

January 12, 2021

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
Robert Brown, VDOT Residency Administrator
Dylan Bishop, Director of Planning and Zoning
Shannon Irvin, Assistant Superintendent for School Administration
Martha Eagle, School Division Superintendent

Absent: None

I. CALL TO ORDER

Mr. Harvey called the meeting to order at 2:02 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. PUBLIC COMMENTS

There were no persons wishing to be recognized for public comments.

Introduced: Presentation from Amherst Agriculture Committee

Mr. Parr noted that this group will be making a presentation about an opportunity that Nelson County has to work with a neighboring county on a possible project. He introduced Chris Bryant and advised that the group is comprised of members of the Amherst Ag Committee.

Mr. Bryant noted that he is a native of Nelson County and is a member of the Amherst County Ag Committee. He advised that the committee over the last few years has worked on several projects including promoting agritourism and agriculture for the county of Amherst, a farmer’s market, a county

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fair, and also the possibility of starting an ag complex, which would also be used for additional CTE training. He stated that there is a need for a place to hold events that would be large enough to possibly hold rodeos, county fairs, and large venues such as weddings. He advised they would like to mimic something similar to the facility in Chatham, which is used for different events and agriculture for that area.

He then presented pictures of the Chatham facility and noted that this is just an idea of what they would like to see happen here locally. He added that they are hoping to do this as a regional project with Amherst and Nelson being the main counties involved with the additional possibility of reaching out to the surrounding counties as well. He stated that it would take a big commitment to financially get involved with a project like this and noted that one way they are able to pay for the Chatham facility is by utilizing rental spaces within the building. He added that Farm Bureau was a big contributor to help get that facility started and is also one of the renters that still use the facility.

Mr. Bryant noted that the Chatham facility includes an indoor arena, equestrian center, cattle working facility, and farmers market facility.

Mr. Reed asked what the staffing needs are for a facility like this. Mr. Bryant advised that about five people work full-time for the Chatham facility.

Mr. Barton asked if Chatham owns the facility. Mr. Bryant stated he is not completely sure of the ownership but can do some research and find out. He advised that Pittsylvania County likely owns the majority of interest in the facility, but a lot of investments came from the outside. He reiterated that Farm Bureau was a big investor in this and added that some very large grants helped pay for the facility.

Mr. Bryant noted that they are proposing to do this at an equal distance between the high school in Nelson County and the high school in Amherst County so that both Amherst and Nelson would have the greatest benefit. He advised the location that they are looking at is a 301-acre farm that is for sale just across the Tye River bridge as you enter into Amherst County, and it was previously a part of the Black Eagle Farm. He noted that a feasibility study would need to be done to see if there is enough water and drain fields to accommodate a facility like the one they are trying to develop.

Mr. Bryant then introduced Mr. Ed Sale, who is with Farm Bureau Insurance as well as the Amherst County Ag Committee.

Mr. Bryant noted that with the risk management in place at the local schools, it is a lot more difficult to give kids hands-on experience, and if this facility could be developed, they could make a big difference in the workforce that is coming out of these schools. He added that they could also do adult education at night.

Mr. Rutherford noted that this project could be more than just agriculture; it could involve career and technical education as well. He added that this is a huge and exciting opportunity, and doing it on a

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regional basis can justify some economies of scales that we as Nelson County in our school system struggle with.

Mr. Reed advised that the website for the Chatham facility mentions that the complex is owned and operated by a 501c(3) and is represented by farmers and individuals from over seven counties. Mr. Bryant noted that they would be trying to mirror what they did in Chatham.

Mr. Harvey thanked the guests and noted that the Board will discuss this further at the end of the meeting.

III. REORGANIZATION OF THE BOARD AND ANNUAL ORGANIZATIONAL MEETING

Mr. Harvey first recognized Mr. Carter for becoming a new grandfather on December 23rd, 2020 with a nine-pound young lady named Vivian.

Mr. Harvey turned the meeting over to Mr. Carter who noted that State law and County Code required the Board to conduct an annual organizational meeting at which the Chair and Vice Chair would be elected and the Board's meeting schedule set.

A. Election of Chair and Vice Chair

Mr. Carter noted that according to historical precedent, Mr. Reed would be Chairman and Mr. Rutherford would be Vice Chairman. Mr. Harvey then moved to appoint Mr. Reed as Chair and Mr. Rutherford as Vice Chair for 2021. Mr. Parr seconded the motion, and there being no other nominations, the floor was closed. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the nominations and elect Mr. Reed as Chair and Mr. Rutherford as Vice Chair.

The meeting was then turned over to Mr. Reed. Mr. Reed thanked Mr. Carter and Mr. Harvey.

