

September 8, 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 – Chair
Ernie Q. Reed, Central District Supervisor – Vice Chair
J. David Parr, West District Supervisor
Robert G. “Skip” Barton, South District Supervisor
Stephen A. Carter, County Administrator
Grace Mawyer, Administrative Assistant/Deputy Clerk
Candice W. McGarry, Director of Finance and Human Resources
Robert Brown, VDOT Residency Administrator

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
- B. Pledge of Allegiance – Mr. Parr led the Pledge of Allegiance

II. PUBLIC COMMENTS

1. Wisteria Johnson, Shipman VA

Ms. Johnson spoke of the statue in front of the Courthouse and noted that recent occurrences show that this is a sensitive and fragile subject. She recommended that the Board of Supervisors form a group of Nelsonians to work this whole process through. She noted that the Board does not have all of the answers and suggested that if the statue does come down, they could put a stone copy of the U.S. Constitution in its place.

2. Linda Crowe, Amherst VA

Ms. Crowe noted she has lived in Nelson County for 24 years. She spoke of white privilege and how that is too gentle of a phrase for racism. She stated that symbols matter and asked the Board to remove the statue from public property until such time that the African American community can determine its fate.

September 8, 2020

3. Marcia McDuffie, Jefferson Madison Regional Library Board Representative

Ms. McDuffie thanked the Board and County Administration for the wonderful expansion and renovation at the library. She advised that the Grow Nelson Library fundraising committee has exceeded their half million-dollar goal and now has \$522,000 in that account. She noted that this committee has provided 20 brand new computers to the library, added various media into circulation, and helped provide better Wifi connections so that the signal extends out into the parking lot. She added that a community member has donated a vehicle to be a book mobile. Ms. McDuffie then invited the Board to tour the renovated library after the meeting.

4. Marian Pearce, Faber VA

Ms. Pearce spoke of the statue on the Courthouse lawn and stated that there is a need for cultural evolution here. She advised it is time for a change, adding that what the statue represents is not a piece of history we want to honor. She suggested having some type of forum about the subject.

5. Marilyn Mars, Faber VA

Ms. Mars spoke of the statue on the Courthouse lawn, noting her agreeance with what several other speakers have said. She stated the cultural time for this sculpture is gone, and it should not be the piece that represents the county. She suggested finding a place for it in a cemetery or somewhere where the memories can be remembered. She noted that if it makes her black neighbors uncomfortable to pass by the statue, it makes her uncomfortable as well. Ms. Mars added that she likes the idea of forming a committee about the subject as well as the idea of replacing the statue with the U.S. Constitution or some other sculpture.

6. Eleanor Amidon, Afton VA

Ms. Amidon spoke of systemic racism and police corruption in other areas, adding that the Black Lives Matter movement is demanding something of our times. She stated that seeing this statue could be hurtful, demeaning, or intimidating and implored the Board to remove it.

7. Larry Stopper, Afton VA

Mr. Stopper noted that the statue is an anachronism and needs to go. He stated that it does not belong on the Courthouse lawn and reiterated that it needs to go.

8. Louie Andrew, Nellysford VA

September 8, 2020

Mr. Andrew noted that schools were integrated in 1965 in Nelson County and argued that the reason of constructing the Civil War monument was to remind people that they were not equal. He urged the Board to take down this symbol.

9. Reverend James Rose, Wingina VA

Reverend Rose stated that the Civil War statue stands on government property, which is property of the taxpayers of Nelson County. He asked that the statue be removed. He noted it was erected during segregation, one hundred years after the Civil War. He added that the Board of Supervisors at the time helped pay for it, which put them in support of slavery and segregation. He urged that we need to move forward together, come together, and end racism. He prayed that the Board would find it in their hearts to remove the statue, adding that black people don't need a reminder of the past. Reverend Rose then referenced what is happening to black people in the country today and asked the Board what side of history they want to be on.

10. Rosemarie Harper, Afton VA

Ms. Harper agreed with what Reverend Rose said, adding that black lives matter and black feelings matter. She asked the Board to take down the statue.

III. CONSENT AGENDA

Mr. Rutherford referred to Resolution R2020-35 and thanked staff for their hard efforts in working with this.

