

September 22, 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
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Phil Payne, IV, County Attorney

Absent: None

I. Call to Order

Mr. Johnson called the meeting to order at 7:07 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. New/Unfinished Business

A. Health Department Relocation

Mr. Carter noted that Martha Jefferson was offering the leasing of the Afton Family Medicine (AFM) building for \$13/sq ft or a purchase price of \$450,000. He added that he has been doing additional research, has conferred with the assessors, and plans to offer a little bit less per sq ft. He noted that he, Dr. Peake, and the Director of Administration of the Health Department are going to look at the BRMC building and the AFM facility on Tuesday of next week to get a sense of it.

Mr. Carter advised that his plan was to get the Health Department's input and he related that BRMC's input thus far was that they were amenable to considering locating the Health Department there. He added that a concern was that the space is shy of the required square footage per their OSQ; however, the deficit appeared to be a circulation factor. He noted that another concern was that there are no windows in the basement area; however it is ADA accessible, they have comparable clientele, and it could be a good fit.

Mr. Carter noted that the AFM building is still available and a final agreement could be negotiated if the Board wanted the Health Department to go there.

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He then reported that Ronnie Moyer had offered 700 sq ft of office space in the old State Farm building and he thought it would be reasonable. He added that this could be a good spot for Tom Eich to go because he needed to be near the Planning and Zoning Office.

Ms. Brennan then inquired as to when the space at BRMC would be available and Mr. Carter noted that they had a substantial completion date of November 15th. He added that he also suggested the use of a change order to facilitate this and they seemed favorably inclined or the basement could be incorporated into the new contract with the rework of the dental office space. He noted that the timeframe for this option was unclear but they could expedite it. He added that the lease terms have not been discussed and he would find out how long it would take to get them there.

Members discussed moving them to the AFM building and then moving them back or using the current BRMC building in the interim until it was demolished and rebuilt.

Mr. Johnson suggested that there were two potential options concerning price and location and they needed to manipulate between these two and get a lease price from Ronnie Moyer.

Mr. Carter mentioned the possibility of adding a floor to the new BRMC dental building; however it was noted that the existing building was built part on slab and mold existed so they wanted to tear it down, retaining the newest part. Ms. Brennan reiterated her concern about them remaining in the current building and Mr. Carter noted that the County was still in position to fix it up using the insurance claim.

Members noted that the timing of the move is a consideration in going to BRMC and Mr. Carter reported that they have recruited a dentist pending completion of the dental clinic.

Ms. Brennan noted that the Board needed to know the cost and the timeframe to move them to BRMC and the cost to move them to a temporary building. Mr. Carter advised that the County would likely use the state money on hand to move them.

Mr. Johnson inquired as to the Board's timeframe to decide and Mr. Carter noted that if staff gathers definitive information; he would confer with him to have a called meeting.

Mr. Bruguere stated that he would like to see them go down to BRMC and supposed it might be the cheaper option. He added that it seemed logical to him that they go there. In response to questions, Mr. Carter noted that the Health Department does pay rent to the County now at roughly 66% or he thought approximately \$60,000 per year.

Mr. Johnson noted that he would like to try to go out to BRMC with staff on Tuesday afternoon and Ms. Brennan noted that adequate parking there was a consideration.

Members then briefly discussed whether or not Libby the secretary would go with Tom Eich or with the other Health Department staff and Mr. Carter noted he would find out and report back.

B. Solid Waste Collection Services

1. Open Top Container Rotation

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Mr. Carter reported that staff had submitted the same information as before on this subject and reiterated that staff did not support this notion but that it was the Board's decision.

Mr. Bruguere stated that if the Board did this, they did not need to buy any extra containers and they could use the one they had and rotate it for weekends.

Ms. McSwain advised the Board that she would not recommend buying any containers until this was done successfully on a trial basis. She noted that the door on the one extra can the County had needed to be fixed. She added that this was the one that was rented from Charlottesville that was burned in a fire and that she thought it was a 20 yd can that was shorter. Members noted that Merle Kelley had recommended 20 yd. containers so that steps up to it were not needed.

Mr. Harvey stated that they just wanted one container, no matter how many yards it is, of the shorter type so steps were not needed.

The route of the roll off trucks was briefly discussed and it was noted that they travel down Route 29 to Route 60 to get to the Gladstone site.

Mr. Harvey then moved that the County try a 20 yd container at Gladstone for a thirty (30) day trial period and then evaluate it.

Members stated that staff was not going to clean up around it and that the drivers needed to be called when it was full. It was noted that that the County currently had someone locking the gate that could keep an eye on it.

Members then agreed by consensus that they were not going to purchase any containers and that they needed to use a shorter one even if it had to be leased.

Mr. Bruguere then seconded the motion.