B. Resolution – R2021-01 Annual Organizational Meeting of the Board

Mr. Harvey nominated Mr. Rutherford to be the representative on the Social Services Board. Mr. Barton advised that he likes being the representative on that Board and objects to the nomination. Mr. Rutherford stated he is fine with this but would like to sit on that board in the following year.

Mr. Reed noted that he would like to remain the representative on the Planning Commission.

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Mr. Harvey then moved to approve **R2021-01** with no changes to the appointments and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2021-01
NELSON COUNTY BOARD OF
SUPERVISORS ANNUAL MEETING**

JANUARY 12, 2021

WHEREAS, pursuant to the applicable provisions of §15.2-1416 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board's first meeting in January of each year; and,

WHEREAS, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2021 in the General District Courtroom located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert's Rules of Order, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

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Board of Supervisors appointments for Calendar Year 2021 shall be as follows:

| | |
|---------------------------------------------------------|-------------------|
| Thomas Jefferson Planning District Commission | Jesse Rutherford |
| Thomas Jefferson Planning District Commission | Dylan Bishop |
| Director of Emergency Services: | Thomas D. Harvey |
| Emergency Services Coordinator: | Russell Gibson |
| Piedmont Workforce Network Council: | Robert Barton |
| Clerk to the Nelson County Board of Supervisors: | Stephen A. Carter |
| Deputy Clerk to the Nelson County Board of Supervisors: | Grace Mawyer |
| Zoning Administrator: | Dylan Bishop |
| Hazardous Materials Coordinator: | Russell Gibson |
| Thomas Jefferson EMS Council: | Russell Gibson |
| Nelson County EMS Council: | David Parr |
| Thomas Jefferson Community Criminal Justice Board: | Daniel Rutherford |
| Nelson County Social Services Board: | Robert Barton |
| Nelson County Planning Commission: | Ernie Reed |

IV. CONSENT AGENDA

Mr. Reed noted that he would like to add Resolution **R2021-04** to the Consent Agenda, which pertains to electronic meetings of public bodies. He advised that they passed an almost identical resolution months prior, and it has expired, so this again makes it possible for the Board to meet through video conferencing if necessary.

Mr. Harvey 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. Resolution – **R2021-02** Minutes for Approval

RESOLUTION R2021-02
NELSON COUNTY BOARD OF
SUPERVISORS APPROVAL OF MINUTES
(December 8, 2020)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **December 8, 2020** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

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B. Resolution – **R2021-03** Budget Amendment

**RESOLUTION R2021-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2020-2021
BUDGET NELSON COUNTY, VA
January 12, 2021**

I. Appropriation of Funds (General Fund)

| <u>Amount</u> | <u>Revenue Account (-)</u> | <u>Expenditure Account (+)</u> |
|---------------------|----------------------------|--------------------------------|
| \$ 77,949.80 | 3-100-003303-0041 | 4-100-091030-5614 |
| \$ 57,241.00 | 3-100-002404-0015 | 4-100-032020-5648 |
| \$ 5,828.00 | 3-100-002404-0007 | 4-100-082050-6008 |
| \$ 16,684.50 | 3-100-002404-0017 | 4-100-021060-7041 |
| <u>\$ 415.84</u> | 3-100-002404-0001 | 4-100-031020-5419 |
| \$158,119.14 | | |

II. Appropriation of Funds (School Fund)

| <u>Amount</u> | <u>Revenue Account (-)</u> | <u>Expenditure Account (+)</u> |
|---------------------|----------------------------|--------------------------------|
| \$211,870.00 | 3-205-003302-0021 | 4-205-063100-9303 |
| <u>\$ 52,345.00</u> | 3-205-003302-0021 | 4-205-065100-9306 |
| \$264,215.00 | | |
| \$ 50,283.50 | 3-205-003302-0022 | 4-205-061100-9301 |
| \$ 36,734.00 | 3-205-003302-0022 | 4-205-064100-9304 |
| \$ 30,510.00 | 3-205-003302-0022 | 4-205-068000-9306 |
| \$117,527.50 | | |

Total: \$381,742.50

C. Resolution – **R2021-04** Resolution Regarding Electronic Meetings of Public Bodies

**RESOLUTION R2021-04
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION REGARDING ELECTRONIC MEETINGS OF PUBLIC BODIES**

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WHEREAS, the Governor issued an Executive Order declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic; and

WHEREAS, by amendment to the Commonwealth’s budget, “any public body...may meet by electronic communication means without a quorum of the public body...physically assembled at one location when the Governor has declared a state of emergency...” provided that it is impracticable or unsafe to assemble, that the purpose is to transact business statutorily required or necessary, that a recording or transcript of the meeting be available on the public body’s website, and that minutes are distributed as required.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia:

A public body of this County convening a meeting in accordance with the above-referenced authority shall:

1. Give notice to the public using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting.
2. Make arrangements for public access to such meeting through electronic means including, to the extent practicable, video-conferencing technology. If the communication allows, provide the public with an opportunity to comment.
3. Public bodies shall otherwise comply with the provisions of Section 2.2-3708.2 of the Code of Virginia.
4. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body.

V. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT was present and reported the following:

Mr. Brown first reported on the progress on Route 664 Reed’s Gap issue with tractor trailers getting stuck on the mountain. He noted that VDOT is pursuing a traffic study to prohibit through tractor trailers on 664 in Nelson and Augusta Counties. He added that they are working jointly with the Lynchburg and

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Staunton VDOT Districts, and they expect the traffic study to be finished up very soon. He noted that after this study is complete, it will be reviewed, and then it will go to the state traffic engineer for approval. He advised that VDOT has put up message boards in Augusta County and on the top of Reed's Gap to warn and caution truckers.

It was noted that the Six Year Plan will be done at next month's meeting.

Supervisors then discussed the following VDOT issues:

Mr. Rutherford:

Mr. Rutherford asked Mr. Brown to speak to the Virginia State Police and the parties at large in regards to the buildout along Route 29. He noted that there is a concern with the long widths of 29 where they have been shutting down the shoulder, adding that this has made some hazards for truckers. It was noted that the shoulder closures are for fiber installation for Amazon and Facebook.

Mr. Rutherford referred to Route 694 Naked Mountain Road in Shipman and noted that there is a creek culvert about halfway down the gravel portion that ate away the shoulder pretty bad. He noted there have been orange cones sitting beside it for a month or two and asked if somebody could come take a look and try to mitigate the issue.

Mr. Parr:

Mr. Parr had no VDOT issues to discuss.

Mr. Harvey:

Mr. Harvey noted that there are a couple of bad potholes on 151 that could be addressed.

Mr. Barton:

Mr. Barton had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

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Mr. Rutherford asked if the Board could get a copy of the updated Six Year Plan. Mr. Carter advised that it has not been updated and is the same plan they would use for the public hearing. Mr. Rutherford noted that he would like to see if there have been any completions. Mr. Carter noted that Staff would ask for a list from Mr. Brown.

B. Presentation – FY20 Audit Report – Robinson, Farmer, Cox Associates (D. Foley)

Mr. David Foley of Robinson, Farmer, Cox Associates introduced himself as the Audit Manager for the County's FY20 audit. He noted the audit had been completed and he was presenting the results.

He outlined the three main pieces of the audit that they do:

1. They audit the County's financial statements to make sure they are prepared in accordance with Generally Accepted Accounting Principles (GAAP).
2. They look at the internal controls the County has in place over financial reporting, in accordance with government auditing standards.
3. They do a federal compliance audit. For the federal grant programs that the County has, OMB provides a compliance supplement, which is a list of compliance requirements that the County has to comply with when it's carrying out and expending its major federal grant programs.

Mr. Foley noted there are three different reports included in the County's audited financial statements. The first is on page 1 of the report and is their Independent Auditor's Report. This report talks about management's responsibility for the financial statements and also talks about their responsibilities as auditors, which is to issue an opinion on the County's financial statements. On page 2 of the report is their opinion on the County's financial statements, which he noted is an unmodified opinion, which is the cleanest opinion they could give. He noted that an unmodified opinion means that the County's financial statements have been prepared in accordance with Generally Accepted Accounting Principles (GAAP).

Mr. Foley noted the other two reports are in the back of the report in the compliance section, starting on page 144. One is the report on the County's internal controls over financial reporting. This report was clean as well with no significant deficiencies or material weaknesses in the County's internal controls over its financial reporting. The third and final report is on page 146 and it's the report over the County's Compliance with its major federal grant programs. He noted this report was clean as well with no significant deficiencies or material weaknesses.

Mr. Foley noted overall, all three reports were clean, and there were no other issues or items that needed to be reported in a separate management letter. He then noted the Communication Letter with those charged with governance that was issued as they were required to communicate. The letter states that

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they had no difficulties in dealing with management; County Staff was very cooperative and helpful in working with them to get the audit completed. Regarding corrected or uncorrected misstatements, any proposed audit adjustments were posted to the County's accounting system so that the accounting system matches what is included in the audited financial statements. There were no disagreements with management, and if there were, they would have to disclose the nature of those. Also, management did not consult with any other independent accountants in terms of a second opinion.