Mr. Reed then noted that the Board had received a request for CARES Act funding from Reverend Sandidge for the Nelson Heritage Center and pointed out that it was not included in the August 11th meeting minutes. He asked that the letters be included. Mr. Harvey noted that the letters were received and distributed to the Board after the Board packets went out, and this has not been done in the past.

Mr. Rutherford moved to approve the Consent Agenda and Mr. Parr seconded the motion. Mr. Reed asked to amend the motion to include the addition of the Nelson Heritage Center letters to the minutes. Mr. Rutherford withdrew his motion, and Mr. Parr withdrew his second.

Mr. Reed moved to approve the Consent Agenda with the addition of the letters from Reverend Sandidge concerning the Nelson Heritage Center to the minutes. Mr. Barton seconded the motion. It was suggested that a separate motion be made to amend the minutes. Mr. Reed withdrew his motion and Mr. Barton withdrew his second.

September 8, 2020

Mr. Reed then moved to amend the minutes to include the letter requests from Reverend Sandidge concerning the Nelson Heritage Center and Mr. Barton seconded the motion. There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting No. Mr. Parr suggested that the Board discuss changes such as this prior to the meeting in the future.

Mr. Rutherford moved to approve the Consent Agenda with the changes and Mr. Parr seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2020-34** Minutes for Approval

RESOLUTION R2020-34
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(August 11, 2020)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **August 11, 2020** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2020-35** Approval of DHCD-CDBG Grant Pre-Contract Documents

RESOLUTION R2020-35
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION APPROVING DHCD-CDBG PRE-CONTRACT GRANT DOCUMENTS
FOR LOVINGSTON BUSINESS DISTRICT REVITALIZATION GRANT #18-PG-10

RESOLVED, by the Nelson County Board of Supervisors, that the following DHCD- CDBG pre-contract grant documents are hereby approved for the Lovingson Business District Revitalization Grant #18-PG-10:

1. Local Business & Employment Plan;
2. Non-Discrimination Policy;
3. Residential Anti-Displacement & Relocation Assistance Plan
4. Fair Housing Certification;

- 5. Section 504 Access Policy; and
- 6. Section 504 Grievance Procedure

NELSON COUNTY, VIRGINIA: GRANT#18-PG-10
SECTION 3 LOCAL BUSINESS AND EMPLOYMENT PLAN

- 1. The County of Nelson designates as its Section 3 County Business and Employment Project Area the boundaries of Nelson County.
- 2. The County of Nelson, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the County in carrying out all activities, to the greatest extent feasible.
- 3. In awarding contracts for construction, non-construction, materials, and supplies the County of Nelson, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the County:
 - a) The County of Nelson shall identify the contracts required to conduct the CDBG activities.
 - b) The County of Nelson shall identify through various and appropriate sources including:

The Nelson County Times

the business concerns within Nelson County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.

- c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.
 - d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.
- 4. The County of Nelson and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:

September 8, 2020

- a) The County of Nelson in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.
- b) The County of Nelson shall advertise through the following sources

The Nelson County Times

the availability of such positions with the information on how to apply.

- c) The County of Nelson, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.
 - d) To the greatest extent feasible, the County of Nelson, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).
5. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, the County of Nelson shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Duly adopted at the regular meeting of the Nelson County Board of Supervisors on September 8, 2020.

September 8, 2020

NELSON COUNTY, VIRGINIA: GRANT#18-PG-10
NON-DISCRIMINATION POLICY

The County of Nelson or any employee thereof will not discriminate against an employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the Nelson County Board of Supervisors on September 8, 2020.

NELSON COUNTY, VIRGINIA: GRANT #18-PG-10
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
CERTIFICATION

The County of Nelson will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County of Nelson will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and

September 8, 2020

7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The County of Nelson will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The County of Nelson’s FY 2021 project includes the following activities:

The proposed planning grant project will be focused on revitalization of a targeted area in the Village of Lovington including the completion of all related grant requirements from the State funded agency.

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The County of Nelson will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.



NELSON COUNTY, VIRGINIA: GRANT #18-PG-10
FAIR HOUSING CERTIFICATION

Fair Housing Certification

Compliance with Title VIII of the Civil Rights Act of 1968

Whereas, the County of Nelson has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and;

September 8, 2020

Whereas, recipients of funding under the Act are required to take action to affirmatively further fair housing;

Therefore, the County of Nelson agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

PUBLIC NOTICE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HANDICAPPED REGULATIONS

This notice is published pursuant to the requirements of 24 CFR Part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development, as published in the Federal Register on June 2, 1988. 24 CFR Part 8 prohibits discrimination against qualified individuals because of their handicapped status.

