

August 13, 2019

Virginia:

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

Present: Jesse N. Rutherford, East District Supervisor
Thomas D. Harvey, North District Supervisor – Vice Chair
Ernie Q. Reed, Central District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor – Chair
Grace Mawyer, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources
Claire Richardson, Director of Parks and Recreation

Absent: Stephen A. Carter, County Administrator

I. CALL TO ORDER

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

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

II. CONSENT AGENDA

Mr. Rutherford asked if the Salary and Classification System item is regarding the 3% salary adjustment. Ms. McGarry confirmed and noted it is a formalization of what's already been presented and approved in the budget.

Mr. Bruguiera then 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. Minutes for Approval (**R2019-29**)

**RESOLUTION R2019-29
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(June 11, 2019 and July 9, 2019)**

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RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 11, 2019 and July 9, 2019** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Budget Amendment (**R2019-30**)

**RESOLUTION R2019-30
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2019-2020 BUDGET
NELSON COUNTY, VA
August 13, 2019**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2019-2020 Budget be hereby amended as follows:

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

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 6,516.00	3-100-999000-9901	4-100-094100-3003
\$ 68,464.00	3-100-999000-9901	4-100-094100-3140
<u>\$197,151.00</u>	3-100-999000-9901	4-100-094100-3160
\$272,131.00		

B. **Transfer of Funds (General Fund Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 7,500.00	4-100-999000-9901	4-100-91030-5695

III. **Transfer of Funds (Employee Benefits)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$6,194.00	4-100-91030-5616	4-100-13020-1001
\$ 473.84	4-100-91030-5616	4-100-13020-2001
\$ 81.14	4-100-91030-5616	4-100-13020-2006
\$ 44.60	4-100-91030-5616	4-100-13020-2009
<u>\$ 598.34</u>	4-100-91030-5616	4-100-13020-2013
\$7,391.92		

C. Salary and Classification System (**R2019-31**)

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**RESOLUTION R2019-31
NELSON COUNTY BOARD OF SUPERVISORS
SALARY AND CLASSIFICATION SYSTEM**

WHEREAS implementation of appropriate compensation practices are instrumental to the County's ability to attract, motivate, and retain qualified employees, and

WHEREAS, the general principles of the current Compensation Plan (Section II) recognizes that compensation should be reviewed periodically to ensure that salary levels are competitive with other employers in the appropriate labor market,

WHEREAS the Board of Supervisors directed staff to conduct a pay study evaluating Nelson County's salaries in comparison to peer localities,

NOW THEREFORE BE IT RESOLVED by the Nelson County Board of Supervisors that the local government's "Salary and Classification System" is hereby amended to incorporate the following:

Salary adjustments shall be hereby authorized for Nelson County personnel (full time and regular part-time) employed pursuant to the County's salary classification and pay plan, effective on July 1, 2019. The pay ranges assigned to each position classification shall be pursuant to those established within the 2016-2017 pay study and included herein as Attachment A. Employee market placement was determined using several factors including years in current position and applicable education. Employee compensation adjustments will be based upon 33% of the increase from current FY19 salary to market placement salary, 3% of current salary, or the minimum pay for the position classification, whichever is greatest.

Salaries as of July 1, 2019 shall be calculated based upon the salary in effect on June 30, 2019.

Additionally, a three percent (3%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees employed by a Constitutional Officer, inclusive of the Officer and Registrar. The three percent (3%) for all Constitutional Officers and their Compensation Board funded permanent staff positions shall be calculated based upon the salary in effect on June 30, 2019 (Compensation/Electoral Board and local supplement) with the exception of Sheriff's Department full time law enforcement positions.

Effective July 1, 2019, pay ranges for full time law enforcement position classifications are established as shown in Attachment B for both Compensation Board funded positions as well as locally funded positions.

The pay ranges were the result of a salary survey conducted among seven surrounding counties. Employee market placement was determined using several factors including years in current position and applicable education. Employee compensation adjustments, also effective July 1, 2019,

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will be based upon 33% of the increase from current FY19 salary to market placement salary, 3% of current salary, or the minimum pay for the position classification, whichever is greatest. Salaries as of July 1, 2019 shall be calculated based upon the salary in effect on June 30, 2019 (Compensation Board and local supplement).

III. CAMILLE COMMEMORATION RESOLUTION (R2019-32)

Mr. Saunders noted that he would like to read this resolution during the wreath laying ceremony at the Courthouse next Monday, the 19th. Mr. Harvey then moved to approve Resolution **R2019-32** and Mr. Reed seconded the motion.

