

September 11, 2012

Virginia:

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

Present: Larry D. Saunders, South District Supervisor
Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Thomas D. Harvey, North District Supervisor – Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Fred Boger, Planning and Zoning Director
Tim Padalino, Planner

Absent: Thomas H. Bruguere, Jr. West District Supervisor- Vice Chair

I. Call to Order

Mr. Harvey called the meeting to order at 2:04 pm, with four (4) Supervisors present to establish a quorum and Mr. Bruguere being absent.

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

II. Former Employee Recognition – Susan McSwain, Solid Waste and Recycling Coordinator

Mr. Carter noted that Ms. McSwain was in attendance for the recognition and he noted the positive impact she had on the County during her 8-10 years in the position. He described that she was in a Part Time position and accomplished more in her time with the County than some do in a lifetime. He added that she had worked in recycling to start and from there the Board decided to develop the solid waste collection sites, which has worked miracles for the system. Mr. Carter reiterated that Ms. McSwain was the backbone of that work saving the County and citizens a considerable amount of money. He concluded by noting he was proud to have worked with her and to have her back to recognize her.

Ms. Brennan then presented Ms. McSwain with a plaque acknowledging her exemplary service to the County.

Ms. McSwain then thanked the Board and offered her appreciation for being recognized and noted for the public what it means to be public servant. She added that while she served in the position, she was honored to serve the citizens of the county including elected supervisors and staff. She noted that she would be around to continue to contribute in other ways. Ms. McSwain asked that the minutes reflect her happiness at being recognized by the Board.

Mr. Hale noted that Ms. McSwain had a lot to be proud of in the functioning of the current system and noted that the Board would keep working hard. He then thanked her for her service.

Mr. Saunders noted that he has seen the results of a great job done and noted his appreciation.

Ms. Brennan thanked Ms. McSwain for putting Nelson County on the map with the collection sites; noting how well they were run and the care taken in hiring good people working at the sites. She noted that it was not an easy job and they were doing wonderfully for the most part.

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Mr. Harvey also thanked Ms. McSwain for what she has done. He added that he has seen how bad things are in Franklin County and that he is proud and she should be proud of the sites; noting that people come from all over to see them and the system.

Ms. Brennan then presented a gift box to Ms. McSwain who then displayed a necklace fittingly made of soda can pull tabs.

III. Consent Agenda

Ms. Brennan noted that she had questions on the Hazard Mitigation Plan and related that Nelson had not been included in the locality key section and in last section related to Nelson County, it was noted that Albemarle County Parks and Recreation were responsible and that Nelson does not have a Town Manager. Mr. Carter acknowledged these oversights and related that staff had reported these glitches in the descriptions and that Nelson was not included. He added that the Plan author had acknowledged that they would make these corrections.

Mr. Harvey then suggested pulling this document, having them make the discussed changes, and then having them come back to the Thursday meeting for approval. The Board then agreed by consensus to do so.

Mr. Hale then moved to approve the Consent Agenda less item D, Resolution **R2012-67** Adoption of Regional Natural Hazard Mitigation Plan. Ms. Brennan then noted her appreciation for item E. being included as it was a big VACO item for consideration. Mr. Carter noted that the request for its consideration had come from VML who had worked with VACO on it.

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

A. Resolution – **R2012-64** Minutes for Approval

RESOLUTION-R2012-64
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(August 14, 2012)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **August 14, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2012-65** COR Refunds

RESOLUTION-R2012-65
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS

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>
\$ 711.30	Real Estate Tax – Disabled Veteran Tax Relief	Mr. Harold Coss 528 Afton Mtn. Rd. Afton, VA 22920

C. Resolution – **R2012-66** FY13 Budget Amendment

RESOLUTION R2012-66
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2012-2013 BUDGET

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BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2012-2013 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 12,000.00	3-100-003303-0008	4-100-031020-3030
\$ 5,500.00	3-100-009999-0001	4-100-091050-7011
<u>\$ 17,500.00</u>		

D. Resolution – **R2012-67** Adoption of Regional Natural Hazard Mitigation Plan – Deferred

E. Resolution – **R2012-68** Support for the Restoration of FY13 State Aid to Localities

RESOLUTION R2012-68

**NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT FOR THE RESTORATION OF FY13 STATE AID TO LOCALITIES
AND ELIMINATION OF THE STATE AID TO LOCALITIES REDUCTION**

WHEREAS, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, was \$800 million less in FY12 than in FY09 and almost \$500 million less in FY13 than in FY09; and

WHEREAS, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are depleted, and real estate assessments are either stagnant or in decline; and

WHEREAS, the Appropriation Act contains \$50 million in across-the-board cuts to cities and counties for FY13 and \$45 million in FY14, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget ("Local Aid to the Commonwealth"); and

WHEREAS, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

WHEREAS, the County of Nelson does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for state prisoners in local and regional jails; and

WHEREAS, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

WHEREAS, the County of Nelson remitted \$94,307 in FY12 and will be required to remit another \$73,536 in FY13; and

WHEREAS, cities and counties will have provided the state with \$270 million by the close of FY13 for this "Local Aid to the Commonwealth" program; and

WHEREAS, these reductions shift state costs to local taxpayers and artificially increases the amount of state surplus revenue; and

WHEREAS, state revenues have continued to recover and the state has experienced a budget surplus for the third consecutive year; and

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WHEREAS, revenue collections for the County of Nelson continue to reflect the struggling housing market; and

WHEREAS, the state should not shift its share of the costs for mandates and responsibilities to local governments;

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors asks Governor Bob McDonnell to submit a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in FY14; and

BE IT FURTHER RESOLVED, that the members of the General Assembly support a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in the budget for FY14.