The County of Nelson advises the public, employees, and job applicants that it does not discriminate on the basis of handicapped status in admission or treatment or employment in, its programs and activities.

The County of Nelson has designated the following as the contact to coordinate efforts to comply with this requirement.

Such inquiries should be addressed to:

Mr. Stephen A. Carter, County Administrator

P.O. Box 336, Lovingson, VA 22949 P:

(434) 263-7000

F: (434) 263-7004

9:00 a.m. - 5:00 p.m.

Duly adopted at the regular meeting of the Nelson County Board of Supervisors on September 8, 2020.

Nelson County, Virginia: Grant #18-PG-10
Section 504 Grievance Procedure

Grievance Procedure

The County of Nelson has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: Candy McGarry, Director of Finance and Human Resources, Nelson County, P.O. Box 336, Lovingson VA 22949, 434-263-7000 (phone), 434-263-6817 (TDD), who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within **sixty (60) days** after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Candy McGarry, Director of Finance and Human Resources. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the County of Nelson need not process complaints from applicants for employment or from applicants for admission to housing.

September 8, 2020

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Candy McGarry, Director of Finance and Human Resources and a copy forwarded to the complainant no later than **ninety (90) days** after its filing.
5. The Section 504 coordinator shall maintain the files and records of the County of Nelson relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within **thirty (30) days** to Candy McGarry, Director of Finance and Human Resources.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the County of Nelson complies with Section 504 and the HUD regulations.

Duly adopted at the regular meeting of the Nelson County Board of Supervisors on September 8, 2020.

IV. PRESENTATIONS

A. TJPDC Legislative Update (D. Blount)

Mr. David Blount of the Thomas Jefferson Planning District Commission addressed the Board. He expressed thanks to Nelson County for the opportunity to work on the Nelson Cares Small Business Assistance Program and noted that the Nelson Cares website has gone live today.

Mr. Blount advised that the General Assembly went into Special Session three weeks ago, and budget talks are moving slowly. He stated that they may work out a full budget but may also pull out a few things and do a smaller budget like they did with the elections earlier this session. They will have another budget proposed in mid-December that will be addressed starting in January. He noted that regarding the budget, the General Assembly is not inclined to dip into reserves, and there is possible

September 8, 2020

focusing of dollars on education, health and mental health, and criminal justice reforms. There is pressure to put money toward housing, broadband, and child care. He advised some of this would have to be state general funds, but some could tap into the \$1.3 billion in unallocated federal Coronavirus Relief Funding that the state has from the CARES Act.

Mr. Blount noted that pertaining to the Legislative Program, the top three priority items are:

- 1) Live up to your obligation to adequately **fund the programs that localities implement** for the state--that means not giving us unfunded or underfunded mandates.
- 2) Fund **public education**—dollars to catch up where have been lagging for so long, and meet new demands on schools, teachers and students in this much different learning environment that we are in.
- 3) Put big money into **broadband infrastructure**, the necessity of which now has a big exclamation point on it as we face new demands regarding telework, distance learning and telemedicine (VATI requests for FY21 are over twice the amount being proposed, and about 3 times as large as what was approved in the March budget).

Mr. Blount advised that he will come back for the November meeting for approval of the legislative priorities.

B. VDOT Report

Mr. Robert Brown of VDOT gave the following report:

Mr. Brown noted that they finished mowing the four-lane highways last week. Regarding the rural rustic program, all projects have been completed that were started last year, including Jack's Hill Road, Aerial Drive, and Rhue Hollow Road. Projects that are starting up include Shields Gap Road, Bottoms Lane, and High Peak Lane. He advised that he is not sure if they will all get paved this year, but they are on the list. He then noted that Cedar Creek Road is the next project in the Six-Year Plan, and it is another one-mile section. He asked the Board to consider revising that to make it the entire road, as two sections are done already.

Mr. Brown noted that they completed the safety project on Gulleysville Road and did surface treatment to help with erosion.

