

January 8, 2013

Virginia:

AT A REGULAR 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: Constance Brennan, Central District Supervisor
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
Tim Padalino, Director of Planning and Zoning
Jackie Britt, General Registrar

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 2:05 pm, with all Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Ms. Brennan led the Pledge of Allegiance

II. Reorganization of the Board

Mr. Carter noted that state law required an annual reorganization of the Board and he would assist them to elect a new Chair and Vice Chair.

- A. Election of Chair

Mr. Carter then opened the floor to take nominations for Chair and Mr. Harvey nominated Mr. Bruguiera. Ms. Brennan seconded the nomination and there being no other nominees, Mr. Carter closed the nominations and called for the vote. Supervisors voted unanimously (5-0) by roll call vote to approve the election of Mr. Bruguiera as Chair for 2013.

- B. Election and Appointment of Vice-Chair

Mr. Carter then opened the floor to take nominations for Vice Chair and Mr. Harvey nominated Ms. Brennan. Mr. Hale seconded the nomination and there being no other nominees, Mr. Carter closed the nominations and called for the vote. Supervisors voted unanimously (5-0) by roll call vote to approve the election of Ms. Brennan as Vice Chair for 2013.

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C. Resolution- **R2013-01** Annual Meeting of the Board

Members discussed the need for the second meeting of the month and ultimately decided to keep it scheduled; noting that it could be cancelled when the Board had no business to consider.

Mr. Hale then moved to approve Resolution **R2013-01** Annual Meeting which established the Board's meeting dates during Calendar Year 2013 in the Board Room located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. and on the fourth Thursday of each month beginning at 7:00 p.m., except for the months of November and December.

Ms. Brennan seconded the motion and Mr. Hale noted that the resolution also listed some Board appointments, which he then read aloud.

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-R2013-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING
JANUARY 8, 2013

WHEREAS, pursuant to the applicable provisions of Title 15.2 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board's first meeting in January of each year; and,

WHEREAS, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2013 in the Board Room located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. and on the fourth Thursday of each month beginning at 7:00 p.m., except for the months of November and December. Should the regular meetings fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or

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Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert's Rules of Order Newly Revised In Brief, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

Board of Supervisors appointments for Calendar Year 2013 shall be as follows:

Nelson County Planning Commission:	Constance Brennan
Thomas Jefferson Planning District Commission:	Allen M. Hale
Thomas Jefferson Planning District Commission:	Tim Padalino
Director of Emergency Services:	Thomas D. Harvey
Emergency Services Coordinator:	Jaime D. Miller
Piedmont Workforce Network Council:	Larry D. Saunders
Clerk to the Nelson County Board of Supervisors:	Stephen A. Carter
Deputy Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Zoning Administrator:	Tim Padalino
Hazardous Materials Coordinator:	Jaime D. Miller
Thomas Jefferson EMS Council:	Jaime D. Miller
Nelson County EMS Council:	Thomas H. Bruguere, Jr.
Jefferson Area Disability Services Board:	Joe Bolling
Thomas Jefferson Community Criminal Justice Board:	Constance Brennan
Nelson County Social Services Board:	Constance Brennan

III. Consent Agenda

Mr. Carter noted that staff had submitted a revised Budget Amendment incorporating \$15,000 to go to Shrader and Associates to replenish the escrow account. He noted that the previous funds were exhausted and that there were 200 more delinquent accounts just turned over to them. Mr. Carter noted that over time, they used up these funds and the County had benefitted more than the tax sales cost. He added that these funds were typically reimbursed through their collections.

Mr. Saunders then moved to approve the Consent Agenda and Mr. Harvey seconded the motion.

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Ms. Brennan then asked for further clarification on the revised budget amendment for Shrader and Associates, and Mr. Carter noted that the original amount provided for this was \$25,000 and another time they had added \$15,000. He added that sometimes the sales did not go through and they had incurred related expenses that the escrow fund pays for. He noted that the County is paid back one hundred fold from the sales that did go through and the current amount in escrow was down to zero or almost gone. Mr. Carter then noted that the previous Treasurer had the practice of giving them 10-15 cases at a time and the current one turns over the whole file at the beginning of the year.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2013-02** FY12-13 Budget Amendment

**RESOLUTION R2013-02
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
January 8, 2013**

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>
\$ 175.00	3-100-009999-0001	4-100-022010-7002

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 15,000.00	4-100-999000-9905	4-100-011010-3151
\$ 6,415.00	4-100-999000-9901	4-100-081020-3012
\$ 1,000.00	4-100-999000-9905	4-100-091030-5647
<u>\$ 22,415.00</u>		

