

May 8, 2012

Virginia:

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

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

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 2:04 pm, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Mr. Carter asked to remove item B. **R2012-33** as the Commissioner of Revenue had revised her request for additional funds. The Board agreed and Mr. Hale then moved to approve the consent agenda consisting of the minutes for approval. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

- A. Resolution - **R2012-32** Minutes for Approval

**RESOLUTION-R2012-32
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(April 12, 2012, April 25, 2012, and April 26, 2012)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board’s meetings conducted on **April 12, 2012, April 25, 2012, and April 26, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2012-33** FY11-12 Budget Amendment – Considered Separately

III. Public Comments and Presentations

A. Public Comments

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

1. Glenda Cahoon, VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement from Kenneth White, VTA President requesting that the Board of Supervisors pass a resolution urging Representative Robert Hurt to contact the Chairman of the House Judiciary Committee regarding drawing up articles of impeachment against President Obama.

2. Glenda Cahoon, Tye River

Ms. Cahoon distributed and read aloud a prepared statement urging the Board to have VDOT conduct a traffic/accident study in the Colleen area from the SPCA thrift store up to Saunders Construction. She asked that they include data from the past two years and facilitate changing the speed limit from 60 mph to 45 mph in that area beginning at Oak Ridge Estate down to Saunders Construction. She also urged them to have VDOT improve the sight distance at the Route 29 and Route 56 West intersection and suggested the placement of vinyl signs to promote traffic safety.

B. VDOT Report

Mr. Don Austin of VDOT was present to report to the Board. He noted that he had been made aware that the Board was interested in discussing the stop light in Lovington.

Mr. Harvey noted that VDOT needed to do something at the stop light to eliminate confusion. He noted that there have been two fatalities there and numerous accidents. He added that the size of the writing on the yield on green was not very large and could not be seen very well at night.

Mr. Austin advised that he had discussed this with the traffic engineer, who would review the previous study and would update the traffic accident data up through 2010. He indicated that this would provide them with a three year period of data to look at and they would look at increased usage of the intersection also. He added that he did not think that any new businesses were causing the increase in traffic and Mr. Bruguere suggested that there was a lot more truck traffic in that area due to them coming off of Route 81.

Mr. Austin then advised that VDOT would look at the turning movements on and off of Rt. 29 and would also look at the related sight distances. He noted that he did not think that sight distances played a role in this case. He added that they would look at causes of accidents from the accident reports and also the flow of traffic. He noted that hopefully the study would be updated by the next meeting.

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Mr. Bruguiera noted that VDOT should be more accommodating of the local Boards' wishes to protect its citizens. He added that the accident criterion was unreasonable and that they needed to do something to protect citizens.

Mr. Austin advised that VDOT had to go by the State's criteria to be legal at least on the speed limits.

Mr. Harvey noted that it appeared to him that all of the accidents occurred when travelers were headed northbound turning into Food Lion and there did not seem to be problems coming across Rt. 29. It was noted that some also occurred going southbound. Mr. Harvey added that the two green lights there were confusing and suggested the use of a yellow arrow, green arrow, and red light.

Ms. Brennan stated that she would rather have people stop on a red light and get impatient than cross over into traffic. She added that Nelson had an aging population that was not used to stop lights.

Mr. Austin noted that VDOT was testing flashing lights at the Lynchburg Mall as a warning to drivers.

Members then discussed the following VDOT concerns:

Mr. Bruguiera:

1. Asked for a no double stacking sign to be placed at the crossover at Rt. 56 West and Rt. 29; similar to the one located at the High School.
2. Requested that the 45 mph speed limit on Rt. 151 and 56 West at Macs Market be extended to Rt. 655 at the top of the hill there. He noted that there was a lot of truck traffic there and there was a near miss with a tractor trailer recently. Mr. Harvey agreed that it was a busy area there, a lot was going on in a small span, and the request was warranted. Mr. Austin noted that they did have to follow federal speed guidelines and review the area etc. before this could happen. Mr. Harvey then related how much safer Rt. 151 was from the changes that have been made including reducing the speed limit.

Ms. Brennan:

1. Asked if VDOT had look at the increase in accidents since they raised the speed limit to 60 mph on Rt. 29. Mr. Austin noted that he was not sure if it had been done but he would check.
2. Requested VDOT to look at the speed limit going south on Rt. 29 from Food Lion and extending the 45 mph beyond the businesses in that area.

Mr. Saunders:

1. Noted that the speed limit sign was missing in Arrington at Phoenix Road and New Mount. Mr. Austin reported that they would be putting up new signs there soon.
2. Noted that at the intersection of Rt. 56 East and Findlay Mountain Rd. there was a bad blind spot where the sight distance was really bad. Mr. Harvey noted that this complaint had been studied 7-8 times in his tenure on the Board.

