

November 10, 2011

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
Constance Brennan, Central District Supervisor
Joe Dan Johnson, South District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Fred Boger, Director of Planning and Zoning
Debra K. McCann, Director of Finance and Human Resources
Linda K. Staton, Finance Technician II

Absent: None

I. Call to Order

Mr. Johnson called the meeting to order at 2:13 pm, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Mr. Johnson noted each of the items on the consent agenda and inquired as to the pleasure of the Board.

Mr. Hale then moved to approve the consent agenda and Ms. Brennan seconded the motion. She then noted that she would like to defer the Minutes for Approval until next meeting and Mr. Hale amended his motion to remove the minutes from approval of the consent agenda and Ms. Brennan seconded the amended 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 – R2011-84a** Minutes for Approval – **Deferred**
- B. **Resolution – R2011-85a** COR Refunds

RESOLUTION-R2011-85a
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS

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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.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 568.21	2008-2011 Personal Property Tax Relief	Wayne D. Terriwilliger 6794 Old Roberts Mtn LN Faber, VA 22938
\$76.56	2010 Personal Property Tax and Vehicle License Fee	Rachel M. Slaughter 2325 Tye River Road Amherst, VA 24521
\$96.25	2008-2010 Personal Property Tax	Paul A. Stodgel 1262 Seminole Drive Arnold, MD 21012
\$935.55	2011 Real Estate Taxes	Bobbie Scott P.O. Box 2 Arrington, VA 22922

C. Resolution – R2011-86 Support of the Bicentennial of the American War of 1812

**RESOLUTION R2011-86
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION TO COMMEMORATE AND SUPPORT THE BICENTENNIAL OF THE
AMERICAN WAR OF 1812 IN VIRGINIA**

WHEREAS, the American War of 1812 was fought between the United States and Britain from June 18, 1812 through February 18, 1815, in Virginia and Maryland, along the Canadian border, along the western frontier, along the Gulf Coast, and through naval engagements in the Great Lakes and the Atlantic and Pacific Oceans; and

WHEREAS, the strategic location of the Chesapeake Bay near the nation’s capitol made it a prime target for the British, and the coast of Virginia figured prominently in the Atlantic theatre of operations; and

WHEREAS, there were some 73 armed encounters with the British that took place in Virginia during the war, and Virginians actively fought in Maryland, Virginia, and Ohio and in naval engagements; and

WHEREAS, an estimated 70,000 Virginians served during the American War of 1812; and

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WHEREAS, the American War of 1812 helped to forge a national identity among the American states and laid the groundwork for a national system of homeland defense and a professional military within the United States: and

WHEREAS, the bicentennial of the American War of 1812 provides an opportunity for all Americans to commemorate the independence for which our forefathers so bravely fought; and

WHEREAS, the 2009 Virginia General Assembly established the Virginia Bicentennial of the American War of 1812 Commission to lead the Commonwealth's commemoration of the bicentennial of America's Forgotten War, the Second War of Independence, and localities throughout the State have been requested to commemorate the bicentennial locally with appropriate activities and to participate in the several signature events and other numerous programs and activities that have been planned for the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that the Board commemorates the bicentennial of the American War of 1812 in Virginia, and will endeavor to support the commemoration through locally developed activities and participation in statewide bicentennial events and programs;

BE IT FURTHER RESOLVED, that the Nelson County Board of supervisors hereby notifies the Virginia Bicentennial of the American War of 1812 Commission of its intention to execute local activities and to participate in statewide events and programs to commemorate the bicentennial of the American War of 1812 in Virginia.

D. Resolution – R2011-87 Support for the Midland Trail, Scenic Byway Designation

**RESOLUTION R2011-87
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION IN SUPPORT OF AN EXTENSION OF THE MIDLAND TRAIL, AS A
NATIONAL SCENIC BYWAY, INTO VIRGINIA**

WHEREAS, the West Virginia Byways Program strives to recognize, interpret, enhance, and preserve the intrinsic qualities of West Virginia byway corridors, with eleven State-designated Byways, ten State-designated Backways and four nationally designated Byways, in place within the State of West Virginia.

WHEREAS, the State of West Virginia, West Virginia Department of Transportation and the West Virginia Division of Tourism recognizes that Byway designated funding has provided millions of dollars to enhance and promote significant historical, cultural, and visitor service sites along West Virginia roadways, attracting multitudes of visitors and making a significant economic impact through tourism.

WHEREAS, 119 miles of West Virginia roadway was designated as Midland Trail National Scenic Byway on June 15, 2000, resulting in a significant economic impact specifically to the communities along the Midland Trail.

WHEREAS, the Midland Trail Association of West Virginia National Scenic Byway organization recognizes that the Midland Trail historical route (Route 60) extends into Virginia, and furthermore

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identifies a goal of having the route in Virginia designated as a National Scenic Byway within its Corridor Management Plan.

WHEREAS, there are more than 3,400 miles of roads designated as Virginia Byways, and to recognize and preserve Virginia's scenic, cultural, and historic resources, and help attract visitors and support economic development through tourism, the Virginia Department of Transportation (VDOT), the Virginia Tourism Corporation (VTC), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourage local governments to nominate roads that meet the program criteria for Virginia Byway designation.

WHEREAS, there is an active effort to nominate the Virginia Midland Trail as a National Scenic Byway extension of the West Virginia Midland Trail, by various Virginia localities and organizations, facilitated by and with guidance from the Virginia Tourism Corporation, Virginia Department of Transportation, and Virginia Department of Conservation and Recreation.

WHEREAS, the United States Secretary of Transportation recognizes certain roads (including multi-state) as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, scenic and recreational qualities.

WHEREAS, The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration, and the program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States.

WHEREAS, since 1992, the National Scenic Byways Program has provided funding for over 2,900 projects in 50 states and 1,500 state and nationally designated byway projects in 48 states.

WHEREAS, the Blue Ridge Parkway is designated as an All-American Road, providing visitors with the opportunity to learn the history and experience the culture of the entire multi-state region in which the Parkway meanders, while making a significant economic impact on the State of North Carolina and Commonwealth of Virginia, and serving as an example of a multi-state byway initiative by which the Midland Trail may follow.

THEREFORE BE IT RESOLVED that the County of Nelson expresses its support for the Midland Trail (Route 60) of Virginia to be designated as a Virginia Byway, and formally recognized as the Midland Trail, through the County of Nelson, and throughout the Commonwealth.

BE IT FURTHER RESOLVED that the County of Nelson expresses its support for Midland Trail (Route 60) to be designated as a National Scenic Byway and extension of the already designated Midland Trail- National Scenic Byway.

FINALLY BE IT RESOLVED that the County of Nelson fully supports the effort to have the Midland Trail (Route 60) of Virginia designated as a Virginia Byway and National Scenic Byway, and extension of the already designated Midland Trail National Scenic Byway in West Virginia, resulting in a multi-state National Scenic Byway.

III. Public Comments and Presentations

Prior to Public Comments, Mr. Harvey introduced the new Nelson County Times reporter - Katrina Koerting. The Board welcomed her and Ms. Koerting noted that she was from Connecticut, went to the University of Syracuse, and majored in Political Science and Journalism.

A. Public Comments

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

1. Mr. Kenneth White, Roseland and President of VTA

Mr. White distributed and read aloud a prepared statement stating the VTA's opposition to the placement of a walk-through metal detector at the main entrance to the new Courthouse and demanding that metal detectors be used only at the entrances to the District and Circuit courts when the courts were in session. His statement noted that they were opposed to the extra cost to taxpayers of providing security officers to man the secured entrance and that it was a violation of the Fourth Amendment.

