

September 27, 2012

**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.

Present: Thomas H. Bruguiera, Jr. West District Supervisor- Vice Chair  
Larry D. Saunders, South District Supervisor  
Allen M. Hale, East 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: Constance Brennan, Central District Supervisor

**I. Call to Order**

Mr. Harvey called the meeting to order at 7:00 pm, with four (4) Supervisors present to establish a quorum and Ms. Brennan being absent.

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

**II. Public Comments**

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

**III. New/Unfinished Business**

- A. Resolution – **R2012-70** Approval of Minutes

Mr. Hale moved to approve Resolution **R2012-70** approving the minutes of the July 26, 2012 meeting and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call to approve the motion and the following resolution was adopted:

**RESOLUTION-R2012-70  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(July 26, 2012)**

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

Mr. Hale then noted that in the minutes on the last page, it was stated that Ms. Bowers said the distance to RVCC was about 3,200 ft from the backbone, however he thought it should be clarified that she probably meant it was that distance from the tower not the backbone.

**B. Authorization for Public Hearing, Regional Hazard Mitigation Plan  
(R2012-67)**

Mr. Carter clarified that the agenda item was not authorization for a public hearing as stated, but rather was for approval of the Regional Hazard Mitigation Plan. He added that a public hearing was not required and that the changes to the plan were made as directed by the Board. Mr. Harvey added that it was just an updated plan and this was confirmed by Mr. Carter.

Mr. Bruguier moved to adopt the Regional Hazard Mitigation Plan and approve resolution **R2012-67** and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call to approve the motion and the following resolution was adopted:

**RESOLUTION R2012-67  
NELSON COUNTY BOARD OF SUPERVISORS  
ADOPTION OF THE REGIONAL NATURAL HAZARD MITIGATION PLAN**

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop, adopt and update natural hazard mitigation plans in order to receive certain federal assistance; and,

**WHEREAS**, the Thomas Jefferson Planning District's Regional Natural Hazard Mitigation Plan has been prepared in accordance with FEMA requirements at 44C.F.R. 201.6; and,

**WHEREAS**, Nelson County has been involved in the preparation of the Regional Natural Hazard Mitigation Plan through participation on the Working Group, participation in two public workshops, and review by the Board of Supervisors during their March 13, 2012 meeting; and,

**WHEREAS**, the Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA) have deemed the submitted plan satisfactory with no changes recommended; and,

**WHEREAS**, hazard mitigation is essential to protect life and property by reducing the potential for future damages and economic losses resulting from natural disasters; and,

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**NOW THEREFORE BE IT RESOLVED**, the Nelson County Board of Supervisors does hereby adopt the Regional Natural Hazard Mitigation Plan.

**C. Local VDH Relocation - Proposed Lease Agreement Terms**

Mr. Carter noted that Dr. Lillian Peake, Dana Chadwell, and Ms. Blackley from the Health Department were present. He then reported that they were working towards completion of a lease agreement for VDH to move to BRMC and that the Health Department was requesting an appropriation of \$14,402.00 to support the prorated increase in the lease amount incumbent upon the County for their relocation. He added that currently, their Local Only funding was reduced to account for these costs but that VDH has asked for the appropriation so that local programs were not impacted. He noted that this had been discussed in the spring budget work sessions. He added that staff wanted to accomplish moving forward with the lease, but that there was a question of funding and he noted that the amount would increase to an additional \$21,035.00 per year for a whole year for FY13; which would be approximately \$7,000 more per year.

Dr. Peake thanked the Board for the chance to consider their request. She noted that they had been working on the new space for the last year and they were hoping their move would happen by November 1, 2012. She added that they wanted the Board's approval to move forward and she hoped that the Board would appropriate the additional funds.

In response to questions, Mr. Carter reported that BRMC paid for the office renovations, that Dr. Peake worked with them on the office layout etc., and that they were close to completion of their location and should be ready for move in on 11/1/12.

Dr. Peake noted that the Board's approval was needed in order to schedule IT contracts and have everything lined up so that they could move in by November 1, 2012.

Mr. Carter reiterated that in spring, the staff proposal was to reduce the Local Only funding to provide for the increase in lease cost and the Board expressed concern about this and said they would revisit this later. He added that the Budget was approved in this manner and that he would recommend reconsideration of the request to appropriate the funds.

