

December 13, 2011

Virginia:

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

Present: Thomas H. Bruguere, Jr. West District Supervisor - Vice Chair
Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Joe Dan Johnson, South District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Fred Boger, Director of Planning and Zoning
Debra K. McCann, Director of Finance and Human Resources
Phillip D. Payne, IV, County Attorney

Absent: None

I. Call to Order

Mr. Johnson called the meeting to order at 2:04 pm, with all Supervisors present to establish a quorum.

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

II. Recognition of Outgoing County Officers

Chairman Johnson turned over the meeting to Vice Chair Bruguere who then noted that the Board would like to recognize the outgoing elected officers.

Mr. Bruguere then recognized Ms. Erma Sue Harris, the outgoing Treasurer, and noted the Board's appreciation for all of her outstanding service over the years. He then presented her with a plaque, framed artwork, and a box of Dickie Brothers apples on behalf of the Board. Ms. Harris thanked the Board and noted that she has enjoyed every minute of her work for the County.

Mr. Bruguere then recognized Mr. Phillip D. Payne, IV, the outgoing Commonwealth Attorney, and noted the Board's appreciation for all of his outstanding service over the years. He then presented him with a plaque, framed artwork, and a box of Dickie Brothers apples on behalf of the Board. Mr. Payne thanked the Board and the people of the County for the opportunity.

Mr. Bruguere then recognized Mr. Joe Dan Johnson, the outgoing South District Supervisor, and noted the Board's appreciation for all of his outstanding service. He then presented him with a plaque, framed artwork, and a box of Dickie Brothers apples. Mr. Johnson thanked the people of the County for the opportunity to serve for the last four (4) years and also noted the dedication of the Board, who have give up time with family and other work in order to serve the citizens of the county. Mr. Johnson then

introduced Mr. Larry Saunders in attendance that would be joining the Board as the South District's Supervisor.

III. Consent Agenda

Mr. Hale requested that the budget amendment be removed and considered separately as he had some questions and the Board agreed by consensus.

Ms. Brennan then moved to approve the consent agenda less the budget amendment and Mr. Brugiére 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 – **R2011-84a** Minutes for Approval (Deferred)

RESOLUTION-R2011-84a
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(October 11, 2011)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **October 11, 2011** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2011-93** Minutes for Approval

RESOLUTION-R2011-93
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(October 27, 2011 November 10, 2011)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **October 27, 2011 and November 10, 2011** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

C. Resolution – **R2011-94** COR Refunds

RESOLUTION-R2011-94
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS

RESOLVED, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 218.57	2010-2011 Personal Property Tax Relief	Robert William Hughes

December 13, 2011

		23 Camping Ridge Nellysford, VA 22958
\$142.55	2009-2011 Personal Property Tax and Vehicle License Fee	Emily E. Hancock Critzler's Shop Road Afton, VA 22920
\$76.01	2011 Prorated Personal Property Tax and Vehicle License Fee	Tammy C. Morris 550 Embly's Gap Rd. Roseland, VA 22967
\$70.00	2008-2010 Vehicle License Fees	Douglas L. Ponton P.O. Box 374 Nellysford, VA 22958

D. Resolution – **R2011-96** Authorization to Amend VALIC Deferred Compensation Plan

RESOLUTION R2011-96
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO AMEND DEFERRED COMPENSATION PLAN
THE VARIABLE ANNUITY LIFE INSURANCE COMPANY

WHEREAS, recent federal tax legislation requires amendments to the previously approved Deferred Compensation Plan through the Variable Annuity Life Insurance Company (VALIC);

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby authorize execution of the amended and restated 457(b) governmental plan document with the changes as attached to become effective January 1, 2012.

E. Resolution – **R2011-95** FY11-12 Budget Amendment (removed from Consent Agenda)

Mr. Hale questioned the transfer of funds from the Courthouse Project fund and inquired as to the balance in that fund. Ms. McCann noted that she did not have the fund balance amount at that time, but it could be provided. She added that the funding for the E-911 Dispatch equipment in the new center was a combination of grant funds and funds already designated for the balance of this in the Courthouse Project Fund. She added that the grant funds had been received last fiscal year and were posted to the General Fund and the budget amendment would move these funds to the project fund where the remaining funding was being held. Mr. Carter reiterated that the fund balance could be distributed later.

Ms. McCann then noted that the other transfer was related to funding for the Treasurer's Office turnover audit which was a state requirement whenever the Officer changed.

Mr. Hale then moved to approve 2011-95; Amendment of FY11-12 Budget 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:

December 13, 2011

**RESOLUTION R2011-95
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
December 13, 2011**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2011-2012 Budget be hereby amended as follows:

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 150,000.00	3-100-009999-0001	4-100-093100-9209
\$ 8,741.00	3-100-009999-0001	4-100-021040-3025
<u>\$ 158,741.00</u>		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 9,000.00	4-100-999000-9905	4-100-012130-3002
\$ 3,000.00	4-100-999000-9905	4-100-35010-5504
<u>\$ 12,000.00</u>		

III. Appropriation of Funds (Courthouse Project Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 150,000.00	3-106-004105-0100	4-106-094900-7007

IV. Public Comments and Presentations

A. Public Comments

1. Mark Shackman, Magnolia Acres Lane Afton.

Mr. Shackman noted his opposition to the proposed Afton tower sites even though he noted that he was opposed to something that people needed. He noted that he thinks the Afton towers would serve Albemarle County more so than Nelson County and it would be placed in an area that has service and that it should be put somewhere that is not served. He added that he did not propose to take services away from people, but the towers will take away from the beauty of the County. He then noted his hope that the Board would decide to move the proposed tower over to the Fire Department or Afton Medical Center.

2. Mark Rosenthal, Magnolia Acres Lane Afton

Mr. Rosenthal noted to the Board that there was a drain field in lots 105 and 106 that was used to run off water from the Amoco Fibers plant air conditioner and if the tower goes there it would disturb their

December 13, 2011

drainfield and if the building was sold, they would not be able to use the HVAC system. He added that there would be a safety threat if the tower collapsed and the ground was saturated. He concluded by stating that this was the not proper site for the tower.

3. Eleanor Amadon, Tanbark Drive Afton

Ms. Amadon stated that she was concerned about the General Assembly lifting the moratorium on uranium mining in Virginia. She noted that there was an unresolved problem as to what to do with the uranium residue on site after its extraction from the ore. She added that these sites must be contained and monitored for centuries and that all will eventually have contamination problems at and around the sites. She further noted that these problems would not show up in cost benefit analysis and communities were often left in worse shape than before following mining. She then asked that the Board pass a resolution in favor of keeping the moratorium on uranium mining and she then distributed a model resolution for the Board's consideration.