B. VDOT Report

Mr. Don Austin, Residency Administrator out of the Appomattox Office addressed the Board and noted that he would be attending the Board meetings and Randy Hamilton would come back annually to work on the Secondary Six Year Plan. He added that he would plan to come every other month or two to report.

Mr. Austin reported that VDOT was doing repair work in the County and that Old Roberts Mountain Road would get a pipe replaced next week and the road would be closed. He added that folks have been notified of this and that a detour and lane closures would occur.

He also reported that the LA Snead bridge signs were up and the unveiling ceremony was held.

He noted that the Board had expressed concern about the roads around the Courthouse being repaved and he reported that the loop section around it had been added to the plan to repave next summer. He noted that since the side entrance was to remain, they would likely paint the crosswalk back instead of replacing the concrete walkway.

Ms. Brennan inquired about the sidewalk along the rock wall and Mr. Austin noted that VDOT did not have the funds for that and the County could apply for this through the Traffic Division. He noted that it would be two years out before any money would be available. Members noted that they would like a sidewalk along that wall. Mr. Carter noted that staff could look at that and price it out, but it would have to be done according to VDOT standards. He added that he would work with Don Austin on this and it would be added to directives.

Mr. Bruguere noted that he had spoken with Mr. Austin about St. James Church Road being narrow and having drop offs in the road. He suggested doing trench widening but this would not be done out of maintenance funds but would be secondary road funds. He added that there was only a 30 ft right of way

there and something needed to be done. Mr. George Krieger in attendance noted that the Nelson County Community Foundation had completed its 4th house in a subdivision on that road and that he is applying for a permit to bore under the road to connect to water and sewer out there. He reported that the paved surface there was 15 feet and the ditch lines were 4-5 ft wide. He noted that this has added to the traffic count there and there was the potential to increase traffic when additional rental housing is built.

Mr. Bruguere also reported that where patching was done on the Roseland Road (Rt. 655) the center lines have been covered up and need to be remarked. Mr. Bruguere also noted that at the northernmost part of Rt. 29 into Albemarle County, the edges of the road wash out when there are heavy rains. Mr. Austin noted that they have done some shoulder paving there to reduce these problems as they do overlays. He added that they were going to use milling material to fill in the wash out there because it does not wash as bad.

Ms. Brennan echoed Mr. Bruguere's comments about the washout that occurs along Rt. 29.

Mr. Hale noted that he understood that the Tanbark area in Lovingson was not state maintained and inquired as to what would be necessary to add it to the state system. Mr. Austin inquired as to how the road was established and whether or not it was a private road. He added that for new additions, if it was established after 1991, it would have to be brought up to state standards. If prior to that, the County could use 50/50 funds but that there was not much construction funds in the county. Mr. Hale stated that he would follow up himself and Mr. Carter noted that it has always been a commercial entrance.

Mr. Harvey reported that on Route 6 towards Afton, at the first road into Edgehill, the guardrail was hanging there where it has washed out and there was nothing there to keep someone from going over the bank. He added that this was not near the river and that at least twenty (20) posts were exposed all of the way down. He noted that this cannot be seen from the highway but is visible from the subdivision coming back out.

Mr. Johnson thanked him for the work done on Lonesome Pine and for Carey Lane. He noted that he would get a picture of Phoenix Rd and he noted that the pot-holing at Buffalo Station Rd needed to be looked at. He added that he would still like to see 35mph signs up on gravel roads in the county.

C. Presentation- JAUNT Annual Report (D. Shaunessey)

Ms. Donna Shaunessey addressed the Board and noted that they were very thankful for Janice Jackson who is an excellent Board member; however they would like to have a second member from the County

She then reported the following:

**JAUNT in Nelson County
FY11**

	Number of Trips		
	FY09	FY10	FY11
Piney River Route	3,409	3,162	3,362
Lovingston Route	2,834	2,837	3,481

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Wintergreen Routes	2,438	2,412	2,142
Intracounty Services	5,172	4,329	5,919
Midday to Charlottesville	1,170	1,069	1,160
Total Public Service	15,023	13,809	16,064
Agency Service	160	228	4
GRAND TOTAL	15,183	14,037	16,068

Children	1%
Adults	65%
Seniors	37%
People with Disabilities (all ages)	25%

Highlights of the Year in Nelson County

- Public ridership increased 16% in the County with the intra-county services leading the way.
- The Lovingson commuter route saw a 23% growth in ridership; the Piney River commuter route increased 6%.
- We were delighted to receive a grant from the Nelson Community Foundation to provide for once a month trips to the Food Pantry, as well as a state grant that allowed us to provide over 400 trips for seniors.
- As of October 6th we started providing an extra day of midday service through a federal grant (with match from the Community Foundation). We hope this will shorten ride times on the other days of the week as well as providing more opportunities for County citizens to get to Charlottesville.

Ms. Shaunnesey also gave a PowerPoint presentation that showed the following:

- Ridership trends from FY93-FY11 that showed steady growth in the County
- A graph depicting increasing on-time performance and she noted that they were getting people to appointments on time 99% of the time.
- Commuter Routes in the County -Nelson has twice of the number of commuter routes of other counties, grant funded and funded by Wintergreen.
- Midday Routes: Showed an 11% increase. Runs 3 days per week to Charlottesville for doctor appointments and other errands. Last month they got a Federal grant to add a 4th day of service on Thursday with a match from the Community Foundation.
- Commuter Routes to Charlottesville increased 15% and were mostly trips to UVA Medical Center.
- Commuter Routes to Wintergreen – ridership has increased 75% since adding a second route in FY10. Majority are clients of International Rescue Committee looking for work or working there. No cost to the county in this case.

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- Intracounty Service – Showed a decrease and is just people travelling within county. She noted that the downturn seen was due to RVCC/ Senior Center changes and so less people were riding. She noted that the first 3 months of this year, they were carrying 3 times as many people to Rockfish as this time last year. She noted that they also took 14 people to the food pantry last month.
- HIGHLIGHTS - Senior Shopping Grant provided over 400 field trips for seniors funded by state funding and a match from JABA with no County outlay, the monthly service to the Food Pantry provided 161 trips.
- MORE HIGHLIGHTS - Nine Nelson drivers won safe driving awards this year, County resident Wallace Giles won Rookie of the Year
- Nelson Rider Feedback from last year showed 94% received prompt courteous service, 95% said the drivers drove safely, and 93% said the service was reasonably priced.
- Looking Ahead - Transit Development plan suggests: Modifying the Roseland Commuter route to Charlottesville to cover the new Martha Jefferson Hospital, adding another day of midday service, also: Working toward a bus shelter at Blue Ridge Medical Center. She added that they may be adding a bus shelter at the IGA in Lovingston.
- This year we celebrated our 35th Anniversary by raising \$3,500 for our nonprofit JAUNT Friends, funds go to support ticket scholarships and staff. CVC 3533

Mr. Hale inquired as to why ridership declined so much in 2007 and Ms. Shaunessey noted that they had some folks pass away etc. and Mr. Jonson noted there was a decrease in free and reduced lunch recipients and they moved out of the county also; and it was now picking back up.

Ms. Shaunessey noted that the JAUNT Board meetings were held from 10 am-12 pm on the second Wednesday of the month in Charlottesville.

Mr. Johnson inquired about the impact of the Lovingston Healthcare Center moving to Albemarle and Ms. Shaunessey noted that they were already planning ahead for that and were also working with the PACE program.

