

January 10, 2012

**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  
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  
Debra K. McCann, Director of Finance and Human Resources  
Phillip D. Payne, IV, County Attorney

Absent: None

**I. Call to Order**

Mr. Bruguere, the current Vice Chairman called the meeting to order at 2:05 pm, with all Supervisors present to establish a quorum.

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

Mr. Bruguere and the other Board members then welcomed newly elected South District Supervisor, Mr. Larry D. Saunders to the Board.

**II. Recognition of Nelson County High School One-Act Play Ensemble (R2012-01)**

Mr. Bruguere recognized the presence of the Drama Team and noted their achievement of earning the State Championship in the VHSL One-Act Play Ensemble for the third year in a row.

Mr. Hale suggested that the Board first adopt the proposed resolution recognizing this accomplishment and he moved to approve Resolution R2012-01, Recognition of the NCHS Drama Team 2011 Virginia High School League Region B One Act Play Ensemble State Championship. 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 resolution was adopted:

**RESOLUTION R2012-01  
NELSON COUNTY BOARD OF SUPERVISORS  
RECOGNITION OF THE NCHS DRAMA TEAM  
2011 VIRGINIA HIGH SCHOOL LEAGUE REGION B  
ONE ACT PLAY ENSEMBLE STATE CHAMPIONSHIP**

January 10, 2012

**WHEREAS**, for the third consecutive year, the Nelson County High School one-act play ensemble has won the 2011 State Championship for their performance of the Kabuki-style one-act play entitled “The Undercover Lover”, at the Virginia High School League One Act Theater Arts Festival in December 2011; and

**WHEREAS**, the team competed for the championship against eight other schools; defeating Regional Champion Stuarts Draft High School after having earned a place in the state competition by placing second in the VHSL Region B One Act Festival earlier in the year; and

**WHEREAS**, the team’s performance earned a score of 298 out of a possible 300 points and team members Ben Cunningham, Whitney Whalen, and David Withers received three of the seven possible acting awards.

**NOW, THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby recognize and congratulate Nelson County High School’s Drama Teacher Ms. Diana Driver and the Advanced Drama Team – One-Act Play Ensemble consisting of: Whitney Whalen, Ben Cunningham, David Withers, Whitney Debilzan, Juliet McConkey, Haley Snapp, Gabby Davis, Annie Saunders, Rachael Shepard, John Jones, Alexandria Johnson, DJ Crocker, Ashlynn Watson, Caitlyn Saunders – lights, Jon Johnson –lights, Lukas Miller –sound, Shane Shelton -make up, Grace Buni -make up, Natalie Turley - make-up for the near perfect and outstanding performance of “The Undercover Lover” that earned them the Region B State Championship at the 2011 VHSL One Act Theater Arts Festival.

Mr. Hale then read the resolution aloud and Ms. Diana Driver came forward to accept the official documents and was congratulated by the Board.

Mr. Hale noted that he had attended the Sunday performance at the Hamner Theater and that the students had done a fantastic job. He then moved that the Board of Supervisors contribute \$2,000.00 towards the Drama Team’s trip to New York in March and Mr. Harvey seconded the motion.

Ms. Brennan noted that she too had attended the play and was blown away by their performance, the makeup, and the set design etc. and then congratulated them all for a job well done.

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

### **III. Reorganization of the Board**

Mr. Bruguire then turned the meeting over to Mr. Carter for the annual reorganization of the Board. He noted that the State Code of Virginia required the reorganization of the Board at its initial meeting of the calendar year. He noted that he would take nominations for Chair and Vice Chair and then would turn the meeting over to the Chair-elect.

#### **A. Election of Chair**

January 10, 2012

Ms. Brennan nominated Mr. Harvey for Chair and Mr. Hale seconded the motion. Mr. Carter called for any other nominations and there being none, Mr. Carter closed the nominations. Supervisors then voted (4-0-1) by roll call vote to approve the motion, with Mr. Harvey abstaining.

**B. Election and Appointment of Vice-Chair**

Mr. Harvey nominated Mr. Bruguere for Vice Chair and Mr. Hale seconded the motion. Mr. Carter called for any other nominations and there being none, Mr. Carter closed the nominations. Supervisors then voted (4-0-1) by roll call vote to approve the motion, with Mr. Bruguere abstaining.

Mr. Bruguere then passed the gavel to Chair-Elect Harvey who then presided over the remainder of the meeting.

**C. Resolution- R2012-02 Annual Meeting of the Board**

Mr. Hale moved to approve Resolution R2012-02 Annual Meeting and Mr. Saunders seconded the motion.

Ms. Brennan noted that the resolution included Board appointments up for discussion and she noted that she would like to step down from the Piedmont Workforce Network Board and the Thomas Jefferson Planning District Commission and then would like to serve on the Department of Social Services Board. It was noted that Mr. Hale had agreed to replace her on the TJPDC Board, but that a replacement was needed for the PWN Board. Mr. Bruguere nominated Mr. Saunders to fill this position, with Mr. Saunders and the other members in agreement.

Ms. McGarry confirmed that the other appointments would remain as presented and Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION-R2012-02  
NELSON COUNTY BOARD OF SUPERVISORS  
ANNUAL MEETING**

**JANUARY 10, 2012**

**WHEREAS**, pursuant to the applicable provisions of Title 15.2 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board's first meeting in January of each year; and,

**WHEREAS**, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors as follows:

January 10, 2012

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2012 in the Board Room located in the Nelson County Courthouse in Lovingson, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. and on the fourth Thursday of each month beginning at 7:00 p.m., except for the months of November and December. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert's Rules of Order Newly Revised In Brief, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

Board of Supervisors appointments for Calendar Year 2012 shall be as follows:

Nelson County Planning Commission:	Constance Brennan
Thomas Jefferson Planning District Commission:	Allen M. Hale
Thomas Jefferson Planning District Commission:	Fred Boger
Director of Emergency Services:	Thomas D. Harvey
Deputy Emergency Services Coordinator:	Jaime O. Miller
Piedmont Workforce Network Council:	Larry D. Saunders
Clerk to the Nelson County Board of Supervisors:	Stephen A. Carter
Deputy Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Zoning Administrator:	Fred Boger
Hazardous Materials Coordinator:	Raymond M. Uttaro
Thomas Jefferson EMS Council:	Raymond M. Uttaro
Nelson County EMS Council:	Thomas H. Bruguire, Jr.
Jefferson Area Disability Services Board:	Joe Bolling
Thomas Jefferson Community Criminal Justice Board:	Constance Brennan
Nelson County Social Services Board:	Constance Brennan

#### **IV. Consent Agenda**

Ms. Brennan noted that she had questions on the proposed budget amendment associated with the Byrne Grant and where these funds were in the budget. Ms. McGarry noted that based on the account numbers provided by Ms. McCann, the monies were grant funds being appropriated to a line item in the Sherriff's Department budget for the purchase of equipment. Ms. McCann then explained that the funds were to be

January 10, 2012

expended from the Sheriff's budget but that the grant funds would be shown as coming in from the State on the revenue side of the budget.

Mr. Hale noted he had some minor corrections for the minutes, namely the spelling of Mr. Hallock's name, which he would give to Ms. McGarry. The Board briefly discussed the recount of Directives on page fourteen of the draft minutes and agreed by consensus it was okay as presented.