4. Jane Taylor, Glass Hollow Rd Afton

Ms. Taylor noted that she would also be speaking to the previous issue of the potential for uranium mining in Virginia. She distributed a map showing the potential sites of Uranium in Virginia. She noted in particular a place called Coles Hill that is southeast of Lynchburg and northeast of Danville and it is located in a FEMA Class A flood zone. She then described what would happen to the runoff if there were uranium mining in that area. She then described the mining process and noted her concerns about costs associated with this after the 30-35 years have passed and who would cover these costs. She concluded by stating that the United States already has a steady supply of uranium for the next 100 years.

5. Glenda Cahoon, VTA Representative

Ms. Calhoun distributed and read aloud a prepared statement by Mr. Kenneth White, VTA President that stated his opposition to his public comments being summarized in the Board's meeting minutes and Judge Gamble's Order dated October 12, 2011 related to Courthouse Security and demanded that the Board withdraw its decision to place a walk-through metal detector at the main entrance to the Courthouse and provide that these be used only at entrances to the courtrooms when the courts are in session to protect the judges against injury.

6. Kim Cash, Montebello and Rural Nelson Representative

Ms. Cash noted that she has watched the Board deal with issues for the past decade and that she was proud that the Board and staff have come such a long way to make meetings accessible. She reported that this was her last meeting and she was moving on to other things. She then noted that county citizens will miss the information provided by Rural Nelson.

Mr. Bruguere thanked her for her work done for Rural Nelson and noted that she has done an excellent job of informing people. Ms. Brennan and Mr. Johnson also thanked Ms. Cash for her efforts and commended her work in putting vital information out to the public.

December 13, 2011

B. Introduction of New County Employees

Mr. Carter deferred to Ms. McCann, to introduce new county employees. Ms. McCann then introduced the new part time dispatchers, Virginia Hatter who is a Nelson County High School graduate and is EMT certified and David Lyon a recent graduate of NCHS, who is also a certified EMT.

She then introduced Lisa Shannon, working part time in the Tourism and Economic Development Office starting in October. She noted that she has a BA in Music and a Masters Degree in Administration and Marketing with 15 years plus experience in marketing.

She then introduced Patrick Parrish who has been working as a part time convenience center attendant. She noted that he has a BA from George Mason and is working in an interim capacity as the Solid Waste and Recycling Coordinator.

Ms. McCann then introduced Tim Padalino, the new Planner who came to work in November. She noted that he has a BS in Landscape Architecture and a Masters Degree in Environmental Planning from UVA and brings a lot of technical skills to the position such as GIS mapping and graphic design.

Mr. Johnson welcomed all new employees on behalf of the Board.

C. VDOT Report

Mr. Carter noted that there was no VDOT report and Mr. Johnson noted that Mr. Austin has been very responsive to his concerns.

Ms. Brennan asked Mr. Carter to tell Mr. Austin that the drop-offs on Route 29 are really bad.

Mr. Bruguere requested that Mr. Carter ask Mr. Austin to attend every first monthly meeting as he thought it was important that he be there in person to hear the Board's concerns. He then suggested that an area Superintendent attend if he cannot come, with the Board agreeing by consensus.

V. New Business/ Unfinished Business

A. Request for Waiver of Solid Waste Tipping Fees (Rebuilding Together)

Mr. Carter noted the request to waive tipping fees from Jim Taggart of Rebuilding Together for their upcoming housing rehabilitation projects. He added that a basis for this had been established when the Board granted a waiver of tipping fees up to \$2,500 for the Nelson County Community Foundation for its housing rehabilitation projects.

Mr. Jim Taggart addressed the Board and noted that the Rebuilding Together nonprofit organization was formerly known as Christmas in April. He reported that they revitalize homes of the disadvantaged and take on projects for those who have an income of \$10,000 or less. He added that their typical projects involve replacing roofs and repairing other basic necessities. He noted that they were asking to be able to take refuse out to the transfer station at their transportation expense and have the tipping fees waived. He noted that they were doing six (6) houses and a typical roof was around a five (5) Ton project. He added that they would like to do ten (10) houses annually, which would generate 40-50 Tons over the twelve (12) months. He stated that they could notify the transfer station attendant by way of a sign on

December 13, 2011

the truck to track how much refuse they were bringing in and he noted that he thought that this would cost \$2500 or less.

Mr. Bruguere inquired as to whether or not they had identified each site and if they could provide a projection of the debris generated at each one. Mr. Taggart noted that they could and should know this information three (3) months in advance of occurrence. He added that the project number would be marked on each load.

There being no other questions for Mr. Taggart, Mr. Harvey moved to approve the waiver of tipping fees request by Rebuilding Together and Ms. Brennan seconded the motion.

Mr. Carter inquired as to whether or not the Board wanted to limit the amount waived and the Board agreed that it should be the same as the amount for NCCDF at \$2,500. He also noted that they would ask the organization to give periodic reports for the Board and it was noted that they would be provided a tare ticket with the load weight.

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

B. Authorization for Public Hearing, Disposal of County Property – Nelson Heritage Center and Gladstone Fire and Rescue Squad (**R2011-97**)

Mr. Carter noted that the new assessment of the Heritage Center did not include the gym since it was not in usable condition. He noted the new assessment to be \$810,600 effective January 1, 2012. He noted that agreements would need to be drafted and that the resolution for consideration just authorizes the public hearings to be held for the disposition of County property.

Ms. Brennan then moved to approve Resolution R2011-97, Resolution Authorizing a Public Hearing Regarding the Disposition of County Property: Tax Map #76-11-1A; Nelson Heritage Center (Former Nelson County Middle School) and Gladstone Fire Department and Rescue Squad Property, Tax Map #97-A-81 and #97-A-81A and Mr. Bruguere seconded the motion.

Mr. Hale inquired as to whether or not the public hearings would include discussions of money and the Board and staff discussed whether or not the terms of the dispositions would need to be disclosed prior to or during the public hearings and Mr. Carter noted that a decision on the dispositions could be deferred until these details were worked out.

Mr. Hale noted that he would like to look at the land involved in the Heritage Center transaction given that there was twenty (20) acres there. Mr. Johnson stated that he thought that the remaining land was not usable and Mr. Bruguere agreed. He also noted that there was a drain field behind the building and the consensus was that the only value of the land was the road frontage.

Mr. Hale suggested that the Board wait and hold the public hearing when they have all of the details and that way the public hearings would be on something specific. Mr. Harvey stated that they would be using the same procedure as the others and that this was done this way for the RVCC disposition. Ms. Brennan noted that the hearings allow the public to come and comment; however she agreed with Mr. Hale that the details should be known to the public prior thereto.

