

May 29, 2014

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse.

Present: Allen M. Hale, East District Supervisor
Thomas H. Bruguere, Jr. West District Supervisor
Constance Brennan, Central District Supervisor - Chair
Larry D. Saunders, South District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 7:00 pm, with all Supervisors present to establish a quorum.

II. Public Hearing- Proposed FY14-15 Budget

Ms. Brennan opened the public hearing and the following person was recognized:

1. Roger Collins, School Superintendent

Dr. Collins thanked the Board for their support of their budget noting that through the years there has been a great partnership and they have survived tough times.

He apologized for being unable to meet with the joint Boards, however he had attended a Superintendents meeting. He noted he was happy that the Board chose to support the Early College Program.

He then asked for the Board's support for a salary increase for employees, adding that if they could work together to give this as a bonus, step, or COLA, he would be appreciative. He added that he knew they had big decisions to make and he appreciated their collaboration.

Mr. Bruguere noted that they have had a good working relationship and that the schools had progressed under his leadership.

Mr. Saunders noted that he was disappointed that schools were open on Memorial Day and that this day should not be an inclement weather day as it was not honoring veterans. He asked Dr. Collins to relate this to the School Board or he would write a letter. He added that he would like to avoid this in the future.

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Mr. Harvey noted that he thought that when he was in school, veterans came up to the school for a program. Mr. Saunders added he did not think that was done on Memorial Day.

Ms. Brennan thanked Dr. Collins for his years of hard work with the students and staff of Nelson County schools. She noted it was a pleasure to not have to cut their budget significantly or have layoffs. She then wished him well in his next adventure and hoped he would not leave them behind.

Mr. Harvey noted that he thought that Bedford County may be laying off 140 employees and Nelson County has never laid off a teacher. He added that he appreciated the projects they had done together and he would miss him.

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

III. Other Business (As May Be Presented)

Introduced: New Nelson County Times Reporter Introduction

New reporter Rachael Smith introduced herself; noting she was from Lynchburg, went to EC Glass High School, and Radford undergraduate school. She noted that she graduated in December 2012 and has been freelancing for prototype media and the News and Advance which led to this full time job.

Introduced: County Attorney Opinion regarding Planning Commission Recommendation on the Duplex Zoning Ordinance Amendment

Mr. Hale noted that he saw Mr. Payne's opinion that the Board had to send back the duplex amendment to the Planning Commission.

Mr. Carter then explained that staff thought that the Board could go ahead with the proposed amendment based on the expiration of the 100 day period prescribed in the Code. He noted that had the Planning Commission not made a recommendation then this would have been the case; however they did but had not conducted the obligatory public hearing on the matter. He added that a Planning Commissioner called and questioned it; and it was discovered that they had not held a public hearing. He added it was not the intent of staff to mislead the Board. In response to questions, Mr. Carter clarified that a referral to the Planning Commission did not have to be made by resolution as the Code did not require it. He advised that this was noted to County Staff. He then added that he had advised Planning and Zoning staff to always have a public hearing and then have the Planning Commission make their recommendation. He concluded by noting they were advised that they were to have a public hearing on this matter.

Introduced: Blue Ridge Tunnel Phase I bids

Mr. Carter reported that the Invitation to Bid for the rebid of Phase I of the Blue Ridge Tunnel project was advertised in Sunday's paper. Mr. Hale noted that he had wanted to review the revised estimate sheet prior to the placement of the advertisement. Mr. Carter

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noted that staff wanted the ad to go out timely and that he had asked for the revised estimate two days ago.

Mr. Hale noted that he thought there had been a breakdown in the system with Woolpert on this project. He noted that he had never seen Woolpert's response to comments on the plans/specs made by Wayne Nolde. He noted he was concerned that the revised specifications and plans would be put out with uncertainties. Mr. Carter advised that staff was supposed to have a conference call including Mr. Nolde, however he could not participate and it was decided that they should go ahead with the bid process. He noted that they needed to reconcile some of the cuts on the slopes etc.; however Mr. Nolde wanted more definitive information and unless they went back into the field, it was as well defined as it could be at this point.