Ms. Brennan then clarified that the plan was leasing a 20 yd container if the one the County had was not a low level one and leave it at Gladstone for a trial basis. She recommended leaving it for one weekend and questioned why this wasn't proposed to be done at all locations.

Mr. Hale stated that he remembered working with Harry Harris in 2006 when they were plagued with open top sites around the county and with continued effort they were able to finally establish a staffed solid waste site in Shipman and then later others. He added that staff and Ms. McSwain have presented a compelling argument for the way the system worked presently. He noted that in the East District there are no open tops or a staffed site whatsoever in Faber. He concluded by saying that the end result has been savings to the taxpayers and a greatly improved system that is a model for others. He described driving through Bath County, which is a perfect example of gross misuse of open tops. He then stated that the purposes were dubious at best to put one at Gladstone.

Mr. Harvey then stated that the site was closed at night and it was cheaper than putting in a staffed site at that location and Mr. Johnson stated that Gladstone drivers did not travel through Shipman routinely.

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Mr. Hale stated that the situation was similar for citizens in Howardsville in his district and that Board decisions should be made to benefit the County on a whole rather than one district.

Ms. Brennan noted that a conservative estimate was that 25% of the trash there is from out of the county and 50% of the trash brought to the transfer station is commercial waste and the Board should not encourage businesses to use open tops and have the public pay for this. She added that the County will be faced with increased costs and she was concerned about spending. She noted that she could not imagine that the Gladstone people would suffer if they did not do this, since they are so close to the transfer station.

Mr. Johnson countered that the transfer station was not close to Gladstone and their hours were not conducive to its use. Ms. Brennan then stated that the other sites were closed at night.

There being a break in discussion, Mr. Johnson called for the vote and Supervisors voted (3-2) by roll call vote to approve the motion with Ms. Brennan and Mr. Hale voting No.

2. Transfer Station Hours

Mr. Johnson noted that extending the Saturday hours at the transfer station was proposed as he thought that 11:30 am was too early for it to close.

Mr. Harvey noted that the transfer station operators could not leave right at noon because they have to clear the tipping floor so they have to shut the gate a little early.

Mr. Johnson suggested that they extend the hours on a trial basis and post it in the paper, with Mr. Carter noting that there was no indication that there is a need to do this. Mr. Hale noted staff comments that on Saturdays an average of two (2) tons of waste is processed whereas the average is forty-five (45) tons on weekdays and they closed because no one ever came after lunch. Ms. Brennan stated that this decision was based on economics and what was best for taxpayers.

Following this brief discussion, the Board agreed by consensus to move on from this topic but directed that the current transfer station hours be posted in the paper and also at convenience center sites.

C. Massies Mill Recreation Center Status

Mr. Carter reported that the matter of them owing delinquent taxes had been cleared up as the taxes have been paid. He noted that he did ask for an accounting of the funds paid to them in the last several years as the Board had directed.

Ms. Brennan noted that like the other community centers, they pay the taxes and then get them back; with Mr. Carter noting that typically the County would remit these back near the end of the fiscal year but that he had advised Ms. McCann to go ahead and do this. The Board noted their consensus to not return the tax funds until they provided the accounting of funds as requested.

Mr. Bruguere suggested that they be reminded that if their taxes become delinquent again, the grant will go away. Mr. Hale expressed his concern regarding the recreation center's viability and agreed that the

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Board should continue to pursue some accounting of the funds and that they needed to continue to say they need an accounting of the funds and that tax delinquency is not acceptable in the future; however the funds should be rebated if they are paid.

Mr. Harvey noted his agreement that paying the taxes should not be an issue since they pay them and then get it back. He added that he thought that their rebate should be done the same as the rest of the community centers and Mr. Carter noted he would have to check with Ms. McCann to see how these are handled.

Following this discussion, the Board agreed by consensus to treat them the same as the others and to follow up on the accounting request. Mr. Hale clarified that the accounting was requested for the money paid to them for the land that the County purchased. He noted that the concern was whether or not the organization was going to work or not and their long term prospects. Mr. Harvey noted that they were not using the building as a community center and that it was falling down. Members noted that Bobby Cabbell was the current President.

Ms. Brennan inquired if this was requested from other centers and it was noted that it was not but that the Board had discussed that all centers should have accountability.

III. Other Business (As May Be Presented)

Introduced: Gladstone Fire Department Application to Become a Rescue Agency

Mr. Carter noted and distributed a report from Mr. Berry and then reported that he had been advised by the Office of Emergency Medical Services (OEMS) that a resolution from the Board was needed before they would finalize the application for Gladstone Fire Department to become a rescue agency. He noted that the resolution refers to the authorizing Code section and he recommended favorable consideration.

