

June 12, 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. Bruguire, Jr. West District Supervisor- Vice Chair
Allen M. Hale, East District Supervisor
Larry D. Saunders, South District Supervisor
Constance Brennan, Central District Supervisor
Thomas D. Harvey, North District Supervisor – Chair
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Fred Boger, Director of Planning and Zoning
Tim Padalino, Planner
Susan Rorrer, Director of Information Systems
Jaime Miller, Emergency Services Coordinator

Absent: Stephen A. Carter, County Administrator

I. Call to Order

Mr. Harvey called the meeting to order at 2:00 pm, with all Supervisors present to establish a quorum and Mr. Carter being absent.

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

Prior to consideration of the Consent Agenda, Mr. Harvey recognized EMS Coordinator, Jaime Miller, who reported on the County’s first Dispatch Center baby delivery using EMD instructions. She noted that the Dispatchers coached the father during the birth, gave the new parents after care instructions, and afterwards, they were successfully transported to Martha Jefferson Hospital. She added that parents and baby were going home to Afton the following day.

II. Consent Agenda

Mr. Hale moved to approve the consent agenda and Mr. Bruguire 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 - **R2012-38** Minutes for Approval

**RESOLUTION-R2012-38
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(May 8, 2012)**

June 12, 2012

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **May 8, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2012-39** FY11-12 Budget Amendment

RESOLUTION R2012-39
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
June 12, 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>
	\$ 9,523.00	3-100-001901-0015	4-100-012130-5420
	\$ 5,270.00	3-100-002306-0002	4-100-013010-1010
	\$ 792.00	3-100-002306-0002	4-100-013010-5401
	\$ 4,160.00	3-100-002306-0002	4-100-013010-5413
	\$ 975.00	3-100-002306-0002	4-100-013010-5501
	\$ 5,000.00	3-100-002404-0017	4-100-021060-3160
	<u>\$ 1,848.00</u>	3-100-009999-0001	4-100-031020-5419
Total Appropriation	<u>\$ 27,568.00</u>		

II. **Transfer of Funds (General Fund)**

General Fund (FY12 Employee Salary/Benefit Adjustment)

	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
	\$ 1,912.00	4-100-091030-5616	4-100-012010-1001
	\$ 380.00	4-100-091030-5616	4-100-012010-2001
	<u>\$ 301.00</u>	4-100-091030-5616	4-100-012010-2002
	\$ 2,593.00		
	\$ 1,414.00	4-100-091030-5616	4-100-012090-1001
	\$ 81.00	4-100-091030-5616	4-100-012090-2001
	<u>\$ 223.00</u>	4-100-091030-5616	4-100-012090-2002
	\$ 1,718.00		
	\$ 1,366.00	4-100-091030-5616	4-100-012150-1001
	\$ 123.00	4-100-091030-5616	4-100-012150-2001

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\$ 215.00	4-100-091030-5616	4-100-012150-2002
<u>\$ 1,704.00</u>		
\$ 412.00	4-100-091030-5616	4-100-012180-1001
\$ 50.00	4-100-091030-5616	4-100-012180-2001
<u>\$ 66.00</u>	4-100-091030-5616	4-100-012180-2002
\$ 528.00		
\$ 433.00	4-100-091030-5616	4-100-013020-1001
\$ 107.00	4-100-091030-5616	4-100-013020-1003
\$ 25.00	4-100-091030-5616	4-100-013020-2001
<u>\$ 68.00</u>	4-100-091030-5616	4-100-013020-2002
\$ 633.00		
\$ 1,828.00	4-100-091030-5616	4-100-021060-1001
<u>\$ 353.00</u>	4-100-091030-5616	4-100-021060-2002
\$ 2,181.00		
<u>\$ 8,921.00</u>	4-100-091030-5616	4-100-032030-1003
\$ 8,921.00		
\$ 418.00	4-100-091030-5616	4-100-032010-1001
\$ 18.00	4-100-091030-5616	4-100-032010-2001
\$ 38.00	4-100-091030-5616	4-100-032010-2002
<u>\$ 959.00</u>	4-100-091030-5616	4-100-032010-3002
\$ 1,433.00		
\$ 1,289.00	4-100-091030-5616	4-100-035010-1001
\$ 760.00	4-100-091030-5616	4-100-035010-1002
<u>\$ 170.00</u>	4-100-091030-5616	4-100-035010-2001
\$ 2,219.00		
\$ 698.00	4-100-091030-5616	4-100-042030-1001
\$ 11,554.00	4-100-091030-5616	4-100-042030-1003
\$ 499.00	4-100-091030-5616	4-100-042030-1005
<u>\$ 194.00</u>	4-100-091030-5616	4-100-042030-2002
\$ 12,945.00		
\$ 862.00	4-100-091030-5616	4-100-071020-1001
<u>\$ 131.00</u>	4-100-091030-5616	4-100-071020-2002
\$ 993.00		
\$ 3,061.00	4-100-091030-5616	4-100-081010-1001
\$ 123.00	4-100-091030-5616	4-100-081010-2001
\$ 183.00	4-100-091030-5616	4-100-081010-2002
<u>\$ 145.00</u>	4-100-091030-5616	4-100-081010-2006

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\$ 3,512.00		
\$ 954.00	4-100-091030-5616	4-100-081020-1001
\$ 960.00	4-100-091030-5616	4-100-081020-1003
\$ 725.00	4-100-091030-5616	4-100-081020-2001
<u>\$ 349.00</u>	4-100-091030-5616	4-100-081020-2002
\$ 2,988.00		