B. Resolution – **R2013-03** COR Refunds

**RESOLUTION R2013-03
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.

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<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 152.01	PP Taxes & Vehicle License Fees	Nina Anne Martin 2515 Rockfish Valley Hwy Nellysford, VA 22958

C. Resolution – **R2013-04** Endorsement of TAP Grant Application – Blue Ridge Tunnel Project

**RESOLUTION R2013-04
NELSON COUNTY BOARD OF SUPERVISORS
VIRGINIA DEPARTMENT OF TRANSPORTATION
FY13-14 TRANSPORTATION ALTERNATIVES PROGRAM
APPLICATION ENDORSEMENT AND SPONSORSHIP
FOR BLUE RIDGE TUNNEL PROJECT**

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

WHEREAS, being an existing project sponsor of a Transportation Enhancement Project, Nelson County is eligible to apply for Transportation Alternatives Program grant funds under the newly enacted MAP-21 Federal Transportation Bill (the former Transportation Enhancement Grant program), and

WHEREAS, Nelson County staff are developing a proposal in response to the Transportation Alternatives Program grant opportunity announcement by the Virginia Department of Transportation, 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 believes 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 hereby endorses the submittal of a Transportation Alternatives Program grant

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application seeking a maximum funding award of approximately \$750,000 for Phase I construction of the Blue Ridge Tunnel Project and additionally resolves to continue its sponsorship of the proposed project.

IV. Public Comments and Presentations

A. Public Comments

1. William Gunter, Gladstone VA

Mr. Gunter inquired as to the progress on dogs running at large that had been made and inquired as to how much of an issue it was in the County. Mr. Harvey responded that it was a continuous issue.

Mr. Gunter then distributed photos of an alpine dairy goat that had been attacked by pit bull cross dogs. He noted that the owner of the dogs had been identified; however has denied accusations of the attack. He noted that Animal Control had been in on the investigation and he was not satisfied with their work. Mr. Gunter then noted that he had enough evidence to go to court the following week but wanted to know what the County could do to prevent this from happening.

Mr. Bruguere noted that there was not anything pertaining to this issue within the present Ordinance.

Mr. Gunter noted that he has his area fenced in and his animal did not leave his property. He added that he felt that it was his responsibility to fence his animals in and that this was not the first incidence of attack. He stated that he felt that the County needed to adopt a law to prevent this; confining animals to owners' property and that the law was not as accurate as it should be.

Mr. Bruguere acknowledged that there was a problem and noted that the Ordinance mirrored the state code.

Mr. Carter then reported that the Animal Control Department has followed up and were working with the Gunters on the matter. He noted that they have positively identified the dog in question and staff has filed charges. Mr. Bruguere then added that a person's best recourse was in court. Mr. Carter further reported that the party who the charges were filed against has kennel licenses and the code does not allow kenneled animals to run at large and Ms. Brooks was monitoring this.

Mr. Harvey then advised that if something was attacking livestock on your property then it could be shot.

2. Georgianne Booth

Ms. Booth, noted that she has had pit bulls surrounding her goats and that the Board has gotten a lot of complaints since four (4) years ago. She noted that Albemarle has a county

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wide running at large law and dogs have to be under the owner's control and if they were not, it would be a Class IV Misdemeanor and each offense has a fine. She added that Albemarle has gone above state law and that Nelson bordering them should have the same law.

She then distributed pictures from 12-17-13 showing dogs surrounding her truck and stated that she could not move until the owner got the dogs to move.

Mr. Bruguire asked her to leave the Albemarle code section with them to look at and Ms. Booth concluded by noting that she would like to be able to participate in the agritourism that the County was promoting but she could not have people with kids come there with these dogs on the loose.

3. Glenda Cahoon, Tye River Rd and VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President that demanded that the Board withdraw the decision to place a walk through metal detector at the courthouse entrance and provide that these only be used at the courtroom entrances when the courts were in session.

B. Presentation – Piedmont Virginia Community College (F. Friedman, President)

Dr. Frank Friedman introduced Mr. Russell Otis, the County's PVCC Board member in attendance and noted the exceptional job he has done representing the County's interests.

Dr. Friedman then gave the Board an update on the College's status. He noted that enrollment has been skyrocketing, there were 5,700 students this past fall - up from 4,100 six (6) years ago; however it should be leveling off now. He noted that this was because enrollment was inversely proportionate to the state of the economy. He noted that there were just fewer than 200 students from Nelson County up 13% in the last five years. He added that over an entire year, there were 300 students from Nelson, which was about 4% of total enrollment. Additionally, he noted that PVCC got 20% of Nelson County's graduates; which was 22 students last year. He noted that 43 Nelson County High School students took dual enrollment classes and another 43 were taking internet courses.