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3. Noted that Norwood residents were concerned about the speed limit from the Fire Dept. to Rt. 626
4. Reported that on Arrington Road near House #626 there was a sink hole that keeps getting bigger. Mr. Austin noted that they would go out and look at it.

Mr. Hale had no VDOT issues.

Mr. Harvey then noted that the newly paved roads looked nice around courthouse and going down the hill onto Front Street.

IV. New Business/ Unfinished Business

A. Draft Local Grievance Procedure

Mr. Carter noted that the Code requires a local grievance procedure, which the County's Personnel policy includes; however it was never certified by the Circuit Court as required. He noted that therefore, the County has been following the state procedure. He added that the State policy affords the State and any localities to have a hearing officer in lieu of a panel which has been preferred by employers.

He added that in the most recent case, even though the County was successful in prevailing, the grievant has continued to appeal based on conflicts between the County policy and the State policy. He noted that therefore, Mr. Payne has advised that the County should write a local procedure endorsed by the Board and certified by the Circuit Court. He noted that staff was not recommending the Board take action now, but rather work with Mr. Payne on the potential removal of the panel as an option. He then explained how the panel would work and related his previous experiences in using a panel; noting that the use of a hearing officer removes any subjectivity in the process. He then noted that staff wanted to get it before the Board for ongoing discussion.

Mr. Hale inquired as to the problem with using the State's policy and Mr. Carter noted that there were contradictions in the procedural aspects of the grievance process. He explained that in the State policy, matters could be referred to the State agency and recently the grievant did this and they said that they did not have anything to do with it and they were now appealing to Circuit Court.

The Board then turned to Mr. Payne for an explanation and he noted that the local grievance procedure had not been certified by the Circuit Court and because it had the use of a panel in it, staff did not then have it certified and in lieu of that decided to use the State's policy, which allowed for a hearing officer. He added that the State procedure also has pieces that did not work for the County which was creating problems. He then noted that the only consideration for staff was whether or not to have a panel available for insignificant issues. He stated that he had put this in for consideration because of the costs associated with a Hearing Officer. He added that for something not important, a panel would be the cheaper and easier way to go; however the downside was bad experiences with panels.

Ms. Brennan then questioned whether or not the exceptions listed were part of the State Code and Mr. Payne advised that the first four were variations of the State Code and he had added the other ones. He added that he had looked at the Department of Social Services grievance procedure in crafting the draft

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and he had used the State Language wherever he could. He noted that Constitutional Officers were exempt from the policy.

Ms. Brennan then confirmed that the County Administrator did not currently maintain an up to date list of those exempt from the procedure as the policy had not yet been adopted. She then inquired as to the meaning of "who may normally be present" as used within the document and Mr. Payne noted that he thought it came from the State Code, however he would check. He then noted that the procedures were meant to be more flexible.

Ms. Brennan then inquired as to who would be the most likely management representative should the agency head also be the immediate supervisor of the grievant as noted under the second step of Management Steps section d. Mr. Carter noted that it would most likely be the Finance and HR Director or whomever else was designated. Mr. Payne added that the grievant could skip this step, which had been done before and that there were certain circumstances where the first two steps could be skipped altogether.

Mr. Carter then advised that staff would bring this back for further consideration in the near future.

In response to questions, Mr. Carter noted that a lot of time and money had been spent on the current grievance which was still pending. He noted that they had filed an appeal in Circuit Court and now have filed an EEOC complaint. He added that the Hearing Officer costs were over \$5,000 and the transcripts cost over \$1,000 and these costs were not including Mr. Payne's costs.

Mr. Carter noted that this was an obligatory part of local government and then suggested that the Board conduct a closed session while Mr. Payne was present. Members agreed to do so following consideration of the revised budget amendment that had been pulled from the Consent Agenda.

Ms. McCann noted that under the transfer of funds section of the budget amendment, the Commissioner of Revenue had requested \$200 more since the submission of the request. She added that she then had revised her request to add \$700 to her budget due to more than anticipated expenses for DMV updates.

Ms. Brennan moved to approve **R2012-33**, FY11-12 Budget Amendment as modified to change \$200 to \$700 in the Commissioner's request and Mr. Bruguere seconded the motion.

In response to questions, Ms. McCann noted that they have to pay to have their vehicle data updated from DMV into the system. She noted that in the past, seemingly the bill has been split between two years and it was all billed in this year this time.