**Sub-
Total** **\$ 42,368.00** **Employee Salary/Benefit Transfer**

General Fund (Transfers from Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 6,800.00	4-100-999000-9905	4-100-011010-3007
\$ 1,625.00	4-100-999000-9905	4-100-011010-5501
\$ 5,000.00	4-100-999000-9905	4-100-035010-3002
<u>\$ 40.00</u>	4-100-999000-9905	4-100-035030-3001
\$ 13,465.00		

**Sub-
Total** **\$ 13,465.00** **Transfer from Contingency**

General Fund (Other Transfers)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 7,500.00	4-100-012130-1001	4-100-043040-5415
<u>\$ 7,500.00</u>	4-100-022010-1001	4-100-043040-5415
\$ 15,000.00		

**Sub-
Total** **\$ 15,000.00** **Transfer from Other Accounts**

Total Transfers **\$ 70,833.00**

C. Resolution – **R2012-40** COR Refunds

**RESOLUTION-R2012-40
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.

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<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 15.40	Mobile Home Tax	John & Shelly Mitchell 162 Paloma Farm Lane Afton, VA 22920
\$ 9.90	Mobile Home Tax	Shelley Lin Landers P.O. Box 186 Nellysford, VA 22958
\$ 58.00	2011 Personal Property Tax	Valeda Gay Zurlippe 125 Coapman Avenue Monroe, VA 24574
\$ 76.40	2011 Personal Property Tax	Richard E. Ponton 450 Sentosa Lane Schuyler, VA 22969
\$ 60.00	2010 & 2011 Vehicle License Fee	David L. Johnson 509 Megan Lane Shipman, VA 22971
\$ 434.69	2009-2011 Personal Property Tax And Vehicle License Fee	Henry G. and Gracie B. Toms 9632 Irish Road Faber, VA 22938
\$ 297.90	Real Estate Tax	Aleta Jenkins 400 Old Hundred Rd. Midlothian, VA 23114
\$ 3,667.98	Real Estate Tax	McFarlane Homes, Inc. 868 Miller School Rd. Charlottesville, VA 22903
\$ 323.07	2009-2011 Mobile Home Tax	Mary M. Diggs 3860 Adial Road Faber, VA 22938
\$ 7.68	2010 Personal Property Tax	Patricia J. Snyder P.O. Box 111 Afton, VA 22920

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D. Resolution – **R2012-41** Election of VRS Employer Contribution Rates

Resolution R2012-41
Nelson County Board of Supervisors
Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the Nelson County 55162 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Nelson County 55162 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

The Certified Rate of 13.15% The Alternate Rate of 10.76%; and

BE IT ALSO RESOLVED, that the Nelson County 55162 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Nelson County 55162 are hereby authorized and directed in the name of the Nelson County to carry out the provisions of this resolution, and said officers of the Nelson County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Nelson County for this purpose.

E. Resolution – **R2012-42** Election of Member VRS Contribution by Salary Reduction

Resolution R2012-42
Nelson County Board of Supervisors
Member Contributions by Salary Reduction for Counties, Cities,
Towns, and Other Political Subdivisions
(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

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WHEREAS, the Nelson County 55162 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Nelson County 55162 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Nelson County 55162 may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Nelson County 55162 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

<u>Type of</u>	<u>Employer Paid</u>		<u>Employee Paid</u>	
<u>Employee</u>	<u>Member</u>	<u>Contribution</u>	<u>Member</u>	<u>Contribution</u>
Plan 1	0%			0%
Plan 2	0%			0%
FY2013 Employees	0%			5%

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Nelson County in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Nelson County under the

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pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pickup arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pickup contributions made by the Nelson County directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Nelson County shall be reduced by the amount of member contributions picked up by the Nelson County on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of Nelson County 55162 are hereby authorized and directed in the name of the Nelson County to carry out the provisions of this resolution, and said officers of the Nelson County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Nelson County for this purpose.

III. Public Comments and Presentations

A. Public Comments

1. Scott Leak, Congressman Hurt's Office

Mr. Leak reported that Congressman's Hurt's Office was having another elected officials luncheon at Buckingham Depot at noon in Dillwyn and he invited the Board to attend. He then noted that Esther Page would soon be coming down to help constituents with issues of a federal nature. He added that he would be present on Monday at the Blue Ridge Trail ribbon cutting.

2. Martha Warring, Dept. of Forestry

Ms. Warring noted that the Dept. of Forestry office was moving to Amherst County on June 26th and she wanted to let the Board know why they were moving. She noted that the Department of Forestry had fewer employees and was reorganizing based on two major components. One she noted was the department was going mobile and would be issued laptops and smart phones and secondly, they were moving towards creating area management teams of 3-4 county areas instead of providing county specific services. She added that the County would still have a Forester and a Technician in it along with fire response as there has always been. She added that the tractor, hummer, and ATV would be stationed here. She noted that they could cover areas with fewer staff and that Campbell, Amherst, and Nelson counties were being put together. She then noted that their Post Office Box would be the same but their phone number was to be determined. She added that she would contact County Administration and Dispatch when it was known.

In response to questions, Ms. Warring noted that they were still looking for someone else qualified on a dozer; however she and Houston were qualified to run it as was Charlie Pierce on flat land.

3. Glenda Cahoon, VTA Representative, Tye River Rd.

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President that states that the County requiring him to pass through a metal detector when entering the courthouse to pay taxes, attend a Board meeting, or visit the Circuit Court Clerk's office was a violation of his Fourth Amendment rights. His statement also encouraged the Board to address the matter of impeachment of President Obama.