Dr. Friedman then reported on new developments. He noted that PVCC had opened up two (2) off campus sites: a Greene County site with 150 students there; with 14 classes there in the fall and 27 classes scheduled for spring. Secondly, he noted that they had opened up at the Jefferson School with 14 general studies classes held there. He added that the Culinary Arts program would be offered there in the fall with an AS degree being earned upon completion. He added that they were also offering childcare there through the YMCA even at night at a cost of \$5 per hour. He concluded by noting that both these sites opened through private fund raising and they have not had to use any state funding; Greene donated \$1Million for their site and a Charlottesville foundation donated \$1 Million for the Jefferson School site.

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Dr. Friedman then reported on upcoming initiatives noting that the College wanted to build a new student center next, and he noted that the library was about 2/3 the size it should be. He reiterated that they had no student study space right now, that the student center was the number one building priority and they were likely looking at an 8-10 year project.

He then noted that they were working with Dr. Collins to expand the opportunity to take PVCC courses in the High School. He noted Dr. Collin's goal to have students be able to earn an AS degree when they graduate from High School and this was called the early college program. He added that they were trying to work the logistics of this out and he was meeting the following week with area school Superintendents.

Dr. Friedman then took comments and questions from the Board as follows:

Ms. Brennan thanked him for his work and noted her son was a student in the Security Analyst program now. Dr. Friedman elaborated on this program and noted that they were preparing locals for intelligence jobs stemming from defense contract companies. He added that it was a ten (10) week boot camp and upon completion, the student would get top secret clearance as part of the program. He noted that 20 out of the 27 who got clearance already had jobs as analysts in different areas and these were good paying jobs.

Mr. Hale then inquired where the new building would go and Dr. Friedman noted it would be just up from the new science building before you pass it and would be in the center of the campus. He added that they have put together basic ideas with an architect but would have to wait their turn with the state.

Mr. Saunders thanked Dr. Friedman for the great job they were doing at PVCC.

Mr. Bruguire then inquired as to whether or not the dual enrollment program would have to be expanded or not for the early college program to work and Dr. Friedman noted that they were trying to work this out. He added that every locality was different and had different needs and they were piecing it together for each locality. He noted that that it was a challenge to work this out practically for Nelson County, but they were working on it. He then reiterated that the program was geared toward really capable students; who would be able to start college as juniors. He noted that this program would save time and money and those completing it would be attractive students for admission. In response to questions, Dr. Friedman added that they were working out the guaranteed admissions aspect of this program. Mr. Bruguire then asked if he foresaw maturity problems with these students and Dr. Friedman agreed it would be a big step for them and the ones coming in would have to be strong academically. He added that certainly the worry was that socially and maturity wise would they be able to handle it.

C. VDOT Report

Mr. Don Austin of VDOT was present to report and reported the following:

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Mr. Austin noted that he had the traffic study request results and would email the reports to Mr. Carter for distribution to the Board; however he noted the following:

1. The new flashing yellow signal light in Lovington was up and running and its use has become more the norm across the state. He noted that along with that study, they looked at the intersection of Route 29 and Main Street and were looking at signage there.
2. The Rt. 56 section studied did not meet the speed reduction criteria and would not be reduced.
3. Route 639, no speed reduction was recommended at that location but they would change the side road warning signs and horizontal alignment there. He added it would be advisory and not an official reduction.

Mr. Hale then questioned how it could now not meet the criteria when it had been 45 mph before. Mr. Austin supposed that Route 639 had a 45 mph sign that could have been mistakenly put up and then taken down once this was discovered; he was not sure.

4. Route 151 does not meet the criteria to extend the speed reduction there.
5. Route 6 does not meet the criteria to reduce the speed to 45 mph; however they will change the intersection signs there at Adial Road and a flashing light sign will still go up at Route 634.
6. Route 151 from Afton Rd to Route 250 will remain posted at 55mph; however they will put watch for turning vehicle signs at several locations along that area specifically at Rt. 637. He added that a citizen, Gabriella Lee, had made this request.

Mr. Austin then noted that the lack of speed reductions was related to the 85 percentile rule/standard.

Mr. Austin then noted that at the last meeting, they had discussed moving Route 639 funding to Tan Yard Rd; however this road was not eligible for Federal Funds use. He added that Route 680 was a rural road and was not federally classified; therefore funding for that project would have to come from another source.

