

January 9, 2018

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
Ernie Q. Reed, Central District Supervisor
Thomas H. Bruguire, Jr. West District Supervisor – Chair
Larry D. Saunders, South District Supervisor –Vice Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources

Absent: None

I. Call to Order

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

- A. Moment of Silence – A moment of silence was observed.
- B. Pledge of Allegiance – Mr. Reed 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 Vice Chair and Mr. Harvey nominated Mr. Bruguire for Chair and Mr. Saunders for Vice Chair. Mr. Reed seconded the nominations 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 duly elect Mr. Bruguire as Chair and Mr. Saunders as Vice Chair.

Mr. Carter then welcomed Mr. Reed and Mr. Rutherford to the Board. Mr. Bruguire also welcomed the new members noting it would be a pleasure working with them.

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B. Resolution- R2018-01 Annual Organizational Meeting of the Board

It was noted that the draft resolution contained the same language as the previous year, however there were some appointments to be filled in.

Mr. Carter noted that in discussions, Mr. Rutherford had related that both he and Mr. Reed would like to serve on the TJPDC. He noted that Ms. Shackelford had been doing so, which was unique as the other locality representatives were primarily Board of Supervisors and Council members. Mr. Reed asked if Ms. Shackelford would continue going if he and Mr. Rutherford were appointed and Mr. Carter supposed she would then be off the Board. Mr. Rutherford indicated he would enjoy participating on the TJPDC.

Additionally, Mr. Bruguere agreed to serve on the Piedmont Workforce Council, Mr. Rutherford agreed to serve on the Thomas Jefferson Community Criminal Justice Board, and Mr. Reed agreed to serve on the Social Services Board. Following finalization of the list, Mr. Bruguere read them aloud for confirmation.

Mr. Reed then moved to approve Resolution **R2018-01** and Mr. Saunders 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 R2018-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING
JANUARY 9, 2018**

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 2018 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.

Board of Supervisors appointments for Calendar Year 2018 shall be as follows:

Thomas Jefferson Planning District Commission-BOS	Ernie Reed
Thomas Jefferson Planning District Commission-BOS	Jesse Rutherford
Director of Emergency Services:	Thomas D. Harvey
Emergency Services Coordinator:	Russell Gibson
Piedmont Workforce Network Council:	Thomas H. Bruguire, Jr.
Clerk to the Nelson County Board of Supervisors:	Stephen A. Carter
Deputy Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Zoning Administrator:	Sandra Shackelford
Hazardous Materials Coordinator:	Russell Gibson
Thomas Jefferson EMS Council:	Russell Gibson
Nelson County EMS Council:	Thomas D. Harvey
Thomas Jefferson Community Criminal Justice Board:	Jesse Rutherford
Nelson County Social Services Board:	Ernie Reed
Nelson County Planning Commission:	Thomas H. Bruguire, Jr.

III. Consent Agenda

Mr. Bruguire suggested that the budget amendment be considered separately in order go over the CSA funding and Mr. Carter advised that staff was prepared to summarize and overview the CSA adjustment. Supervisors agreed and removed item B. from the Consent agenda.

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A. Resolution – **R2018-02** Minutes for Approval

Mr. Saunders moved to approve the consent agenda 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 following resolution was adopted:

RESOLUTION R2018-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(November 16, 2017 & December 12, 2017)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **November 16, 2017 and December 12, 2017** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2018-03** FY18 Budget Amendment

Ms. McCann then overviewed the FY18 budget amendment noting that Children’s Services Act (CSA) was the State legislation providing for services for at risk youth. She noted that the state funded the program at 69% and the local match was 31%. She explained that those services were mandated and localities had no choice in whether they were provided. Ms. McCann further explained that the cases were either court mandated, identified through the schools or were initiated through the Social Services department Foster Care system. She noted that the \$500,000 appropriation in the State share of funds was locally supported and that amount was shown in the transfer of \$224,637 from the General Fund contingency. Ms. McCann then related that the Board had received a report in their packet that detailed the types of cases being funded by the three sources. She added that if they would like more specific information on that, CSA Coordinator Allison McGarry was present and could discuss it further.

Mr. Bruguere asked how much funding was currently budgeted and Ms. McCann noted it was approximately \$700,000. She added that they had asked for an additional appropriation last year as well and that in the previous year, the County had expended close to \$1 Million dollars and this year it could total approximately \$1.6 Million. She added that the notes to the budget amendment stated that there would be another smaller budget amendment coming forward.