Supervisors then discussed the following VDOT issues:

Mr. Parr:

September 8, 2020

Mr. Parr asked if they will be revising the Six Year Plan. Mr. Brown noted that it is not being revised this year, and they will plan to do a revision next year. He added that they will keep operating off of the existing Six Year Plan, as they still have projects to do, including Cedar Creek Road, Wilson Hill Road, and a couple others.

Mr. Reed:

Mr. Reed thanked Mr. Brown and VDOT for the work on Gulleysville Lane.

Mr. Rutherford:

Mr. Rutherford referred to the intersection of 639 and 617, noting there is a pipe that goes underneath and floods a lot. He asked for a study to be done on that pipe.

Mr. Rutherford referred to Route 655, Arrington Road, and noted that there are issues with curve signs not being up at that bend. He suggested that there should be more curve warning signs there. Mr. Brown noted that some of those signs are faded, adding they can put up some new ones.

Mr. Barton:

Mr. Barton thanked Mr. Brown for the work done in Gladstone. He then referred to the curve on Route 655 at Ruckers Run and a recent accident that occurred there. Mr. Brown noted that he did not see where a lack of signage contributed to that accident, adding that there are curve warning signs and a maximum safe speed of 25 miles per hour.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Mr. Brown then noted that they have been working on Saint James Church Road. They have done some widening and also re-aligned the ditches, and the paving contractor should be there next week.

Mr. Rutherford asked if there are any impacts or pay shortages affecting VDOT as a result of the budget shortfall that the State is experiencing. Mr. Brown stated not that he knows of.

V. NEW & UNFINISHED BUSINESS

A. Faber Volunteer Fire Department Loan Request

September 8, 2020

It was noted that Faber Volunteer Fire Department is requesting a \$25,000 loan through the Nelson County Emergency Services Loan Fund, and the purpose of the funding is to assist them with the purchase of a new Rescue Pumper.

Mr. Harvey noted that the Emergency Services Council has endorsed Faber's application, adding this is very standard.

Mr. Parr then moved to approve Faber Volunteer Fire Department's application for the interest-free loan and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Harvey noted that he would like to put a hold on this program and set up a truck committee. He added that truck prices have jumped, and they need to get a handle on that.

Mr. Parr advised that the EMS Council discussed the need for guidelines, and a truck committee could discuss the needs and wants of departments as they come up. It was suggested that the Board of Supervisors set up a budget for each type of truck. He noted that the EMS Council had full support for this committee.

VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

A. Covid-19 (Coronavirus): The "Nelson County Infectious Disease Preparedness and Response Plan" has been completed to provide for compliance with state regulatory requirements. Training of applicable staff is now being scheduled. Finance and HR staff have completed and submitted to the state Department of Accounts the County's initial report on Coronavirus Relief Funds. Local government reports are submitted to DOA which will in turn submit the Commonwealth's CRF reports to the federal Department of Treasury. Finance and HR staff have also developed documents for administrative use related to the federal Families First Coronavirus Relief Act (FFCRA). The work denoted herein will be ongoing through the end of 2020.

Mr. Harvey asked if County Staff are still working from home. Mr. Carter noted that a few departments including Building Inspections, Information Systems, and Recreation are still working from home and rotating coming in to the office, however, most everybody is back on a full-time basis. Mr. Harvey stated that he believes it is time for everyone to come back to work.

B. BR Tunnel Project: Completion of the Phase 3 Project, which completes the overall Tunnel Project, is pending a final change order to provide for surface treatment with an aggregate mix of specified areas of the western trail to address trail erosion resulting from heavy rainfall. Related to the surface treatment of the trail,

September 8, 2020

additional ditching and, possibly, culvert installation(s) will also be included in the pending CO, which is expected to be submitted by 9-4 and not later than 9-8.

Of equal importance, the project's ribbon cutting ceremony is scheduled for September 23rd and will be held at Veritas Wintery. Gov. Northam and Secretary of Transportation Valentine have committed to attend the ceremony. Invitations to the event, which is being facilitated by County staff, will be sent the week of 9-7.