Mr. Austin then noted that VDOT was compiling a list of high accident locations, and was looking at what could be done and whether or not they fit the funding source. He added that the Highway Safety Improvement Program was being reinstated. He noted that they were meeting the following week on this and would find a location at which to use these funds.

Mr. Austin then noted that on the Route 680 request, he could talk to Randy Hamilton, however there was not much funding out there. Mr. Brugiére suggested that it could be a maintenance issue; however Mr. Austin noted that when a road was expanded, it became

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construction. He added that they could do some edge work and would gain some width by doing that. Mr. Bruguere suggested trench widening, but Mr. Austin advised that there were no funds for this.

Mr. Austin then commented that the bridge at Rucker's Run would be fixed.

Mr. Saunders then thanked Mr. Austin for the repair work that was done on Arrington Road; noting that they had done a good job.

Mr. Hale then gave Mr. Austin some information on the concrete wayside building and Mr. Austin noted he would look into whether or not they could do the site preparation.

Ms. Brennan inquired as to whether or not VDOT was removing signs that were no longer needed, such as old school signs and Mr. Austin noted that they wait to be notified by the schools regarding these but he would speak to David Johnson on this.

Mr. Bruguere noted that on Route 151 at St. James Church Road there was a culvert that was collapsing there and appeared to be sunken across the road. Mr. Austin noted he would take a look at this. Mr. Bruguere then noted that at the Junction, water collected there on the right of way and ditch line. He added that it then freezes over and has caused problems.

Ms. Glenda Cahoon, a citizen in attendance noted that the Ski Resort sign was located at the driveway to the Devil's Backbone Brewing Company and it needed to be moved up a little as it was causing confusion for visitors. Mr. Harvey noted that there may be a distance requirement for the sign. Ms. Cahoon clarified that it was a green sign that said Ski Area and had an arrow. Mr. Austin indicated he would check on this.

V. New Business/ Unfinished Business

There was no new or unfinished business considered by the Board.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter gave the following report:

A. Courthouse/Government Center Project (All Related):

1) Courthouse Addition – Blair Construction is in process with completing the project's punch list. An end of January 2013 completion date is anticipated.

Mr. Carter added that Blair had retained one of their preferred contractors who began work on this yesterday and he would check with Blair to see if they would be done by the end of the month. Mr. Saunders noted that they were replacing everything on the right

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hand side of the sally port and the main entrance curbing would be all new. He added that after removal of the current concrete F&R would look at it before the new concrete was poured. Mr. Carter further noted that he had called in F&R to look at this and they had developed a punch list of work to be done. Wiley Wilson then concluded more extensive rework was required. He added that Mr. Saunders had worked on this as well and that they have asked Blair to go by W&W's review. Mr. Carter then noted that they were still working on the issue with the lights.

Mr. Saunders added that they have done a good job of breaking up the pavement to remove it and that it had been emphasized that the County did not want repaired sidewalks. He noted that Blair met with Ken Beecraft yesterday and it now seemed like they wanted to get it done right and move on. Mr. Carter noted that all of the retainage was being held and it was over \$400,000.

2) Courthouse Display: In process with final completion to be carried into 2013.

Mr. Hale suggested that it would be a good idea for the Board to review all of the text of the panels before going into production. Staff suggested that the design firm present their work to the Board at the next meeting.

3) Courthouse Signage: Installation to begin on 8-9 and require two days.

4) Courthouse Retaining Wall (Law Office): Complete other than two minor grading reworks.

Mr. Carter noted that retainage was being held while the minor grading issues were worked out with Owens. He reported that the final cost was \$34-\$39 thousand and one change order to color the concrete was done for \$1,800 more.

5) Jefferson Building: Lynchburg Restoration to begin work 1-15 and complete initial interior rework by 2-15.

6) Magistrate's Building: Proposals are being solicited to complete window and door installations. Thereafter, Price Masonry Contractors Inc. to complete interior re-plastering.

Mr. Hale noted that the door replacement should have glass panes so that one could see in; so as to replicate the current door as much as possible.

B. Broadband Project: Current project priorities include completing Massies Mille Tower, deployment of services over the fiber backbone, contracting with a WISP for wireless service deployment and rate structure analysis.

Mr. Carter added that BRI was trying to get pricing established so they could move ahead with offering services. He noted that they have applied to Verizon so that they can provide services over their copper lines as well as looking at how to make fiber more affordable. He added that staff would be looking at rates and will be more attentive to this

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over the next couple of weeks; noting that staff had gotten Rockbridge County's rates and these were being compared. He then noted that staff was trying to get a wireless provider on the towers and would meet again with SCS and it was looking like it was possible for it to work for both parties.

