

January 26, 2012

Virginia:

AT A REGULAR SCHEDULED 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 Lovingson, Virginia.

Present: Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Thomas H. Bruguere, 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
Debra K. McCann, Director of Finance and Human Resources
Phillip D. Payne, IV, County Attorney

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 7:00 pm with all Supervisors present to establish a quorum.

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

II. Public Comments

1. Jennifer Sherwood, Bent Creek, Spokesperson on behalf of Ray Uttaro
Ms. Sherwood spoke in support for Ray Uttaro to continue in his job. She spoke of his heroics over the years and stated that his recent actions did not overshadow his years of commitment to the County. She added that she thought he should not be punished for one bad decision and his actions did not change the fact that he is qualified to be EMS Coordinator. She then read portions of letters written in support of Mr. Uttaro.
2. Bo Delk, Roseland
Mr. Delk spoke in support of Ray Uttaro and stated that he thought the justice system was unfair and a person was not guilty until found guilty. He concluded by noting that Mr. Uttaro has provided years of service to the EMS Council.
3. Patty Avalon, Lovingson
Ms. Avalon spoke in support of Ray Uttaro keeping his position.
4. Debbie Uttaro, Ex-Wife of Ray Uttaro – residency unknown
Ms. Uttaro spoke on behalf of Ray Uttaro and stated that she thought that the punishment did not fit the crime. She added that Mr. Uttaro gives everything he has to the job and that the Board should consider the consequences of letting him go over the long run.

III. Public Hearings and Presentations

A. Presentation – Potential Refinancing of 2002 Lease Revenue Bonds and Radio Project Financing (Davenport & Assoc. Inc.) (R2012-08) (R2012-08A)

Mr. Carter introduced Roland Kooch, the County's Financial Advisor, from Davenport & Company, Inc., to present on both the Bond Refinancing and the Radio Project financing.

Bond Refinancing:

Mr. Kooch explained that Part 1 of his presentation dealt with the Refinancing of the 2002 lease revenue bonds that were part of financing of the Nelson Middle School/ High School project. He noted that \$12,135,000 was financed and the County has \$10, 635,000 of that outstanding. He noted that the interest rate in 2002 was 4.98% and the maturity date was 8/1/2028 and that these bonds were now reaching their first optional call date this August. He added that the County had a potential opportunity to achieve debt service savings from refinancing this debt through a riskless strategy – a direct bank loan. He added that Davenport would receive compensation for its services relative to the refinancing only in the event of a successful closing.

Mr. Kooch then noted level debt service savings projected for FY2013-2027 at \$71,600 per year with a total savings of \$1.1 million. He added that the Net Present value savings compared to the bonds refunded was 7.76% and the standard was a 3% benchmark target. He then noted that they were being conservative.

Mr. Kooch reported that the refinancing would have a 15 year amortization, would have the same credit and collateral as the 2002 bonds, and the transaction could be completed in approximately 45-60 days depending on the County's meeting schedule. He again noted that the County would only pay for professional work upon a successful closing and that the strategy was riskless in that no costs would be incurred by the County if the transaction was not undertaken.

In conclusion, Mr. Kooch noted that the transaction would require EDA and School Board approval because the EDA would issue the bonds and the Schools would collateralize the bonds. He noted that Davenport would coordinate with them as they went through the process.

Radio Project Financing:

Mr. Kooch noted for the public that the County desired to proceed with an estimated \$2.75 to \$3.0 Million radio communications system upgrade that would provide new fixed and mobile equipment for a new 4 site VHF simulcast system. He added that it was estimated that the County would have approximately \$1.1 million in local funds and approximately \$100,000 of FY2012 and FY2013 EMS four-for-life/fire program funds to contribute towards the project. He stated that the net amount to be financed would then be \$1.55 million to \$1.8 million.

