

May 24, 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 Lovingston, 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  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Debra K. McCann, Director of Finance and Human Resources

Absent: Thomas D. Harvey, North District Supervisor -Chair

**I. Call to Order**

Mr. Bruguere called the meeting to order at 7:10 pm, with three Supervisors present to establish a quorum and Mr. Harvey being absent. Ms. Brennan joined the meeting after the call to order.

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

**II. Public Hearings**

- A. Norwood Historic District –State Survey and Planning Funds Agreement (**R2012-35**)

Mr. Carter distributed the outline of the proposed district to attendees.

He then explained that the Board proposed to apply to the Department of Historic Resources (DHR) for a cost share program where local monies and state monies would be used for preliminary activities to establish the historic district. He noted three had been established in the County thus far. He added that the application had been prepared and if successful a yearlong process would ensue where a consultant would be retained, the proposed district would be analyzed for historic criteria, and a report written detailing all historic and non historic properties. He noted that there would be community meetings etc., the final report would be sent to DHR, and the County would ultimately want to have the District listed on the federal and state registries. Mr. Carter then explained that there was no local ordinance regulating historic districts and it was an honorary designation. He added that the benefits to property owners were receiving technical assistance, the possible access to state and federal tax credits, and historical easements on properties at the owners' discretion. He noted that even if the district were established, owners could alter, sell, and do whatever they wanted with their properties. Mr. Carter then noted that the County would contribute \$2,000.00 and the State would provide \$5,500.00 for a total of \$7,500.00 to complete the study. He then noted that Mr. Bob Carter, formerly of DHR, was present and could answer the Board's questions.

May 24, 2012

Mr. Bruguere then opened the public hearing and it was noted that there would be more public meetings on this within the community. The following persons were then recognized:

1. Helen Cannon, Norwood

Ms. Cannon noted that she owned property in Norwood and wanted to know if by allowing this could there be in the future a local ordinance that would affect them? She added that she was concerned that maintaining the historic character meant that it was a goal and therefore would require some action.

Members of the Board noted that there were no current restrictions; however Mr. Carter noted that the Board could institute these in the future if they decided to do so by enacting a local ordinance that would establish local controls. He added that this would require a public hearing and would be part of the Zoning Ordinance. He noted that even though the locality was authorized to do so, he did not foresee this happening. He then added that this would be an inducement for citizens to maintain their properties. He noted that the Lovington District had been in place for five or six years and still looked the same.

2. Carla Murray, Variety Mills

Ms. Murray noted that the proposed district went down to Wingina and that she planned on doing her own application to DHR for her house designation. She then inquired if the Norwood District would impede her application in any way. Mr. Bob Carter noted that her designation would be separate from that of the district but it would be the same if placed on the registers. He added that it would be honorary but tied to certain tax incentives and that there was no difference in district and individual designations. He added that a district was a group of houses in an area that because they are in the district they are eligible. Mr. Carter echoed Mr. Bob Carter's explanation using the examples of Pharsalia and the Courthouse.

3. Jim Raup, Wingina

Mr. Raup noted that he lives in the proposed district and he questioned the process.

Mr. Carter explained that if the application was submitted to DHR for cost sharing, the next step would be to hire a consultant with expertise who could do an analysis of the proposed district to establish the actual qualifications. He noted that once it was completed, it would be presented in public meetings and then submitted to the Board of Supervisors and DHR for review. He noted that once it was reviewed by DHR and certified as meeting the criteria it would be designated and then submitted to the federal agency to establish it on the national registry. He reiterated that this would be a year long process.

Mr. Raup then inquired if this would benefit tourism in the County and Mr. Carter noted that it would and it would encourage property owners to maintain the character of historic properties. He added that it was possible that the County could get grants to help with this in the future. He added that the Tourism and Economic Development department and the Historical Society had suggested making the application and that the Board felt it was necessary and appropriate to hold a public hearing to better inform those impacted on the process.

May 24, 2012

Mr. Hale then explained that there was an advantage to property owners and not so much to the County in that the listing may qualify them for benefits from DHR such as: technical assistance with repair, tax incentives for income producing properties, and opportunities to get easements from DHR ensuring preservation. He noted that these were options and not required. He added that the listing was honorary and the property owners' use was not restricted.

Mr. Carter noted that when the County did the Lovington Historic District, it was in conjunction with the Lovington master plan and the County applied to DHCD for downtown revitalization funding and would have used the character of the district as part of this process. He noted that the criterion was not met and it didn't go forward. He noted this to be an example of how historic districts can be used as a tool for community preservation.

Mr. Raup then noted that he supported the first steps in doing the survey.

#### 4. Pat Price, Norwood

Ms. Price noted how much she loves Norwood and that she was concerned about an increase in traffic if it became a historic district. She noted that she thought the general consensus was to preserve what they had. She added that being on both rivers was a strong attraction and many houses were Cabbell estates at one time. She reiterated her concern that the designation would attract more visitors and traffic and noted that the roads there were atrocious. She added that she did support it even with the concerns and was for preserving the historical value of the area.

Mr. Carter noted that he did not think it would increase traffic there as this has not been the case in the other districts.

