Chromebooks or funding 974 of them is an absolute necessity. He reiterated the concern with cell service and does not believe a lot of these people will be able to utilize the provided MiFi service. He noted that he understands how the School Division calculated the figure off of the free/reduced lunch number and came up with the \$629,863 request, however, they are currently \$720,000 over budget with the CARES Act funds, and he will be revisiting this number to help balance the budget.

The Board then discussed the EMS/Public Safety items. It was noted that the turnout gear extractor has already been ordered and funds allocated.

Mr. Rutherford suggested cutting the two ambulances totaling \$456,000, especially if there will be grant money available, as it has been historically. Mr. Parr agreed.

Mr. Parr asked about the two Zoll cardiac monitors for Wintergreen Rescue Squad. Mr. Gibson noted that the previous monitors are no longer supported software-wise, and new ones would be used to outfit new ambulances. It was noted that these are for the program that Wintergreen runs for the County. Mr. Reed referred to the Sheriff's Department dedicated inmate transport van item. He noted that he has heard of the issue of inmate transport taking deputies away from other parts of their jobs and asked if getting a transport van would alleviate this issue. Mr. Harvey stated yes, adding they could fit more inmates in the van, and they would have separation and caging in between. Mr. Carter noted that the cost includes fully equipping the van. Mr. Rutherford asked Major Cindrick to come up and speak.

Major Cindrick noted that they can only currently put a minimal amount of people in a police cruiser. The van has three dividers, where males and females can be separated, and it also has a single compartment for someone who may be unruly. He advised it is designed to be very useful and safe.

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Mr. Rutherford made reference to current COVID-19 guidelines regarding distancing and asked if there will be more capacity in the van once the pandemic is over. Major Cindrick noted that capacity would be the same, adding he could put twelve people in there safely. He noted it is also monitored with a camera system, and the people who are divided cannot see or interact with each other.

Mr. Reed then referred to the Animal Control ACO mobile data terminal request. He noted that given all the other priorities, Animal Control seems to be a lot less COVID-19 related. Mr. Harvey noted that they were trying to get all of their responding units on the same page, for one reason. Mr. Carter noted that one of the requirements was that any expenses could not already be budgeted, and these were not in the County's budget. Mr. Parr noted that having those terminals allows the Animal Control Officers to take care of their work on the road without having to travel back and forth while potentially being more exposed. Mr. Reed noted he is fine with not cutting this item out.

Mr. Rutherford suggested cutting the General Government request for three trucks and one SUV, which would decrease the total request by \$113,980.

Mr. Harvey advised that he thinks it makes sense to purchase one ambulance with the CARES Act funding, adding it would be a County unit.

Regarding the School Division request, Mr. Parr suggested cutting the number down from \$629,863 to \$400,000. Mr. Reed stated he is not in agreement with this and noted that the old Chromebooks they have do not have life. Mr. Parr noted that the life cycle of the Chromebooks is already built in, and this is just helping jumpstart that. Mr. Reed noted that the students would have the benefit of having the Chromebooks uniform and uniform servicing, and he sees benefits beyond the price tag.

Mr. Harvey asked if more money is supposed to be coming to the School Division. Mr. Carter stated this is subject to Congress, and over the last couple weeks, representatives from the House and Senate have been debating a new stimulus bill. He added that there are still discussions, but there is the possibility of another \$1 trillion or more stimulus package coming forward. To date, in both proposals by the Senate and House, education will be funded to about \$100 billion. He noted that if it comes to pass, the schools will get more money.

Mr. Reed stated that when the Board reaches out to the different branches in the county and asks them to give their best estimate of what they need, they are genuine about it. He noted that he would not question EMS, General Government, or Community Relief, and he does not see any reason to question the schools. He added that he does not believe they would request it if they do not need it. He noted that he understands the need to be frugal and urged that there are other ways to make this work besides cutting a third from the schools.

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Mr. Parr noted that the Board has already discussed cutting \$456,000 from the EMS request plus others, assuring Mr. Reed that he is not picking on the schools. He stated that the Chromebooks are not necessarily a need, but rather a want, adding that they already know that hardware has to be replaced in a life cycle.

Mr. Carter suggested removing the MACAA request of \$34,092 as it is not really that relevant, and the services they have proposed can either be provided by DSS or already covered by the funding provided by the County.