Mr. Kooch then noted that the proposed term of the financing would be 10 years to reflect the useful life of the assets. He then advised that the County had the following two financing alternatives:

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1. Direct Bank Loan – competitively placed with a local, regional or national banking institution.

2. Virginia Resources Authority (“VRA”) Spring 2012 Pooled Loan Financing Program – application deadline is February 10, 2012.

Mr. Kooch then reviewed the following relative to option 1 Direct Bank Loan:

Form of Lease Purchase Agreement that is competitively procured from local, regional or national banking institution, equipment to serve as collateral, could be implemented in 45 to 60 days, rate below is indicative of competitive bid 12-year rate recently obtained by Davenport & Company LLC, as Financial Advisor.

Cost of Funds: True Interest Cost 2.50%, All-In Cost 3.31%

Debt service payments are shown for the two potential borrowing amounts as discussed as follows:

Project Cost:	\$1,550,000	\$1,800,000
	<u>Annual</u>	<u>Annual</u>
	<u>Payment</u>	<u>Payment</u>
Fiscal Year	Payment	Payment
2013	\$180,866	\$211,404
2014	179,813	210,125
2015	181,125	210,813
2016	182,313	211,375
2017	183,375	211,813
2018	184,313	212,125
2019	180,188	207,375
2020	181,000	207,563
2021	181,688	207,625
2022	182,250	207,563
Total	\$1,816,928	\$2,097,779

Option 2 VRA Pooled Loan Financing Program:

Sold via public markets to retail and institutional investors, interest rates (i.e. Cost of Funds) benefit from VRA’s Credit, equipment to serve as collateral, next financing will be in June 2012, application deadline is February 10, 2012, interim financing prior to the financing date is available through VRA, and market as of January 20, 2012 (Note: this rate will not be fixed until VRA bonds are sold in mid-May 2012).

Cost of Funds: True Interest Cost 1.95%, All-In Cost 3.07%

Project Cost:	\$1,550,000	\$1,800,000
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Fiscal Year	<u>Annual Payment</u>	<u>Annual Payment</u>
2013	\$176,052	\$204,645
2014	181,325	209,925
2015	182,500	205,575
2016	177,950	205,400
2017	182,550	209,200
2018	181,125	206,875
2019	178,750	208,375
2020	181,000	209,375
2021	177,875	209,875
2022	179,375	205,000
Total	\$1,798,502	\$2,074,245
Savings vs Direct Bank Loan	\$ 18,427	\$ 23,534

Mr. Kooch advised that the financing would close around June 2012 and that there was the potential to pursue both options at the same time – a dual tracking approach.

It was noted that the project equipment would not be finalized for another 45 days and the schedule could be built when this was done.

In response to questions, Mr. Kooch noted that the interest rates would not vary during the paperwork and that once the financing selection was made, the rate was fixed. He added that with VRA, the rates may change by the time they sell the bonds, but it would be locked in at the time of the sale in mid May. He added that the chance of movement was slightly upwards; however the public market rates were the best they have been in a while. He did note that global markets could impact things even if the Fed keeps rates the same.

Mr. Kooch reiterated that the savings presented on the refinancing were after the closing costs that were built into the refinancing. He advised that they included Davenport's costs of \$30,000 and Bond Counsel costs of \$35,000 for a tax exempt issue. He noted that there may also be miscellaneous banking fees of about \$5,000-\$10,000.

Mr. Kooch then noted that the closing costs on the equipment financing were slightly lower and all were estimated at \$60,000 if financed through a direct bank loan and then if financed through VRA, they would add in their costs as well. He added that there was as certain element of fixed work in these transactions.

Mr. Hale asked if the County would save money by doing the equipment leasing itself and Mr. Kooch noted that the County would still have to pay legal closing costs but could eliminate the advisory and VRA fees but would have at least \$30,000 in costs. He noted that for their fee, Davenport would do all of the analysis and do an apples to apples comparison for the locality. He added that the equipment

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vendor had proposed financing the equipment and promised certain things that the financing company couldn't deliver.