#### 5. Jane Raup, Norwood

Ms. Raup stated that she supported the designation of the Norwood Historic District.

Mr. Saunders then noted that the Board had received three emails supporting the designation. Ms. Brennan then invited attendees to speak and noted her appreciation of their attendance.

A member of the attendees noted that Camp Jeep activities had affected water quality by eroding the banks near the river etc. and nothing could be done about this at the time. Mr. Carter advised that DCR and EPA were in the process of enacting more stringent regulations related to water quality.

Another attendee inquired as to whether or not having a historic designation would keep the gun club from coming in and Mr. Carter gave a speculative answer that if the district were in place, it might be the best way to prevent something like this. He noted that the Board could establish some local controls that could prevent this but then the district would be subject to those controls and it would need a lot of discussion.

May 24, 2012

6. Bob Carter, Lovington and Historical Society President

Mr. Bob Carter noted that the Historical Society supported the project and was prepared in terms of research and outreach to property owners. He added that it would be publicized that the surveys were being conducted and that if a property owner did not want the survey, they would not be required to participate. He added that public meetings would be held at the beginning and end of the evaluation and that what happened after the survey would be up to the community.

There being no other persons wishing to be recognized, Mr. Bruguere closed the public hearing and thanked everyone for coming; stating that the Board had wanted to hear from the community. He reiterated that the designation would be honorary; however there was no guarantee on what future Board's would do regarding local controls. He added that if an owner had a historic home they could apply personally for designation and that was another avenue for homeowners to pursue.

Mr. Hale then moved to approve resolution **R2012-35** Authorization to Execute State Survey and Planning Funds Agreement with the Virginia Department of Historic Resources (DHR) – Potential Norwood Rural Historic District and Ms. Brennan seconded the motion.

Mr. Hale then noted that he saw nothing but positive benefits from this establishment, that all who live there knew it was the most historic part of the County, and was the earliest area of settlement there. He added that the James River canal was a special part of the County, there were no negatives foreseen, and he did not see swarms of people coming into the area. He followed up with that if it were rejected at the end of the process, those that participated would have had their properties evaluated if they chose to.

Ms. Brennan noted that she agreed and that it was the first step and there would be other opportunities to find out more as it progressed. Mr. Saunders also concurred and noted that if the citizens there did not like the final results of the study it would not have to be finalized.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION (R2012-35)**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO EXECUTE STATE SURVEY AND PLANNING FUNDS AGREEMENT**  
**WITH THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES (DHR) - POTENTIAL**  
**NORWOOD RURAL HISTORIC DISTRICT**

**BE IT RESOLVED**, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute an agreement with the Virginia Department of Historic Resources (DHR). The agreement provides for State and local funding to prepare architectural documentation at the reconnaissance level to evaluate the Norwood area's potential for its establishment as a Rural Historic District and its inclusion on the state and national historic register listings.

### III. Public Comments

#### 1. Mary Rose, Norwood

Ms. Rose noted that the intersection of Findlay Mountain Road and Route 56 was a dangerous intersection and that the old dilapidated house there at the corner needed to be torn down. She then asked the Board to please do something about this.

#### 2. Kim Caveny, Nellysford

Mr. Caveny noted that he has been a Real Estate Agent in the County for seven (7) years. He noted that he was surprised when he got the tax bill that the assessment done in 2012 was not utilized. He added that he was in the process of selling his home and had had an appraisal done that matched the newer assessment done at the end of the year. He noted that he understood that the process would be to appeal to the district court to contest this.

Mr. Bruguere noted that the assessor's hearings were held etc. and that the next step would be District Court.

Mr. Hale clarified that the County had conducted a reassessment in 2012, was required to have one within 6 years and had gone to a four year process. He noted that the Company that performed the 2012 reassessment had a lot of problems that were spelled out in the Board's resolution that also stated that they chose not to use the 2012 assessments and to stick with the 2008 values. He added that many property owners did not receive notice and had no opportunity to appeal their 2012 assessments along with other notice problems that occurred. He noted that ultimately the Board decided that because of these problems they chose to stick with the 2008 reassessment and have recently hired another firm to conduct an assessment effective in 2014. He then stated that at this point the only recourse was to file suit; however the Board could not advise them on their legal course of action.

Mr. Bruguere added that the Board would have had to raise the tax rate to be revenue neutral had they kept the 2012 values.

Mr. Caveny noted that he understood that; however he could not sell his house for the current (2008) assessed value.

Mr. Hale then responded to Ms. Rose's concern and stated that the intersection at Findlay Mountain had been a longstanding concern of the Board, that they have brought it to VDOT's attention, and it was still unresolved because of the private property ownership issue. He added that they would keep pursuing this and Mr. Saunders added that VDOT would report back on it at the June 12, 2012 meeting.

### IV. Consent Agenda

#### A. Resolution – R2012-36 Minutes for Approval

Mr. Hale moved to approve resolution **R2012-36** Minutes for approval and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

May 24, 2012

**RESOLUTION-R2012-36**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(May 8, 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.