Mr. Harvey then questioned whether or not the rent money was left in and tagged for rent or if it was pulled out. Mr. Carter noted that it was pulled out and the Board would need to restore the \$14,402.00. He added that only an additional \$14,402.00 was necessary to cover the lease cost for the rest of the Fiscal Year and it would not impact the Local Only funds approved. He then confirmed that this would make the Local Only funds whole.

Dr. Peake noted that they were looking forward to new their situation and collaborating with BRMC. She noted that they were focused on prevention and thought that this saved money. She then added that they would not want to reduce services to pay for rent.

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Dr. Peake then confirmed that there was space for Tom Eich and that all staff would be together. She then reiterated that they had worked with BRMC and the space was configured to their liking. She noted that they would occupy half of the new building in the old building footprint and the other half would be for the new dental clinic.

Mr. Carter then suggested that staff could prepare the necessary budget amendment to provide for the requested funding and the Board agreed by consensus and directed staff to do so.

**D. FY13 Crisis Intervention Team (CIT) Custody Exchange MOA (R2012-71)**

Mr. Carter reported that for the past few years the County has been participating in the CIT program through the jail; partnering with other localities to hand off prisoners needing competency testing at the hospital to the UVA Police. He noted that this had been previously funded with grant funds and the participating localities were now being asked to pay for this. He added that each of the other participating localities had approved this and had signed off on the MOA. He then recommended that the Board approve the request which would cost approximately \$1,700.00 and he reported that the Sheriff said that he could not absorb this cost within his budget. It was noted that it was possible that fines and forfeiture funds would cover this.

Mr. Bruguere noted that he supported the program, but thought that the State should pay for this since the prisoners were transferred to a State supported hospital.

Mr. Hale then moved to adopt Resolution **R2012-71**, Approval of Charlottesville Area CIT Program Custody Exchange Memorandum of Agreement and Local Funding Request, which would allow the Sheriff to sign the MOA allowing local deputies to transfer prisoners in need of competency testing to the UVA Police and to provide funding in the amount of \$1,750.00 to cover the anticipated costs. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted (3-1) by roll call vote to approve the motion and Mr. Bruguere voting No. The following resolution was adopted:

**RESOLUTION-R2012-71  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF CHARLOTTESVILLE AREA CIT PROGRAM-CUSTODY  
EXCHANGE  
MEMORANDUM OF AGREEMENT AND LOCAL FUNDING REQUEST**

**WHEREAS**, the Nelson County Board of Supervisors agrees that it is to the mutual benefit of Nelson County and participating localities to cooperate in the enhanced handling of mental health consumers held under emergency custody order (ECO) subject(s)) as set forth in Section 37.2-808 of the Code of Virginia, 1950 as amended;

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**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors that the Nelson County Sheriff is hereby authorized to execute the Charlottesville Area CIT Program-Custody Exchange Memorandum of Agreement (MOA) on behalf of Nelson County; and

**BE IT FURTHER RESOLVED**, that the funding request of \$1,750.00 is hereby approved to cover the anticipated fiscal year 2013 costs of the County's participation in the Charlottesville Area CIT Custody Exchange Program.

Mr. Bruguire reiterated that he agreed with the local deputies not having to stay extended hours with these prisoners but thought that the State should pay for it.

#### E. Courthouse Signage

Mr. Carter noted that staff and Ms. Brennan met with two principals of Acorn Sign Graphics on September 18<sup>th</sup> and discussed how to reduce the scope and costs of the project and then toured the complex. He reiterated that they provided insight on how to reduce the scope etc. He noted that their concern was turning this all around for the County and then it being rebid. He then noted that the Board's consensus was to discuss this at the meeting and that staff had included in the packets an email transmission from Rob Morse Ellington that summarized the meeting and included a profile of the company and its similar projects. He added that were Ms. Brennan there, she would comment favorably on proceeding with the company. He then noted that it could be a ten week turnkey schedule.

Mr. Hale stated that there was consensus to go ahead but that he thought it appropriate to discuss it in the meeting. He noted that while he could not attend the meeting with them, he did discuss it with Ms. Brennan and Mr. Carter and it was his strong view to move forward with Acorn. He added that they were the low bidder and have indicated that they could work to reduce the scope and bring the budget closer to anticipated costs. He reiterated his position that the County should move forward with them.