Mr. Saunders noted that during the ceremony, the Board will lay a wreath on the monument, and there will be some other speakers, and at that time, he will read the resolution. 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 R2019-32
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF
HURRICANE CAMILLE**

WHEREAS, 2019 marks the 50th anniversary of the destruction to Nelson County, Virginia, caused by Hurricane Camille, an event that will be commemorated by the Nelson County Historical Society at Nelson County High School on August 18, 2019; and

WHEREAS, in a five hour period on August 19-20, 1969, Hurricane Camille dumped as much as 31 inches of rain on Nelson County; and,

WHEREAS, at least 124 people lost their lives in the resulting flood and landslides; and,

WHEREAS, property damage in excess of \$100,000,000 was recorded in Virginia; and

WHEREAS, the Commonwealth of Virginia was declared a disaster area; and,

WHEREAS, state, federal and local government agencies worked with hundreds of volunteers on rescue, recovery and cleanup efforts;

THEREFORE BE IT RESOLVED by the Nelson County Board of Supervisors that August 20, 2019 is hereby declared a day of remembrance for the victims of Hurricane Camille; saluting all those who helped in the recovery from this disaster;

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BE IT FURTHER RESOLVED, that the Nelson County Board of Supervisors asks all in the Nelson community to observe a moment of silence on August 20, 2019 in recognition of this tragedy that befell Nelson County, to mourn its victims and to celebrate all who helped in the recovery of our wonderful County.

Ms. McGarry noted that the Board needs to discuss what time to have the wreath laying ceremony on Monday. By consensus, the Board agreed to have the ceremony on Monday, August 19th at 10:00 am at the memorial in front of the Courthouse.

IV. PUBLIC COMMENTS AND PRESENTATIONS

A. Public Comments

1. Joe Lee McClellan, Lovingson resident and Owner of Nelson Cable

Mr. McClellan asked the Board to consider transferring the NCBA to himself and Clay Stewart of SCS Broadband rather than the Central Virginia Electric Cooperative. He noted they can continue with the service as originally designed and as the original grant intended.

2. Greg Mullins, Nelson County High School

Mr. Mullins noted he is the new athletic director at NCHS. He thanked the Board for their service to the community in Nelson County, their work with the school system, and for the opportunity to speak with them. He provided information about the athletic department at NCHS and the partnerships they have to provide opportunities to students and the community. He stated NCHS competes in 17 different sports and activities, which makes up an athletic community of more than 150 student athletes. He added that they are extremely proud of the academic and athletic accomplishments of our student athletes as a whole. He noted that throughout its history, Nelson County has won 19 state championships in boys' basketball, volleyball, theater festival, indoor track, and outdoor track, in addition to numerous district and regional championships across all athletic activities and programs, while providing education-based athletic opportunities and helping to produce skilled, productive, and responsible citizens. He noted that our teams are competing in the Dogwood District, and the majority of the competition is in Lynchburg and the surrounding area. We will host over 80 varsity and junior varsity events during the school year at NCHS and in addition to our conference opponents, we host schools from the cities of Charlottesville and Danville, as well as Albemarle, Allegheny, Augusta, Bedford, Buckingham, Fluvanna, Page, and Rappahannock counties. He noted Nelson County also has a thriving middle school sports program that shares and utilizes the same facilities as the high school. Teams include cross country, volleyball, girls' and boys' basketball, girls' and boys' track, and girls' and boys' soccer. Middle school programs make up an athletic community of 60 student athletes, and we host nearly 40 events at the NCHS facilities. NCHS also partners with community agencies and groups including Nelson County Parks and Rec and

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Nelson County Youth Football to provide numerous opportunities for the community, both adults and children, of Nelson County to participate in athletic and extracurricular activities. Last year, over 600 county residents participated in Nelson County Parks and Rec's activities, including adults and children, utilizing Nelson County Public School's facilities for youth soccer, basketball, baseball, and gymnastics, as well as co-ed adult volleyball. He noted that numerous community members utilize the facilities throughout the year for exercise and recreation, especially the track and newly renovated tennis courts. He noted that the tennis courts are beautiful and they've noticed more community members utilizing the facility since the upgrades. He added that students in physical education classes also utilize the facilities on a daily basis as part of their educational curriculum. Mr. Mullins thanked the Board for their support throughout the years and stated they look forward to working with them in the future to improve their facilities.

3. Dr. Martha Eagle, Division Superintendent

Dr. Eagle stated the following from a distributed handout:

As we begin a new school year, I want to take a few moments to share with you some of our Division Highlights and some of our Challenges.

