

January 14, 2020

Virginia:

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

Present: Jesse N. Rutherford, East District Supervisor
Thomas D. Harvey, North District Supervisor – Vice Chair
Ernie Q. Reed, Central District Supervisor
J. David Parr, West District Supervisor
Stephen A. Carter, County Administrator
Grace Mawyer, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources
Claire Richardson, Director of Parks and Recreation
Shannon Irvin, Assistant Superintendent for School Administration

Absent: Robert G. “Skip” Barton, South District Supervisor

I. CALL TO ORDER

Mr. Harvey called the meeting to order at 2:02 pm, with four (4) Supervisors present to establish a quorum and Mr. Barton being absent.

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

II. REORGANIZATION OF THE BOARD AND ANNUAL ORGANIZATIONAL MEETING

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 then opened the floor for nominations for Chair and Mr. Parr nominated Mr. Harvey for Chair. Mr. Rutherford seconded the nomination, and there being no other nominations, the floor was closed. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the nomination and elect Mr. Harvey as Chair.

Mr. Harvey then opened the floor for nominations for Vice Chair and Mr. Rutherford nominated Mr. Reed for Vice Chair. Mr. Parr seconded the nomination, and there being no other nominations, the floor

January 14, 2020

was closed. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the nomination and elect Mr. Reed as Vice Chair.

Mr. Harvey then noted that new Board member, Mr. Barton, is not present today due to having a medical problem on Saturday. He went to see him at the hospital yesterday and reported he is doing very well and hopes to be at the February meeting.

B. Resolution – R2020-01 Annual Organizational Meeting of the Board

Mr. Rutherford moved to approve Resolution **R2020-01** and Mr. Reed 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 R2020-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 14, 2020

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 2020 in the General District Courtroom located in the Nelson County Courthouse in Lovingson, 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.

January 14, 2020

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.

Board of Supervisors appointments for Calendar Year 2020 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

III. CONSENT AGENDA

Mr. Rutherford addressed the budget amendment resolution **R2020-03** and asked Ms. McGarry about the appropriation request for \$36,224.10. Ms. McGarry noted that these are insurance proceeds that the County has received for covered vehicle repairs. She stated Staff is asking to appropriate that money on the revenue side of the budget as well as to the expenditure side under vehicle repair expenditures. She noted this line resides in the vehicle supplies line of the Motor Pool budget. She stated this is for multiple vehicle repairs, and the Board should have received a revised budget amendment that includes \$35,953.00 requested by the Sheriff for totaled vehicle insurance proceeds for them to use to purchase a new vehicle. She reiterated that the \$36,224.10 is to cover repairs, and the \$35,953 is for totaled vehicles.

Mr. Rutherford then moved to approve the Consent Agenda and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted (3-0-1) by roll call vote to approve the motion with Mr. Parr abstaining and the following resolutions were adopted:

January 14, 2020

A. Resolution – **R2020-02** Minutes for Approval

**RESOLUTION R2020-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(November 14, 2019 and December 10, 2019)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **November 14, 2019 and December 10, 2019** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2020-03** Budget Amendment

**RESOLUTION R2020-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2019-2020 BUDGET
NELSON COUNTY, VA
January 14, 2020**

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

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$4,491.00	3-100-002404-0015	4-100-32020-5648
\$36,224.10	3-100-004101-0001	4-100-43040-5408
\$12,882.13	3-100-002404-0001	4-100-31020-5419
\$235,131.00	3-100-002404-0040	4-100-91030-5665
\$1,000.00	3-100-001899-0007	4-100-71020-3021
\$4,875.00	3-100-002404-0038	4-100-32010-7020
<u>\$35,953.00</u>	3-100-004101-0001	4-100-43040-7005
\$330,556.23		

II. Transfer of Funds (General Fund Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$20,000.00	4-100-999000-9901	4-100-21040-3020
<u>\$5,000.00</u>	4-100-999000-9901	4-100-21040-3023

January 14, 2020

\$25,000.00

C. Resolution – **R2020-04** Support of Legislation to Improve the Process for Review of Legislation with Local Fiscal Impact

**RESOLUTION R2020-04
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION IN SUPPORT OF LEGISLATION TO IMPROVE THE PROCESS
FOR REVIEW OF LEGISLATION WITH LOCAL FISCAL IMPACT**

WHEREAS, each year the General Assembly considers thousands of pieces of legislation, many of which have a significant impact on local governments; and,

WHEREAS, in recognition of the need for localities to have an opportunity to review and analyze legislation that may require additional expenditures of local funds or reduce local revenues, Virginia Code sets out a process for the Commission on Local Government to develop local fiscal impact statements for such bills, with the assistance of local volunteers; and,

WHEREAS, under the current process, the large volume of bills and the rapid pace of the legislative session limit the time that is available for the review of bills with implications for local government finances; and,

WHEREAS, the local volunteers who assist with the fiscal impact review process take on this responsibility in addition to their regular duties, often during the same time as local budgets are being finalized; and,

WHEREAS, prior to 2010, legislation that had a local fiscal impact was required to be introduced by the first day of the General Assembly session, which allowed some additional time for the legislation to be reviewed by the Commission on Local Government and local staff, but this requirement was eliminated in the 2010 session, compressing the opportunity for review of legislation in subsequent General Assembly sessions; and,

WHEREAS, additional time to review legislation would allow for a more thorough understanding of the potential ramifications of bills affecting local finances; and,

WHEREAS, a robust analysis of legislation affecting local governments benefits policymakers, as localities work in partnership with the state to deliver critical services to Virginia residents;

NOW, THEREFORE, BE IT RESOLVED that the Nelson County Board of Supervisors expresses its support for legislation that would provide additional time for review and analysis of legislation with a fiscal impact on localities, as well as direct further consideration of additional ways to improve the review process.

January 14, 2020

D. Resolution – **R2020-05** Support for Equal Taxing Authority for Virginia Counties

**RESOLUTION R2020-05
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION IN SUPPORT FOR EQUAL TAXING AUTHORITY
FOR VIRGINIA COUNTIES**

WHEREAS, under the Code of Virginia county governments have less authority to raise revenues to meet their responsibilities than do cities and towns, and,

WHEREAS, limitations on counties' ability to raise revenues from diverse sources result in an over-reliance on real property taxes to fund basic services of local government; and,

WHEREAS, counties are limited in their ability to raise revenues from meals, cigarette, transient occupancy, and admissions taxes that are available to cities and towns; and,

WHEREAS, providing counties equal taxing authority merely provides local boards of supervisors the ability to levy the same taxes that may already be imposed by city councils; and,

WHEREAS, county governments have the same responsibility as cities for the funding of and meeting state requirements for core services, such as K-12 education, public safety, social services, and public health; and,

WHEREAS, relying too heavily on one source of revenue leaves counties vulnerable to downturns in the real estate market and population shifts; and,

WHEREAS, additional tools to raise revenues would allow counties options to invest the necessary additional funds to respond to modern-day challenges, such as enhancing election cybersecurity; providing mental health treatment in jails; addressing substance abuse; maintaining vital infrastructure, such as water and sewer systems; and implementing Next-Generation 911 technology; and,

WHEREAS, state enabling legislation is required to provide counties with this additional taxing authority; and,

WHEREAS, each locality is best positioned to determine the appropriate mix of revenue sources to meet local needs;

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors of Nelson County does hereby resolve and express its support and desire for the Virginia General Assembly to enact such legislation as is necessary to authorize Virginia counties to exercise additional taxing authority equal to that of cities and towns.

IV. PUBLIC COMMENTS AND PRESENTATIONS

A. Public Comments

1. Reverend James Rose, Wingina VA

Mr. Rose welcomed Mr. Parr and Mr. Barton to the Board of Supervisors and asked them to have an open mind on matters that come before them as they take on their job duties. He asked them to think of the citizens of all of Nelson County in addition to the citizens of their districts.

Mr. Harvey then welcomed Mr. Parr to the Board, noting he was previously a member of the School Board.

2. Charlie Wineberg, Afton VA

Mr. Wineberg stated that for whatever reason, the previous Board of Supervisors felt the need to resolve to recommit to the vow of upholding the Constitution. He noted that the last Board passed a resolution that pledged to uphold the Constitution of the United States that singled out a single amendment for further comment. The language of the resolution had been proposed and published prior to the December board meeting, and then modified just prior to that vote. He stated he believed this was shoddy governance and made especially egregious since 40% of that Board were lame duck members. He added that he hopes this Board can reverse the course of the previous Board.

3. Lou Elliott, Arrington VA

Mr. Elliott gave his phone number to the Board in case they need anything from him or the organizations he represents. He stated he belongs to Unity in Community and the Wellness Alliance and also is a member of the senior citizens group in his area. He welcomed the new members and noted that by the community and Supervisors working together, a difference can be made in the County.

4. Linda Hughes, Roseland VA

Ms. Hughes read the following prepared comment:

Supervisors, I'm here to speak on the passage of your resolution on December 10 to stand as a Second Amendment Sanctuary. Every taxpayer in Nelson County should be "up in arms" that you have included

January 14, 2020

a reckless provision to fund “*any possible lawsuits*” that could result from *disregarding* the laws of the commonwealth or country because you don’t like them.

Using taxpayer dollars to defend your rogue actions is reprehensible! Burdening the hardworking taxpayers of this county with your naiveté is irresponsible.

Nelson County taxpayers were unable to know what exactly they were getting into! Because they were denied the opportunity to see the *actual* resolution you voted on December 10 until *after* the meeting.