VI. NEW & UNFINISHED BUSINESS

A. Special Use Permit #2020-04 – Extended Stay Campground (deferred in October meeting)

Ms. Bishop presented the following information:

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

Public Hearings Scheduled: P/C – August 26, 2020; Board – October 13, 2020

Location / Election District: 6787 Taylor Creek Road / North District

Tax Map Number(s) / Total acreage: 13-A-77 / 16.4 acre parcel

Applicant Contact Information: Jacqueline M. Whalen, 7056 Taylor Creek Road, Afton, VA 22920, 434-882-2456

Comments: This property is zoned A-1 Agricultural, and currently contains one dwelling, accessory structures, and horses. According to the applicant, there was a second dwelling on the site that burned down in 2008. The applicant is requesting to utilize this site for the purpose of renting it out to transient lodgers for up to 6 months at a time. These lodgers would provide their own travel trailer and connect to existing utilities.

There is currently a travel trailer on the property in the proposed location. This tenant contacted our office to confirm that the current zoning allows this type of use, which ultimately manifested this application. The owner has indicated that she believed the previous homesite to be perpetually "grandfathered" to allow transient rental accommodations. In fact, the homesite would have been grandfathered only for the 2-year period following its destruction, and only for a new permanent dwelling. By charging a fee to utilize the site for transient lodging is by definition, a campground. The owner is currently in legal proceedings to remove the current tenant from the property.

At their meeting on August 26, the Planning Commission recommended approval (4-0) of this application, with the condition that the extended stay campground be limited to one site as shown on the plat.

DISCUSSION:

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

Access and Traffic: The property is accessed by a private entrance from Taylor Creek Road. VDOT has indicated that the current entrance is adequate to support the proposed use.

Utilities: The property is currently served by private water and septic systems.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Staff recommends the condition of limiting the extended stay campground to one site as shown on the submitted plat.

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

Ms. Bishop noted that a public hearing for this subject was held during the Board's October meeting, and a decision was delayed until today's meeting to address some issues regarding the well cap on the septic and the site location. She advised that the health department approved this application and did work with the owner to get the well cap fixed, adding that the site location has been established as well. She noted that the current tenant is no longer on the property, and it is currently vacant.

Mr. Harvey asked how it could be a campground with one trailer. Ms. Bishop advised that her office is working with several other departments to try and figure out how to address this. With the way the current definitions are written, it does not specify how many campsites and states "any place used for transient lodging and a temporary facility." She noted that the health department doesn't classify a property as a campground unless they have three or more sites, and this is one option they have discussed taking to the Planning Commission. She added that the Health Department, Building Inspections, and Planning and Zoning need to come together to address tiny homes, RVs, and other things that don't really fit or match the campground definition.

Mr. Carter noted that the Board could defer this until the word comes back from the Planning Commission. Ms. Bishop advised that the Board does have a year to vote on Special Use Permits, and this subject will be going to the Planning Commission in the next few months.

Mr. Reed asked if it is technically possible for someone to stay there for six months on a six-month lease and then sign a subsequent lease for six months. Ms. Bishop noted that this could be part of the condition.

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Mr. Carter asked if the owner paid transient occupancy taxes previously. Ms. Bishop stated she does not know. Mr. Carter noted that they would be subject to that tax if this is approved. He added that this will be difficult to police and asked if staff would go look at the site after six months. He then noted that he believes the application is more of a means to circumvent the ordinance, adding it is not really a campground.

The applicant, Ms. Jacqueline Whalen, came forward to speak.

Ms. Whalen noted that she has owned this property since 1989 and stated that she will not be renting it out as a campsite anymore. She advised that she will use the farm for her breeding operation and horses and is not getting into this business ever again.

Mr. Harvey then moved to turn down the application for Special Use Permit #2020-04 and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Report on CARES Act Funding

Ms. McGarry reported the following information:

Expenditure Deadline Extension

On December 30, 2020 the County was notified by the State Secretary of Finance that the passage of a new federal relief bill extended the expenditure deadline for Coronavirus Relief Funds (CRF) by 1 year and was now **December 31, 2021**. This extension applies to the County's original CRF allocations of \$2,605,170, the two Broadband Connect grants of \$285,000, and the Municipal Utility Assistance grant funds of \$77,949.80 that will be passed through to the Nelson County Service Authority for administration.

Funding Status

As of December 31, 2020, the balance of un-obligated CRF (CARES Act) funds is **\$16,143**. This balance assumes full expenditure of the items on the original funding plan and \$41,581 for items approved at the December BOS meeting. Variations in cost from the original/revised plan have been accounted for in calculating the contingency balance. Additionally, it is anticipated that there will be some County charges to these funds with the January 12th Accounts Payable run and some fluctuation in estimated vs actual costs that will be applied.