4. Jamie Miller, EMS Coordinator

Ms. Miller reported that the County was now currently operating on a 24/7 basis with Paid EMS crews and that Mr. Sheets was using Wintergreen staff for coverage while in the process of hiring three (3) new employees. She added that two (2) were starting July 1st and the third position had not been filled yet because there was no good fit in the remaining candidates. Ms. Miller then noted that Captain Robertson, herself, and Mr. Sheets had participated in interviews and that with the new hires, 8 out of 9 crew members would be paramedics. She added that Mr. Sheets was working with volunteer agencies on getting their members further certifications; which would get more volunteer ALS providers out there.

B. VDOT Report

Mr. Hamilton noted that Don Austin could not attend the meeting due to a health issue and he noted that he would pass any of the Board's issues on to him.

Mr. Saunders then noted that the Board wanted Mr. Austin to report on the intersection at Findlay Mtn. Road and Route 56 East in Shipman and a study in Wingina to reduce the speed limit from the firehouse on Route 56 East to Route 626. He added that a sinkhole had been mentioned at 627 Arrington Road.

Ms. Brennan asked for Mr. Austin to follow up on previous issues: stop light on Route 29 and reducing the speed limit from the light beyond the businesses on Rt. 29 South to the turnaround at Kirt's Auto. She then noted the conversation with Mr. Austin about looking at the traffic flow at the intersection of Route 29 and 56 West in Colleen.

Mr. Harvey added that he would like to see the 45mph sign moved back to where the firehouse is now at the second Lovington entrance, and the speed limit reduced from 45mph to 35mph from the library past the turnaround at Kirt's Auto. He added that they would draw up a diagram outlining this and possibly attach it to a resolution for consideration. He added that they would work on having the police provide speed enforcement at the Food Lion intersection. Ms. Brennan noted that this had become a pedestrian issue at the middle exit to Lovington where people were frequently walking across Route 29.

Mr. Hale added that the Food Lion light had two lights that were dark for the turn and two lights that were green with the sign. He noted that he thought the light should be red when those were green and the sign should say "no turn except on green arrow". He added that this would be a simple solution and agreed that people were speeding through the intersection.

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Mr. Hale then noted that at 2774 Laurel Road, there was a large dead oak tree in a curve and it was ready to fall over. Mr. Harvey noted that there were several trees along Route 6 and Route 151 also ready to fall over.

Mr. Bruguere noted that a “no double stacking” sign had been requested in Colleen at the intersection of Route 29 and 56 West and was not there yet. He then noted that there was an issue on Rt. 151 at the Junction and Campbell’s woodyard where there was a long stretch where the ditch filled with water and was almost a foot deep and this needed to be fixed. He added that the back roads needed ditching and it needed to be maintained as the ditches were full and there was nowhere for the water to go. Mr. Hamilton noted that he agreed that ditching prolonged the life of roadways.

Mr. Harvey noted that the concrete ditching near Rockfish Valley Fire Department has been stopped up by trimmings and he had mentioned this to a maintenance guy but wanted to be sure it was done. Mr. Harvey then complimented VDOT on the early mowing being done.

Ms. Brennan then inquired as to who was liable if a tree that was within the VDOT right of way fell and caused a wreck. Mr. Hamilton noted that would be for an attorney to decide; but if it were in VDOT right of way, they would work with the homeowner to fix this.

Mr. Boger noted that there was a tree in Lovington near Trager Brothers hanging over and ready to fall down.

Members then noted that the passing zone in Foster Town, the straight stretch on Route 56 East up to Phil Payne’s house, was reinstated when they did the repaving. It was noted that this was made a no passing zone previously and there needed to be a double line through there.

I. Secondary Six Year Plan (SSYP) Work Session (R. Hamilton)

Mr. Hamilton reviewed the draft Secondary Six Year Plan (SSYP) for Nelson County and noted that the County only has minimal Telefee revenue coming into the county.

He then introduced VDOT employees in attendance: Ryan Zoble, in Location and Design, Jay Brown the Programming section, Jimmy Carter, Traffic Operations, and Matthew Conner his assistant.

Mr. Hamilton noted that in the Rural Rustics Program, Route 726 Donahue Lane had been mistakenly taken off of the plan. He noted that this was corrected and had been added back into the plan, they were set to advertise this in August, and that State forces would construct this. He reported that Rt. 631, Pigeon Hill Road and Route 641, Eades Road would go to construction in July 2012. He then noted that Rt. 662 South Powell’s Island Road was scheduled for advertisement in June 2013. He concluded by noting that there would be activity on three (3) unpaved roads this year.

Mr. Hamilton then reviewed the construction priority list and noted that the first priority was the Route 6 (River Road) and Route 634 (Old Roberts Mountain Road) intersection. He reported that VDOT had reviewed the site and that the cost estimate had changed after the site visit increasing from \$1.3-\$1.6 million to \$3-\$4 million. He noted that things had changed since the original estimate was done such as erosion and sediment control and storm water management requirements. He noted that they had

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consulted with the research people in Charlottesville and they agreed that \$3.5-\$4.0 million was a better estimate.

Mr. Hamilton then reported that he had the traffic section out of the Southwest Regional Office look at this since safety was involved and he noted that they found that in the past three (3) years, only one (1) crash was noted in the area and it was deer related. He noted that they looked at the period of 2008-2010; however, they did look at related correspondence and saw that there was a fatality in 2002 but the police report was not very specific. He added that the most recent data showed only two accidents there and based on that, the study came back from them to do nothing and leave the road as is.