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 R2012-33
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
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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>
\$ 2,500.00	3-100-009999-0001	4-100-031020-5419
\$ 5,180.00	3-100-001502-0002	4-100-032020-5646
\$ 7,500.00	3-100-003303-0240	4-100-081020-7050
<u>\$ 15,180.00</u>		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 700.00	4-100-999000-9905	4-100-012090-3015
\$ 5,000.00	4-100-999000-9905	4-100-091030-5638
<u>\$ 5,700.00</u>		

III. Appropriation of Funds (CDBG Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 2,436.00	3-503-009999-0001	4-503-094700-9114

IV. Appropriation of Funds (Broadband Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 2,436.00	3-114-004105-0503	4-114-094100-3002

B. FY12-13 General Fund Budget

Members agreed to forgo discussion of this item until the evening session.

C. Introduced – Closed Session

Mr. Harvey noted that the three reasons for conduct of the Closed Session were: discussion of personnel, acquisition of real property, and consultation with Legal Counsel.

Mr. Hale then moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (1), § 2.2-3711(A) (3), and § 2.2-3711(A) (7): discussion or consideration of assignment, appointment, promotion, performance, salaries of specific employees of any public body, discussion or consideration of the acquisition of real property for a public purpose, and consultation with legal counsel pertaining to probable litigation.

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

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The Board then conducted the closed session and upon its conclusion, Mr. Hale moved to reconvene in open session and Mr. Bruguiera 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 that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Mr. Bruguiera seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

A. Courthouse/Government Center Project: Blair Construction has re-mobilized and is working to address the project punch list and to complete the scope of work approved for the Jefferson Building. The present substantial completion date is June 19th, per Change Order 19, which endeavored to encompass all outstanding construction items. Cottle Multi-Media has presented design plan and bid document for Courthouse signage initiative. Pending review by County staff, this initiative is ready for implementation.

Mr. Carter added that the County would have to bid signage out and it could be done in phases. He noted that the total cost was estimated to be around \$42,000 and the County would then have to get quotes.

B. Health Department Relocation: Design work for Health Department relocation has been approved. Lease pricing is pending receipt of construction costs from the general contractor. A projected relocation date, per BRMC, is fall 2012.

Mr. Carter noted that the lease amount was unknown and Mr. Saunders added that it appeared they were getting ready to pour the concrete slab for the building.

C. Broadband Project: Mastec has installed 15.71 miles of conduit along Routes 29 and 6 (as of 4-30). Approximately 10,000+ feet of fiber optic cable has also been installed (Route 29 south). The contractor is working several crews, including a local company from Schuyler. Fiber backbone completion is projected to be July 2012. Pending are issuance of RFPs of RFQs for tower construction (Afton and Avon), outside plant services (OSP) and network operation. Electronics equipment contract with selected company is near completion (by week of 5-14, possibly sooner). Mr. Bruguiera is assisting with tower location for the Massies Mill area. There is considerable work focused on service providers and discussion of proposed rate structure.

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Mr. Carter explained that OSP work was splicing, installing drops etc. Mr. Bruguere noted that he had secured permission from a Massies Mill potential tower site landowner and the site met with Fred's approval so he was moving on that.

Mr. Carter reported that there was some debate within the subcommittee on service providers and rates etc. and they would endeavor to encourage ISPs to express interest in the network. He added that there were three ISPs interested right now. He also reported that staff had met with a network operations company from Charlottesville but that the County would have to reissue an RFP for these services. He noted that they seemed to be a good fit and would work with the Authority on a tiered pricing for services.

Mr. Carter then iterated that the real discussion had been whether the County would provide the transport only and would outsource everything out. He noted that there were concerns that the rates to be considered in July would not cover these costs. He noted that there were three expenses associated with providing services and staff was discussing how to mitigate these. He added that the feasibility of being a service provider or staying the course of just providing transport to ISPs was at the crux of the discussions.

Mr. Hale suggested that staff and Icon look at how Bristol VA is providing services as the ISP. He noted that they did it all and that staff should look at this. Mr. Carter noted that they had been consulted and that they had ten plus years of experience and operate several other utilities. He added that their service area was likely not as geographically large as Nelson. Members and staff discussed that this was not a comparable situation.

Ms. Brennan noted that the network should have two local service providers already and Mr. Carter agreed and noted that if the Authority was not able to provide services now, they could work to provide this later. He added that it was unsure if the Authority could afford to hire people to run the network so it seemed more feasible to outsource this.

Mr. Carter then noted that the Board would get challenged by residents who wanted service and could not afford to get it at this point; however he was confident the backbone would be ready to be utilized and the challenge was to get someone to provide the services and make it as affordable as possible.

