

August 12, 2014

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston Virginia.

Present: Constance Brennan, Central District Supervisor - Chair
Allen M. Hale, East District Supervisor
Thomas H. Bruguire, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Tim Padalino, Director of Planning and Zoning
Jean Payne, Commissioner of Revenue

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 2:03 PM, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Ms. Brennan asked if there were any changes or additions to the agenda and there being none, Ms. Brennan asked if there were any questions regarding the consent agenda items presented for consideration.

Mr. Bruguire asked for an explanation regarding the requested extension of the final plat filing deadline for Elk Rock Meadow Subdivision and Mr. Padalino reported the following:

Mr. Padalino noted that the subdivision property was on Howardsville Turnpike in Afton and was on approximately eighty (80) acres. He noted that the final plat was approved January 2014 and then thereafter the party had a six (6) month deadline to record the final plat. He noted that in order to record the final plat, they had to have a bond or surety in place and until this was obtained, the final plat could not be recorded. Mr. Padalino then noted that their office had received the extension request one (1) day before the deadline. He noted that there was no problem with the subdivision and the bond was the only hurdle.

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Mr. Bruguiera then moved to approve the consent agenda and Mr. Saunders seconded the motion. 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 – **R2014-52** Minutes for Approval

**RESOLUTION R2014-52
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(June 26, 2014 and July 8, 2014)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **June 26, 2014 and July 8, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2014-53** COR Refunds

**RESOLUTION R2014-53
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

RESOLVED, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$240.51	2012/2013 PP Tax & Vehicle License Fee	Raymond, M. Miller, Jr. 964 Horseshoe Rd. Arrington, VA 22922

C. Resolution – **R2014-54** Extension of Filing Deadline- Final Plat, Elk Meadows

**RESOLUTION R2014-54
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF EXTENSION OF THE FINAL PLAT FILING DEADLINE
ELK ROCK MEADOW SUBDIVISION**

WHEREAS, the Code of Nelson County, Virginia Appendix B, Subdivision Ordinance Article 5, Section 5-E requires that final subdivision plats be recorded in the Circuit Court Clerk's Office within six (6) months of final approval; and

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WHEREAS, the final plat for Elk Rock Meadow Subdivision was approved on January 22, 2014 and pursuant to the Subdivision Ordinance, Article 5, Section 5-E, the corresponding recordation deadline was July 22, 2014; and

WHEREAS, on July 21, 2014, Elk Mountain Land Company LLC requested a six (6) month extension of the filing deadline of the final subdivision plat for Elk Rock Meadow Subdivision in order to finalize the financing requirement for road construction; and

WHEREAS, the Nelson County Board of Supervisors has favorably considered the circumstances precipitating the request,

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that pursuant to Section 15.2- 2241.A.8 of the Code of Virginia, which provides that a longer period to file a final subdivision plat may be approved by the governing body, the request made by Elk Mountain Land Company LLC to extend the filing deadline of the final subdivision plat for Elk Rock Meadow Subdivision for six (6) months is hereby granted.

D. Resolution – **R2014-55** Local Board Concurrence with School Division Retirement Plan Contribution Rate Election

RESOLUTION R2014-55
NELSON COUNTY BOARD OF SUPERVISORS
LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION
ELECTING TO PAY THE VRS BOARD-CERTIFIED RATE
(IN ACCORDANCE WITH THE 2014 APPROPRIATION ACT ITEM 468(H))

BE IT RESOLVED, that Nelson County, employer code 55162, does hereby acknowledge that the Nelson County Public School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(1) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that Nelson County, employer code 55162, does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Nelson County Public School Division to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of Nelson County, employer code 55162, are hereby authorized and directed in the name of Nelson County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of Nelson County, as appropriate, shall be affixed and attested by the Clerk.

III. Public Comments and Presentations

A. Public Comments

1. Anne Buteau, Shipman

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Ms. Buteau spoke in opposition to the proposed Dominion pipeline noting the Appomattox pipeline explosion. She added that the pipeline should be a safe distance from houses, she noted that corrosion occurs and pipes become compromised. She added that there was a lot of potential for corrosion and this was an important safety issue.

Ms. Buteau then noted her displeasure with the new Family Dollar building in Lovington, noting it was not representative of a Historic District. She suggested that there should be some guidelines as to what businesses should look like if seen from Route 29.

