

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 9:00 a.m. in the Old Board of Supervisors Room located on the fourth floor of the Nelson County Courthouse in Lovingston, Virginia.

Present: Jesse N. Rutherford, East District Supervisor –Chair
Robert G. “Skip” Barton, South District Supervisor – Vice Chair
Ernie Q. Reed, Central District Supervisor
J. David Parr, West District Supervisor
Stephen A. Carter, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources

Absent: Thomas D. Harvey, North District Supervisor

I. Call to Order

Mr. Rutherford called the meeting to order at 9:00 a.m. with four (4) Supervisors present to establish a quorum and Mr. Harvey being absent.

II. Work Session – Redistricting Notice of Publication (R2022-12)

Mr. Rutherford asked Ms. Spivey to give a brief explanation of what was needed to take place for redistricting. Ms. Spivey noted that the last step in the redistricting process was to advertise the adopted ordinance amendment. She noted the advertisement provided for where the full text of the amendment could be found on the County website and at the County Administrator’s office.

Mr. Reed asked about the name change to the Faber polling place. Ms. Spivey noted that the names of the polling places were all updated to reflect their current names. She clarified that the listing of names in the advertisement provided the former names which were being changed and that the new names were shown italicized in the ordinance amendment. She reiterated that the names were only changed, not the locations. Mr. Reed and Mr. Rutherford were concerned that the name “Nelson Rescue Squad” was not specific to Faber. Ms. Spivey clarified that it was formerly known as Nelson Rescue and the name it was changed to was Faber Volunteer Fire Department, Station 2. She noted that the ordinance had already been adopted with the updated names, and the resolution was a formality to run the advertisement of the adopted amendment.

Mr. Barton moved to approve Resolution **R2022-12**, Redistricting Notice of Publication. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2022-12
NELSON COUNTY BOARD OF SUPERVISORS
PUBLICATION OF ADOPTED ORDINANCE AMENDMENT
REGARDING ELECTION DISTRICT AND POLLING PLACES
February 16, 2022

In accordance with Volume 5A, Title 24.2, Elections, of the Code of Virginia, 1950, as amended and pursuant to Sections 24.2-129 and 24.2-306, the Nelson County Board of Supervisors amended the Code of Nelson County by Ordinance 2021-10 regarding election districts and polling place names on January 31, 2022, and notice having been given that the Board of Supervisors would accept public comments for a period of 15 days regarding the amendment, the Board now directs publication of the full text of the amendment on the County’s website, www.nelsoncounty-va.gov, that the full text of the amendment be available for review in the Office of the County Administrator, 84 Courthouse Square, Lovingston, Virginia, Monday through Friday, 9:00 a.m. to 5:00 p.m., and that this resolution be submitted for publication in the *Nelson County Times*. The amendment will take effect in 30 days.

The amendment revises the names, but not locations, of certain polling places and, to correct population deviations in the election districts as determined by the 2020 decennial census, adjusts some precinct boundary lines in the Faber area by moving voters from the Central District to the East District.

Names of the following polling places are being updated:

Rockfish Valley Volunteer Fire and Rescue Building

Lovingston Fire Department

Walton’s Mountain Museum

Carriage House at Oak Ridge

Gladstone Rescue Squad Building

Montebello Volunteer Fire and Rescue Building

Tuckahoe Clubhouse

Nelson Rescue Squad Building

For more information, call the County Administrator’s Office at (434) 263-7000. EOE

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS

III. Closed Session Pursuant to Section 2.2-3711 (A)(7) of the Code of VA

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711 (A)(7): Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body – Litigation pertaining to the Region 2000 Services Authority. Mr. Barton seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Reed moved pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

IV. Other Business

Mr. Rutherford invited Sheriff Hill to address the Board. Sheriff David Hill brought before the Board Virginia Code Section 15.2-1711: Providing legal fees and expenses for law-enforcement officers; repayment to locality of two-thirds of amount by Compensation Board. He noted there was a situation in which he was requesting that the Board acknowledge the code section. He asked that the Board consider supporting the code section. He noted that he could not comment on the situation in detail as it pertained to an active investigation.

Mr. Rutherford asked for insight into the code from Mr. Payne. Mr. Payne suggested that the Board go back into closed session for legal guidance.

Introduced: Closed Session

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711 (A)(7): Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. Mr. Parr seconded the motion. Mr. Payne and Ms. McGarry noted they needed to correct the motion to reflect to proper code section. Mr. Reed and Mr. Parr withdrew their motion and second.

The Board took a brief recess.

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711(A)(8): Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal

advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Reed moved pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Mr. Parr seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Mr. Reed made a motion that in the event the circumstances of §15.2-1711 and §15.2-1607 in connection with Sheriff Hill and Major Cindrick are met, allowing for reimbursement, that the Board commit to paying such expenses. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Mr. Rutherford recognized Mr. Carter and noted the Board's receipt of notice of his retirement. He expressed the Board's appreciation of Mr. Carter and his many years of service.

Mr. Rutherford noted that with Mr. Carter's retirement, they had some steps to take moving forward to find the next County Administrator. He suggested that they create a committee possibly comprised of two Board members, Ms. McGarry, Mr. Payne, Mr. Carter and any needed staff. He noted the committee would craft the next steps and report to the Board in March. Mr. Rutherford asked Ms. McGarry and Mr. Payne if that would be appropriate. He noted that he had spoken with other Boards and they had indicated taking similar actions. Mr. Rutherford and Mr. Reed both expressed interest in serving on the committee. The Board was in agreement to have Mr. Rutherford and Mr. Reed serve on the committee.

Mr. Parr asked about the status of the Social Services building. Mr. Carter noted that the County would need to issue a Request for Proposals for Architectural Services. Mr. Parr asked how much more time that would add. Mr. Carter noted it would add about six weeks to the timeline. Mr. Parr asked when Social Services should expect to start discussions about layout and floorplans. Mr. Carter confirmed that the architectural firm for the project would be conferring with each department that would go into the new facility.

In closing, Mr. Rutherford asked County staff to send out the press release regarding Mr. Carter's retirement.

V. Adjournment

At 9:51 a.m., Mr. Parr moved to adjourn and Mr. Reed seconded the motion. There being no further discussion or objections, the motion passed unanimously and the meeting adjourned.