Mr. Hale inquired about getting from them a schedule of the transfers available from JAUNT to the CAT bus system and Ms. Shaunessey reported that one could ride all day for \$1.50 and do a fair number of transfers. She added that people can buy a book of tickets of 10 which would be a week's worth, and they accept cash not only tickets.

Staff noted that they would also check to see if the route schedule was posted on the County's website.

In conclusion Ms. Shaunessey confirmed that they do have intra-county service to Blue Ridge Medical Center.

D. Presentation- TJPDC 2012 Legislative Agenda – David Blount (**R2011-88**)

Mr. David Blount, Legislative Liaison at the Thomas Jefferson Planning District addressed the Board and noted that he had added statements regarding TMDLs and Devolution to the list of priorities. He

added that he would also review the ongoing concerns listed in the document. He then reviewed the following priority statements:

- 1) Secondary Road Devolution: The Planning District localities are strongly opposed to any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.**

Mr. Blount noted that their strong opposition was on record and the supporting text addressed findings laid out in the George Mason study raising concerns. He added that there opposition was in line with that of VACo.

- 2) State/Local Funding and Revenues: The Planning District localities urge the governor and legislature to 1) honor their funding obligations to localities; 2) resist shifting costs for state programs to localities; and 3) not further restrict local revenue authority. Further, the state and local governments should jointly examine contractual relationships for services the state requires localities to deliver.**

Mr. Blount noted that the suggestion is that the State works collaboratively with localities to examine contractual relationships. He noted the resolution on the reduction to state aid to localities that was passed by the Board and reported that all others did likewise and it was recognized. He further reported that as was done for VRS plan 2 employees, there was a statement asking for a local option for Plan 1 employees requiring them to pay the 5% employee contribution.

- 3) Public Education Funding: The Planning District localities urge the legislature to fully fund the state share of the realistic costs of the Standards of Quality without making allocation formula and policy changes that reduce state funding or shift additional funding responsibility to localities.**

Mr. Blount noted no changes to this priority statement.

- 4) Chesapeake Bay TMDL: The Planning District localities support the goal of improved water quality, but it is imperative that we have major and reliable forms of financial and technical assistance from the federal and state governments if comprehensive water quality improvement strategies for local and state waters emptying into the Chesapeake Bay are to be effective. We support fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, along with accompanying authority and incentives for all sectors to meet such requirements. We believe fairness across sectors will require appropriate regulatory mechanisms at both the state and local government levels. The Planning District localities are in strong agreement that we will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources.**

Mr. Blount noted that the bold printed language has not changed from the past. He noted the list of numbered items as follows with the third item and fourth items being discussed during the off season.

Accordingly, we recommend and request the following:

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1. Sufficient state funds for the full cost of implementing TMDL measures that will be required of local governments, including those associated with revised stormwater management regulations and any new requirement for locally-implemented stormwater management programs.
2. Sufficient federal funds for grants and low-interest loans for capital costs, such as for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, while minimizing the economic impact of increased fees.
3. Sufficient state funding for and direction 1) to the Cooperative Extension Service and Soil and Water Conservation Districts to aid farmers with best management practices (BMP) in their operations, and 2) to the Soil and Water Conservation Board for monitoring resource management plan compliance.
4. Any expansion of the Nutrient Exchange Program to allow trading and offsets of nutrients among stormwater, onsite septic, wastewater, agriculture and forestry should be contained within and be relevant to a particular watershed, and should ensure that monetary exchanges are equivalent to the costs of the applicable BMP offset.
- 5) Transportation Funding The Planning District localities urge the state to establish separate, dedicated and permanent state revenue streams to expand and maintain our transportation infrastructure. We urge the state to restore formula allocations for secondary/urban construction and for unpaved roads, and to preserve urban street maintenance dollars.**

Mr. Blount noted no changes to this priority statement.

- 6) Land Use and Growth Management: The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.**

Mr. Blount commented that this statement supported use of optional UDAs and an Eminent Domain Amendment that would ask for a definition of lost profits etc. with a definition of temporary conditions to be defined up front.

- 7) 7) Comprehensive Services Act: The Planning District localities urge the state to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government.**

Mr. Blount noted no changes to this priority statement.

He then noted the following under Ongoing Concerns:

In the first section on Workforce Development he noted that there was some new language not included within the presented document such as a new sentence urging the reenactment of an MOA related to the Culpeper one stop closure and lack of payment for the cost allocation plan by the State. He added that

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the MOA has expired and the statement was to encourage the reenactment of this. He noted that while this was not a legislative issue, it was a high profile concern.

Mr. Blount noted the discussion in September related to potential initiatives of onsite sales at distilleries and sales taxes for breweries. He noted that he had added language to see incentives for these initiatives; having worked with Maureen Kelley on this and he noted that there may be legislation drafted.

Mr. Blount then noted that their Legislative Forum would be held on Tuesday November 29th at 6pm at the Water Street Center. He noted that the focus would be on Devolution and that the author of the George Mason study would present and then a panel would convene. He noted that there would also be representatives from Charlottesville and Henrico County who maintain their own roads and then a locality who did a study and decided not to maintain their own roads.

Mr. Bruguere questioned the opposition to VDH restructuring and noted that they may need to be restructured. Mr. Blount noted that he could reword this to be more positive. He added that this was written last year when the restructuring plan was out there and there was local opposition to it. He noted that there was a report that has come out that he has not seen yet related to some of these things.

Ms. Brennan inquired as to there being any hope on the biosolids thing and Mr. Blount noted that they have gone through a lengthy process and he was not sure if the timing was right on this but that it was a request from a specific locality with concerns.

There were no more questions or comments from the Board and Mr. Hale moved to approve resolution R2011-88 Approval of 2012 Thomas Jefferson Planning District Legislative Program with the amended suggestions by Mr. Bruguere. 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:

RESOLUTION-R2011-88
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF 2012 THOMAS JEFFERSON PLANNING DISTRICT LEGISLATIVE
PROGRAM

RESOLVED, by the Nelson County Board of Supervisors that the 2012 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body with the legislative program to serve as the basis of legislative positions and priorities of the member localities of the Thomas Jefferson Planning District Commission for the 2012 Session of the Virginia General Assembly, with amendments presented by Mr. Blount on November 10, 2011 as well as incorporation of the recommendations put forth by the Board as applicable.

IV. New Business/ Unfinished Business

A. Draft Purchasing Policy (**R2011-89**)

A. Authorization for Public Hearing to Amend the Code of Nelson County (**R2011-90**)

Mr. Carter noted that Ms. McCann would present an overview and update of the draft purchasing policy and he added that it has been tweaked some to be in compliance with state law. He noted that he would

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ask for favorable consideration of the approval resolution and then consideration of authorizing a public hearing to amend the County Code to match up with the new policy.

Ms. McCann then reiterated that staff made some changes to comport with changes to the State Code that were made over the summer. She then noted the pages that included these changes. She added that there were some other minor changes that were made to make certain statements more clear.

The changes related to Cooperative Procurement, Purchase Limit Requirements, Sole Source Purchasing, and Invoice Processing.

Mr. Bruguere asked for a quick synopsis of how it worked in order to put in a sidewalk for example and Ms. McCann noted that you could go up to \$100,000 for goods and services but would have to get quotes and bids based on certain thresholds. She noted that the process was a little different for Professional Services and a formal bidding process was required if the expected cost was over \$50,000. She then noted the definition of professional services.

Mr. Carter reiterated that the policy was fully compliant with the State Code and Ms. McCann added that it provided for competition but was not as much of a burden to be required to advertise something and offered a little more flexibility. Mr. Carter added that the policy would allow the County Administrator greater flexibility and discretion to use local companies.