Some of our highlights:

- Preliminary data from VDOE shows us meeting the four core state benchmarks (see back chart) for our standards assessments in the four core overall areas. We are very excited and proud of our staff and students. Final accreditation status will be published in September.
- Tye River Elementary has received an award from VDOE - Continuous Improvement Award (see back pie), Tye River has been noted by our CIP Consortium of 38 schools for being the Most Improved School for the Second Year in a Row and Nelson County Public Schools was noted a #1 in making top gains this past year in our consortium. Nelson county is ranked as 48th out of 132 school divisions in pass ratings, up from 79th last year. We are very proud!
- Our FFA had some great success over this summer (see back info and pie)
- We have a great line-up of new staff and new administrators for this year. Our summer is a fast-paced, intense time of hiring and assuring we have qualified candidates in every position.
- At our June meeting, we recognized over 25 community volunteers who work in our schools.
- Our Tennis Courts look great with the final top coat and the coming lettering that will say "Home of the Governors".

Some of our challenges:

- We have an open position for a Central District board member we will fill in Sept. as Mr. Francis has moved to Richmond.

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- We had a very challenging budget season and ended with several eliminated positions, 2 eliminated bus routes, and the elimination of several programs.
- Our Capital Improvement needs are great and the resources are limited
- Hosting meetings between the boards - work on building continued positive relationships and continued communication as we move forward to serve the community of Nelson
 - I propose to meet with Mr. Steve Carter, Mrs. Candy McGarry, Ms. Shannon Irvin at least every two months to discuss budget planning and/or CIP planning and any other relevant information - many counties and divisions have these meetings, find them to be very positive and helpful, and I am hopeful we can arrange these
 - I propose we create a committee of 2 board members each, school board and board of supervisors, along with one school and county admin rep to meet a few times a year to discuss capital improvement planning for the schools
 - I propose the two boards meet again the first week in December to go over updated general information about the schools- all in attendance last year were very positive about this meeting and the information shared
 - I propose we schedule intentional spring budget meetings between the two boards to at least communicate needs and information

Dr. Eagle then thanked the Board for their continued support.

4. Stu Loving, Faber resident

Mr. Loving noted he has been dealing with free-ranging cows for the past two years. He stated he now has 100% born out of captivity feral cows. The owner of the cows that were let out two years ago claimed to have captured all of the cows and takes no claim to the residual calves being born. He noted another group put cows in a scrub pasture two years ago and learned firsthand what it took to maintain cows, and since have sold them last month. He stated what he has left now are born out of captivity feral cattle. He asked if it then becomes the responsibility of the County since they were born on Nelson County property. He stated that he has gone through the Virginia Tech Extension Agent's suggestions, the Virginia Department of Game and Inland Fisheries, and is now at the Department of Agriculture trying to address this issue. He stated as long as the County maintains a fence-out policy, it will continue to create problems. One side suggested keeping the Code §55-306. He noted that today's livestock have no need to be out in the first place; the composition of today's livestock is to be housed, bred, sold for profit, and put into the food source. He argued that the laws were originated for a totally different composition of livestock that expanded over 350 years; they did the work and were essential for livelihood. He then noted that responsibility should be put on the owner with consequences, like every other aspect of ownership in society. He asked on behalf of the remaining 99% of the population of this county for the Board to consider enacting code §55-316: "When unlawful for animals to run at large."

5. Heidi Berthoud, Buckingham resident (submitted comment)

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Nelson County BoS 8-13-19
Scenic River Designation public comment

Hello my name is Heidi Dhivya Berthoud. I live in Buckingham in a house I built 26 years ago on a bluff overlooking the James River out to Nelson County, in what was the Warminster neighborhood, yes, the home of the William Cabell. My land abuts the old ferry crossing that was finally taken out by Hurricane Camille in 69.

I'm heartened to know that Matt Lawless, Scottsville Administrator and Justin Doyle, James River Association, will be presenting to you the proposal to request the VA DCR to conduct a study of the James River along the banks of Nelson County, to see if it qualifies for Scenic River designation. I am thrilled to know that Buckingham BoS and Fluvanna's are already on board, and that Scottsville and the JRA are actively promoting this. I suggested that they also approach Nelson County.

What river is not scenic? Nonetheless... There are six Native cities (Monican, Saponi nations) buried within the Wingina area, near to where the ACP would cross the James. The area is full of historical artifacts, as were documented by the Smithsonian Museum, the Wirt Collection, and the archeological digs of three major Virginia Universities. The entire House of Delegates and the Virginia Senate signed House Joint Resolution No. 44 to designate the James River a historical and cultural treasure. They concurred, that the 148 miles of the James River from the Waterworks Dam in Lynchburg to the foot of the falls in Richmond...be henceforth recognized and preserved as the James River Batteau Festival Trail. The James serves as the drinking water for well over a million people.

The Scenic River designation has been available since 1970, so why have we not agreed to this prior to now? This is such a small step, but in the right direction, helping us to shift our consumer mentality to seeing how our every action affects our great grandchildren. The benefits include helping to guide us, and leadership, in planning and permitting processes, to consider the visual, natural and recreational values, while not imposing any land-use controls or regulations.