The draft resolution that *was* provided *with* the agenda on the county website, and handed out at the start of the meeting was *not* what you *verbally* presented at the meeting.

In it, you left out how the taxpayer would be financially *encumbered* by your wish to disregard the laws of the commonwealth and country that each of you swore to uphold.

I wonder if taxpayers will be willing to foot the bill for your negligence and willfully ignoring any law you don’t like?

Don’t forget, each of you has taken an oath to honor the US Constitution and the Constitution of the Commonwealth of Virginia and uphold all laws...even those you do not like.

I urge you to withdraw this ill-conceived resolution. Thank you.

B. VDOT Report

Mr. Robert Brown of VDOT introduced Mr. Sayer, the Assistant Residency Administrator for VDOT in Appomattox.

Mr. Brown then noted that he received a concern about the Nelson Wayside back in October. He stated they are looking to make some upgrades with the picnic tables, trashcans, and grills. He added that they want to move away from wooden picnic tables and asked for guidance on preferences for the new ones.

Mr. Brown stated they are still working on rural rustic projects with the unpaved roads, and they will have a lot of paving to do in the spring when the weather breaks. He noted they have completed Jack’s Hill Road, Rhue Hollow Road, and Rhue Hollow Lane with the exception of the pavement. They are getting ready to start on Route 645 Aerial Drive soon. Also, they are working on preliminary engineering for rural rustic projects scheduled for the 2020 calendar and 2021 fiscal year. The funding for these will not be in place until after July 1st.

Mr. Brown then referred to the snow event last Tuesday and the hang-up on 29 in Woods Mill. They have had an after action meeting to evaluate what happened and how it happened and some possible solutions to make that a safer area in the future.

January 14, 2020

Mr. Harvey stated he believes they have changed their policy on how they're pushing roads after it snows. On Berry Hill, he noted they came in from one side and stopped at a point and then came in from the other side and stopped at a point, leaving the worst part in the middle undone. Mr. Brown stated they did not push the unpaved portion, and generally, it depends on if it's an accumulating snow, adding that there must be enough on an unpaved road to push so that they don't take all the stone off.

Supervisors then discussed the following VDOT issues:

Mr. Parr:

Mr. Parr asked about Jack's Hill Road, and Mr. Brown noted that they did not get to grading and drainage before the weather turned bad. He added this should happen when the weather breaks in the spring, possibly in May.

Mr. Parr then referred to Harvey Lane, 733, which is across from Tye River Elementary School and beside Oakland Museum. He stated the line of sight is poor for traffic coming out there. He asked if an acceleration lane could be put in going out of Harvey Lane south onto Route 29 or if there are any other options. He added a lot of elderly people live on that road. Mr. Brown stated that VDOT can have their traffic engineers do a study.

Mr. Parr noted that there are 3 locations that always come up in conversation where the water pools badly causing hydroplane concerns. The first is in front of the high school down from the tennis courts in the southbound lane. The second is in front of Saunders Brothers Nursery on Route 56 in Piney River, especially the westbound lane. The third is at Jenny's Creek coming down that hill and coming back up. He noted the issue is more on the eastbound lane, and water pools at that bridge. Also, the driveway going to the house on that hill has a drainage issue and brings more water down, adding to the pool at that bridge.

Mr. Reed:

Mr. Reed noted that Mr. Derdeyn met with VDOT to look at improving drainage issues on Huffman Way, which is off of Davis Creek Road. He stated evidently, they improved some of the drainage on the sides of the road, which was really appreciated, with the exception of the fact that one of the ones dug out was the only entrance that Mr. Derdeyn had to his farm property. Mr. Derdeyn now has to go around because of the depth of that ditch. Mr. Reed noted that Mr. Derdeyn has accepted that that's how it's going to be if the drain is going to work, so he has another way to get in. Mr. Reed then stated that the bridge has had a lot of water coming over it twice in the last week. He noted this bridge tends to get clogged up whenever debris comes down Davis Creek right there on Huffman Way. He asked what it would take to be able to redo or open that up so that this doesn't continue to happen. Mr. Brown asked Mr. Reed to give him Mr. Derdeyn's phone number so he contact him and meet him out there. He stated if Mr. Derdeyn is interested in purchasing a pipe, VDOT will certainly put it in for him.

Mr. Rutherford:

January 14, 2020

Mr. Rutherford noted that Salem Road, 693, towards Rockfish Crossing, 722, needs to have more brush trimmed. Rockfish Crossing, 722, closer to the Albemarle side, needs some trimming near the Rockfish River.

Mr. Rutherford referred to Ball Mountain, 646. He noted that VDOT did a traffic count and asked how it turned out. Mr. Brown noted that he would have to go back and look but thinks they added it to their unpaved road priority list.

Mr. Rutherford then referred to Whippoorwill, 848, and asked if there was a traffic count done. Mr. Brown stated he would follow up on this as well.

Mr. Rutherford noted that VDOT is working on paving Aerial Drive and asked about the possibility of connecting into Hunting Lodge and Warminster roads. Mr. Brown noted that he had come up with another list of possible roads that could be added onto the unpaved road list, and Hunting Lodge down to Aerial was on there. He noted that in the coming months, he will be giving the Board more information on preparing to revise the six-year secondary construction plan as well as the unpaved road priority list.

Mr. Harvey:

Mr. Harvey noted that on a lot of 151, the washnet beside the edge of the pavement is tough on tires and wheels.

Mr. Brown provided an update on the culvert at Flying Fox. He noted the contractor has not gotten the machine yet for the spray-in liner, but will get that in towards the end of February. It is their intent to have a contractor in place for him to start work as soon as he gets the machine so that he can spray a liner in that pipe that's settling under 151. VDOT plans to get their hourly paving contractor to level that spot out.

Mr. Harvey noted he received a call from residents at 950 Avon Road, near the steel bridge. There is a culvert there that is almost washed out, and it is almost impossible to get into the driveway. Mr. Brown noted he would get that checked out.

Mr. Carter then noted that Staff was asked at the earlier Broadband meeting to note to Mr. Brown that "No Parking" signs for the Colleen turn lane by the Exxon have not yet been installed. Mr. Brown noted that the signs have been installed. One is installed north of the Exxon by the Dairy Isle, and two are installed south of there. He stated that Mr. Saunders had indicated tractor trailers are still parking there. Mr. Brown encouraged law enforcement to enforce this.

C. Presentation – Virginia Department of Health Update (D. Bonds)

January 14, 2020

Katherine Goodman noted that Dr. Bonds was sick and unable to attend today. Ms. Goodman distributed a year in review report and annual report to the Board. She noted the Health Department has had a really great year and added that as the Board and Staff know, they are looking for a new building in the next year, but that is not stopping them from all the great work they're doing. She stated that the Map2Health report, which is the community health assessment and improvement plan, was published in September 2019, and that map committee will likely be coming out in February to come speak to the Board and provide an update on the health status of Nelson County. Ms. Goodman clarified that she is providing an update on the Health Department itself today.

Ms. Goodman noted that in fiscal year 2019, the Health Department in Nelson County:

- Investigated 61 reportable communicable diseases, which led to zero outbreaks.
- Served 86 clients for immunizations, which ended up being 110 clinic visits.
- Had 181 clinic visits for 101 individuals who received family planning services.
- Had 55 tuberculosis clients that were served, which is primarily TB testing. This ended up being 118 clinic visits.
- Served 14 sexual health clients and distributed over 2,000 safer sex items.
- Conducted 60 pre admission screenings for long term services and support.
- Served over 500 WIC clients, and currently, in Nelson, there are about 2400 clients who qualify for WIC.
- Issued over 1,000 vital records. Now offer certified copies of marriage, death, divorce, and birth certificates.
- Had 84 sewage disposal system applications received.
- Inspected 66 food establishments; there are currently 53 permitted food establishments, which includes the newly permitted ones in Nelson County.
- Permitted 130 temporary event vendors, which includes food trucks and pop-up temporary food vendors, for a total of 39 temporary events.
- Conducted 48 rabies investigations which led to only one positive rabies case.

Ms. Goodman noted that they recently launched a new environmental health database and have also recently launched a new public facing website for everyone to access all of the inspection records for restaurants in the area and anyone who is a food service provider.

