

October 27, 2011

**Virginia:**

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors room located on the second floor of the Nelson County Courthouse in Lovingson, Virginia.

Present: Allen M. Hale, East District Supervisor  
Constance Brennan, Central District Supervisor  
Thomas H. Bruguire, Jr. West District Supervisor - Vice Chair  
Joe Dan Johnson, South District Supervisor – Chair  
Thomas D. Harvey, North District Supervisor  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Debra K. McCann, Director of Finance and Human Resources  
Philip Payne, IV, County Attorney

Absent: Stephen A. Carter, County Administrator

**I. Call to Order**

Mr. Johnson called the meeting to order at 7:05 pm with all Supervisors present to establish a quorum.

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

**II. Public Comments**

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

1. Susan Harmon, Arrington

Ms. Harmon noted that the County had no ordinances about condemned or dilapidated housing but that when this brought crime to a neighborhood something needed to be done. She reported that Turner Lane has an end of state maintenance road adjacent to a dilapidated trailer that brings criminals by her house on a daily and nightly basis. She stated that she has been to the Health Department, Social Services and the Building Inspections Department about this and would like something done. She advised the Board that she was told that since it was on a private road, it could not be patrolled. She added that the trailer was falling off of its foundation and that four (4) kids and three (3) adults lived there.

Mr. Johnson advised Ms. Harmon that he would call her back regarding this situation after the meeting.

**III. New/Unfinished Business**

- A. FY12-13 Transportation Enhancement Project Endorsement, Blue Ridge Tunnel Project (R2011-84)

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Ms. McGarry noted that the County was applying for FY12-13 Transportation Enhancement Project funds from VDOT for construction of Phase I of the Blue Ridge Tunnel Project. She noted that the application required a current resolution adopted by the Board of Supervisors agreeing to sponsor the project and provide oversight to ensure that it is completed in accordance with all state and federal requirements and to provide the 20% required local match. Ms. McGarry added that the local match has always been derived from the value of the tunnel, which is \$1.5 million and that the application deadline was November 1, 2011.

Mr. Hale added that the County has applied for these funds every year and that the application has likely changed very little. Ms. McGarry confirmed this and added that there had been minor changes to the application.

Members briefly discussed the value in spending time and money on the project when there was no money available for construction and Ms. McGarry and Mr. Hale advised that all of the project activities thus far had been funded by grant funds with the goal being to get to the point of being ready for construction. Ms. McGarry added that the County showing progress towards this end would make it more likely that the construction would be further funded by VDOT. It was also noted that not having the right of way easements necessary to proceed with construction was an issue and members noted that it made more sense to secure these first before completing other aspects of the project. Ms. McGarry and Mr. Hale confirmed that the County was working on these and that the project design was near completion.

Mr. Hale then moved to approve resolution **R2011-84**, FY12-13 Transportation Enhancement Project Endorsement For Blue Ridge Tunnel Project and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2011-84**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**FY12-13 TRANSPORTATION ENHANCEMENT PROJECT ENDORSEMENT**  
**FOR BLUE RIDGE TUNNEL PROJECT**

**WHEREAS**, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction, Nelson County, in order that the Virginia Department of Transportation establish an enhancement project in Nelson County,

**NOW, THEREFORE, BE IT RESOLVED**, that Nelson County requests the Commonwealth Transportation Board to establish a project for the improvement of The Blue Ridge Crozet Tunnel; namely to restore the old railway tunnel and convert it to a pedestrian trail (greenway) inclusive of parking and related amenities.

**BE IT FURTHER RESOLVED**, that Nelson County hereby agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project; and

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**BE IT FURTHER RESOLVED**, that Nelson County hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project; and

**BE IT FURTHER RESOLVED**, that Nelson County will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds; and

**BE IT FURTHER RESOLVED**, that if Nelson County subsequently elects to cancel this project, Nelson County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. Nelson County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

**B. Change in November Meeting Date (R2011-85)**

Ms. McGarry noted that the proposed resolution to change the November meeting date was brought forward following discussion from the previous meeting and Mr. Johnson noted that the meeting date would change from November 8<sup>th</sup> to the 10<sup>th</sup> so that there was no conflict with Election Day.

Ms. Brennan moved to approve resolution R2011-85 Change in November 2011 Regularly Scheduled Meeting Date and Mr. Bruguier seconded the motion. Mr. Hale then reiterated that the meeting date was changing from the 8<sup>th</sup> of November to the 10<sup>th</sup> of November 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 R2011-85  
NELSON COUNTY BOARD OF SUPERVISORS  
CHANGE IN NOVEMBER 2011 REGULARLY SCHEDULED MEETING DATE**

**BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby change its regularly scheduled meeting date in November from Tuesday, November 8, 2011 to Thursday November 10, 2011 so as to avoid conflicting with Election Day.

Members discussed what would happen should Ms. Brennan win election to State office and it was noted that she would still be a Supervisor until January 1<sup>st</sup> and then the Board would recommend someone to the judge to appoint. Mr. Harvey noted that there may be a special election as when Leon Brandt left office. Members briefly discussed when a special election might be held.

**C. TJPDC Brownfields Grant - Letter of Support**

Ms. McGarry noted that this item had been brought forward from the previous meeting when Steve Williams and Erin Yancey presented on a grant application to be made by TJPDC to identify potential brownfields for remediation in its member localities. She noted that she was unsure as to whether or not the Board had received the list of potential sites in the County that was discussed at the previous meeting

and Members confirmed that this had not been circulated. Ms McGarry noted that it appeared that the project would not likely help Nelson County and Ms. Brennan noted that some jurisdictions did have problems and that it might help other localities.