Mr. Hale then moved to approve the Consent Agenda and Mr. Bruguere 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 – **R2012-03** Minutes for Approval

**RESOLUTION-R2012-03**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(December 13, 2011)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **December 13, 2011** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2012-04** FY11-12 Budget Amendment

**RESOLUTION R2012-04**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET**  
**NELSON COUNTY, VA**  
**January 10, 2012**

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

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 588.00	3-100-009999-0001	4-100-022010-5401
\$ 1,187.00	3-100-003303-0025	4-100-031020-7040
<u>\$ 1,775.00</u>		

C. Resolution – **R2012-05** Region 2000 Services Authority Amendment to User Agreement

**RESOLUTION R2012-05**

January 10, 2012

**NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF SECOND AMENDMENT TO REGION 2000  
SERVICES AUTHORITY MEMBER USE AGREEMENT**

**WHEREAS**, Appomattox County, Campbell County, Nelson County, the City of Bedford and the City of Lynchburg formed the Region 2000 Services Authority in 2008 to own and operate a regional landfill, initially using the Lynchburg landfill and subsequently the Campbell landfill, which will begin operation as the regional landfill in 2012; and

**WHEREAS**, the five jurisdictions and the Authority adopted the Region 2000 Services Authority Member Use Agreement on January 31, 2008 and adopted the First Amendment to the Agreement on June 20, 2008; and

**WHEREAS**, the Authority agreed to purchase the Campbell landfill from Campbell County, which landfill was defined as the entire Campbell County landfill, including the closed unlined portion; and

**WHEREAS**, the Authority would prefer not to purchase the closed unlined portion of the Campbell County landfill, which is now possible because the Department of Environmental Quality has agreed to split the permit and issue one permit for the closed portion of the landfill that would remain the property of Campbell County and one permit for the portion that will be owned by the Authority, which is agreeable to Campbell County; and

**WHEREAS**, this necessitates a change in the Member Use Agreement

**NOW THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that the Second Amendment to the Region 2000 Services Authority Member Use Agreement attached to this Resolution is hereby approved, and the County Administrator is authorized to sign such Amendment on behalf of Nelson County.

**SECOND AMENDMENT TO THE  
REGION 2000 SERVICES AUTHORITY  
MEMBER USE AGREEMENT**

**THIS SECOND AMENDMENT** to the Region 2000 Services Authority Member Use Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by and among the Region 2000 Services Authority (the "Authority"), a public body politic and corporate, organized under the laws of the Commonwealth of Virginia, and the County of Campbell, Virginia ("Campbell"), the County of Appomattox ("Appomattox"), the County of Nelson, Virginia ("Nelson"), the City of Lynchburg, Virginia ("Lynchburg") and the City of Bedford, Virginia ("Bedford"), each a political subdivision of the Commonwealth of Virginia (collectively the "Member Jurisdictions").

**WHEREAS**, the Authority and the Member Jurisdictions entered into a Use Agreement on January 31, 2008 and adopted a First Amendment to the Use Agreement on June 20, 2008 (both collectively referred to as the "Use Agreement"); and

January 10, 2012

**WHEREAS**, the Use Agreement stated that the Authority would purchase the entire Campbell landfill (the “Campbell Facility”) which consisted of the active landfill site and the closed landfill site, due to the fact that the entire Campbell landfill was covered by one Department of Environmental Quality (“DEQ”) permit; and

**WHEREAS**, DEQ has agreed to separate the permits, which allows the Authority to only purchase the active landfill site with Campbell continuing to be responsible for the closed portion of the landfill.

**NOW THEREFORE**, the parties agree to amend the Use Agreement as follows:

In Article II, Definitions, the definition of Campbell Facility is amended to read as follows:

“Campbell Facility” means the solid waste disposal facility, including all improvements thereto and subject to all easements, as shown on a plat entitled “Plat of Subdivision and Lot Line Adjustments, Campbell County Properties” prepared by Draper Aden Associates dated February 22, 2011 and last revised November 29, 2011 and that is to be conveyed to the Authority for the Authority to own and operate subject to the terms of this Agreement and as permitted by DEQ. The Campbell Facility shall not include the closed portion of the Campbell landfill, commonly known as Phase II and old Phase II under existing permit number 285.

1. In Section 3.1, the closing date for the purchase by the Authority of the Campbell Facility shall be changed from July 1, 2008 to the later of the date that this Amendment is approved by all of the parties or the date DEQ indicates its approval of separate permits for the closed Campbell landfill and the Campbell Facility.

2. In Section 3.2, the reference to the Authority’s maintenance responsibility for the closed portion of the Campbell landfill is deleted.

3. The following new subparagraphs shall be added after paragraph (2) in section 3.2:(3) Access to the Campbell Facility to be retained and that portion to be conveyed to the Region is by way of Livestock Road, which ends state maintenance at the entrance to the Facility. Thereafter there is an existing road running generally east/west at the boundary of the area to be retained by Campbell and through the property to be conveyed to the Authority. There are also proposed new roads which will be constructed by the Authority after acquisition of the Campbell Facility and it is agreed that this entire road system, both existing and such as may be constructed in the future, will be used by both parties for ingress and egress to and from any portion of the properties which they own, including the firing range to be constructed on Campbell property to the northeast of the Authority’s property. The Authority agrees to maintain this road in its entirety in a good and sufficient state of repair including maintenance of the existing culvert in the area between Phase II and Phase III and replacement of that culvert from time to time, should the same become necessary.

4. The Authority agrees to provide water and sewer easements across property owned by it as may be necessary to enable water and sewer lines to be constructed to Campbell’s property upon which it intends to construct a firing range.

5. The Authority will be installing a sewer force main to discharge leachate and water from the Authority's facilities into the Campbell County Utilities and Service Authority treatment system. The Authority will provide appropriate easements for Campbell to connect to this force main for purposes of disposal of the effluent from its groundwater extraction and treatment system and Campbell and the Authority will monitor the amount of liquids going into that main so as not to impair the Authority's use of that main. Campbell will pay an annual maintenance fee for its use of the force main based on construction costs and percentage of capacity used.

6. The Authority will provide an easement to discharge leachate from the retained Phase II into the existing leachate tank, as well as to discharge groundwater from the sump currently in operation on Phase II to the leachate tank or sewer force main.

7. The Authority will grant Campbell an easement for any necessary monitoring and extraction wells, together with water and electrical conduits in connection with the remediation, if necessary, of cobalt exceedences which have been detected in property to the south of the Phase II.

8. The parties will grant cross easements each to the other for the installation of all necessary utilities along the access road, as well as other properties owned by either of the parties so that all parties will have adequate space for the installation of all necessary utilities including, but not limited to, potable and non-potable water, sewer and electricity.

9. The Authority will provide an easement for Campbell to have access to all existing and any necessary future monitoring wells, so Campbell may fully comply with the remediation and post closure requirements of the Department of Environmental Quality, this to include, but not be limited to, monitoring well 1-B and any other monitoring or extraction wells or any gas probes which may be located on property being conveyed to the Authority.

10. The parties anticipate that a sound buffering wall will be constructed on property to be retained by Campbell along the southern boundary of the facilities. Campbell will grant the Authority an easement to construct and maintain this wall and Campbell will have access to any boundary probes or monitoring or extraction wells which may be to the south side of the wall once it is constructed.

11. It is anticipated that at some point the Campbell Facility which is being purchased by the Authority will be filled and subject to closure and post closure monitoring. At the termination of the post closure monitoring period the Authority may choose to continue to use shop facilities or other improvements constructed on the land and so long as it is continuing to use those facilities it will maintain the roads and utilities. Once the facility is closed and no longer in use by the Authority, the Authority agrees that it will take whatever steps are necessary to reconvey the roads and water, sewer and electrical and other associated easements to Campbell, which will thereafter maintain the same for so long as is necessary for its own purposes. These roads and other utilities will be conveyed to Campbell in good condition.

12. The parties hereto agree that all will share any data required by any regulatory authority or necessary in the operation and maintenance of the Authority's facility or the property being retained by Campbell reasonable format and within a reasonable time after request by any other party.

January 10, 2012

13. Other than the above amendments, the Use Agreement shall remain as previously agreed to by the parties.

IN WITNESS WHEREOF, the parties have each caused this Agreement to be signed as of the date written above.

D. Resolution – **R2012-06** COR Refunds

**RESOLUTION-R2012-06**  
**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>
\$ 57.32	2008-2009 Personal Property Tax and 2009 Vehicle License Fee	Brigid Heather Rhodes RR 1 Box 683 Roseland, VA 22967

**IV. Public Comments and Presentations**

A. Public Comments

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

1. Mark Shackman, Magnolia Acres Afton

Mr. Shackman thanked Mr. Harvey, Mr. Carter, Mr. Boger, and the Planning Commission for working with the citizens on the placement of the Afton Broadband tower and noted he was happy that the lease money will be used for the Fire Department and Rescue Squad. He then recommended the Board approve the tower as presented at the Rockfish Valley Fire Department site.

2. Glenda Cahoon, Tye River Road and Virginia Taxpayers Association Representative

Ms. Cahoon distributed and read aloud a prepared statement from Kenneth White, VTA President that stated his opposition to his public comments being summarized in the meeting minutes. He also stated his continued opposition to the placement of a walk through metal detector at the new courthouse complex entry and demanded that the Board remove it and use it only at the entrances to the courts when the courts are in session. He also recommended that a clerk be placed at the entryway in lieu of a Sheriff's Deputy to save money.