Mr. Parr suggested cutting the MACAA request (\$34,092), 4-H request (\$10,000), 2 ambulance request (\$456,000), 2 cardiac monitor request (\$68,000), truck and SUV request (\$113,980), scale house replacement request (\$90,000), and \$230,000 from the School Division request.

Mr. Reed referred to the earlier Broadband Authority meeting and noted that he had brought up a possibility for the contribution to CVEC/Firefly request. He advised that the Broadband Authority has money that it can apply toward broadband expansion, and some of that money could be used to supplement the \$1.125 million necessary to get broadband expanded by the end of the year. He noted that the Broadband Authority would have to vote and decide to release some of that money to do that, and in doing this, not only would that money be going toward its intended mission, but also, it would make available more funding for use in other County areas. Mr. Harvey noted that the CARES Act money has to be spent by December 31st, adding that there is still other money in the Broadband Fund that at any time can be turned back over to the County's General Fund, which would not have these restrictions. Mr. Carter advised that the federal criteria for the CARES Act strongly encourages the use of the funds for broadband.

Mr. Barton then asked Dr. Eagle to come forward to further discuss the Chromebook request.

Dr. Eagle agreed with what Mr. Parr had stated and noted appreciation for Mr. Reed's remarks. She noted that for eight years, the School Division has had a 1:1 initiative for all 6-12 graders. Sixth graders and ninth graders get new Chromebooks every year, and that's what the donation really took care of. She advised that Pre-K through Grade 5 have not had them in the past, adding that's the part where they're hurting more. She added there are 694 students in those grades, and the School Division is taking everything they can find in their buildings and distributing those to the students for the next three nights. She advised that they will be getting devices that are three to five years old. She stated that there is a need but added that they can also take a cut and will do the best they can with what they have. She noted that they are not sure of how many MiFis they will need, and there are a lot of variants.

Mr. Parr moved to adjust the Nelson County CARES Act COVID-19 funding proposal with the following corrections: eliminating the skid steer loader for \$38,342, eliminating the three trucks and one compact SUV for \$113,980, lowering the School Division's distance learning request from \$629,863 to

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\$400,000, eliminating the scale house replacement for \$90,000, eliminating the two Zoll cardiac monitors for \$68,000, eliminating one ambulance with cardiac monitor, eliminating the 4-H center grant request for \$10,000, and eliminating the MACAA request for \$34,092. He advised this would be deleting \$773,937 from the request and leaves about \$53,000 for the Board to work with. Ms. McGarry made a correction to Mr. Parr's figure and noted that the Board would actually be left with \$93,248 to work with. Mr. Rutherford seconded the motion.

Mr. Barton suggested compromising the amount of money for the School Division to \$515,000. It was noted that this would put the budget in the red by about \$21,000.

Mr. Harvey disagreed with cutting out the skid steer, noting it gets used every day at the Transfer Station.

Mr. Rutherford suggested cutting out the ambulance, adding that the Board has the intention of buying it when it's needed. Mr. Harvey agreed and noted he would like to add back the two Zoll cardiac monitors. He then suggested splitting the School Division addition of \$115,000 in half. Mr. Parr suggested making the School Division amount an even \$500,000.

Ms. McGarry advised that the budget is now \$70,794 in the black with removing the scale house, vehicles, two ambulances, the 4-H request, the MACAA request, and adjusting the School Division request to \$500,000.

Mr. Parr then withdrew his motion and Mr. Rutherford withdrew his second.

Mr. Rutherford then moved to remove the scale house replacement, remove the three trucks and one compact SUV, reduce the School Division request by \$129,863, remove two ambulances with cardiac monitors, remove the 4-H grant request, and remove the MACAA request. Mr. Parr seconded the motion. Mr. Harvey asked Ms. McGarry for the new total, and she stated \$2,490,284 leaving about \$114,000 of funding for contingency. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the CARES Act funding plan was approved as follows:

Approved Nelson County CARES ACT COVID-19 Funding 8-11-20	\$2,605,170
<u>Funding Distribution Category</u>	<u>\$ Allocation</u>
General Government -Compliance Public Health Measures	\$112,612
Desktop Computer Replacement (laptops & docking stations) 24 Units	\$32,400
¹ FFCRA Employee Paid Leave/Unemployment Claims - Estimate	\$15,000
¹ Cleaning & Protective Health Measures (including Office Modifications) Estimate	\$25,000