C. Nelson Memorial Library Project: The project was not completed as reported on 8-11 but is scheduled for final inspection and acceptance, including certificate of occupancy and AE certification, on 9-4. In discussions with JMRL Executive Director (David Plunkett) and NML Librarian (Susan Huffman), NML will reopen to the public on a limited, appointment only basis, prior to the end of September (a date has not been confirmed at present). **It is scheduled for the Board to tour the completed NML on 9-8 following the afternoon session.**

It was noted that there is still a punch list for the Library Project. Also, Mr. Harvey suggested inviting Larry Saunders to the tour.

D. Piney River Water System – GAC Project: The project is completed (see attached letter) and has been verified by the VA Department of Health (Office of Drinking Water – Lexington). System start up occurred on 8-31-20. Testing of the system for Total Organic Compounds (TOCs), which the system is designed to address, has been delayed due to heavy rainfall, but is expected to commence the week of 9-7 and continue on recurring basis thereafter. The project is the result of a VDH issued Consent Order to address system exceedances of the organic constituent trihalomethanes (TTHM).

E. Tye River Water System: The project is in process with initial civil, electrical and E&S work in process. The project is scheduled for completion on 10-15-20.

F. Lovingson Revitalization: The project team, including staff of TJPDC, LPDA (project consultant) and VA-DHCD, met by Zoom virtual meeting on 8-27. The project's status is on schedule (e.g. completion of Preliminary Engineering Report and Economic Restructuring Plan) to be completed by the contract date with DHCD (9-30-20). Once the planning grant project is final a decision will be necessary on submitting a Construction Improvement Grant application to DHCD in March 2021.

G. 2022 General Reassessment: The Request for Proposals for the 2022 Gen. Reassessment was advertised on 8-6, posted to the County's website and sent to two prospective firms. Proposals are due by 2 p.m. on September 4th.

Mr. Carter noted that four responses were received, and a committee will interview the firms.

2. Board Reports

Mr. Barton:

September 8, 2020

Mr. Barton provided an update on the Department of Social Services, noting a priority for them is foster care. He stated there is no easy solution. Mr. Harvey noted it is expensive and unfair to kids, adding it is not right to take kids out of one school system and put them in another.

Mr. Rutherford:

Mr. Rutherford provided an update regarding the Thomas Jefferson Planning District Commission. He noted that they are having conversations about the regional effects of COVID-19. He advised that there is an affordable housing conference coming up, and it will be done virtually. He added that affordable housing is getting more difficult to find as a result of the virus.

Mr. Reed:

Mr. Reed noted that the Planning Commission is starting to revisit the subject of amending the Comprehensive Plan.

Mr. Parr:

Mr. Parr noted that the K-9 Running at Large committee has had their first meeting, and it went well. He advised that he will have more information to share about this subject during the October meeting.

Mr. Harvey:

Mr. Harvey had no report.

B. Appointments

Ms. Mawyer reviewed the following table:

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Economic Development Authority	6/30/2023	4 Years/ No limit	Mark B. Robinette	N - resigned	Robert A. Doyle Robin Bledsoe
(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
			Staff Member		
			Pam Campbell-Comm. Of Rev.		
			Robert G. "Skip" Barton-BOS		
JABA Council on Aging	12/31/2019	2 Years/ No limit	Cindy Westley	N	None

Ms. Mawyer noted two applications have been received for the vacancy on the Economic Development Authority, and the two applicants are Mr. Robert Doyle and Ms. Robin Bledsoe. By consensus, the Board decided to wait on making this decision and take more time to look over the applications.

C. Correspondence

1. Nelson Community Wellness Alliance Request

It was noted that this is a request for \$35,000 from the Nelson Community Wellness Alliance to develop a community resource phone line for Nelson County, allowing those impacted by COVID-19 or facing other barriers for service to have access to a “Community Connection Expert” who would connect callers to specific resources closest to their area including mental health providers, food banks, and childcare.

Mr. Reed noted that he has additional information pertaining to this subject. He stated that the IRS did send an approval letter notifying that the Wellness Alliance is now a 501(c)(3), making it a nonprofit organization. He added that he would like to see this position funded, as it speaks to the needs of the community.

Mr. Harvey noted concern that this would be an employee funded by grants. Mr. Reed advised that a subsequent funding request is being put together.

Mr. Barton stated that he sees this program as beneficial. Mr. Rutherford asked Mr. Reed to further explain the request. Mr. Reed noted that this “Community Connection Expert” would coordinate with

September 8, 2020

many departments and would be involved with the whole realm of mental health issues. He stated this speaks directly to Social Services.