2. Marion Kanour, Afton

Ms. Kanour thanked the Board for dealing with the proposed pipeline issues.

3. Charlie Weinberg, Afton

Mr. Weinberg noted that he felt that the public had not heard truth about LOCKN benefits to the County and he would like to. He then recommended Linda Russell and Phil Proulx for reappointment to the Planning Commission. Mr. Weinberg then asked the Board to dig with their questions on the proposed pipeline and he noted the community's unity on the issue.

4. Charlotte Rea, Afton – Friends of Nelson Representative

Ms. Rea thanked the Board for supporting them and for passing the resolution that they did in relation to the proposed Dominion pipeline. She noted that she was disappointed that the public would not be able to ask questions of Dominion; however she appreciated them being able to provide questions to the Board. She added that she believed that the proposed pipeline was not in character with Nelson County and she hoped they also come to that conclusion.

Following public comments, Ms. McCann introduced Anna Birkner, a new employee in the County Administrator's office. She noted that Ms. Birkner had an Associate's Degree from Kent State University and previously worked for Amherst County DSS. She added that her degree was in Information Technology for Administrative Professionals.

B. Presentation – 2015 Regional Legislative Program (D. Blount)

Mr. Blount noted that he was addressing the Board a month earlier than in the past so that the legislative program could be moved along more quickly and the issues could be put in front of the Legislators sooner before the General Assembly session. He added that he planned to draft the program and present it in early September and would come back in October for its approval by the Board.

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Mr. Blount then noted the following 2014 priorities:

Thomas Jefferson Planning District
2014 Legislative Priorities

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

PUBLIC EDUCATION FUNDING

- The State should fully fund its share of the realistic costs of the Standards of Quality without making formula and policy changes that shift the funding burden to localities.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

STATE MANDATES & FUNDING OBLIGATIONS

- The governor and legislature should 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.
- We support efforts to improve and enhance the process for determining local fiscal impacts of proposed legislation.

TRANSPORTATION FUNDING and DEVOLUTION

- The State should restore formula allocations for secondary and urban construction.
- We are strongly opposed to any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.

CHESAPEAKE BAY TMDL

- The state and federal governments must provide major and reliable forms of financial and technical assistance for comprehensive water quality improvement strategies, to include stormwater management.
- We support a one-year delay in the date by which local stormwater programs must be put into place and allowances for modified stormwater management plans for individual lots.
- We urge fairness in applying requirements for reductions in nutrient and sediment loading across source sectors, and accompanying authority and incentives for all sectors to meet such requirements.
- We will oppose actions that impose monitoring, management or similar requirements on localities without providing sufficient resources.

LAND USE and GROWTH MANAGEMENT

- We request additional tools to manage growth without preempting or circumventing existing local authorities in this area.

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- We oppose efforts to unnecessarily expand and commercialize the definition of farm operations that would impede local abilities to protect the property values, health, safety and welfare of its citizens.

COMPREHENSIVE SERVICES ACT

- We urge a better partnership between the state and localities in containing the costs of CSA and in balancing CSA responsibilities. We support additional state funding for CSA administration; localities have been footing the bill for most of these costs as state contributions have remained flat over the past decade.

Mr. Blount noted that they wished to expand the list of state agencies that could refer bills for analysis by the Commission on Local Government. He noted that they would be working with localities on the fiscal impacts of legislation.

Mr. Blount then noted that in 2015, they would like to take the next step by putting out there some tools, options etc. for localities to diversify their revenue bases and generate additional revenues needed. He noted that they may discuss equalizing taxing powers for counties that cities currently had and this may take the form of additional options for revenue sources. Mr. Blount then noted that he was hoping to have this dialogue at the upcoming legislative forum and they would also be working with VACO and VML on this.

Mr. Blount then noted that they had looked at studies done since the 1980s and he had provided information on that to the Board. He noted that this provided a history of some of the same issues that they were looking at today.

Mr. Blount then noted that they hoped to host the Legislative Forum in early fall and may utilize a different format that included hosting them at different venues.