Mr. Harvey and Mr. Hale both agreed that they hated not using the local company; however they agreed that Acorn had extensive municipal experience, had the staff, and were the low bidder.

Mr. Saunders suggested that staff should check their references to get a level of satisfaction with their work. He added that he had wanted to discuss this further before proceeding because he was concerned with giving them free reign; however after reading their memo on how they would proceed, he had decided he was amenable to go forward. He then noted his concern that they may be cutting back the number of signs but that the cost may be higher.

Mr. Carter reiterated that they had stated that they could get it back into the \$30,000-\$50,000 range. He noted that they had said that they were surprised at the number of

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signs specified in the bid package and Mr. Saunders noted that this was bid per sign so they could take some out per the local company.

Members acknowledged that they may not save on all the signs because it may cost more to come from Richmond to install less signs.

Mr. Carter noted that in the meeting with them, they noted that typically their engagement was through a General Contractor, whereas in the County's instance it wasn't included in the overall contract with Blair.

Mr. Hale and Mr. Harvey agreed that they would like to move on this quickly and unless a red flag came up in checking references, staff should instruct Acorn to move forward with the value engineering to reduce the scope and costs.

Mr. Hale then moved that unless a red flag came up in checking their references, staff should move forward with having Acorn do the value engineering to reduce the scope and cost of the project. Mr. Bruguere then seconded the motion.

Mr. Harvey suggested that they add in to let the Courthouse Committee work on it and it should not have to come back to the full Board – let staff and the Committee do it. Mr. Bruguere suggested adding that they were the low bidder and were willing to reduce the scope.

Members then agreed a new motion was necessary and Mr. Hale withdrew his original motion.

Mr. Hale then moved that staff and the Courthouse Committee proceed with Acorn Sign Graphics to do value engineering to revise the project scope and move forward as quickly as possible.

Mr. Bruguere seconded the motion.

Mr. Saunders questioned what happened if a company comes in low and then the County goes back and works with them and they end up charging more. Members and staff noted that the cost of the rework would be \$900 if the County used them and \$1800 if the County did not. Mr. Harvey indicated that this was a different case because of having the unit pricing per sign. Mr. Saunders noted that he did not think it was apples to apples since they were redesigning the signs and Mr. Harvey noted that if the County got what they showed as examples of their work, he would be happy.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call to approve the motion

#### **F. Courthouse Committee Report - Jefferson Building**

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Mr. Carter noted that this item needed to be tabled because Mr. Price was preparing a proposal but has not submitted it yet. He added that Randy Vaughn had seen it and at this point some more discussion needed to take place and that Mr. Vaughn would talk to Mr. Price before it came forward.

Mr. Hale noted that he evaluated both the exterior and interior and Mr. Carter noted that Mr. Price thinks that they should do things differently inside and this was a consideration. He related that Mr. Price thought they should try to strip the paint off of the exterior and restore the brick to the extent necessary and if this did not work, he would use lime based paint that would enable the brick to breathe. He added that inside, he discussed plastering but they have discussed the possibility of revising the scope to do the exterior and then go back to the original plan on the interior. He reported that at present, the cost was approaching \$300,000 to do both the exterior and interior according to his plans.

Mr. Saunders noted that he supposed that lime paint was whitewash; mix in bag of lime with some paint. Mr. Hale agreed that more information was needed and that it depended on the approach used as to how much it would cost. Members briefly discussed basement sealers and Mr. Hale noted that this old type masonry needed to breath and should not be sealed up. Mr. Saunders noted that his house was older, built out of rock, and had been sealed and seemed fine. He acknowledged that brick did need to breathe though.

Mr. Harvey noted that it did not make sense to spend a lot of money on Architectural services if the total cost was too high. Mr. Carter noted that Randy Vaughn had related costs included in finishing it out and his fees were not based on the cost to do the work; but he would confirm this. Mr. Carter supposed that if they did not go with Mr. Price's proposal, then staff would proceed with the previous plans to finish it.

Mr. Saunders noted that there was a Wingina resident who had restored a lot of buildings in Lynchburg and that Mr. Carter should maybe talk to him as well.

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

##### *Introduced: Courthouse Concrete and Retaining Wall Status*

Mr. Bruguere inquired as to the status of Blair's correction of the concrete defects and Mr. Carter reported that the County had engaged Froehling and Roberts to evaluate what was done as compared to the specifications and that report had been forwarded to Blair earlier in the day. He added that the report on the retaining walls showed that two needed to be reworked and would entail a lot of additional rework.