Full disclosure, I am a front line environmental activist. I'm the secretary and baseline testing project manager for Friends of Buckingham. I have been fighting the Atlantic Coast Pipeline for 5 very long years now. I am not under the illusion that this will stop the pipeline, as the VA DCR makes clear. I am clear though, that we must move rapidly in the direction of protections for our home planet, however small those steps may be.

I look forward to getting on the river and helping out with the study and evaluation process. I hope to see some of you there too! Cheers to the Nelson County Scenic River designations coming to fruition.

Heidi Dhivya Berthoud
Secretary Friends of Buckingham
Baseline Testing Project Manager
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<http://www.friendsofbuckinghamva.org/>
<https://www.facebook.com/ProtectBuckingham>

B. VDOT Report

Mr. Robert Brown of VDOT noted that the drainage issue on 151 that was reported last month has been resolved. Also, they have done another traffic engineering review at the intersection of 29 and 617. They found that a few signs were missing, so they put some sign enhancements there which will help. Also, they have scheduled trimming at that intersection to further help. Mr. Brown noted that they are working to get the rock outcropping on 151 done. Also, they have started on Route 721, Greenfield Road, with the rural rustic program. It has been graded, drainage has been done, and with weather permitting, they are anticipating to get some pavement on it this week. They will move to Emblys Gap hopefully the first of next week. Once the contractor is finished there, he'll do Jack's Hill Road while he's over there.

Mr. Brown noted that Mr. Harvey met with superintendent Larry Eubank, and Mr. Eubank informed him it was a good meeting. He then noted that everyone needs to get together and set a date to look at the Afton Mountain Overlook.

Mr. Brown noted that their state forces have been trimming, cutting, and getting ready for Lockn'. They plan to start mowing the four lane primaries starting next week.

Mr. Brown noted that lastly, he has received the signs for the Eddie Embrey bridge dedication and added that a date needs to be set for that. Mr. Saunders stated that they will let Mr. Carter and Staff work on this and come up with something that's agreeable to all parties. Mr. Brown noted that the wayside has been suggested as a location for the dedication as they don't want a crowd of people on that bridge. Mr. Saunders asked if VDOT personnel will have the plaques mounted. Mr. Brown stated they will have at least one large sign at the ceremony for the unveiling, and the other signs will be put up on the bridges, and they'll be covered. The sign at the ceremony will be taken to the bridge and put up also. He added that they do have some smaller signs with the same wording that they'll have for the Board to present to the family. Mr. Harvey suggested doing the ceremony on the southbound side in the area by Route 6 and Ebb and Flow. Mr. Raymond Cook, in attendance, offered the use of the Faber Fire Department. Mr. Saunders stated that County Staff can see what the Embrey family would like to do.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford noted that Rockfish River Road could use more cleaning up toward Schuyler. He added that he knows they did this recently, but there are a few more spots that could use more work, and he would email specific addresses to Mr. Brown. He stated citizens are complaining about branches getting into the road. Mr. Rutherford then noted appreciation for the vegetation cut back through there. Mr. Brown stated they have additional work they will be doing in that area through their contractor.

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Mr. Bruguere:

Mr. Bruguere noted that VDOT did a good job on Jack's Hill and Emblys Gap roads, but the only problem is all the debris left in the ditches, and that will have to be removed before they come back to pave. Mr. Brown noted one of the first things they do is a ditching job, and they'll collect whatever's in the ditch line and put in a disposal area.

Mr. Bruguere noted someone spoke to him about Route 56 going toward Montebello. A piece of road was patched earlier in the year, and there are a couple other places with severe cracks and noticeable sinking of the pavement. One place is in the eastbound side before you get to North Fork Road, and there are a couple other places like that. He noted Mr. Brown may have to send somebody or go himself to drive up there and see. Mr. Brown stated he will look into this and get it taken care of.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

Mr. Harvey:

Mr. Harvey noted the boxco/dip at the entrance to the ammunition place and Flying Fox Winery on 151 is getting worse and worse. He stated the whole thing likely needs to be redone. He added that mowing is badly needed over that way.

Mr. Saunders:

Mr. Saunders noted he appreciates the mowing they did in Arrington. He then noted an issue at Route 669, Boulding Drive, where there's a poultry farm with trucks coming out on a regular basis. They are concerned about blind spots. Mr. Saunders asked if signage could maybe be put up there.

Mr. Saunders noted he received a call from someone on Cold Storage Lane in Arrington complaining about dust on the roads. Mr. Brown stated they have a small amount of calcium chloride they can put down.