December 13, 2011

There being no further discussion, Supervisors voted (4-1) by roll call vote with Mr. Hale voting No to approve the motion and the following resolution was adopted:

RESOLUTION R2011-97
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING A PUBLIC HEARING REGARDING THE DISPOSITION OF
COUNTY PROPERTY: TAX MAP # 76-11-1A; NELSON HERITAGE CENTER (FORMER
NELSON COUNTY MIDDLE SCHOOL) and
GLADSTONE FIRE DEPARTMENT AND RESCUE SQUAD PROPERTY,
TAX MAP #97-A-81 and #97-A-81A

WHEREAS, pursuant to §15.2-1800 of the Code of VA, 1950, local governments are authorized to dispose of publicly owned real property via public or private sale, exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise dispose of its real property provided a public hearing has been held concerning such disposal;

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby authorize a public hearing to be held at 7:00 pm on January 10, 2011 to receive citizen input on the proposed disposition of County property, Tax Map #76-11-1A; Nelson Heritage Center, former Nelson County Middle School and Gladstone Fire Department and Rescue Squad, Tax Map #97-A-81 and Tax Map #97-A-81A.

Mr. Bruguere then inquired about the NCSA changing the meters there and Mr. Carter noted that the agreement is with the County and NCSA to serve the properties across the street and Mr. Johnson suggested that the Heritage Center has been paying for maintaining the water system across the road and should be paid back.

Mr. Carter explained that the NCSA used DEQ funds to enable a system to address underground storage tank contamination and was providing public water to those affected properties. He added that he did not think that the Board would be able to undo the agreement.

Mr. Johnson noted that they still needed the exact wording from this agreement and that they have discussed using the RVCC conveyance as a template for this one as much as possible.

C. Real Property Tax Sales, Unclaimed Surplus

Mr. Phil Payne addressed the Board and noted that it has come to the County's attention that heirs are making very late claims for money received for delinquent tax sales that has been held for two (2) years by the Circuit Court Clerk. He noted that after it is held for the two (2) years it returns to the County and the surplus is the County's money subject to action by the Board. He further explained that the State Code permits the Board to grant relief to heirs by Ordinance and that by ordinance the Board may pay a percentage of the surplus to the claimant proved to be appropriate but they do not have to.

He then added that the main problem is that claimants can be relatives of heirs and not of record. He noted that the sums of money were usually small and while usually there is a finding in a court order of people who are to receive the surplus and the percentage, there was always a possibility that there are

December 13, 2011

descendents of the claimant and this creates difficulties. He added that an Ordinance is required for each claimant and the Board did not have to refund the entire amount. He then advised that the Board could do nothing and respond to the letters noting that they will not take any action.

In response to questions, Mr. Payne noted that the amounts tended to be so small because once the taxes were paid and the expenses related to the sale were paid and the left over amount is the surplus and that would go to the owners of record. He noted that in many cases these were grandchildren and great grandchildren who were making the claims, so will usually have a percentage of the claim. He noted as an example, the one pending that he has is for \$1,334, which is fairly large, and the claimant is one of seventeen (17) on the disbursement list. He noted that this person could not be found initially; they made no response and then found out about the sale that occurred over two (2) years prior.

Mr. Hale clarified that an Ordinance was necessary to honor each claim and would require public hearing; which could easily cost more than the claim. He noted that given that the course was clear on this. Mr. Bruguere agreed, noting that there was ample time for notification and response by claimants.

Mr. Johnson inquired if the Board should just take no action and Mr. Hale suggested that they officially say that they choose not to grant the relief.

There being no other questions or discussion, Mr. Hale moved that the Board say that they do not choose to grant relief and Mr. Bruguere seconded the motion. It was discussed that this would advise Mr. Payne on how to respond and no Ordinance was necessary.

Following this brief discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

- D. Closed Session as May Be Required Pursuant to Virginia Code § 2.2-3711(A) (1) and § 2.2-3711(A) (7): *discussion, 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 and Consultation with legal counsel employed or retained by a public body requiring the provision of legal advice by such counsel.*

The Board agreed by consensus to consider this agenda item following consideration of items E. and F.

Mr. Harvey moved to convene in closed session pursuant to Virginia Code § 2.2-3711(A) (1) and § 2.2-3711(A) (7): *discussion, 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 and Consultation with legal counsel employed or retained by a public body requiring the provision of legal advice by such counsel.*

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

The Board conducted the closed session and upon its conclusion, Mr. Harvey moved to come out of closed session and reconvene in public session and Ms. Brennan seconded the motion. There being no

December 13, 2011

further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and reconvene in public session.

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 (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and certify the closed session.

Mr. Hale then moved that the Nelson County Board of Supervisors retain the legal services of Phil Payne IV beginning January 1, 2012 at hourly rate of \$200 per hour, during meetings the hourly rate is reduced to \$180 per hour, and that his health coverage be continued. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Hale commented that the Board's feeling is that Mr. Payne is a valuable source for legal counsel and he was pleased that he is to be able to provide this service in the coming year.

E. Personnel - Draft Job Description (Public Safety Communications Supervisor)

Mr. Carter proposed that the Board take this under advisement and consider it in January. The Board agreed and Mr. Harvey moved to defer this item and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion

F. Communications Tower Ordinance

Mr. Carter noted that staff was directed by the Board to bring this item back for consideration.

Ms. Brennan then moved to defer its consideration until the next meeting and Mr. Harvey seconded the motion.

Mr. Johnson stated that the County has an ordinance that has not been enforced in five (5) years. He added that the current Ordinance excluded service, increased time and costs, and discouraged providers from expanding more rapidly due to the time it takes to go through the process. He suggested that the Board look at differences in view sheds and the distinction of that requiring review by the Planning Commission and the Board, allowing for administrative approvals for towers of certain heights.

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

Mr. Carter advised the public in attendance, that the tower ordinance issue was not relative to the public speakers concerns expressed earlier in the meeting.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter distributed his monthly report and reported the following:

A. Courthouse/Government Center Project: General District and J&DR courts relocated on 11-21. Security screening also began on 11-21. The parking lots and new Courthouse entrance are fully accessible. Cottle Multi-Media, Inc. is completing a signage plan for the entire facility (implementation thereafter). Blair is continuing with completion of final punch list items and is focused on renovation of the Jefferson Building, construction of the 2nd floor bridge and the new entrance off Court St. Project completion is now 1st quarter 2012.

Mr. Carter noted that everyone has moved in with the exception of Adult Probation and the Magistrate and work on those offices is near completion.

B. Health Department Relocation: A contract has been executed with Daggett and Griggs to complete the design and construction drawings for relocation of the Health Department to BRMC. An initial project meeting with D&G and VDH staff is to be scheduled. A project completion date has not been established. A draft lease agreement is pending.