IV. Public Comments and Presentations

A. Public Comments

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

1. Glenda Cahoon, Tye River and VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President. The statement encouraged the Board to pass a resolution demanding that Federal Government snooping be stopped and demanding that the walk-through metal detector at the main entrance be used only at the entrances to the courts when they were in session.

When asked by Mr. Hale how Mr. White was doing, Ms. Cahoon replied that he was doing okay and just refuses to come through the metal detector.

2. Susan McSwain, Dutch Creek and former Solid Waste and Recycling Coordinator

Ms. McSwain thanked the Board for the necklace made of recycled soda can tops.

B. VDOT Report

Mr. Don Austin of VDOT addressed the Board and reported the following:

Mr. Austin related that three (3) Rural Rustic projects were starting up, and that Pigeon Hill and Donahue Lane would be the last two done and that they were working on Eades Lane also.

Mr. Austin noted the status of previous issues as follows:

- Route 626 sinkhole has been scheduled to be fixed; however he has not followed up to see if had been done yet.
- The Route 56 E Fire Station to Wingina speed study is in the works and is pending.
- At the intersection of Route 56, and Findlay Mtn Road, they are looking at sight distance.
- The intersection of Route 56 W is under review.
- Food Lion Intersection Traffic signal study is under review and he was hoping to have a final decision on the turn only green protected arrow right there. He noted that an extensive study was done the previous year and not a whole lot had

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changed since then. He added that the number of incidences there was not high relative to state and federal standards. He then reported that VDOT has been using a flashing yellow arrow that has decreased accident rates elsewhere and may be an option there. He noted that VDOT was trying to determine what exactly was causing the accidents there.

Mr. Harvey added that people were speeding through there and not going the posted 45 mph; which was not a VDOT issue. Mr. Austin then noted that they were concentrating on looking at traffic movement and volumes there.

Mr. Harvey noted that he would support the flashing yellow arrow to start there. Mr. Austin advised that when using the full protection green arrow, there would be a lot of people waiting and wondering why they could not go and that VDOT would have a hard time justifying the protected green there based on the previous study. He then noted that he would advise the Board if a resolution from them was needed on this.

Mr. Austin then noted that he would reschedule the meeting on the Rt. 634 issue and that they could possibly meet on Rt. 151 at the same time.

Mr. Hale expressed his frustration that there were fixes to problems that were not quite as expensive; such as doing the sign at Rt. 634 instead of changing the road design. He then described how the property owners at Rt. 639 were not allowing a geological study to be done by VDOT and that he had talked to a right of way person from Lynchburg who noted that there was a lot of rock there and that putting in turn lanes would be very expensive. He stated that he thought that lesser work could be done there so that when a person was coming out of Laurel Road, the sight distance could be improved. He then inquired as to how he would discuss this with VDOT. Mr. Austin noted that he could arrange meetings on this. He noted that he thought the current approach was very expensive and in connection with this, the April 13, 2008 minutes noted that the Findlay Mtn Intersection with Rt. 56 had been discussed. He added that something needed to be done and improvements could be made without doing the total solution.

Mr. Austin acknowledged the frustration but noted that a lot of this had to do with the standards associated with federal funds; which tied their hands a lot on what could be done. He added that there were no state funds to be used and he would add this location to the list to be looked at. Mr. Saunders confirmed his interest in the Rt. 56 East intersection with Findlay Mtn. Road and Mr. Austin reiterated he would put it on his list to discuss the following month.

Mr. Saunders then inquired as to the grass cutting on secondary roads and Mr. Austin confirmed that they were being done now. He added that they could not afford to use contractors and the department was doing it themselves.

Ms. Brennan inquired as to lowering the speed limit on Rout 29 south of the stop light on and Mr. Austin noted it was tied to the same study with the stop light as they were sent in together for review.

She then inquired as to going north past the stop light, the 60 mph sign was visible, and asked if it could it be moved North. Mr. Austin noted that they had to post these so many feet past the intersection per the policy. Mr. Harvey noted that the idea was to have the speed limit be 35 mph all the way through from north of the IGA intersection through the light and down to the Rescue Squad.

Mr. Austin noted that they needed to be enforceable limits also and that it was 45 mph mainly because of the approach to the stoplight.

Ms. Brennan then inquired as to the status of a speed study request from Route 6 West up Rt. 151 to Adial Road and Mr. Austin noted he would check to see if this had been done.

Ms. Brennan then inquired as to who was responsible for huge potholes that were created when going from pavement to dirt and Mr. Austin replied if it was a VDOT road, they would have to fix it.

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Mr. Harvey then noted that near Sunrise Drive up from Patrick Brothers Store in Afton that part way down the guardrail at the bottom there was nothing behind it and it appeared to be just hanging there.

Mr. Saunders then asked Mr. Austin to check Arrington Road to see if the sinkhole was repaired correctly as he thought that they had used one bag of cold pack there.

Mr. Carter then reported on the meeting with the residents of Whippoorwill Lane, staff and Mr. Austin, and noted that there was not much that could be done. Mr. Austin noted that funding was the issue regardless of how it was eligible to be taken in to the state system.

Mr. Boger then noted that on Rt. 151, VDOT had authorized a detailed study from Rt. 250 to Rt. 664 and that they had found \$100,000.00 in extra money from Culpeper to fund it. Mr. Harvey then noted that they have proven that 45mph is much safer.