Mr. Saunders noted he saw the litter crew preparing for Lockn' picking up trash this morning and cutting and appreciates that.

Mr. Saunders stated they finally got some 45 mile per hour speed limit signs for the Colleen project. Mr. Brown noted the project should be finished within the next four weeks.

V. NEW & UNFINISHED BUSINESS

A. Authorization for Property Acquisition (R2019-33)

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Ms. McGarry noted that Mr. Payne has provided the Board with documents to effect the purchase of the McGinnis property, which contains the McGinnis building housing the Building Inspections and Planning and Zoning departments, should the Board decide to proceed. She noted the agenda includes a resolution, "Authorization for Acceptance of Conveyance" of the property, the agreement to effect the purchase of the property at a price of \$125,000, and copies of the deeds and plats of the property. She added should the Board decide to proceed with the purchase, favorable consideration of the resolution is requested.

Mr. Harvey moved to approve Resolution **R2019-33** and Mr. Bruguiera seconded the motion. Mr. Bruguiera then asked if it would be worthwhile to have a new survey done. Mr. Saunders noted they could see if Mr. Payne has reviewed that. 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 R2019-33
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
MCGINNIS PROPERTY – MARY MCGINNIS SCHULTZ

RESOLVED, by the Nelson County Board of Supervisors that the County Administrator, Stephen A. Carter, be and hereby is authorized to enter into the contract of purchase for real estate with Mary McGinnis Schultz, Executor, for two parcels being Lots 10 and 11 in the Tunstall Subdivision designated as Tax Parcels 58-A-1-10 and 58-A-1-11, lying in the Lovingson Magisterial District of Nelson County, Virginia, and to accept the deed of conveyance thereof.

B. FY20 Funding of Fire & Rescue Vehicles

1. Faber Volunteer Fire Dept. Request

Ms. McGarry noted that Faber Volunteer Fire Department is requesting 80% funding of the total expense of \$390,993 for a new fire tanker vehicle. They have provided some additional information as well as a letter of endorsement from the County's Emergency Services Council in support of the purchase. She noted 80% of the total would be around \$312,314, and the rescue pumper they propose to purchase would replace crash rescue engine 35, which is a model 1987 Ford, and engine 30, which they say is their main structure engine, model year 1988. They say because of rust and metal fatigue, this equipment cannot last much longer.

Ms. McGarry noted that this funding is not currently in the budget, and if it gets delivered within 12 months of signing the contract, it's possible that it could be delivered around the start of the next fiscal year. Mr. Bruguiera asked if they want any money upfront, and Ms. McGarry noted she believes the information on hand says that payment is due on delivery. Mr. Harvey asked Raymond Cook, in

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attendance, if there is any requirement for money upfront. Mr. Cook confirmed that the company does not ask for any money upfront, and payment is due on delivery.

Mr. Harvey moved to approve the application from Faber Fire Department to purchase a fire truck at the total cost of \$390,993, with the County's part being \$312,314 and Mr. Reed seconded the motion. Mr. Bruguere asked if the needed equipment/outfitting is included. Mr. Cook stated this is just the truck, and they likely have most of the equipment they need since they're putting the other two trucks out of service. He added the truck has a folding light tower and enough horsepower to navigate up and down our roads at a consistent speed and support the other fire departments as they do when there is a serious call. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

2. Applications for Interest-Free Loans

Ms. McGarry noted there are two applications for funding from the Emergency Services Loan Fund. One request is for an \$80,000 loan for Piney River Volunteer Fire Department to purchase a 2004 Freightliner Tanker with a 3,000-gallon water capacity. The other request is for a \$200,000 loan to Rockfish Valley Volunteer Fire Department (RVFD) to replace power load systems in units 56 and 57, purchase a new cardiac monitor, 2 new computers for patient documentation and equipping of a truck donated by Dominion Power. She noted there are no specific detailed costs in support of the requested funding, and the balance of the Emergency Services Loan Fund as of June 30, 2019 is \$573,436.47. Ms. McGarry added that the Emergency Services Council provided a letter of endorsement approving the requests at their July 16, 2019 meeting. She noted that the RVFD will be getting \$77,000 back from a state grant request, which they will pay toward the loan once it is received.