Mr. Carter noted that as Ms. McCann had related, 99% of the cases in the program were for mandated services and the expenses were unavoidable. He noted that there were two different screening steps that lead to the approval of funding and in Nelson, non-mandated funded cases were rare.

Mr. Bruguere supposed that they never knew what the final figure would be for this and Ms. McCann advised that the numbers could change given that some funds could be un-encumbered if something changed with services for a child.

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Ms. McGarry noted she had nothing more to add unless the Board had questions. She did note however that the County had non-mandated funds of \$12,721 allocated each year and could not ask for more. She related that they currently had eighteen children in Foster Care, which was high, and they had many school placements. She added that the Juvenile and Domestic Court Judge was also sending many cases to the Family Assessment and Planning Team (FAPT), which was the first step screening step in receiving CSA services.

Mr. Bruguire inquired as to whether they had gotten more local foster parents and Ms. McGarry noted that the Social Services Department was conducting training in January and had a few children placed in local homes. She added that was part of the reason for the increase in costs; children were being placed in therapeutic homes due to lack of local foster care options. She then related that they had four siblings that were costing \$16,000 per month and another set of two costing \$8,000 per month. She then noted that many of the children were coming into foster care through drug related situations. Mr. Carter added that the CSA participants used to be mostly school placements and now more were related to foster care. Ms. McGarry agreed and noted that the CSA population varied between infants who were less costly and teenagers who needed a lot of services. She noted that the school placements were also higher and noted that they were facing many challenges.

Mr. Carter noted that this increase in costs was not unique to Nelson County and he advised that David Blount of the TJPDC always included statements relative to CSA in the legislative agenda to address spiraling costs.

Mr. Reed then moved to approve resolution **R2018-03** 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 R2018-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2017-2018 BUDGET
NELSON COUNTY, VA
January 9, 2018**

BE IT RESOLVED, by the Board of Supervisors of Nelson County that the Fiscal Year 2017-2018 Budget be hereby amended as follows:

I.	Appropriation of Funds (General Fund)		
	<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
	\$2,529.00	3-100-002401-0045	4-100-053600-5401
	\$500,000.00	3-100-002401-0045	4-100-053600-3164
	\$994.00	3-100-003303-0025	4-100-031020-7047

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\$110.00	3-100-009999-0001	4-100-031020-7047
<u>\$6,076.00</u>	3-100-002404-0001	4-100-031020-5419
\$509,709.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
<u>\$224,637.00</u>	4-100-999000-9901	4-100-053600-3164
\$224,637.00		

Mr. Bruguire then commented that they needed to help children as much as possible.

IV. Public Comments and Presentations

A. Public Comments

1. James Bond, Schuyler

Mr. Bond noted he was a retired police officer from Albemarle County living in Nelson and he wanted to speak on the issue of dangerous and vicious dogs. Mr. Bond related that he was an avid runner and his wife had previously spoken to the Board on this matter. He noted that they trained 3-4 times a week and participated in races throughout Virginia. He noted that while training, they frequently came in contact with aggressive dogs; and his wife had been bitten twice in the last 2 years. He noted that they had taken the approach of being good neighbors to speak to the owners of the dogs with some being responsible and some not. He noted that he had contacted Animal Control to handle the calls and in one case, after speaking to the citizens, the family restrained the aggressive dog. He added that in most cases there was no change. Mr. Bond related that the problem was not the dog; but was the irresponsible owners and the way the law was written, a person had to be bitten before action was taken. He noted he had looked at the number of reports in Nelson County and there were sixty reported dog attacks with most having injuries. He then related recent instances in the US where a child and young woman were killed. Mr. Bond then clarified he was not talking about hunting dogs but where citizens were more likely to be active, they would come in contact with those types of animals. He then asked the Board to look at drafting an effective ordinance to address the issue as he thought a person should not have to be bitten before something was done to stop it. He added it was a pressing issue and the more people were getting active, the more they would have this issue. He concluded it would be a tragedy if someone were maimed or killed when the Board could take steps to address it; it was a moral issue that could become a legal issue.

2. Paul Cangioli, Gladstone

Mr. Cangioli noted he was with the Gladstone Fire and Rescue Service and they had been discussing the need for a response vehicle for transporting personnel and running errands etc. He added that a response vehicle could save them a lot of money and wear and tear on their service vehicles. He noted he had spoken with Sheriff Hill who noted they were retiring two Crown

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Victorias and he suggested that they ask the Board for one of them. He noted if the Board was agreeable, the Sheriff could leave the radio brackets etc. in if he knew the car was going to them. He concluded by asking that a directive be issued to donate one of those vehicles to them for their use.