Mr. Bruguere then questioned who had been blocking the equitable tax authority bills and Mr. Blount noted that the House Finance Committee had been the stumbling block over the years. He added that there had not been recognition by Legislators that Counties were providing a lot of services that were previously only found in cities. He added that the demand for services was there. Mr. Bruguere then noted he would send an email to those who sit on that Committee so he could voice their concerns and Mr. Blount noted he would get him that information.

Mr. Blount then added that for the Legislative Forum they may reach out to others across the region, such as school boards. He added that he had heard of some rumblings about giving school boards taxing authority and this may result in some funding for a study of this.

Ms. Brennan then questioned what type of fiscal impact bills had been considered and Mr. Blount noted that there was a bill killed that would have required bills with a fiscal impact to be introduced early in the session. He noted that the purpose was to allow as

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much time earlier in the process for things that affected local governments. He noted that this was even more of a problem in the shorter legislative sessions.

Ms. Brennan then thanked Mr. Blount and noted that until the State did tax restructuring on a grand scale, the efforts would be band aids.

C. VDOT Report

Mr. Don Austin in attendance reported the following:

Mr. Austin noted that in the Secondary Six Year Plan (SSYP), the unpaved road allocation was \$134,195 and had now been changed to \$69,093 due to changes in state revenue projections. He noted that the reduction should not impact construction this year and that the projection was that the County would get \$23,000 more than projected for next year.

Mr. Austin noted that the Route 623 Bridge replacement was due to be completed by the end of September.

Mr. Austin noted that for both of the Route 151 turn lane safety projects, VDOT was setting up design approval public hearings; which would probably be held at the Rockfish Valley Fire Department in mid-October.

Mr. Austin noted that they were working with the LOCKN project and were close to approving the related traffic plans etc. He noted that prior to the festival they would do cleanup of the guardrails and potholes etc. in that area.

Mr. Austin noted that VDOT would fix the pipes in the South District the following week.

Supervisors then discussed the following VDOT issues:

Mr. Hale noted that on Route 632 turning east towards Scottsville there was a VDOT sign that blocked visibility. He added that it may be a change in speed limit sign and it was located after crossing the bridge going West on Route 6.

Mr. Hale then noted he had left Mr. Austin a message about a logging operation on Route 6 and questioned whether or not they had to get a permit for their site entrance and maintain it according to standards. Mr. Austin then noted that they did; however some logging companies had a blanket permit; however they still had to notify VDOT when they used it. Mr. Hale noted that it seemed to be an existing road and Mr. Austin noted that they would still have to contact VDOT. Mr. Austin added that he thought that the Forestry Department had some regulations on this as well and Mr. Hale noted that he had been advised that the roads were dealt with by the State Police and VDOT.

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Mr. Bruguire noted that going West on Route 56 West, the other side of the guardrail was grown up and was impeding sight distance looking to the West. He added that the kudzu was taking over the guardrails near the State Shed in Roseland. Mr. Austin explained that the decision was made not to spray guardrails this year; however it would be done next year. He added that they would do some type of broadleaf spraying. He added that the funding for that was cut and VDOT has now decided that was not the best thing to do.

Mr. Saunders reported that on Route 655, the west side of Diggs Mountain Road, there were several houses in a curve there and citizens were concerned about turning on and off the road. Mr. Austin acknowledged this and noted he would check to see if the Diggs Mountain Road sign was up.

Mr. Saunders inquired about trash pickup on Route 29 and Mr. Austin noted it was happening that week.

Mr. Harvey then reported that on Route 151 and Route 29 there were ruts where the water was washing it out badly.

Ms. Brennan then reported seeing another driver going North in the Southbound lane at the Buck Creek and Route 29 intersection again. Mr. Austin noted that they had put up all of the sign-age they could there and he was not sure what to do even though what was there was not working. He added that maybe they could paint directional arrows in both lanes.

Ms. Brennan then noted that the historic sign at Cooperative Way was gone and Mr. Austin and Mr. Carter confirmed that it had been gone for some time. Mr. Austin noted he would check on this and also would check on the repainting of the historic sign at Nelson Wayside.

IV. New Business/ Unfinished Business

A. Sheriff's Department Request for Funding (Vehicles)

Mr. Carter noted that Captain Robertson was going to present the request; however he noted to staff that morning that he was unable to attend.