Ms. Brennan indicated she was unsure about the lease being a 2 or 3 way lease and Mr. Carter noted that it could be between the VDH and BRMC and the County just pays its share of the debt. He added that they needed to address how the county will capture the capital improvement costs, which have not been identified yet.

C. Broadband Project: Installation of the fiber optic backbone has been initiated by Mastec, the project's general contractor. A 4 month construction period is projected. Network operation is a point of emphasis. Reconsideration of the tower site in the north Rt. 151 corridor is scheduled for 12-28 and 1-10. Tower(s) construction is projected for the first quarter of 2012.

Mr. Johnson inquired about the contract for conduit work at NCHS and Mr. Carter noted that the signature pages were being exchanged so that work could begin. He added that this work is for conduit at the NCHS facility as part of the project.

Ms. Brennan inquired as to the potential tower site in Massies Mill and Mr. Carter reported that they are looking at several but do not have a final one yet. He added that collocation would be discussed with Icon tomorrow and that the towers could be used right out of the gate.

D. PSCIC/Radio Communications/Microwave Project(s): – Installation of the Devils Knob is to be completed on 12-13. "Cut over" to the new tower is to be completed by 12-16. A lease agreement with AT&T for co-location is pending but understood to be close to completion. Installation of the microwave network will be completed by mid-January. The overall upgrade of the radio communications network, which includes FCC compliance, is now a staff focus.

December 13, 2011

Mr. Carter reported that the radio project could use cooperative procurement with Motorola to facilitate the radio purchase. He added that this project would achieve the narrow-banding mandate. Mr. Carter noted that he was unsure as to where the old Devil's Knob building was going once the new one was put in and it was noted that the County could possibly use it elsewhere for the Broadband project.

E. 2012 General Reassessment: BRMAC mailed property assessment notices the week of 12-5 and will conduct assessors hearing through 12-22. A preliminary report from BRMAC on changes in total property valuations from 2008 to the present 2012 is pending receipt (anticipated by 12-16). BRMAC will certify the reassessment on 12-31 and report to the Board on 1-10.

Mr. Carter reported that the Vamanet website was not up initially and problems have been solved with software compatibility issues. He added that BRMAC would give final numbers after its hearings and would furnish a certified land book to the Commissioner of Revenue. He noted that the assessors will report to the Board in January; however they have noted that the assessment ratio to land sales in the county was 97%. He added that it should be 100% of Fair Market Value (FMV), and last year it was 130% of FMV.

F. Gladstone Rescue Squad: A mid January completion of the building renovation is projected (delivery of appliances and cabinets is pending). VA-OEMS (S. McNeer) advised on 12-12 that - "The plan at this point is to issue a non-transport EMS license then upgrade that as the ambulances are ready. I am awaiting one more document (the signed portion of the OMD agreement) from Mary Kathryn Allen which I requested today. Once I receive that I should be able to at least issue the license then will come out to re-inspect the vehicles themselves once the lettering, etc. is completed." Lettering of EMS vehicles will be completed by mid-January.

Mr. Harvey inquired as to whether the titles had been released yet and Mr. Carter noted not that he knew of. Mr. Johnson noted he was hoping to hear from the Receiver on this as the Gladstone people were upset because they would like to have some idea of the assets that will be transferred.

G. Animal Control: Consent Order executed with VA-OACHP. Monetary penalty in NOV reduced, per County's response, from \$111,800 to \$3,700. Resolution in process.

H. Budget: FY 10-11 Audit by 12-30. FY 12-13 In preliminary development.

I. Staff Reports: Transmitted on 12-12 via email.

2. Solid Waste - Open Top at Gladstone Collection Site

Ms. McSwain addressed the Board and noted that she used a very conservative mileage cost of \$1.10 per mile and noted that a lot of commercial haulers use over \$4 per mile and the majority of counties use \$2.50 per mile. It was noted that the labor costs were not included in her mileage cost per mile.

She then reported that in the first nine (9) months of 2011 the County spent \$1390.40 and in the two (2) months using the open top at Gladstone, the County spent \$1738.00 not including rental and labor costs etc. She did note that it would not have been as expensive if the County had opted to use swap out cans.

December 13, 2011

Mr. Johnson then recommended that no action be taken until the January meeting so that Mr. Saunders can be in on the Board's decision. The Board then agreed by consensus to defer further consideration of this item until the January 2012 meeting.

3. Board Reports

Ms. Brennan reported the following:

1. Attended Wild Wolf Opening
2. Attended VACO annual meeting and the HHS committee meeting
3. Attended Planning Commission meeting
4. Attended JABA long range planning committee meeting, looking at managing entrepreneurial entities.
5. Attended TJPDC Legislative Forum, discussed devolution.
6. Attended regular Planning District Commission meeting and noted that Mr. Carter submitted that the County agreed with VACO and VML positions on unfunded mandates. She noted that the list was substantial and very in depth.
7. Attended a 2x2 with WPI along with Mr. Bruguere and Mr. Carter and also met with Curtis Sheets on site and discussed the emergency services.
8. Attended memorial service for Gordon Smyth and Mr. Harvey noted that he has given away 42 college scholarships.
9. Attended Broadband project ground breaking.
10. Attended a 2x2 with the School Board along with Mr. Harvey.

Mr. Harvey reported the following:

1. Attended VACO conference and went to an emergency services session and one on legal issues regarding unruly board meetings.
2. Attended the 2x2 meeting with the School Board.
3. Attended WPI 2x2 meeting and noted some big things were in the works. He added that the Tough Mudder event was successful for them and will come back next year.

Mr. Hale reported the following:

1. Attended NCSA meeting with Rural Development and WPI and noted projects were moving along well. He added that NCSA will own the raw water system which is a requirement for Rural Development to fund the project. He noted that staff and WPI are working together well towards the same goal.
2. Visited the Jefferson Building and reported that Wiley & Wilson is working on refurbishing the interior and need staff to remove the innards of the old boiler room and clean it up. Mr. Carter added that they were waiting on the CO to come through to begin work. He noted that Bob Self was looking at this on his own time and all that remains of the original design are the brick walls. He noted that it would be very usable office space and it has been his recommendation that the Registrar occupy at least half of that building. He added that Bob Self recommended that the County document the historic nature of the building through Mr. Hallock for a cost of \$2400 and he felt like the Historical Society would come up

December 13, 2011

with a portion of the cost. For the cost he would do scale drawings of what is there now and there would be a preserved record of the historic building. He noted that the dimensions were of the Jefferson Plan and everything above the ceiling was all new and has been through many configurations. He stated that he was asking the Board for its consensus to do this and would bring it up at the evening session.

3. Attended VACO and went to a VDOT work session and noted that until the General Assembly raises more money through taxes, transportation will go downhill. Mr. Bruguere added that they also discussed putting tolls on I-95, but they must get Federal approval and the toll money would have to be used to maintain that Highway potentially.