3. Michele Regine, Faber

Ms. Regine noted that she was hopeful for a swimming pool in Nelson County and she understood that Mr. Carter had made efforts in that area. She noted that she would appreciate a pool nearby for sports, recreation, and for therapeutic aspects. She noted she would assist in any way she could and would like to see an Olympic size pool. She noted she had contacted the YMCA in Charlottesville in order to get an idea of the cost and theirs was \$19 Million.

Ms. Regine then suggested they revisit the effects of the pipeline running through Nelson County given the recent Tim Kaine reconsideration. She requested review and reconsideration by those supporting the ACP and asked them to withdraw their support due to the damage it would do to underground waters.

B. VDOT Report

VDOT representatives were not present to report and Supervisors had no issues for staff to report back to VDOT.

C. Presentation – Foothills Child Advocacy Center

Ms. Cathee Johnson Phillips addressed the Board and noted that she was the Executive Director of Foothills Child Advocacy Center. She noted that Foothills was founded in 2006 to help abused children, was fully accredited by the National Children's Alliance and was a private, independent, nonprofit 501(c) 3 organization.

Ms. Phillips noted that the Child Advocacy Center model was recognized as a best practice for helping child abuse victims and had been heralded by the U.S. Department of Justice Office for Victims of Crime for improving services to child victims.

Ms. Phillips then noted that her presentation would review the definition of child abuse; it's prevalence in our area and in Nelson County; the impact of child abuse; and how they served Children in Nelson County.

She noted that they believed that all children were entitled to be safe, healthy, nurtured, and valued and unfortunately, in our communities, that was not always the case. The very adults that are supposed to care for children, abuse them. She noted that national research showed that 1 in 10 children in the United States would be sexually abused before their 18th birthday—1 in 6 boys and 1 in 4 girls. She added that ninety percent of the time, the child would be abused by

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someone she or he knew and even more children would be physically or emotionally abused, neglected, or witnesses to violence – or all of the above.

Ms. Phillips then noted that Under the Virginia law, an abused or neglected child is any child under 18 whose parent, or any other person responsible for the care of the child:

- causes, or threatens to cause, a physical or mental injury except for an accident.
- fails to provide adequate food, clothing, shelter, medical care, or caring support.
- abandons the child.
- fails to provide the kind of supervision necessary for a child’s age or level of development.
- commits, or allows to be committed, any illegal sexual act involving the child — including incest, rape, fondling, indecent exposure, prostitution — or allows the child to be used in any sexually explicit visual material.

Ms. Phillips then noted that in FY2007 they had 77 cases, in FY2016, they had 256 cases, and in FY2017 they had 326. She added those numbers represented children from Charlottesville, Albemarle, Buckingham, Fluvanna, Greene, Madison, Nelson, and a few other localities.

She noted in 2017, 65% of the cases involved sexual abuse, 26% were physical, 17% were neglect, and 45% were other. She noted that the “other” category included witness to violence, drug endangerment, etc. and the numbers added up to more than 100% because many children were victims of more than one type of abuse.

Ms. Phillips noted that according to numbers on the Department of Social Services website, for FY2017 Albemarle County Child Protective Services (CPS) had 2,905 referrals, of which 2,659 were accepted, 789 resulted in investigations, and 449 were founded.

Ms. Phillips then showed a graph for Nelson County that showed two different kinds of “referrals” – referrals made by the public to CPS about suspected sexual and physical abuse and referrals that CPS and Law Enforcement then made to Foothills for forensic interviews. She noted that the top line was the number of referrals that CPS had accepted for sexual and physical abuse of children, a total of 184 from FY14-FY17. She then noted she did not have information on the number of investigations/calls that Law Enforcement received. She then noted that the bottom orange line was the number of children from Nelson County for which they received referrals from CPS, the bottom gray line was the number of children from Nelson County for which they received referrals from the Sheriff’s dept. and from FY14-FY17, they served 16 children from Nelson County.

She then noted that already in the current year, they were at the halfway-mark, having received 9 referrals from the Nelson County Multidisciplinary Team (MDT) members to assist with cases.