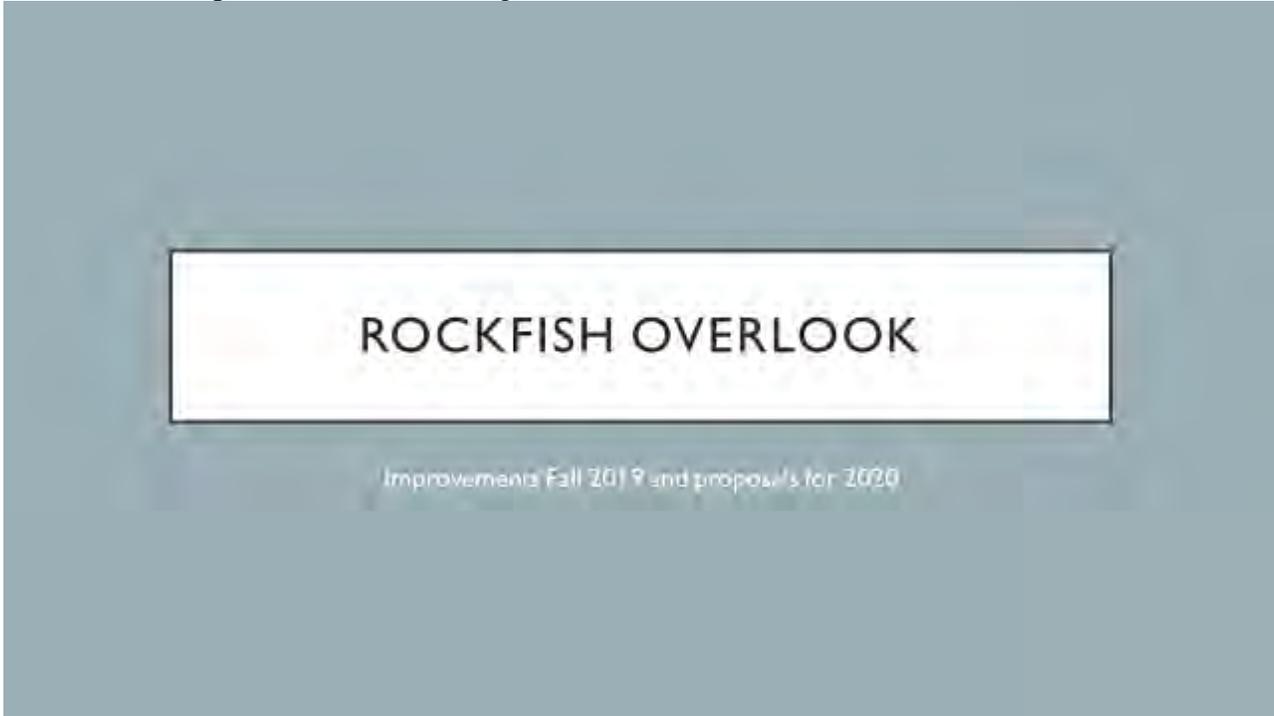
Ms. Goodman then introduced her colleague, Mr. Brian McKay, a policy analyst, who was also present at the meeting. She thanked the Board for their support over the years.

D. Presentation – Route 250 Overlook Progress Update (C. Richardson)

Ms. Richardson introduced herself as the Director of Parks and Recreation for Nelson County. She noted that the Rockfish Overlook on Route 250 has been maintained by a group of volunteers over the last few years, and they reached out to the County and specifically Mr. Harvey to see if the County could assist with some upgrades.

January 14, 2020

Ms. Richardson presented the following slides:

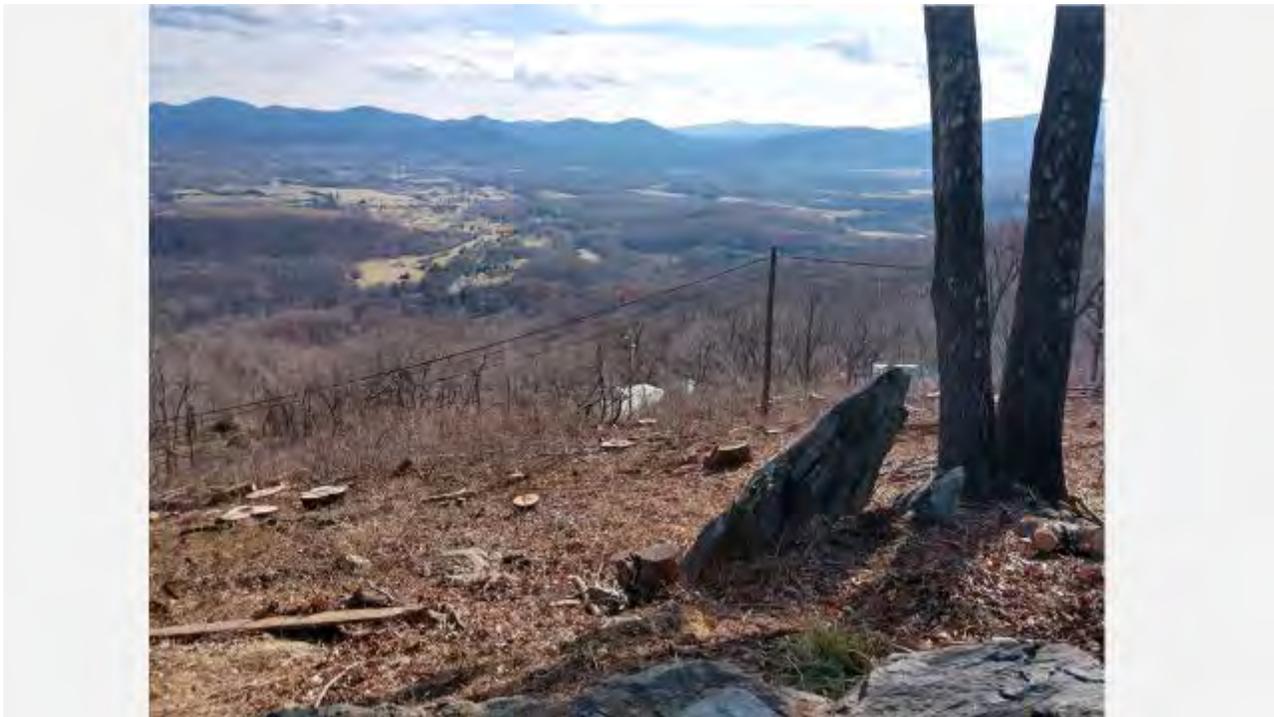


She noted that improvements started in the Fall of 2019.



January 14, 2020

Ms. Richardson noted that some trees have been removed at this location, which really opened up the view.



January 14, 2020



January 14, 2020



Ms. Richardson noted they have also had wall repair done by a volunteer.



January 14, 2020



Mr. Harvey noted that topsoil was added before they laid the sod.



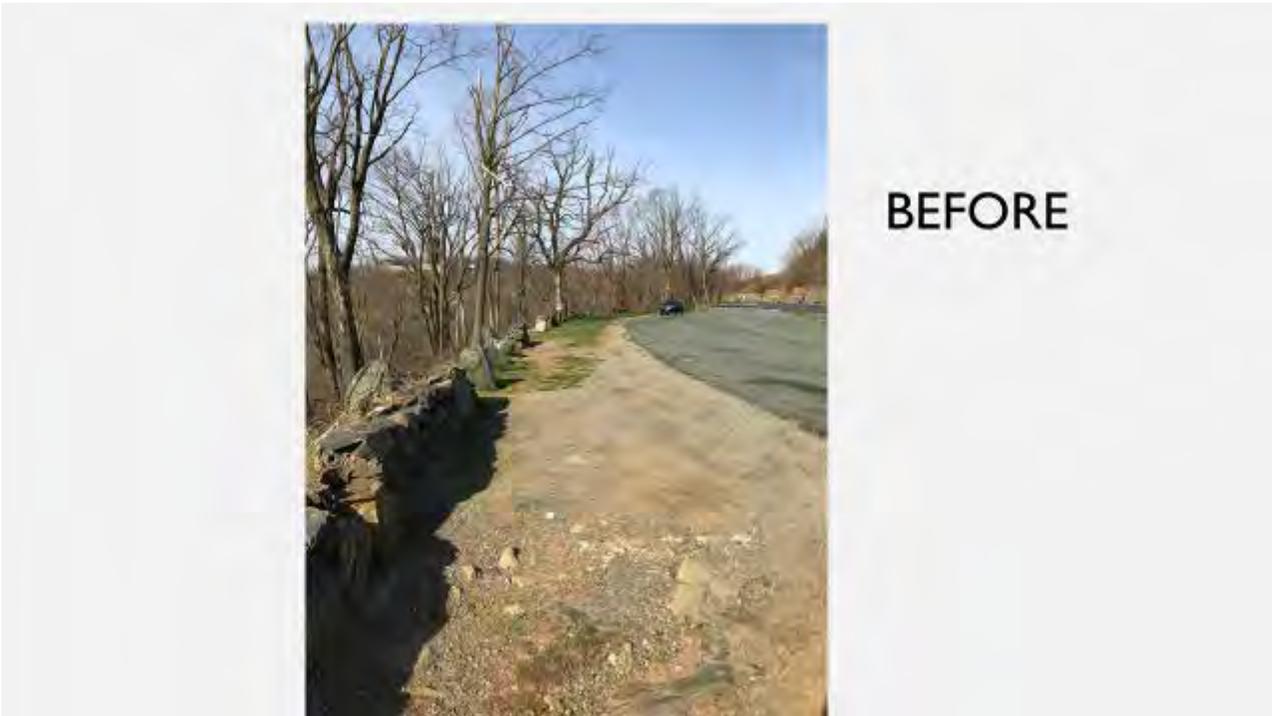
January 14, 2020



Ms. Richardson noted that at the actual overlook, there was a lot of disrepair to the rock wall as well as graffiti.