Mr. Bruguere had no report.

Mr. Johnson reported the following:

1. Recommended that the County pull two fibers now at NCHS or they would put two fibers in the closet. He noted that the County did pay for the conduit in the High School and he has talked with a couple of providers and they may be getting internet at a lower cost than first thought. He added that the cost of bandwidth was dropping nationwide with the most cost being to get it here and it is a third or fourth of where it was a year ago. Mr. Carter added that the County was in the process of gathering quotes from companies for bandwidth.

2. Attended VACO conference and budget meeting and he noted that the State may not be cutting education funding. He added that he felt positive about that and they may end up with fewer budgetary problems than anticipated.

B. Appointments

Ms. McGarry reported that the Keep Nelson Beautiful Council appointments were expiring at the end of the month, letters had been sent to incumbents and the only response thus far was from Susan McSwain wishing to be reappointed. She then noted that the Thomas Jefferson Water Resources Protection Foundation seat was also expiring at the end of the month and the incumbent, Susan McSwain, has indicated that she does not wish to be reappointed. Ms. McGarry then noted that two out of the five previous Board of Equalization members have indicated that they would like to be reappointed. With the east, west and south districts needing appointees. Ms. McGarry then noted that no new applications had been received except for one from Johnson Meak Barton expressing interest in serving on the Board of Equalization. It was noted that Mr. Barton is retired and resides in Piney River. She then noted that the vacancies remained on the JAUNT Board and Ag Forestal District Advisory Committee.

Ms. Brennan then moved to reappoint Susan McSwain to the Keep Nelson Beautiful Council and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Members and Staff then discussed the State Code's Board of Equalization qualifications requirement and it was noted that Mr. Cooper and Mr. Gray may fulfill this. Members and staff agreed that it would be helpful in recruiting appointees to know when the Department of Taxation training would be and staff

noted that it would endeavor to have this set up in order to be able to convey this information to prospective candidates.

C. Correspondence

1. Mr. Carter noted that the Commonwealth Transportation Board had approved the scenic byway for Route 800 and Route 617 and this correspondence has been distributed to Planning and Zoning, Tourism and Economic Development, and Parks and Recreation and will be given to Katrina at the NC Times.
2. Ms. Brennan noted that she had received a letter about street lights being out on Front Street and Mr. Carter noted that this had already been reported to AEP; however it may be six plus weeks before they do the work.

D. Directives

Mr. Bruguere asked that his correspondence be emailed to him and Ms. Brennan also requested this.

Mr. Hale stated that he thought that visitors accompanied by a pass-holder should not have to walk through entrance security. Mr. Harvey noted that if they did not it would be a breach of security and there was no consensus to change this. Mr. Carter noted that how the security functioned was still in flux and was not written in stone at this point.

Mr. Harvey had the following directives:

1. Noted that he would like to see the Board do something in recognition of Mr. Smyth. He added that the Board could do a resolution now and then potentially do a large picture of all of the students who received Smyth Foundation scholarships in the near future. The Board agreed by consensus to do a resolution and then Mr. Carter would coordinate anything further with Dr. Collins.
2. Noted that the Board should recognize the Drama Department in January and also contribute towards their rings.
3. Suggested that the Board have a work session on EMS issues in January. He added that he and Ms. Brennan were meeting with Stevie Ashley and that he and Mr. Bruguere needed to meet with all of the Fire Departments and Rescue Squads. He noted that the earliest this could be done would be January

Mr. Carter suggested beginning planning to work on this and then wait for budget numbers. Mr. Harvey disagreed that it is a budgetary issue and it will need to be done regardless. He added that the hiring process will take a while, and could commence while the budget was being built. Ms. Brennan stated that they could not wait until July 1st to hire more people and Mr. Johnson suggested that the Board build numbers for this into the budget. It was noted that Curtis sheets was hiring replacements now for people that have left and he has hired three (3) out of eight (8) positions so far. Mr. Harvey noted that he would like to hire Nelson County people. Ms. Brennan also noted that the County needed to discuss the billing company used for revenue recovery given that there is one in Charlottesville and one in Augusta County now.

December 13, 2011

Ms. Brennan had the following Directives:

1. Inquired as to when the Board will decide who will go into the renovated Jefferson Building as she is concerned about moving the Registrar and the upcoming presidential election; noting that the Board should make a decision about this.
2. Reiterated the RVCC Senior Center funding and transparency issues.
3. Inquired about the Harmon issues from last meetings public comments and Mr. Johnson noted that he had spoken with the Sherriff several times about this .
4. Inquired as to the sidewalk along the front rock wall and Mr. Carter noted that they were coordinating with VDOT on this.
5. Inquired as to the status of the money appropriated for the Athletic Facility PER and Mr. Carter advised that the RFQ has been issued to eight (8) companies and responses were due next week.
6. Noted that the purchasing policy was to be discussed that night and she had some wording to add.
7. Inquired as to whether or not Maureen Kelley was working on an Arts and Cultural District and Mr. Carter noted that he did not think so but would check.

VII. Adjournment

AT 5:42 PM, Mr. Harvey moved to adjourn and continue the meeting until 7:00 PM and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) 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. Johnson called the meeting to order at 7:05 PM, with all Supervisors present to establish a quorum.

II. Public Comments

Mr. Johnson opened the floor for public comments and the following persons were recognized:

1. Larry Whitaker, Lovington

Mr. Whitaker asked about deadlines for the Board of Equalization and Mr. Harvey noted that he would need to go to see the Assessors first. Mr. Carter referred him to the Vamanet website to go to in order to see comparable properties. He added that Item C. on the agenda did not address these questions and that the Board of Equalization would set a calendar. He related that it was a three step process with the first being to see the Assessors, then go to the Board of Equalization and then to the Circuit Court.

2. Judy Barnes, Lovingson VA

Ms. Barnes reiterated that she wanted to know what was going on in the county to make property values go up when they were going down in the rest of the country.

III. Public Hearings

A. Rezoning #2011-001, The Hope Foundation is requesting to rezone two parcels of land identified as Tax Map # 58-3-1 and # 58-A-17 from Residential, R-1 to Agricultural, A-1.