The Sheriff's Department's request noted the following:

The Nelson County Sheriff's Office has 5 vehicles that are out of service or should be out of service. The sheriff's office has no spare marked patrol vehicles at this time should another vehicles go down. Therefore the Nelson County Sheriff's Office is requesting funding for:

- 2 new 2014 Dodge Chargers at a cost of \$23,829.00 each for a total cost of \$47,658.

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- Requesting the cost of purchasing and installing new equipment for these two new vehicles at an estimated cost of \$7,250.00 per vehicle for a total cost of \$14,500.00
- Estimated cost for stripping each vehicle at \$565.00 each for a total cost of \$1,130.00
- Estimated cost of purchasing two new mobile radios at \$3,028.08 each for a total cost of \$6,056.16
- Total requested funding is \$69,344.16

Mr. Harvey noted that there should not be a shortage of radios for the cars and Mr. Carter agreed.

Mr. Bruguere then inquired as to whether or not they were going to fund the vehicle purchase using asset forfeiture funds. Mr. Carter noted that from the staffs' perspective, He and Ms. McCann met with the Sheriff who noted that if the Board would provide them funding for the vehicle equipment, then when they realized the substantial amount of asset forfeiture funds, they would purchase three (3) vehicles so staff did not include funding for vehicles in the budget. He added that the communication from the Sheriff did not indicate what would be done with the asset forfeiture funds and he noted that the seized house and acreage had been turned over for sale. Mr. Carter then noted that staff was not trying to be a road block to their efficient operation; however they could not get answers from them on the questions they had. He added that if their intent was to purchase the vehicles with County funds and then cover it with asset forfeiture funds he was unsure if they could do that because in looking at whether or not the County could be reimbursed for these, the asset forfeiture regulations indicated that these funds could not supplant other funds. Mr. Harvey suggested that if these vehicles were purchased using General Fund monies and the impending asset forfeiture funds used for the next round of vehicle purchases it would have the same effect. He agreed that they could not "loan" them the money.

In response to questions regarding the asset forfeiture fund balance, Ms. McCann noted that the Sheriff's Department currently had approximately \$14,000 in asset forfeiture funds and had submitted a request to purchase equipment that would use \$6,600 of that.

Ms. Brennan asked if these funds could be accumulated and Mr. Harvey noted that the funds were to be used to combat drugs not to balance their budget. It was noted by staff that yes, these funds could accumulate from year to year within the program guidelines.

Mr. Harvey noted his frustration that these cars coming out of service would not be able to be assumed by the School System for use as in the past and Ms. McCann then noted that only one of the five (5) cars mentioned as being out of service was assigned to someone. Mr. Harvey noted that the department needed to have backup vehicles that were ready to go and he did not think it was the job of the Board to manage the Sheriff's Department. He added that this had been the best administration in producing revenue and it ought to go back into fighting crime.

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Mr. Carter noted that the Sheriff's email to the Board exhibited a misunderstanding of the funds that fines and forfeitures generated. He then distributed a summary of these funds to the Board and briefly reviewed it. In summary he noted that even if they allocated all of the estimated revenue from fines and forfeitures for the current year, the County still provided approximately \$450,000 from the General Fund to the Sheriff's Department budget. Mr. Harvey then noted that if it weren't for these funds, the County would be paying more for the department from the General Fund. Mr. Carter agreed but emphasized that the Sheriff has said that they don't get the revenue that they generate; however they did. He then reiterated that he was not opposed to getting the vehicles it was just the unanswered question of the use of the asset forfeiture monies. It was reiterated that the Code did allow for the purchase of vehicles with asset forfeiture funds; however if the County paid for them upfront, it would be considered supplanting of funds. It was acknowledged that those monies could be used for future vehicle purchases and that perhaps there was a breakdown in communication between the two departments. Mr. Carter then reiterated that he and Ms. McCann had met with the Sheriff in person and he had committed those funds to purchase the vehicles.

Supervisors briefly discussed the request and the consensus was that it was not worth fixing any of the vehicles noted in the presentation even if some of the repair quotes may be inflated and the vehicles should be purchased. Mr. Harvey added that he did not want the radios taken out of the old cars and transferred to the new ones.

Mr. Harvey then moved that the Board of Supervisors approve the purchase of two (2) cars with the equipment needed and if needed radios provided under the umbrella of the radio program pricing.