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Solid Waste (\$40,212)	
•Skidsteer Loader - Actual Cost	\$38,342
•4 Pressure Washers and 2 Water Tanks for Convenience Center Cleaning	\$1,870
School Division - Distance Learning	
School Division - Distance Learning	\$500,000
<u>Distance Learning Technology & Service</u>	
•Chromebook, Protective Case, MiFi Box, MiFi Service 10 mos & Flash drive for 974 Students. 281 Chromebooks Donated for a total of 1,255	
EMS/Public Safety - Compliance Public Health Measures/Medical Expenses	
EMS/Public Safety - Compliance Public Health Measures/Medical Expenses	\$401,200
² Fire Department Turnout Gear Extractor	\$15,000
² Gladstone Fire & Rescue Generators	\$28,659
EMD Software - ECC CAD System	\$80,000
Animal Control ACO Mobile Data Terminals	\$17,070
Sheriff's Department Dedicated Inmate Transport Van- Estimate	\$64,292
Regional Jail Unbudgeted Hazardous Pay-Officers (Nelson Contribution 7.5% of Total)	\$9,179
<u>Contribution to Nelson County EMS Council (\$187,000)</u>	
•Self-Contained Breathing Apparatus Masks for All Firefighter 1s and Above	\$40,000
•Two (2) Zoll Cardiac Monitors for Wintergreen Rescue Squad	\$68,000
•Six (6) Ventilators for Rescue Squads	\$79,000
Community Relief Initiatives - Economic Support	
Community Relief Initiatives - Economic Support	\$1,476,452
<u>Small Business Grants- Economic Support/Business Interruption</u>	\$350,000
<u>TJPDC Contribution for Regional Affordable Housing Search Tool</u>	\$1,452
<u>Broadband Expansion- Contribution to CVEC/Firefly</u>	\$1,125,000
Contingency	
Contingency	\$114,906
Total Allocated Funds	\$2,490,264
Balance of Available Funding-Contingency	\$114,906

The Board then took a short recess.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

A. Covid-19 (Coronavirus): The state Department of Labor and Industry's final draft regulation, "16VAC25-220, Emergency Temporary Standard – Infectious Disease Prevention: SARS-CoV-2 Virus That Causes Covid-19", was approved on July 15, 2020. The final regulation, which includes templates for local government compliance with the temporary regulation, has necessitated the re-drafting of the County's local plan, "Nelson County Infectious Disease Preparedness and Response Plan" to 1) utilize the DOLI templates and, 2) insure the County's plan fully complies with the state's temporary regulation. The rewrite of the County's plan is in process and will be completed by 8-17 staff training thereafter.

Additionally, the Board's 8-11 agenda includes an updated set of possible uses of the federal CARES Act funding allocated to Nelson County. County staff will certify to the state the requirements necessary for its receipt of the second distribution of CARES Act funding, which will double the County's distribution to approximately \$2.6 million. This funding requires expenditure by 12-31-20.

B. BR Tunnel Project: The project's substantial completion inspection was completed the last week of July with punch lists completed by the project's engineering consultant (Woolpert), County inspection staff and the project's general contractor (Fielder's Choice Enterprises). VDOT staff (Lynchburg and Staunton Districts) also participated in this project inspection. An outcome of the inspection was concurrence for additional sealing of areas of the trail that had been impacted by the significant rainfall on 7-28 and 29. The additional work requires a change order and that the work be completed by a certified DBE sub-contractor to comply with federal requirements. Identifying an available DBE contractor is currently in process (and has, to date, been difficult). As such, the project's completion schedule is pending and may be extended into September 2020.

C. Nelson Memorial Library Project: The project's Certificate of Occupancy, which confirms the project's completion, was issued last Friday.

D. Piney River Water System – GAC Project: Installation of the project's GAC (filtration) unit is in process. Substantial completion of the project is scheduled for September 8, 2020.

E. Tye River Water System: The project is in process with initial civil, electrical and E&S work in process. The project is scheduled for completion on 10-15-20.