Mr. Fred Boger noted that the applicants have asked to rezone an area from R-1 to A-1. He then showed a drawing of the parcels and stated that they wanted to put a single wide manufactured home on it. He noted that Staff reviewed the request and noted that if rezoned it would constitute special or privileged treatment. He added that a double wide could be placed there by right, but that this rezoning would not be in the public interest but would be to the benefit of landowner. Additionally he noted that it did not comply with the Comprehensive Plan and would not be good planning practices. He noted that the Planning Commission reviewed it on November 16, 2011 and determined it to be spot zoning and voted to recommend denial of the rezoning based on the following reasons:

1. East and west sides of Route 29 have had an R-1 zoning classification for several years which extends some distance in both northern and southern directions. Rezoning would change the pattern of the entire zoning district.
2. There is no justification for the rezoning since the applicant can apply for a Special Use Permit to place a doublewide manufactured home on the property.
3. Approval of this application would benefit a single individual as opposed to the community's interest and would qualify as "spot zoning" which is not considered good planning practice.

Mr. Boger noted that the Property is North of Rt. 29 in Stevens Cove and involves two (2) parcels of land. Mr. Harvey then asked about the location of Tax Map #58-A-17 and Mr. Boger showed him the parcels on the tax map.

Members discussed that there were 1.4 acres designated R-1 in back and about 2.0 acres in front. It was noted that the back would be difficult to build on and the front would still be hard.

Applicant: Cynthia Hash, realtor for the Hope Foundation addressed the Board. She noted that the reason the application was contentious was because the one little piece that is zoned A-1 was split so that half was zoned R-1 and the other half was A-1. She then questioned why rezoning this would be spot zoning. She added that they have been told that they could put in a double wide by right but then would have to get a Special Use Permit and this was confusing. She added that the contract purchaser wants to put a single wide up because of the steep terrain and putting in any kind of affordable housing on the site was nearly impossible. She noted that the houses nearby were not any nicer than a single wide would be there. She added that the neighbors there were fine with it and they were asking for the rezoning because they did not know of any other way to do it. She reported that they have looked into a

December 13, 2011

double wide but that the site work would be unaffordable and as it was, putting in a septic and well would be expensive. Mr. Boger noted that they had not yet done the septic siting but may have done soils work.

Ms. Hash noted that the non-profit organization (The Hope Foundation) would be the owner and they provided services to the less fortunate and was providing affordable housing as a rental unit. She added that she was not sure how big the single wide would be.

Mr. Bruguere commented that they would have to put a septic system in no matter what kind of structure was there and it would be expensive regardless. He added that with there being zones of R-1 on both sides he did not see the need to change the zoning; although he understood the purpose. Mr. Hale noted that the site was not a good lot for development.

Ms. Hash stated that they knew they would have to build a septic and well anyway, but that if the dwelling was cheaper, then the extra money could be applied to this. She added that the driveway was existing and served the house on the north side.

Mr. Harvey commented that residential development was done so far back off of the road that it was common for lots to be double zoned. Mr. Boger added that the entrance may not be acceptable to VDOT with it serving three (3) houses they may require a commercial entrance. Ms. Hash stated that she was not sure there would be three (3) homes back there and that you could only drive back to one (1) other.

There being no other questions, Mr. Johnson opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Harvey then commented that he thought that this was a case of spot zoning and the rezoning would only benefit the landowner and he was not sure they could legally do it.

Mr. Hale then moved that the Board of Supervisors deny zoning application # 2011-001 for the Hope Foundation to rezone two parcels of land identified as Tax Map # 58-3-1 and # 58-A-17 from Residential, R-1 to Agricultural, A-1 for the same reasons as provided by the Planning Commission. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion, with Mr. Johnson abstaining from the vote.

A. **Class III Communication Tower Permit, Talon Solutions & Services:** application to construct a 115 foot metal Communication Tower with a 5 foot lightning rod at 16 Old Thirteen Lane, Gladstone, Virginia with exceptions to Section 20-8-1, Standards of height to permit the 120 foot tower, Sections 20-8-2 Standards of location, and 20-7-2a.

Mr. Boger noted that the application was to construct a 115 foot metal Communication Tower with a 5 foot lightning rod at the top and the total tower height would be 120 feet. He noted that the proposed tower would be located at 16 Old Thirteen Lane, Gladstone, Virginia, which is located on Richmond Road Route 60, west of Tye River Road. He then showed the tower site on an aerial photo and noted that Mr. Eggleston was present to represent the applicant Talon Solutions and Services. He added that they were asking for two exceptions, with the one not being needed for height, but needed for the setback and fall zone. He added that the tower would be designed to collapse on itself within the fall area.

December 13, 2011

Mr. Boger reported that the Planning Commission reviewed the application and had one person express concerns. He stated that they were not happy but noted it would be okay because of the screening. Mr. Boger noted that this tower fit into AT&T's build out along Rt. 60 and the Planning Commission recommended approval. He added that they would not be able to remove any trees within 200 ft. of the site per the Ordinance. Mr. Boger then commented that the applicant had provided a much better application this time.

There being no further questions or discussion, Mr. Johnson opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Mr. Bruguire then moved to approve the Class III tower application for Talon Solutions and Services at Buffalo Ridge, including the exceptions to the fall zone. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Proposed Ordinance to Establish a Deadline for the Submittal of Landowner or Lessees Applications for the Equalization of Real Estate Assessments to the Nelson County Board of Equalization. (O2011-08)

Mr. Carter noted that Title 58 of the Code of Virginia allows for the establishment of these deadlines for the submission of applications and also allows for the establishment of a deadline for the Board of Equalization (BOE) to dispose of all of its applications that were presented in a timely matter. He added that the proposed Ordinance would establish April 13th as the deadline for applications to the BOE to be made and June 1, 2012 as the deadline for action by the BOE on all of its timely filed applications. He noted that similar ordinances have been enacted in the past.

In response to questions, Mr. Carter noted that all of the dates were clearly stated on the assessment notices after he had polled the Board.

The Board had no more discussion and Mr. Johnson opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Mr. Hale moved to approve Ordinance **O2011-08**, Establishing a Deadline for Submittal of Landowner or Lessees Applications for Equalization of Real Estate Assessments to the Nelson County Board of Equalization and for the Board of Equalization to complete its Deliberations On all Applications.

Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

**ORDINANCE O2011-08
NELSON COUNTY BOARD OF SUPERVISORS
ESTABLISHING A DEADLINE FOR SUBMITTAL OF LANDOWNER OR LESSEES
APPLICATIONS FOR EQUALIZATION OF REAL ESTATE ASSESSMENTS TO THE**

December 13, 2011

**NELSON COUNTY BOARD OF EQUALIZATION AND FOR THE BOARD OF
EQUALIZATION TO COMPLETE ITS DELIBERATIONS ON ALL APPLICATIONS**

WHEREAS, The County of Nelson, Virginia is currently undergoing a general reassessment of real property within the County to be effective January 1, 2012; and,

WHEREAS, §58.1-3370 of the Code of Virginia requires the establishment of a Board of Equalization to receive applications from landowners seeking equalization of their real estate assessments; and,

WHEREAS, §58.1-3378 of the Code of Virginia provides that the Board of Supervisors may establish a deadline by which applications for equalization of real estate assessments must be filed with the Board of Equalization; and,

WHEREAS, §58.1-3378 of the Code of Virginia also provides that the Board of Supervisors may establish a deadline for the Board of Equalization to finally dispose of all applications for equalization of real estate assessments;

NOW, THEREFORE, BE IT ORDAINED by the Nelson County Board of Supervisors that April 13, 2012 be and is hereby established as the deadline date by which applications for equalization of real estate assessments shall be filed with the Nelson County Board of Equalization; and,

BE IT FURTHER ORDAINED by said Board of Supervisors that June 1, 2012 be and is hereby established as the deadline date by which the Board of Equalization shall finally dispose of all timely applications for equalization of real estate assessments.