Mr. Hamilton then suggested that given the Board's interest in this area, he proposed changing the scope of the project so that VDOT would install an actuated detector at 1500 feet before the intersection that showed when vehicles were exceeding a safe speed. He added that they were looking at other alternatives such as pavement markers there to help slow speed down. He noted that if the Board pursued this, the construction monies could be put to the other Route 6 (Irish Road) and that project could go to advertisement within several years. He added that the Irish Road and Route 639 (Laurel Road) project would then have the necessary funding for this and could go to public hearing in October this year.

Mr. Hamilton then noted that the construction priorities were the same otherwise, aside from adding back Route 726, Donahue Lane under the Rural Rustic Program and changing the scope of the Route 6 and Route 634, Old Roberts Mountain Road project.

Ms. Brennan noted that the intersection of Route 6 and Route 634 has many near misses and that she was stunned at the estimated cost now. Mr. Hamilton noted that he could not speak to how the original estimate was done and that they would post 45 mph signs there in the alternate solution. He added that he had looked for safety money but getting that depended on the benefit cost ratio being over 1 and it was nowhere near that for the project.

Ms. Brennan stated that she was still concerned with what almost happens there and that people stopping there to turn onto Old Roberts Mountain road was the problem. Mr. Hamilton noted that he had the report on this and could forward it to staff; however the findings take this into consideration. He stated that he hoped that a 45mph and flashing light sign would get peoples' attention. He noted that he did not think that there was any kind of recording device in the apparatus.

Mr. Harvey supposed that the data on Irish Road, the other Rt. 6 should be less than the River Road Route 6. Mr. Hale recommended having that information and noted that he thought that there may have been more accidents there in a three (3) year period. He then noted that he has looked at both of these projects and that the new estimated cost of the Route 6 and Route 634 project was persuasive. He added that he believed that the recommendation of Mr. Hamilton and the traffic division would alleviate the problem there. Mr. Hamilton then noted that the actuated detector sign would cost \$150,000.

Mr. Hamilton then noted the difference in the traffic counts for the two Route 6 priorities and it was noted that Route 6 (River Road) and Route 634 (Old Robert's Mountain Road) listed a traffic count of 580 versus a traffic count of 1600 on Route 6 (Irish Road) and Route 639 (Laurel Road).

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Mr. Hale then noted that on Route 6 (River Road) the problem was only when people chose to turn at Route 634 (Old Robert's Mountain Road) however they could go down to another route which was safer. In response to questions, Mr. Hamilton noted that the actuated signs got more attention than a constantly lit one. He added that the traffic counts provided for both projects do include turning both ways but does not show turning movements.

Mr. Hale noted that Route 639, Laurel Road carried a great deal of traffic and the speed limit on Route 6 there was 55mph.

Ms. Brennan noted that she would like to see what other possibilities there were for the Route 6 and Route 634 project and Mr. Hamilton noted that there was no safety money there and federal funds were not available. He added that the project could be designed with local funds and then it would be shelved indefinitely. He noted that the project had been surveyed and some design had been done for an expense of \$230,000 in preliminary engineering.

Ms. Brennan then noted that she would like more time to decide how these monies were spent and Mr. Hamilton offered to meet with her on site if it would help.

Mr. Hamilton and staff noted that the public hearing needed to be held July 10th since it required two weeks of advertisement and the Board noted their agreement to hold it at 7:00 pm on July 10th.

IV. New Business/ Unfinished Business

A. Rockfish Heights Subdivision-Bond Reduction Request

Mr. Boger noted that Mr. Tim Luwis was requesting that his road construction bond be reduced for the Rockfish Heights Subdivision. He then showed the plat of the subdivision and noted that Mr. Luwis had a letter of credit for Phase II construction. He noted that the Board had considered reducing the bond in 2010 and the Planning Commission had set a date of June 2013 to have the road constructed or the bond would be cashed. Mr. Boger reported that Mr. Luwis had sold lots now and has submitted a request to reduce the bond based on a revised estimate from Mr. Fitzgerald for \$273,604 dollars. Mr. Boger noted that this was consistent with previous estimates of \$282,500, \$237,500, and \$336,350. He noted that Mr. Luwis also had Russ Orrison, an engineer look at it and he had estimated the cost to be around \$189,500. He then added that it appeared that the reduction would be reasonable; however he would like him to install a dry hydrant and include this in the new bond.

It was noted that the Phase II lots were sold without access; with one being to Jace Goodling who knew what he was getting into at the time. Mr. Boger noted that Mr. Luwis proposed to build the road in phases, which made sense environmentally but he would need to check with TJSWCD to be sure the erosion and sediment control plan was still valid. Mr. Boger then noted on the subdivision map where the Phase II road would go.

Mr. Harvey noted that he thought that the road needed to be built by June 13, 2013 as stated and he did not believe road prices had gone down that substantially to warrant reducing the bond. Mr. Boger noted that Mr. Luwis could come back and ask for an extension.

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Ms. Brennan inquired as to the reasoning for the Board to reduce the Bond and Mr. Boger noted that it would more reflect market prices for road construction which has been confirmed by an engineer. He added that the original amount was for phase I and it was just carried over to Phase II.

Mr. Harvey noted that this was a subdivision of record with lots that had no road access and it should not have been approved this way. Mr. Boger noted that there was nothing in the subdivision approval that said the road had to go in first. He added that there was rough terrain but no blasting would be required. He added that it would reduce Mr. Luwis's costs to reduce the bond.

Mr. Hale noted that he thought that approval of final subdivision plats required that the roads be built as set forth in the subdivision plat and Mr. Boger confirmed that was correct.