F. Lovingson Revitalization: County representatives, including Supervisor Rutherford, and the consultant (Land Planning and Design Associates) for completion of the project's Preliminary Engineering Report (PER) met on 7-29 at 10 a.m. for a walk thru of the planning grant project area followed by a conference call meeting at 2 p.m. to discuss the PER and next steps. LPDA is in process with the PER and TJPDC and County staff are continually updating the project's Economic Restructuring Plan, which in addition to the PER is the project's other important outcome. The project will be completed by 9-15-20.

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G. 2022 General Reassessment: The Request for Proposals for the 2022 Gen. Reassessment was advertised on 8-6, posted to the County's website and sent to two prospective firms. Proposals are due by 2 p.m. on September 4th.

Mr. Barton noted he has gotten a couple of very nasty calls about Lockn' and asked if the festival is still going on this year. Mr. Carter stated that they are advertising that it is, but they have not applied for a permit, yet. He noted that their plan may be to scale it back to 1,000 participants, so much smaller than in the past. He added that Staff is still concerned about that amount of people. Mr. Barton noted his concern that bringing people from all over the country into Nelson County may not be the best idea right now. Mr. Carter stated that Staff is waiting to hear if they are going to cancel, which they have some expectation will happen. He added that Staff will follow up and ask for their status, and Staff is very concerned about the safety and well-being of the County.

Mr. Harvey asked Mr. Carter to provide an update about the Larkin property. Mr. Carter noted that Mr. Larkin, who resided in Lynchburg for some time, is the owner of approximately 1,000 acres between the high school/middle school campus and Lovington on either side of Route 29, adding there is a 50-acre parcel on the southwest side of the high school. In 2000 or 2002, the County utilized a state grant to evaluate and do a Preliminary Engineering Report (PER) on one side of the property totaling about 600 acres. Because the County could not secure an option on the property, their application for about \$1.25 million to the same State agency could not go through. He noted that it was ranked the top application, but because the County did not have an option, the funding was lost. He added that the County's objective to purchase the property for development of a commercial park sort of stopped at that point. Over the last 15-18 years, the County has made overtures to Mr. Larkin about the County's continued interest in the property, and previous Boards have supported that. Mr. Carter noted that over time, Mr. Larkin became pretty unresponsive, and he has passed away. Wells Fargo Bank has a trustee relationship and partial ownership of that acreage, and Mr. Carter has made inquiry to them about any interest the heirs or bank may have in selling the property to the County. He advised that USDA/Rural Development has a new grant program whereas the County can apply for up to \$250,000 to study that site, a recreation center, transportation, etc. He stated it is a multi-faceted application and sort of comports to the school consolidation proposal, where those savings could be used for various things. He reiterated that this grant program is potentially up to \$250,000 that could be used to retain consultants that would look at all of these options. Mr. Carter noted that he has always thought this property was a very good opportunity for the County long-term for housing, business, recreation, and other uses. Mr. Barton stated he thinks it is a good idea to explore the opportunity of acquiring the land, adding the problem with Lovington has always been that there is no room for expansion. Mr. Carter advised that Staff is meeting tomorrow to discuss the grant criteria. Mr. Harvey stated there is nothing wrong with doing the study, adding it will help the County see where it could put us or position us.

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Mr. Rutherford then moved to allow Mr. Carter to apply for the grant and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

2. Board Reports

Mr. Barton:

Mr. Barton noted that DSS would like a new building, and Mr. Harvey advised that is in the plans. Mr. Harvey went on to urge the need to evaluate the Callohill property that the County owns. He added that putting the Health Department and Social Services over there would be a good idea, as they would blend well together.

Mr. Rutherford:

Mr. Rutherford had no report.

Mr. Reed:

Mr. Reed noted that he got to experience his first Planning Commission meeting. He also reported that the Wellness Alliance is sponsoring a three-day event called "Stamp Out Stigma." He noted it is three evenings on August 20th, August 27th, and September 3rd and there are three different events via Zoom focused on the youth of the county, parents and guardians, and community members. He advised all of this information is on the Wellness Alliance website.

Mr. Parr:

Mr. Parr noted that he attended his first EMS Council meeting and advised that himself and Mr. Harvey have been talking with Montebello, who is next up on the list for getting a new fire truck. He stated this has been postponed for a year, which would now fall right into their timeline. He stated they are ready to move forward, and the EMS Council gave their blessing on it. Mr. Harvey stated that it supposedly takes about nine months for the company to build this truck, and the money will not be available until July of 2021. It was noted that the Board does not need to take any action on this until they receive final figures.