3. Eleanor Amadon, Tanbark Drive Afton

January 10, 2012

Ms. Amadon stated her concern that the General Assembly would lift the moratorium on uranium mining in Virginia. She advised the Board that a study had been released regarding this which was part of an ongoing contract that included public outreach and a public meeting period over the next five months. She also advised that the mining company was lobbying to lift this before the five month period was up. She added that the State needed time to consider the study; and noted that Virginia is an agreement state meaning that the Federal Nuclear Regulatory Commission has relinquished its authority to the State and that Virginia, as a state has no effective regulatory structure for this type of mining. She again noted her opposition to the moratorium being lifted and asked the Board to pass a resolution in favor of keeping the ban on this in Virginia.

#### 4. Mark Shackman, Afton

Mr. Shackman opposed the second speaker's comments noting that he was in favor of keeping the metal detector at the courthouse entryway at all times.

#### B. Presentation – Piedmont Virginia Community College (F. Friedman, President)

Mr. Harvey introduced Dr. Friedman of PVCC to make his presentation to the Board.

Dr. Friedman addressed the Board and noted that the County's Board Representative Debbie Harvey could not be present and that her current term would be expiring June 30, 2012 and she would not be eligible for reappointment. He added that Ms. Harvey has done a wonderful job on the Board.

Dr. Friedman then reported that PVCC has had explosive growth in enrollment which was now just under 5,700 students; whereas it was 4,100 six years ago. He added that they had the same number of faculty and staff now as they did then. He noted that Nelson's enrollment was at 4% of the total and was averaging 200 to 300 students over the course of the year. He reported that the past fall, 32 graduates of Nelson County High School attended PVCC, which was the largest number to date; the previous year being 19.

He then noted that in terms of Nelson County's enrollment, students were heavily engaged in internet based courses due to the travel distance and convenience factor. He added that out of 300 students, 130 took at least one internet course. He noted that the dual enrollment program was strong and had 44 students last year who took an average of 6 credits each during the year. Dr. Friedman noted that there was no cost for tuition for the students or schools and had there been, the cost would have been \$30,000 providing a big value to citizens.

Dr. Friedman then reviewed last year's highlights noting the opening of two new buildings; one being the Kluge Moses Science building, containing new labs and space to expand. He noted that the healthcare field is expanding and that they were graduating over 200 students per year in healthcare programs with most going right to work in Central Virginia. He reported that they had added the LPN program and had graduated its second class in December of twenty. He noted that they had also added Medical Sonography and Radiology Technician programs since these were the biggest needs per the hospitals who had helped to furnish the labs.

January 10, 2012

He reported that the second building opened was the Workforce Services Center, Stolz Center, which was formerly the Monticello Visitor Center. He noted that they run through 4,000 people per year on the non-credit program side. Dr. Friedman reported that a new program developed with the Defense Intelligence Agency was getting a lot of attention. He likened it to an analyst boot camp that prepares enrollees for jobs in intelligence analysis. He reported that the program had graduated 19 and a new class was starting in February. He added that after the ten week program, graduates come out with secret clearance ready to work in the intelligence field.

Dr. Friedman then reported that new plans included the fall opening of the Greene County center in the second floor of the library in Stanardsville. He added this was 14,000 sq feet that would be renovated using monies that had been raised. He then reported that next January, they will be in the Jefferson School which was a 6,000 square ft facility for the new culinary arts program. He added it would have a teaching kitchen and dining facility there.

In conclusion, Dr. Friedman stated that they were in discussions with the High School about expansion of the dual enrollment program, called early college. This program would entail a select group of students who would take a full load throughout their Junior and Senior years of High School. He noted the presence of some logistical and financial hurdles; however he was hopeful these would get worked out. He added that the Governor had endorsed this kind of program in a recent press release.

Following the presentation, Mr. Bruguere noted his appreciation for what they have done for Nelson County and that the Dual Enrollment program was beneficial and students could transfer right to state schools. He added that he supported more dual enrollment classes and the new early college program that was discussed.

Dr. Friedman elaborated that the early college program would involve a select group of students who would have to demonstrate the ability and he acknowledged that there was some overlap between High School and College courses.

Mr. Hale inquired as to how much design input PVCC would have in their portion of the Jefferson School and Dr. Friedman noted that they have been in discussions with and had been working with an Architectural firm for years and they know what the space will look like having been actively involved in the design work. He added that the renovations had just started and the project should be completed by next January. He added that PVCC would have to find staff to work there as well. Mr. Hale noted that he thought this to be a great plan.

Ms. Brennan then thanked Dr. Friedman for his leadership at PVCC and asked to hear more about the sonography (ultrasound) program. Dr. Friedman noted that the program accepts fourteen students each year due to accreditation requirements. He noted that these requirements meant that the clinical setting was limiting and must be a 1:1 ratio of instruction. It was noted that there was a Nelson County resident in the program. Ms. Brennan then asked if the the Stolz center was getting referrals from the Workforce Center and Dr. Friedman noted that they did maybe 2/3 of the training with their federal funds.

Mr. Saunders thanked Dr. Friedman for the great work and noted his support for community college.

January 10, 2012

In conclusion, Dr. Friedman noted that he left informational materials with Mr. Carter and reiterated that the PVCC Board meets every other month at 4pm on the first Wednesday of the month except for during the summer. He noted this to be an advisory board not a governing board; however it does approve new construction.

C. Presentation – GEM Management, Lovington Ridge Apartments (J. Surber)

Ms. Jen Surber introduced herself and noted that she was speaking on behalf of Lovington Ridge Apartments. She noted that they intended to apply for tax credits to provide funding to rehabilitate the property. She added that if successful, they intended to brick the entire facility including the community rooms; which would make them fit in better with the town. She noted that they would improve the parking lots, would add new windows, and would renovate the units' kitchens at a cost of around \$33,500 per unit not including the parking lot and brick work.

She then noted that they were asking for the Board's support for the project in the following four ways and she noted that when applying to VHDA for funding, each project is scored and the ones with the highest scores are awarded credits. She added that it was a very competitive process that could be successful with Board's support.

Ms. Surber noted that the first item needed was a CEO or County Administrator's letter of support. She added that the second was a zoning certification and she added that they did not intend to add square feet or any additions. Mr. Boger in attendance noted that this should be okay since at one time they did discuss adding some three bedroom units in order to get more application points but decided against it. Thirdly, she noted that they would need a Revitalization Area Certification. In reference to the form, she noted that typically box number 3 is checked; which certifies that the project meets VHDA'S definition of a revitalization area. She added that this was a project specific designation and was not required to be part of a consolidated plan; it was only for tax credits and the revitalization of the apartments. Lastly, she noted that they would like to get a tax abatement letter that did not ask for forgiveness or deferral, but rather it would allow them to pay taxes at the current rate with no increase while they were in the 1.5 year construction period. She added this would also give the application more points.

Ms. Brennan inquired as to how this would work when a reassessment was being completed now and Mr. Hale stated that typically when improvements are made they are added to the value of the property and then the taxes are paid and then refunded back for community buildings.

Mr. Harvey then reiterated that they were asking for no increase in taxes during the construction period. Mr. Carter noted that the Commissioner's office would not adjust the property values until the project was done as long as it was done within a reasonable time. Ms. Surber noted that the tax credit funding would require them to be done within a certain time anyway.

Mr. Carter added that staff has begun looking at this and suggested that since they did not have to submit their tax credit application until March 1<sup>st</sup>, that they discuss and review the specifics a little closer and then bring it back at another meeting. Ms. Surber noted that that this would not impact them if the Board waited until February to act on their request. She reiterated that the Revitalization Area Certification was very important as it was worth thirty points and they would not have much of a chance without this. Mr.

January 10, 2012

Carter noted that the Ryan School Apartments in the Shipman area were declared a revitalization area for the same purpose.

In conclusion, the Board agreed by consensus for Staff to review the specifics more closely in order to reintroduce the request at the February 14, 2012 meeting.

#### D. Presentation – Blue Ridge Mass Appraisal Company -2012 Reassessment

Mr. Matt Hickey of Blue Ridge Mass Appraisal Company distributed handouts to the Board and thanked the Commissioner of Revenue's Office and the County Administrator's Office for their work during the reassessment process.