Mr. Carter noted concern that the funding would have to be expended by December 30th, as that is the deadline for CARES Act funds. He stated that the Community Connection Expert would essentially be paid almost \$10,000 per month for the next three and a half months.

Mr. Parr noted that he supports the work of the Alliance but is hesitant to use CARES Act funding to create a new position for just four months. He reiterated that it would be \$30,000 for a part-time person to work from now until the end of December.

Mr. Barton asked if Staff could talk to the Alliance and see how else the Board could make this work.

Mr. Carter noted that there is approximately \$97,000 of CARES Act money remaining, and Staff is continuing to see costs coming in, including those from the regional jail covering hazardous pay.

Mr. Reed noted that the Health Department as a resource is significant and important, but it is a small piece. He agreed with Mr. Barton and suggested asking the Wellness Alliance for additional information or proposals.

By consensus, the subject was tabled. Staff was directed to contact the Nelson Community Wellness Alliance to obtain an alternate proposal. Mr. Harvey suggested having a virtual meeting to discuss this subject, if the Alliance came back with an alternate proposal soon.

2. Montebello Volunteer Fire Department Request

It was noted that this was a request for the purchase of a new tanker truck under the 80/20 program, and the purchase would be made to replace antiquated firefighting equipment currently used.

Mr. Parr noted that Montebello Volunteer Fire Department (MVFD) has sent updated pricing, and the total cost of the truck would be \$399,330.26. The first payment installment will be allocated for the chassis, quoted at \$128,456.26, which will be invoiced to MVFD sometime in December of 2020. Mr. Parr stated that MVFD has asked if the County can work with them on the chassis payment. He added that the build would likely not need to start until January of 2021.

Mr. Carter noted that the current budget does not include funding for this truck.

Following further discussion, Mr. Parr moved to approve the purchase of a new fire truck for Montebello Volunteer Fire Department in the amount of \$399,330.26, of which \$128,456.26 comes

September 8, 2020

from the General Fund Contingency for the chassis. Mr. Rutherford seconded the motion. Mr. Parr then withdrew the motion and Mr. Rutherford withdrew his second.

Mr. Parr then moved to approve the purchase of the chassis in the amount of \$128,456.26 and Mr. Rutherford seconded the motion. It was noted that no additional money would be available until July of 2021. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

D. Directives

Mr. Rutherford noted that he would like to discuss the virtual setting of meetings, adding that a lot of people are not able to participate right now. He suggested figuring out the opportunity for people to participate from outside. Mr. Parr agreed, adding that they would need to make sure they have good sound quality. Mr. Rutherford suggested that staff troubleshoot this with other staff. Mr. Reed agreed and asked the IT department to make some proposals for this. Mr. Rutherford noted that Greene and Albemarle Counties livestream their meetings, and they are archived immediately. He suggested that County Staff confer with the Thomas Jefferson Planning District Commission about the possibility of conducting Zoom meetings.

VII. OTHER BUSINESS (AS PRESENTED)

Mr. Reed noted that he would like to discuss the Civil War statue during the evening meeting.

VIII. ADJOURN AND CONTINUE – EVENING SESSION AT 7 PM

At 4:11 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 by voice vote to approve the motion and the meeting adjourned.

**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

1. Carlton Ballowe, Faber VA

Mr. Ballowe spoke of the controversy regarding the Civil War statue in front of the Courthouse. He stated that he cannot believe that there is a sudden sense of urgency that it needs to come down, adding that there are much bigger things to concern ourselves about right now, such as COVID-19. He asked why we should dredge up something to be contentious about. He trusts that the Board will not be herded into doing something rash that is responsive to the mob but not responsive to the citizens of Nelson County as a whole.

2. Thomas Nelson, Roseland VA

Mr. Nelson arrived to the meeting after public comments had finished, and Mr. Harvey allowed him to speak after the Public Hearing.

Mr. Nelson stated that the statue represents a generic soldier, adding that he does not support it being removed. He noted that he does a lot of research and genealogy in Nelson County, and if people were concerned about this subject, they would take care of slave cemeteries. He believes this statue needs to be well protected and preserved. He noted that he hopes the Board will continue their support of preserving history, and he urged everyone to keep the peace in this county.