Additionally, Mr. Carter noted that he had spoken with the Franklin County IT Director, but what they did was much different from what the County is doing. He noted that they were letting a wireless company from Roanoke use county owned towers, tanks etc. in order to get free services; which was not similar to the County's network. He noted that he would contact the CIT lady about coming to speak to the Board along with the Broadband grant specialist from RUS and possibly have a roundtable workshop including SCS. He added that Nelson Cable had requested and gotten a Service Provider agreement, but there had not been any interaction on this yet.

C. 2012 Radio Project (Narrow banding): The project's Contract Design Review (CDR) is complete (equipment list, project design, etc.). Project comment is pending from the National Radio Astronomy Observatory ('quiet zone'). Overall project completion is projected to be August-September 2013. The FCC has granted the County a narrow banding compliance waiver until 11-30-13. Project completion continues to be projected at September 2013.

D. Lovington Health Care Center: Howard & Assoc.'s final report has been received and conference call conducted with consultant, JABA and County staff. JABA is continuing feasibility analysis.

Mr. Carter added that JABA was studying this further and that he may have them come and report to the Board. He added that the numbers working was questionable but that JABA was taking a hard look at it but were cautiously optimistic. He added that the building may have to be expanded to make it work. He noted that the nursing home option was not being looked at because it would require a COPN and the region would have to be designated more beds by the VDH.

E. 2014 General Reassessment: In process.

F. Stormwater Program (Local): The project is in process.

G. Blue Ridge Medical Center: VDH's relocation to BRMC completed 12-12.

H. Trail Projects: BRRT in design phase. BRT – funding application to VDOT by 2-13, kick off meeting for NPS Rivers, Trails and Conservation Assistance grant scheduled for 1-17 at 10:30 a.m. (BD RM), funding application to FHA for Paul S. Sarbanes Transit in Parks grant funding pending final decision.

Mr. Carter noted that the VDOT grant maximum for the Tunnel application was \$750,000 and that he was emailing surrounding localities with a draft resolution and

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asking if they would be a sponsoring locality. He reported that two have noted they would support the application with resolutions.

I. Route 151 Corridor Study: Kick off meeting with VDOT (R. Youngblood) and HNTB Corp. (project consultant) scheduled for 1 p.m. on 1-10 in new General District Courtroom.

Mr. Carter reported that Tim Padalino had been out with the flu and he had just gotten the information. He noted that they were looking at Route 664 to Route 250, were looking at eight intersections, and updating the older study that was done. It was noted that it would be more than just an update. Mr. Harvey noted that there were two intersections on the list that had already been corrected and the most dangerous one, Spruce Creek Lane was not on the list.

J. FY 13-14 Budget: Draft budget being developed. Budget discussion conducted with School Division staff on 1-7 and is ongoing. Presentation of draft budget projected for late February 2013.

Mr. Carter noted that the two staffs agreed to meet again on budgets etc. He reported that the Schools were moving forward with Honeywell to do a school-wide assessment and if the study came back, the savings that would result from upgrades would pay for the improvements over time. He added that they had Honeywell systems and were operating it already. He advised that the downside was that if the savings from the study did not pay for the suggested improvements and they did not elect to go ahead with the project, then there would be an expense of about \$26,000. He noted conversely if they went ahead with implementation, the costs of the study would be wrapped into the project. Mr. Carter then noted that he had advised Dr. Collins that if they did not implement the plan, then he would ask the Board to pay for the study and there were no objections.

Mr. Harvey then asked about the field lights and bleacher projects and Mr. Carter reported that these were in the School's first priorities for CIP and that these could be moved forward if the Board wished. Members noted that the visitor side bleachers were in bad shape.

Mr. Carter noted that he could bring back the full CIP list at the next meeting for them to look at.

Mr. Harvey then suggested that they could remove the old bleachers for no cost and thought that would work.

Mr. Carter then noted that the County's budgeted contingency was over a million dollars and there was enough funding to do small things quickly. Mr. Bruguere noted that they needed to look at the lighting projects ASAP for spring and it was agreed that staff would bring back the CIP list for review.

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K. Emergency Services: School Division and County staffs (Collins, Miller and Carter) met on 1-4 with Disaster Dynamics (Nelson County based consulting firm) to discuss security assessment of public school facilities. A table top exercise is planned as an initial first step.