Mr. Hickey discussed some of the sales ratios presented and noted that Wintergreen was unique with sales ratios higher than the rest of the county. He noted that this indicated that those values would go down more than the rest of the county.

Mr. Hickey noted that on the first page of the handout, the figures were based on 2008 values and the assessments to sales price ratios were presented. He added that 2012 values outside of the county were below 100% and where they were supposed to be. He also noted that the State measures the last three months of 2011 and 2012 and that the sales to assessment ratio of 97% is where the State wants it to be and the State will say it is a good assessment.

Mr. Hickey reported that during the assessor's hearings, they heard concerns regarding large acreage values decreasing. He then referred to the slide showing that sale prices have declined and that is why these values have decreased.

Mr. Hickey then noted that some changes were made to values during the hearings and that 2,156 were changed and were largely due to changes made to Stoney Creek when they reviewed the whole subdivision. He added that some changes were also made to older two story homes and modulars. Mr. Hickey noted that notices of "no change" would be mailed by the end of the week and in individual envelopes and he acknowledged that the bulk mailing company they used had not done a good job with the notices.

Mr. Hickey then confirmed that the net effect of the changes was \$109 million out of \$2.9 billion for a net total value of \$2.8 billion.

Mr. Hickey noted that with the Stoney Creek land sales, they looked into the history of the sales and eliminated foreclosures and bank sales. He noted that that they took into account views etc and that he would provide the number of foreclosures to Mr. Carter at the request of Ms. Brennan.

He noted that overall he felt that the hearing process went well aside from the hiccups with the notices being sent out. He then thanked Ms. Joyce Spencer for answering the phones and noted that the official numbers were signed and delivered to Ms. Payne's office.

January 10, 2012

Mr. Bruguire stated that the information was a lot to absorb and that he has heard a lot of comments from individuals that their values went way down even though they have made vast improvements. It was noted that some larger homes went way up.

Mr. Hickey explained that land values went down and houses went up overall, because the lot values and house values have to equal out to sales price.

Mr. Hale inquired as to whether or not the fact that some Wintergreen properties have a WPI membership attached makes a difference. Mr. Hickey reported that it does not affect it now based on the sales of 2011.

Mr. Carter then questioned Mr. Hickey on the land sales analysis, asking that if sales were not at such a high in 2008 and are now at such a low, was the number of sales adequate for analysis. Mr. Hickey explained that it was typical of large land to have only a few sales and there were only 18 per Mr. Hickey. He added that with unique properties, they have to expand out so they used 2009 sales and tried not to use those of 2008. He noted that anything on the large land sales list reflects the Black Eagle Farm sale and he reported that 2 of those sales were under assessment and 2 were way over.

Mr. Hale supposed that if the true market value is based on sales, that it seemed to him that since the last reassessment, the number of sales is fewer and the value is less so that it seems that sales that have occurred, the people did not have a lot of choice in the matter so these would be less than the potential market. Mr. Hickey noted that unfortunately, they had to use what they have got and that they cannot use foreclosure transactions. Mr. Carter added that the sales ratios got worse in 2011 and were continually declining as the sales numbers have declined.

Mr. Saunders noted that comments to him have been that land value has held and buildings have gone down.

In conclusion, the Board agreed by consensus to seek a list with improvement values shown. Ms. McCann referenced sales where the sales price to new assessed value showed a big gap and Mr. Hickey noted that they could not capture every sale.

#### E. VDOT Report

Mr. Carter noted that he had contacted Don Austin regarding attending regularly; however he was unable to be present at today's meeting.

The Board then discussed Mr. Carter relating the following issues to Mr. Austin:

There continues to be big drop offs on Rt. 29, the edges of the pavement on secondary roads are wearing away, St. James Church Road needs trench widening, and the Rt. 250 Overlook needs to be cleaned up and reopened with a Nelson County sign installed.

Ms. Brennan and Mr. Harvey then reported that they were working on changing the 45 mph zone to 35 mph and making the 45mph zone go from Rt 664 all the way to Rt. 250. They noted that they were identifying all of the businesses along the route and Susan Rorrer was to provide them a map to work with.

January 10, 2012

Staff noted it would provide Mr. Saunders with contact information for Don Austin and Randy Hamilton.

**V. New Business/ Unfinished Business**

**A. Recognition in Memorial of H. Gordon Smyth (R2012-07)**

Ms. Brennan moved to approve resolution **R2012-07**, Resolution recognizing the Community Service of the Late H. Gordon Smyth and Mr. Bruguire seconded the motion. Members then discussed that the resolution should also honor Mary Beth Smyth. Ms. Brennan amended her motion to that effect and Mr. Bruguire seconded the amended 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 R2012-07  
NELSON COUNTY BOARD OF SUPERVISORS  
RESOLUTION RECOGNIZING THE COMMUNITY SERVICE OF  
THE LATE H. GORDON SMYTH & MRS. MARY BETH SMYTH**

**WHEREAS**, H. Gordon Smyth passed away on December 4, 2011; and

**WHEREAS**, the Nelson County Board of Supervisors wishes to honor the Smyths' many contributions to Nelson County citizens; and

**WHEREAS**, in particular the Smyths, through the establishment of the Smyth Foundation, have focused the Foundation's resources on education through the provision of four (4) college scholarships each year to Nelson County High School Seniors and to date have seen forty-six (46) recipients receive their degrees; and

**WHEREAS**, additionally, the Smyth Foundation has provided for ten (10) merit awards annually to those working in the School District who were nominated by their peers for recognition; and

**WHEREAS**, the Smyth Foundation has fostered the love of learning and continued education for teachers through the provision of three (3) travel scholarships annually; and

**WHEREAS**, these are but a few examples of the Smyths' commitment to the Nelson County education community;

**NOW, THEREFORE, BE IT RESOLVED**, that we, the Nelson County Board of Supervisors wish to hereby recognize, thank, and honor the late H. Gordon Smyth and Mrs. Mary Beth Smyth for their devotion to the continuing education of students and educators of Nelson County and their tireless service to their community.

Following this item of business the Board took a short break at 3:30 pm

**B. Solid Waste – Open Top at Gladstone Collection Site**

January 10, 2012

Ms. Susan McSwain was in attendance and addressed the Board concerning the open top at the Gladstone collection site.

She advised the Board that Gladstone had the lowest tonnage except for Montebello but had the highest operational costs because of the one open top. She noted that having the open top for two months in Gladstone has cost more than six months of expenses at any other site in the county except for Rockfish which was equal to three months of expenses. She reported that she had used a per mile cost of \$1.10 and that she had called other counties and Albemarle uses \$1.25 per mile which was commonly used within the state. She added that \$1.10 was conservative and the real costs were probably higher.

Ms. McSwain added that including the two months that the open top was in Gladstone of the tonnages from Jan-Sept., the highest was 36.38 tons and November was 40.61 tons. She noted that they were pulling the compactor at the same time with the same tons but were getting more garbage and that they had only five legal bulky items during that time which cost \$76 per item to collect; using only the rental charges on the can to calculate this.

Ms. Brennan confirmed that the costs included pickup, delivery, and the can rental. Ms. McSwain also confirmed that the \$1.10 per mile figure included everything but labor and was based on her conservative estimate. She noted that \$1.25 per mile may be more realistic but that she did not want to overstate it.

Mr. Saunders noted that he understood the issues down there and Mr. Harvey added that Gladstone was a test location and the numbers have proven what Ms. McSwain had initially stated.

Mr. Saunders also noted that it was a difficult issue but after reading Ms. McSwain's report, he thought that maybe they could put an open top can down there once or twice a year.

Mr. Carter advised the Board that until this was presented, staff had never gotten a request to do this.

Mr. Bruguere noted that it provided more opportunity to get out of county trash and probably commercial waste as well.

Mr. Hale then moved to discontinue the open top at Gladstone and Ms. Brennan seconded the motion.

Members discussed that if a lot of feedback was gotten they could think about bringing it back periodically and that they had discussed doing this and it could be re-addressed anytime. Mr. Saunders reiterated that the numbers say it is not feasible to keep it there. Mr. Hale agreed and noted that he thought keeping it would show favoritism to one part of the County.