**C. Proposed Ordinance to Repeal and Reenact Article I, In General, Section 2-1,
Purchasing Procedures and Policies of the Code of Nelson County, Virginia. (O2011-09)**

Mr. Carter noted that this public hearing was to receive comment on the revised Code Section related to purchasing procedures and policies and to reenact the current ordinance to comport to the recently adopted purchasing policy and procedures. Once adopted, these would be incorporated into the county code.

In response to questions, Ms. McCann noted that the term vendor also referred to service providers.

There being no further discussion, Mr. Johnson opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Ms. Brennan then moved to approve Ordinance O2011-09 An Ordinance to Repeal and Reenact Article 1, In General, Section 2-1 Purchasing Procedures and Policies of the Code of Nelson County, Virginia 1989. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following ordinance was adopted:

**ORDINANCE O2011-09
NELSON COUNTY BOARD OF SUPERVISORS**

December 13, 2011

**AN ORDINANCE TO REPEAL AND REENACT ARTICLE 1 IN GENERAL
SECTION 2-1 PURCHASING PROCEDURES AND POLICIES OF THE
CODE OF NELSON COUNTY, VIRGINIA 1989**

BE IT HEREBY ORDAINED, by the Nelson County Board of Supervisors that pursuant to the Virginia Public Procurement Act of the Code of Virginia, Sect.2.2-4300 et seq. the Code of Nelson County Virginia, 1989 be hereby amended as follows:

ARTICLE 1. IN GENERAL

Sec. 2-1. Purchasing procedures and policies.

(a) *General policy statement.* It is the policy of the County to make all purchases of supplies, materials, equipment and contractual services on the basis of best value for lowest price, and whether a specific purchase shall be made on a competitive bid or open market basis will be determined solely by the County Administrator or his/her designee, in accordance with sound purchasing practices and provisions of law. All applicable discounts will be sought.

(b) *Purchasing Policy.* All purchases shall be made according to the Nelson County Purchasing Policy and Procedures, which policy, and any appendices thereof, are hereby adopted as if set out at length in this section.

(c) *Purchasing authority.* No person shall make any commitment for supplies, materials or services in the County unless authorization has been granted by the County Administrator or his/her designee. Department Heads or Constitutional Officers are hereby granted authority for purchases less than \$2,500 provided such purchases meet a legitimate need of the department and the necessary funds are budgeted.

(d) *Budgeting required.* No person shall make any financial commitment for any supplies, materials, goods or services which have not been budgeted without the prior authorization of the County Administrator or his/her designee.

(e) *Unbudgeted purchase.* The County Administrator shall obtain the authority of the Board of Supervisors before committing to any unbudgeted purchase.

(f) *Exceeding budgeted amount.* No person shall have the authority to exceed the amount budgeted for a particular department without prior authorization from the County Administrator and, when appropriate, the Board of Supervisors. Funds budgeted for salary and fringe benefit line items shall not be utilized for other operational expenditures without prior authorization from the County Administrator or his/her designee.

(g) *Requisitions.* Department heads or their designees shall submit a requisition for all purchases of goods and/or services greater than twenty-five hundred dollars (\$2,500) to the Finance Department prior to a purchase order being issued.

(h) *State contracts.* When available, the use of state contracts is encouraged, unless a better value can be obtained elsewhere.

(i) *Cooperative procurement.* Nelson County as a public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement.

(j) *Small purchase procurement.*

(1) For purchases between \$2,500 and \$30,000, there must be either three (3) telephone, three (3) written, or three (3) internet quotations.

(2) Purchases of goods and non-professional services greater than \$30,000 and up to \$100,000 shall require the written informal solicitation of a minimum of four (4) bidders or offerors. Public notices shall be posted in accordance with the Virginia Public Procurement Act.

(3) Purchases of professional services greater than \$30,000 and up to \$50,000 shall require the written solicitation of four (4) bidders or offerors.

(k) *Competitive sealed bidding/competitive negotiation procurement.* In accordance with state statutes, single or term contracts for the purchase of goods and non-professional services in the amount of more than one hundred thousand dollars (\$100,000) and professional services expected to exceed fifty thousand dollars (\$50,000) shall be entered into on the basis of sealed competitive bids or competitive negotiation according to the following:

(1) All invitations to bid/requests for proposal will be provided to each vendor who requests them. Additionally, these documents shall adhere to posting and/or advertising requirements of the Virginia Public Procurement Act.

(2) Multiple small purchases of the same item shall not be made for the purpose of circumventing the formal bid requirement or any other County purchasing policy guidelines.

(3) Sealed bids will be publicly opened and read aloud at the time and place provided in the invitation to bid.

(4) Awards will be made on the basis of the lowest bid and/or most qualified and capable bidder; however, the board reserves the right to accept or reject any bid.

(l) *Local vendors.* In order to stimulate business and economic activity within the county and for convenience, purchases shall be made from county merchants whenever their quotations are low or lower than any other received, provided all qualifications and requirements are met. Consideration of procurement costs (travel expense, personnel time, shipping charges, etc.) may be taken into account in determining the lowest cost.

December 13, 2011

(m) *Fixed Asset Inventory.* All capital goods and equipment and those materials over five thousand dollars (\$5,000) in value assigned to each department shall be logged on the Fixed Asset Inventory at the time of delivery or assignment. Department heads shall annually review the inventory for their department(s) and shall list and account for any changes in the inventory by report to the Purchasing Agent or his/her designee at each fiscal year end. The Fixed Asset Inventory will also be used for both insurance and inventory control purposes.

(n) *Documents.* The following five (5) documents will be used as a part of the County purchasing procedures and policies.

(1) *Requisition for Purchase.* A Requisition for Purchase is prepared by the user department to explain and request a needed purchase provided for in the department's budget.

(2) *Telephone/Internet Quotation.* A Telephone/Internet Quotation form is utilized to record cost quote comparisons for goods and/or services in accordance with the established guidelines of the Purchasing Manual of Nelson County and is submitted to the Purchasing Agent or his/her designee along with a Requisition for Purchase for those goods and/or services.