Mr. Parr noted that it was suggested during the EMS Council meeting that they set up a truck committee whereas they can discuss the trucks with each department and sort of design the truck. Mr. Parr recommended that each year, the Board of Supervisors set a budget with guidelines for the upcoming department that includes a maximum funding amount for each type of truck.

Mr. Harvey:

Mr. Harvey had no report.

B. Appointments

Ms. Mawyer reviewed the following table:

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Economic Development Authority	6/30/2023	4 Years/ No limit	Mark B. Robinette	N - resigned	Robert A. Doyle
(2) Existing Vacancies:					
Board/Commission	Terms Expired				
Agricultural & Forestal District Advisory Committee	5/13/2020	4 Years/ 3 term limit	Bill Halverson (T2)	N - resigned	None
	5/13/2019	4 Years/ 3 term limit	Chapin Wilson, Jr. (T3)	N - resigned	None
			Staff Member		
			Pam Campbell-Comm. Of Rev.		
			Robert G. "Skip" Barton-BOS		
JABA Council on Aging	12/31/2019	2 Years/ No limit	Cindy Westley	N	None

Ms. Mawyer noted that Mr. Robinette resigned from the Economic Development Authority, and an application has been received for that position. The Board decided to defer and wait until more applications are received.

C. Correspondence

1. Letter from Joanne Clarkson – Leash Law

Mr. Harvey allowed Ms. Clarkson to come forward and speak.

Ms. Clarkson noted that she wrote the Board a letter and was told that something would be said today that would be beneficial to her concern, and nothing has been addressed. She asked how she will know when action will be taken and if it will be on the published agenda in the Nelson County Times. Mr. Harvey stated that if it's on the agenda for a public hearing, then it would be in the Nelson County Times. Ms. Clarkson stated that she has been attacked by the dog again, and there were four dogs on her

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property with a fifth one coming. She reiterated that she was on her property when the dog attacked her for the second time. She stated that she knows that Mr. Harvey called this a low priority at the last meeting, but she wanted to stress that this is a concern that needs to be addressed in this county.

Mr. Harvey stated that he does not plan on approaching this subject at all. He noted he has gone through this process at least five times since being on this Board, and bringing this subject forward packs the courtroom with not-very-friendly people.

Mr. Barton stated that if Ms. Clarkson was attacked, she should call the Animal Control Officer. Ms. Clarkson advised that she called that office and talked to the gentleman twice, with no result. Mr. Harvey stated this is a civil matter, adding they have had several of these things go to court. He noted that every time the Board has addressed this subject, it has been the exact same result. Ms. Clarkson stated that as a citizen and taxpayer of this county, she has a right for the Board to bring it before the entire county again. Mr. Harvey noted that she has the right to bring it before the Board, but it is the Board's decision as to whether they take the subject up or not. He added that any Board member can recommend it with the motion to have a public hearing on it, and they would vote to have one or not have one. Ms. Clarkson stated that would be her next suggestion.

Mr. Barton noted that if she feels that her complaints aren't being listened to by Animal Control, then she could complain to the County Administrator that the person is not doing his job.

Mr. Harvey noted that rather than do a leash law for the entire county, it could also be done in specific areas or subdivisions, but it must be well defined. He added that there is a leash law at Wintergreen. He reiterated that it would have to go through a public hearing, and the majority of the Board must agree to it.

Mr. Parr thanked Ms. Clarkson for speaking and Mr. Harvey for allowing her to speak during the correspondence section. He proposed establishing a committee to look into what has been done in the past and what they may be able to do moving forward to address this issue, adding the committee would then report back to the Board on their findings. He stated they have a new Board and would like to have the opportunity to revisit this subject. He noted that he has reached out to Animal Control, and they are in agreement, with permission from the County Administrator, to serve on this committee and provide their perspective. He stated that he would like to get together with Mr. Harvey to set up this committee to evaluate the situation. Mr. Harvey and the rest of the Board were agreeable to this, and Mr. Parr told Ms. Clarkson that he would be in touch.

2. Letter from TJPDC – Consideration to move office location

The Board took no action on this subject.

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D. Directives

There were no directives.