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

Ms. McSwain then noted that the last time an open top was at Gladstone was in 1998. She added that WMI had put a compactor in there because they had such a problem with clean up.

January 10, 2012

Mr. Harvey noted that the problem was that it was at an unmanned open site and people from Amherst County were dumping there.

Ms. Brennan noted that Ms. McSwain was doing a study on moving open tops around to sites and Ms. McSwain noted that she would highly recommend doing this only at staffed sites. Mr. Harvey suggested maybe doing this in the Spring and Fall.

Ms. McSwain reported that there was not much evidence of dumping along the road etc. because of no open tops.

Mr. Saunders then inquired about a tire collection day and why this had not been done. Mr. Carter noted that the solid waste ordinance requires payment for tires and he would have to check this to see if the county could have an amnesty day. Mr. Harvey suggested that the County needed to have a hazmat collection day also. Ms. McSwain advised that the County participated in Albemarle and Lynchburg programs due to the high cost to host this in Nelson which was \$2,000 and up. She noted that this was expensive because they had to separate materials by containers. She added that these dates were advertised at the collection sites. Mr. Bruguiere noted that the Extension Service hosted pesticide retrieval and Ms. McSwain noted that she sent a notice to them on the hazardous material dates and they did not advertise it.

#### C. Del Fosse Easement Agreement, Del Fosse Trails at Deer Rock Farm

Ms. Emily Harper, Director of Parks and Recreation provided the origin of the trail funding as follows:

The Delfosse Trail at the Delfosse Winery in Faber was built in 2006 with funding from the Virginia Department of Conservation and Recreation's Virginia Recreational Trail Fund Program. The project cost was \$56,005 with the grant funding \$44,804. The remainder of the cost included In Kind services (volunteer labor, equipment used) and Municipal work.

The Trail is a unique, multi use system that accommodates hiking, mountain bicycling, and ATV use. It is approximately 5.5 miles long. The project included a kiosk, & signage. The International Mountain Bicycling Association -Trail Solutions designed and constructed the Trail in 2006. The Grand Opening was National Trails Day June 3, 2006.

The Trail has been maintained by the Parks & Recreation Department staff. Since the Trail was very well constructed with sustainability in mind most of the maintenance has been clearing downed trees and keeping vegetation under control. Staff schedules 2-3 work days per year.

The Trail is not heavily used but it does meet a unique niche for users. It was specifically designed to make an interesting ride for mountain bikers. Although it is built on the mountainside it is only a moderate trail for hikers with its switchbacks and moderate inclines.

The original easement for the trail was signed in September of 2004. At this time DCR projected the value would amortize in 6 years. They agreed that a 6 year easement would be sufficient. They have since changed their policy to require a 20 year easement on grant properties.

January 10, 2012

We need to consider our working relationship with DCR. Nelson County wants to have a good record of stewardship of the projects they have supported, so I think we should keep this trail available to the public.

I recommend that we negotiate at least a 3 year easement with Claude Delfosse for the Trail property. This will give us time to evaluate usage, maintenance, and interest in the Trail.

Mr. Carter recommended that the Board of Supervisors consider the extension of the lease of the trail with Del Fosse and that a draft agreement has been crafted. He added that it was the same as was agreed to previously and there were no significant changes. Mr. Carter then confirmed that Mr. Del Fosse was amenable to the agreement.

Ms. Harper added that DCR was extending the amortization period out to twenty years and the County wanted to demonstrate to DCR that it does want outdoor amenities for citizens. The Board discussed the proposal of a three year extension and Mr. Hale suggested a minimum six year extension if the owner was willing.

Mr. Carter noted that if the Board was in agreement, staff needed authorization to sign and implement the new lease.

Mr. Hale then moved to authorize staff to enter a deed of easement agreement on the trail at Del Fosse Winery for an additional six (6) years and Mr. Bruguere seconded the motion.

It was noted that after six years, this would come back to the Board for consideration.

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

#### D. Communications Tower Ordinance

Mr. Fred Boger reported that the draft Ordinance had been reviewed with Ms. Brennan and that a few more changes needed to be made for things that had been overlooked.

He noted that the new draft encourages towers in the county and the format was designed and ordered in blocks as a checklist. He added that the draft was reviewed by Lori Schweller of Verizon and Valerie Long of Ntelos and they thought it was a good ordinance.

Mr. Harvey noted that they needed an ordinance that did not require so many exceptions requested and granted and that it should be within the same realm as what they are actually doing.

Mr. Boger noted that there would not be requests for exceptions for proximity to a scenic byway and that the only exception would be for a higher tower which would now require a special use permit (SUP) instead of an exception.

Ms. Brennan noted that the new draft made it a lot easier for a new applicant to figure out what to do in their applications. She added that the County's topography makes it difficult to have an ordinance that would not require any exceptions.

January 10, 2012

Members and staff discussed the Blue Ridge Parkway and Mr. Boger noted that they had to take Blue Ridge Parkway comments on tower sites during review.

Mr. Bruguere commented that he had an issue with scenic byway requirements and that he did not like the long strips going up to the towers required by these setbacks. Mr. Boger noted that most were not any more than 500 ft back, and there was only one that was 1,000 ft. back off of the road.

Members and staff discussed the fact that the draft would not have to be referred back to the Planning Commission and that the Board would have to do a public hearing which could be held in February at the earliest. Mr. Harvey stated that he would need to read this over and that the Board should present the document they want at the public hearing. He suggested they aim for holding the public hearing at the second meeting in February. Mr. Boger noted he would send comments to the Board with a cover sheet noting the changes made from this document.

Mr. Bruguere reiterated that he was concerned with getting more obtrusive towers and roads being built to access them with a 500 ft. setback requirement.

In conclusion, the Board and staff briefly discussed the use of towers that looked like trees and it was noted that sometimes these were more readily visible and unnatural looking than a concealed tower.

## **VI. Reports, Appointments, Directives, and Correspondence**

### **A. Reports**

#### **1. County Administrator's Report**

Mr. Carter inquired as to whether or not the Board wanted him to continue to give his report given that the departments also submit a report and Mr. Hale noted that he viewed the County Administrator's report as a valuable summary of the departmental reports and he hoped he would continue to do them. The other members concurred and Mr. Carter distributed and reviewed the following report:

**A. Reports:** The monthly reports from County offices and departments are included herewith. Inclusion of these reports within the County Administrator's report will be ongoing.

**B. Courthouse/Government Center Project:** Blair Construction is focused on completion of the second floor bridge connector, renovation of the Jefferson Building, replacement of the front steps off Court Street and the project punch lists generated by Blair, WileyWilson and County staff. Cottle Multi-Media, Inc. is completing a signage plan for the entire facility (implementation thereafter). County staff is working towards refining the operation of building control and monitoring equipment (i.e. security, fire protection, etc.). Project completion is now 1 st quarter 2012. It is proposed with regard to the Board of Supervisors decision in December 2011 to relocate the Registrar's office to the Jefferson Building that this decision be reconsidered.

Mr. Carter noted that there was a problem with the carpet samples for the new bridge area and he has suggested that the corridor be tiled and only the offices be carpeted. He noted that the build out of the Jefferson Building would commence now per the change order with Blair and that the front Steps were

January 10, 2012

now under construction. Additionally he noted that staff could share the signage report with the courthouse committee members.

Mr. Harvey inquired as to staff needing anything from the Board in order to determine where things go in the parking lot and Mr. Carter noted that it may be necessary at some point in the near future as there have been some issues with parking thus far. He added that a memo was issued to dispatchers to not park up in the Judges/Clerks' area up top. He noted that this would be discussed in the near future and he reported the previous space designations in the old parking lot.

Mr. Harvey suggested that the Board give Mr. Carter the authority to make those decisions and to that end Mr. Bruguiera moved to give Mr. Carter the authority to make parking lot decisions. 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. Carter then asked the Board to reconsider their previous decision regarding placement of the Registrar in the Jefferson Building. He noted that this request was not minimizing the importance of the Registrar's function but the building contained a lot of space operationally and that possibly she could go somewhere else. He then suggested that the space could be used by the Commonwealth Attorney and then Dr. Collins and Kathy Hughes could occupy the old Commonwealth Attorney space.