Mr. Hale seconded the motion.

Supervisors added that they were to be advised to order the vehicles now and to use asset forfeiture money to buy other vehicles in the future. Mr. Harvey clarified that they were proposing to purchase two (2) cars and equipment as needed and they would know the cost when staff came back with the appropriation request. Mr. Bruguiera suggested that in next year's budget process, the Sheriff needed to be clear on how he would purchase vehicles.

Ms. McCann then questioned whether or not the \$14,800 currently in the asset forfeiture fund was to be used for vehicles and the Board noted it was not.

Supervisors inquired about the previously discussed ammunition purchase and staff noted they would purchase the ammunition with funds budgeted in the FY15 police supplies line item of their budget.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. 2014 LOCKN Festival Special Events Permit Status Report

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Mr. Carter noted that Tim Padalino and Jean Payne would report on this. He noted that they had a good meeting the previous Friday with all of the entities addressing the approvals necessary to have the festival this year.

Mr. Padalino reported the following timeline related to the Special Event Permit:

- November 2013: Lockn' submitted SEP application for September 2014
- December 2013 – February 2014: Multiple meetings, phone calls, and correspondence between applicant and County staff to clarify permitting requirements and identify submission materials.
- March 17, 2014: "Kick-Off Meeting" at The Carriage House for all SEP review agencies coordinated by Dept. of Planning & Zoning staff; postponed due to winter storm.
- March 27, 2014: "Kick-Off Meeting" at The Carriage House for all SEP review agencies coordinated and facilitated Director of Planning & Zoning; attended by over 30 participants from Lockn' team, VDOT, Virginia State Police, Virginia Dept. of Health, Virginia ABC, Nelson County Sheriff's Office, County staff from County Administrator's Office, Dept. of Economic Development & Tourism, and Emergency Services, as well as South District Supervisor Larry Saunders.
- May 29, 2014: Meeting with Lockn' team to discuss progress-to-date since March "Kick-Off Meeting," including status of Traffic Plan, Event Site Plan, and other ongoing coordination efforts with SEP review agencies.
- July 18, 2014: Meeting with Lockn' team and County Administrator to review recent changes to Event Site Plan and Traffic Plan; to receive updates on current status of applicant's ongoing coordination with SEP review agencies; and to continue resolving outstanding issues relating to Lockn' 2013 (and to identify best practices to avoid similar issues at Lockn' 2014).

He then reiterated that the group had met the previous Friday on August 8th at the Carriage House at Oak Ridge.

Mr. Padalino then noted that a point of emphasis was that the acquisition of the Loving Farm had changed things for them this year. He noted that there had been great feedback from all of the agencies present at the August 8th meeting and they were actively coordinating with all parties necessary. He added that at that meeting they identified all of the remaining steps to get approvals and once the other agencies sign off, then he would review everything with Mr. Carter and if it's in order, the County would give its approval. He clarified that there was a traffic plan, Health Department permits, and an internal communication plan etc. He added that they would have their own security team this year. Mr. Padalino then noted that he was impressed with the attention to details and lessons learned from last year. He added that they were working with VDOT to have flexible U-

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turn and cross over plans with the State Police emphasizing their goal of a safe continuation of traffic on Route 29 during the festival.

Mr. Padalino then noted that the LOCKN representative mentioned that they thought there would be a 10-20% increase in attendance so no more than 30,000 people. He added that they were seeing more day passes purchased this year.

Mr. Padalino then expanded on them having a new security team, and they would have the same members at the same gates throughout the festival to avoid lapses in security. He noted that they would have more cell on wheels available and that Verizon had gotten the first temporary tower permit under the new tower ordinance.

Mr. Hale inquired about the status of Oak Ridge Road and Mr. Padalino noted it would be open for public use. He noted that all camping would be located on the south side of Oak Ridge and that some of the VIP and camping would come in from Lovingson through Shipman on Thursday, with there being better fencing and walkways that would include color coded navigational beacons.

Mr. Padalino noted he would again meet with Dave Frey and the LOCKN team that Friday and they were striving for an August 22nd date for permit approval from agencies and then it would go to the County.