III. PUBLIC HEARING

A. Resolution R2020-36 Fiscal Year 2020-2021 Budget Amendment

Ms. McGarry presented the following slides:

Board of Supervisors
Public Hearing
September 8, 2020

Proposed Amendment of
FY21 Adopted Budget

Why Is a Public Hearing Necessary to
Amend the FY21 Budget?

Pursuant to §15.2-2507 of the Code of Virginia, 1950 as amended, a public hearing must be held to receive public input on a proposed budget amendment that exceeds one percent (1%) of the total expenditures shown in the currently adopted budget.

- Total expenditures shown in currently adopted budget (all funds less transfers from General Fund to other funds): \$52,524,158
- 1% = \$525,241
- Proposed amendment as advertised: \$2,269,495

§15.2-2507 of the Code of Virginia
Also Requires:

- Publication of a Public Hearing Notice once in a newspaper having general circulation in that locality at least seven (7) days prior to the meeting date.
 - ✓ Notice was published in the August 27, 2020 edition of the Nelson County Times and on the County's website in 3 locations, exceeding the required notice period.

§15.2-2507 of the Code of Virginia
Also States:

- Notice shall state the governing body's intent to amend the budget and include a brief synopsis of the proposed budget amendment.
 - ✓ Notice contained this intent.
 - ✓ Notice contained a detailed description of the proposed amendment.
- The Board of Supervisors may adopt such an amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

Advertised FY21 General Fund Budget Amendment of \$2,269,495 Includes:

- **\$1,302,585 in new CARES ACT Funding**

- **\$884,344 in Grant Funds:**
 - \$30,000 CDBG grant for Lovington Revitalization Planning Grant project
 - \$75,000 PSAP grant for CAD project
 - \$506,628 in VDOT/FHWA TAP grant for Blue Ridge Tunnel project
 - \$178,195 in DCR grant for Blue Ridge Tunnel project received in FY20
 - \$10,000 in VTC grant for Wander Love marketing campaign
 - \$50,000 in PSAP grant for Text to 911 implementation
 - \$4,400 in US Forest Cooperative grant for Sheriff's Dept.
 - \$30,121 in State's share (44%) of School Resource Officer grant of \$68,519

Advertised FY21 General Fund Budget Amendment of \$2,269,495 Includes:

- **\$82,566 in FY20 Budgeted Funds Not Expended Needing Re-appropriation for Use in FY21:**
 - \$4,145 for IT Department planimetrics (GIS Parcel Update)
 - \$73,421 in Sturt Park FY20 balance
 - \$5,000 in Afton Overlook FY20 balance

Advertised FY21 School Fund Budget Amendment of \$500,000 Includes:

- **\$500,000 in CARES Act Funds Approved for Distribution to the School Division from the General Fund:**
 - \$400,000 in Technology Department for Distance Learning Equipment
 - \$100,000 in Technology Department for Distance Learning Monthly Service

(Note: These funds must be transferred within the General Fund and also appropriated within the School Fund.)

Revision to Advertised FY21 Proposed Budget Amendment:

- Removal of the appropriation of \$73,421 in FY20 Sturt Park Balance included in error. These funds have already been appropriated in the FY21 budget.
-Change: (\$73,421)
- School Division revision to Technology split between Equipment and Monthly Service.
-No change in total amount
(Equipment:\$425,000 & Monthly Service \$75,000)
- **Revised total proposed appropriation for General Fund: \$2,196,074**

Proposed FY21 Budget Amendment Also Includes General Fund Transfers:

(Note: Transfers do not increase the budget bottom line)

- **General Fund Transfers of \$538,398:**
- A transfer of the local share **\$38,398** (56%) of the School Resource Officer Grant (\$68,519) from the School Resource Officer Reserve line.
- A transfer of **\$500,000** in Board approved CARES Act funds for the School Division from the CARES Act budget line to the Transfer to School Operations line.

(Note: These funds must be transferred within the General Fund and also appropriated within the School Fund.)