Mr. Harvey moved to approve the interest-free loan applications for Piney River Fire Department in the amount of \$80,000 and Rockfish Valley Fire and Rescue in the amount of \$200,000, 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. Paving of Nelson Center Parking Lot

Ms. McGarry noted that the County has received a request from Mr. George Krieger, the Executive Director of the Nelson County Community Development Foundation, to cost share in the paving of the parking area over by the Nelson Center and library. He provided a calculation of the proposed County share based on the number of spaces that he thought would be lost because of the library expansion project. She noted that Mr. Miller, the County's Building Code Official, reviewed the plans and, rather than us losing 9 spaces, he says we'll only lose 1. She stated there is a bit of discrepancy between the number of spaces that are considered to be being lost. In Mr. Krieger's calculation, he calculated that there would be 9 spaces displaced, plus 4 already used by employees of the County and the library, and his total cost came to \$9,573. He's also asking for the County to contribute to 10% of what it would cost to repave the loop road, and that cost is \$2,280. She noted if the Board considers that 1 space is being

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lost and there are 6 new spaces for the library plus the loop road, the total would be \$3,561, versus the \$9,573 proposed by Mr. Krieger.

Mr. Harvey asked if this is tar and double sealed or pavement. Ms. McGarry advised that the main lot 3 in the upper area will be paved and lot 1 on the lower side by the physical therapy business will be primed and double sealed. Mr. Harvey asked if the loop road will be paved.

Mr. Saunders suggested putting this off for a month to address the discrepancies and bringing it back in the September meeting. He noted the library will have paving done in October, and they want to do this all at the same time. He asked Staff to obtain more information to address the discrepancies and work out details.

By consensus, the Board decided to delay action on this until the September meeting.

D. James River Scenic River Designation **(R2019-34)**

Ms. Claire Richardson noted that the Scenic River Program was established in 1980 and is administered by the Virginia Department of Conservation and Recreation (DCR). The purpose is to identify, designate, and protect rivers and streams with outstanding scenic, recreational, historic, and natural characteristics. She noted our efforts would be coordinated with the Counties of Fluvanna, Buckingham, Albemarle, and the Town of Scottsville because they too are seeking scenic river designation for their section of the James River. She added that we would have the support of the James River Association, the Thomas Jefferson Planning District Commission, and DCR. Ms. Richardson noted that we have 30 miles of the James River in Nelson County. From Allen's Creek to Norwood, we have 12 miles, from Norwood to Wingina, we have 5 miles, and from Wingina to Howardsville, we have 13 miles. She noted that the Board packets include additional information about the program including benefits, what the designation does and doesn't do, and the process. She stated as far as the process goes, DCR requires each County Board to submit a letter indicating interest in the designation, and from there, they would conduct a preliminary study based on very minimum requirements. If we meet those minimum requirements, then a volunteer group would come out and study the river, and DCR would submit a report to Nelson County about their findings. Then, she noted we would need to gather public input about the scenic river designation, and she added we have already received one comment. The next step would be for each locality to work with State legislators to amend the code and receive designation of their section of the river. Ms. Richardson noted that the Tye River had its scenic river designation in 2014 for 12.7 miles total, and the Rockfish River had its designation in 1990 for 9.7 miles. She stated designation also allows any land along the designated corridor to accept grant funds, so if there are any river access points that need updating, or we need to put one in, or if there's erosion, we can apply for grant funds. She added that overall, it's good for tourism and outdoor recreation for Nelson County. Mr. Rutherford noted that there are no land use controls that come with this designation, and Ms. Richardson confirmed. Ms. Richardson advised that the designation does not give the State control over land use, it carries with it no land use controls, and it does not give the public any right to use privately owned land.

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Mr. Saunders asked if this comes at any cost to the County. Ms. Richardson stated that as far as she knows at this point, there is no cost to the County, and if there is, it is minimal and mostly just Staff time.

Mr. Rutherford moved to approve Resolution **R2019-34** and Mr. Reed 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 R2019-34
NELSON COUNTY BOARD OF SUPERVISORS
SCENIC RIVER DESIGNATION – JAMES RIVER**

WHEREAS, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification, protection, and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and

WHEREAS, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and

WHEREAS, the County of Nelson will coordinate an effort to evaluate a segment of the James River in Nelson County to determine its eligibility as a Scenic River designation along with the James River Association, the Thomas Jefferson Planning District Commission, and the Counties of Albemarle, Buckingham, Fluvanna and the Town of Scottsville.

WHEREAS, the maximal river segment would be a total of 30 miles. Allens Creek to Howardsville. This includes Allens Creek to Norwood: 12 miles, Norwood to Wingina: 5 miles, Wingina to Howardsville: 13 miles. To include the access point Buffalo Station. All sites have ecological, geological and historical significance. Our state and regional partnership will determine the best qualifying river segment.

THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby support the evaluation of the James River within Nelson County by the Virginia Department of Conservation and Recreation to determine its eligibility as a Scenic River Designation, much like the Tye River, with a distance of approximately 12.7 miles to the confluence of the James as well as the Rockfish River, a distance of 9.7 miles to the confluence of the James.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry read the following report from Mr. Carter:

A. BR Tunnel Project: The Phase 2 Project has a current completion date of September 13, per VDOT approved project change orders. County staff are confirming final project funding with VDOT staff. Once confirmed, the Tunnel will be fully restored. With respect to Phase 3, VDOT have submitted its request to FHWA for project approval and acceptance of the bid proposal received from Fielder's Choice Enterprises, Inc. (\$1,079,953.00) FHWA approval may entail several weeks.