(3) *Purchase Order.* Purchase Order forms will be used by the Purchasing Agent or his/her designee for all purchases exceeding twenty-five hundred dollars (\$2,500) for which a Requisition for Purchase has been approved.

(4) *Fixed Asset Inventory.* Department heads shall annually review the Fixed Asset Inventory for their department(s) and shall list and account for any changes in the inventory by report to the Purchasing Agent or his/her designee at each fiscal year end.

(5) *Request for Proposal/Invitation for Bid.* A Request for Proposal/Invitation for Bid is an official bidding document specifying goods or scope of services being procured and detailing the manner in which bidders/vendors should respond to the County Administrator or his/her designee for the purchase of professional services greater than fifty thousand dollars (\$50,000) and for the purchase of goods and non-professional services greater than one hundred thousand dollars (\$100,000).

BE IT FURTHER ORDAINED, that this Ordinance is effective upon adoption.

IV. Presentations

A. Region Ten Annual Report

Mr. Carter requested that the Board consider this item after item B and the Board agreed by consensus to do so.

Ms. Pat Hughes, the new member of the Region Ten Board, thanked the Board for allowing her to work with such an incredible group. She noted that the Community Service Board served as a safety net for

December 13, 2011

those who suffer by giving them access to services whether they are insured or not. She added that Region Ten blends different funding streams in order to accomplish this. She reported how many were served and stated that for every local dollar spent, it provided \$22 in services. She noted the implementation of a VICAP screening system that would save the state a lot of money. She reported that the Healthy Transitions Program partners with parole officers to offer those newly released from jail medications and they predict they will serve 25-40 this year. She added that Region Ten provided 1 out of 4 indigents with services.

In conclusion, she noted that Region Ten would like to thank the Board, their advocates and the General Assembly for their success last year and that they hoped to expand the crisis capacity for individuals with developmental disabilities.

Ms. Hughes then introduced Steven Stern the Board Chair and Robert Johnson Region Ten Executive Director.

Mr. Johnson addressed the Board and noted that they had served 600 Nelson County residents in the past year. He added that the VICAP program was an attempt to keep costs down while providing good assessment services and was part of a statewide effort of CSBs and will save \$18.5 million dollars. He noted that they would be asking for about \$25,000 in new funds this year. He noted that they needed to provide more integrated services and that their clients tend to live 25 years less than the average person and they would love to have more psychiatric services, a doctor, and one more case manager. He added that with this funding they would be able to provide better services to Nelson County and Region Ten.

Mr. Johnson introduced the consumers of services present, Bunny and Ken and also Mike Huntley the local Region Ten Director was present.

Ms. Bunny introduced herself as Cynthia Bell Harris representing Horizon Clubhouse. She reported that she goes there five (5) days a week and has a lot of nice friends there. She noted that they go on different outings and she was glad her brother got her into it. She noted that she has learned a lot from the staff and they were a lot of help to them and it was nice to have them to depend on for things they needed. She added that the Region Ten House people were so kind and were always thinking of what they needed.

Mr. Kenneth Glover noted that he became associated with Region ten through the Moore Center. He noted that he was a recovering alcoholic, was getting his GED, and was settled now and more stable.

Mr. Mike Huntley noted that the Horizon House members were in the Christmas parade and took first place as Willy Wonka. He noted that the last year has been exciting and that Horizon House has expanded and was averaging about 42 club members a day Monday through Friday with activities on weekends. He added that he would like to see 48-50 members in the next year since they have renovated and made more space.

Mr. Huntley then reported that the Clinic was doing well and they were seeing fifty (50) some kids in the schools every day Monday through Friday and were providing mental health support services seven (7) days per week. He added that community reintegration was going on seven (7) days per week assisting these folks. He stated that it was wonderful working in Nelson County and he thanked the

December 13, 2011

Board for their support and for being a part of the community. He concluded by noting that the one problem they have is that they cannot advertise so it was hard to reach out to people to let them know what they do.

Mr. Robert Johnson reiterated the Christmas party date and invited the Board to come. He noted that he wanted them to be proud of what they do.

In response to questions, Mr. Johnson noted that they do see veterans as a part of the wounded warriors program and have one full time worker paid for by them. He noted that the position is out in the field mostly and providing services. He also noted that they were helping the homeless through a big initiative that was more visible in Charlottesville and Albemarle and they also work with HUD to get people housing. He noted that they were also putting up an eight (8) bed dwelling to help those coming out of Western State Hospital.; which did not meet all of the demand. He also noted that they were making a big push in employment services and the recovery concept; getting people back into the workforce. Additionally, he reported that they did work with local public safety for crisis intervention through CIT efforts and this was critical in keeping folks out of jail etc. He noted that this program teaches law enforcement how to de escalate situations etc.

There being no more questions from the Board, Chair Johnson thanked everyone present for their efforts and noted that he sees their efforts every day at the schools. He added that he knew of no other program that has had the impact they have had in the community.

V. Other Business (As May Be Presented)

Introduced: Documentation of Historic Jail (Jefferson Building)

Mr. Hale reintroduced this subject and moved that staff contact Mr. Hallock to provide documentation on the historic jail for a maximum expenditure of \$2,400 with the understanding that they would seek Historical Society participation and they would need to schedule this as soon as possible.

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

Introduced: Moving Registrar to the Jefferson Building

Ms. Brennan reintroduced this subject for discussion and Mr. Hale suggested she make a motion to have the registrar moved there.

Ms. Brennan then moved to move the Registrar to the Jefferson Building and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Introduced: Letter regarding the assessment of the Nelson County Fire Department in Lovingston

December 13, 2011

Ms. Brennan asked about the letter from David Thompson and it was noted that the assessment of the building was requested by the Nelson County Fire Department in Lovingston and no action was needed.

Introduced: Farewell Comments for Mr. Johnson

Ms. Brennan thanked Mr. Johnson for his hard work on the Board and noted that she will miss him and his hard work as the chair. Mr. Bruguere noted that he has enjoyed working with him; he has brought a different perspective to the Board, and has pushed the Broadband project along. Mr. Hale thanked Mr. Johnson for his service and Mr. Harvey noted it had been nice working with him and he appreciated his commitment to the county and that they may need his expertise to continue for the Broadband project.

Mr. Johnson noted that they may need to move Broadband Authority responsibilities to some of the committee members with the expertise. He added that he appreciates what the Board does and noted the level of dedication, effort, and time away from home needed to do the job.

Introduced: Board Reorganization

Mr. Bruguere asked for the Board's consensus for the plan for reorganization to go forward and the Board noted by consensus that they agreed.

VI. Adjournment

At 8:07 PM, Mr. Hale moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.