

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors room located on the second floor of the Nelson County Courthouse in Lovingston, Virginia.

Present: Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor - Vice Chair
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor -Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Fred Boger, Director of Planning and Zoning
Tim Padalino, Planner
Jackie Britt, Registrar

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 7:02 pm with all Supervisors present to establish a quorum.

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

I. Public Comments

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

II. Public Hearings

- A. **Special Use Permit # 2012-004 Joe L. Brown, Tax Map # 69-A-52**
Consideration of an application for a Special Use Permit submitted by Joe L. Brown to allow for a manufactured home in a R1 District. The property is located at 892 Lonesome Pine Road, Shipman, VA, consisting of .82 acres.

Mr. Padalino noted that this application was being made in order to help a person whose home had burned down. He explained that the property was Zoned R-1 and the applicant initially wanted to replace his home with a single wide dwelling; however it could not go there. He further noted that their office had suggested to put in a doublewide which was allowed there and then advised him to come back to get the special use permit. He reported that staff had made a site visit and everything looked good. He concluded by noting that he recommended approval of the SUP for the home that was already in place.

It was then noted that there had been a lot of communication with Supervisors on this and it was done openly.

Mr. Harvey then opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Hale then commended the Planning and Zoning department for its handling of the matter and subsequently moved to approve Special Use Permit #2012-004 for Joe L. Brown, Tax Map #69-A-52.

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

- B. **Class III Communication Tower Permit # 2012-004, County of Nelson, Tax Map # 55-A-26**

Application is for the construction of a 110 foot communications tower with a 4 foot lightning rod for a total of 114 feet. The tower will be located on property owned by the County of Nelson at 961 Tan Yard Road, Roseland, VA. Special Exceptions requested to Sections 20-8-2 and 20-7-2e to permit the proposed tower to be located within the view shed of a designated Scenic Byway (Patrick Henry Highway, Route 151).

Mr. Padalino noted that this was an application from the County for the last tower in the Broadband Project. He added that the tower application was for the construction of a 110 foot communications tower with a 4 foot lightning rod for a total of 114 feet and would be located on property owned by the County at 961 Tan Yard Road, Roseland, VA. He added that special exceptions were requested to Sections 20-8-2 and 20-7-2e to permit the proposed tower to be located within the view shed of a designated Scenic Byway (Patrick Henry Highway, Route 151). Mr. Padalino reported that the property was zoned A-1 as were the surrounding properties. He added that 422 address points within a 3 mile radius could potentially be served by the tower and that the County had applied for a microwave to be placed on the top ten feet of the tower. Additionally, he noted that there would be an equipment cabinet at the base of the tower.

Mr. Padalino then noted that the photo simulations of the tower showed additional arrays that were speculative and were not part of the application. He noted that during the site review, there was a question of whether or not an E&SC plan would be required and it was determined it would not because the County would use an existing roadbed up to the tower that had a width of fifteen (15) feet and no additional grading was required. Mr. Carter then noted that David Thompson concurred with this determination. Mr. Padalino then noted that the other concern was the fall zone, however the tower had not been designed yet and he noted that the collapse plan would be provided from the manufacturer's engineer. Mr. Carter confirmed that the County would get this certification from them.

Members then discussed where the drain field was located on the property and it was agreed that it was likely down in front of the school towards the road. It was also noted that the tower Engineer would produce a landscaping plan, which was typically required and would be included on the final site plan. Mr. Padalino noted that this was necessary because of the unknown future use of the property and was appropriate along one side if the building would be reused. He noted that there was mature vegetation around the other sides and was not a concern.

Ms. Brennan noted that the landscaping was discretionary and could be done later and Mr. Carter noted that the whole site was encircled by the woods.

Mr. Harvey then opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Bruguiere then moved to approve the Class III tower permit #2012-004, Tax Map # 55-A-26 an application for the construction of a 110 foot communications tower with a 4 foot lightening rod for a total of 114 feet, located on property owned by the County at 961 Tan Yard Road, Roseland, V with the Special Exceptions requested to Sections 20-8-2 and 20-7-2e to permit the proposed tower to be located within the view shed of a designated Scenic Byway.

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

Mr. Harvey then suggested using secondary road money to redo Tan Yard Road to fifty foot wide and straightening it out some. Mr. Bruguiere noted that the County had requested that the trucks come in from the Massies Mill side, but VDOT was now working on that end. Mr. Harvey reiterated that there were monies available from being transferred from other projects that were too expensive. The Board then suggested that staff go to VDOT with this idea and ask them to look at how they would do this.

III. New/Unfinished Business

A. Registrar's Office Relocation (R2012-95, Authorization for Public Hearing)

Mr. Carter noted that he had no new information to present on the subject and Mr. Bruguiera noted that he liked the idea of letting Ms. Britt decide where to go and she liked the Rutherford Building.