B. Broadband: Federal NTIA staff advised the week of 8-5 that a recommendation to federal NOAA for approval of the local middle mile network's transfer to Central VA Services, Inc. was forthcoming. VA-DHCD staff have also advised that the Department is forwarding a letter to the County, which is understood to be in support of the network's transfer.

Ms. McGarry noted that Staff has since received that letter, and they fully support the transfer to Central Virginia Electric Cooperative.

C. Library Project: Site and foundation work are in progress.

D. Lovingsston Revitalization: Pending is a decision to utilize the services of UVA, VT or JMU for assistance with the CDBG planning grant project. TJPDC staff are facilitating this effort.

Mr. Rutherford noted that currently, they are working with JMU, VT, and UVA on acquiring some classes that can take a look at some other rural towns to get ideas. He added that as soon as they hear back from a couple more professors, this should be picking up.

E. Closeout of Groundwater Monitoring Program: The 30-day public comment period was successfully completed on July 26th with no input or requests for a public meeting from the public. County and Draper Aden Associates have reported the completion of the public comment period to VA-DEQ, which is expected to forward the County final program close out approval (as immediately as possible).

Ms. McGarry noted that closeout of this program should eliminate a cost per year of about \$90,000-\$100,000 from the County's budget.

F. Gladstone Depot Project: VDOT Lynchburg District staff have reviewed and forwarded the preliminary TAP grant application to VDOT-Central Office (Richmond) for review of the application and a decision on whether or not the County will be authorized to submit a final project grant request.

G. Piney River Water & Sewer System: 1) TTHM Project – County and Bowman Consultants (the project's engineering consultant) are working to complete the bid document and contract for receipt of bid proposals for installation of a Granular Activated Carbon System at the Nelson County Service Authority's Black Creek Water Treatment Plant. A final bid date has not been presently established but is forth coming. And, the previous two sampling events for the PR Water System have resulted in outcomes below the TTHM regulatory requirements that were not a result of the GAC Pilot Program –

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no explanation other than water consumption and the flushing program were effective. **2) Closeout of USDA Bond:** The County has received confirmation from USDA-RE/RUS of the receipt of the County's payment of \$664,307.31 to close out the County's bond obligation for the Piney River 3 Water & Sewer Project.

Ms. McGarry noted that this will effect an annual savings of about \$63,000 per year and interest savings of \$216,000.

H. Edward Embrey Bridge: The Commonwealth Transportation Board approved the naming of the bridge system over Rt. 29 at Woods Mill for Mr. Embrey at the Board's July meeting. VDOT staff will confer with the Board on 8-13 to discuss scheduling of an unveiling ceremony.

I. School Division CIP: The School Division has submitted invoices (totaling \$174,086) for the purchase of two 65 passenger buses. County staff are processing the invoices for payment from the FY 20 Budget.

J. Solid Waste: Installation of the scale (weighing) system at the Transfer Station is scheduled to begin the week of 8-12.

Ms. McGarry noted that the budgeted amount for this was \$57,305.

K. ACO Office: The purchase and installation of the modular office building for location adjacent to the ACO Shelter are in process.

Ms. McGarry noted that the cost of this is \$33,301 delivered and installed.

L. Planning & Zoning: A memo (7-12) was sent after the Board's 7-11 meeting from the County Administrator to the Director of Planning Zoning for review of the following subjects pertinent to the Zoning Ordinance: 1) Provisions for Nonconforming Uses, 2) Provisions for Solar Installations, 3) Zoning Designation for CSX property to be conveyed to Friends of Gladstone Depot and 4) provision for Construction Camp. Each of these subjects are in process and have been presented to the Planning Commission (the Commission tabled the Construction Camp consideration at their July meeting).

M. Sturt Property: The site timbering project is in process and anticipated for completion in the ensuing few weeks. Revenue realized from the timber sale will be utilized to continue the work on establishing the property as an outdoor nature park.

N. Courthouse Tree Trimming: At the request of County staff, AEP/APCO staff retained Asplundh to trim trees at the Courthouse to address electrical service wires serving the Courthouse to be impacted by tree growth during storm or high wind events. The principal purpose of this work is to prevent the electrical service wires from contacting each other, which County staff have theorized has caused damage to Courthouse HVAC and service systems due to electrical surges.