Funding Requests for Consideration:

1. Gladstone Volunteer Fire and Rescue Services

Two (2) Curaplex Quick Connect Carriers – are X-ray translucent, break apart for easier use with hip and pelvic injuries, and easier to sanitize. \$899.99 each, total request: **\$1,799.98**. Meets CARES Act funding criteria of Public Health – easier sanitation provides mitigation of COVID exposure for patients and EMS providers.
**An alternate source of funding is Four-for-Life funds which is an annual distribution to the EMS Council for qualifying items such as EMS equipment and supplies.*

2. Piney River Volunteer Fire Department

HVAC replacement including 36,000 BTU mini-split unit. Includes 1 outdoor and 3 indoor units and all electrical and wiring. Request: **\$5,850.00**. Meets CARES Act criteria of Medical Expenses- the PRVFD facility could be used as a COVID shelter/treatment center during the current pandemic.

CARES Act Families First Coronavirus Relief Act (FFCRA)

The CARES Act Families First Coronavirus Relief Act (FFCRA) provided for Emergency Paid Sick Leave and Expanded Family Medical Leave for specified reasons related to COVID-19 which applied from April 1, 2020 through December 31, 2020. The extension of these benefits **was not** included in the new federal relief bill, which means that employees needing to be out from work for a COVID-19 related reason, such as: experiencing symptoms and seeking medical diagnosis, being advised by a healthcare provider to self- quarantine, caring for their child whose school or place of care is closed; will have to use their personal leave for these purposes, or in the case of part-time employees, wages will be lost.

Given the current status of the Coronavirus Pandemic, Staff proposes that the Board of Supervisors authorize a local continuation of these benefits that mimics the federal program in whole or in part through June 30, 2021.

Pros:

- Employees would be more inclined to stay home or leave work when sick; limiting potential exposure to others
- Limiting exposure to others in the workplace helps minimize related health insurance and worker's compensation claims; which affects claims experience and ultimately premium costs
- Employees would be more inclined to quarantine when advised to do so

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- Transmission of COVID-19 in the workplace would be less likely if employees were more inclined to follow CDC/VDH exposure and quarantine guidelines
- No immediate cost to the County; full-time employees would simply not be charged leave for a qualifying reason under the expired FFCRA guidelines
- Employees that can telework while out on COVID-19 leave would continue to do so, health permitting
- Employees experiencing childcare provision issues due to COVID-19 would be able to continue alternate work schedules to allow for teleworking, while needing to provide childcare – promoting employee retention

Cons:

- Employee abuse is possible; however, the same level of documentation would be required as under the expired FFCRA guidelines
- Immediate cost to the County if the Part-Time benefits were extended: either 100% or 2/3 pay for a PT employee's two-week equivalent, depending upon qualifying reason
- Potential future cost (liability) to the County for pay out of vacation leave balances of a terminating employee whose vacation balance was not reduced due to this local extension. *Most employees would use sick leave for this; however, employees whose sick leave was exhausted, could use vacation time.*

Mr. Rutherford asked how much FFCRA was utilized by the County since last March. Ms. McGarry stated between \$23,000 and \$25,000. Mr. Rutherford asked if this includes the School System employees, and Ms. McGarry stated no. She added that Constitutional Officers have their own leave policies unless they fall under the County's leave. Mr. Rutherford noted that he has no issues with this program.

Mr. Carter then asked if the Board would be comfortable with resumption of allowing the County departments to telework on a rotational basis. He noted that a few departments were hit really hard in December, and it would be helpful until employees can get the vaccine if the Board is comfortable with allowing this. Mr. Parr stated that he agrees with this idea.

Mr. Harvey asked if the two funding requests have been brought before the Emergency Services Council. Ms. McGarry stated she does not know but believes they were submitted directly to the County. Mr. Harvey noted that they should go through the council first. The Board deferred taking action on the funding requests from Gladstone Volunteer Fire and Rescue Services and Piney River Volunteer Fire Department so that they could go through the EMS council first. Staff noted they will reach out to the departments to let them know that they need to go through the council.

Mr. Parr then moved to extend the CARES Act Families First Coronavirus Relief Act funding and allow County staff to telecommute as needed based on supervisor approval and Mr. Rutherford seconded the

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motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting No.