Mr. Harvey then moved to approve resolution **R2011-82** Approval of Gladstone Volunteer Fire Department Incorporated to Provide Basic Life Support Services in Nelson County and Mr. Hale 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 R2011-82
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF GLADSTONE VOLUNTEER FIRE DEPARTMENT INCORPORATED TO
PROVIDE BASIC LIFE SUPPORT SERVICES IN NELSON COUNTY**

WHEREAS, Section 15.2-955 of the Code of Virginia, 1950, as amended, requires local governing body approval of any emergency medical service organization operating within that locality; and

WHEREAS, Gladstone Volunteer Fire Department Incorporated has appeared before the Nelson County Board of Supervisors to request approval to provide Basic Life Support services within designated boundaries within the county; and

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WHEREAS, the Nelson County Board of Supervisors has determined it to be in the best interest of the citizens of Nelson County for Gladstone Volunteer Fire Department Incorporated to provide these services;

NOW THEREFORE, BE IT RESOLVED, the Nelson County Board of Supervisors grants approval Gladstone Volunteer Fire Department Incorporated to provide these services and obtain an agency license per approval of the Office of Emergency Medical Services of Virginia.

Introduced: Report from Gladstone Rescue Squad Appointed Receiver, Tom Berry

Mr. Carter reported that he had received the report from Mr. Berry that afternoon noting that he needed the Board's consent to go to the Circuit Court to get approval for the contractor to finish the work that was started on the rescue squad building; noting that the goal was to finish the work prior to the election.

Mr. Harvey noted that the since the building belonged to the County, they would have the right to finish the building even if they put the money up and then used receivership funds to pay the County back.

Mr. Carter noted the concern that the contractor may sue if this did not happen and although it was up to the courts, he stated that the funds on balance when Mr. Berry reported back might be given to the Fire Department rather than to the County. He added that he would need to confer with Mr. Payne or Mr. Berry on this.

Mr. Johnson noted Mr. Berry's recommendation in the letter to enter into an addendum to the existing contract to include a time is of the essence clause since a certificate of occupancy was needed for the building to be operated as a voter precinct.

Mr. Carter noted that David Thompson and Paul Truslow have looked at the building and there is a punch list there and Mr. Harvey added that there was two (2) months worth of work to be done in forty (40) days which would require overtime work and would be more expensive. He then alluded to the problems with the contract being caused by a County employee at the time. Members noted that the Receiver was making a recommendation to go ahead and finish the building.

Mr. Harvey suggested removing the cabinets from the current contract, stating that they should make the building accessible and then do the cabinets later when whoever gets building can decide what they want.

Members briefly noted that they should also look at the line going back to the septic system in the near future.

Mr. Harvey again reiterated that they should remove the cabinets from the scope of work and that he wanted to see the work finished before Election Day. Mr. Johnson also suggested that someone from Gladstone Fire Department be able to go in and see what was going on.

It was noted that \$3,700 was owed to the contractor now of which \$1,700 was for insulation that he has not yet paid for and he wants this paid before he starts.

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Mr. Harvey stated that legal fees needed to be discussed and he suggested that the County pay for these and that he thought this would make any potential legal action on the part of the Contractor go away.

Mr. Johnson referred to the funds held from distribution to the Gladstone Rescue Squad and it was noted also that these funds were not obligated to the Fire Department. Mr. Bruguere noted that while there was no legal obligation to pay for these, there may be a moral one and they could ask the Judge to take these funds out of the receivership funds and if they cannot do this, he thought the Board should pay them.

Following this discussion, Mr. Harvey moved to pay the legal fees that Mr. Wright has incurred out of the annual contribution to the Gladstone Rescue Squad that was not paid. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Hale voting No.

In conclusion, the Board reiterated their consensus to finish the current construction contract less the cabinets. Mr. Carter noted that having a finished polling place was a legal concern and agreed that they could finish the cabinets after the building was occupied.

Introduced: November Meeting Date Change

Mr. Carter inquired as to the Board's thoughts on changing the November meeting date since it fell on Election Day. He noted that the VACo conference was not interfering with the meeting this year

The Board briefly discussed this and agreed by consensus to move the meeting date to that Thursday, November 10th. It was then noted that the Board would adjourn and continue the meeting from the second October meeting.

IV. Public Comments

Mr. Johnson opened the floor for public comments and there being no persons wishing to be recognized, the public comments session was closed.

Mr. Hale then suggested that the order of the agenda be changed in the future such that public comments becomes the first item considered so that members of the public wishing to speak do not have to stay through the entire meeting in order to do so. There was brief discussion and members being in agreement noted their consensus to move this to the beginning of their future evening agendas.

V. Adjournment

At 8:00 pm, Mr. Harvey 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.