D. 2012 Radio Project (Narrowbanding): The project is in process with the loan application to VA Resources Authority submitted and working towards May/June closing. Motorola, Inc. personnel are working towards completion of the Rough Order of Magnitude, which is pending receipt. An 18 month schedule is projected.

E. Recreation PER: Three preliminary site plans (plan view) have been received from Moseley Architects. Work session with County staff is pending with presentation to Board thereafter (possibly 5-24 meeting or first June meeting).

Mr. Carter added that the consultants have looked at two sites on the NCHS/NMS property and one site on private property adjacent to it. He added that staff has contacted the private property owner with no response so far.

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F. Maintenance Dept. Projects: 1) Law Office Retaining Wall- Nolen Frisa has completed the wall design and submitted to VDOT for review/permitting. A cost estimate is pending completion. Thereafter the project will be ready for implementation. 2) The rework of the Treasurer's office is in process. 3) Nolen Frisa has completed a preliminary evaluation of the former Magistrate's Office and is prepared to proceed with assisting the County to repair/renovate the structure.

1) Mr. Carter reported that a concrete wall would abut up against the existing wall and was similar to the design that the Wiley Wilson structural person proposed initially. He added that they would turn back into the bank at the ends of the wall. He added that they had advised that using piers was not feasible as there was not substantial enough a foundation and would have to excavate too far under the building in order to do that. He added he was not sure of what the final cost would be but that it had been estimated at \$60,000 previously.

2) Mr. Saunders asked to see the plans before this project proceeded to construction.

3) Mr. Carter noted that the brick needed repointing and the roof needed to be removed. He noted that the building was in horrible shape and that the County needed a historical perspective and may need Mr. Self to look at it. Mr. Saunders and Mr. Hale suggested that the County needed to determine what the building would be used for. Members noted that it was historically significant and that the Historical Society had suggested using it for historical display etc.

G. Blue Ridge Tunnel & Blue Ridge Railway Trail: 1) BRT - The project was recommended for 2012 Transportation Enhancement Program grant funding by VDOT staff but was not funded by the Commonwealth Transportation Board. Staff has expressed the County's disappointment to the Lynchburg CTB member and to VDOT staff in an effort to seek funding in 2012 for the project, which will not be provided. A renewed effort will be made to secure 2013TEP funding given VDOT staff recommendation and the favorable input received from the CTB member. 2) BRRT - Craddock-Cunningham (Lynchburg) selected to provide design services for renovation of the depot building, minor extension of east side of trail, preservation of historic artifacts and possible acquisition of caboose, and cover for one of the existing bridge installations. Time line is 12-16 months (approximate).

Mr. Carter noted that Mark Peake was the new CTB member and Mr. Hale added that the County should go the suggested route of getting the other transportation districts involved for a more regional approach.

H. Massies Mill Recreation Center: Representative of MMRC have indicated the organization's intent to deed the property back to the County. No input provided on used balance of County funding. A letter is forthcoming from MMRC on this overall subject.

Members briefly discussed the fate of the building and Mr. Bruguere noted that he had spoken to George Krieger of the Community Development Foundation who thought he would not have much use for it but that he would look at it. He suggested that if not, the Board should sell it or tear it down. Mr. Hale stated that he thought the site would be valuable to someone.

I. Norwood Historic District Project: Tourism and ED staff have worked with the NC Historical Society and Norwood residents in the development of an application to VA Department of Historic Resources for cost share program funding to establish a Norwood Historic District. \$7,500 in funding (\$5,500 state

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and \$2,000 local) is the estimated project budget. If endorsed by the Board the project will result in the fourth significant historic district within the County in the past ten years (Lovington, Schuyler, Afton - Norwood).

Mr. Carter noted that this had come about when the Goodwin historical marker was placed in Norwood and residents had expressed interest in the creation of a historic district. He noted that the application was ready and that it had Historical Society and resident support. He then asked if the Board wanted this to go forward.

Mr. Bruguere noted that he would like the district to have the endorsement of those that it would affect. Mr. Carter noted that there were no known negative effects and it could be beneficial since people could get historic tax credits to refurbish their homes.

Mr. Hale indicated that he did not think anyone would object and noted that there were significant historic resources in Norwood. He added that Pat Price owned considerable amounts of the old river canal and remnants were still there. He noted that other property owners had historically significant properties and have spent their own money to restore these.

Members and staff discussed how to go about gauging the support for this and it was suggested that the Board could enlist Ms. Price to canvass the neighborhood. Mr. Hale noted that there were no negative connotations and no rules or regulations that would go along with this and Mr. Bruguere indicated that there had to be some stipulations somehow and that it could possibly affect property tax assessments.