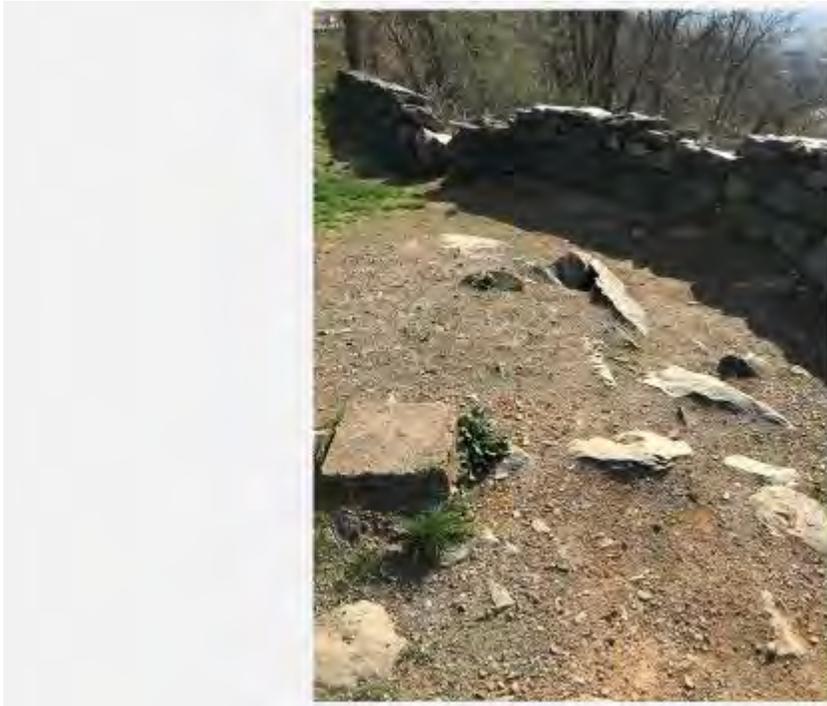
January 14, 2020



January 14, 2020



AFTER



BEFORE

January 14, 2020

AFTER



Ms. Richardson noted that this area sees a lot of traffic. Also, the added topsoil really leveled out the ground, so there is no uneven surface there anymore.



January 14, 2020

2 ADA PICNIC TABLES
PURCHASED



MESSAGE CENTER KIOSK
PURCHASED



Anti-litter Signs- Proposed

Aug Co has similar signs. They contacted VDOT office for permission to use existing Adopt a Highway or county road/gateway posts. Once approved, Aug County's sign shop installed 50 signs throughout the county.

- 1 - \$165
- 2 - \$123.50/ea
- 8 - \$120.50/ea
- 50 - \$91/ea



INTERPRETIVE/HISTORICAL SIGNAGE



- 2 panels \$1,500
- 3 panels \$2,400

Arrows showing of interest or wineries (perhaps they share some of the cost in order to be included), information about tunnel and how to access, general history about Nelson County or the Rockfish area specifically.

Mr. Reed asked if the Parks and Recreation Department would monitor and update the kiosk, and Ms. Richardson confirmed, adding they would work closely with Tourism on that.

Mr. Harvey noted that Mr. Brown has indicated that VDOT may pave and line the parking lot. He also asked Mr. Brown to get the two holes fixed up there.

V. NEW & UNFINISHED BUSINESS

A. School Board Capital Improvement Plan Update

Ms. Shannon Irvin noted that the Board had authorized \$859,913 at the beginning of the fiscal year to be set aside in a capital improvement fund with the projects to be brought back before the Board as the School Board had approved them, so that they could get the funding. She noted thus far, they have bought 2 school buses and 2 vans and have a remaining balance of \$642,429. The School Board has identified a number of projects that they would like to see come to fruition before the end of the year, and they are seeking funding for 4 of those at this time. She noted regarding the other 2 projects, they would be coming back to the Board as soon as their architect and engineers have a chance to review them and give an opinion. Ms. Irvin stated at this time, they would like to ask for funding to resurface the athletic track at Nelson County High School, which would be done under a cooperative purchasing contract, and it's similar to the one that Rustburg High School has just finished. The amount for that was \$200,825.

The next project is to replace a whole section of bleachers at Nelson Middle School, as a number of seats have fallen into disrepair. The vendor no longer makes the same configuration of seating that is currently there, so instead of having a hodge podge of seats of different colors and configurations, they would like to replace a whole section of bleachers and use the good seats in the sections as fillers as future seats break. The cost of this would be \$7,834.

Ms. Irvin noted they were very fortunate this year to write a grant through the Department of Education for school security equipment. Tye River Elementary School was one of the only schools locally that was funded to the level it was. She noted they were funded for over \$64,000, and this grant does require a 25% local match, so they are asking for the \$16,051 to be able to maximize the grant that they were awarded. Plans for this money include two-way radios that would work for staff members within the building, one emergency services radio that would enable them to talk to emergency responders, additional security cameras, additional door swipes whereas staff use their IDs to enter the building, and security film on some of their windows.

Ms. Irvin stated the last project is for a software upgrade, as Microsoft quit supporting software that runs their HVAC equipment in 2019. They currently have no support. The cost of phase one of their equipment and software replacement is \$170,000.

Ms. Irvin noted the total of these projects that they are requesting is \$394,710. This would leave them with a balance of \$247,719. She stated the two big projects they need are architectural support and opinions on the roof replacement for the TRES gym. They went out for bid and do have 3 different

January 14, 2020

proposals that they would like their architect to review. The other project is to have their architect review the current, old maintenance facility at NCHS to determine whether it would be cost effective to retrofit that to make it a welding facility, or whether it would be more cost effective to build a new building from scratch.

Mr. Harvey asked what that maintenance building is currently being used for. Ms. Irvin stated it is currently being used for storage for copy paper, salt for sidewalks, paper towels, and toilet paper, as well as old records they are required to keep per Library of Virginia retention schedules.

Mr. Rutherford asked when County Staff expects to get a draft budget from the School Board. Ms. Irvin stated mid-March.

Mr. Parr then moved to allocate \$394,710 of capital improvement project funds to the Nelson County Public School Division for the purpose of repairing the track, the bleachers, the HVAC EBI, and the safety grant matching funds. Mr. Rutherford seconded the motion, and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Mr. Harvey then asked Ms. Irvin about last year's carryover money. Ms. Irvin stated they were lucky to finish last year due to their declining student enrollment. She noted that they budgeted 1786 students, and that number dropped 75 students or so. So, they didn't get the State money that they had anticipated getting, however, they worked within the budget that they had. She noted they are in a similar shape this year; their latest student enrollment was 1620, and they built their budget on 1712. The large drop of students is affecting their state revenue. Ms. Irvin noted because of this, they did not hire 2 elementary school teachers, evaluated the positions of teachers who had resigned to see if they could save benefits, and similar remedies to get through the budget last year. She stated that the same circumstances are true this year; a number of people have left during the course of the year that they have chosen not to fill the positions. She noted it is not their intent to come back to the County to ask for additional funding to make up that difference, and they are trying to do it with what they have. She noted the State is predicting another 100 or so student decline next year. She stated she called the State to ask how they came up with that number, and they stated they just look at trends. Ms. Irvin noted they have looked at the birth rates from the Department of Health, done some figuring, and predict next year's enrollment to be 1589. She noted the State prediction is in the 1400 range. She stated in years past, they could count on about 150 students per grade level, and now they are at about 100.

Mr. Harvey then skipped to item D on the agenda.

D. Virginia Department of Health-Office Relocation: Consider Options for Use/Construction of County Facility

Mr. Carter noted that the Health Department and the State Department of General Services (DGS) have been working for about the last 18 months to find a new location for the local Health Department

January 14, 2020

offices. The department was given notice by Blue Ridge Medical Center that they would have to relocate, so the way this works is the State Department of General Services does the work to identify a new location or secure a lease agreement with the property owner and hopefully then relocate the Health Department. Mr. Carter noted that the Health Department and DGS Staff asked the County to meet with them in December to evaluate the potential use of the County's new maintenance facility off of Callohill Drive. He stated Melissa Desmond from DGS, Dr. Bonds from the Health Department, and 3 other Health Department staff met with Paul Truslow and himself in late December to look at the maintenance building to see if it was possible to use it for the Health Department offices. He noted our facility is about 5000 square feet, and the Health Department needs about 5000 square feet. Mr. Carter stated another consideration is the use of a modular building, which could potentially be sited on the County's property. During that discussion, Dr. Bonds suggested the County's consideration of constructing a new office building for the Department. He noted Staff asked the County's architectural consultant, Architectural Partners, to do a brief report on each of those options, and we expanded those options to include adding the Department of Social Services to the same newly constructed facility. Mr. Carter stated that the consultant returned a report to Staff, and they do not propose the use of the maintenance facility for the Health Department's offices nor the use of a modular building. The consultant does recommend consideration, if funding was there, of construction of a new office facility, as Architectural Partners believes this is the best route to take. Mr. Carter noted that he spoke to Ms. Desmond with DGS about funding, and how this works would be that DGS would lease with the County for use of the facility, if the County constructed a new facility, but payments would go from the Health Department to DGS, who would then pay the County under a lease arrangement. To date, the amount of funding that is paid to Blue Ridge Medical Center is \$67,000 per year, and that's shared approximately 60% by the State and 40% by the County. Staff also spoke with Angela Rose, the local director of the Social Services Department, about potential funding from Social Services, should the Board decide to take a look at constructing a new facility. Right now, the State won't provide any capital funding for construction of a new facility, but annually, we're realizing about \$60,000 in costs for maintenance of the facility, custodial services, etc. We believe those monies can be retained going forward, and Ms. Rose said it's possible that we could devise a cost allocation plan where any additional services the County provides to DSS could be allocated to the Department for recovery by the County.

Mr. Carter noted the dilemma the Health Department has is that they have to relocate by May 31st, which is likely not possible at this point, even if the modular option was accepted. He noted they have looked at other properties in Lovingston and Colleen, but to date, no decisions have been made, and none of these considered sites are viable or feasible.

Mr. Harvey stated that the modular option should not even be part of the discussion and referenced the modular buildings Social Services is currently using in Lovingston.