Ms. Phillips noted that the increase in referrals to Foothills since FY15 may be because of the law that the General Assembly passed in 2015 requiring all localities to establish child abuse

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multidisciplinary teams (MDTs) and encouraged them to work with child advocacy centers. She added that it could be that educational efforts were increasing awareness of the signs of abuse among concerned adults. She then advised that from FY 2014-FY 2017, total CPS referrals accepted for sexual abuse allegations were 25 and physical abuse allegations were 159. She then noted the following:

FY14, 26 physical and 10 sexual
FY15, 36 physical and 0 sexual
FY16, 40 physical and 7 sexual
FY17, 57 physical and 8 sexual

Over the four years, there were 68 CPS investigations (47 physical and 21 sexual) and 34 (23 physical and 11 sexual) were founded.

Ms. Phillips then noted the Adverse Childhood Experiences (ACEs) of 17,000 participants. She noted that the impact of child abuse was significant, both for the individual and society. Children who were abused were more likely to have cognitive disabilities, drop out of school, have teen pregnancies, or engage in substance abuse earlier and as they became adults, they were more likely to have medical & mental health problems.

She noted that there were behavior and mental health risks such as children who were sexually abused were significantly more likely to develop post-traumatic stress and other anxiety problems, experience dysfunction and distress in their development, have behavioral problems, and engage in higher levels of risk behavior.

She noted that in terms of academic difficulties, children who were sexually abused often had academic difficulties, high absentee rates, and dropped out of school. She noted that children who were sexually abused engaged earlier in drug abuse and were 2 to 3 times more likely to have an alcohol use/dependence problem than non-victims. She added that children who were sexually abused were twice as likely to run away from home and had a 3 to 5-fold risk of delinquency. She noted that girls who were sexually abused were twice as likely as their non-abused peers to become teen mothers.

Ms. Phillips then noted that child abuse also had costly consequences for society, not only in terms of quality of life and community safety but also financially. She noted that the Children's Advocacy Centers of Virginia states that communities with a child advocacy center saved \$1,318 per child abuse case, because of the services the centers provide and additionally, the CAC model decreased trauma for child victims and promoted healing, making it less likely that those children would become involved with the juvenile justice or foster care systems – at great expense to the taxpayers. Ms. Phillips advised that locally, Foothills' data showed that most of the children served in FY 2017 had immediate and continuing needs for physical and psychological safety and security, 75 percent needed well-coordinated competent follow-up and

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intervention throughout the investigation and prosecution; and 64 percent needed access to additional resources.

Ms. Phillips noted that the good news was that the earlier they could stop the abuse and provide services to the child victims, the more likely they were to escape the consequences and to grow up to be healthy and productive adults. She noted their mission was to do just that by providing a coordinated effective response to those victims that ensured their safety, reduced their trauma, and promoted their healing.

Ms. Phillips then asked the audience to imagine how difficult it must be for a child to talk about something like sexual abuse to a stranger. She noted the child may be afraid of getting into trouble – or getting their abuser into trouble. She added that in fact, 60 percent of children never tell anyone about their abuse and a child must feel secure and safe to talk about what has happened to them. She noted that was why they provided a safe, child-friendly place for child forensic interviews and she showed a picture of their facility in Charlottesville. She then noted how traumatic it would be to have to be interviewed repeatedly, which was what happened before Foothills existed – children were being interviewed up to 15 times – now the interview was recorded and observed by law enforcement and child protective services, so that the child did not have to be interviewed over and over again which reduced re-traumatization for the child and helped the child to move forward. She noted they also provided crisis intervention and other services to the family throughout the investigative and treatment process, so that they could provide a safe and healing environment for the child.

Ms. Phillips noted that they worked with fellow multidisciplinary team (MDTs) members to make sure the family had all of the services and support it needed, to reduce gaps in services, and to reduce duplication of services. She advised that the Nelson County MDT members included: Commonwealth's Attorney's Office, Department of Social Services, Law Enforcement specifically the Sheriff's office, Victim/Witness Office, Nelson County Public Schools, Region Ten, Sexual Assault Resource Agency, and Foothills.

Ms. Phillips noted that there remained gaps in services to children in the region and she noted that there were gaps in providing services to children in Nelson County. She noted that Foothills served as a "stop-gap" – CPS and Law Enforcement had a lot on their plate, and they helped by providing services and referrals to remove gaps in service to child victims and families.

She noted that major barriers to getting the families the help they needed included lack of transportation and the travel distance and time to travel from Nelson County to Charlottesville. She noted for example, in FY 2017, Foothills helped 8 children and their families, but, based on Virginia Department of Social Services (DSS) statistics, CPS accepted 65 referrals for sexual and physical abuse. She noted that similar gaps in services existed in other localities and recognizing the need, Foothills applied for and was awarded Victims of Crime Act (VOCA) funding through the Commonwealth's New Initiative Program to launch the Victim Outreach Expansion Program.