C. School Board Capital Improvement Plan Fund Appropriation Request

Ms. Shannon Irvin noted that the Nelson County School Board is seeking a supplemental appropriation in the amount of \$441,546 to the Schools' Capital Improvement Plan (CIP) Fund, which represents monies not spent from the County's Appropriation to the schools in the FY 2019/2020 School Year Operational Budget as noted in the Draft Audit Report prepared by Robinson, Farmer, Cox Associates.

Ms. Irvin noted that high on their list of capital improvement priorities are projects involving student safety. She advised that they applied for a school security equipment grant and were awarded the maximum award amount of \$250,000, and this has a required 25% local match. She added that in addition to this, they are looking to fund the greenhouse remodel/renovation project. She noted that the study on this project was prepared by Architectural Partners and presented to the School Board in November. She stated that the greenhouse was built in the 1970s and is in need of rehabilitation, and the architect is concerned about glass falling, breaking, and injuring someone.

Ms. Irvin advised that the funds would be used to address those things that are either required in the security grant or on their capital improvement plan. She added that the School Board has not formally determined the green house as their number one priority, however, they have always looked at safety as their number one concern.

Mr. Rutherford asked what happened with the welding facility. Ms. Irvin noted that this was one of the studies done by the architect, and four different options were looked at for this. She stated that the School Board has not yet determined which option to choose, but it is still on the radar.

It was noted that \$62,500 of the \$441,546 would be used for the local match of the security grant, and the School Board would vote on how to use the remainder of that money.

Ms. Irvin noted that in terms of the School Board's Capital Fund, it would be helpful if the funds would roll over from year to year and be reappropriated so that over a number of years, the School Board could save money for particular projects.

Mr. Parr then moved to allocate the supplemental appropriation of \$441,546 to the School Capital Improvement Fund and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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Mr. Harvey asked Ms. Irvin where the money came from for the school bonuses. Ms. Irvin noted that it came from unexpended funds, adding that they have not used hardly any substitutes or bus drivers. They used their substitute and part-time employee budgets.

Mr. Harvey asked if the school staff has any sense of when students are going back to school. Dr. Eagle noted that the School Board voted in December to have a target date of February 1st, and they will look at the metrics during the meeting on Thursday. She added that right now, they are looking at Pre-K through third grade coming on board on February 1st.

D. Consideration of Employee Compensation

1. Nelson County Social Services Board – Request for Employee Bonus

Ms. McGarry presented the following information:

The County currently has 91 Full-Time Employees and 29 Part-Time Employees. If approved effective January 1, 2021, the bonus or raise would apply to those employed as of December 31, 2020.

Bonuses

At the December Board of Supervisors meeting, staff presented two employee bonus scenarios as follows:

1. \$500 for Full-Time Employees & \$250 for Part-Time Employees (*Excludes Sheriff's Deputies that received the \$500 bonus in December*) **One Time Cost: \$44,406**
2. \$1,000 for Full-time Employees & \$500 for Part-Time Employees (*Includes another \$500 bonus for Sheriff's Deputies that received a \$500 bonus in December*) **One Time Cost: \$100,115**

Supervisors took no action and asked staff to bring back the cost of a 1% raise for all employees as of January 1, 2021 (1/2 of the fiscal year) to be considered at the January Board meeting.

Note: The Department of Social Services is proposing scenario 2 above at a total cost of \$18,300.50 with the local match of 15.5% being \$2,836.58.

Raise

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A 1% raise including benefits for all current full and part time employees, effective January 1, 2021 would cost approximately **\$26,957**. This would equate to an annual increase of **\$53,913** in FY22. *Part-time costs were based upon 1,080 hours annually*

*Note: The Department of Social Services total cost of this option would be **\$6,631.25** with the local match of 15.5% being **\$1,027.84**.*

Funding

Funding for either a bonus or a % increase is proposed to come from the General Fund Recurring Contingency Balance of \$361,495.74.

Mr. Rutherford moved to allocate a \$1,000 bonus to full-time employees and a \$500 bonus to part-time employees, which includes a new \$500 bonus to Sheriff deputies, at a one-time cost of \$100,115, adding the same scenario for the Department of Social Services with the local match of \$2,836.58. Mr. Barton seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Mr. Carter presented the following report:

A. Covid-19 (Coronavirus): There is currently one County employee quarantining at home due to exposure to an individual diagnosed with the Covid-19 Virus. County Administration completed a VA Department of Health survey the week of January 4th to provide for establishing County personnel to be scheduled for the vaccine(s) that has been approved by the FDA. The response received from the Blue Ridge Health District is County personnel will be in Group 1b, which follows the first group (1a) to be inoculated in Virginia. A response from the District's Director indicated administration of the vaccine for County personnel will be "very soon" but a definitive schedule was not provided. The County's survey response included the Board of Supervisors with regard to a numeric count for the vaccine inoculations.