Mr. Bruguere noted he did not want to see the crossovers on Route 29 closed in front of major businesses, such as Blue Ridge Medical Center, the Exxon, or the Dairy Isle in Colleen. Mr. Carter advised that they would still use the U-turn method for traffic and would try to be flexible in opening the crossovers. He added that they would monitor traffic and adjust these accordingly. Mr. Saunders added that VDOT and the State Police felt more comfortable this year with the traffic plan.

Mr. Padalino noted that in terms of the timeframe in them getting the permit, the acquisition of the farm made them have to significantly revise their plans so they were not able to meet the earlier July timeframe for permitting that was planned.

Mr. Ben Thompson of Oak Ridge in attendance addressed the Board and noted that there would be some event staff traffic north of Oak Ridge Road but no patron traffic, so there would be no containment issues as were had last year. He noted that his impression was that everyone involved was comfortable with the permitting timeline and that most of the elements were 1% to 5% away from being approved. He added that the general parameters from the Health Department had been set and there were no imminent issues with sign offs. He then noted that he thought the festival permitting should occur sooner with each year.

Mr. Hale noted that he appreciated the fact that they and LOCKN had reached out to answer the questions of the Board and Mr. Thompson noted that he hoped that extended to the community because their goal was identifying concerns early while there was time to address them.

Ms. Jean Payne, Commissioner of Revenue noted that her office felt much better about this year than last. She noted that Mr. Thompson had been helpful with the vendors coming and

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they were getting in business license fees daily. She added that her office had also gotten over \$7,000 in meals taxes from last year remitted. Ms. Payne then noted that she would go Tuesday or Wednesday to the festival and make sure that once the vendors were set up that everyone had their license and understood the meals tax part of it. In response to questions, she noted that the \$30 for business licenses was collected by her office and then the meals tax would be remitted afterwards.

C. Authorization to Execute Contract with Architectural Partners (Historic Courthouse Renovation **R2014-56**)

Mr. Carter noted that he had provided specific information from Architectural Partners related to their retention. He then noted that the County had received six (6) proposals from firms in response to its RFP solicitation and Architectural Partners was determined by the committee to be the firm to negotiate with. He added that in the next step, staff worked with them to come up with options ranging from the least amount of work to the most as follows:

Option 1 – Minimum Scope of Work

- Address needs of the Circuit Court and Clerk only
- Include restoration efforts and thermal envelope upgrades for original Courthouse
- Building upgrades (Mechanical, Electrical, Plumbing, finishes etc.) for all affected areas

Option 2 – Addressing all Space Needs and Restoration Efforts for Courthouse and Additions Prior to 2011.

- Option 1 plus...
- Updated Space Needs Study for all Departments currently within the Courthouse complex in pre-2011 spaces (with the possible exception of the Sheriff)
- Address identified needs with relocations and/or additions
- Include Restoration efforts and building upgrades for all spaces built prior to 2011.

Option 3 – Consolidation and Relocation of Offices

- Option 1 and 2 plus...
- Updated Space Needs Study for all remote Departments currently NOT within the Courthouse complex.
- Address identified needs with relocation and/or additions and /or new facilities

Mr. Carter noted that staff and Mr. Hale and Mr. Saunders met with Architectural Partners to discuss the options in order to derive a cost of services estimate. He noted that there was a lot to be determined as far as the final scope that would be proposed and it was agreed at the committee level that they draft a letter agreement to narrow down the scope to include Option 1 and some aspects of Option 2. He added that this was because in addressing the needs of the Circuit Court and Clerk there may be implications for the existing spaces and they may need to revisit the old space needs study as these implications became apparent.

Mr. Carter then noted that the firm would complete a study/evaluation and make recommendations for an hourly rate not to exceed amount of \$70,000. He noted that he was

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comfortable with what was proposed and he recommended approval of the resolution to proceed and accept the not to exceed amount of \$70,000.

Mr. Hale noted that he felt very comfortable with the principals and he thought that they had a clear understanding of what the County's needs were and would be fair. He also recommended they approve the resolution. He added that there was no way to determine the exact time it would take so \$70,000 was an estimate.

Mr. Saunders reported that he had expressed concern to them about having a lot of change orders and they made him feel better about that. He added that he was more comfortable dealing with a smaller firm and they were certainly qualified to do the job. He noted that they had great references and he had seen some of their work in person.