Mr. Hale noted that the Board did not allocate all of the Jefferson Building space to the Registrar and Mr. Harvey noted that the building next to the Lovington Café would be another option for the Registrar that could work well; given reasonable rent and its handicapped accessibility. Mr. Carter reiterated that he was only asking the Board to think about it and maybe meet with the committee to reconsider this. The Board then agreed by consensus to reconsider this decision. Mr. Hale suggested that Mr. Carter find out if the Registrar was required to be in publicly owned property. Mr. Bruguiera added that the Registrar's Office did not need to be located near the court facilities and it would be more accessible if it were near the Café.

**C. Health Department Relocation:** Daggett and Griggs is to have initial schematics and an opinion of probable cost(s) the week of January 9. However, BRMC proposed on 1-6 that the County and VDH consider an alternative that would utilize space within the recently completed building addition (no details on this to provide at present).

Mr. Carter noted that the County was now waiting for Mr. Daggett and Ms. Whitehead to confer and he would know later in the week if the Health Department could go in the finished space. Mr. Harvey noted that he thought this made sense especially if they had guaranteed space for the future and Ms. Whitehead has indicated it would be long term. He added that he would speak with VDH once they knew if the space worked for their needs. He also noted that he had spoken to Dr. Criswell and had apprised him of the plans and the future of the building. He noted he was asking for appropriate notice if the building were to be demolished etc. and would like to stay if it is renovated.

**D. Broadband Project:** Mastec is completing full mobilization. Approximately one mile of fiber has been installed. A four month construction period is projected. Conduit has been installed at NCHSINMS as part of the project (although it is unlikely revenues will be realized from this location for the ensuing five years). Similar installations will be completed for TRES and RRES and the project's other anchor

January 10, 2012

institutions. Tower(s) construction is projected for the first quarter of 2012. Purchase of electronic(s) equipment is an ensuing project step. County staff are focusing on project operation.

Mr. Carter reported that the recent Verizon fiber cut was due to the fact that the line was not marked properly per MasTec and it wasn't charged to them. He noted that the fiber build was still a four month project and that Icon was evaluating what type of electronics would be used for the network. Mr. Bruguire stated that permissions for the Massies Mill Tower needed to be on the front burner. Mr. Carter added that the challenge would be how fast providers could provide service at the towers and to the County at large. Mr. Bruguire noted that he wanted the towers finished and up by the time MasTec finished with the fiber and Mr. Carter noted that the system would function without the Massies Mill tower. Mr. Carter concluded by noting that the project was on schedule and that staff had a phone meeting with the Feds and would report being on schedule.

Ms. Brennan then inquired as to the progress on securing a Network Operator and Mr. Carter noted that staff was going to get an updated operational pro forma to evaluate and a short list of things that need to be put in place; which was the staff's focus.

**E. Gladstone Rescue Squad:** It is understood that the report of the Circuit COU11 appointed Receiver to the Court is near completion. The renovation work at the GRS building is at a punch list status for final acceptance by the County's Building Official office. V A-OEMS has issued GVFD a non-transport EMS license, which will be revised to a transport license following reinspection and certification of EMS vehicles by OEMS in mid-January.

Mr. Carter reported that the work had been accepted by the Building Inspections Department and they were in completion mode.

**F. Budget:** In process (very preliminary). FY 10-11 CAFR (audit) is pending receipt.

Mr. Carter reported that staff was just beginning the budget process and would be reporting up. He added that the Audit was received electronically and that RFC would report to the Board. He noted that it was successful with good results and the managerial report in front of audit was insightful. Ms. McCann added that she was currently working on revenue projections.

**G. Radio System Project:** Mr. Carter noted that staff had turned their attention to the radio system buildout and was trying to use cooperative procurement to move this along. He noted that staff was determining if this method could be used. He added that the budget contained approval to implement the project to build out as proposed and that staff would come back with details in the next 60 or so days.

## 2. Board Reports

Mr. Bruguire did not have a report due to no EMS Council meeting held in December.

Mr. Hale reported that the Raw Water committee was working with WPI and had retained the services of Jim Allen who had retired from Rural Development and also bond counsel. He noted that there were ongoing negotiations and he was optimistic an agreement would be reached that would be okay with Rural Development in order to get funding.

January 10, 2012

Ms. Brennan reported that she met with Michael Kohl of DSS to get a feel for what was going on.

Mr. Saunders reported that he attended new supervisors training in Richmond and found it to be very helpful.

Mr. Harvey had no report.

#### B. Appointments

Ms. McGarry reported that only Paulette Albright and Patrick Parrish wished to be reappointed to the Keep Nelson Beautiful Council, while Bruce A. Vlk, Mike Sipple, Ronald Fandetti, and Nancy Uvanitte did not. She added that no response had been received from Gail Roussos, Roger Nelson, or Anne Colgate regarding their reappointment.

Ms. McGarry then added that of the previous Board of Equalization members, only Craig Cooper of the Central District and Donald Gray of the North District wished to be reappointed, while Betty Wood of the East District, John T. Wheaton of the West District did not. She then noted that an application had been received by Michael Sipple for the East District and Mr. Johnson Meak Barton for the West District.

Mr. Bruguere noted that he had spoken with David Hite to represent the West District and asked that staff send him the information.

Mr. Hale noted that he had several inquiries out right now and was not yet ready to suggest an appointment for the East District.

Ms. Brennan and Mr. Harvey both agreed to reappoint their District representatives and to that end Ms. Brennan moved to recommend reappointment of Craig Cooper as the Central District representative, Donald Gray as the North District representative, David Hite as the West District representative, and also to authorize the East and South District Supervisors to find appointees and present them to the County Administrator for recommendation to the Circuit Court.

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

Ms. McGarry then noted the existing vacancies on the JAUNT, Ag Forestal District Advisory Committee, and the Thomas Jefferson Water Resources Protection Foundation.

#### C. Correspondence

Ms. Brennan noted that she has gotten calls regarding IBEC pulling their service from the County.

Mr. Bruguere noted having received new delegate Farris's contact information and reported that Delegate Dickie Bell was at the Massies Mill Ruritan meet and greet.

January 10, 2012

Staff noted a letter from TJPDC regarding scheduling a ride around related to the transportation study and the ranking of projects. It was noted that VDOT was requiring the PDC to do it. Members suggested that Mr. Boger and Mr. Padalino participate.

Staff noted a letter to the Board from the Treasurer and Ms. Angi Johnson addressed the Board asking for the Board's blessing to hire for two vacant positions in her office. She also asked that the proposed pay changes to current staff to be retroactive to January first. She added that even with her proposed personnel changes, there would be a cost savings of over \$10,000 for the County. She added that there were three people currently working in the office and they were making it but were letting things go that needed their attention.

Ms. Johnson then reported that she will have one deputy taking maternity leave between August and October; which was when the second half billing was done and that particular deputy handled that.

In response to questions, Ms. Johnson noted that she became short staffed when she moved out of her deputy position into the Treasurer's position and did not reappoint one of the other Deputies.

Mr. Hale noted that the County was facing financial challenges and that he would favor filling one position ASAP and holding off on the other until they had a better handle on the budget.

Mr. Bruguere agreed with Mr. Hale and asked Ms. Johnson if she could use part time help. Ms. Johnson replied that they had used part time help many years ago, but there were problems with getting the person to actually help the office.

Ms. McCann noted that there would be a potential unemployment liability of \$6,500 for the person who was not reappointed and that the County would have to pay if the person did not obtain other employment.

Ms. Johnson confirmed that the two vacancies were completely funded with local funds.

Mr. Carter clarified that all five positions in the Treasurer's office were approved by the Compensation Board but were not fully funded by the state. He noted that he was concerned about the request for a salary range and he recommended using an entry amount that the Compensation Board approves because otherwise it would set a precedent of supplementing the Compensation Board salaries and has not been done before. He added that if it were funded with Compensation Board funds, they would only be obligated to offer the base salary. He noted that it is understandable that Ms. Johnson wants to offer a higher salary; however it would set a precedent. Ms. Johnson noted that she was asking the County for a hiring range in order to attract more quality people and Mr. Carter noted that it would still be setting a precedent and the other Constitutional Officer would also want to do this.

Mr. Carter then stated his agreement with approving the one position.

Ms. McCann followed up by noting that typically the local positions in Constitutional Offices have utilized the Compensation Board scale, for example the sheriff's Department. Mr. Carter suggested this be discussed during the budget and acknowledged that the County wanted to get the best people but that it was not the way the law had established it to be. Ms. McCann noted that this could promote an

January 10, 2012

instance where people are moved out of Compensation Board funded positions into all local only positions in order to take advantage of this funding and then state funds would be left on the table.