B. Tye River Water System: The project is nearing final completion, which entails removal of the 5,000 gallon elevated water tank and three minor punch list items identified by the VA Department of Health, Office of Drinking Water (Lexington). The removal of the water tank is scheduled for January 19th. The County has requested the other punch list items be addressed on that date to enable VDH staff to re-inspect the project and confirm its completion.

C. BR Tunnel Project: County staff are in process with documentation submittals to VDOT to close out the Phase 3 Project. Due to the significant number of visitors since the trail system was opened to the public on 11-

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21-20, County staff are working to expand the eastern parking lot (an addition 28 spaces is possible) and to install fencing along Depot Lane to deter vehicles from parking on either side of the entrance road. County staff have also conferred with Buckingham Branch Railroad administration on measures to deter the public from parking BBRR property. BBRR staff will also advise the County on the potential to lease the Railroad's property on the north side of Afton Mt. Road to provide additional parking for visitors. Additionally, County staff will also work towards possible expansion of the western parking lot. Communication with Royal Orchard Land Corporation has been made with ROLC requesting information on the proposed parking area prior to the Corporation's board meeting in February.

D. Report on VA-ABC Licensed Entities: County staff have completed a summary document pertinent to local approval of businesses that require VA-ABC licensure. Pending is the scheduling of a date for state agency personnel to meet and present to the Board of Supervisors on the Commonwealth's provisions and requirements for licensing of such businesses. What has been discussed with the BOS Chairman is a Board work session to be scheduled once meeting dates are received from the respective state agencies.

E. Board Planning Session: Several members of the Board have made inquiry on scheduling a planning meeting (work session) to enable the establishment of Board priorities for FY21-22 and, perhaps the ensuing 2-5-year period. County Administration has responded to these inquiries to suggest that a planning work session can be scheduled prior to the ensuing submittal to the Board of the draft FY21-22 Budget predicated on the Board concurring on a meeting date for the planning session.

Mr. Reed noted that he would like to propose having a work session before the end of the month that focuses on capital planning.

F. Piney River Wastewater System: A contract was awarded in December 2020 to Patterson Construction Company, Inc. of Fredericksburg, VA in the amount of \$39,788.00 for overall repair of the Route 56 primary pumping station. Work will commence on January 18th with work to be completed in 120 days.

G. FY20-21 Budget: The preliminary budget report through December 2020 denotes the collection of "Local Revenues" at 53% of the budgeted amount *\$16,768,758.96 collected of \$31,623,265.00 budgeted leaving a balance of \$14,882,064.54 to be realized by end of the fiscal year, 6-30-21). This excludes the budgeted year ending balance of \$2,621,873.88. Expenditures through, excluding Transfers (e.g. School Division, DSS and Debt Service), are at 56% of budgeted funds (\$11,616,542.45 expended of \$20,667,824.37 budgeted). Based on the local expenditure amount in December (\$1,337,966.01) projected to June 30, 2021, County expenditures are currently projected to be 85.65% of budgeted expenditures (\$9,372,571.55 budget balance at 12-31-20 with estimated expenditures of \$8,027,796.06), resulting in a "possible" balance of \$1,344,775.49.

H. 2022 General Reassessment: The 2022 General Reassessment is in process with the assessor's final report to be submitted by not later than 12-31-21.

I. FY21-22 Budget: Preparation of the draft FY21-22 Budget is in process with submittal to the Board anticipated by late February to early March.

2. Board Reports

Mr. Parr:

Mr. Parr noted that the EMS Council has not met since the last Board meeting.

Mr. Rutherford:

Mr. Rutherford noted that the Thomas Jefferson Planning District Commission is looking at Covid impacts in 2021 and impacts to school operations in different areas. He added that affordable housing is even more of a hot topic now.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Barton:

Mr. Barton noted that he felt it important that the Department of Social Services was included in the bonuses. He advised that they continue to deal with the problems of foster children and drug abuse.

Mr. Reed:

Mr. Reed noted that JABA continues to be extremely busy and effective in terms of what they are doing, and they are continuing to be great advocates for the elderly in the community. He then noted that the Planning Commission did not meet last month.