Mr. Carter noted that Staff would have to do more work on the figures, but the County does have the capacity to do the new building option for one or both departments when taking into account the retirement of some debt in the next few fiscal years and other factors.

January 14, 2020

Mr. Carter noted he asked Ms. Desmond and Dr. Bonds if they could get an extension from Blue Ridge, and they said it is possible.

Mr. Reed asked Mr. Carter how he feels about the location on Callohill Drive. Mr. Carter stated he asked Dr. Bonds, and she indicated she is comfortable with it. Mr. Carter noted that the road would likely need to be paved, and other site improvements would need to be done. He added that the cost to refurbish the maintenance facility to meet the Health Department's specifications would be about \$800,000.

Mr. Rutherford asked how many square feet the Health Department is in currently at Blue Ridge Medical Center. Mr. Carter stated he believes it's just over 5,000 square feet.

It was noted that the County would have to pay the total cost to refurbish the building and recover it over time, over the lease period.

Mr. Reed noted that collocating the Health Department and DSS could be a benefit to Lovingson as they would be in a central area. Mr. Carter noted that due to the expansion of Medicaid and other federal/state services, DSS is continuing to get new employees and therefore running out of space.

It was suggested that the Board have a called meeting or work session to further discuss this subject soon. Mr. Rutherford questioned the \$800,000 figure for refurbishment.

Mr. Parr asked what would happen to maintenance if that route is taken. Mr. Carter stated they would have to go back to their previous headquarters just down the street, which is much smaller. It would have to be a future objective of the County to relocate the maintenance facilities again. He added that County Staff have been using the old building for storage and record retention.

Mr. Carter noted that Mr. Vernon from Architectural Partners could be present at the work session to answer any questions, and the estimates can be fine-tuned.

B. Piney River Water System-GAC System Project: Authorization to Award Project (**R2020-06**)

Mr. Carter noted that the County received bid proposals on November 22nd for the purchase and installation of a granular activated carbon (GAC) system for the Piney River Water System. This would resolve a compliance issue with the Department of Health for trihalomethane (TTHM), which is a constituent that the County is required to test for in the potable water that the Service Authority produces. The Service Authority reports to the Health Department on various constituents that the system is required to test for, and over 4 quarterly test periods, the TTHM constituent exceeded the threshold, which resulted in a consent order from the Health Department to address the compliance issue. Mr. Carter stated that Bowman Consultant Group, an engineering firm in Williamsburg, was

January 14, 2020

retained to assess what could resolve this, and the recommendation was the installation of a GAC system. Bids were taken on November 22nd, and 2 bids were received in the amounts of \$271,000 and \$199,600. The low bidder was Waco, Inc. from Sandston. Mr. Carter noted that Staff worked with the engineers to reduce that cost to \$190,865. He added that the Piney River fund has sufficient funding to provide for the expense of the project, and Bowman has recommended acceptance of Waco's bid proposal.

Mr. Rutherford asked if a timeframe was given, and Mr. Carter stated he believes it's likely less than 6 months. Mr. Rutherford then asked if there is an expected life on this particular system, and Mr. Carter stated probably 20 years or longer.

Mr. Parr moved to approve Resolution **R2020-06** and Mr. Rutherford 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 R2020-06
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO AWARD CONTRACT TO WACO, INCORPORATED
FOR COMPLETION OF PINEY RIVER WATER SYSTEM
GRANULAR ACTIVATED CHARCOAL SYSTEM PROJECT

RESOLVED, by the Nelson County Board of Supervisors, the County Administrator, Stephen A. Carter, be and hereby is authorized to award the contract for completion of the Piney River Water System's Granular Activated Charcoal System Project to Waco, Incorporated of Sandston Virginia, which was the low bid respondent in the amount of \$190,865.00 (as negotiated) to Nelson County's solicitation of bids for the GAC System Project.

C. Tye River Water System-Tank Replacement Project: Authorization to Accept Engineering Services Report (**R2020-07**)

Mr. Carter noted that this subject is consideration in retaining Bowman Consultant Group to provide engineering services for the design of a well system, related to the Tye River Water System, which is essentially the old middle school/current Nelson Heritage Center, that was extended across 29 to provide potable water to 4 properties on the east side of 29. These properties had their private wells impacted by contamination from leaking petroleum underground storage tanks. He stated that the Department of Environmental Quality was initially filtering those wells, but it wasn't a long term solution, and they consulted with the County about what could be done. The County, the Service Authority, and the Millennium Group, who was at that time leasing the Heritage Center, agreed to use the well system at the Heritage Center to extend water from that system across 29 to address the UST issue. This became the Tye River Water System. He noted that the infrastructure that was used was new construction to get

January 14, 2020

the water across the road, and the original infrastructure was constructed and maintained since the 1960s when that school was originally constructed. In late Fall of 2018, the Health Department looked at the facility and advised that the elevated 5,000-gallon water tank needed to be checked. The County had it evaluated via engineering services from Nolen Frisa and Froehling and Robertson, and the report indicated that the tank had structural integrity and could continue to be used for several years with routine maintenance. In November of 2019, the tank sprung several leaks, and Staff located a firm that could temporarily plug those leaks. Mr. Carter stated the next step is to replace the tank with something else, and because the water system is permitted by the Health Department, the County has to submit to the Health Department engineered plans indicated what we will be doing to replace that tank.

Mr. Carter noted what is proposed by Bowman is to put a series of pressure vessels in a building to replace the tank, not to put a new tank in. This would continue to keep the system pressurized and ensure the water goes to the Heritage Center and across the road. He stated Bowman's costs are just over \$22,000 for preliminary design, final design, and construction administration, and they've estimated that the actual construction project, which is subject to actual cost proposals, is about \$60,000-\$80,000. He noted that Staff has considered this under State law and local policy to be an emergency procurement. He reiterated that what is being asked today is for the Board to authorize retaining Bowman Consulting Group to provide design and construction services for this water system project. He noted that the solution for plugging the leaks in the tank is only temporary, and the tank is going to fail.

Mr. Rutherford asked how many people are affected by this. Mr. Carter stated the Heritage Center, the Truck Stop, and 3 homes across the road are affected.

Following discussion, Mr. Rutherford moved to approve Resolution **R2020-07** and 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 R2020-07
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO ACCEPT ENGINEERING SERVICES PROPOSAL
FOR TYE RIVER WATER SYSTEM TANK REPLACEMENT PROJECT
UTILIZING EMERGENCY PROCUREMENT PROVISIONS

WHEREAS, the Tye River Water System was constructed to address the contamination of private water wells from leaking (petroleum based) underground storage tanks (UST) from a business activity; and,

WHEREAS, Nelson County facilitated an agreement with the Millennium Group, current owners of the Nelson Heritage Center (former Nelson Middle School) and the Nelson County Service Authority to

January 14, 2020

provide for use of the well system at the Heritage Center to be extended east across Route 29 to serve the properties impacted by the UST contamination of their private wells; and,

WHEREAS, the Virginia Department of Environment Quality provided funding to the Nelson County Service Authority to provide for design, construction and operation of the Tye River Water System, including use of the existing water system at the Heritage Center as the water source for the extension of water to the impacted private properties on the east side of Route 29; and,

WHEREAS, the existing water system, inclusive of an elevated 5,000-gallon water storage tank, was constructed in conjunction with the original construction of the former Nelson Middle School, now Nelson Heritage Center, approximately 60 plus years ago; and,

WHEREAS, in late 2018 Nelson County, per the advisement of the Virginia Department of Health, utilized professional engineering and testing services to evaluate the structural integrity of the elevated 5,000-gallon water tank to insure the water tank could continue to remain in service or require replacement; and,

WHEREAS, the result of the 2018 evaluation of the 5,000 water tank was the tank could remain in service with periodic inspection and maintenance; and,

WHEREAS, in November 2019 the elevated water tank began leaking is several locations, requiring Nelson County to retain Lynchburg, Virginia based Falwell, Inc. to complete temporary repairs to the water tank; and,

WHEREAS, the repairs to the water tank are temporary and require replacement of the tank before further failure of the tank occurs, which can result in damage to the overall water system and in disruption of water service to the Heritage Center and the properties on the east side of Route 29 presently served by the now Tye River Water System; and;

WHEREAS, pursuant to the provision of §2.2-4303 (Methods of Public Procurement) of the Code of Virginia and of the Nelson County Purchasing and Procedures Policy, replacement of the damaged water tank is deemed an emergency requiring immediate action to prevent failure of the Tye River Water System and thereby the loss of potable water service to system customers; and,

WHEREAS, the Tye River Water System is permitted to operate by licensure from the Virginia Department of Health, which requires water system modifications to be designed by professional engineers licensed in Virginia and subsequently reviewed and approved by VDH; and,

WHEREAS, Williamsburg, VA based Bowman Consultant Group (BCG) is currently under contract with the Nelson County Service Authority to provide professional engineering services and is currently

January 14, 2020

working for Nelson County through NCSA for completion of a project for the Piney River Water System; and,

WHEREAS, Nelson County staff have requested a proposal from BCG to provide engineering services to address the replacement of the Tye River Water System's water tank with procurement of BCG by the County pursuant to the provision of §2.2-4303 of the Code of VA and of the Nelson County Purchasing and Procedures Policy, utilizing the emergency procurement provisions of §2.2-4303 of the Code of VA and of Nelson County's Purchasing and Procedures Policy.