C. Presentation – 2013 TJPDC Legislative Program (D. Blount)

Mr. David Blount addressed the Board and indicated he would like the Board's input into the legislative program for this year. He noted that that the 2012 list provided had been boiled down from the whole program. He noted he was meeting with localities in September, and would come back in November to get the Board's approval of the plan. Mr. Blount then briefly noted the 2012 legislative priorities as follows:

Thomas Jefferson Planning District 2012 Legislative Priorities

(Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson & Charlottesville City)

SECONDARY ROAD DEVOLUTION

- We 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.

STATE/LOCAL FUNDING and REVENUES

- The state should honor its funding obligations to localities and resist cost-shifting to localities.
- Facing continuing budget woes and funding cuts to localities, the state should relax state requirements or provide flexibility for meeting requirements, and not further restrict local revenue authority.
- The state and localities should examine contractual relationships for services required by the state.

PUBLIC EDUCATION FUNDING

- The state should fully fund its share of realistic costs of the Standards of Quality (SOQ) without making formula changes that shift the funding burden to localities.

CHESAPEAKE BAY TMDL

- The state and federal governments must provide major and reliable forms of financial and technical assistance for comprehensive water quality improvement strategies.
- We urge fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, and accompanying authority and incentives for all sectors to meet such requirements.
- We will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources. Any expansion of the Nutrient Exchange Program should be contained within and be relevant to a particular watershed.

TRANSPORTATION FUNDING

- We request separate and dedicated state revenues for all transportation modes.

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- The state should restore formula allocations for secondary/urban construction and provide stable and increasing dollars for cities and towns to maintain roads within their boundaries.

LAND USE and GROWTH MANAGEMENT

- We request additional tools to manage growth without preempting or circumventing existing local authorities in this area.
- We support making the use of urban development areas optional for localities.

COMPREHENSIVE SERVICES ACT

- We urge a better partnership between the state and localities in containing the costs of CSA, and in balancing CSA responsibilities. We support additional state funding for administering CSA, as localities foot the bill for most of these costs.

Additionally, Mr. Blount noted that the reactions to the General Assembly changes made to VRS and transportation meant focusing on unfunded mandates and the shifting of costs etc. He then iterated the need for educating citizens of these things that were causing an impact locally. He added that they will be educating legislators at the fall legislative function to be held on November 9th and they will be beefing up the second item on the 2012 list. He noted that he appreciated the Board's passage of resolution **R2012-68** earlier in the meeting.

Mr. Blount then noted that in terms of Transportation, they had made a strong statement on devolution last year and would mesh this with the position on transportation funding calling for stable dedicated revenues.

Ms. Brennan noted that she would like to educate the public but that she did not think they understood how things worked. She questioned how the state could really say they have surpluses when it is not really a surplus because it is had on the localities' backs. Mr. Blount noted that he would have some information on this for the legislative forum as they were looking at doing one page handouts on various things; which localities could use also.

Ms. Brennan then asked if a locality had the ability to state in an ordinance that the locality was not responsible to repair alternative waste systems when they go bad. Mr. Blount note that he had not seen anything specific on this; and that current law saws a locality cannot prohibit the installation of these; but that standards must be met. He acknowledged that the crux of the problem was what happened when these go bad. He added he would look to see if this was addressed adequately in the program. Mr. Boger added that they may be able to include certification statements and Mr. Carter noted that it was a Health Department enforcement issue. Mr. Blount then advised that they were still creating a database of where these things were and that they may have a third of these identified.

D. Presentation – Comprehensive Plan Update, Transportation Chapter (W. Cockrell) (**R2012-69**)

Mr. Tim Padalino noted he was asked to provide a brief introduction of Mr. Cockrell and how the transportation chapter fits into the overall process of updating the comprehensive plan. He noted that Mr. Will Cockrell is a planner with the Thomas Jefferson Planning District Commission and has led this initiative which included working with the Planning Commission and VDOT. He then noted that following this update, Planning and Zoning department would be updating the County profile using the 2010 Census data.

Mr. Cockrell then addressed the Board and noted that as Mr. Padalino had indicated, he had been working with the Planning Commission on the draft amendment and they had voted to recommend approval of it to the Board. He emphasized that it was the Board's plan and he wanted them to be comfortable with it. Ms. Brennan noted that it was important to point out that they had to revise this section because of new requirements. Mr. Boger added that this chapter included the County's transportation priorities, which had to be included in the plan or the County could not get funding for these projects. He

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noted that the Planning Commission had worked carefully with Mr. Cockrell and that it was well thought out and not wildly different and just included what was required.

Mr. Cockrell then clarified some of the figures presented in the report and noted that this could be further clarified within the document.

Supervisors and Staff discussed that the Board could wait until next meeting to authorize the public hearing; but that the plan amendments had to be acted upon within 90 days of the recommending Planning Commission resolution. It was discussed that notice requirements prevented the public hearing from being held on October 9th and that the second meeting in October would work for the required timeframes.

Ms. Brennan then moved to approve Resolution **R2012-69**, Authorization for Public Hearing to Amend the Comprehensive Plan of Nelson County to Include Chapter 5, Transportation and Related Administrative amendments, with the public hearing to be held on October 25, 2012.