Mr. Hale then moved to authorize the Treasurer to fill one vacancy in the Treasurer's Office funded by the County with the salary to be worked out between staff and the Treasurer. Mr. Harvey clarified that they were filling a vacancy not adding an additional employee.

Ms. Johnson then referred to a funding table provided by her that noted a \$10,000 savings even with authorizing the two positions. She stated that when they were not as busy with taxpayers, they were issuing DMV stops and liens and maintaining payment arrangements.

Mr. Bruguere seconded the motion.

Mr. Harvey noted that he did not agree with the motion and that the County would still save money and he did not want to take the office backwards. Ms. Brennan noted she was concerned that the salary was not enough. Mr. Hale expressed his concern that the Board is always giving more and is not reducing. Mr. Bruguere suggested that if they paid more to get a good person, they might not need the other.

Mr. Carter noted uncertainty regarding what will happen with the state and they may fund these positions at some point. Ms. McCann noted that the two deputies being promoted were making the base salary and they have been employed for three to four years per Ms. Johnson. Ms. McCann also noted that their salaries would be going up but the same amount would be paid to the County by the Compensation Board.

Mr. Carter stated that he was more comfortable with filling the two positions at the minimum salaries rather than setting a precedent where more money was offered to one or both. He reiterated that he did not disagree in the philosophy but again stated it would be precedent setting to do otherwise.

Mr. Hale then withdrew his motion with Mr. Bruguere being in agreement.

Mr. Hale then moved to authorize the Treasurer to fill the two vacant positions at the minimum Compensation Board salaries. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Saunders then inquired as to why the County was employing an out of county lawyer for delinquent tax collection and Mr. Harvey noted Mr. Shrader's expertise and that he has had very good success on behalf of the County. Mr. Carter noted that he would have to check the contract length and that it may be coming back up soon for reconsideration.

#### D. Directives

Mr. Bruguere directed staff to have ICON come back with a precise location of the Massies Mill tower and stated that it needed to be in place when the fiber was done.

Ms. Brennan had the following Directives:

January 10, 2012

1. Inquired as to when the Board would have a work session to discuss the Paid EMS program and Mr. Harvey suggested after the committee meeting with the agencies. Mr. Carter noted that staff has put together a summary of all of the calls in the last year.
2. Inquired as to the progress on the new website and it was noted that Ms. Kelly's report states that they are working on it and that Tim Padalino, Susan Rorrer and Andrew crane could be helpful with a new GIS solution.
3. Ms. Brennan stated that the Board should think about having transparency for community centers etc.
4. Inquired about the progress on having the sidewalk installed along the rock wall and Mr. Carter noted that staff was working with VDOT; who said that the parking spaces along there would be lost. He added that the County would have to put together a bid package based on VDOT specs and bid it out locally and staff could proceed easily on it. Members acknowledged the loss of the parking spaces and discussed that it would be good to do and would finish the project. Mr. Carter added that VDOT would rework the loop from Front Street around Court Street and back next summer and that the sidewalk would need to be done before this loop is re-paved. The Board then agreed by consensus to proceed with getting bids on installation of the sidewalk.
5. Inquired about the athletic facility PER and Mr. Carter noted that Staff was working to narrow down the quotes/proposals received. He added that Ms. Harper would be speaking with a couple of respondents now and moving ahead. He noted that the concept was to evaluate the area around the High School north of the bus garage and fields and incorporate some of the schools capital projects there on site. When asked if grant funding was possible, Mr. Carter responded that it was not likely and that staff was just getting something to bring back to the Board; however the County would likely be financially constrained.

Mr. Hale had the following Directives:

1. Inquired about Mr. Hallock's historical report on the Jefferson Building and Mr. Carter noted that he had not heard from him. Mr. Hale then noted he would go to the Historical Society for their contribution.
2. Inquired about a Courthouse dedication and Mr. Carter noted that the Chamber of Commerce had suggested hosting a business after hours in May and the Board agreed by consensus to this and to also hold an additional separate dedication.
3. Inquired about the receipt of mail in their boxes with no postage and Mr. Carter noted that the Board was receiving boxes of mail from a certain religious organization and members agreed these packages should be refused going forward.

Mr. Harvey and Mr. Saunders had no Directives.

## **VI. Recess and Reconvene for Evening Session**

January 10, 2012

At 5:26 pm, Mr. Hale moved to recess and reconvene for the evening session and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion.

## **EVENING SESSION**

### **7:00 P.M. – NELSON COUNTY COURTHOUSE**

#### **I. Call to Order**

Mr. Harvey called the meeting to order at 7:01pm with all Supervisors present to establish a quorum.

#### **II. Public Comments**

##### **1. Joe Dan Johnson, Arrington**

Mr. Johnson distributed information he had prepared concerning the Broadband Project and noted that with IBEC going out of service it became crucial to move forward on the Broadband Project. He added that the County needed to get the High Top tower into service now so that Clay Stewart could serve some of the former IBEC consumers and that this could be online before the grant funded project was up and running. He suggested that the Board look at the possibility of extending fiber out to the bus garage and he reported that MasTec was running cable up to Tye River and that he had as built drawings for ICON. He noted that he had heard that IBEC may close down as early as January 12<sup>th</sup> and Mr. Harvey noted that he had heard they were leasing poles for another three months. Mr. Johnson noted it would take a little bit of time for Steward Computer Services (SCS) to build out but he could begin the process.

##### **2. Janet Lychock, Afton**

Ms. Lychock reported that she has been a BPL customer, had spoken with Adam Bishop at IBEC, and that she was supposed to get service until the end of February. She noted that she works at home and needs high speed internet. She added that she was not against towers but wants low profile ones.

##### **3. Clay Stewart, SCS Arrington**

Mr. Stewart noted that he was formally requesting the Board to expedite putting High Top tower into service. He added that it should be used for the Broadband Project as well, not just for SCS. Mr. Stewart then spoke to the importance of wireless internet services and serving those off of the beaten path and away from the corridors.

Mr. Stewart then distributed his formal request to the Board which noted what High Top could do for expanding his network. He noted that the tower existed right between the North and South borders of the county and provided for direct lines of sight to more rural areas. He spoke on the benefits of the wireless internet broadband industry and noted that the tower could provide services to the eastern side of Faber and then he could do community relays from there. He added that this would tie in the SCS network with the County's broadband network allowing for higher speeds and lower prices; which is a win/win situation. He concluded by stating that he believed the Internet was one main means for rural areas to get information and education. He stated that information related to the broadband project was public information and it would be posted on his company website.

January 10, 2012

### III. Public Hearings & Presentations

#### A. Public Hearing -Disposition of County Property: Tax Map #76-11-1-A: Nelson Heritage Center (Former Nelson County Middle School), Arrington VA.

Mr. Carter addressed the Board and briefly noted that state law requires that a public hearing be held prior to the disposition of public property. He noted that this public hearing was related to the potential disposition of the Nelson Heritage Center property in Arrington.

Mr. Harvey then opened the public hearing and the following persons were recognized:

##### 1. Edith Napier Wardlaw, Arrington

Ms. Wardlaw noted that she was speaking on behalf of the Nelson Millennium Group, who was leasing the Nelson Heritage Center. She stated that they had come to the County years ago to form a partnership with the County and that in addition to being the old Nelson Middle School; it was the African American High School. She stated that it had not been easy but it had been worth it and they had cleaned it up and renovated parts of it. She added that it has been used for everything and they needed to own the center in order to move forward. She then asked that the Board treat the Millennium Group in the same way as they have treated others and that they were asking for the whole piece of property to be conveyed even if some of it was unusable. The Millennium Group Board members who were present stood to be recognized by Ms. Wardlaw. She then asked the Board to continue to partner with them and allow them to move forward.

Mr. Bruguere stated that they intended to have a conveyance agreement designed to be similar to that of the Rockfish Valley Community Center.

##### 2. Joe Dan Johnson, Arrington

Mr. Johnson reported having spoken with the County Attorney regarding the draft agreement and he noted that it did not have the full water agreement in it and he thought it should. He noted that he agreed that if there was a time that the well ran dry, water would be provided in the short term; however the most convenient way would be to add to the agreement that the water tower would be shared for the houses and the Heritage Center. He added that this made for a sensible solution to foreseeable issues.