Mr. Carter added that he was waiting for Disaster Dynamics to respond about holding table top exercises. He noted that Schools were out Thursday, Friday, and Monday and that the Schools had asked the Paulsens to consider doing the tabletop on Thursday. He added that Dr. Collins wanted to immediately install loud speakers at the elementary schools' playgrounds.

Mr. Bruguire asked if they could look at what to do in cases of bomb threats and Mr. Harvey suggested that the kids needed to be moved off site. He added that the schools have been offered churches and other schools as locations for evacuation. Mr. Harvey noted that the police needed to catch these people so it would be a deterrent to others. Mr. Hale noted that mental health also needed to be monitored and he was not sure the County should spend a lot of money on something that could be unpreventable.

Mr. Carter then noted that they did not get into an in depth discussion of what the tabletop exercises would involve but the Paulsens discussed it as being the first step in the process. Mr. Bruguire and Ms. Brennan indicated that they would both like to sit in on this.

Mr. Bruguire added that he agreed in theory but that security improvements have been a long time coming and that some of this should have been done when the schools were built. Mr. Saunders added that they could not live with themselves if this were put aside; the kids were the most important asset in the county and the study needed to be done.

Mr. Carter concluded by noting that he could send the Paulsen's resumes to the Board and he noted that they had extensive experience.

L. Personnel: Promotion – Mr. Tim Padalino to position of Director of Department of Planning and Zoning (1-1-13). New Employees – Kevin Wright as Pt. Time Animal Control Officer (1-7-13) and Jeff Ponton as Pt. Time Shelter Attendant (12-22-12).

Mr. Carter confirmed that the Animal Control staff consisted of 4: 1 Supervisor, 2 Part Time Animal Control Officers (ACOs) and 1 Part Time Shelter Attendant.

Mr. Hale noted that more enforcement of licensing was needed by the ACOs in dealing with these wandering dogs. Mr. Carter noted that he had emphasized this with ACO Supervisor Brooks and that they were doing this. He added that if a person had a kennel license, then the dogs could not run at large.

2. Board Reports

Mr. Harvey, Mr. Bruguire and Mr. Saunders had no reports.

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Ms. Brennan noted that the entire DSS Board was going to do an orientation.

Mr. Hale reported that the Service Authority had their audit done and had gotten high marks. He added that they were in great financial shape and that was good news. Mr. Hale then reported that the source water capacity problem was now history as they were at 50% and not under the threat of having to build additional capacity at this time. He added that the Wintergreen leaks had been fixed by replacement of the line from the treatment plant to devils knob. He noted that improper or antiquated installations were culprits as well and he noted that there were 7 leaks within a quarter mile of pipe in 7 months. Mr. Hale then added that the new line was superior pipe also.

Mr. Hale then reported that the TJPDC was having its next meeting on 2/7/13 and included dinner at 5:30 pm and the meeting at 7pm at the Jefferson school. It was then noted that David Blount had sent out an email about how the General Assembly was shifting the state's financial burden onto localities and they were doing a \$500,000 study to analyze this, including a fiscal impact review to be done. Mr. Bruguiere added that there was a push to get Aid to Localities back.

Mr. Hale then noted that the TJPDC had a distinguished professor, Richard Wilson, who came down and looked at the Jefferson Building and said that the County was doing the right thing by removing the plaster on the inside.

B. Appointments

Ms. McGarry noted that Mr. Pete Perdue had submitted his resignation from the MACAA Board as of the end of February and that an appointment would need to be made to complete the remainder of his term and it was noted that there was approximately 2-3 years remaining. Ms. McGarry then noted that the following vacancies remained unfilled with no applications having been received:

Ag Forestal District Advisory Committee, Economic Development Authority, Keep Nelson Beautiful, JABA Board of Directors, JABA Council on Aging, and the Nelson County Library Advisory Committee – West District.

Ms. Brennan indicated she was working on three of these openings right now, the JABA Board and Council on Aging and the Ag Forestal District Advisory Committee.

Ms. McGarry then noted that the list of all appointments to be made for 2013 had been distributed to the Board and this was discussed briefly. It was noted that there were no seats on the Planning Commission expiring this year; Mr. Hale noted he believed this to be accurate, and Ms. McGarry noted that she would confirm this to be the case.

C. Correspondence

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Mr. Carter noted that a letter was received from Eddie Embrey related to next year's EMS Council budget. He noted that he was requesting an additional \$2,000 per agency to be used for volunteer incentives. He added that his thought was the Board should consider this during their budget considerations and the Board agreed; thus no action was taken.

D. Directives

Mr. Saunders had no directives.