2. Board Reports

Mr. Reed:

Mr. Reed noted that Dr. Eagle made mention of a vacancy on the School Board for the Central District. He added that all the information for that is on the School Board website, including the application and qualifications. Applications need to be received by next Friday at 3:00 pm. He noted that what's interesting about this is that it's an interim appointment, which lasts until the next election, and someone will have to run again in November for the remainder of the term for the Central District as a write-in. He added he understands that they have a couple of applicants already.

Mr. Reed then provided an update from the Nelson Community Wellness Alliance. He noted it was established in 2018 and is a collaboration of local organizations, officials, faith community members, parents, citizens, and agencies who have come together to address primarily substance abuse and mental health in the community. He added that it is moving forward to become its own 501(c)3 and putting together a Board of Directors to allow it to have more autonomy, as it currently operates under the Blue Ridge Medical Center (BRMC). He noted that anyone interested in joining the alliance or serving on its board should contact Stephanie Martin at BRMC.

Mr. Harvey:

Mr. Harvey noted that there were several things sent over to the Planning Commission, and they are looking for some more direction. Regarding the provision on nonconforming uses, he noted Mr. Payne and Ms. Bishop are working on that. Regarding the provisions for solar installations, he noted the commission members do not know a whole lot about that subject, and he felt that there is not a lot of support.

Mr. Rutherford noted that the solar aspect will become a larger conversation in the next decade and suggested looking at Augusta County's rules regarding this.

Mr. Reed advised that the Planning District Commission could assist with this, and he would like to see the pros and cons laid out.

Mr. Rutherford:

Mr. Rutherford advised that he is having an Affordable Housing Stakeholders meeting on August 27th either at 11:00 am or 2:00 pm where they will be discussing issues in Nelson with the aging demographics and how families can afford to live here and how development can be encouraged.

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Following that, there will be a town hall where the public will be invited to come out with comments on affordable housing.

Mr. Rutherford noted that regarding TJPDC, there is not much going on currently.

Mr. Rutherford noted that the Friends of Schuyler group had a roadside cleanup and they hope to do a river cleanup in the future.

He then noted that regarding the Lovington Revitalization project, they are working with the PDC to develop a strategy and see what other small towns similar to Lovington look like across the United States and how they're approaching the 21st century rural small town.

Mr. Bruguere:

Mr. Bruguere noted that he has not been to the EMS Council for the last couple months because of family issues, and he has no report.

Mr. Saunders:

Mr. Saunders had no report.

B. Appointments

Ms. Mawyer reviewed the following table:

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Mr. Rutherford referred to the Superintendent's idea of having a couple members from each Board meet a few times a year to discuss capital improvement needs. Mr. Harvey noted that our Boards have done this in the past and it's less successful having an administrator involved in the meetings. Mr. Rutherford stated he believes it would be a healthy idea to start doing this again and asked if there needs to be any formal action taken. Mr. Harvey stated that the members can discuss and work with what times are best for them.

Mr. Bruguere referred to the School Board's request to fix the track at NCHS and asked attending School Board member, Ms. Janet Turner-Giles, what exactly is wrong with it. He noted the BOS has not seen any pictures and added he thought the track was done not many years ago. Ms. Turner-Giles noted that there is wear and tear on the sides and there are some cracks through the middle. She added that she will get some pictures to the Board. Mr. Bruguere stated that there's no equipment on there and questioned why it is wearing so much, adding it will cost the Board a couple hundred thousand dollars to fix. Ms. Turner-Giles noted she believes it is wear and tear over time and also the traffic flow from people walking across that track to get to the stadiums. Mr. Bruguere stated that foot travel shouldn't affect that. Ms. Turner-Giles stated this is a problem particularly in areas where there's already an issue. She added she will get pictures of the issues to the Board.

Mr. Harvey suggested putting this off for a bit and working on the concession stand and noted that the bathrooms are badly in need of work.

Mr. Reed suggested including a tour of the facilities during the 2 on 2 member meetings.

VII. OTHER BUSINESS (AS PRESENTED)

Mr. Harvey announced that they are celebrating the 45th anniversary of the Afton Service Center tomorrow. He noted Miss Virginia will be there from 2:00 to 4:00 pm and added that the event starts at 11:00 am and goes until 6:00 pm.

Mr. Bruguere asked about the status of the Vietnam Memorial. Mr. Saunders noted they got their 501(c)3 status and were at a bit of a standstill for the last month. He added they had a volunteer come to their last meeting who is working on national fundraisers and gave them a lot of good ideas. They are still in the process of trying to locate a home, but things are slowly moving along. Mr. Saunders noted a lot of items are being moved, and as of July 31st, it belongs to the group in Nelson County. He added they are meeting on a weekly basis.

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

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At 3:40 PM, Mr. Harvey moved to adjourn and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.