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She noted that the purpose of the program was to bring staff and services to children and families in Nelson and other counties. She advised that Foothills hired a part-time child forensic interviewer to serve those counties and purchased mobile recording equipment. She noted that the Nelson Counseling Center/Region Ten had provided space at no charge for child forensic interviews and family support, the space would soon be ready, and the Foothills child forensic interviewer would be able to bring forensic assessment services to children and families in Nelson County. She noted that other Foothills staff members, who have been providing family support services, such as risk, need, and trauma assessments and referrals for mental health counseling, would continue to provide those services and travel whenever possible to bring those services to those families. She added that this year, they would be better able to serve the child victims in Nelson County by coming to them. She noted that the VOCA funding would expire as of Sept. 30, 2018, and they were approaching all five counties for support to help sustain the program, as well as seeking funding from private donors.

In closing, Ms. Phillips noted the training opportunities and other resources they provided to help adults keep kids safe such as the Stewards of Children trains adults on how to prevent child sexual abuse, Stand Up for Kids! is training for mandated reporters – which they recently presented in Nelson County Schools.

She then noted more information could be found at www.foothillscac.org/safekids.html and her contact information was: cjphillips@foothillscac.org and phone 434-971-7233.

Mr. Bruguere opened the floor for questions and Mr. Reed thanked them for their services and asked if any action was being requested.

Ms. Phillips noted they would start providing services to Nelson that month and they would ask for funding in FY2020. She noted that the cost to serve Nelson in FY2020 would be \$6,000 to \$8,000 and they would also approach other funders.

Mr. Bruguere then asked how the abused came to them and Ms. Phillips noted that most were physically abused and were referred by Child Protective Services of the Social Services Department or Law Enforcement. She noted that was part of the Child Advocacy Model, which was a National model that was best practice for serving victims and reducing costs for communities.

D. Presentation – Wampler Eanes Appraisal Group, Ltd. (S. Wampler)

Mr. Wampler addressed the Board and noted that they had conducted 208 Assessors hearings: 106 face-face appeals, 28 letters, 25 phone call, and 49 email appeals were processed. He added that they looked at 300-400 cards out of 16,500 or 3%.

Mr. Wampler then noted the results of the hearings were a loss of \$6,221,300 which was less than a 0.5% change in the total assessed value of all properties within the County. He added that

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the overall difference in values from 2016 to 2018 was \$51,724,448 or a decline of 1.715% and a 3.2% reduction in overall values from 2014. He added that land use and conservation easements were not figured in; however it did include new construction.

Mr. Saunders asked if 100% of the appeals were reductions and Mr. Wampler noted that some had increased, some had decreased, and some stayed the same. He noted that the values they saw were what was typically seen in a four to six year cycle in Virginia and North Carolina.

Mr. Rutherford asked if any particular area was denser with appeals or were they spread out and Mr. Wampler noted they were fairly spread out and that they had seen decreases in Wintergreen.

Mr. Reed asked if there was any way to determine the portion of buyer reduction of assessed values and of construction and Mr. Wampler noted that building costs were up and they followed sales. He added that the economy did play a part in it and they followed the market.

Mr. Carter added that they would be working with new construction and outstanding Certificates of Occupancy that were not factored in. He noted those were still values to be determined and would not likely happen for the June tax billing; rather there would be a supplement thereafter that would help the numbers. Mr. Carter noted that the Commissioner had suggested speaking with Wampler Eanes to assist her with that. Mr. Wampler added that there were many properties that were incomplete and they were offering a proposal to assist with that.

Mr. Saunders asked if there were any appeals for values that were too low and Mr. Wampler confirmed there was and they saw those as well. He added that they looked at equalization and if equal then no changes were made and if something had changed, it was adjusted.

Mr. Carter closed by noting he hoped the Board would appoint the Board of Equalization that day.

V. New Business/ Unfinished Business

A. Blue Mountain Brewery – Pump & Haul Permit

Mr. Taylor Smack, owner and operator of Blue Mountain Brewery (BMB) provided the Board with the following handout:

Information regarding Blue Mountain Brewery, Inc.'s request to have the Board of Supervisors introduce and approve a motion to agree to hold a permanent Pump and Haul permit with the Virginia Department of Health (VDH) on behalf of the company:

- Blue Mountain Brewery's wastewater treatment plant onsite at the Afton facility, approved by the State Engineer and put online in 2011, has not proven capable of meeting the treated Nitrogen requirements now in place by VDH. We have been working with VDH and our engineers over the past two years on how best to handle this issue.