Mr. Harvey stated that he thought it was time for the County to purchase ambulances and that Rockfish was reducing its fleet. He noted that Mercedes units were \$80,000 and have been very successfully used. He added he thought it could pay for itself and would mean that the squads did not have to keep as many ambulances on hand. Mr. Carter noted that staff has planned to present this to the Board during the budget considerations.

Ms. Brennan noted that she was working on the County flag and that VACo was asking for one now. She then inquired as to the progress on organizing the 2x2s with the School Board members and Wintergreen and Mr. Carter noted that Debbie Bowling was working on these. Ms. Brennan then noted her displeasure in seeing cigarette butts around the new entrance and she asked if the Board could make the courthouse a smoke free campus. Mr. Bruguiere agreed and suggested that some smokers took advantage of breaks. Ms. Brennan noted she wanted to bring it up for consideration and asked Mr. Carter to see what others were doing on this. She then noted that VACo meetings were coming up and they needed people on committees. She added that they only meet 2-3 times per year and one time was at the annual meeting. Ms. Brennan then noted that the NACO legislative conference would be in March and it was noted that some counties have pulled out of NACO; Pittsylvania being one.

Mr. Hale noted that Nelson had received a grade of D for budget transparency. Mr. Carter advised the Board that he had spoken to the reporter from the News and Advance and the study was done while the County was in the midst of switching websites and he then told him that if you go to the drop down menu and hit finance, the financials were right there. He added that seemingly the grading was done on how many clicks it took to get to the information. He advised that Staff discussed it and for Nelson right now it took 2 clicks. He then reiterated that the newspaper did the evaluation on the old website and the information was more difficult to find on it. He added that he did tell Ms. McCann and that they may create a new drop down link on the new website specifically for the budget.

Mr. Hale then noted that he had looked into the General District courtroom and that Judge Serkes was leaving, with Sam Eggleston now in office. He then questioned how the appointment of judges here was decided. Mr. Carter noted that he thought they were rotated here; however Nelson would be his main office. Mr. Harvey noted that he would rotate between here, Amherst, and Campbell. Mr. Hale then suggested the Board ought to have a meeting over there; however he noted that the problem was that the current Boardroom desks did not fit down the aisle. He added that he has drawn up a sketch of

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how to configure the space in order to try it out over there. He then noted that he thought that long term if it worked, then the current space could be converted into office space. He then suggested that five tables were needed for the Board members and then staff could use the two tables that were already there. He noted that he would look into the possibilities further with Mr. Carter.

Mr. Bruguere reiterated that he wanted to be included in the tabletop exercise with the Paulsens and Mr. Carter noted he would send out information when this was confirmed.

Mr. Bruguere then noted that he wanted to see how to correct the affidavit saying that the Board has violated their oaths of office. Mr. Hale noted that the Commonwealth Attorney and the Judge had reviewed this and had found no merit in it. Mr. Harvey then noted that anything you want could be recorded in the Clerk's Office.

Mr. Bruguere then inquired about the evening Public Hearing regarding moving the Shipman polling place and asked if the Board was under any pressure to vote on the amendment to the Ordinance for this or not. Staff then noted that the Board needed to be able to meet the 60 day threshold for Department of Justice approval and the polling place had to be moved at least 60 days before the next election.

VII. Recess and Reconvene for Evening Session

Prior to recessing, Mr. Carter noted that the Judges wanted to present a plaque to the Board in the entranceway at 6:30 pm that night. Mr. Hale noted that the plaque was an enormous piece of stone and that it would be a challenge to mount it anywhere. It was noted that it was identical to the one in the General District courtroom but much bigger.

At 4:30 pm, Mr. Harvey moved to adjourn and reconvene for the evening session 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. Bruguere called the meeting to order at 7:02 pm, with four Supervisors present to establish a quorum and Ms. Brennan being absent.

II. Public Comments

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

III. Public Hearings & Presentations

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A. Public Hearing - Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Chapter 2, Article I, Section 2-28 to change the Shipman Precinct polling place from American Legion Post #17 to the Carriage House at Oak Ridge. **(O2013-01)**

Mr. Bruguere noted the purpose for the public hearing was to receive comments on the proposed move of the Shipman polling place from the American Legion Post #17 to the Carriage House at Oak Ridge.

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

1. Joyce Spencer, Arrington

Ms. Spencer noted that she was a voter from the Shipman precinct, and she would like the Board to pass the proposed amendment to move the polling place to the Carriage House at Oak Ridge for safety purposes. She added that getting out onto Route 56 from the current place was really dangerous because of the traffic.