Ms. McCann then noted that the policy encouraged the use of credit cards but that purchasers still had to abide by the purchasing policy in getting quotes. She noted that requisitions for purchase could be electronic and POs could be scanned etc.

Mr. Hale inquired as to how much the County Administrator could spend without asking the Board and Ms. McCann noted that he would have to have budgetary approval and then he could follow the policy and move forward. Mr. Carter added that he was not going to take money from one place and spend it somewhere else without Board approval and he would follow the policy. Ms. McCann noted that there would be a statement to this affect in the County Code amendment regarding use of unbudgeted funds.

Mr. Johnson questioned if they should adopt the policy at the time they change the ordinance and Ms. McCann noted that staff wanted to go ahead and operate under the new policy until it is adopted and Mr. Carter added that this would be legal and he agreed they needed to match up.

Mr. Bruguere then moved to approve resolution **R2011-89** Approval of Nelson County Purchasing Procedures and Policies and Nelson County Purchasing Policy and Procedures Manual. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote (Mr. Harvey being absent for the vote) to approve the motion and the following resolution was adopted:

RESOLUTION R2011-89
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF NELSON COUNTY PURCHASING PROCEDURES
AND POLICIES AND NELSON COUNTY PURCHASING POLICY AND PROCEDURES
MANUAL

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BE IT RESOLVED, that the Nelson County Board of Supervisors hereby approves the attached Nelson County Purchasing Procedures and Policies and Purchasing Policy and Procedures Manual, with the policies and procedures therein to be implemented and effective upon adoption.

Mr. Bruguire then moved to approve Resolution **R2011-90** Authorization for Public Hearing to Repeal and Reenact Article I, In General, Section 2-1 Purchasing Procedures and Policies of the Code of Nelson County, Virginia. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote (Mr. Harvey being absent for the vote) to approve the motion and the following resolution was adopted:

RESOLUTION R2011-90
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING TO REPEAL AND REENACT ARTICLE I, IN
GENERAL, SECTION 2-1 PURCHASING PROCEDURES AND POLICIES OF THE CODE OF
NELSON COUNTY, VIRIGNIA

RESOLVED by the Nelson County Board of Supervisors pursuant to and in accordance with the provisions of §15.2-1426 and §15.2-1427 of the Code of Virginia, 1950 as amended, that the County Administrator be and is hereby authorized to advertise a public hearing notice for the conduct of a public hearing on December 13, 2011 at 7:00 o'clock pm or shortly thereafter, in the Board of Supervisors Room of the Courthouse in Lovingston.

The purpose of the public hearing is to receive public comments on an Ordinance proposed for passage to repeal and reenact Article I, In General, Section 2-1, Purchasing Procedures and Policies of the Code of Nelson County, Virginia. The Ordinance proposed for passage includes: a general policy statement, purchasing authority, policies related to budgeting of purchases, purchase requisitions, fixed asset inventory, local vendors, purchasing documents and purchasing mechanisms as prescribed by the Virginia Public Procurement Act. A copy of the full text of the proposed Ordinance is available for public inspection in the office of the County Administrator, 84 Courthouse Square, Lovingston VA 22949.

B. VDH Relocation to BRMC – AE Proposals (R2011-91)

Mr. Carter reported that he had followed up with W&W and Dagget and Griggs to get proposals for A&E services to relocate the Health Department to Blue Ridge Medical Center. He noted that these proposals were in the Board's package and Staff was proposing that selection of the Dagget & Griggs proposal would be in the best interest of the County. He added it was less expensive and they had the most knowledge of the overall project having designed the building.

He added that he had spoken with Mr. Dagget about using the County's agreement and he had agreed. He added that they would provide an estimate of their reimbursables once under contract which he did not think would make up the difference in cost between the two proposals. He reported that Mr. Dagget had indicated that it could be faster than June 2012 for move in. Mr. Johnson supposed this was the case since they are the architect that did the building.

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Mr. Hale stated that in the October minutes, Mr. Carter mentioned a figure of \$430,000 to finish the space and Mr. Carter noted that was if they used \$100 per Square foot as suggested by Randy Vaughan. Mr. Hale noted that this figure seemed high to him and Mr. Carter agreed and added that this was an off the cuff guesstimate from Randy at the time and that he was optimistic it would be less.

Mr. Hale then moved to approve resolution **R2011-91** Procurement of Architectural and Engineering Services for the Local Virginia Department of Health's Relocation to the Blue Ridge Medical Center Building and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2011-91
NELSON COUNTY BOARD OF SUPERVISORS
PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES FOR THE LOCAL
VIRGINIA DEPARTMENT OF HEALTH'S RELOCATION TO THE BLUE RIDGE MEDICAL
CENTER BUILDING

WHEREAS, the Nelson County Board of Supervisors authorized the County Administrator to seek proposals from Architectural and Engineering firms to provide services to complete the unfinished space at Blue Ridge Medical Center (BRMC) for use by the local Virginia Department of Health; and,

WHEREAS, two proposals have been obtained, one being from the Architectural and Engineering firm of Daggett and Griggs, the principal Architectural firm that designed the Blue Ridge Medical Center building; and one being from WileyWilson of Lynchburg, Virginia and

WHEREAS, The County Administrator recommends that the selection of the proposal submitted by Daggett and Griggs is in the best interest of the County; and

WHEREAS, this recommendation is in accordance with Section 2.2-4303, Subsection H, of the Code of Virginia, 1950, and established purchasing procedures adopted in writing by the Board of Supervisors not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; and

WHEREAS, the aggregate or sum of all phases of the single or term contract for the architectural and engineering services of Daggett and Griggs is not expected to exceed \$50,000,

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that said Board herewith affirms the selection of Daggett and Griggs to provide Architectural and Engineering services for the completion of space at Blue Ridge Medical Center for use by the local Virginia Department of Health; and

BE IT FURTHER RESOLVED, by the Nelson County Board of Supervisors that the County Administrator is herewith authorized to execute an agreement with the Architectural and Engineering firm of Daggett and Griggs for these services.

Mr. Carter reported that he had received the lease document from the Department of General Services and the Health Department and that Mr. Payne was trying to move it forward.

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C. VDH FY11 Budget Reconciliation and Request to Retain Carry Over Funds

Mr. Carter reported that at the end of FY11 the local Health Department had a surplus or carryover of local funds and they are requesting to have this reallocated to cover the local share of VRS costs that the state postponed payment of and the balance to be utilized to help conduct the CHIP plan for the county.

It was noted that Dr. Peake provided the following explanation by email:

The FY11 year-end settlement process for the Nelson County Health Department resulted in a \$1,880 surplus for the County. A portion of this resulted from 2010 General Assembly legislation delaying fourth quarter FY11 employer VRS retirement contributions, retiree health credit, group life insurance and long-term disability contributions until fiscal year 2012. The County's share is \$999.

First, we request that the Health Department retain \$999 of these funds to cover the costs of the delayed FY11 fourth quarter employer benefit contributions that we paid in July 2011. We do not expect the state to delay these expenses again this year. Second, we request that the County allow us to retain the remaining \$881 to help cover costs we will incur in conducting the Nelson County Community Health Assessment; for example, conducting qualitative research on residents' health priorities. Completing this assessment and developing a Community Health Improvement Plan are required by the Public Health Accreditation Board for us to become an accredited local health department.