Mr. Bruguiera then moved to approve resolution **R2012-95**, Authorization for a public hearing on the relocation of the Office of the General Registrar to the Rutherford Law Offices located at 571 Front Street, Lovingson, Virginia.

Mr. Saunders seconded the motion and members discussed with Mr. Payne that the other space details could be put in the lease agreement. It was noted that this could be worked out before the public hearing to be held on January 24th.

Mr. Hale then reiterated that he thought that the Registrar ought to be in a publicly owned building; however he would vote to hold the public hearing. Mr. Bruguiera then noted that it may be a temporary situation.

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-R2012-95
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON THE RELOCATION OF THE
OFFICE OF THE GENERAL REGISTRAR**

BE IT RESOLVED, that the County Administrator is hereby authorized to advertise a public hearing to be held on January 24, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingson, Virginia to receive public input on the proposed relocation of the Office of the General Registrar from its current location at 63 Court Street, Lovingson, VA to the Daniel Rutherford Law Office located at 571 Front Street, Lovingson, VA 22949.

IV. Other Business (As May Be Presented)

Introduced: Broadband Project Status

Mr. Carter noted that the County has had pretty productive discussions with the local wireless company and have met twice and may meet again next week. He added he was not sure it would work and that it may take Board action to make it work.

Mr. Harvey then reported that he had spoken with the lady from Franklin County and he wanted her to come to the County to see the project. Mr. Carter noted that he had spoken with Rick Huff and was now playing phone tag with their IT Director. He added that he had discussed potential funding opportunities with an RUS person who recommended that staff look at the draft regulations in order to provide comment on the new rules for the Community Connect Program. He added that RUS was trying to make the program conducive to localities.

Mr. Harvey then added that he wanted the Franklin County person to give the same presentation she did at the VACO conference and that she was willing to come and do it soon. It was noted that she now worked at CIT and was involved with the Franklin County wireless solution. Mr. Carter then suggested that the Board could have a special meeting for this.

Ms. Brennan then asked if there had been any consideration of inviting Advisory Committee and Authority Board members to the wireless provider discussions and Mr. Carter noted that he was trying to get it to a point to bring forward and they were discussing proprietary information at this point.

Mr. Harvey reiterated that he would like to meet with the Franklin County lady first.

Mr. Carter advised that he was guarded about arranging deals with one company and then when another company came in, they would have to be treated equally. He added that staff was trying to work with SCS to figure out how the numbers could work and he noted that they have been helpful. He added that there seemed to be a better understanding of where both parties were coming from.

Mr. Harvey then inquired as to the Advisory Committee status of Mr. Stafford. Mr. Carter noted he was still on the Committee and Mr. Harvey concurred; noting that the Board of Supervisors would have been the ones to accept his resignation and not Mr. Taylor.

Introduced: Courthouse Concrete Work

Mr. Saunders inquired as to the status of the Courthouse concrete work and Mr. Carter reported that Blair could not get the local company to come to work and were now going to use one of their premier subcontractors who would start after the first of the year, weather permitting. He added that this was after Mr. Beecraft had made a concerted effort to get them to come. Mr. Harvey then suggested they talk to Tim Cooper who was local and did good work.

Mr. Bruguere suggested it would better to wait until spring and Mr. Saunders advised that as long as they used concrete blankets, it would be okay as long as it was not extremely cold. He added that when it is colder, they used calcium to set up the concrete quicker and it may have a white powdery finish when it's done.

Introduced: Resolution Maintaining the Uranium Mining Ban (R2012-98)

Ms. Brennan introduced a Resolution prepared by staff on the Uranium mining ban. She noted that the Pittsylvania Board of Supervisors had passed a similar resolution and that Bill Bolling had come out opposing lifting the ban. She noted that since there was a lot of agriculture in the County, she wanted to pass the resolution in order to protect the health, safety, and welfare of its citizens.

Mr. Hale then moved to approve resolution **R2012-98**, resolution supporting maintaining the Virginia General Assembly's moratorium on Uranium mining and milling in Virginia, taking out the last whereas after VA Ag industry and that no evidence has been seen so far etc.

Ms. Brennan seconded the motion and Mr. Hale explained that the Board was taking a position on the matter and that the reality was there was a terrific amount of risk. He added that it was unknown if the Uranium occurrences in the County had mining potential; however he thought the moratorium was the wisest course to follow. Mr. Harvey concurred and noted that the potential threat was to future generations. Mr. Bruguere supposed that even if the ban were lifted, there were so many restrictions that there would not be mining to start with. He added that there was not enough electricity in the country now, coal plants were shutting down, and only a couple of permits were issued for nuclear power and it may be the only way to get cheaper electricity. He noted that most was coming from Russia and that France had 75% of its energy coming from Uranium. Mr. Hale and Ms. Brennan both noted that Japan was stopping use of Uranium now. Mr. Saunders noted that he was hoping to get more information and could not logically make a comment on the matter.