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

RESOLUTION R2012-69
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING TO AMEND THE
COMPREHENSIVE PLAN OF NELSON COUNTY TO INCLUDE CHAPTER 5,
TRANSPORTATION AND RELATED ADMINISTRATIVE AMENDMENTS

RESOLVED by the Nelson County Board of Supervisors pursuant to and in accordance with the provisions of §15.2-2204 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 October 25, 2012 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 input on proposed amendments to the Comprehensive Plan including: Amending the Table of Contents to reflect these changes, Amending the Executive Summary, where it describes Chapter 5, Removing the Transportation Element from Chapter 4: Land Use Plan, relocating content to Chapter 5 Replacing Chapter 5: The Bicycle and Pedestrian Plan with Chapter 5: Transportation, and Adding to the Appendix: State Code Requirements, The Bicycle and Pedestrian Plan (relocated from Chapter 5), and a new glossary.

BE IT FURTHER RESOLVED, that a copy of the full text of the proposed amendments will be made available for public inspection in the office of the County Administrator, 84 Courthouse Square, Lovingston VA 22949.

V. New Business/ Unfinished Business

A. Proposed Subdivision Ordinance Amendments (O2012-04)

Mr. Carter noted that the Board first considered these amendments at their first meeting in August, and subsequently deferred their consideration until Mr. Hale returned and could meet with staff and Mr. Payne on these. He added that this has been done and that Mr. Hale had indicated that he was comfortable with how plats were being reviewed and subdivisions rights were being done. He noted that staff had drafted a resolution such that if the Board was so inclined they would refer this back to the Planning Commission so that the ordinance would allow plats to be administratively approved. He further noted that Mr. Harvey had questioned the Planning Commission's involvement in approving these. He reiterated that the recommended amendments submitted by the Planning Commission had been discussed with Mr. Hale as directed and that either Mr. Boger or Mr. Padalino could step through them if necessary. Mr. Carter then indicated that a public hearing would be necessary for these amendments also.

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Mr. Boger noted that most of these amendments were crafted in 2010 and that the Planning Commission had added language relative to the maintenance of dry fire hydrants and access management. He then recommended having the public hearing and then making any changes.

Mr. Saunders then noted that he did not agree with shared driveways unless VDOT required it. Mr. Boger noted that this section was intended to reduce the number of driveways.

Mr. Saunders inquired as to whether or not staff had gotten anything on the size of dry hydrant tanks required; noting that the Ordinance says it is by Fire Code, but that it is not spelled out. He then noted that in Section 7 Enforcement, he thought that the Board should have the last say so and not the Planning Commission as proposed.

Mr. Carter noted that Section 7 is mis-named and should be called Exceptions and not Enforcement. Mr. Boger noted that it was proposed that the Planning Commission would have the final say because the Board had previously wanted to be removed from it. He added that the Appeal would be to Circuit Court from the Planning Commission.

Mr. Carter noted that this had been reviewed with Phil Payne; who had advised that the Planning Commission did have the authority to grant exceptions per the Code but also noted that the Board could reinsert themselves there. He added that he thought that this should be an exception and not how the ordinance is applied as staff would go by the checklist to approve. He noted that this would apply if an exception was wanted by the owner. Mr. Boger noted that they could make it all administrative and then if an exception is denied, it would go to Circuit Court. He noted that this reduced the burden on the developer and made it easier to get plats approved.

Mr. Harvey and Mr. Hale agreed that the Board should study that section before going to public hearing and Ms. Brennan suggested making a list of items to be discussed. Mr. Boger reiterated that there were only two new parts to the proposed changes and these were the dry hydrant issue and access management.

It was noted that they could also put in language relative to alternative waste systems failing not being the responsibility of the County and members suggested that staff check with other localities on this.

Following this discussion, no action was taken by the Board.

Mr. Harvey inquired as to the time left for Mr. Luwis to build the road at Rockfish Heights Subdivision and Mr. Boger noted that he had until June 2013 to build it.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter reviewed his monthly report as follows:

A. Courthouse/Government Center Project: Project close out continues to be the focus of this initiative. Primary among final punch list resolution are the following:

- 1) Certification of retaining wall systems: The inspection by WW's structural engineering subcontractor has been completed with the PE's report pending submission;
- 2) Resolution of site concrete installations: The County retained Froehling & Robertson, Inc. to complete an inspection and report on all installations that are in question (per project specifications and industry standards) as a means of resolving this subject. F&R's report is to be received on 9-12.

Mr. Carter noted that F&R was completing a re-inspection and providing a report on the curb, guttering, and sidewalks and that he would review and share this with Mr. Saunders to see if it would be helpful in the resolution of these issues. He noted that the County was making payments to F&R during the project and that John Pappas was the principle

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engineer in charge. He added that they did more of the earthwork rather than monitoring every concrete pour etc.; but that the staff wanted an expert third party involved to get objective input.

3) Resolution of a clearance issue related to the primary HVAC system installation in the cooling tower structure: Blair is presently developing a plan to reinstall the evaporation cooler to comply with project specifications with a projected start date of 9-21;

4) Paint peeling in the restrooms located within the former brick jail structure: Pending resolution. Mr. Hale suggested that Mr. Carter ask Price Masonry for their opinion when they are here on Friday.

5) Final landscaping: Southern Landscape Group to complete this work the week of 9-10. Ms. Brennan asked to be advised if and when they were coming and Mr. Carter noted that he would have to monitor this to be sure they got it right this time.

B. Courthouse Display: Contract with Thayer Design Inc. (Madison Heights, VA) executed. Contract price is \$26,455 and project completion date is not later than 12-31-11. B. Mr. Carter noted that they have met with representatives of the Historical Society and have gotten started.

C. Courthouse Signage: Meeting scheduled with Acorn Sign Graphics (the low cost respondent) for 9-18 to review the project's scope with intent to reduce the scope & cost.