Additionally, we received our FY12 allocation from the state and more general funds were allocated to us than we anticipated. With this increase in general funds, the Nelson County local match increased by 9% or \$10,658. To compensate for this change, we have shifted the amount of the increased local match amount from local-only funds. This is reflected in the revised budget that is attached. The shift does not change the total allocation of \$223,268 that the County Board of Supervisors approved.

Mr. Carter noted that the Board said no last year to a similar request and Mr. Johnson clarified that there was no impact to the budget bottom line except for the carryover and that they shifted funds between local only to state and local match categories.

Mr. Harvey then moved to allow the surplus funds to be used by the Health Department as presented and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

D. VA Office of Animal Care and Health Policy - Notice of Violation and Penalty

Mr. Carter reported that the County had received a Notice of Violation (NOV) from the VA Office of Animal Care and Health Policy dated September 2011 that described incidences cited for violation. He reported that the County was cited for treating a dog and then euthanizing the same dog without keeping it for five days, was cited for Ray Uttaro not being certified, was cited for not meeting euthanasia certification requirements. Mr. Carter then noted that the euthanasia certification was a three (3) step process under the protocol of Section 79-1. He noted that the first step was to attend a training session with the state veterinarian to administer euthanasia to animals. The second is going to the local veterinarian to be determined competent in the administration of euthanasia and then third, the local vet

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establishes the protocols for euthanasia. He noted that the County was cited for violating the last two (2) steps and the state said that they unlawfully euthanized one hundred and twenty-two (122) animals.

Mr. Carter then reported that he and Mr. Payne met with the state veterinarian and the County was allowed time to conduct its own review and the response was sent to the state vet on Tuesday of that week.

Mr. Carter then reported that the County's response included that where in violation; the Animal Control Officers had attended training but did not follow up timely to complete the competency demonstration with the local veterinarian or establish the protocols. He noted that Dr. Holm is the local veterinarian who confirmed that these competency demonstrations were set up; however these were broken for one reason or another and the County could not refute this violation.

He then explained that protocol 79-1 requires an animal to be rendered comatose prior to it being euthanized and that the state could not verify that this had been done, and so the County was cited for violation. He noted that the State sent a consent order that if the County agreed to certain conditions then it would have to pay a fine and may be subject to payment of a much higher fine based on a calculation on a per animal basis. He noted that the County's response sought to mitigate this. He added that the consent order required that all Animal Control Officers had to be certified and they had to complete euthanasia competency.

Mr. Carter then stated that the response denied that Officer Solar tried to treat an animal and violated the five day holding period; based on that the State Code says that an Officer can euthanize an animal if it is critically ill without holding it, which was the case. He added that the State has acknowledged that her administering the drug to render the animal comatose and then euthanizing it was within limitations.

Mr. Carter then reported that he had addressed the issue of Ray Uttaro not being an Animal Control Officer and provided a multitude of reasons why he did not need to be certified; however he has offered to have him certified if it would help mitigate the situation.

Relative to the third violation, Mr. Carter noted that the response included a description of how animal intake is done and how the animals are given an intake number and there is a complete record of every animal that is euthanized. He relayed to the Board that in analyzing the animal control records from 2008-2011 it was determined that neither Officer Solar or Mr. Uttaro, who had limited participation but was certified in 2007-2010, were in violation and both confirmed that they knew what to do to administer euthanasia and did it correctly. He did note that the County cannot rebut the fact that they did not complete the training. He noted that Officer Thompson did in the instance of fifteen (15) feral cats on two occasions (10 and 5) and in the case of a critically injured dog, employ the direct injection to the heart method of euthanasia without first rendering them comatose. When questioned, ACO Thompson noted that when they trap feral cats they were difficult to handle and she was advised in training by the state veterinarian that there were instances when the inter-cardiac (IC) method of euthanasia would be appropriate. Mr. Carter noted that as far as she knew she was not doing anything wrong and this method was appropriate for the situation. Mr. Carter added that veterinarians were allowed to do this and he noted that in the case of feral cats, they did not know where the animals come from and what diseases they may have; which poses a risk for the Officers.

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Mr. Carter then concluded that the state veterinarian had asked him to follow up their conversation in writing and the fine would be reduced with the Board responsible for a \$500 fine and agreement to the consent order.

Mr. Carter and the Board briefly discussed that it was not worth haggling over Mr. Uttaro getting certified even though he serves in a supervisory capacity and does not function as an Animal Control Officer.

Mr. Carter noted that he was hopeful to get a revised NOV and consent order and that he was asking the Board for authorization to proceed if what he has outlined comes back as a \$500 fine and an agreement to meet certification terms.

Mr. Bruguere then moved to authorize the County Administrator to accept a consent order as explained and Ms. Brennan seconded the motion.

Mr. Carter then clarified that the original fines would be reduced to \$500 if they agreed to the revised consent order. He added that in the present NOV, they calculated a fine of approximately \$111,000 because of the one hundred and fifty-two (152) animals alleged to be euthanized improperly.

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

Following the vote, Mr. Carter reiterated that they fully explained Mr. Uttaro's role and they still believe he needs to be certified. The Board then took a short break.

E. 2012 General Reassessment and Establishment of Board of Equalization (**R2011-92**)

This item was considered following item F. that was introduced by Staff.

Mr. Carter noted the information provided on timelines and the establishment of the Board of Equalization (BOE) as follows:

November/December

November/December 2011	-Advertise for BOE Members
November 10, 2011	-BOS Authorizes Public Hearing on BOE Deadlines
December 2, 2011	-2012 Reassessment Notices Mailed Out
December 5-16, 2011	-BRMAC Conducts Assessors Hearings (8:30-4:30 pm BOS RM)
December 13, 2011	-BOS Holds Public Hearing on Ordinance Establishing BOE Deadlines
December 31, 2011	-BRMAC Concludes Work and Finalizes Land Book

January/February

January 10, 2012	-BOS Recommends BOE Members to Circuit Court for Appointment
January/February 2012	- BOE Attends Training by Virginia Dept. of Taxation

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January/February 2012

- BOE Members Appointed by Circuit Court

February/March

February/March 2012

-Notice of BOE Sittings Published/Posted (10 Days Prior to First Meeting)

March/April

March – April 2012

-BOE Conducts its Hearings

April 13, 2012

-Application Deadline for BOE Consideration (If Ordinance Adopted)

Mr. Carter reported meeting with the assessors and they said they would send out notices on December 2, 2011 and would hold their hearings from December 5th through December 16th and by December 31st, they would provide the certified land book. He added that the Board of Equalization would then begin their process after the first of the year. He added that in previous assessments, the Board has limited the term of the BOE and he again proposed approval of an ordinance that would provide that appeal applications be made by April 13th and that the BOE finalize their work by June 30, 2012.

Mr. Carter then reported that BRMAC had noted reductions in values countywide and that the challenge will be balancing this out with the rates.

Mr. Carter also noted that he would need to work with Mr. Payne on the requirement of assessment notices because if the Board was limiting the BOE then that needed to be in the notices to property owners. He added that he needed to know the intent of the Board so it could be included in the notices sent out by BRMAC. He added that the new assessments would be effective for 2012.

Members and staff discussed that citizens would have several months from receipt of their notices to speak to someone about their assessment.