Mr. Carter advised that the refunding was something they had been monitoring for some time and was an easy decision. He added that on the equipment financing, staff has been working on this for a while and were trying to close the loop on using cooperative procurement to be able to work with the vendor that was preferred. He noted that he thought that the County could move forward in the timeline that Mr. Kooch had outlined. He further noted that staff still wanted to use a strategy to narrow the debt service to \$140,000 that was built into the budget; however he noted that Staff recommended favorable consideration of the refinancing, that the County had always been well served by Davenport, and the money would be well invested.

Mr. Bruguere then moved to approve resolution **R2012-08** Plan of Refinancing School Bonds Issued by the Economic Development Authority of Nelson County, Virginia 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 R2012-08
NELSON COUNTY BOARD OF SUPERVISORS
PLAN OF REFINANCING SCHOOL BONDS ISSUED BY
THE ECONOMIC DEVELOPMENT AUTHORITY OF NELSON COUNTY, VIRGINIA**

WHEREAS, at the request of the Board of Supervisors (the "Board") of Nelson County, Virginia (the "County"), the Economic Development Authority of Nelson County, Virginia (the "Authority") has previously issued its \$12,135,000 Public Facility Lease Revenue Bonds, Series 2002 (the "2002 Bonds") in order to finance a portion of the costs of the acquisition, construction, renovation, equipping and furnishing of County school facilities and provide for the payment of financing and issuance costs of the 2002 Bonds (collectively, the "Project"); and

WHEREAS, the County's Financial Advisor, Davenport & Company LLC (the "Financial Advisor") has presented a proposed plan of refinancing the 2002 Bonds that would result in significant savings in debt service in Project financing; and

WHEREAS, the County has determined that it wishes to redeem, refund and/or defease all or a portion of the Series 2002 Bonds maturing on or after August 1, 2012 (the "Refunded Bonds"), if such refinancing, including the costs of issuance to be incurred in connection with such refinancing, will result in a level of net present value savings in excess of 3% (the "2012 Refinancing").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF NELSON COUNTY, VIRGINIA:

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1. The County Administrator and other County staff, the Financial Advisor, the County's Bond Counsel (Sands Anderson PC) and the County Attorney are authorized to take appropriate actions to issue a request for proposals to financial institutions for the 2012 Refinancing (the "RFP"), all in accordance with the presentation of the Financial Advisor at this meeting.
2. Final approval of the 2012 Financing by the Board of Supervisors is contingent upon review by the Board of Supervisors of financing proposals received pursuant to the RFP and approval of the 2012 Refinancing in a subsequent resolution of the Board of Supervisors.
3. All other acts of employees, representatives and agents of the County that are in conformity with the purposes and intent of this Resolution are hereby approved and ratified.
4. This Resolution shall take effect immediately.

Mr. Hale noted that he would like to hear more about why financing the radio system equipment in this manner would be the best route given that the costs were high relative to the amount of money involved.

Mr. Carter noted that the County would not be able to avoid bond counsel costs and they had greater expertise on issuing these RFPs etc. He added that Staff could work with the VRA process, but that he thought that a dual approach was a good thing to do and to make it happen timely. Mr. Harvey stated that the system upgrade had to be done by sometime in 2013.

Mr. Carter then suggested that Staff could do the VRA application and could work with Bond Counsel on soliciting a private placement.

Mr. Hale noted that VRA had the potential to be the best bet and disagreed with spending money to prove it. Mr. Carter agreed that the VRA was a pooled financing situation which usually resulted in lower rates.

The VRA application deadline was noted to be February 10th and Mr. Carter noted that the application was not difficult and he thought that the County should do the VRA application. He added that this would not preclude staff from pulling Davenport in if it would be advisable. He then suggested that the County do the VRA application and see what sales resulted in May and then consult with them on the need to do a private placement; however it would be tight timeframe.