Members then agreed by consensus to schedule a public hearing on it at their next meeting. It was also suggested that a town meeting could be held if there was insufficient time for the public hearing.

J. Business After Hours at the Courthouse: The NC Chamber of Commerce will host a Business After Hours at the Courthouse on May 15 from 5:30 p.m. to 7:30 p.m. Debbie Bowling has been instrumental in facilitating this monthly business get together.

Mr. Carter noted that the ribbon cutting portion of the ceremony had been deferred.

K. June 12, 2012 BOS Meeting: Re-scheduling of the 6-12 regular session is submitted for consideration. Should the Board decide to move the meeting to another date then a resolution to provide for this action will be included in the May 24th agenda (per § 15.2-1416 of the Code of VA).

Members agreed by consensus to maintain the regular meeting date on June 12, 2012.

L. Added -Paid EMS: Mr. Carter reported that staff was working on amending the agreement to include expanding the program with WPOA. He added that they were actively recruiting people with the target date of starting expanded services being July 1, 2012. Mr. Harvey suggested that this needed to be moved along sooner if at all possible.

M. Added-Reassessment: Mr. Carter reported that RFP responses had been received and staff would be looking at these. He noted that two responses were from Virginia companies and one was from a North Carolina one.

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N. Added – Secondary Six Year Plan: Mr. Carter noted that Randy Hamilton of VDOT had requested that the Board include discussion of the SSYP plan at their June meeting. He noted that they could decide to do this at a separate meeting if they preferred.

Items V.A2 and V.B-V.D were considered during the evening session.

2. Board Reports

Mr. Saunders and Mr. Bruguere had no reports.

Mr. Hale noted that he and Mr. Saunders had met with the Heritage Center representatives and had gone around and around but at their last meeting, they indicated that they were amenable to having the electricity and water separately metered and would pay the monthly bill. He noted that this would mean some expense to the Service Authority but that the Board should proceed with directing Mr. Payne to draft the papers and include as part of the closing that it not close until the meters have been done. He noted that separating the meters seemed to be the cleanest way to handle it. He added that the figures that had come from the Co-op were around \$7,000 for the electric meter but that he thought the Service Authority could do some of it.

Ms. Brennan reported the following:

1. Moving forward on the County flag design – staff to email mock ups to the Board.
2. Met with the committee on the tower mitigation program, which would be the entryway display consisting of a series of boards denoting the pictorial history of the courthouse grounds. She added that the Historical Society would put together a committee to think about this and the County will have to put out an RFP to select a design company. She noted that the Historical Society committee would also meet with the overall committee and the Board.
3. Met with Mr. Carter and several Broadband Subcommittee members to discuss the overall project and left feeling better about things.
4. Walked the Courthouse grounds with the Landscape Architect and staff and discussed the things that would be done; such as moving some things to different areas etc. She noted that they were hoping to complete the changes this month or they would have to be done in the fall.
5. Met with Peggy Whitehead, Sarah Jane Stewart, and the Blue Ridge Dental Center to discuss issues associated with the Nelson Dental Clinic and the Blue Ridge Dental Clinic. She added that the new clinic would still be serving the same population as now.
6. Attended a Thomas Jefferson Community Criminal Justice Board meeting along with Jim Hall, the other representative. She noted that there would be some reorganization there and they discussed the evidence based practices that were used here in Nelson. It was noted that this program has reduced

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recidivism. She added that the CIT training was moving forward, the Sheriff's Department participates, and the Commonwealth Attorney was interested.

7. Reported that the Historical Society had a new display opening.

8. Reported that Wintergreen had paid off the ladder truck as was noted at the previous Board meeting.

9. Attended VGIN Board meeting and noted that they were interested in helping local governments get more involved in GIS. She added that they would be at the VACO conference this year to possibly present.

Mr. Harvey reported that he had met with the Fire Chiefs on radios and semi-agreed on how many they would need. He added that they now had a better count on the walkies and that they had discussed dispatch procedures and no interest loan procedures. He noted that he advised them to avail themselves of the loan monies that were available.

B. Appointments

Ms. McGarry noted that there were no appointments for the Board's consideration until June.

C. Correspondence

Ms. Brennan noted a letter sent to Board Members requesting that Whippoorwill Lane become state maintained. Mr. Carter noted that his understanding was that there was no state money for this and staff has included this in the SSYP folder to be discussed. He added that the residents along the road would have to bring about the improvements to bring the road up to state standards and then it could be accepted into the system. Mr. Hale added that this was because there were no rural addition funds in the VDOT budget.