Mr. Bruguere then inquired as to where the required dry hydrant would go and Mr. Boger noted that it would be located in the first phase area and would involve a tank. He added that this was a subdivision requirement; however Phase I was treated separately and Phase II triggered the dry hydrant requirement because it was related to the number of existing houses. He further explained that fifteen (15) lots or more, with any one of which was five (5) acres or less in size required a dry hydrant. He then noted that the cost of this would need to be included in the bond and these costs were currently unknown. He added that he was not sure what size tank would be required and it depended on actual fire code and they had never figured this out.

The Board then invited Mr. Luwis to address the Board.

Mr. Luwis confirmed that the dry hydrant costs etc. were not known yet. He noted that the main reason for requesting the bond reduction was to reflect the current cost of the road and to allow for phasing in of the construction of the subdivision. He noted that he was committed to finishing lot 5 and would push through to do the Phase II road construction. He added that the request would help him use funds to develop the subdivision and not carry large bonds and that he had every intention of developing it. Mr. Luwis then noted that the last two (2) lots owned by Mr. Fralin were bought to protect his existing lot and would not be developed and that phasing in was what any developer would request in the current economy. He noted that that he would be building lot by lot and house by house and he hoped that the Board would consider this.

In response to questions, Mr. Luwis noted that the figures provided were for the entire road and he intended to expose four (4) lots, build the homes and sell them and then go to the next phase.

Mr. Harvey noted to Mr. Luwis that he had made the commitment to do it, there was no benefit to the County to reduce the bond and that he thought that the road needed to be in place by June 13, 2013 or that he would need to own the last lot as the last owner needed to have access to his lot. Mr. Luwis disagreed that there was no benefit to the County as the bond reduction would allow him to more readily develop the subdivision and he questioned Mr. Harvey's reasons for not wanting to reduce the bond.

Mr. Bruguere noted that if the last section of the road was not done right away, then the construction costs could go up in the next couple of years. He then noted his agreement with Mr. Harvey in that if Mr. Luwis agreed to the road construction deadline of 2013 then he should have to complete it by then.

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Mr. Luwis then noted that he would apply for an extension as the 2013 deadline was unattainable. Ms. Brennan added that information on the dry hydrant costs were needed as it would need to be bonded and Mr. Luwis stated that he would get that together.

The Board then agreed by Consensus to continue this item of business and no action was taken.

Mr. Bruguere then recalled that at the time of the subdivision approval, no official could determine how big the dry hydrant tank needed to be when it was initially approved. He added that if Mr. Luwis was doing things in phases then he thought that the cost of the road would increase. Mr. Harvey added that the Board needed to be guaranteed that Mr. Luwis would finish road to the end. Mr. Bruguere agreed that in that case it would be better to have the bond be higher than the estimates in the long run.

In conclusion, Mr. Hale then added that he did not mind the phased construction idea as long as the developer owned all of the lots in the subdivision. He noted that there were three (3) lots at the top that belonged to someone else and Mr. Luwis needed to serve the lots at the end. It was then suggested that if the person with the two lots for land protection did not want the road, he could do a boundary adjustment to remove himself from the subdivision.

B. Authorization to Execute Agreement with Motorola (Radio Project) (R2012-43)

Ms. McGarry introduced the item noting that the County was progressing on the radio system upgrade project and had been working with Motorola to finalize the equipment list. She noted that staff was asking the Board to authorize the execution of the agreement to purchase the equipment pending favorable review by the County Attorney.

Ms. Rorrer in attendance, added that staff was working on the project to address narrow-banding and the upgrade to a digital simulcast system. She noted that staff had received a proposal from Motorola that included a detailed equipment list that would need to be further refined and that staff would continue to work on this and would stay within the budget established. She added that the project was being funded by a combination of County funding and VRA funds that have previously been approved by the Board.

Mr. Steve Garner of Motorola added that they had been working together with staff and Wintergreen and had met with volunteers to get their buy in and input. He explained that the County had started out with the need to narrowband and decided to go a step further to upgrade the system. He noted that they had done tower site visits with County staff and that they were in great shape. He noted that the Sugarloaf site needed upgrading but that it may be able to be done by Verizon at no cost to the County. He noted that these upgrades were currently included in the current contract price and that if Verizon did these then they would do a change order to deduct these costs. Mr. Garner noted that by giving them the contract in June, they would have six (6) months to go to the FCC to write the waiver; which they would likely grant based on precedence.

Mr. Garner then explained how several localities around Nelson were addressing the narrow-banding requirement and he related that the VHF and UHF were finite frequencies and the FCC was cutting them down the middle to make more. He noted that the FCC would probably look at the County's license and if narrowband compliant then their next step would be to see if this was done in the field. He added that

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they would not likely find out whether a county was narrow-band compliant or not until there was an interference issue; which could involve fines of \$10,000 per day.

Ms. Rorrer then noted that the current project schedule had the County meeting the deadline or being slightly behind, but that Motorola had recommended that once the process was started and the County had contracted with them, that they would work to file the waiver with the FCC so that they would know the County was in process.

Mr. Hale confirmed that while the County did not know exactly how many mobiles it would need, there would be sufficient funding for what the County wanted to do. Ms. Rorrer noted her concurrence and that the equipment list would be refined; with Mr. Harvey adding that the contract would be done on a per unit basis so the County could add or deduct as needed. It was noted that the contract amount listed in the proposed resolution was an approximation based on the most current equipment list.

Mr. Garner reported that Nelson was utilizing cooperative procurement from Henry County's contract and that the list could be adjusted. He added that they would do a contract design review of the proposal to be sure that they would be ordering everything that was wanted and they could make adjustments then.