##### 3. Clay Stewart, Arrington

Mr. Stewart stated that he supported the Heritage Center and gives them free internet. He added that they were accomplishing a great community thing in the South District and he would like to see them do more and therefore he supported them becoming independent.

There being no other persons wishing to be recognized, the public hearing was closed.

Members then discussed that the draft contract was pretty close to being finalized; however Mr. Payne needed the Board members to work on the fine details. Members agreed that Mr. Saunders and Mr. Bruguere would work on this and get something finalized for formal consideration possibly by the February meeting. They agreed that there may need to be more to do with the water in it. Mr. Hale noted that he had spoken to George Miller at the Service Authority and it did need to be worked out and that he would be willing to work on it also. Mr. Carter noted that the Service Authority has indicated that

January 10, 2012

they were addressing the joint use of electrical service at the center and would fix the problem very soon. Mr. Hale then noted that the Service Authority needed to be on its own meter.

**B. Public Hearing -Disposition of County Property: Tax Map #97-A-81 and #97-A-81A Gladstone Fire Department and Rescue Squad Property, Gladstone VA.**

Mr. Carter noted that this item is up for the same consideration, a lease agreement has been developed with the County Attorney; however the Board's input is needed on the details following the public hearing in order to move it forward for final consideration. He added that this property was the former Gladstone Rescue Squad property that reverted back to the county with the dissolution of the rescue squad. He noted that this public hearing pertained to both the old rescue squad property and the ball fields.

Mr. Harvey then opened the public hearing and the following persons were recognized:

1. Mark Shupin, new Chairman of Gladstone Fire and Rescue Service

Mr. Shupin noted that he supported the property transfer and would facilitate them getting rescue services back up and running in Gladstone. He added that they would not be able to function without this and that the ball field area would allow for future growth and events. He then asked for the Board's support of the property transfer.

2. Willie Cyrus, Gladstone

Mr. Cyrus noted that he had served with the rescue squad for forty-one years and he was sure that the Gladstone Fire Department would make good use of this land. He added that he would like to see the County let them have it.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Bruguere noted that it was the Board's intention to make this happen for both parties.

Mr. Harvey noted that he was very proud of Gladstone Fire Department and considered them to have one of the strongest organizations in the county. He added that he wanted to see all of the fire and rescue services with one group and that they have made it an easy transition for the County and they needed to get the details worked out.

Mr. Carter noted that the draft conveyance included that the funds from the lease of the telecommunications tower would be allocated to the new fire and rescue organization. He then reported that the rescue vehicles were being lettered that day and they currently have a non-transport license. He added that the deed to the property would not hold them up to start services.

Mr. Harvey and Mr. Saunders noted that they would work together on the details of this conveyance.

**C. Public Hearing -Class III Communications Tower, Application #2011-008, County of Nelson: Consideration of an application by the County of Nelson for a 144 foot total AGL communications tower as part of the Nelson County Broadband Project funded by BTOP grant from the U. S. Department of Commerce. The tower will be located on**

January 10, 2012

property owned by Rockfish Valley Volunteer Fire Dept. and located at 11100 Rockfish Valley Highway, Afton, VA, Tax Map #7-A-9B.

Mr. Harvey stated that while he did not have a conflict of interest in this matter, he would abstain from the vote but would participate in discussion in order to answer questions and provide information.

Mr. Boger noted that the application was from the County for a 144 foot total communications tower as part of the Nelson County Broadband Project funded by BTOP grant from the U. S. Department of Commerce. He added that the tower will be located on property owned by the Rockfish Valley Volunteer Fire Dept. and would be located at 11100 Rockfish Valley Highway, Afton, VA, Tax Map #7-A-9B. Mr. Boger noted that several exceptions would be required and that the Planning Commission recommended approval as follows:

The Nelson County Planning Commission recommends approval of a tower permit to construct a 144 foot communication tower as submitted in application #2011-008 for the Nelson County Broadband Project on property owned by the Rockfish Valley Volunteer Fire Dept., 11100 Rockfish Valley Highway, Afton, VA, Tax Map #7-A-9B. In addition the Planning Commission approves the waiver of the landscaping requirement as stated in 20-7-5k (1) of the Nelson County Zoning Ordinance. It is further recommended that the Board of Supervisors grant the following exceptions: fall zone requirement (20-7-2a), two mile tower separation (20-8-3), required setback from Scenic By-Way (20-7-2e), excess height over 130' (20-8-1). In view of the tower's proximity to a Virginia Scenic By-Way, the Planning Commission strongly recommends that the tower be painted a color acceptable to the Planning and Zoning Director.

Mr. Boger stated that the County had demonstrated that other towers could not be used because they were wooden towers that would not support collocation. He added that the Planning Commission had considered this application carefully and agreed that this site was a better location than the American Fiber site in terms of community support and that the funds from the tower lease would go back to the Volunteer Fire Department.

Mr. Harvey then opened the public hearing and the following persons were recognized:

1. Mark Rosenthal, Afton

2. Mr. Tancyus, Afton

Mr. Tancyus stated that he supported the tower location at Rockfish Valley Fire Department.

3. Clay Stewart, Arrington

Mr. Stewart stated he supported the tower location at Rockfish Valley Fire Department.

4. Susan W. Rosenthal, Afton

Ms. Rosenthal stated that she supported the RVFD site because it addressed the scenic byway issues and generated revenue for a necessary community service. She then thanked the Board for its diligence in finding an agreeable solution.

January 10, 2012

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Harvey noted that Ms. Gary, an adjacent property owner, did not get the notification; however he emailed it to her and noted that the County was in the process of possibly going to another property corner and purchasing another 1.5 acres for the fall zone from Ms. Gary. He added that the Fire Department was willing to go in and plant trees for a buffer on that one side. He noted that Ms. Gary was supportive of the Fire Department and the project and that a chain link fence was already there.

Mr. Hale then moved to approve the Class III Communications Tower permit Number #2011-008 for the County of Nelson adopting the language of the recommendation of the Planning Commission as presented. Mr. Hale then read aloud a portion of the Planning Commission's resolution adapting it to pertain to the Board as follows:

Additionally, the Board approves the waiver of the landscaping requirement as stated in 20-7-5k (1) of the Nelson County Zoning Ordinance and grants the following exceptions: fall zone requirement (20-7-2a), two mile tower separation (20-8-3), required setback from Scenic By-Way (20-7-2e), excess height over 130' (20-8-1), and be painted a color acceptable to the Planning and Zoning Department.

Mr. Bruguere seconded the motion and Members noted that they were thankful for Mr. Harvey's efforts in seeking a palatable resolution for all and the tower's approval was largely due to his efforts. Members also noted being happy that the citizens in the area were happy that it would be located at the Fire Department.

Following the brief discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion with Mr. Harvey abstaining.

#### **IV. Other Business (As May Be Presented)**

Introduced: Continued Discussion Regarding IBEC

Mr. Clay Stewart of SCS was asked if he had anything else to say regarding the IBEC situation and Mr. Stewart noted that SCS would move forward as fast as they could and noted a second possible location to pursue was a tower at Sugarloaf. He added that right now the owner would not return calls because of past Verizon issues. He reiterated that they would move as quickly as possible to recover those services and expand them.

Members noted to Mr. Stewart that they would work on both High Top tower and Sugarloaf as options. Mr. Hale noted that he had BPL service through IBEC and did receive a letter that the service would be discontinued at the end of January into February. He stated that he would like for the County to explore the possibility that the IBEC hardware that has been installed and serving a lot of people in the county could be used by another provider.

Mr. Stewart noted that in other areas, the IBEC equipment was being auctioned off and it may depend upon whether or not they are filing for bankruptcy etc. Other attendees of the meeting noted that they were filing for bankruptcy.

January 10, 2012

Mr. Johnson suggested that CVEC could talk to IBEC to see who would oversee the disposition of the property etc.

Mr. Hale asked that staff look into this and report back at the next meeting. He supposed that what equipment was on the poles may be theirs, but that he had to buy the box inside the house. Mr. Johnson concurred that the switches on the poles may be theirs.

Ms. Janet Lychock reported that she did not pay for the modem but that the Customer Service Unit was purchased by her.

## **V. Adjournment**

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