Mr. Hale then moved to approve resolution **R2011-92** Authorizing a Public Hearing to Establish, by Ordinance, Deadlines for Submittal of Landowner or Lessees' Applications for Equalization of Real Estate Assessments to the Nelson County Board of Equalization and for the Board of Equalization to Complete Its Deliberations on All Applications. 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:

RESOLUTION – R2011-92

NELSON COUNTY BOARD OF SUPERVISORS

RESOLUTION AUTHORIZING A PUBLIC HEARING TO ESTABLISH, BY ORDINANCE, DEADLINES FOR SUBMITTAL OF LANDOWNER OR LESSEES APPLICATIONS FOR EQUALIZATION OF REAL ESTATE ASSESSMENTS TO THE NELSON COUNTY BOARD OF EQUALIZATION AND FOR THE BOARD OF EQUALIZATION TO COMPLETE IT'S DELIBERATIONS ON ALL APPLICATIONS

WHEREAS, The County of Nelson, Virginia is currently undergoing a general reassessment of real property within the County to be effective January 1, 2012; and,

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WHEREAS, §58.1-3378 of the Code of Virginia provides that the Board of Supervisors may establish (by ordinance) a deadline by which applications for equalization of real estate assessments must be filed with the Board of Equalization; and,

WHEREAS, §58.1-3378 of the Code of Virginia also provides that the Board of Supervisors may establish (by ordinance) a deadline for the Board of Equalization to finally dispose of all applications for equalization of real estate assessments; and,

WHEREAS, pursuant to §15.2-1427 of the Code of Virginia (1950, as amended) the Board of Supervisors must publish a descriptive notice of its intent to propose ordinances for passage and to publish such notices in accordance with the provisions of §15.2-1427.

THEREFORE, BE IT RESOLVED that the Nelson County Board of Supervisors does hereby authorize the advertisement of a public hearing to establish, pursuant to §58.1-3378 of the Code of Virginia, by ordinance, deadlines for submittal of landowner or lessees applications for equalization of real estate assessment to the Nelson County Board of Equalization and for the Board of Equalization to Complete Its Deliberations on all applications.

BE IT FURTHER RESOLVED that the public hearing is hereby scheduled for the December 13, 2012 Board of Supervisors meeting at 7:00 p.m. at the Courthouse in Lovingston, Virginia.

Staff discussed contacting the previous BOE to gauge their interest in serving again and staff was advised to contact all but the South District representative.

F. Introduced: County's Tower Application - Amoco Fibers

Following item D., Mr. Carter asked the Board to discuss the County's Afton tower site application at Amoco Fibers and the possibility of having a joint meeting with the Planning Commission; which would need to be advertised.

It was noted that at the October Planning Commission meeting, the Amoco Fibers tower site had received some opposition from the adjoining subdivision neighborhood and the application was deferred. Mr. Carter reported that Icon Engineering, the County's consultant, has proposed moving it 100 feet southeast, from one parcel to another, in order to mitigate these concerns. He noted that they have looked at the Rockfish Valley Fire Department (RVFD) site and moving it there was also in discussion. He added that Icon would provide a report on these sites and the pros and cons of each for the Planning Commission to consider. He then asked when the Board would want to proceed as the Planning Commission was meeting again on November 16, 2011 and they could have a joint meeting on November 30, 2011 in order to move this along. He added that staff would need to do notices to property owners if the tower was moved to another parcel and would also have to go back out for public hearing and notification.

Mr. Payne noted that the same documentation could be used if the County was only moving it 100 ft, no new Environmental Assessment would have to be done, and the County has gotten approval from NTIA to proceed.

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Mr. Carter advised the Board that the Planning Commission said that they could meet on November 30th to consider the application. He noted that when advertised, the alternate location would be noted.

Ms. Brennan suggested that they should look at the report before deciding where the tower should be and Mr. Harvey asked if the County could apply for both locations. Mr. Payne stated that he did not recommend that and Mr. Boger noted that a whole new application would be needed for the RVFD site. He then briefly noted the requirements for an application at the Planning Commission level.

Mr. Hale then clarified that even if the tower location was changed by 100 ft, it would require a new public hearing; which staff confirmed.

Mr. Harvey noted on an aerial map where the tower would be moved to at the Amoco Fibers site. He noted that the original location on parcel 105 was zoned A-1, Agricultural and they were discussing moving it to parcel 106, which was zoned Industrial. He reported that they had offered removal of unused power lines and poles as a bargaining chip to move it to this location with the tower going where one pole is now. He said that this would involve installation of a power box hooked to a transformer that would then eliminate the unsightly poles and lines etc. which would improve the overall view at the site.

Mr. Carter then suggested that the Board let this application run its course and Mr. Harvey noted that they may need to amend the Hodson's agreement since the County was supposed to pay them \$10,000 on December 1, 2011.

Mr. Harvey stated that he could not address the issue of "Not in my backyard" (NIMBY) but that he has addressed the other concerns of the neighbors there. Mr. Carter added that one of the concerns of the neighbors there was that it would be seen and would spoil the beauty of the county; however he thought this would be more the case if the tower were located at RVFD which has less natural cover.

Mr. Harvey described the large trees in front of Mr. Rosenthal and supposed that the angle was such that he did not think he would even see the tower.

Mr. Carter confirmed that if the tower were moved 100 feet, the County would have to reapply under lot 106 but the application would essentially be the same. He added that he liked the thought of the tower being on a site zoned heavy industrial as lot 106 was; however they used the preferred location of the property owners, the Hodson's, in the original application.

Mr. Harvey reported that there was also a concern that there would be an umbrella effect with the signals from the tower and Mr. Carter supposed it was close enough that a fiber drop could go into that neighborhood.

Mr. Carter then reiterated that the County moved it away from the original site that was further north because when they began the environmental review process, the County would have had to mitigate being near the Blue Ridge Parkway and it was also in a historic district which presented other hurdles; therefore it was moved south down Route 151.

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The Board discussed moving forward with a new application on lot 106 and Mr. Carter noted that staff needed a decision on having a combined Planning Commission/Board of Supervisors meeting; or the Planning Commission would meet on the 30th and then the Board would consider it on December 13th.

It was noted that both Rt. 6 and Rt. 151 are Scenic Byways.

Mr. Carter noted that a concern was that the County is behind on its NTIA timeline; such that the County projected it would be done with the project in two years, but that the grant actually allows three (3) years to spend the money.

Members and staff further discussed concern over the Planning Commission deferral and how to proceed. Mr. Johnson noted that the tower was currently planned to be in the best location to serve that area of the county and it was noted that it would take 6-8 weeks to move the tower onto the RVFD site. Ms. Brennan noted that the Rockfish Valley Fire Department would get the lease revenue from the tower; which was a good reason to put it there. Staff noted that they would need FAA approval and the Environmental Assessment would have to be revised for the NTIA grant if it were to move to this site. Mr. Carter added that this site would work per Icon, but it would also be more visible there.

Mr. Hale stated that he was ready to defer to Mr. Harvey and Ms. Brennan on this but that it made sense to say that they have every justification for putting the tower on an industrial site (lot 106 at Amoco Fibers) and if this settles some concerns and is a better location in the neighbors view as well as offers that other changes to the area could be made, such as removing unsightly power lines and poles, that would be the best thing to do. Mr. Bruguiere agreed and noted that the engineer's studies have shown that this was the best site to serve the area. Members briefly discussed that the engineers had looked at the RVFD site early on in the process of evaluating sites.

Mr. Harvey stated that Icon said to let them know which site and they would go with it. He then moved to submit a new application for tax map 43A, lot 106 site and also do an application for the RVFD property; for the regular Planning Commission meeting in December.

Ms. Brennan seconded the motion and Mr. Bruguiere suggested that Members encourage the Planning Commissioners to study up on these applications to be ready to make a decision. It was noted that there were a lot of unanswered technical questions that contributed to the deferral.