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- After spending \$35,000 on engineering design fees in 2016 and 2017 for designs on a new treatment facility, the final equipment and installation estimate for the project exceeds \$700,000.
- Blue Mountain has decided to pursue outsourcing our wastewater treatment (via pumping and hauling away our effluent) for a lower, knowable, fixed cost. We are currently working with Aqua Virginia on an arrangement whereby they would take in all our waste water on a per-gallon fee basis.
- Blue Mountain Brewery, working with our system-monitoring engineering firm (ESS), has transferred all of our wastewater profile information to Aqua Virginia, and we are continuing to test our wastewater in cooperation with Aqua Virginia.
- Both Blue Mountain Brewery and Aqua Virginia endeavor to forge a contractual relationship, whereby Blue Mountain Brewery will pump and haul its own waste (via a septic-hauling truck we are to purchase), to a lift station off Rt. 151 South north of the Stony Creek Community entrance. According to our primary contact at Aqua Virginia, Terry Blankenship, the project has met with the approval of the local-level president and is moving on for approval from the Board of the parent company. Our wastewater has also tested within acceptable parameters for us to believe this relationship will work. Aqua Virginia is currently working on the first draft of a temporary-basis agreement to take our wastewater. The temporary basis of this first agreement is to prove as a trial to see if a long-term relationship will work for both parties.
- Aqua Virginia will be requiring Blue Mountain Brewery to pay for the installation of a larger underground holding tank and flow meter at the lift station location.
- Blue Mountain will employ its own CDL-certified driver to make one to two wastewater deliveries a day, Monday through Friday.
- VDH requires Blue Mountain to have in place an emergency plan for issues such as a disabled pump truck, bad road conditions due to weather, system failure at the Stony Creek treatment plant resulting in their inability to take our waste, etc. All of these contingencies will be addressed in our Pump and Haul Permit Application to VDH.
- Blue Mountain Brewery will be happy to have our company lawyer, in cooperation with the County Attorney, draft a contract waiving any and all liability to the county that could possibly come from the county holding this permit for Blue Mountain.

Mr. Smack noted he was asking the Board to consider holding a permanent pump and haul permit for BMB. He noted that they were working with the Virginia Department of Health on a wastewater treatment plan, they had put in an engineered system, the system had not functioned well, and VDH had brought down strength numbers. He added that he was speaking of the Afton facility so it was mostly restaurant and brewery waste. Mr. Smack noted that they were working on new plans for a new system, had purchased 4.5 acres to put it in, and after getting the estimate

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it was shockingly high at \$700,000. He noted his experience was that those systems were prone to failure and expensive to operate so they were exploring other alternatives.

Mr. Smack then noted that they were doing a lot of pumping and hauling away of waste to Lynchburg and Rivanna and if they were doing that permanently, they would need a permit held by the locality. He added that they were at the point where they would rather have a fixed cost and outsource wastewater so they could focus on their primary mission; which was beer and food.

Mr. Smack advised that they were working with Aqua Virginia who had excess capacity at their Nellysford plant and they were currently doing testing with them. He noted they could take their waste under a contractual agreement if they got the permit. He noted BMB would purchase a pump and haul truck and would hire a CDL driver to haul 1-2 loads per day.

Mr. Smack advised that the business was not allowed to hold the permit themselves; which could seem like a liability for the County; however they were willing to come up with an indemnification or waiver agreement to cover that. He noted that Aqua Virginia was drawing up a temporary contract to start with if they got the permit. He added that their waste strength was low enough and they had capacity.

Mr. Bruguere then asked if 30% of the waste was from the brewery and he noted that type of sludge could be fed to cows. Mr. Smack explained that a brewing operation was similar to milk production, in that the waste had sugars, yeast etc. and biological oxygen demand that essentially overfed the microorganisms in drain-fields. He added that an issue was that the Chesapeake Bay mandates on Nitrogen levels had come down.

Mr. Carter then noted that if the Board was amenable to their request, the County would work with them to do the permit application and then get the general permit. He noted that the County would start with BMB and if another business wanted a similar permit, they would be added and the County would not have to go back through the state office for approval. He added that he had conferred with Mr. Payne and the County would draft an agreement that would protect the County from liability associated with the permit. He noted that the question was is the Board amenable to the County being the holder of general permit to solve the problem. If so, staff would work with Mr. Smack to proceed. He noted that the County could then use BMB as a standard template for others wanting to fall under the blanket permit.