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors, the County Administrator be and hereby is authorized to accept the engineering services proposal from Bowman Consultant, Williamsburg, VA for design and related engineering services necessary to provide for completion of the Tye River Water System Tank Replacement Project (a copy of the proposal is on file in the office of the County Administrator);

BE IT FURTHER RESOLVED by said Board of Supervisors that Board hereby affirms the Tye River Water System Tank Replacement Project is an emergency and requires retaining BCG without the receipt of competitive proposals from other professional engineering companies.

E. NCSA Schuyler Wastewater System Project: Request for County Funding Assistance

Mr. Carter noted that the Service Authority is under a VA Department of Environmental Quality issued Consent Order to address compliance issues with the Schuyler Wastewater Treatment System, as the sewer system is at the end of its useful life. He added that this includes the collection system that brings wastewater to the wastewater treatment plant. As an initial first step, NCSA retained the engineering services of Blacksburg based CHA to complete a Preliminary Engineering Report (PER) to determine how best to address Consent Order from DEQ. The PER evaluated several alternatives, including Pump and Haul, Collect and Pump to Lovingsston, Individual Septic Tanks with Community Drain Field, Individual Tank and Drain Field and Collection System and Wastewater Treatment Plant Replacement. Mr. Carter stated that NCSA decided to undertake the "Collection System and Wastewater Treatment Plant (WWTP) Replacement" route to provide for the Schuyler System's compliance with the Consent Order and long term regulatory requirements. He noted that the collection system brings waste from 44 households for treatment. He added that the problem with this option is that the estimated expense is about \$5,000,000 to complete. To provide funding for the project, NCSA plans to apply to USDA-Rural Development/Rural Utility Services for total funding of \$4,323,400. Based on Nelson County's population and the Median Household Income (MHI) of the Schuyler community, the Authority is eligible for 75% grant funding (\$3,168,400) and 25% loan funding (\$1,155,000) from USDA to realize the total requested project funding of \$4,323,400.

Mr. Carter noted that the hitch in this is that USDA requires a guarantee from the County to continue to provide funding for sewer debt the Authority secured in 2000 for the Route 29 sewer project. This still

January 14, 2020

has 10 years left on the books and is about \$82,000 per year. He noted that previously, the Board unanimously approved a letter to USDA stating the County is committed to continue to fund that debt through a transfer to the Authority to annually fund it. RD sent that to their attorneys in Atlanta who indicated it was not acceptable as the commitment is not a guarantee and USDA counsel recognized Virginia law prohibiting a current governing body to commit a future governing body financially. At their request, County staff met with NCSA staff and their engineering consultant to discuss what could be done to overcome USDA's requirement for a guarantee from the County of repayment of the 2000 Sewer Bond. A solution proposed by NCSA staff during the meeting is for NCSA and Nelson County to immediately repay the 2000 Sewer Bond in its entirety with the County and NCSA sharing the expense equally. Mr. Carter noted that this is what they are asking the Board to consider. The debt is just over \$1.2 million, and to share it equally would be about \$600,000 each. County staff has conferred with RD staff in Harrisonburg, and if this is approved and NCSA submits their application for this funding in a timely manner, they will recommend to Richmond that the 75%/25% grant/loan be approved.

Mr. Carter noted that RD just received their federal allocation/appropriation for this fiscal year, and as of right now, there are no other applicants for this funding. If NCSA can be expeditious, then it could potentially realize the 75% grant funding, and they seemingly have the ability to pay the 25% loan back.

Mr. Carter noted that the question is whether the Board is willing to pay \$600,000 or so to help NCSA with this problem so they can get this grant award.

It was noted that providing the funding now would save the County money over the 10-year period remaining on the debt. Mr. Carter noted that if the Board decided to move forward with the Health Department relocation, they could use the \$82,000 no longer being paid for this debt to help pay for the facility.

Following discussion, Mr. Rutherford moved to assist NCSA by paying 50% of the 2000 sewer obligation debt service related to the 29 corridor in hopes of NCSA qualifying for the 75% grant/25% loan for the Schuyler community for wastewater treatment. Mr. Reed seconded the motion, and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

The Board then took a 5-minute recess.

Added: Update from Corissa Vanden Hoek, Unit Coordinator and 4-H Extension Agent (Virginia Cooperative Extension)

Ms. Hoek noted that back in 2017, there was a budget crisis with the Virginia Cooperative Extension through Virginia Tech. During that time, instead of letting people go, they offered a severance package, which basically led to early retirement. That was when Michael Lachance, who was the 100% County agriculture agent, took retirement. She noted his expertise in horticulture and agritourism is desperately

January 14, 2020

missed. Then, they took on Alyssa Elliott, who was already 30% Nelson, and made her 50% Nelson, whereas the other 50% was shared with Amherst County. Ms. Elliott left in July 2019, and part of the reason was because she felt that the 50% Amherst/50% Nelson was basically asking 100% in both, and she ended up being more in Amherst. Also, she was proficient in animal science, which isn't generally needed in that office as much as agronomy, agritourism, and farm and land management. Ms. Hoek noted that in this year's budget, they are asking for \$11,317 more than last year. She indicated that she cut the 4-H program assistant and the summer intern and stressed that they need a full-time agricultural agent only serving Nelson County. She added that programs they run are water testing, soil sampling, plant sampling and ID, fruit school, orchard meetings, pesticide recertification, small farm startup education, farm visits and consulting, planting recommendations, master gardening, master naturalist, and beekeeping.

Ms. Hoek noted that right now, there is 25% state funding available. She stated that Amherst County is also without an ag agent currently, and they are looking at a similar proposal. Right now, the proposal is 75% County funded and 25% State funded. She noted that her district director is meeting with her director on Wednesday, and they wanted to see if the Board would be favorable to this request. She added that another holdup was that they had asked for about \$24 million from the State, and that did not end up in the Governor's budget. She noted that is a reason why they are trying to reabsorb that money, and they are unsure what will be happening with the State budget.

Mr. Carter asked what would be the cost to the County. Ms. Hoek referred to the documents she distributed and noted that they moved about \$17,000, which came from the part-time program assistant for 4-H and their summer intern, toward salary for an ag agent instead. The additional money helps cover their benefits and salary for a qualified candidate. It was noted that last year's local request was \$26,700 and this year's request is \$48,500, so it's about \$22,000 more being requested.

It was noted that if the Board approves this today, Staff can bring a budget amendment forward next month.

Mr. Rutherford moved to allocate the additional funding requested from the Extension Office so that we can maintain that 25% funding by the State for the position, and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Ms. Hoek thanked the Board for their support and sent well wishes for Mr. Barton.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

January 14, 2020

A. BR Tunnel Project: Phase 3, which completes the overall project is in process and scheduled for completion by 6-30-20. The project team is currently working to resolve VDOT's objection to the realignment of a section of the western trail at the base of the trail closest to the Tunnel (see attached drawing). The realignment was determined at project initiation with County approval based upon better constructability, project cost savings, improved trail walkability and benefit to trail maintenance. Construction of Phase 3 continues while the project team works to resolve VDOT's objection to the realignment.

B. Broadband: Transfer of Nelson County's "Middle Mile (Broadband) Network" to Central VA Services Inc., operating as Firefly, is complete as of the first of January 2020. The County and (the) Nelson County Broadband Authority will continue work to receive all outstanding revenue commitments from subscribers to the former local government network, to monitor CVSI/Firefly's network construction project (90%+ of businesses and households in Nelson County will have access to affordable, high speed internet services upon completion of the CVSI/Firefly broadband network) and, to determine, as may be decided, any additional broadband infrastructure projects the County and NCBA may undertake to achieve universal broadband/internet access in the County.

C. Nelson Memorial Library Project: Architectural Partners (J. Vernon) Field Report No. 07 is attached hereto. The project is proceeding per plan and schedule. Jamerson-Lewis, the project's general contractor, is working to complete the project expansion area to then transition to the original JML structure to complete its renovation and, thereby, the overall project. Substantial completion date is June 15, 2020.

D. Lovingsston Revitalization: TJPDC staff submitted a proposal on 11-15-19 to UVA's Urban & Environmental Planning Program for assistance to complete the CDBG planning grant project. A decision on the application is pending. However, the project team will resume project meetings on 1-21 to discuss how best to complete the planning grant study-project by the June 30, 2020 deadline established by the VA Department of Housing & Community Development, the source of project funding.

E. FY18-19 Comprehensive Annual Financial Report (CAFR/Audit): The CAFR/Audit Report for Fiscal Year 18-19 is pending receipt from Robinson Farmer Cox, the County's public accounting firm, but anticipated for delivery to the County this month (January 2020). Once the final CAFR/Audit Report for FY 18-19 is delivered, RFC staff will be scheduled to report to the Board on the CAFR/Audit.

F. FY19-20 Budget: Staff review of the preliminary expenditure side of the FY19-20 Budget will likely begin the week of 1-20-20. The preliminary revenue side of the ensuing fiscal year budget is still in process.

2. Board Reports

Mr. Rutherford:

Mr. Rutherford noted that the TJPDC did not meet this past month and will next meet in February.

Mr. Reed:

Mr. Reed noted that the Nelson County Wellness Alliance now has an office at the Nelson Center. The Alliance also has a new staff person, Treney Tweedy, who is the mayor of Lynchburg.

Mr. Parr:

Mr. Parr had no report.

Mr. Harvey:

Mr. Harvey noted that he did not go to the last Planning Commission meeting because there was nothing going on and no actions to be taken.