Ms. Rorrer noted that getting the authorization to execute the contract once everyone was satisfied was important in order to move forward with getting the equipment in the field. She added that once it was signed, the County would get a Project Manager assigned and they would get the waiver in process with the FCC.

Ms. Brennan inquired as to the due date of the waiver and Ms. Rorrer noted that this was not officially established but that they wanted to do this quickly in July so that the County would be ahead of the January 1, 2013 narrow-banding deadline.

Ms. Brennan then moved to approve resolution **R2012-43** Authorization to Execute Motorola Solutions Contract for Radio Communications System Upgrade and Mr. Saunders 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 (R2012-43)
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO EXECUTE MOTOROLA SOLUTIONS CONTRACT FOR RADIO
COMMUNICATIONS SYSTEM EQUIPMENT

BE IT RESOLVED, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute a contract with Motorola Solutions for approximately \$2,651,074.00, contingent upon the County Attorney's favorable review, in order to secure the Motorola Solutions 3-site, ASTRO 25, VHF, 3-digital operational channels and 1-analog paging channel simulcast radio communications system equipment previously approved by the Board and partially funded with Virginia Resources Authority (VRA) and County funds.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

Ms. McGarry noted that in the absence of the County Administrator's report, she and the staff who were present would be happy to report on anything the Board wished. Mr. Saunders then inquired as to the status of the signage for the Courthouse complex and the security upgrades to the Treasurer's Office.

Ms. McGarry then noted that staff was in the process of reviewing the extensive signage list provided by Cottle Multimedia to be sure that the verbiage on each sign was what the County wanted to use. She acknowledged that this was taking some time to do. She then reported that Paul Truslow was working on getting proposals and quotes for the Treasurer's office upgrades and was aware that he had received several. She noted that these would be shared with Mr. Saunders prior to proceeding with a solution. Mr. Saunders indicated that he was surprised that this was not moving forward more quickly and Ms. McGarry acknowledged that while it was taking some time; progress was being made.

1. Board Reports

Mr. Saunders, Mr. Bruguere, and Mr. Harvey had no reports.

Ms. Brennan reported the following:

1. Attended a JABA Board and Advisory Committee meeting. She noted that they were looking for a replacement for Gordon Walker and had not gotten any applicants yet. She added that the Pace program was to be up and running in a year.
2. Attended a TJSWCD event at Mary Jane Hoffman's house where they looked at the stream mitigation project that was done there. She noted that Dick Whitehead had given a report on storm events that lead to Hurricane Camille and they heard a report on the American Chestnut tree and how to get a resistant variety going here.
3. Attended a Rockfish Valley Foundation event dedicating a new birding trail and a new kiosk there.
4. Reported that she and Mr. Harvey met with Wintergreen Resort for update on what was happening up there. She noted that they said that they have gotten a buyer and the sale had to be approved by 70% of the members; which might be a challenge. She added that they would hold a meeting on June 23rd and if the sale was approved, it would close by the end of the month. She added that she thought this would be a positive thing.

Mr. Hale reported on the status of the conveyance of the Heritage Center. He noted that the water issue had been discussed with George Miller of NCSA and they would be establishing a separate electric service. He noted that a meter would be installed and when this was completed, they would come back to the Board with a draft deed of conveyance.

Mr. Harvey suggested that they run the agreement by NCSA before it is was approved. Mr. Hale agreed in terms of the easements etc.; however NCSA was bound by a previous agreement to install separate service there. Ms. Brennan inquired as to how the water gets into the tank at the Heritage Center and Mr. Hale noted that the current service was being paid by the Heritage Center and cost under \$20 per month.

B. Appointments

The Board reviewed the following table of potential appointments:

(1) New Vacancies/Expiring Seats & New Applicants :

Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Ag Forestal District Advisory Committee	5/13/2011	4 Years /3 Terms	1 Vacancy - Other Land Owner	N/A	Bill Halverson
Jefferson Madison Regional Library Board	6/30/2012	4 Years / 2 Terms	Mary Coy (T1)	Y	No Applications Received
Nelson County EDA	6/30/2012	4 Years / No Limit	J. Bennett Saunders	?	Patricia Hughes (1)
			Emily H. Pelton	Y	No Applications Received
N.C. Library Advisory Committee - West District	6/30/2012	4 Years / No Limit	Janet Ngai - West	?	No Applications Received
Planning Commission -South and West Districts	6/30/2012	4 Years / No Limit	Mike Tapager - South	Y	No Applications Received
			Michael Harman - West	Y	No Applications Received
PVCC Board	6/30/2012	4 Years / 2 Terms	Deborah Harvey (T2)	Ineligible	Patricia Hughes (2)
Region Ten Community Services Board	6/30/2012	3 Years /3 Terms	Michael W. Kelley (T3)	Ineligible	Russell B. Otis No Applications Received
N.C. Service Authority - South and West Districts	6/30/2012	4 Years / No Limit	Edward L. Rothgeb -South	Y	No Applications Received
			David S. Hight	Y	No Applications Received
N.C. Social Services Board - Central District	6/30/2012	4 Years / 2 Terms	Clifford Savell (UT)	Y	No Applications Received
N.C. Board of Building Code Appeals	6/30/2012	4 Years / No Limit	Clarence Craig, Jr.	Y	No Applications Received
			Steven C. Crandall	Y	No Applications Received
			Kenneth H. Taylor	Y	No Applications Received

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Members then made the following appointments:

1. Ag Forestal District Advisory Committee

It was noted that only one application had been received for consideration and Ms. Brennan moved to appoint Mr. Bill Halverson to the Ag Forestal District Advisory Committee 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 appointment.