It was noted that a resolution was not needed to authorize staff to do the VRA application but that it could be amended to reflect this.

Mr. Hale then moved that the Board authorize staff to make an application for the VRA loan for the Radio Communications System upgrade and Mr. Bruguere seconded the motion.

Mr. Kooch offered that they could provide limited assistance on an hourly basis for the VRA loan; however if there was some glitch to meet the deadline, Davenport would ask to adjust accordingly. It was noted that the Board could cap Davenport's costs at \$12,500 for VRA assistance on an hourly basis. Mr. Kooch noted that they would not exceed the \$30,000 if they came back to them to do the bank financing.

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Mr. Carter reiterated that staff had the highest confidence in Mr. Kooch and Davenport but could not refute Mr. Hale's suggestion.

Mr. Harvey noted that he would like to amend the motion so that staff has the leeway to ask for assistance from Mr. Kooch and Mr. Hale noted he did not think it necessary even though there was not a long timeframe for staff to get the application in.

Mr. Harvey then called for the vote and Supervisors voted (2-2-1) by roll call vote to kill the motion, with Ms. Brennan and Mr. Harvey voting no, Mr. Bruguere and Mr. Hale voting yes, and Mr. Saunders abstaining.

Mr. Hale then moved to authorize staff to prepare an application for financing of the radio communications system project through VRA; with limited assistance from Davenport and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**B. Presentation – Chesapeake Bay TMDL Watershed Implementation Plan, Phase II
(S. Williams) (R2012-09)**

Mr. Steve Williams of the TJPDC reported that the TMDL process had been going on for several years now. He noted the purpose of these was to reduce pollutants going into the Chesapeake Bay, and they have met with opposition across the state; however Virginia has chosen to move forward.

He then reported that the current phase II of the Watershed Implementation Plan evaluates how pollution can be reduced in each locality and they have been assisting local staff on this issue. Mr. Williams stated that he was presenting the work done on this data and requested that submittal of the data be authorized to go to DCR. He noted that there was no impact on citizens and the data showed what was expected in the County in the next 15 years. He added that the Board would have to approve any action related to this and the County's data would be combined with others in the PDC.

Mr. Williams then reported that they had reviewed land uses in the County with staff and TJWCD and confirmed the existing DCR data so these had no changes. He noted that they then reviewed existing Best Management Practices (BMPs) in the County and looked at target practices for the next 15 years. He noted that Agricultural BMPs were handled through cost share programs and focused on storm water BMPs under local control. He added that they had looked at four different storm water BMPs and had reduced the number of wet ponds recommended and increased filtration and infiltration methods.

He reported that for Nutrient Management, the reformulation was required by legislation to release less phosphorus into the watersheds and was developed with Scotts Lawncare Company. He reported that there were 8,306 acres of reduced pollution in the county.

Mr. Williams asked the Board to consider the resolution provided and clarified that the resolution was not an expression of support for TMDLs but was recognition of the data submitted as being the best data.

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Members and staff discussed the ponds located at the convenience centers and it was noted that these were dry ponds and that a wet pond has water in it all of the time.

Mr. Hale suggested that the Board adopt the resolution with some changes; he and Ms. Brennan then suggested language to be removed and/or changed and moved to approve resolution **R2012-09**, a resolution authorizing submission of nelson county data to Virginia Department of Conservation and Recreation as amended by him. Ms. Brennan seconded the motion and noted that she was opposed to parts of the TMDLs but not completely and the reworded resolution reflected that. She added that she did not oppose the idea of it but did oppose it as presented. Mr. Carter noted that the TMDLs were a result of a Court decision and that Virginia was abiding by the decision. He added that the purpose of the resolution was to allow the County to update its information with DCR to better its position down the road. Mr. Bruguere suggested leaving the wording like it was.

There being no further discussion, Supervisors voted (2-3) by roll call vote to disapprove the motion with Mr. Saunders, Mr. Bruguere, and Mr. Harvey voting no and Mr. Hale and Ms. Brennan voting yes; therefore, the proposed resolution **R2012-09** was not adopted.