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-appointme nt	Applicant (Order of Pref.)
T.J. Water Resources Protection Foundation	12/31/2019	4 Years/ No limit	Andy Wright	Y - email	
JABA Council on Aging	12/31/2019	2 Years/ No limit	Cindy Westley	N	None
N. C. Economic Development Authority	6/30/2021	4 Years/ No limit	Gregory J. Kelly	Resigned	Kim Bryant
(2) Existing Vacancies:					
Board/Commission	Terms Expired				
Agricultural & Forestal District Advisory Committee	5/13/2020	4 Years/ 3 term limit	Bill Halverson (T2)	N - resigned	None
	5/13/2019	4 Years/ 3 term limit	Chapin Wilson, Jr. (T3)	N - resigned	None

January 14, 2020

			Staff Member		
			Pam Campbell-		
			Comm. Of Rev.		
			Thomas H.		
			Bruguiere, Jr.-BOS		

Ms. Mawyer reviewed the above table of appointments noting that there are still no new applicants for the Agricultural and Forestal District Advisory Committee. She noted that the incumbent, Andy Wright, did wish to be reappointed to the Thomas Jefferson Water Resources Protection Foundation. Also, Cindy Westley had indicated that she did not wish to be reappointed to the JABA Council on Aging, and no applications have been received for that position, yet. Lastly, Gregory Kelly resigned from the Economic Development Authority, and one application had been received from Kim Bryant.

Mr. Rutherford noted that Kim Bryant would be an exceptional asset to the EDA, and Mr. Carter noted she had previously been an EDA member as well.

Mr. Rutherford then moved to appoint Kim Bryant to the EDA and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Mr. Reed moved to reappoint Andy Wright to the Thomas Jefferson Water Resources Protection Foundation and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

C. Correspondence

Mr. Reed noted that he was contacted by a constituent, Ellen McGinnis Gatling, who was unable to attend today's meeting but will attend in February. On New Year's Eve, Ms. Gatling's cat got demolished by a black lab. She was in touch with Animal Control about it but was unhappy with the outcome, so she will come speak to the Board next month. He noted that she was not as concerned about the resolution, but was more concerned that the County should consider some type of vicious dog action.

Mr. Reed also noted that he was contacted by Cale Jaffe, who is in the Environmental Law Department at UVA. Mr. Jaffe is an ex-employee of the Southern Environmental Law Center and was contracted by them to draft an amicus brief on the Atlantic Coast Pipeline vs. Cowpasture River Association lawsuit, which is going to the Supreme Court. Mr. Reed noted that he was contacted by Mr. Jaffe about the possibility of using the information that was in the previous amicus brief that the County filed along with Staunton City on the FERC lawsuit to submit as an amicus for the Supreme Court case, which will be in February. He noted that Mr. Jaffe would like to reformat the information in the amicus brief about the potential impacts to Nelson County and then put in an amicus brief for that. He asked if the Board

January 14, 2020

would consent to Mr. Jaffe doing this on our behalf, pro bono. Mr. Reed stated the only additional information that might be in it would have to do with a little more information on how that might impact Wintergreen.

Mr. Reed then moved that Caleb Jaffe be able to represent the County in crafting an amicus brief in conjunction with Staunton City for the Atlantic Coast Pipeline vs. Cowpasture River Association, pro bono. Mr. Rutherford seconded the motion, and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

D. Directives

Mr. Rutherford made reference to the Lovingson Revitalization project. He asked if Mr. Carter could begin an RFP for a consultant with streetscape revitalization if no answer is received from UVA via TJPDC staff. Mr. Carter noted the purpose of the meeting next Tuesday is to discuss the overall status of the project and how best to move forward with the Planning District or potential professional services. He added no action by the Board is needed until the work group decides how to proceed.

Mr. Harvey referenced the presentation made today by Ms. Richardson on the Afton Overlook Project. He noted the Rockfish Volunteer Fire Department has been involved and requested sending \$20,000 to support all the work that's been done such as tree cutting and work on the grass.

Mr. Rutherford noted that it would have been nice to have known that this expense was coming up, and Mr. Harvey noted that it was not planned and if he had known about it, he would have notified the Board sooner. Mr. Harvey emphasized how much the Overlook is used every day, adding it is well-worth everything that has been done.

Mr. Reed moved to allocate \$20,000 to the Rockfish Volunteer Fire Department, earmarked for the Afton Overlook. Mr. Rutherford seconded the motion, and there being no further discussion, Supervisors voted unanimously (4-0) to approve the motion.

VII. OTHER BUSINESS (AS PRESENTED)

There was no other business considered by the Board.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7 PM

At 5:27 PM, Mr. Rutherford moved to adjourn and reconvene at 7:00 PM and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the meeting adjourned.

January 14, 2020

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

I. CALL TO ORDER

Mr. Harvey called the meeting to order at 7:00 PM with all Supervisors present to establish a quorum.

II. PUBLIC COMMENTS

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

III. PUBLIC HEARINGS

A. Special Use Permit #2019-02 – Extended Stay Camping

Consideration of a Special Use Permit application requesting County approval to allow extended stay camping on property zoned B-1 and A-1. The subject property is located at Tax Map Parcels #31-12-1, -3, -4, -5, and -6 which are all zoned Business B-1 Conditional, as well as Tax Map Parcels #31-10-1, -2, -3, -4, -5, -6, -7, -8, -9, 10, -11, and -12 which are all zoned Agricultural A-1 on Beech Grove Rd. The subject property is owned by Anheuser Busch LLC / Steve Crandall.

Ms. Bishop provided the following report:

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

Public Hearings Scheduled: P/C – December 18, 2019; Board – January 14, 2020

Location / Election District: Beech Grove Road and Three Ridges Lane / West Election District

Tax Map Number(s) / Total acreage: 31-10-2 / 58.07 +/- parcel

Applicant Contact Information: Antonio Jorge, Jr. / 290 Mosby Run Road, Roseland, VA 22967; 434-760-2858.

Comments: This is an existing campground requesting to allow extended stays up to 180 days for their visitors. Currently the maximum length of stay is 30 days. There is no proposed increase in number of sites with this request. Only existing sites are eligible for this request.

PC voted 3-2 to recommend approval of the SUP request to allow extended stay camping up to 180 days for the 47 existing RV sites and the previously approved future 10 cabins. There were no speakers at the public hearing.

DISCUSSION:

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

Access and Traffic: The property is accessed by an entrance from Beech Grove Road onto Three Ridges Lane.

Utilities: The property is 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.

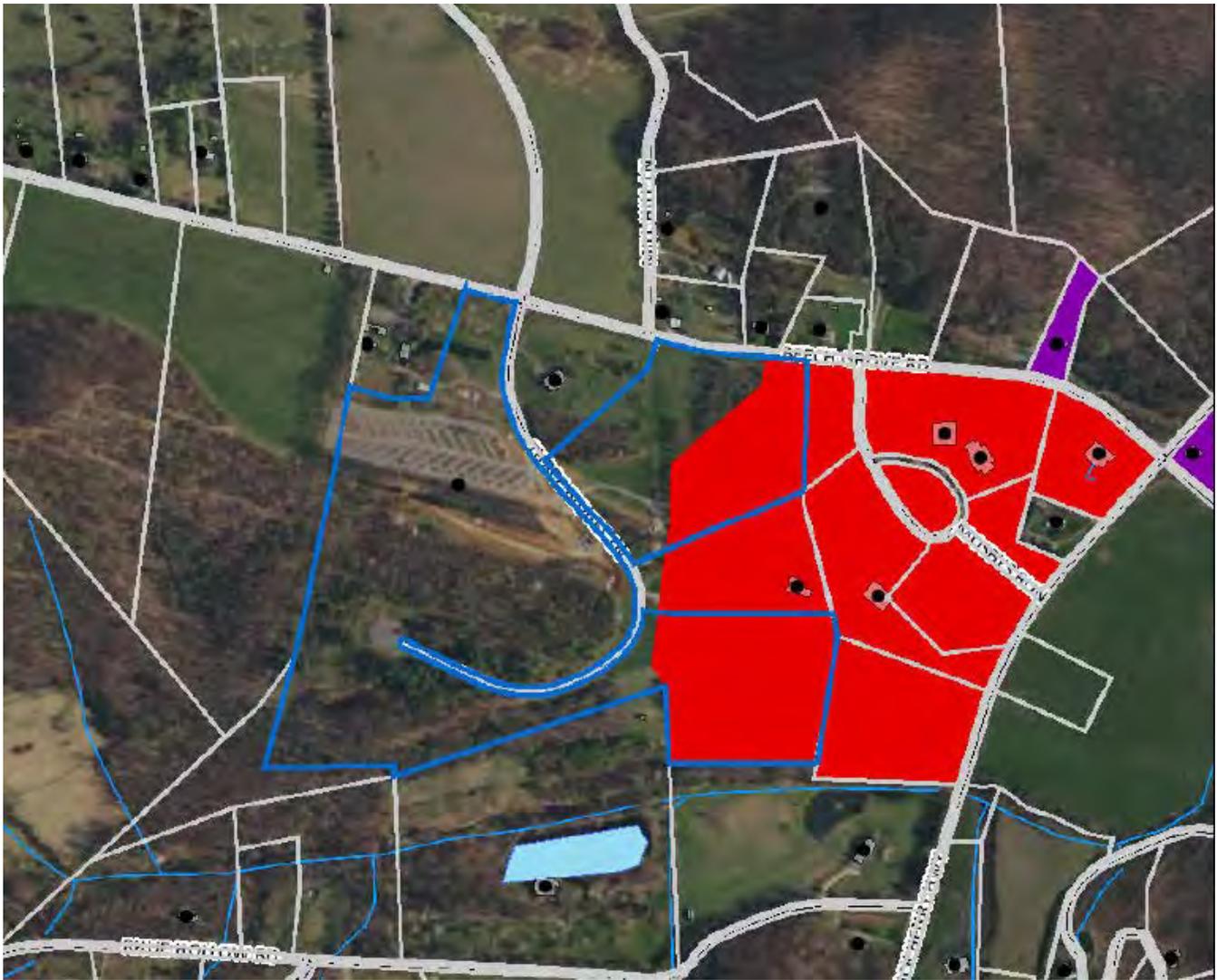
Comprehensive Plan: The closest entries to Beech Grove in the Future Land Use Plan are the Mixed Use Village Development Model, and Rural Residential. The former allows for a variety of uses which “fulfill the diverse needs and interests of nearby residents and visitors to the County,” while the latter would allow “low density residential and compatible non-residential uses in rural areas.”