2. Jefferson Madison Regional Library Board

It was noted that the incumbent Mary Coy wished to be reappointed and there were no other applications received. Ms. Brennan moved to reappoint Ms. Coy to the Jefferson Madison Regional Library Board and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the appointment.

3. Nelson County EDA

It was noted that since the Board packet went out, a request to be reappointed from Emily Pelton had been received with still no response from Bennett Saunders. An application from Patricia Hughes listing the EDA as her first preference was noted for consideration. Members then noted that they felt that Mr. Saunders would continue to serve and Ms. Brennan moved to reappoint Mr. Bennett Saunders and Ms. Emily Pelton to the EDA. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the appointments.

4. N.C. Library Advisory Committee – West District

It was noted that the incumbent, Ms. Janet Ngai, had not replied regarding her reappointment and no other applications had been received. Members then deferred consideration of this appointment and no action was taken.

5. Planning Commission – South and West Districts

It was noted that both incumbents, Mike Tapager – South District, and Michael Harman – West District wished to be reappointed. It was noted that only one application for the South District seat had been received since the packets went out, from Mary Katherine Allen of Gladstone. Members agreed by consensus to consider these appointments separately.

South District:

Mr. Saunders indicated that he was pleased to have received Ms. Allen's application and then moved to appoint Ms. Mary Katherine Allen as the South District representative on the Planning Commission and Mr. Bruguere seconded the motion.

Ms. Brennan noted that Mike Tapager has been active for ten (10) years in land use issues, was a very thoughtful person, she was pleased with his interactions with rest of the committee, and his non

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appointment would be a loss. Mr. Saunders did not disagree and noted that he respected Mr. Tapager's knowledge; however he would like to see Gladstone represented. Mr. Bruguere echoed these sentiments regarding Mr. Tapager but noted that he thought Ms. Allen to be intelligent enough to fit right in. He added that he thought that if a person has served a good number of years on a committee, that they should be switched to give others a chance to serve. Ms. Brennan stated that she had no doubt that Ms. Allen was intelligent and Mr. Boger noted that there was Planning Commission training that was scheduled a couple of times a year that she could attend.

There being no further discussion, Supervisors then voted (4-1) by roll call vote to approve the motion and the appointment with Ms. Brennan voting NO. Mr. Harvey then stated that although he was deferring to the wishes of the South District Supervisor on this, he also agreed with Ms. Brennan's sentiments regarding Mr. Tapager.

West District:

Mr. Bruguere moved to reappoint Mr. Michael Harman to represent the West District on the Planning Commission and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the appointment.

6. PVCC Board

It was noted that the incumbent, Ms. Deborah Harvey, had served her two term limit and was ineligible for reappointment; however three applications had been received from Patricia Hughes, Russell B. Otis, and Debby Ashley.

Ms. Brennan then moved to appoint Mr. Russell Otis to the PVCC Board and there was no second.

Mr. Hale inquired as to whether or not this was a governing board and noted that he would rather review the other applications before making an appointment. Ms. McGarry noted that the Board was high functioning and for example participated in the selection of the College President.

Mr. Harvey noted that Mr. Otis did have a Masters Degree in education and would well represent the County. Ms. Brennan agreed noting that he knew the County very well and had two (2) children go through Nelson County schools. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the appointment.

7. Region Ten Community Services Board

It was noted that the incumbent, Michael Kelley, had served three consecutive terms and was ineligible for reappointment. Given that no applications had been received, the Board deferred consideration of this appointment and no action was taken.

8. NC Service Authority Board – South and West Districts

It was noted that the incumbents, Mr. Edward Rothgeb – South District and Mr. David Hight – West District wished to be reappointed and no other applications had been received. Mr. Hale then moved to

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reappoint Mr. Edward Rothgeb and Mr. David Hight to the Nelson County Service Authority and Mr. Bruguere seconded the motion. Mr. Harvey then noted that they have both been very active and great representatives. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the appointments.

9. NC Social Services Board – Central District

It was noted that the incumbent, Mr. Clifford Savell, had just finished an unexpired term and wished to be reappointed and there were no applications received for consideration.

Ms. Brennan then moved to reappoint Mr. Cliff Savell to continue to serve on the Social Services Board and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the appointment.

10. NC Board of Building Code Appeals

It was noted that the incumbents, Mr. Clarence Craig, Jr., Mr. Steven Crandall, and Mr. Kenneth Taylor, wished to be reappointed and there were no applications received for consideration.

Mr. Hale then moved to reappoint Mr. Clarence Craig, Jr., Mr. Steven Crandall, and Mr. Kenneth Taylor to the Local Board of Building Code Appeals 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 appointments.

Ms. McGarry then noted that there was now one vacancy existing on the Ag Forestal District Advisory Committee and several on the Keep Nelson Beautiful Council.

C. Correspondence

Neither Staff nor Members had any correspondence to consider.

D. Directives

Mr. Bruguere and Mr. Harvey had no Directives.

Mr. Hale reported that the Nelson County Historical Society and the Massies Mill Ruritan Club were having a program at 2:00 pm that Sunday at the Massies Mill Ruritan building to talk about the history of the railroad.

Ms. Brennan inquired of the rest of the Board about the mock ups sent out in May of the possible County flags. Mr. Hale noted that he had looked at them and liked one or two of them, with the green one with the County Seal in the middle of the County outline being his favorite. Mr. Saunders noted that he liked the County Seal without the outline of the County around it. Following brief discussion, no consensus was reached and no action was taken.

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Ms. Brennan then inquired as to the status of the Recreation PER and Ms. McGarry noted that the Board would be receiving a presentation on this by the architects at the June 28, 2012 meeting.