It was noted that the timeframe was that data was submitted on February 1st and that the TJPDC needed authorization to release the data.

Mr. Hale then moved that the Board authorize the TJPDC to release to the VA Department of Conservation and Recreation, the revisions to Nelson County's Data and Ms. Brennan seconded the motion.

It was noted that if the Board did not provide this authorization, DCR would use the default data and the County would not get credit for all it has done since 2007. Mr. Saunders expressed his concern that the data would be used for more regulations down the road. Mr. Harvey questioned whether or not the new data was an advantage or disadvantage for the County and Ms. Brennan suggested it was an advantage in that the County would not have to implement more in the future. Mr. Williams confirmed that the storm water was a voluntary program right now and that updating the County's data would put the County in a better position.

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

IV. New/Unfinished Business

A. Amendment to Nationwide Deferred Compensation Plan (R2012-10)

Ms. McCann noted that the Board had adopted a similar resolution related to the County's other deferred compensation plan and that the changes were required based on changes in the Federal Regulations.

Ms. Brennan then moved to approve resolution **R2012-10**, Authorization to Amend Deferred Compensation Plan, Nationwide Retirement Solutions 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 resolution was adopted:

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**RESOLUTION R2012-10
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO AMEND DEFERRED COMPENSATION PLAN
NATIONWIDE RETIREMENT SOLUTIONS**

WHEREAS, recent federal tax legislation requires amendments to the previously approved Deferred Compensation Plan through Nationwide Retirement Solutions;

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

B. Nelson County Broadband Authority Appointment – South District

Ms. Brennan moved to approve Larry D. Saunders to serve as the South District Representative on the Broadband Authority and Mr. Hale seconded the motion.

There being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion, with Mr. Saunders abstaining.

C. Preliminary 2012 Reassessment Analysis

Staff reported the following:

Total 2012 RE Taxes (Based on \$.55 Tax Rate) & \$2,629,563,310 Certified Value	\$14,462,598	≈	\$262,956	Value of 1 penny in Tax Rate
(1) Land Use Adjustment (Based on \$.55 Tax Rate)	-\$2,614,180	–	Estimated Value of Deferred Land Use = \$475,305,380	
Est. E&D Adjustment (0.3299% of \$14,420,246)	-\$47,712	–	Used an Average % of E&D Relief to Total RE Taxes	
(2) Adjustment for Increasing LU Values to Equalize Taxes Paid	N/A	–	25.0% Decrease in Deferred Land Use Values	
Total Adjusted 2012 RE Taxes (Based on \$.55 Tax Rate)	\$11,800,707	≈	\$214,558	Value of 1 penny in Tax Rate
*Adjusted for 93% Collection Rate	\$10,974,657	≈	\$199,539	Value of 1 penny in Tax Rate
<i>FY12 RE Tax Revenue (Budgeted)</i>	\$15,567,866	–	\$0.78	Equivalent Tax Rate
<i>FY13 Reduction in RE Tax Revenue</i>	\$4,593,209	–	\$0.23	Equivalent Tax Rate
	\$10,974,657	–	\$0.55	Equivalent Tax Rate
FY12 Budget for First Half 2012 RE Tax	\$7,241,023			
Estimated FH2012 Collection by June 30 at current tax rate	\$5,369,321			
<i>FY12 Budget Shortfall at current tax rate</i>	\$1,871,702		\$0.09	Equivalent Tax Rate

Mr. Carter then noted that staff was reporting the impact of the change in values to the tax base and what the Board should consider going forward into the budget. Mr. Harvey noted that he would like to discuss the reassessment with legal counsel.