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

It was clarified that the County would be re-filing two tower applications for Planning Commission consideration in December and that one application may be withdrawn. It was noted that the Hodsons were fine either way with the tower being on their site or not but that the agreement needed to be amended such that the County did not have to pay them the \$10,000 stipulated on December 1st. Mr. Hale stated that he agreed that this showed the Board's willingness to examine other sites and Mr. Harvey noted that he thought that the tower, if it were at RVFD, could be somewhat hidden.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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A. Courthouse/Government Center Project: General District and J&DR Courts are scheduled to relocate on 10-21, predicated on the new entrance to the Courthouse being completed. Blair Construction is focused on the outdoor components of the project, the rework of the Jefferson Building and the bridge to connect the 1940s and 1960s additions to the Courthouse.

Mr. Carter noted that what would prevent the courts from moving on 11/21 was whether or not the new entrance to the building was completed, but that he has been assured by Blair that it would be done. He added that they were also concentrating on the Jefferson Building and staff and Members would be meeting on this. He added that there was no final plan on how to partition the building and that he has contacted the Jefferson architect at UVA last week about coming to look at it. Members and staff discussed the roof and Mr. Carter noted that the plan was for both roofs to remain. He noted that the truss roof was slated to be put back on and they briefly discussed taking off the flat roof. Mr. Hale noted that he would follow up with the architect from UVA and the Board indicated a preference for the flat roof to be removed if possible.

Mr. Carter then reported that the elevators did work and were working as of the previous day.

B. Health Department Relocation: Scheduled for consideration by the Board on 11-10.

C. Broadband Project: NTIA provided approval to the County to proceed with construction on 11-7. Notice to Proceed was issued to MasTec the project's general contractor on 11-9 and construction will begin the week of 11-28. A four month completion schedule is projected. Negotiations with a local company for network operation services will be conducted the week of 11-28. One (Martin's Store location) of the two towers presented to the local Planning Commission on 10-26 was recommended for approval. A decision on the Amoco Fiber site was deferred and will be reconsidered on 11-30.

Mr. Carter noted that the County has received formal approval from NTIA to begin construction and MasTec will begin work on 11/28.

D. PSCIC/Radio Communications/Microwave Project(s): – Work has begun on installation of the tower at Devils Knob. All installations will be completed prior to the end of 2011. Alcatel-Lucent is finalizing installation of the microwave network. Work has begun on the overall upgrade of the radio communications network, which includes FCC compliance and should finish before Christmas.

E. 2012 General Reassessment: Staff met with Blue Ridge Mass Appraisal Company principals (Dave and Matt Hickey) on 11-7. Messrs. Hickey did not provide a written update but did advise that the input provided in late June 2011 on real property valuations had not changed substantially (i.e. subject to receipt of the final reassessment document, the projected values of real property will decrease by 15% to 40%, which would require an estimated 19 cent increase in real property taxes, \$0.55 to \$0.74, to maintain the County's current revenue base). The assessors are planning to send notices to property owners on 12-2, begin their hearings on 12-5 and conclude the hearings on 12-16. Thereafter, they will certify and submit the final reassessment document to the County by 12-31-11.

F. Blue Ridge Tunnel: A TEP grant application was submitted to VDOT at the end of October.

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Mr. Carter noted that Mr. Tyler has been open to recent suggestions on how to make things work for the County to obtain the easement.

G. Gladstone Rescue Squad: A final report from the court appointed Receiver has not submitted to the Court or provided to the County at this time.

Mr. Carter reported that voting did take place there and that the minor problems were worked out.

H. Nelson County Public Schools: The window replacement/repair projects at TRES and RRES are substantially complete. There is a minimum amount of trim work to be installed, which is projected to be completed by 12-25.

I. Personnel: Mr. Tim Padalino has accepted the position of Planner and begin work on 11-14.

Mr. Carter added that Virginia Hatter had been employed by the County as a part time Dispatcher.

J. Staff Reports: Included with the transmittal of the 11-10 agenda to the Board.

2. Board Reports

Ms Brennan, Mr. Harvey, Mr. Hale, and Mr. Bruguire had no reports and Mr. Johnson reported that the Director of Social Service's evaluation had been completed and his contract was renewed.

B. Appointments

Ms. McGarry noted the EDA vacancy with pending applications from Jerome Gress and Patricia Hughes and the expiring seat on the Board of Zoning Appeals. She noted that the BZA incumbent Goffrey Miles had indicated verbally his desire to be reappointed.

Mr. Hale then moved to recommend appointment of Jerry Gress to the EDA and Ms. Brennan seconded the motion. Members noted that Mr. Gress was a local attorney with an accounting background. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the appointment.

Mr. Hale then moved to recommend the reappointment of Geoffrey Miles to the Board of Zoning Appeals and Ms. Brennan seconded the motion. It was noted that this was a recommendation from the Board to the Circuit Court Judge, who would then make the official appointment. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

Ms. Brennan noted having received correspondence regarding the tower on Rt. 151 and the remaining members had no correspondence to report.

D. Directives

Mr. Bruguire had no directives.

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Mr. Hale:

Mr. Hale inquired as to the status of the Solid Waste Coordinator position and Mr. Carter noted that one of the collection site attendants may be a suitable replacement for the time being while the Board works on what they want to do with this position. He noted that Staff needed their direction on this. He added that staff may need to see if any of the other attendants would fill in for his slots. The Board agreed by consensus to pursue this course of action for now and discussed that the position description given was more than what was needed and needed to be worked on Mr. Carter confirmed the plan to offer the position as is and for an interim basis. He added that they would promote an attendant from within and that the position was budgeted to work thirty (30) hours per week; and Ms. McSwain worked some less and some more some weeks.

Mr. Harvey:

Mr. Harvey inquired as to whether or not the County had purchased a new roll-off truck and Mr. Carter noted that the one he has seen was probably a loaner but that staff was working on getting the specifications together to make a purchase by the end of the fiscal year.

Mr. Harvey indicated the Board needed to consider Jaime Miller's position and Mr. Carter noted that this would be coming back to the Board in December and staff would send out the information ahead of time.

Mr. Harvey then thanked Ms. Brennan for her gallant attempt at running for state office and noted that he appreciated her effort and the County was the beneficiary.

Ms. Brennan:

Ms. Brennan noted that the Registrar was concerned about where her office will be with the presidential election coming up. She added that she thought they had decided she would share space in the Jefferson Building and she needed to get approval to move from the State.

Mr. Carter suggested that her office could stay where it was until next year's election and he would call Ms. Britt about this. Members briefly discussed whether or not she needed the whole building with the consensus being that she would not.

Mr. Johnson:

Mr. Johnson stated that he would like to have a cell tower ordinance before the Board in December.

Mr. Johnson stated that the Board needed a review from the solid waste staff on the status of the Open Top at Gladstone and he noted that signs were not up there at the site directing users of what to throw where.

Mr. Johnson stated he would have the Heritage Center paperwork to Mr. Payne to conclude this item before the end of the year.

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Mr. Johnson stated that he wanted to see the High Top tower in place and for staff to make this a priority so that the local wireless internet service provider can be set up there.

VI. Adjournment

At 5:19 pm, Mr. Harvey moved to adjourn and continue the meeting until 7:00 pm. There was no second recorded and Supervisors voted unanimously by voice vote to approve the motion and adjourn until 7:00 pm.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Johnson called the meeting to order at 7:02pm, with all Supervisors present to establish a quorum. Mr. Johnson noted Mr. Carter's absence in order to attend the Varsity Girls Volleyball team's regional playoff game of which his daughter is a member.