Members discussed a response to the citizens and it was decided that Mr. Carter would respond by letter.

D. Directives

Mr. Bruguere and Mr. Harvey had no directives.

Mr. Hale:

1. Noted that Judge Serkes would like the Board to use the Courtroom for meetings and he suggested that the Board should try it out sometime. Mr. Carter advised that there was no sound system there to facilitate this. Members noted that they may be amenable to trying this out at some point.

2. Asked if the Health Department has seen the plans for their space at BRMC and Mr. Carter confirmed that they were working with BRMC closely on the space layout. He added that the State's Department of General Services has gone back and forth on it and it was now moving forward.

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3. Directed that the new Assessors work closely with the Commissioner of Revenue and Mr. Carter assured the Board that these requirements were spelled out clearly in the reissued RFP.
4. Asked about the completion date for the work being done on the Jefferson Building and Mr. Carter confirmed that June 19th was the completion date as of that day. Mr. Hale then advised that Preservation Magazine was doing an article on the building for its summer issue.

Ms. Brennan:

1. Noted receiving a request concerning ABC stores opening on Sunday. She noted that this person who was an employee did not want it open on Sunday. She noted that the Board could only pass a resolution saying that they did not want them open on Sunday if they did not. She added that she was asking the Board to think about this and would poll them individually.
2. Asked about filling Susan McSwain's position, noting that she is retiring but that she was unsure as to when. Mr. Carter noted that staff had one of the attendants working towards assuming the position; however it did not look like it was going to be a long term solution. Ms. McCann added that her Finance staff would work with Ms. McSwain to get a handle on solid waste reporting and tracking and that potentially the person now could do the scheduling and supplies etc. Mr. Carter added that the County needed someone to work on recycling but otherwise the things Ms. McSwain was working on were not really ongoing other than the recycling. Mr. Bruguere suggested that Merle Kelley could take a greater role in reporting and data collection. Mr. Carter then confirmed that he did collect the data and run reports and that the reporting has gone to an every three year responsibility versus an annual one.
3. Suggested that the County should send congratulations to retiring teachers and staff should ask the Schools to let the Board know when the ceremonies were held. She then listed several of those that were honored and retiring with 30 plus years of service.
4. Asked if staff had looked into refinancing the Courthouse debt and Mr. Carter noted that he had not but would and that he was unsure as to whether or not it would be feasible at this point.
5. Asked if the Nelson Rescue records situation had been cleared up and Mr. Carter noted that they were working on it and that nothing had been reported to him on it. He added that he thought that they were still within the timeline to submit the missing forms.

Mr. Saunders asked if the checks had been disbursed to Gladstone Rescue Services and Ms. McCann noted that Ms. Staton was waiting to get the checks back from the Treasurer and to call to see when they would be ready.

VI. Other Business (As May Be Presented)

There was no other business considered by the Board.

VII. Recess and Reconvene for Evening Session

At 4:55 pm, Members agreed by consensus to defer consideration of items VB – VI until the evening session. Ms. Brennan then moved to adjourn and continue until the evening session and Mr. Saunders

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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 7:30 pm with all Supervisors present to establish a quorum.

II. Public Comments

1. Michael Tancyus, Afton

Mr. Tancyus noted that the sound system in the Board room was inadequate especially for those with hearing impairments.

Mr. Harvey noted that the procurement of an upgraded system was already in process and should be installed within six weeks maximum.

2. Janet Lychock, Afton

Ms. Lychock expressed her distress that fiber would not be pulled out to residences as part of the current broadband project. She questioned whether or not RVCC would be added as an anchor institution and noted her support of it becoming a Wi-Fi hotspot.

Mr. Carter noted that ten additions to the project were submitted to the Board and prioritized by Icon and are currently under consideration. He added that the County was working under the present project budget and no additions have been made to date. Staff then noted that RVCC was not one of the original anchor institutions and if the Board elected not to fund bringing the fiber there, RVCC could pay to have it brought there.

He added that the Martin's Store tower should be up by the end of September. He noted that who uses the tower was undetermined and would depend on who wanted to locate there. He noted that a local wireless company was interested in using the towers to provide services.

Ms Lychock then added that her cell service had diminished even though more towers were being put up in the County.

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Mr. Hale then addressed the public and noted that the reason for the late start to the evening session was the Board's attendance of the family night held for a former Supervisor's spouse.

III. FY12-13 General Fund Budget

Mr. Carter noted that a new set of summary revenue and expenditure documents had been distributed and noted the following changes:

Expenditure Changes:

- Added 5% for VRS costs for the County and DSS and the 1% raise for full and part time County employees for a total increase of \$87,500.