Mr. Hale then reiterated that the problem was that he had not seen a revised bid sheet to show what was previously discussed. He added that if contractors were unclear then he could see how the bids would come in high again and it was hard to accept that Woolpert had not given them a revised set of plans since their meeting on April 8th. Mr. Carter noted that a conference call occurred with Mr. Nolde on the call, where everything was reconciled. He added to his knowledge, he had a few more comments that were pending and at that point the estimate was below available funding.

Mr. Harvey inquired if there was a cost in getting the plans and Mr. Carter noted that they would be available on Woolpert's FTP site as of June 2nd.

Mr. Hale reiterated his expectation that he and Mr. Saunders would have had an opportunity to review the estimate sheet prior to the bid going out. Mr. Saunders added that if they found it was okay, then they have gained time but if it was not, then they would lose the cost of the ad placed already.

Mr. Carter noted that there was an uncertainty and he could not assure the Board that the bids would not come in high. Mr. Saunders suggested that they could go ahead with the pre-bid meeting and if there were too many questions, they could extend the bid receipt date.

Mr. Carter advised that he would get the bid estimate sheet ASAP and he preferred not to delay because it was already construction season. He added that he thought that after their last call, Mr. Nolde was in agreement with every item and then Woolpert got another list that they were trying to address. He noted that they thought that until they got in the field, some things could not be addressed.

Mr. Hale noted that the additional comments had to do with a cross section and a profile that they have never seen. He noted that he had requested this and they had provided it.

Mr. Saunders noted that they were closer to the mark this time than last and he thought they should go ahead with advertising it. Mr. Carter then noted that he would call Mr. Nolde and would also get the revised estimate.

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Ms. McGarry then noted that she would send the ad out to the Board, however the ad stated there would be a mandatory pre-bid conference on June 16, 2014 at 10 am and bids were due on July 1, 2014 at 2pm.

Mr. Harvey then clarified that this was a sealed bid process where the low bid was accepted if qualified.

Introduced: Request for Proposal, AE Services for Courthouse Renovation

Mr. Carter noted that the County had received seven (7) proposals on courthouse AE services and that staff needed Board guidance on who to include on the selection committee. Mr. Carter noted that it would be a competitive negotiation process; in which the committee selected at least two (2) firms to interview, then they would be ranked and the County would negotiate with the top ranked firm. Supervisors then agreed by consensus to appoint Mr. Hale and Mr. Saunders to the committee. Mr. Carter then noted that there were typically five or so people involved and that staff had discussed having Judge Gamble or Judy Smythers, and Debbie McCann participate. He added that staff would get the proposals out to the committee the following day.

Introduced: Dominion Natural Gas Pipeline

Ms. Brennan inquired as to the availability of the pipeline map to the public. Mr. Carter noted that he was called by Dominion and asked to withhold the map for now. He noted that he had provided the letter template to WSET. He added that Dominion had advised that the pipeline was a competitive process between two companies and their competitor had a different route and this information may be proprietary. He noted he would have to get guidance from Mr. Payne on this; however he had gotten something from Piedmont Environmental Council showing a different pipeline coming down through Buckingham.

In response to questions regarding the County's control over this, Mr. Carter noted he would have to research it more; however his understanding was that it was a Federal process and FERC had overall authority on this. He noted that it encompassed interstate commerce as well and he was not sure what role the SCC had. He noted that he thought that the County probably had no authority other than commenting on this.

Supervisors then inquired as to what rights the landowner had and Mr. Carter noted he was not sure; however a reliable source has indicated that if Dominion was able to show FERC that 70% of the gas in the pipeline was locally used, they may have the right of eminent domain but this would be at the Federal level.

Mr. Carter then noted that the County had a fact sheet, the letter template, and a fuzzy map. He noted that staff could distribute the fact sheet; however he asked that the map be withheld for now; however he was unsure if it could be under the Freedom of Information Act. He advised that Dominion would still have to go through a four (4) year process beginning with the environmental review process.

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Ms. Brennan then clarified that it was okay to disburse the fact sheet but not the map at this point. Mr. Hale then supposed there would be some compensation to the landowners along the route and it was noted that a Columbia gas line ran through Buckingham.

Mr. Saunders then noted that he did not think a landowner would get much out of it. Mr. Carter noted he would send out further information and Dominion had indicated that they would come in July to present to the Board.

IV. Adjournment

At 7:45 pm, Mr. Hale moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.