II. Public Comments

Mr. Johnson opened the floor for public comment and there were no persons wishing to be recognized.

III. Public Hearings

A. Special Use Permit #2011-007 – Willie Parrish

Consideration of an application by Mr. Willie Parrish to place a second mobile home on property located at 1885 Cub Creek Road, Roseland, Va., Tax Map #42-1-1. The property is zoned A-1 and consists of 12.59 acres.

Mr. Boger showed an aerial photo of the property and the stick built home there that is in poor shape and would be removed. He showed the Board where Mr. Parrish wanted to place the new trailer. He added that the SUP is necessary because there is an existing manufactured dwelling on the property and the second one would constitute a mobile home park. He noted that the existing manufactured home is used as a weekend retreat and the new mobile home would be also used in this manner.

He then reported that the Planning Commission recommended approval of the request with conditions as follows:

The Nelson County Planning Commission recommends approval of Special Use Permit #2011-007 pursuant to Section 4-1-24a of the Zoning Ordinance to place a second mobile home on property located at 1885 Cub Creek Road, Roseland, Va., Tax Map 42-1-1. The property is zoned A-1 and consists of 12.59 acres. As a condition, removal of the existing vacant house must be within one year of placement of the second mobile home.

Mr. Boger then showed a picture of the new mobile home. There were no comments or questions from the Board for Mr. Boger.

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The Applicant, Mr. Mike Parrish of Lynchburg VA addressed the Board and noted that he had no additional comments.

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

Mr. Bruguere then moved for approval of SUP #2011-007 to place a second mobile home on the Parrish property and per the Planning Commission's recommendation require removal of the vacant house within one (1) year.

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

B. Class III Communications Tower, Application #2011-006, County of Nelson

Consideration of an application by the County of Nelson to construct a 144 foot communications tower as part of the Nelson County Broadband Project funded by BTOP grant from the U. S. Department of Commerce to be located on property owned by Central Virginia Electric Cooperative, 5519 Rockfish Valley Highway, Afton, VA, Tax Map # 12-A-103. In addition, the County requests a waiver of Section 20-7-5k(1), landscaping provision, and requests exceptions to Section 20-8-3, two-mile tower separation requirement, Section 20-7-2e, required setback of one mile from a designated Scenic By-Way, and Section 20-8-1, height of the tower.

Mr. Boger overviewed the request, noting that the requested tower was 144 feet in height and was part of the County's Broadband project. He noted that CVEC also planned to locate on the tower. He then showed a diagram of the tower and its location on an aerial photograph, noting that it was in the center of the property and was surrounded by trees. He added that he had received one objection from an adjoining property owner who currently camped on his property, but noted plans to build on it. He reported that the request included exceptions related to the tower height, being in a scenic byway, and the two-mile proximity to another tower, the Kier White tower, which was around a mile down the road from the proposed site.

Mr. Boger noted that the Planning Commission thought it was a good application and recommended its approval with the exceptions granted. He then stated that the County was the applicant and is required to not cut the trees within 200 feet around it per the ordinance.

Mr. Harvey added that an existing eighty (80) ft tower at the site would be removed that was located near the substation.

Mr. Johnson then opened the public hearing and the following persons were recognized:

1. Janet Lychchok, Rockfish School Lane, Afton

Ms. Lychock stated that she was opposed to the Kier White tower in 2008 and objected to this tower because it is too tall. She suggested that two (2) shorter ones be erected instead. She also noted her disagreement with the four (4) waivers being sought. She added that Broadband was already being

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provided there through the power lines (BPOL) and adding the tower would make the site look worse. She noted additional concerns regarding health impacts and impacts to property values and requested that the Board's decision be deferred to look for a new location, to consider two (2) shorter towers, and so that all parties could review pertinent documents.

2. Judy Barnes, Lovington VA

Ms. Barnes expressed concerns regarding the height of the tower with regards to frequent helicopter traffic going up to Wintergreen and the tower being hit. She added that she was concerned about cell towers going up everywhere and that she opposed one that tall in that location.

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

Mr. Bruguiere inquired about not cutting trees around the tower and Mr. Boger noted that it was not a Planning Commission recommendation but rather was an Ordinance requirement. Ms. Brennan suggested the tower be painted a natural color.

Mr. Hale inquired as to the elevation of this tower compared to the Ntelos tower's location and Mr. Harvey noted that this tower was lower in elevation than that one. Members then looked at a topographic map and verified that there was a 120 ft difference in ground elevation between the two towers. Ms. Brennan then noted that this tower's height would actually be lower than the Kier White tower. Mr. Johnson added that the tower height enabled the line of sight that was needed between towers.

Mr. Harvey then moved to approve tower application #2011-006 with the exceptions and recommendations of the Planning Commission and Mr. Bruguiere seconded the motion.

Ms. Brennan noted that she was not happy that it had to be in a Scenic Byway and noted that the site was in trees so landscaping was not an issue. She added that this tower was a different type of tower than the other one (Kier White).

Mr. Hale then noted that he did not like these things either and was going to oppose it. Mr. Johnson noted that he would have preferred it not be in a Scenic Byway also.

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

IV. Other Business (As May Be Presented)

Introduced: Ribbon Cutting Ceremony, New Courts Building:

Members briefly discussed having a ribbon cutting ceremony and discussed doing it at the December 13th meeting. No action was taken by the Board.

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Introduced: Broadband Project:

Mr. Johnson noted that he has spent over a year encouraging a local business to be the Network Operator of the broadband network and to be an E-rate provider. However, he noted that as of last week he made a recommendation to Mr. Carter that the County assume this function and go with Ntelos to provide bandwidth who is in partnership with Shentel, who is already an E-rate provider to the schools. He added that Shentel could then stay as the E-rate provider for the schools. He noted that the School's contract with Shentel was written so that they could move out of it, move the County's service into the High School and then send it back out to the County's point of presence (POP) in Lovingston. He added that way, they would not have to lay down fiber to Lovingston and at the same time would be able to come in and serve them. He added that 1GB of bandwidth would be available and they would probably build in over from the Waynesboro area to create redundancy in their network. He noted that Shentel could advise the County on operating the network, the Schools could turn on almost immediately after the network was built, and then they would purchase the bandwidth back from the County.

Mr. Johnson reiterated that he was suggesting that the County be the Network Operator and that the revenues coming in from the E-rate program would be enough to cover it and then they could negotiate with providers to provide fiber to the home. He added that the intent would be that Nelson Cable would tie into the network, so the County would still be promoting a local business and allowing competition. He further reiterated that Ntelos would sell bandwidth to the County and then Shentel would purchase it from the County with Shentel possibly acting as consultants and becoming the Network Operator in the future.

Mr. Johnson suggested that this could be able to work out with hiring one (1) additional person who would be in a position to negotiate the hook ups and start the laterals, which the local company could still do. He added that this strategy was more in line with the direction that Icon wanted to go in and he has changed his mind and agrees with it. He noted that Mr. Carter would fill them in on the details of how this would work but he wanted them to start thinking about it.

Ms. Brennan stated that it would be good to meet with all of the players at one time to discuss this. Members inquired as to how E-rate funding works and Mr. Johnson noted that E-rate is a federal program that provides approximately 75% of the funding for the Schools bandwidth and internet services. He noted that the funding is partly related to the level of free and reduced lunch population in the school system.

In conclusion, Mr. Johnson noted that Ntelos and Shentel were direct partners and following this discussion, there was no action taken.

V. Adjournment

At 7:34 pm, Ms. Brennan moved to adjourn 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.