Mr. Smack advised that it was a simple application to VDH that was only a couple of pages long.

Mr. Bruguere noted he was not sure it would harm the County if they proceeded and Mr. Carter noted there was nowhere to fine the County. Mr. Saunders asked what the protection was for the County on it and Mr. Carter advised that he could send the draft agreement to the Board. Mr. Saunders noted that he had seen where some counties required a bond for these and he thought it was fair to have some kind of assurance. Mr. Smack stated he was agreeable to that and Mr.

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Bruguiere gave the example of the hauling truck wrecking and spilling its load onto someone's property.

Mr. Bruguiere stated he would like to review the contract and Mr. Carter advised he would send it over noting that he had not worked with BMB on it.

Mr. Saunders then clarified that other companies could apply to be under the permit, it would be available to anyone, and the County would not be showing preference to one business by proceeding.

Mr. Reed inquired as to the functioning of a lift station and Mr. Saunders noted that he had installed the one in question for Aqua Virginia and noted it was a huge concrete manhole that pumped waste to the sewer plant. Mr. Smack added that they would be installing a 5,000 gallon tank for it at the Aqua Virginia location.

Mr. Saunders then moved to approve the request, once all associated documents were approved and Mr. Harvey seconded the motion.

Mr. Harvey then inquired if the Board would see all of the documents and Mr. Carter advised that he would work on completing all of the documents and would bring them back for the Board's formal approval.

Mr. Saunders questioned the timeframe for BMB and Mr. Smack noted that they were handling the issue now and VDH was not on their backs to do something; therefore they were okay if it took a couple of months.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Subject to final walk through confirmation (inspection) the project is scheduled for final completion on 1-15-18.

Mr. Carter advised that on January 23rd, Judge Gamble would preside over the first case in the new Circuit courtroom. He added that the Board would be invited to a ribbon cutting ceremony prior to that. Mr. Carter then noted his appreciation of Jamerson Lewis Construction and Architectural Partners who had been fantastic to work with.

2. BR Tunnel Project: County staff has submitted a written communication to VDOT requesting approval for acceptance of the Phase 2 Project to Fielder's Choice Enterprises, Inc. A response from VDOT and Federal Highway Administration is pending.

Mr. Carter advised that the County was requesting to only complete the tunnel rehabilitation which would remove items from the scope of work that would not impact the integrity of the tunnel: brickwork, graffiti removal, and the eastern parapet wall. He noted staff was waiting to get VDOT and FHWA comments.

3. 2018 General Reassessment: Wampler-Eanes has certified completion of the 2018 General Reassessment. W-E staff is scheduled to address the Board on this subject on 1-9. County staff is currently determining the financial outcome of the reassessment with respect to real estate tax revenues and, related thereto, the local tax rate (currently \$0.72).

Mr. Carter noted the analysis done by Ms. McCann which would be used in working on the budget.

4. Broadband: The NCBA is also scheduled to meet on 1-9. The recent announcement by Central VA Electric Cooperative of a fiber to the home project throughout CVEC's service area (approximately 38,000 subscribers), which encompasses much of Nelson County, is a critically important consideration for the BOS and the NCBA. A presentation by CVEC (Mr. Gary Wood) on the utility company's initiative is currently planned for the February regular session.

5. Region 2000 Service(s) Authority & Solid Waste/Recycling: The Authority has two meetings currently scheduled in January to discuss excess revenues and the Authority's FY18-19 Budget.

6. EMS and Fire Study: In process. A final report and presentation by Department of Fire Programs staff is anticipated for the February 2018 Board meeting.

7. FY18-19 Budget: County staff is working towards completion of the draft FY18-19 Budget.

Mr. Rutherford asked when the School Board's draft budget would be available and Mr. Carter advised it should be out any time and staff had requested copies of it.

8. Other: Staff will address input from the Board on any other subjects the Board may present.

2. Board Reports

Mr. Rutherford, Mr. Saunders, and Mr. Reed had no reports. Mr. Harvey reported all was running well at the Service Authority and Mr. Bruguiere reported that the Planning Commission was working on small things and that a work session on the Rockfish Valley Area Plan had been scheduled.