VII. OTHER BUSINESS (AS PRESENTED)

There was no other business considered by the Board.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7 PM

At 4:57 PM, Mr. Rutherford moved to adjourn and reconvene at 7:00 PM and Mr. Parr 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. Harvey called the meeting to order at 7:01 PM with all Supervisors present to establish a quorum.

II. PUBLIC COMMENTS

1. Kim Peele, Director of Philanthropy and Communications for Jefferson Area Board for Aging (JABA)

Ms. Peele thanked the Board for their support for senior services in Nelson County and for the trust and confidence they place in JABA. She noted she is here to update the Board on their reopening plans, which is happening in phases. She stated that they closed their facilities, including the Cecilia Epps Community Senior Center and the Schuyler Center, in mid-March due to the virus. They were able to transition a large number of the Nelson members to home delivered meals as well as weekly check-in calls from JABA staff, including nurses who are checking on those who are most at risk. She advised that last year, they had 27 residents in Nelson who were receiving home delivered meals, and now, they are up to 60 individuals. They quickly shifted their communications and activities to phones and other electronic meeting platforms, and they began mailing activity kits. She added that they've had a conference call bingo, which has turned out to be a big hit. She encouraged the Board to visit their website to see more of what the members are up to. Ms. Peele noted that while their physical facilities were closed to the public all of this time, JABA's other operations continued, which include insurance

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counseling, Medicare and ACA insurance counseling, options counseling, and the senior help line. She advised that their adult care centers and preschool have been opened up within the last two weeks, which has been a welcome relief to families trying to maintain their jobs. She noted the community senior centers are scheduled to reopen in phases beginning September 8th. The Cecilia Epps Center in Lovingston will be opening with a limited schedule; normally, they meet for four hours on certain days, but they will be limited to two hours starting on September 8th. Their normal schedule should resume on September 28th. She noted that the Schuyler center will follow the same protocol; they will be on a shortened schedule on September 11th and 25th for two hours and resuming their normal schedule on October 9th. She added that all of these plans are dependent on the Governor's executive orders and guidelines for phased openings. She noted that they know members will only come back when they feel safe and added that JABA expects to be running parallel online programming for the foreseeable future. She made note that from the very beginning, JABA made the commitment to keep all staff fully employed on payroll with benefits, ensuring that their mission and values remain their top focus.

2. Stacey Williams, Gladstone VA

Ms. Williams noted that she actually lives in Amherst County but has parents who are Nelson residents and in their eighties. She stated that her concern is about the planned Lockn' festival on October 2nd-4th. She would like to know how the Board stands on whether or not to let this proceed.

Mr. Harvey noted that the Board discussed this during the afternoon session, and they are seeking the same information as Ms. Williams. Ms. Williams noted that Lockn' is selling tickets on their website and seems to be planning on holding the event in October. She stated as a former member of the Nelson County community and a daughter of elderly parents, she feels it would be negligent to allow such a large event to take place. Mr. Harvey noted that they have to come through the County for the various permits required, and Staff will be checking on this because the Board has the same concerns. Ms. Williams noted that Nelson's Coronavirus case numbers had been in the thirties until recently, and there have been a few big outbreaks of ten to twenty people. She added she is concerned about people coming in to the county or going out and bringing the virus back causing our numbers to jump. She stated the mission statement of the Board of Supervisors is to keep the county safe and healthy, and she is hoping and encouraging that we do so as much as we can. Mr. Harvey assured her that the Board and Staff are on top of this and will be finding out more information soon.

III. PUBLIC HEARINGS

A. Communication Tower #2020-01 – Class C

Consideration of a Verizon Communication Tower application requesting County approval to allow a new 199' monopole on property zoned A-1. The subject property is located at Tax Map Parcel #77-A-137B on Phoenix Rd. The subject property is owned by Michael Reese.

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Ms. Bishop provided the following report:

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

Public Hearings Scheduled: P/C – July 22, 2020; Board – August 11, 2020

Location / Election District: 571 Phoenix Road, Arrington / South Election District

Tax Map Number(s) / Total acreage: 77-A-137B / 37.2 acres +/- total, 10,000 square foot lease area.

Applicant Contact Information: Euan Fuller, BCI d/b/a Verizon Wireless agent, 11608 Estes Anderson Way, Glen Allen, VA 23059; 804-510-6888; efuller@bci-mail.com.