Mr. Carter reported that he has taken the lowest cost proposal, provided by Acorn Sign Graphics and has invited them to meet on 9/19 to see if they could reduce the scope and still meet the County's needs. Mr. Harvey then suggested that this work should be rebid. Mr. Saunders noted that he has spoken to the original consultant on the project and she had related to him that at the time there were only 70 signs presented to them and then when the specification package came out there were over 300 signs and that is why there was a such a difference between her estimated cost and her actual bid. Mr. Carter noted that this was not his understanding as an email from the consultant to him indicated that she felt put on the spot and the original estimate was her best guess. He added that he had been concerned with what was noted by her as being required. He noted that the County had bid the 300 signs with the understanding that the estimated cost range was \$30,000-50,000.

Mr. Hale noted having spoken to Bob Greer, whose son was in the sign business, who confirmed to him that the bids received were legitimate. He suggested that they could have the specifications modified and rebid for a lesser scope. Mr. Carter noted that he would like to proceed with Acorn and go from there since the County had the right to take the low bidder, reduce the scope and go from there.

Mr. Harvey suggested that maybe staff could work with the original consultant and go through the specifications to whittle down the list of what needed to be rebid. Mr. Carter then advised that he thought that the company was disingenuous in their work with the county and he was concerned about working with them. Mr. Hale indicated he was somewhat concerned that the company that did the specifications provided a bid on the project. Mr. Carter reiterated that he had been hopeful that the company would have been the low bidder and it would have worked out since they were local.

He then noted that he was hopeful that the County could work with Acorn to reduce the level of signage needed. Mr. Saunders noted that he understood that the ADA signs were necessary; however he would like another opinion and staff could meet with Acorn to see where costs could be trimmed. Ms. Brennan noted that they could rebid the project based on what they said.

Mr. Carter then reported that the bid differential between Acorn and the local company was \$24,000. It was then noted that it would be difficult to monitor whether or not the signs were made to specification and Mr. Hale reiterated that the scope of the project warranted the bids.

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Mr. Harvey suggested that staff should sit down with the local company to meet and see where the disconnect was. Mr. Carter reiterated that they were not the low bidder and he did not see how the local company could be the highest bidder when they were right here.

Mr. Hale suggested that they could get someone other than the firm that prepared the specifications or bid on the project to see if the scope could be reduced and it be rebid. Mr. Carter noted that this is what he had asked Acorn to do and he noted that they would be billing the County \$1,800 to look at it and if they ultimately got the work, the price would be reduced by half.

Mr. Carter then reported that Wiley Wilson had provided names of companies who did not bid and at the time they had estimated that based on their experience; the signage would cost around \$10,000. Ms. McGarry added that Wiley Wilson had provided staff with an initial list of signs to work from.

It was then suggested that the Courthouse Committee should work on this and Mr. Saunders indicated that he thought it should be reviewed and rebid. Mr. Carter suggested that the Committee could decide if Acorn should get the work or it should be rebid. It was noted that Mr. Hale would be unavailable and Ms. Brennan confirmed that Acorn was coming to meet with staff on the morning of September 18, 2012 and asked that staff have them be prepared with recommendations when they come.

D. Courthouse Retaining Wall (Law Office): Owen Building & Remodeling, Inc. is the project contractor. Contract price is \$53,063.11. Project to commence week of 9-21 following delay related to securing VDOT permit. Mr. Carter reported that the company was delayed because VDOT required them to have a certified traffic control person and now they did.

E. Treasurer's Office Remodeling: Complete with the exception of glass and carpet installations, which are in process.

F. Jefferson Building: BOS decision is to relocate Commonwealth Attorney's office to JB. Pending receipt is a proposal from Price Masonry Contractors, Inc./VA Limeworks for building restoration. Consideration is PMC would work with Wiley & Wilson on building renovation subject to acceptability of PMC's proposal.

Mr. Carter reported that Price Masonry thought they could restore it and if it could be done, it would reduce future issues with the building environment. He added that he was waiting on a proposal and that Mr. Price would be back on Friday.

Mr. Harvey noted that they would not be able to use insulation etc. if they did not use sheet rock. Mr. Carter advised that they would propose to re-point the brick and re-plaster it and that once this was done, it would be suitable and there would be no heating or cooling issues. Mr. Hale also questioned how one deals with wiring if plaster was used.

G. Magistrate's Building: Price Masonry Contractors Inc. (VA Lime Works) has accepted County's contract provisions. Cost not to exceed \$35,000. Start by 10-1 and completed by 11-30-12.

H. Broadband Project: Construction completion of the middle mile fiber backbone is anticipated by 9-30-12. County and Icon staff are working towards system startup and testing. Tower construction (Afton and Martin's Store) to be completed by not later than 11-30. A location for the Massie's Mill Tower has been identified with lease negotiations pending. Several contract documents (Service Provider, Co-Location, Fiber Leasing, IRU) are at final review with execution by two ISPs anticipated thereafter. Meetings conducted with Nelson Cable and Stewart Communications on 9-6. Other negotiations (Network Operation, Outside Plant Services) are in process.

Mr. Carter described the conduit tie-ins that needed to be done and reported that they were pulling fiber now too. He added that the E&S issues were being addressed on the Martins Store road.

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Relative to the Massies Mill tower, Mr. Harvey asked if two shorter towers that were close to the roads and power, could be used and Mr. Carter noted that he would have to check; however the tower needed to talk to the tower in Colleen and this may be a budgetary concern.