Revenue Changes:

- Reduced rent revenues by \$9,480 on general property for the Health Department rent because the rent in FY13 will go to BRMC.
- Reduced Court Fines by \$15,717.
- Increased local sales tax by \$126,128 based on newly received state estimates.

Ms. McCann noted that the net effect of these changes was an additional \$13,431 added to the recurring contingency on the expenditure side.

In response to questions, Ms. McCann noted that tax sale proceeds were zero which was the number that Judy Smythers had given her. She added that it may be possible that some funds may be released next year but that the Circuit Court Clerk has to hold proceeds for a specific amount of time.

Ms. McCann then noted that the recurring contingency was now \$1,490,263 and the non-recurring contingency, which was the windfall from the tax increases to be collected in June, was now \$723,546.

Staff then noted the revised school budget that now listed a bottom line shortfall of \$1,200,689 and included the following items:

- 6% Salary increase for all full-time employees; 1% increase for all part-time employees, substitutes, and temporary workers.
- Mandatory 5% contribution by full-time employees for employee share of retirement costs.
- VRS Rates: 11.66% VRS; 1.11% RHCC; 1.19% Group Life (40162 GROUP); 13.15% VRS; 1.32% Group Life (55562 GROUP)
- Overall 4.8% increase in premiums for Health Insurance is included.

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- Inclusion of \$50,000 in additional funds to refurbish several existing buses in lieu of purchasing new buses for the 2012/2013 school year.

- New Positions Included:

- o High School Position to teach Financial Literacy - \$55,830.19
- o Middle School position to teach Language Arts - \$55,830.19
- o Part Time Gifted position to help satisfy SOQ requirements of 1:1000 students -\$24,960.66
- o Technology support person to help maintain computers as we move to 1:1 -\$49,198.82
- o Elementary position to cover influx of Kindergarten students - \$59,375.77

- Fuel budgeted at \$3.25 per gallon.

The Board then began to review County expenditure items as follows:

Board of Supervisors: Staff noted that the overall budget increase was related to advertising and audit costs.

Finance and Technology – Staff noted that the proposed new positions were removed with no budgetary impact because these were being funded through reimbursement from the Broadband Authority. Mr. Carter explained that the County would not need these positions if a network operator was hired and it was questionable that the Authority could afford these positions. Mr. Carter noted that the IT department works on all sorts of projects including broadband related things.

Courts- Staff noted that the difference in the requested and recommended amount was due to a reduction in microfilm costs based on historic expenses.

Commonwealth Attorney – Staff noted that a request for another full time secretarial position in lieu of the current part time position had been submitted by the Commonwealth Attorney that day. Ms. McCann related that the previous year's part time money allocation was high because of the use of a part time investigator by the previous Commonwealth Attorney for a specific case. She added that it was reduced by \$9,000 to return it to normal levels. Mr. Carter added that Mr. Martin was requesting another full time Secretary which the State did not fund. Ms. McCann noted that this would add back more funding due to the inclusion of benefit costs. Members noted the increased case load as presented by Mr. Martin and staff suggested funding another part time position but not a full time one. Members then agreed by consensus to leave it as is for now with the option to revisit it later.

Sheriff's Dept. – Staff noted that the part time speed enforcement funding had been reduced under the premise that typically the court fines come in a lot higher than projected and in the past they have requested that money which was backed by the additional fines collections. It was noted that this money is typically added back with budgetary amendments throughout the year.

Captain Ron Robertson in attendance noted that the department had surpassed budget numbers this month and that he had no problems with how this had been working. He noted that he would prefer to start with \$10,000 budgeted because the part time speed enforcement officer was working twenty hours a month, which equated to \$18,000 to \$20,000 per year. He and Ms. McCann concurred that there was around a months lag in realizing the revenues. Members then agreed by consensus to add \$5,000 back

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to their department for part time speed enforcement and increase the offsetting revenue of court fines by \$5,000.

Emergency Services- Staff noted that the large increase in this departmental budget was due to the shifting of the Dispatchers' salaries and benefits to this department out of the 911 departmental budget. Staff noted that it would be easier for the EMS Coordinator to manage the budget if all of the costs associated with dispatch were included.

EMS Council - Staff noted that the reduction was the extra money for training and Emergency supplies that were cut out the previous year. Members agreed to add \$10,000 back in for training and suggested that the Council be encouraged to use it for training only and not supplies.

Paid EMS - Staff noted that the estimated revenues from the increased transport rates were added to cover the expanded EMS program and the increase in mileage rate reimbursement to the volunteer agencies. Ms. McCann noted the cost provided by Mr. Sheets for the expanded program was \$157,000 and the new revenues more than covered these costs.