Ms. McCann reviewed the table noting that the total certified value of \$2,629,563,310 equated to \$14,462,598 in taxes based on a \$.55 tax rate. She noted the adjustments for land use and elderly and

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disabled relief that resulted in an adjusted tax base of \$11,800,707 based on 100% collections. The tax base adjusted for a 93% collection rate was noted to be \$10,974,657 which equates to a per penny value of \$199,539. She then noted that the FY12 budgeted revenue was \$15,567,866 which equated to a \$0.78 tax rate. To conclude she noted that the FY12 Budget Shortfall at the \$0.55 tax rate was \$1,871,702.

Ms. McCann then reported that before 2008, the tax rate was \$.72 and went to \$.55 and the FY12-13 rate would have to be \$.78 to hold revenues even. She added that she could not predict the land use numbers until the Commissioner of Revenue got those numbers into the system. She noted that in the example she assumed it would change by the same amount that the overall values went down.

Mr. Harvey noted that the problem is having a 30%-40% increase in rate and if a person's property went up or stayed neutral, they would have a higher individual increase.

In response to questions, it was noted that the Commissioner of Revenue sets the land use values based on recommended values from a State Commission.

Mr. Harvey questioned how the assessors could think that WPI memberships did not have a value and he questioned the Assessors credibility. Mr. Carter noted that in internal discussions, the assessors had indicated that the sales data did not reflect having a WPI membership or not. Mr. Hale noted that the Commissioner of Revenue had said that there was no distinction between the two.

Mr. Harvey then noted that it did not make sense for a recent sale of \$150,000 to be valued at \$60,000 and he has an employee whose double wide was assessed at \$300,000.

Mr. Carter advised the Board that they could have the assessors come back to answer questions and that their challenge was to smooth it out so that the value of all properties were equalized. Members noted that there were a lot of citizens concerned about the devaluation of their property.

In conclusion, Ms. McCann noted that she had taken a preliminary look at the revenues and they were fairly flat and may be a little less in the next fiscal year.

D. Nelson Heritage Center Conveyance Agreement

Mr. Hale and Mr. Saunders reported that they were not yet ready to make a recommendation to the Board, they needed to gather more information on the water and electricity there, and they intended to walk the whole property. The Board then agreed by consensus to defer consideration of this matter.

E. Gladstone Fire and Rescue Squad Lease Agreement

Mr. Saunders stated that he understood this conveyance would be a sale and Mr. Harvey indicated that he was opposed to a lease and asked for a report on the status of the organization.

Mr. Carter stated that the Building Inspections Department had approved all of the building renovations; however they were not a licensed transport agency yet.

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Mr. Willy Cyrus from Gladstone noted that \$150,000 was exchanged to Tom Berry and that he has read in the paper that \$80,000 was owed on the building renovations, and that the County was picking up court fees for the contractor; leaving a balance of approximately \$65,000. He then inquired as to whether or not the Fire Department would receive these funds.

Mr. Harvey noted that to his knowledge any assets left would go to the Fire Department. He added that anything that was paid on the building was to finish the contract and there may be some additional fees that would come out of it.

Mr. Bruguere stated that this was his understanding also and Mr. Carter advised him that the County would get a final accounting of the funds.

Mr. Payne in attendance noted that the construction contract was \$82,000 plus \$3,000 for electrical work. He added that the work on the building was finished and that Mr. Berry was finishing his final report to the Court and the County would recommend to the Court that the assets be turned over to the newly constituted organization Gladstone Fire Department and Rescue Service. He added that the question was whether or not they could get the transport license if they did not own the vehicles. He noted that the County may have to transfer the vehicles first and the real estate belonged to the County.

Members then agreed by consensus that they wanted a sale conveyance with a reversion clause as opposed to the draft lease agreement.

Staff noted that Mr. Berry would do a final accounting and then Mr. Payne would bring it back for the Board's consideration. It was reiterated that the County owned the building, the land, and ball field and that a public hearing was already held for the disposition of this property.