Owner Contact Information: Michael W. Reese, P.O. Box 64, Arrington, VA 22922

Comments: The requested use is for a 195' galvanized steel monopole communications tower with a 4-foot lightning rod. The balloon test at the site was held on March 19th at 9:00am. Photo simulations provided by the applicant are attached with this report.

The applicants are requesting the following modifications in accordance with §20-20:

- Height: The maximum allowable height for a Class C Tower is 130 feet. The proposed tower is 195 feet in height, with a 4-foot lightning rod.
- Fall Area: The minimum distance from the tower's base to the property line is required to be 110% of the tower height for a metal monopole. The proposed fall zone is 120 feet from the base of the tower, and the proposed setback is approximately 124 feet from the nearest property line.
- Number of Antennas: Only three arrays are permitted with three antennas each. The applicant is proposing six antennas within each array.

The applicant has provided a Project Narrative, which discusses consistency with the Comprehensive Plan and outlines the justifications for the modifications requested.

DISCUSSION:

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

Access and Traffic: There is a proposed 20' wide access/utility easement running from Phoenix Road to the lease area where the tower will be located. A VDOT low volume commercial entrance will be required.

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Antennas: The monopole will be designed to support three antenna arrays installed in accordance with ordinance requirements.

Color: The applicant has proposed that the galvanized steel of the tower will reflect the backdrop of the sky.

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 met on July 22, 2020, and recommended unanimous approval of this application.

Comprehensive Plan: This area is not identified on the Future Land Use Map other than the generalized "Rural and Farming" designation, as is much of the County. 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: Should the Board of Supervisors approve this request, the Planning Commission recommends the following conditions/modifications:

1. The tower shall be constructed according to the final approved site plan.
2. Allowed modification for height requirement of 195 feet, with 4-foot lightning rod.
3. Allowed modification for fall area setback of 120 feet.
4. Allowed modification for six arrays within each antenna.

Mr. Harvey then invited the applicant to come forward and speak.

Ms. Valerie Long noted that she is representing the applicant, Verizon Wireless and is filling in for her colleague, Lori Schweller. Ms. Long presented some slides about the request.

Ms. Long noted that this location in Arrington is a location where Verizon service is minimal to non-existent, so this site would substantially improve the coverage for this area. She added it would also increase the capacity of those sites where there already is coverage but need more bandwidth to support the latest wireless technology. She advised there are two other Verizon Wireless sites in the area, but they are both too far away from this location to support the needed coverage area. One is almost two and a half miles away, and the other is just over a mile and a half away.

Ms. Long noted that they are asking for a reduction in the fall zone radius, and they have a letter from their structural engineer confirming in the very unlikely event that the tower would collapse, it would do so within the lease area. She added that they are asking for the modification to allow the tower height to be 195 feet so that it can meet the coverage objective as well as the modification to have six instead of three arrays in each antenna.

Following Ms. Long's presentation, Mr. Harvey opened the public hearing.

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There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Barton then moved to approve **Communication Tower #2020-01 – Class C** with the recommendations made by the Planning Commission and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Special Use Permit #2020-01 – Extended Stay Campground

Consideration of a Special Use Permit application requesting County approval to allow an extended stay campground use for a single travel trailer. The subject property is located at Tax Map Parcel #91-A-4D on Tye River Rd. The subject property is owned by Alex Johnston.

Ms. Bishop provided the following report:

BACKGROUND: This is a request for a special use permit to allow extended stay camping for a single travel trailer on property zoned A-1 Agricultural.

Public Hearings Scheduled: P/C – July 22, 2020; Board – August 11, 2020

Location / Election District: Tye River Road / South District

Tax Map Number(s) / Total acreage: 91-A-4D / 10-acre parcel

Applicant Contact Information: Alex Johnston, 214 Ridgelawn Place, Lynchburg, VA 24503, 407-414-0648

Comments: This is a vacant property zoned A-1 Agricultural. The applicant is requesting to permanently place a single travel trailer on the property for the purpose of renting it out to transient lodgers for up to 6 months at a time.

DISCUSSION:

Land Use / Floodplain: This area is agricultural and residential in nature. There are no 100- year flood plains on the property.

Access and Traffic: The property is accessed by a private entrance from Tye River Road, and is adequate to support the proposed use. Should the applicant wish to expand in the future, the entrance would require modification and relocation to satisfy a VDOT commercial entrance. The applicant has indicated that they plan to have only one travel trailer.