Mr. Bruguere then read the Virginia Farm Bureau's policy statements on the subject as follows:

"We support continuation of the current moratorium on the mining and/or milling of Uranium in the State of Virginia."

"We believe farms and agribusinesses should be protected from possible adverse impact should the moratorium on Uranium be lifted."

The Chair then called for the vote, and Supervisors voted (4-1) by roll call vote, with Mr. Bruguere voting NO, to approve the motion and the following resolution was adopted:

RESOLUTION R2012-98
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION SUPPORTING MAINTAINING THE VIRGINIA GENERAL
ASSMEBLY'S MORATORIUM ON URANIUM MINING AND MILLING IN
VIRGINIA

WHEREAS, in 1982 the Virginia General Assembly enacted a moratorium on the mining of uranium in Virginia; and

WHEREAS, legislation to lift this moratorium is likely to be proposed in the next General Assembly legislative session enabling Virginia Uranium, Inc. to begin uranium mining in the Commonwealth; and

WHEREAS, there are at least three (3) reported uranium occurrences in Nelson County located in both agricultural and residential areas according to Virginia Uranium, Inc.'s own published maps; and

WHEREAS, the Virginia Farm Bureau Federation, on November 29, 2012, established a policy that supports the continuation of the current moratorium on the mining and /or milling of uranium in the state of Virginia, after having concluded that the mining and milling of the radioactive ore is a threat to Virginia's agricultural industry,

NOW, THEREFORE, BE IT RESOLVED, that in concurrence with the Virginia Farm Bureau Federation policy, the Nelson County Board of Supervisors does hereby support the continuation of the current moratorium on the mining and/or milling of uranium in the state of Virginia; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to each member of Nelson County's legislative delegation in the General Assembly and the Honorable Governor Robert McDonnell.

Introduced: County Flag Options

Ms. Brennan noted that she had two (2) flag options for the Board to consider and perhaps they could adopt one at the January meeting.

Members reviewed the options and Ms. Brennan was instructed to bring back an option with half gold on the diagonal version instead of white and one with gold on the outline of County.

Introduced: Appreciation of Mr. Fred Boger's Years of Service upon His Retirement

The Board asked Mr. Boger, in attendance to stand while the Board read aloud a resolution prepared by staff and affixed to a plaque for presentation.

Mr. Hale moved to approve resolution **R2012-96**, resolution recognizing the exemplary service of Fred Boger – Director of Planning and Zoning 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 the following resolution was adopted:

RESOLUTION R2012-96
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING THE EXEMPLARY SERVICE
OF FRED BOGER – DIRECTOR OF PLANNING AND ZONING

WHEREAS, Fred Boger has served as Nelson County's first Director of Planning and Zoning and has been its Zoning Administrator since October of 1996; and

WHEREAS, Mr. Boger is retiring from this position as of January 1, 2013; and

WHEREAS, Mr. Boger's nearly sixteen (16) years of outstanding leadership and commitment to Nelson County has served to inspire former and current employees alike and;

WHEREAS, Mr. Boger's knowledge of and dedication to the field and profession of Planning and Zoning has transcended Nelson County through his service on regional Planning Commissions and Boards; having represented the County on the Thomas Jefferson Planning District Commission since 1998 and being actively involved in the Virginia Association of Zoning Officials since its inception in 1990,

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors wish to hereby recognize and commend the exemplary public service of Fred Boger in his capacity as Director of Planning and Zoning and Zoning Administrator and wish him well in his future endeavors.

Ms. Brennan then presented Mr. Boger with the plaque and the Board presented Mr. Boger with retirement gifts. Mr. Boger opened them and noted his appreciation for the Board's consideration.

Introduced: Gladstone Senior Center Request for Funding

Mr. Saunders reintroduced the subject of Gladstone Senior Center's request for funds to purchase heating oil and the Chair advised he would entertain a motion.

Mr. Saunders then moved that the Board of Supervisors help the senior citizens in Gladstone with heat; giving them money to buy either heating oil or radiant heaters that was \$199 each. He noted that the Railroad paid the electric bills, that oil was an annual expense, and they could purchase the radiant heaters that would function for years to come. Members then suggested that the County just give them the money and they could decide what to purchase. Mr. Saunders then withdrew his original motion.

Mr. Saunders then moved that the County give the Gladstone Senior Center \$1,000 to purchase either heating oil or radiant heaters and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

V. Adjournment

At 7:51 pm, Ms. Brennan moved to adjourn and there was no second recorded. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.