Mr. Carter then reiterated that all of the contracts were being worked on to finalization. He reported that staff had met with Lumos, Nelson Cable, and SCS and noted that at this point it did not appear that SCS would use the towers and Mr. Stewart was more interested in obtaining backhaul. He added that Nelson Cable had also indicated that they were not in a position to want to use network at this point. Mr. Carter then described the change in vault location for Lumos to tie into the County network; it having moved from near the AT&T building on Route 29 to further up near the Catholic Church on Route 29. He reported that Lumos and Mid-Atlantic Broadband want to use the County's hut as a point of regeneration for their signals. He related that Lumos had proposed to provide a 96 count fiber from the vault on Route 29 to the tower hut and would use 20 fibers with the County getting 76. He added that Lumos wanted to lease dark fiber on the south side of the County and to connect Ntelos towers in the Nellysford area. He related that they were not at a point of agreement on this.

Mr. Carter then noted that Nelson Cable had fiber in Nellysford going up to Wintergreen and that they were installing more in conduit on the mountain. He noted that they wanted to connect their system at Wintergreen with Lovingson; however they did not want to upgrade their system here in Lovingson.

I. 2012 Radio Project (Narrowbanding): Contract executed with Motorola, Inc. Contract Design Review meetings scheduled for September 25-27. RCC retained as County's project consultant. Verizon Wireless is working on renovation of Sugarloaf Tower installations.

J. High Top Tower (Lease): Pending. Mr. Harvey advised that this needed to be accomplished.

K. Lovingson Health Care Center: In process. Work started within last 2 weeks. Mr. Carter noted that the County had been added to the agreement as the Board had directed.

L. Massies Mill Recreation Center: No change in previously reported status (i.e. offer to provide balance of funding received from County and deed property to County). Mr. Harvey stated that he wanted the remaining funding to go to another like group and not come back to the County. Mr. Carter indicated that he needed direction on this and it was noted that the real estate should come back to the County; however the remaining funds of just over \$10,000 should go to the Millennium Group directly. The Board agreed by consensus to follow up in this direction.

M. Norwood Historic District Project: History Tech LLC selected for project completion. Project cost is \$7,500 and completion date is by 6-30-2013.

N. 2014 General Reassessment: Wampler-Eanes has established an office within the Courthouse and is beginning initial steps towards completion of the 2014 reassessment.

O. Stormwater Program (Local): Grant application submitted to VA-DCR in partnership with TJSWCD, Nelson and Louisa counties to develop local program. Grant request is \$96,483.83 and project would commence on 12-1-12 and be completed by 6-30-14.

P. Blue Ridge Medical Center: Completion of the final wing of the BRMC facility is in process and scheduled for completion and occupancy by 10-1. A lease agreement between BRMC and VA-Department of General Services for relocation of the local Health Department unit is pending and may delay the HD's relocation beyond 10-1. Additionally, the VDH regional director (Dr. L. Peake) has requested that additional

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funding be allocated by the County to provide for the increase in lease expenses the County will incur with the HD's relocation.

Related to this subject, the roof on the Health Department building is beyond its useful life. County staff is endeavoring to address deficiencies in the roof that continue to occur. Mr. Carter reported that patching the roof was not working very well now. He added that staff and the Registrar had looked at the former Farm Bureau office for use by the Registrar but the Commonwealth Attorney has said that there is a conflict because the Assistant Commonwealth Attorney owns the building. He noted that Mr. Martin says it is a conflict for Mr. Gress to lease it to the County. Members briefly discussed this and reached consensus for Mr. Carter to follow up on this with Mr. Martin.

Ms. Brennan then questioned the local VDH request for additional funding and Mr. Carter noted that they wanted to revisit their funding for FY13 because, the County had reduced their Local Only money to cover the lease expense and Dr. Peake wanted it restored to what was requested because she said it would be hard for them to keep up with mandated programs with the funding received.

Members then encouraged Mr. Carter to help bring closure to the lease delay issue.

2. Board Reports

Mr. Saunders and Mr. Harvey had no report.

Mr. Hale reported the following:

1. The Service Authority has made a commitment to proceed with the 5 million gallon raw water tank and pumping station at Wintergreen. He then noted that Wintergreen was being operated by WPI but was now owned by the Justice Company. He added that the raw water tank and pumping station would benefit everyone and that the final details were being worked out; which would include amending the raw water agreement with WPI. It was then reported that their raw water capacity now was 250,000 gallons.

Mr. Harvey added that the customers there would pay for the NCSA portion of the project through the rates. He added that the completion date was 12/30/12 and the cost was \$1million less than the original estimate. Mr. Carter noted that this was because there was no roof designed for the tank and they intended to use other design elements to prevent leaves etc. from going into it. It was noted that they would pour the foundation by trucking concrete up and then would build it with reinforced steel and shotcrete. Mr. Harvey reported that Chrome was the company doing the work and Mr. Saunders indicated having experience with them and that they were a highly reputable company.

2. The Historical Society met and toured the Jefferson Building and was pleased with the preservation of the courthouse green.
3. No TJPDC report other than it was their 40th anniversary and were conducting meetings throughout the year in its member localities.

Ms. Brennan reported the following:

1. She and Mr. Harvey attended the NCHS convocation.
2. She attended the VACO meeting in Richmond where they discussed legislative priorities and the conference at the Homestead. She reported that VACO had a new website and they were working on creating a mobile app and text alerting.
She added that they were looking at live streaming also. She reported that the HHS committee discussed affordable

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healthcare and the DSS Commissioner presented on recovering money for things not done correctly. She concluded by reporting that they discussed the Lawsuit on whether or not phone conversations and email constituted a meeting or not.