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

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

Ms. Bishop then showed the zoning map:

January 14, 2020



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

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

Mr. Harvey invited the applicants, Mr. Antonio Jorge and Ms. Heidi Crandall, to come up and speak.

Ms. Crandall reiterated that the original permit approved in 2017 did encompass the campground, lodge, and conference facility.

January 14, 2020

Mr. Reed asked Ms. Bishop if there are any allowances in the zoning ordinance for mobile home parks. Ms. Bishop stated she does believe there is a provision for mobile home parks. Mr. Rutherford confirmed and noted there are two areas zoned for mobile home parks in the County. Mr. Reed then asked what the difference would be for an extended stay mobile home as opposed to a mobile home. Ms. Bishop noted a mobile home is a permanent facility, so it would have to be placed on a foundation with well and septic, and that is a different permit than a campground.

Mr. Reed asked if a tiny home on wheels could do an extended stay at this location if the special use permit were approved. Ms. Bishop stated that would be up to the campground as to what types of recreational vehicles they accept.

Mr. Rutherford noted that he sees no issues with the 180-day timeframe. He stated that he knows some of the legalities of the 30-day timeframe as far as someone picking up their RV and moving it to the next lot.

Ms. Crandall referenced the 30-day comment and noted that they do not operate like that, and they do not let people hop around sites. She noted that would be labor intensive as well.

Mr. Carter asked about the number of spots, and Ms. Bishop stated 47 full hookup RV sites and 10 cabins. It was clarified that the 47 sites would be allowed for 180 days if this is approved.

Mr. Parr noted that he has an RV and camps all over the East Coast, Tennessee, and West Virginia, and most campgrounds have at least a few campers that are there for extended stay. He added he has never seen a tiny home in a campground, and in his experience, the people who are in those extended stays are very well-behaved and are usually there for work or are full-time RVers. He noted that he fully supports this.

Mr. Rutherford then moved to approve **SUP #2019-02 – Extended Stay Camping** and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted (3-1) by roll call vote to approve the motion with Mr. Reed voting No.

B. Special Use Permit #2019-03 – Brewery

Consideration of a Special Use Permit application requesting County approval to allow a brewery use on property zoned B-1 and A-1. The subject property is located at 2188 Rockfish Valley Highway, Tax Map Parcel #21-5-1C, and is owned by Frederick Phillips.

Ms. Bishop provided the following report:

January 14, 2020

BACKGROUND: This is a request for a special use permit on property zoned B-1, Business to allow a brewery in an existing structure.

Public Hearings Scheduled: P/C – December 18, 2019; Board – January 14, 2020

Location / Election District: 2188 Rockfish Valley Highway / Central Election District Tax

Map Number(s) / Total acreage: 21-5-1C / 3.23 acres +/-

Applicant Contact Information: Frederick Phillips, 2056 Rockfish Valley Highway, Nellysford, VA 22958; 434-242-8756.

Comments: The applicant previously applied for this use in 2015, and the associated minor site plan was reviewed through 2016. The applicant requested a deferral while he coordinated the project, and is ready to revisit the application. This comes to the Planning Commission as a new application for review.

PC voted unanimously 5-0 to recommend approval of the SUP request to allow a brewery in the existing structure, with the condition that the total square footage for both public space and production area is not to exceed 1200 square feet. There were no speakers at the public hearing.

DISCUSSION:

Land Use / Floodplain: This area is commercial, residential and rural in nature. Current uses on the property include multiple long-standing commercial operations, residential units, storage and agricultural buildings. The western boundary of the property is located within a 100-year flood plain, however no structures are located within the floodplain.

Access and Traffic: The property is accessed from Rockfish Valley Highway. VDOT had no comments of concern. The entrance directly north of the car wash has been closed, as previously recommended and confirmed by VDOT.

Utilities: Property is served by private well and septic systems. A construction permit has been issued for a modification of the septic system for the brewery use.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit.

The applicant has indicated that the proposed brewery operation will be extremely limited in scope and volume, both in terms of patronage (12 seats / anticipated average of 25 daily customers) and in terms of production (three 5-gallon batches of beer at one time).

Comprehensive Plan: With regards to the “Future Land Use Plan” in the *Nelson County Comprehensive Plan*, the Nellysford area is designated as the County’s only “Neighborhood Mixed Use Development Model.” It is further identified as a “primary development area.” However, the

January 14, 2020

exact language in the *Comp Plan* is unclear as to whether or not the “primary development area” extends to this area of Nellysford.

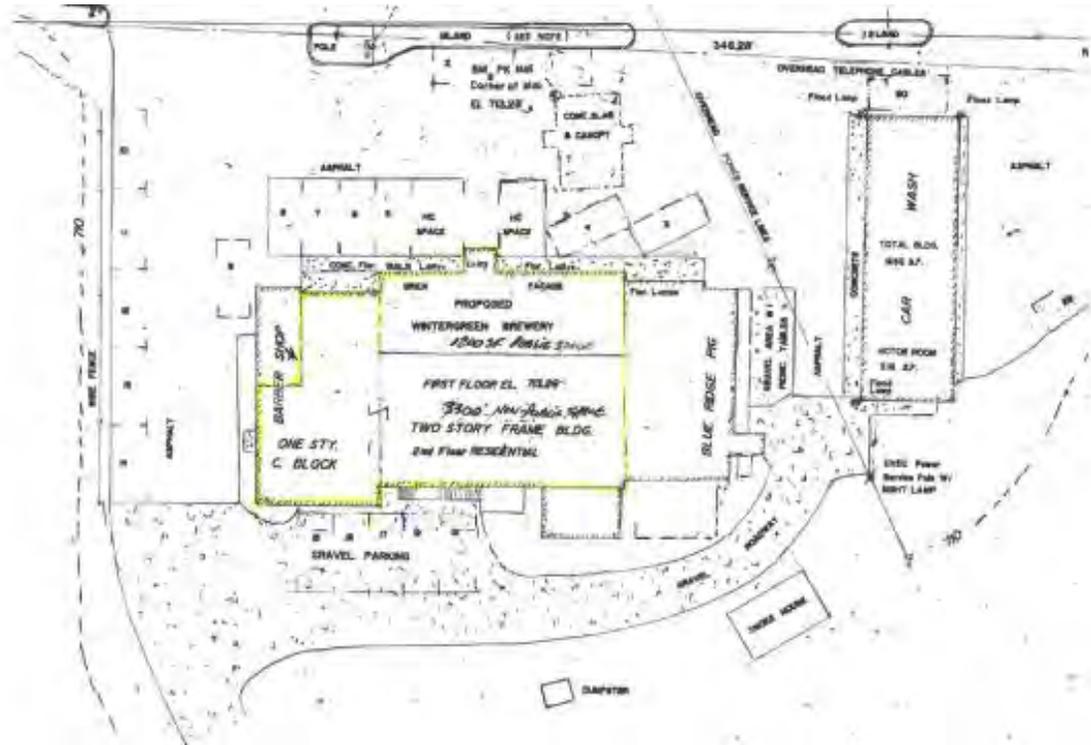
Additionally, the Future Land Use Plan contained in the *Comp Plan* also includes an area labeled “South of Nellysford” which is designated as a “Rural Residential District Model.” This district “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

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

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

Ms. Bishop showed the zoning map:

January 14, 2020



January 14, 2020

Ms. Bishop noted the applicant is comfortable with the 1200 square footage condition from the Planning Commission.

Mr. Harvey invited the applicant, Mr. Frederick Phillips, to come up and speak.

Mr. Phillips noted that this is the area beside the Blue Ridge Pig, and the entrance will be the door that went into the deli.

Mr. Harvey asked how big the Blue Ridge Pig is, and Mr. Phillips stated about 600 square feet.

Mr. Harvey then opened the public hearing.

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

Mr. Reed then moved to approve **SUP #2019-03 – Brewery** with the 1200 total square feet condition and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

IV. OTHER BUSINESS (AS PRESENTED)

Mr. Carter asked the Board if they would like to have a work session or special called meeting pertaining to the Health Department office relocation in the next week or two. It was noted that Staff would gather more information and make it more concise, send it to the Board, and then see if the Board is interested in a meeting to seriously discuss the subject.

V. ADJOURNMENT

At 7:27 PM, Mr. Rutherford moved to adjourn and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.