Medical Examiner – Staff reported that the County had been using the State medical examiner; however as reported by Captain Robertson, the County now had one by the name of David Webb.

Animal Control – Staff reported that they were inclined to remove this responsibility from the EMS Coordinator; however a Supervisor was needed on site at the shelter; therefore staff was proposing to add a full time Animal Control Supervisor position and possibly eliminate the part time Shelter Attendant position; which would be a savings of \$14,274. Mr. Carter noted that the department would then consist of two part time Animal Control Officers and a full time Supervisor.

Mr. Harvey noted that he thought that Animal Control fit into law enforcement best and then asked Captain Robertson when the Sheriff's Department would take it over. Mr. Carter noted that staff had previously proposed to keep it as is and just have it be supervised by the Sheriff's Department. Captain Robertson indicated that he would go back and discuss this with Sheriff Brooks; however he knew that they did not want to have to deal with the shelter. Members then made no adjustments to this budget.

Waste Management – Staff noted the reduction was due to a decrease in the costs of ground water monitoring.

Motor Pool – Staff noted that this budget did not contain the requested Sheriff's Department vehicles. Ms. McCann noted that their request had been for three vehicles and they had now revised this to include one transport van and two cars. It was noted that the County's prisoner population averaged 30-32 per month. Captain Robertson noted that they were requesting a van in order to be able to transport multiple prisoners at a time. He reported that presently, if they have to go to various locations for transports it ties up several deputies and vehicles for hours at a time.

Captain Robertson then stated that they were only requesting level funding for the vehicles of \$75,000. He added that they were interested in leasing the vehicles and have talked to other jurisdictions that loved the lease program they were researching. He added that all of their vehicles and equipment were

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getting old and antiquated and he was trying to save money in the long run by reducing maintenance costs.

Mr. Carter and Ms. McCann noted that staff's concern was that they had more vehicles than they had officers and that the County was maintaining and insuring a lot of vehicles that were not being used. Ms. McCann then noted that a cost of \$63,938 and \$43,570 for the vehicles including equipment had been provided by Captain Robertson.

Mr. Harvey then suggested that they get vehicles with minimal equipment and added that they did not want to buy cars until the County could provide the new narrow-banded/digital radios for them. He then noted that the Board would take the proposal and consider it later. Ms. McCann then reported that \$23,000 was the bare bones cost of the car on State contract.

Mr. Carter commended the Sheriff's Dept. for continually trying to improve everything and the Captain confirmed that they had no wrecked vehicles presently. Mr. Harvey again stated that they should go back to the basic car, lights and radios. Ms. McCann noted that the base cost of the van was \$27,000 and the Captain noted that a major expense of \$9,000 associated with the van was the interior cages that would be required to transport multiple prisoners.

Mr. Harvey reiterated that they needed to work with these figures and the Captain reiterated that they could work within level funding of \$75,000. Mr. Harvey then encouraged the Captain to work on a resolution of the Animal Control Department problem.

Planning – In response to questions, Staff noted that there may be a retirement in this department; however administration had not been officially notified of this and therefore all positions were funded at current levels.

Agencies:

Health Department- Staff noted that this budget was level funded by staff and that the increase they had asked for was to cover the additional rent to go into the new facility. Ms. McCann explained that the impact of the reduction was that the local only funding was cut by this amount to absorb the higher rent cost. She clarified that the rent increase would come from the local only programs. Members questioned what programs this would affect and there was consensus to come back to this.

Mr. Hale then noted that it would be helpful for him if there was a narrative to accompany the staff recommendations. Ms. McCann and Mr. Carter noted that they thought they were providing this now, that the detailed budget showed where these cuts were specifically being made, and that Ms. McCann's notes were contained in the excel spreadsheet that could be provided.

Members then discussed not having enough time for proper review of the budget and Mr. Carter noted that staff has been prepared for a month or more and that this was the first time that the Board had spent any time on it. Members then acknowledged this to be the case and agreed to come back to the Agency budgets next time.

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Members and staff then discussed the schedule up to budget adoption and in order for the public hearing requirements to be met the Board would need to hold the public hearing on June 7, 2012 and then could adopt it on June 28, 2012. Members then agreed on meeting again at a continued meeting on May 23rd at 2:00 pm for a budget work session and to also work on the budget at the May 24, 2012 regular meeting.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 9:15 pm, Mr. hale moved to continue the meeting until May 23, 2012 at 2:00 pm in the Board of Supervisors room for budget discussions. Mr. Saunders seconded the motion and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.