The licensing process was discussed and it was noted that the agency must own the vehicles before it could get a license and that Mr. Berry would recommend that the Judge release the vehicles. It was then reiterated for the record that the Board was not holding up the process. Mr. Payne added that he would push Mr. Berry to do this part. He added that he would advise the court on the County's position on the assets.

F. Communications Tower Ordinance

It was noted by staff that the draft ordinance would need to be re-written such that the Planning Commission was not granted authority to grant waivers based on review of a recent court decision regarding this type of authority.

Ms. Brennan recommended that this go back to the Planning Commission for revision and staff advised that the Board could deal with the changes even though Ms. Brennan noted that she thought it may be easier for the Commission to do it.

Mr. Bruguere inquired as to why the Board did not grant waivers and Mr. Payne advised that the Zoning Administrator, the Board of Zoning Appeals, and the Board of Supervisors could grant waivers.

Mr. Harvey suggested that staff just correct the language to remove the Planning Commission from granting waivers. Mr. Payne then recommended that the Board not send this back to the Commission as they have done so twice and it was his view that once they have gone through this, the Board can make

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the necessary changes. He and Mr. Boger then advised that the Planning Commission only makes recommendations. He added that the commission could recommend changes for the Board to decide upon and noted that they currently have the discretion to decide on Class II towers; which needed to be fixed.

The Board then agreed by consensus for Mr. Boger and Mr. Payne to fix the legal issues and bring the revised draft back to the Board. They added that the administrative approval tower height would also be a consideration.

V. Other Business

- A.** Closed Session as May Be Required Pursuant to Virginia Code § 2.2-3711(A) (1) and § 2.2-3711(A) (7): *discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body and Consultation with legal counsel employed or retained by a public body requiring the provision of legal advice by such counsel.*

Mr. Hale moved to go into closed session Pursuant to Virginia Code § 2.2-3711(A) (1) and § 2.2-3711(A) (7): *discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body and Consultation with legal counsel employed or retained by a public body requiring the provision of legal advice on the reassessment by such counsel.*

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

Supervisors conducted the closed session and upon its conclusion Ms. Brennan moved to reconvene in public session 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 reconvene in public session.

Upon reconvening in public session, Mr. Hale moved that that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. 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 certify the closed session.

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

B. Introduced: Dispatch Center Staffing

Mr. Harvey introduced the subject of Dispatch Center staffing and supervision of both the Compensation Board employees and the County employees. It was noted that there were four Compensation Board dispatchers and currently there were three people in these positions. Mr. Carter

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then noted that there were eight to ten in local positions including both full and part time. Staffing while the one vacant position was open was discussed as well as the supervision agreement between the County and the Sheriff's Department. Members and staff also discussed the possibility of the Sheriff's Department assuming supervision of the Animal Control Department and Mr. Carter was asked to speak to Sheriff Brooks about this possibility. Members and staff also briefly discussed improving radio communications, having video magistrate conferencing in the secured area, and overall coordination with this department.

C. Introduced: Board Committee Report on Meeting with Rescue Squad Agencies

Ms. Brennan noted that she and Mr. Harvey met with Faber Rescue Squad and they stated that it would really help them if the paid crews filled out the reports for their calls. It was noted that they would likely need to do this computer work at the Faber Rescue Squad building. Mr. Bruguere noted that Roseland Rescue filled out the paperwork and then went back to the squad and entered into the computer. Members and staff discussed whether or not the call information had to stay at the squad buildings or if a non-squad member could handle the information.. Mr. Harvey then noted that they discussed the possibility of purchasing the building that the Rescue Squad owns in Lovington with the idea being that it was made the Nelson County Public Safety building which would allow for training to occur there. He added that this would allow them to be debt free and it was discussed whether or not the County would or could just assume the note or pay them the debt amount. Members agreed to consider this possibility and to also discuss the future of the paid EMS program in the near future.

VI. Adjournment

At 9:45 pm, Mr. Hale moved to continue the meeting until 3:00 pm on February 1, 2012 and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting was continued.