Utilities: The property will be served by private water and septic systems. The owner will need to

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secure construction permits through the private sector, since this is not a primary place of residence.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. At their meeting on July 22, the Planning Commission recommended unanimous approval of this application.

Comprehensive Plan: This property is in an area designated as Rural and Farming on the current Future Land Use Plan.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance

Should the Board of Supervisors approve this request, Planning Commission recommends the following condition:

1. Extended stay campground is limited to one site as indicated on the site plan.

Mr. Harvey invited the applicant, Ms. Alex Johnston, to come up and speak.

Ms. Johnston noted that they found themselves in a bit of an odd zoning gray area, as HUD requires a dwelling to be 400 square feet or more, and this is 330 square feet. Because of that, she has had to seek a Special Use Permit to comply with the County's current rules.

Mr. Harvey asked about the size of the trailer, and Ms. Johnston stated it is 30 feet long and 10 feet wide. Mr. Harvey asked if it is an actual travel trailer, and Ms. Johnston noted she does not plan to travel in it and it does not have a motor. She added that it does have wheels, however, it is down on corner jacks.

Mr. Barton asked about the size of the lot, and Ms. Johnston stated 10 acres. Mr. Barton then asked where the trailer is in relation to the road. Ms. Johnston noted it is probably about 100 yards back and

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about 850 feet from the nearest electric pole, which is across the street. She added that the trailer is not visible from the road.

The Board had no further questions for the applicant, and Mr. Harvey opened the public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Barton then moved to approve **SUP #2020-01 – Extended Stay Campground** with the recommendations made by the Planning Commission and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Special Use Permit #2020-03 – Office

Consideration of a Special Use Permit application requesting County approval to allow office use on property zoned A-1. The subject property is located at Tax Map Parcel #48-A-6 on Altamont Ln. The subject property is owned by Harry Powell.

Ms. Bishop provided the following report:

BACKGROUND: This is a request for a special use permit to allow an office use on property zoned A-1 Agricultural.

Public Hearings Scheduled: P/C – July 22, 2020; Board – August 11, 2020

Location / Election District: 371 Altamont Lane / Central District

Tax Map Number(s) / Total acreage: 48-A-6 / 93.41 +/- acre parcel

Applicant Contact Information: Harry Powell, 4011 Stagebridge Road, Shipman, VA 22971, 434-987-3546 / Sara Aldridge, 5 Altamont Lane, Faber, VA 22938, 434-531-9240

Comments: This agricultural property currently contains an existing dwelling, storage shed, and approximately 12,000 square foot building that was previously used for agricultural processing. The applicant is proposing to utilize the existing building as office space for small professional, research and engineering companies. No new structures or additions are proposed as part of this request.

DISCUSSION:

Land Use / Floodplain: This area is agricultural and residential in nature. There are no 100-year flood plains on the property. The existing building will require a change of use from the Building Inspections Department.

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Access and Traffic: The property is accessed by Altamont Lane, from Irish road. The entrance will be required to be upgraded and relocated in order to meet VDOT's current commercial entrance requirements. The applicant is working with VDOT to accomplish this.

Utilities: The property is served by existing private water and septic systems. Should Building Inspections require a review of the septic system for building permit purposes, an Onsite Soil Evaluator (OSE) would need to perform the review.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. At their meeting on July 22, the Planning Commission recommended unanimous approval of this application, without conditions.

Comprehensive Plan: This property is in an area designated as Rural and Farming on the current Future Land Use Plan.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance

Mr. Harvey invited the applicants, Mr. Harry Powell and Ms. Sara Aldridge, to come up and speak.

The applicants noted that they had nothing to add but could answer any questions the Board may have. The Board had no questions for the applicants, and Mr. Harvey opened the public hearing.

There were no persons wishing to be recognized, and the public hearing was closed.

Mr. Reed then moved to approve **SUP #2020-03 – Office** including the conditions put forth by the Planning Commission and Mr. Parr seconded the motion. It was noted that the Planning Commission did not put any additional conditions on this Special Use Permit. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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IV. OTHER BUSINESS (AS PRESENTED)

There was no other business considered by the Board.

V. ADJOURNMENT

At 7:42 PM, Mr. Rutherford moved to adjourn and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.