3. Reported attending the DSS meeting and noted that the performance review was being done for Michael. Mr. Harvey noted that he wanted him to come to an upcoming Board Meeting. Ms. Brennan reported that their office was one of few in the State that passed the audit on Foster Care.

4. Attended Planning Commission meeting.

5. Attended presentation on Conservation Easements.

6. Attended Piedmont Sustainable Woods program meeting and there was nothing to report.

7. Attended RHOP Hispanic Outreach Day.

8. She and Mr. Hale attended the 9/11 ceremony held at the Nelson Middle School and she reported what a wonderful job the students had done.

9. Attended VRPS Conference at Wintergreen to welcome conferees.

B. Appointments

Ms. McGarry noted that there were no new appointments to be made by the Board and that the existing vacancies continued to be advertised.

C. Correspondence

1. Junior and Senior FFA Team Funding Requests – National Convention

Mr. Carter noted that both the Jr. and Sr. FFA won state competitions and both have requested \$2,000.00 each in funding to help them go to the National competition in Indianapolis. He added that the Board had always endorsed these requests.

Mr. Hale then moved to approve the funding requests of the Jr. and Sr. FFA in the amount of \$2,000.00 each for travel to the National FFA contest. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Mr. Hale then added that one of the Junior FFA members, Miss Schuyler Allen, spoke at the Middle School 9/11 memorial ceremony and delivered a very polished and wonderful presentation.

2. Electoral Board Funding Request – Electronic Poll books

Mr. Carter noted that the request for funding was to replace 25 laptop computers that were used as electronic poll books during elections. He added that the Registrar's letter had noted that five of the current laptops were not working and the Electoral Board would have access to \$4,000.00 in state funding to offset the approximately \$17,000.00 cost of the equipment. He then noted that staff endorsed the purchase and the provision of local funding to secure the laptops in addition to the \$4,000.

In response to questions, Mr. Carter noted that a drip pan from the AC unit caused water damage to the five computers that were no longer working.

In response to further questions from Mr. Hale, Mr. Carter reiterated that the laptops were used as electronic poll books and that they had two (2) at each polling place. Mr. Hale

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then noted that he had counted up nine (9) precincts and that the 10th was the absentee one, which was the Registrar's office. He added that this would tally up to twenty (20) units altogether, that they could use them all outside of the election day, and that they would additionally have fifteen (15) of the older units.

When asked about quotes gotten from other vendors than Dell, Mr. Carter noted that the quote was gotten through the state contract by Mr. Crane.

Mr. Hale recommended that rather than purchase the twenty-five (25) requested, the Board should reduce the units secured to a maximum of twenty (20), which was the minimum number that the State Board of Elections would make a contribution to. He then added that the Registrar should not need one for the absentee precinct because it was her office. He then suggested inviting Ms. Britt to the evening session to present this request.

Mr. Harvey agreed with going with twenty (20) units as Mr. Hale suggested and that Ms. Britt could come and make the case for the other five (5).

Members then asked Mr. Carter to call Ms. Britt to let her know that the consensus was to provide funding for twenty (20) laptops and invite her to come to the evening session to report.

D. Directives

Members agreed by consensus to consider this item of business during the evening session.

VII. Other Business (As May Be Presented)

Introduced: Tanbark Road, Lovington

Mr. Hale noted that the area of Tanbark Road in Lovington receives a lot of traffic, was widely used by the public, and it was a mess. He then suggested that if the property owners along the road could agree to make contributions to pave the area that the County should be willing to participate to some extent. Mr. Harvey noted his concern that others would want the same consideration and there was no consensus reached to proceed on this or action taken by the Board.

Introduced: Heritage Center Progress

Mr. Saunders noted that Mr. Hale had reported to the Service Authority that the Board wanted to go ahead and work was underway at the Heritage Center to separate the water meter and the electrical service. He noted that then Mr. Payne could draft the deed that would put the water with the Heritage Center.

VIII. Recess and Reconvene for Evening Session

At 5:50 pm, Mr. Saunders moved to adjourn and continue 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.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Harvey called the meeting to order at 7:02 pm, with four (4) Supervisors being present to establish a quorum and Mr. Brugiure being absent.

II. Public Comments

There were no persons wishing to be recognized for public comments.

III. Public Hearings

A. Special Use Permit # 2012-001, Linwood Dowell, Sr.

Consideration of a request from Mr. Linwood Dowell, Sr. for a Special Use Permit pursuant to Section 4-1-34a of the Zoning Ordinance to operate a take-out restaurant. The property is located at 20150 Thomas Nelson Highway, Faber, VA, Tax Map # 35-A-32.

Mr. Padalino presented the application and showed vicinity map; noting the property site on the map as tax map number 35-A-32 consisting of 0.75 acres that was zoned A-1 as were the adjacent properties. He added that Ms. Goff was the owner and had provided the applicant with permission to operate the proposed business. Mr. Padalino added that this was a previously developed site and the proposed business would take place inside the existing building. He then described and showed the three (3) existing entrances and noted that the first two (2) met VDOT requirements. He then noted that there were no VDOT concerns with the proposed activity; however they noted that they would want to be pulled back into the loop if activity changed. Mr. Padalino noted that the applicants were working with the Health Department and Tom Eich on their plans.