Ms. Brennan then moved to approve the letter of support for the TJPDC brownfields grant and Mr. Bruguere seconded the motion.

Mr. Hale noted that at the presentation the Board had requested information that was not forthcoming and therefore he was not ready to endorse the project. Mr. Bruguere shared Mr. Hale's sentiments and noted that he did not think that there were many other places warranting EPA meddling.

Ms. Brennan noted that she thought that the reason for the grant application was that because others may have serious problems and she noted that the grant would provide outreach and education as well as provide for an inventory of these sites. She added that it was supposed to be a good thing and would not require anyone in the County to do anything. She noted that the sites would then be rehabilitated for a good use and she was fine with it even if there were none in the County.

There being no further discussion, Supervisors voted (1-4) by roll call vote to defeat the motion, with Ms. Brennan voting Yes.

**D. Expanded Paid EMS Coverage**

Ms. McCann presented her calculations and costs projections to provide extended paid EMS services in the County. She noted that these numbers were a little high because benefits may not increase proportionately and reviewed them as follows:

<b>Paid EMS Extended Service Cost Projection:</b>	<b>Current Service Provided:</b>	<b>WPOA Cost</b>
	13 hrs x 5 days/wk	<u>\$374,092</u>
	<b>Add:</b>	
	11 hrs x 5 days/wk	\$314,237.28
	24 hrs x 2 days/wk	<u>\$276,828.08</u>
	<b>Cost Increase</b>	<b><u>\$591,065.36</u></b>

Ms. McCann explained that Curtis Sheets had provided a quick calculation of what he thought it would cost to have one more crew cover nights and weekends at \$182,000. He noted that if there were two new crews he thought it would be double that; with the variables including mileage etc.

She noted that Mr. Carter wanted to present this as information and get some input and direction as to what to work towards for budget time. She added that Mr. Sheets had suggested moving it forward in phases.

Ms. McCann then reviewed historical revenues related to expenditures for the program as follows:

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<b>Paid EMS Historical Financial Data:</b>	<b>Revenue</b>	<b>Expenditures</b>	<b>Shortfall</b>
<b>FY11</b>	\$381,581	\$390,497	-\$8,916
<b>FY10</b>	\$419,288	\$398,889	\$20,399
<b>FY09</b>	\$402,349	\$358,772	\$43,577
<b>FY08</b>	\$149,561	\$336,673	-\$187,112
<b>FY07</b>	\$0	\$297,638	-\$297,638
	<u>\$1,352,779</u>	<u>\$1,782,469</u>	<u>-\$429,690</u>

She noted that the Board could look at increasing the rates to generate revenue and added that the rates the County was currently charging was below the Medicare rates and the billing company had previously advised that these be adjusted. She suggested that the Board could also look at adjusting its funding to volunteer agencies if they decided to go forward with this.

Mr. Harvey noted that he would not be in favor of adjusting the volunteer agencies funding as none of their expenses would change and they are being reimbursed for these. Mr. Bruguere noted that the EMS Council was going to talk about this at the last EMS meeting but it was cancelled.

Mr. Bruguere then questioned the shortfall showing for FY11 and Ms. McCann noted that in FY10 a lot of agency mileage was not paid until FY11 so this was skewing the numbers. She added that she thought the County was close to breaking even for the fiscal year.

Mr. Harvey stated that he did not see this as a financial issue but rather was a service the County needed to provide. Ms. McCann noted that the revenues would not change unless the Board changed the rates. Mr. Harvey suggested the Board should give him and Mr. Bruguere ninety (90) days to work with the volunteers on this.

Members discussed not having to hire all ALS personnel and that they wanted the volunteers involved in the discussions. It was noted that a problem to consider was this decreasing volunteerism in the County. Mr. Harvey noted that he had a reliable volunteer ask when the County was going to do something because she could not take it anymore and he added that maybe they needed some carrot out there to incent the volunteers.

Mr. Hale questioned the difference between the two cost estimates provided by Ms. McCann and Mr. Sheets and Ms. McCann noted that she had prorated out current costs that the County was paying, including everything but the billing costs. She added that if the paid crew was using someone else's vehicles, then mileage costs might go up.

Mr. Harvey suggested that the County needed EMTs but did not need two riding around at the same time.

Following discussion, the Board agreed by consensus to give Mr. Bruguere and Mr. Harvey ninety (90) days to work on this and come back to the Board; including going to all of the squads' meetings to discuss things. Additionally, Mr. Johnson suggested that staff refine the actual costs with Mr. Sheets with the Board to revisit this in March 2012 during budget discussions.

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**E. Personnel Matters – Closed Session as May Be Required Pursuant to Virginia Code § 2.2-3711(A) (1):** *discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.*

Mr. Johnson noted the communication received from Mr. Payne on a personnel matter involving the performance of departments and stated that he would entertain the conduct of a closed session.

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): discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

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

The Board conducted the closed session and upon its conclusion Mr. Harvey moved to come out of closed session and reconvene in public session. Mr. Bruguere seconded the motion and there being no further discussion Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Hale then moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. There was no second and there being no further discussion Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

There was no action taken by the Board following the closed session.

#### **IV. Other Business (As May Be Presented)**

Mr. Johnson noted having received correspondence requesting a resolution of the Board commemorating the bicentennial of the War of 1812 and passed this information down to Mr. Carter.

#### **V. Adjournment**

At 8:35 pm, Mr. Hale moved to adjourn the meeting and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.