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Jr. from the West District who had indicated some previous BOE experience in York County. Ms. McGarry explained that the Code allowed for a minimum of three members up to the number of election districts; five for Nelson County. Mr. Carter added that it would be preferable to appoint the BOE that day given that they had to complete Department of Taxation training and be certified by the Circuit Court. He noted that typically, the hearings would be held in late February and early March.

After brief discussion, Supervisors agreed by consensus to try to have five members and appoint them all at one time. Mr. Carter advised that a called session could be held once applicants from all districts were received, staff would confer with them on the appointees, and provide a draft schedule including the training etc.

Mr. Bruguere then noted that there was an applicant for the JAUNT Board and input from Supervisors was that JAUNT would like to see additional applicants.

Mr. Rutherford indicated that he would like to be appointed to the Broadband Authority and Mr. Harvey moved to appoint Jesse Rutherford representing the east district on the NCBA. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

1. Gladstone Volunteer Fire & Rescue – Retired Vehicle Request

Mr. Bruguere asked if the Sheriff had two vehicles to release and Mr. Carter noted that staff had not spoken to the Sheriff about it; however once they were released, the title could be transferred from the County to Gladstone Volunteer Fire and Rescue. It was noted that the County owned the vehicles not the Sheriff's Department.

Mr. Saunders moved to approve that one of those released vehicles go to Gladstone Volunteer Fire and Rescue and Mr. Rutherford seconded the motion. Mr. Carter then noted that the two vehicles would be evaluated and they would get the better of the two.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Introduced:

Mr. Saunders noted speaking with Ms. Mitchell, who bought the old Shipman School property regarding the bell. He noted that she had bought the building and would like the bell that was sent over to the Heritage Center for safekeeping.

Mr. Carter noted that Mr. Payne had given staff an opinion on that and consensus was to proceed accordingly.

D. Directives

Mr. Saunders and Mr. Bruguere had no directives.

Mr. Reed:

Mr. Reed noted that Ms. Brennan had served on the committee on Section 106 (historic resources) related to the ACP and he would like to take her place. Mr. Carter advised that she had represented the Board and the Board agreed by consensus for Mr. Reed to assume that role.

Mr. Reed noted he had a few folks contact him wondering about the BZA meeting, and because of the sensitive nature of it, it was requested that there be an official note taker or secretary to record the meeting. Mr. Carter advised that the Planning and Zoning Secretary would record the meeting and do minutes for the BZA. Mr. Carter then noted that the meeting date had not yet been decided and Mr. Reed noted that the 22nd was okay for him.

Mr. Harvey noted he would like to see Mr. Hale continue to be involved in the Blue Ridge Tunnel project. Mr. Carter noted that he would continue to do that and he was President of the Foundation Board. He added that Mr. Hale wanted to be involved and there was a Foundation meeting on the 18th.

Mr. Rutherford noted he was interested in Board of Supervisors access to office space and he recommended the Magistrate's Building for that use noting it was being heated, cooled, and had a desk. Mr. Carter advised that staff had been going back and forth with Brady Nicks on leasing that building; however it was not to closure yet. He confirmed that it had separate heating and cooling, a desk, had been refurbished, and has been vacant. Mr. Bruguere noted that there was plenty of conference space that could be used in the building. Mr. Carter noted that Mr. Nicks wanted the building but the Board would take precedence. Mr. Harvey noted there had never been a need for it and Mr. Bruguere suggested that the bridge room or old board room were options.

Supervisors agreed by consensus that use of the Magistrate's building for Board office space was not necessary.

VII. Other Business

A. Closed Session Pursuant to Virginia Code § 2.2-3711(A) (1)

Mr. Carter advised that the closed session was to discuss the status of the Building Code Official position.

Mr. Harvey then moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (1): discussion,

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consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors then conducted the closed session and upon its completion, Mr. Harvey moved to reconvene in public session and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Harvey moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Following certification of the closed session, no action was taken by the Board.

Introduced: Piney River 3, Contract with Bowman Engineers

Mr. Carter reported that he had proceeded with the contract with Bowman through the Service Authority and he would get caught up and report back on the Piney River 3 issues. In response to questions, he noted that the line was flushed weekly using thousands of gallons at a time.

Introduced: Parliamentary Procedure

Mr. Harvey suggested that Supervisors use the "Board Meeting Procedure in Virginia" booklet in order to get their motions correct and exact. Mr. Carter noted that both Mr. Rutherford and Mr. Reed had asked for training on Roberts Rules of Order.

VIII. Adjournment - No Evening Session at 7 PM

At 4:05 PM, Mr. Rutherford moved to adjourn and Mr. Reed seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.