Mr. Saunders then inquired as to the status of the Massies Mill Recreation building. It was noted that Mr. Carter had requested an accounting of funds from them and nothing had been received yet; however Mr. Cabbell had come in to indicate that they wanted to give the building back to the County. Mr. Bruguieri noted that he had asked George Krieger to look at it and he had not heard from him. He then noted that he thought it should be pushed down. Mr. Hale noted that he would like to see them encouraged to pool their funds with the Heritage Center funds once an accounting was provided. He then agreed that getting the building deeded back was what needed to happen.

Mr. Saunders then noted that he had been approached by someone who thought that the Shipman polling place needed stone and he thought that the request might need to come from the Electoral Board. Ms. McGarry and Ms. McCann confirmed that was something that the County typically does take care of and that staff would check with the Registrar on this.

VI. Other Business (As May Be Presented)

Introduced: FY13 Budget Adoption and Appropriation

Ms. McCann noted that the Board needed to discuss adopting the FY13 Budget at the June 28th meeting or establish another meeting prior to June 30th to do this. It was noted that only a quorum was required and that staff would have an adoption and appropriation resolution for consideration. The Board then agreed by consensus to do this at the June 28, 2012 regular meeting.

VII. Recess and Reconvene for Evening Session

At 4:12 pm, Mr. Saunders moved to adjourn and continue the meeting 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

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

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

II. Public Hearings

- A. **Verizon Wireless Class II Communication Tower permit #2012-002:** to allow for the extension of an existing 80 ft. tower located at 9357 Critzer Shop Road, Tax Map # 4-A-62 to a maximum tower height of 95 feet and allowing the following exceptions: (1) Section 20-7-4c, fencing height (1) Section 20-7-2a, fall zone of 125% of tower height,

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and (2) Section 20-7-2e, location within the view shed of the Blue Ridge Parkway and of a Scenic-By-Way. The property is owned by the Church of the Blue Ridge and is leased by Verizon Wireless.

Mr. Boger noted that the request was to allow for the extension of an 80 ft. tower at the Church of the Blue Ridge to a maximum height of 95 ft and the following exceptions: (1) Section 20-7-4c, fencing height (1) Section 20-7-2a, fall zone of 125% of tower height, and (2) Section 20-7-2e, location within the view shed of the Blue Ridge Parkway and of a Scenic-By-Way. He added that the existing tower had been reduced from 85 feet to 80 feet to be conforming. He noted the diagram of the tower and noted that the fencing complied with the Ordinance with the barbed wire being used for security purposes. He then noted that they were recommending instead of extending the existing wood tower, that they replace it with a metal monopole.

Mr. Boger reported that questions regarding the legal notice had come up and he referred to the County Attorney's opinion on that which stated that there were no significant changes to the original application. He added that they had received one letter of concern from three ladies who were adjacent to the site; however the house was not built when the original tower was approved.

Mr. Boger then noted the maximum height of the tower and that the Planning Commission recommended its approval.

Ms. Brennan inquired if Mr. Boger had responded to the letter of concern and Mr. Boger replied that the letter was written to the Planning Commission; however he had spoken to them before they wrote the letter. He noted that their comments were related to the Planning Commission hearing. Mr. Harvey then noted that their biggest concern was limiting the height of the tower and Verizon had agreed to a maximum height of 95 feet.

Ms. Lori Schweller, the applicant's (Verizon) representative, then addressed the Board.

Ms. Schweller noted that they were requesting the tower with exceptions as described. She added that they would provide a letter of certification that the tower would fall within the boundaries of the subject properties. She noted that the history of the application was a little confusing and she was in agreement with the Planning Commission's recommendation and the application is as was recommended by them. She then noted that they did not intend to ask for an administrative extension of the tower and would come before the Board if they wanted to increase the tower height. She noted that she hoped that alleviated the concerns of the neighboring ladies.

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

Ms. Brennan then moved to approve the application by Verizon Wireless, Class II tower application #2012-002 to replace an 80 ft wood tower with the same size metal tower (including a 15 ft extension) and the exceptions as recommended by the Planning Commission. Mr. Bruguiere seconded the motion and it was noted that it would be an 80 ft. tower with a 5 ft. lightning rod.

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

III. Public Comments

1. Janet Lychock, Nellysford

Ms. Lychock asked the Board if any of the ten Broadband Project expansion suggestions were included in the FY13 budget and it was noted that none of them had been incorporated yet.

Ms. Lychock asked about the Board's decision regarding Animal Control supervision and whether or not this would go under the Sheriff. It was noted that they would not be under the Sheriff or under Emergency Services and the County would be hiring a Supervisor.

IV. Other Business (As May Be Presented)

Introduced: Closed Session

Mr. Harvey introduced the possibility of conducting a closed session to discuss employee performance and Mr. Hale then moved to convene in closed session as permitted by Virginia Code § 2.2-3711(A) (1): to discuss a personnel matter and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Members conducted the closed session and upon its conclusion Mr. Hale moved to come out of closed 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.

Upon reconvening in open session, Mr. Hale moved to 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. 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. Hale then moved that the Board of Supervisors approve a salary increase for the County Administrator in the amount of \$10,000 per year effective July 1, 2012. 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. Hale then went on record to say that the Board felt that Mr. Carter served the Board and the County very well and that this was a token of appreciation for what he does for them and the citizens.

Mr. Bruguere echoed those sentiments and added that without Mr. Carter's financial guidance, the County would be on harder times and he makes their jobs easy for them.

Mr. Harvey agreed and noted that he had also built a very good staff around him.

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V. Adjournment

At 7:32 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 was adjourned.