He then reported that the Planning Commissioners had voted unanimously to recommend approval of the Special Use Permit with the condition that operations should not extend later than 7 pm and the applicant needed to provide information on any existing underground storage tanks. He noted that DEQ had confirmed that there were no underground storage tank issues there. He added that the applicant has submitted a plan to restrict access at the third entrance using landscaping - railroad ties and flowers and has taken steps to enhance the other entrances. He added that any onsite business would be located out of VDOT right of way and that the business sign would comply with the Zoning Ordinance.

In conclusion, Mr. Padalino noted that the applicant had changed the planned hours of operation and would like to open at 7 am instead of 10 am in order to capture morning customers. He added that the proposed use was compatible and beneficial for the area and there were no outstanding concerns.

The applicant, Ms. Jennifer Dowell then addressed the Board and noted that she had been working with Planning & Zoning and VDOT on her application. She noted that the issue concerning the grease traps going into the waste field that had arisen with the Health Department was being rectified. She added that they would also put on a water meter. She noted that the business was a takeout only business and that two (2) outside restrooms would be provided. She added that they wanted to include early breakfast hours and lunch hours serving subs, breakfast sandwiches, fruit, yogurt, water and juice.

Mr. Saunders noted that he did not think there should be any restriction on hours of operation and the other members agreed.

Ms. Brennan asked for more detail on handling of the used oil and it was noted that once it was wasted, they must have a commercial company come in to dispose of the waste oil.

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

Ms. Brennan then moved to approve Special Use Permit #2012-001 for Linwood Dowell, Sr. with no restrictions and Mr. Hale seconded the motion. Members indicated that they were looking forward to her opening and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Members wished Ms. Dowell the best of luck and she noted their opening date would be October 1, 2012.

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B. Addition to Dutch Creek Agricultural/Forestral District- William & Dove Halverson (20 ac) General Location of the District: Tax Map 59-A-38. Along Wheelers Cove Rd (SR 640) and South side of Dutch Creek, approximately ½ , mile from Laurel Rd (SR 639).

Mr. Tim Padalino presented the application and noted that this property would add to the existing district, is located at Tax Map #59-A-38 and was 20.0 acres zoned A-1 as are the adjacent properties. He added that the property was located on Wheelers Cove Road and Dutch Creek.

Mr. Padalino then reported that the Ag Forestal District members met and voted to approve the application; sending it to the Planning Commission and then ultimately to the Board. He noted that they had posted four (4) notices up and down Dutch Creek Lane and Wheelers Cove Rd. He reiterated that the property was surrounded on three (3) sides by the existing Dutch Creek Ag Forestal District and was congruent with the vision laid out in the County's Comprehensive Plan. He then recommended that the application be approved by the Board.

There being no questions from Board members, the public hearing was opened. There being no persons wishing to be recognized, the public hearing was closed.

Mr. Hale then moved to approve the proposed addition to the Dutch Creek Ag Forestal District, Tax Map parcel # 59-A-38 and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

IV. Other Business (As May Be Presented)

Board Directives:

Members then continued with Board Directives from the afternoon session as follows:

Mr. Saunders had no directives.

Mr. Hale noted he had not seen the company signs on the clothing and shoes bins at the collection sites and Mr. Carter noted he would follow up on this.

Mr. Harvey noted that he would like to see copies of the actual applications for Special Use Permits in the Board packet. Mr. Padalino made note of that and noted he would be happy to oblige the request.

Ms. Brennan had the following directives:

1. Would like to see an updated punch list. Ms. McGarry noted she would update this and send it out to the Board.

2. Inquired as to the status of contacting Mr. Larkin and Mr. Carter reported that he had spoken to Mr. Jimmy Wood regarding following up with Mr. Larkin and he had noted that he did not think he would be able to work with the County as he was retiring. Mr. Harvey suggested that maybe the County should work with the Trustee at the Bank on this and to keep sending him correspondence. Mr. Carter reiterated that Mr. Larkin had said he would be back in touch; however he has not been yet.

3. Inquired as to there being any information from the Assessors yet and Mr. Carter reported that they were working on the sales study and that he could have them come to briefly report and introduce themselves. Members noted that they would like for that to happen.

4. Inquired as to the lights in the atrium being fixed and Mr. Carter noted that he thought they were for the time being however they have occasional fits but were working as they were supposed to now.

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5. Noted that Judge Serkes had mentioned having commissioned a 4x4 soapstone wall hanging with all of the Judges' names on it and he wanted to put it up in the new entryway. She noted that the Board would have to look at this and discuss where it could go. Mr. Carter mentioned that the County was doing the slate wall hanging with Thayer Design and that he would touch base with Judge Serkes on this.

Electoral Board Pollbooks:

Mr. Carter reported that the Registrar was out of town; however she had noted by phone that the additional five laptops to get to twenty-five (25) would be used as backups and she said that as far as continued use of the current laptops in place goes, the software program that the State Board of Elections currently has requires more memory than what is in the laptops to run it. Mr. Carter noted that she said that County Staff was working with her and the turnaround could be five (5) days. He added that she was not concerned unless a decision was delayed until the second September meeting.

Mr. Hale then moved that the Board agree to provide funding for twenty (20) of the new electronic pollbooks less the \$4,000.00 to be contributed by the state. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Authorization to Sign Subdivision Plats:

Mr. Fred Boger noted that he would be on vacation in the next couple of weeks, and he requested that the Board authorize Planner, Tim Padalino to sign plats. Staff then recommended the Board's endorsement of this request.

Mr. Hale then moved that in the absence of the Planning and Zoning Director, that Planner Tim Padalino be authorized to sign plats. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

V. Adjournment

At 7:30 pm, Mr. Hale moved to adjourn and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.