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.) |
| Board of Zoning Appeals | 11/10/2020 | 5 Years/ No limit | Ronald Moyer | N | Shelby Bruguiera (Prev. Alternate) Mary |

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| | | | | | |
|-----------------------------------------------------|----------------------|-----------------------|-----------------------------------------|--------------|-----------------|
| | | | | | Cunningham |
| JABA Council on Aging | 12/31/2020 | 2 Years/ No limit | Mary S. Cunningham | Y | |
| | | | | | |
| | | | | | |
| | | | | | |
| (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 | Sunny L. Taylor |
| | 5/13/2019 | 4 Years/ 3 term limit | Chapin Wilson, Jr. (T3) | N - resigned | Mary Cunningham |
| | | | Staff Member Pam Campbell-Comm. Of Rev. | | |
| | | | Robert G. "Skip" Barton-BOS | | |
| | | | | | |
| | | | | | |

Ms. Mawyer noted that Ronald Moyer indicated he did not wish to be reappointed to the Board of Zoning Appeals, and Shelby Bruguire, the alternate on that Board, indicated she would like to be considered for his position. She added that Mary Cunningham would also like to be considered for the position. Ms. Mawyer noted that if the Board votes to replace Mr. Moyer with Ms. Bruguire, then the alternate position would be open, and the Board could consider Ms. Cunningham.

Ms. Mawyer noted that Mary Cunningham indicated she would like to be reappointed to the JABA Council on Aging.

Ms. Mawyer added that Mary Cunningham has indicated that she would like to be considered for the Agricultural and Forestal District Advisory Committee opening. She noted that Sunny Taylor has also submitted an application for the other open position on that committee.

Mr. Reed noted it is appropriate for Ms. Bruguire to fill Mr. Moyer’s position on the BZA as she has been actively serving as an alternate. He added that Ms. Mawyer’s suggestion is well taken.

Mr. Rutherford moved to appoint Shelby Bruguire to the BZA, Mary Cunningham to take the alternate position on the BZA, Mary Cunningham to the JABA Council on Aging, and Sunny Taylor and Mary Cunningham to the Agricultural and Forestal Advisory Committee. Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

Mr. Barton:

Mr. Barton had no correspondence.

Mr. Rutherford:

Mr. Rutherford noted that he has received several emails in regards to the fiber buildout and how it has really impacted lives, especially ranging from the south district to the east district.

Mr. Rutherford noted he has received correspondence about repeat offenders of junk cars in a yard. He advised he would like to talk to Ms. Bishop about how to better address this.

Mr. Parr:

Mr. Parr noted that he has received a lot of questions about updates to the Firefly CARES projects and how the changing of the timeline may impact the construction schedule.

Mr. Harvey:

Mr. Harvey had no correspondence.

Mr. Reed:

Mr. Reed had no correspondence.

D. Directives

Mr. Rutherford asked Mr. Carter to obtain an update from Mr. Wood about the status of the Firefly CARES projects.

VIII. OTHER BUSINESS (AS PRESENTED)

Mr. Reed noted that he is interested in having a Board work session during the week of January 25th to focus on capital planning. He added he would also like to have a joint meeting with the School Board during the week of February 1st.

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The Board decided to have the capital planning meeting on Friday, January 29th at 1 pm in the old Board of Supervisors room.

The Board suggested having the joint meeting with the School Board on Tuesday, February 2nd from possibly 3-6 pm. Dr. Eagle noted that she would find out if this works for the School Board.

The Board then discussed the ag facility presentation from earlier in the meeting. Mr. Parr noted that big picture-wise, it would be a combination of Expo Land in Fishersville with a livestock facility and some career and technical training opportunities with meeting rooms and reception halls. He advised the main focus is extending farm and career education for the community. He stated that they need a group of stakeholders, and they need to fund a study from an engineering firm, adding that they already have a financial commitment and support from Amherst County to fund the study.

Mr. Rutherford suggested having two Board members and Mr. Carter meet with two members of the Amherst Board to discuss this subject. He added that he would like to participate in this meeting with Mr. Parr.

Mr. Harvey noted that the study would likely cost between \$15,000 and \$20,000.

By consensus, the Board agreed to work with Amherst County and the Amherst County Ag Committee to move forward and look at specifics about this subject. Mr. Parr noted that he would pass this information along to the ag committee.

Mr. Harvey asked if Mr. Carter has any updates on the Health Department. Mr. Carter stated that they have an extension until next December at Blue Ridge Medical Center. Beyond that, the Department of General Services (DGS) has an open solicitation for proposals. He noted that according to what has been indicated by DGS staff, ultimately, the Health Department has final say in the location; it is not the County who decides, but rather the State. It was noted that the Board could discuss this further in the capital planning meeting. Mr. Reed noted that he believes the Heritage Center is going forward with an official proposal for the Health Department at some point in the future.

Mr. Reed then commended Ms. Janet Turner-Giles who was recently voted the President of the Virginia School Board Association. The Board conveyed their congratulations to Ms. Turner-Giles.

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

At 5:18 PM, Mr. Rutherford moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.