Mr. Saunders noted that a couple of the walls were not built as tall as they were specified and he thought that if they did not have to be raised, he suggested that the County could get a credit and use it to paint the hand railings. He suggested that epoxy paint be used rather than latex paint. He added that the walls did not need to be that high but it was what was paid for. He noted that they were also shorter in length than specified and

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supposed that perhaps the grades changed and they were done that way; however Wiley Wilson should have noticed it and asked for a credit.

Mr. Carter advised that the report said that the changes were not detrimental for the most part, and that Blair would not like the reports very much. He added that the County was holding all of the retainage of approximately \$300,000.

Members and staff then discussed that the cracks in the concrete occurred because there were no expansion joints every so many feet. It was also discussed that steel wall ties were used and these were not supposed to have been used because they will cause rust streaks. Mr. Carter confirmed that things were defective and it had been confirmed with a neutral third party. Mr. Saunders also noted that the interior walls would be a problem to fix, that this was more of a cosmetic problem but was also not done to specifications.

*Introduced: Law Office Retaining Wall*

Mr. Harvey inquired as to the progress on the retaining wall behind the old Whitehead law office and Mr. Carter reported that it was in process and they have dug down on the outside and were putting in new footers underneath. He iterated that they were leaving the old wall there and were putting up the new wall on the outside with all of the support to resist outward pressure of the old wall.

Mr. Saunders advised that their bid was a third of the cost of the next low bidder and that staff should keep a check on it. He noted that the concrete walls would be poured and would be tied back in based on the footers. He noted that they had to have a wider footer in order to cantilever the walls and that the existing block wall was not part of the new wall.

Mr. Carter noted that the Contractor had the proper VDOT permits to work in the Right of Way and they had the required traffic control measures in place.

*Introduced: Blue Ridge Tunnel Grant Application*

Mr. Carter noted that staff was always looking for grant opportunities for funding the construction of the Blue Ridge Tunnel and that Tim Padalino had identified the Federal Transit In Parks (TIP) grant program as an opportunity for the County to seek funding. He noted that the Department of Transportation had a balance of funds for this program and were now trying to expend these funds. He added that it was an opportunity to apply, that the project fit the eligibility categories and an application was in process. He advised that the maximum grant was \$2 Million dollars and no local match was required. He added that the County had gotten an endorsement from Congressman Hurt and staff was hopeful to get others. Most importantly, he noted that National Park Superintendents had sent letters of sponsorship.

Mr. Carter then referred to the resolution prepared for the Board to endorse the County's application. Mr. Hale added that receiving funding was a long shot but that the County



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was encouraged to apply. He noted that one of the challenges was demonstrating how the project would reduce auto use.

Mr. Hale then moved to approve Resolution **R2012-72**, FY2012 Paul S. Sarbanes Transit in Parks Program Application Endorsement for Blue Ridge Tunnel Project and Mr. Saunders seconded the motion. 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 R2012-72**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**FY2012 PAUL S. SARBANES “TRANSIT IN PARKS” PROGRAM**  
**APPLICATION ENDORSEMENT FOR BLUE RIDGE TUNNEL PROJECT**

**WHEREAS**, Nelson County continues to lead the ten-year-long, ongoing regional effort to advance this Blue Ridge Tunnel restoration project from a “shovel ready” plan to a fully built success story, and,

**WHEREAS**, Nelson County staff are developing a proposal in response to the Transit In Parks program announcement in the Federal Register from August 28<sup>th</sup>, 2012, and,

**WHEREAS**, Nelson County has been recognized as an eligible applicant for the Transit In Parks program through the partnership of two units of the National Park Service, Shenandoah National Park and the Blue Ridge Parkway, per receipt of formal Letters of Support from each of the park units’ Superintendents, and,

**WHEREAS**, Nelson County recognizes that this is a very valuable project for Nelson County, for the Central Virginia region, and for the entire Commonwealth of Virginia, and,

**WHEREAS**, the County believe it's an important project for numerous community priorities, including:

- Increasing the local and regional community quality of life, adding to the area's public recreation amenities, and promoting active and healthy communities;
- Strengthening rural economic development and strengthening the local and regional recreation tourism, ecotourism, agritourism, and heritage tourism industries;
- Advancing community goals related to historic preservation and cultural landscape protection; and
- Implementing long-range alternative transportation planning goals.