**V. New/Unfinished Business**

**A. County Insurance Coverage of Fourth of July Parade**

Mr. Carter noted that that the Fourth of July parade had been successful for the past years and most recently had been put on by local volunteers. He added that this year, Kim Bryant was doing this and she had alerted the County that the VDOT application was requiring proof of insurance and coverage for liability. She had noted that individuals could not provide this and had asked the County for help. Mr. Carter then explained that if the Board agreed to sponsor the parade then The County's blanket liability coverage would fulfill this requirement. He added that this would not cost the County anything and the County would be the sponsor of the parade in name only.

Mr. Bruguere questioned how VDOT could say anyone would be liable for anything and it was noted that they were more concerned about VDOT property and the liability associated with it as evidenced by them being more rigid in their projects lately.

Mr. Saunders then moved that the County cover the liability insurance for the parade and Mr. Hale seconded the motion. Mr. Saunders then noted that a lot of people enjoy it and it would be a good thing to do. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

**B. Solid Waste -Green Earth Recycling of Virginia, LLC Agreement (R2012-37)**

Mr. Carter noted that for the past year, the County had been working with a company who provides a recycling container for clothes and shoes as a pilot project and with no formalized relationship. He noted however that to maintain the continuity of service, the County Attorney felt more comfortable in continuing this service under an agreement. He noted that he has had concerns expressed by a citizen who felt that the articles being disposed of in the container (clothing or shoes) were going out of the county. Mr. Carter noted that the County did not see this as a negative; but because of these concerns he was bringing it to the Board.

He reported that the proposed agreement was a year to year agreement and was annually renewable, with termination rights given thirty (30) days notice.

Ms. Brennan noted that this activity kept these items out of landfills. Ms. McSwain agreed and then noted that textile recycling was an interesting form of recycling. She noted that 20% of these items were

May 24, 2012

sent to places where it was shredded into fiber and goes into car seat stuffing, roofing felt etc. She added that this was the most efficient form of recycling in the United States and was a \$200 billion dollar industry. She added that six (6) other localities had agreements with this company and it was the only one serving Central Virginia. Additionally, she noted that the attendants used to throw away a lot of clothing left in the sheds due to them being soiled and unusable. Ms. McSwain then reported that 24 tons of clothing and shoes were being recycled in Nelson County which was more than metal recycling. She noted that all recycling currently goes out of the county.

Mr. Carter added that a small stipend would be paid to the County and the bins were only provided to staffed sites. He noted that citizens were encouraged to put clothing in the reuse sheds if the donator wanted it to be used in the County; however at the end of the day, what was left went into the bin. He then noted that there was no expense to the County for this service.

Ms. McSwain then explained that the main reason the County Attorney wanted an agreement was to ensure that if someone climbed on the bin and got hurt, that the County would not be liable; additionally he wanted to be sure that the company maintained their bins and did hold insurance to cover this.

Mr. Bruguere then suggested that if citizens wanted to see the clothing and shoes stay in the County, they could take it to local thrift shops and goodwill etc. He then noted he was in favor of the agreement.

Ms. Brennan then moved to approve resolution **R2012-37** Authorization to Execute Agreement with Green Earth Recycling of Virginia LLC and Mr. Saunders seconded the motion.

Mr. Hale then suggested that the agreement be amended to say that the containers used at the sites have the name of the company on them. Ms. Brennan accepted this amendment to her motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION (R2012-37)**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO EXECUTE AGREEMENT WITH GREEN EARTH RECYCLING OF**  
**VIRGINIA LLC**

**BE IT RESOLVED**, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute an agreement with Green Earth Recycling of Virginia, LLC for the placement of its collection bins at the County's refuse collection sites for use during the regular operating hours of such sites in order to collect and recycle used clothing and shoes.

**C. FY12-13 Budget**

Mr. Carter noted having received an email from Dr. Collins asking if he could send out contracts and he inquired if the Board was comfortable with him doing this. The Board agreed by consensus that they thought the FY13 School funding number that they had provided was a good number and that he could proceed with sending out the contracts.

**VI. Other Business (As May Be Presented)**

*A. Introduced: ABC Store Hours*

Ms. Brennan inquired as to the Board's consensus to adopt a resolution to support the ABC store not opening on Sundays. The Board briefly discussed this, noting that they were not sure it would do much good and maybe she should talk to the people about it some more. Following brief discussion, no action was taken.

*B. Introduced: Massies Mill Tower Site*

Mr. Carter reported that Icon has done another analysis on the most recently suggested sites and they have now noted a ridge that was not on the previous maps that will not give the view back to Colleen that is necessary and cannot get over the ridgeline. He added that the consultants have said that identifying a location in Massies Mill was a top priority and the focus of their work right now. He added that although he was surprised to find out that these sites did not work after all, he was certain that the consultants were not dragging their feet on this. Mr. Bruguere indicated that he was discouraged by this and Mr. Carter reiterated that the project had to be done by February 2013 and the consultants were working within that.

*C. Introduced: Treasurer's Office remodel*

In response to questions, Mr. Carter note that Paul Truslow has met with several companies, has come up with a schematic, and was now waiting for proposals to come back.

**VII. Adjournment**

At 8:20 pm, Ms. Brennan moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.