Proposed FY21 Amended Budget Totals:

- **Amended** total expenditures shown in currently adopted budget (all funds less transfers from General Fund to other funds): **\$54,220,232**
 - \$52,524,158 + \$2,196,074 Proposed Amendment - \$500,000 transfer to School Fund.
- **Amended** total expenditures shown in currently adopted General Fund Budget: **\$40,643,546**
 - \$38,447,472 + \$2,196,074 Proposed Amendment.
- **Amended** total expenditures shown in currently adopted School Fund Budget: **\$27,762,803**
 - \$27,262,803 + \$500,000 Proposed Amendment.

Next Steps:

- Board of Supervisors conducts Public Hearing on Proposed General Fund and School Fund Appropriations.
- Board of Supervisors considers public input and may approve the FY21 Budget Amendment by adopting the Proposed FY21 Budget Amendment Resolution (R2020-36) with proposed revisions.

The Board had no questions for Ms. McGarry, and Mr. Harvey opened the public hearing.

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

Mr. Rutherford then moved to approve **Resolution R2020-36 Fiscal Year 2020-2021 Budget Amendment** as presented by Staff and Mr. Parr seconded the motion. Mr. Harvey noted that the County was very fortunate to receive the CARES Act money, which is going to some very good causes. 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 R2020-36
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2020-2021 BUDGET
NELSON COUNTY, VA
September 8, 2020**

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$1,302,585.00	3-100-003303-0040	4-100-091030-5610
\$ 30,000.00	3-100-002404-0031	4-100-091050-7011
\$ 75,000.00	3-100-002404-0046	4-100-091050-7165
\$ 506,628.00	3-100-002404-0040	4-100-091030-5665
\$ 178,195.00	3-100-009999-0001	4-100-091030-5665
\$ 10,000.00	3-100-002404-0060	4-100-081020-7060
\$ 50,000.00	3-100-002404-0046	4-100-091050-7170
\$ 4,400.00	3-100-001901-0030	4-100-031020-1003
\$ 30,121.00	3-100-002404-0035	4-100-031020-7038
\$ 4,145.00	3-100-009999-0001	4-100-012180-3170
<u>\$ 5,000.00</u>	3-100-009999-0001	4-100-091030-5695
\$2,196,074.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 38,398.00	4-100-999000-9910	4-100-031020-7038
<u>\$ 500,000.00</u>	4-100-091030-5610	4-100-093100-9203
\$ 538,398.00		

III. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$425,000.00	3-205-004105-00001	4-205-068000-6810
<u>\$ 75,000.00</u>	3-205-004105-00001	4-205-068000-6860
\$500,000.00		

IV. OTHER BUSINESS (AS PRESENTED)

Mr. Reed noted that he has heard from a lot of people about the statue in front of the Courthouse. He stated that this is not about us, but rather about our community. He would like to see a process by which the citizens and public would have opportunities to consider the best action to be taken. He added that a public hearing about the subject would give opinions but not provide any resolve.

Mr. Barton noted that he has received many phone calls from both sides of this issue. He urged that people should talk about it for a while so they can learn what others think about it, and then we can start to talk together about it.

September 8, 2020

Mr. Harvey stated that a lot of people showed up from one side today, adding that they likely were solicited. He advised there are definitely two sides to this and added that the majority of comments he has received have been against moving the statue. He advised that he does not think the Board should be in a rush on this, and he does not want to see a public hearing on this right now, adding that will cause a battle or separation of the county. He suggested selecting a small blended committee to work on this, and he would like to spend time resolving this, no matter which way they decide to go. He noted that he would guarantee that 99% of the people who walk up to the front of the building do not know anything about the statue, and it is no longer the entrance to get in the Courthouse. He added that there is no way to bring anything together when there are two sides to a controversy, urging that we need to listen to both sides. Mr. Harvey reiterated the suggestion of setting up a committee. He stated it should not be a big committee, and they could find some people who are in the middle rather than adamantly on one side of the issue. He added that each Board member could select at least one person from their district and they could also have a few members at large. He suggested the Board have some names for potential members in the October meeting.

Mr. Reed noted that the committee should decide on how to proceed, not what to do. Mr. Barton stated that there is nothing wrong with compromise.

It was noted that the Board will discuss the committee further during the October meeting.

V. ADJOURNMENT

The Board noted that they would have a special called meeting possibly via Zoom to further discuss an alternate proposal from the Nelson Community Wellness Alliance, should they send one. At 7:29 PM, Mr. Parr moved to adjourn 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 meeting adjourned.