It was then noted that the Electoral Board was in favor of the move and there being no other persons wishing to be recognized, the public hearing was closed.

Ms. Britt then noted that she would work with Phil Payne to get the proper clearances done and added that the next primary was June 11th with absentee voting being done in April.

Mr. Saunders then moved to approve Ordinance **O2013-01**, a Proposed Ordinance to Amend the Code of Nelson County, Virginia, Chapter 2 Administration, Article I In General, Section 2-28 Precincts and Polling Places; moving the Shipman polling place from the American Legion Post in Shipman to the Carriage House at Oak Ridge.

Mr. Harvey seconded the motion and Mr. Hale then noted hearing one person speak in opposition to the move; however the principle concern was that it be made clear that a voting place was a non partisan place; however he noted this was already understood. It was then noted that prior to an election there would be no signs placed in that area and Mr. Saunders then referred the Board to an email that spoke to the placement of signage which was allowable two days prior to an election and that on election day they would be taken down. He added that the owners had requested that plastic be used on the floor to save the carpet. Mr. Saunders also reiterated that the bathrooms were handicap accessible and there was good accessibility to the highway and was a better situation overall. He assured the public it would be a non-partisan location and would be a great move.

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

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ORDINANCE O2013-01
NELSON COUNTY BOARD OF SUPERVISORS
A PROPOSED ORDINANCE TO AMEND THE CODE OF NELSON COUNTY,
VIRGINIA CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL),
SECTION 2-28 (PRECINCTS AND POLLING PLACES)

BE IT HEREBY ORDAINED, that Chapter 2, Administration, of the Code of Nelson County Virginia be hereby amended as follows:

Sec. 2-28. Precincts and Polling Places

South District:

Shipman Precinct

Polling Place: Carriage House at Oak Ridge, Shipman

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon adoption.

IV. Other Business

A. **Request for Exception to Section 4-5B (Fire Protection) of the Subdivision Ordinance -Elk Rock Orchard Subdivision Tax Map Parcels #2-A-1C, 3-A-82C, and3-A-82D.** Applicant proposes the dedicated use of an existing dry hydrant (pond) located very close to the subject property in lieu of an on-site dry hydrant.

Mr. Carter noted that Mr. Padalino was sick with the flu and that he had reviewed the department's report and information provided. He noted that the sub-dividers were requesting an exception to Section 7-1 to not install a dry hydrant and that the Ordinance says anything over 15 lots would have to have this. He added that the staff report says there is no naturally recurring water source to have a dry hydrant and that the applicant conferred with Mr. Harvey as the Rockfish Fire Chief on the use of a nearby pond.

Mr. Carter noted there was no objection to the exception; however he could not resolve as to whether or how to document or get input from the adjacent property owner as to the use of the pond for fire protection.

Mr. Harvey noted that the pond had been put in there by the Forestry Department, needed to be cleaned up a bit, and the owner has made arrangements for this.

Mr. Carter noted that he did not have that in writing but had no objections. He added that a public hearing was not required and it was just a consideration of the Board to decide on exceptions requested.

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Mr. Harvey added that the lot was open land with heavy forest on the other side. Mr. Bruguere confirmed that the dry hydrant pond was on adjacent property and Mr. Harvey noted it was ample in size for this purpose.

It was again noted that Phil Payne had been consulted and there was no public hearing legally required on the matter.

Mr. Saunders then moved that the Board accept the use of the dry hydrant on another location as presented and approve the exception to Section 4-5B (Fire Protection) of the Subdivision Ordinance for Elk Rock Orchard Subdivision Tax Map Parcels #2-A-1C, 3-A-82C, and 3-A-82D and Mr. Harvey seconded the motion.

Mr. Hale then confirmed that the Board was only acting on the single question of the dry hydrant exception and Mr. Harvey affirmed this and noted it was for fire protection for the subdivision. Mr. Bruguere then questioned the need for an agreement between the property owners and Mr. Harvey noted it was not necessary as the Fire Department had the right to access the pond by law for fire protection purposes.

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

Introduced: Afton Overlook

Mr. Harvey noted that he had gotten drawings that day from VDOT on the Afton Overlook and he noted that VDOT owned the whole hillside. He added that the 1961 plat says proposed. He noted that the Board would have to work through the Culpeper District, who maintains Route 250 and that Nelson Maintained Route 151. He added that there may be proceeds from logging that would pay for the work that needed to be done. Mr. Harvey then advised that he had someone who would volunteer to maintain it once it was cleaned up and that he had gotten a lot of calls about the project.

V. Adjournment

At 7:20 pm, Mr. Hale moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.