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors endorses the submittal of a grant proposal seeking a funding award of

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approximately \$2,000,000, in accordance with the detailed project budget for Phases I, II, and III, and in accordance with the artificial cap of the Transit In Parks grant program.

*Introduced: Broadband Network Operator:*

Mr. Carter noted that he would like to discuss the procurement of the Broadband Network Operator. He advised that three (3) RFPs for Network Operator had been issued and twice, the proposals received were rejected. He stated that now the Authority had a proposal from Blue Ridge Internet Works (BIW) and that staff consensus was to negotiate an agreement with them. He added that they had proposed to do everything except for the physical connections. He then reported that alternatively, Lumos was interested in securing dark fiber for their exclusive use from the tower at Martin's Store back to Lovingston and in exchange for this, they would agree to provide Network Operator services at no cost. Mr. Carter noted that staff had a difficult time in equating the value of the fibers with the Network Operator services and wanted to work with BIW.

Mr. Carter then reported that the Broadband budget was General Fund supported by just over \$70,000 and that BIW Network Operator costs were \$6,300.00 per month. He added that staff has tried to negotiate it down but the price was found to be legitimate. He added that they had discussed entering into a 1 year contract and then reevaluating it. He related that staff was concerned that the budget at present had \$48,000.00 for Network Operator costs and that it would be close this year but there would likely be a deficit situation going forward. He added that he wanted to gauge whether or not the Board was comfortable with this or if the RFP should be reissued in order to get quotes from other firms wanting to trade these services for dark fiber. He added that Staff was not comfortable giving away dark fiber because it was more valuable than Network Operator services.

Mr. Carter then reported that it was likely that network operations would start in the next sixty (60) days and until the operations matured, revenues were questionable.

Mr. Bruguire noted that he would rather use BIW, who was located in Charlottesville because he thought they would be more accessible. Mr. Hale noted that he did not feel qualified to have an opinion, but that it would seem from a revenue standpoint, BIW could be paid by leasing the dark fiber to Lumos. Mr. Carter noted that was Staffs' idea as well. He then reiterated that the consideration for the Board was the vulnerability of revenue generation. Mr. Saunders indicated that whether or not it had been said, the Board realized that the Authority operations would likely have to be subsidized. It was then noted that the consensus of the Board was for staff to proceed in negotiating a contract for Network Operator services with BIW.

Mr. Carter thanked the Board for its guidance and noted that he would proceed with contract negotiations with BIW. Mr. Harvey reiterated the Board's desire to get the project done and the network up and running.

*Introduced: Courthouse Landscaping*

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Mr. Carter noted the recent problem of the landscapers coming to do the remaining plantings in the area of the Jefferson Building, which would be disturbed once work commenced on the building; so he had advised them to stop. In discussing this with Blair and the Contractor, they had noted that the plant material could not be returned to the nursery and that the County could either plant these elsewhere on the grounds or could take possession of it to overwinter and plant in the spring. Mr. Carter confirmed that if the plant material was stock piled, that the idea was that staff would do the planting in spring.

Members then inquired if the issue of topsoil had been discussed. Mr. Carter noted that it had and that he had spent two days walking the site and discussing things with Blair and he had pointed out that the whole back area needed to be reworked. Mr. Saunders added that the ruts in front were bad and Mr. Carter noted that he would check the punch list to be sure this was on it.

Members then discussed where the plants had been slated to go between the Jefferson Building and the old jail with Mr. Harvey noting that the drawn walkway would have gone over top of an old manhole.

Mr. Carter reiterated that the Contractor had already bought the plants and that the nursery would not take them back. Members briefly discussed seeing if the Horticulture Department at NCHS would keep them and then they could have students come back and plant them in the spring as a class project. It was noted that to overwinter them, they just needed protection from the wind, needed to be watered, and that it would be less cumbersome for everyone if the material remained on site. Members then agreed that the better course of action would be to keep the plant material on the grounds somewhere out of the wind and then see if the NCHS Horticulture class would come over and plant them in the spring.

## **V. Adjournment**

At 8:10 pm, Mr. Hale moved to adjourn and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.