Ms. Brennan clarified that this was just for architectural services and Mr. Carter noted that the full scope would be developed and then the Board would have to decide how to proceed with the project. He added that this was to be determined as they moved forward with the preliminary work. He noted that they had a goal of January 1 to have the work ready for bid.

Mr. Hale noted that this was for a design package that would include a construction estimate and then the Board would make decisions which would then lead to a % of construction fee to continue. He added that Wiley Wilson's fee was 7-9% for the Courthouse project. He noted that they would evaluate the current HVAC systems and would do a written evaluation of all mechanical and electrical systems inclusive of providing written note of their deficiencies.

Mr. Hale then moved to approve resolution **R2014-56**, Resolution Authorizing the Award and Execution of a Contract for Architectural Design and Construction Services Related to the Renovation of the Historic Courthouse. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION-R2014-56
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION AUTHORIZING THE AWARD AND EXECUTION OF A
CONTRACT FOR ARCHITECTURAL DESIGN AND CONSTRUCTION
SERVICES RELATED TO THE RENOVATION OF
THE HISTORIC COURTHOUSE

WHEREAS, in accordance with the Virginia Public Procurement Act, §2.2-4300 of the Code of Virginia, Competitive Negotiation Process, proposals for project RFP#2014-NC01, Professional Architectural, Engineering and Planning Services Nelson County Courthouse Design and Construction Services were solicited and received on May 28, 2014; with interviews of the top ranked firms conducted on July 11, 2014; and

WHEREAS, the selection committee ranked Architectural Partners as the most qualified firm based on the selection criteria,

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NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors, the County Administrator, Stephen A. Carter, is hereby authorized to negotiate said services with Architectural Partners and upon successful negotiation, award and execute a contract on behalf of Nelson County.

BE IT FURTHER RESOLVED, that should negotiations with Architectural Partners be unsuccessful, the County Administrator, Stephen A. Carter is hereby authorized, pursuant to the Virginia Public Procurement Act, §2.2-4300 of the Code of Virginia, to proceed with negotiations with the second most qualified firm as determined by the selection committee.

D. Closed Session Pursuant to Virginia Code §2.2-3711(A) (5) Discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in expanding its facilities in the community.

Members agreed by consensus to consider this matter as the last order of business.

Mr. Hale moved that the Nelson County Board of Supervisors convene in closed session to discuss the following: as permitted by Virginia Code § 2.2-3711(A) (5), discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

Supervisors conducted the closed session and upon its conclusion, Mr. Bruguiere moved to come out of closed session 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 reconvened in open session.

Upon reconvening in open session, Mr. Hale moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act.

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

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

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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1. Courthouse Project Phase II: Interviews conducted on 6-11-14 with four AE firms resulting in Committee's decision to select Lynchburg based Architectural Partners to provide architectural and engineering services to the County for the project. A work session with the firm is scheduled for 2:30 p.m. on 8-8 to develop a scope of work to be endorsed by the Board, including contract approval, as may be completed, on 8-12.

2. Lovington Health Care Center: Staff has sent background/informational communications to four companies that own/operate assisted living and memory care facilities, in an effort to identify a potential development partner for a future re-use of the LHCC. To date, this effort has not been productive. Additional contacts with other potential partners will be made.

Mr. Carter added that MFA would relocate in September 2015.

3. BR Tunnel and BR Railway Trail Projects: **A) BRRT** – Construction complete with VDOT close out in process. Retainage pending payment. **B) BRT** – The project bid date for Phase 1 was delayed a second time to 2 p.m. on 8-8, due to a realignment of sections of the eastern trail (Nelson County side) to comply with a 50" separation requirement from the CSX/BBRR active rail line that is adjacent to the eastern trail and to address the presence of bedrock that was encountered due to the trail realignment. Both issues, separation from the active rail line and the presence of bedrock have been addressed. However, a licensing agreement with CSX that addresses the track/trail separation is pending and the presence of bedrock may have a strong influence on whether or not an acceptable bid is received. Related to the overall project, as previously reported, Phase 2 grant funding has been formally approved by Commonwealth Transportation Board and, County staff attending a July 22nd Transportation Alternatives (Grant) Program workshop were encouraged by VDOT staff that the County should apply for funding for the project's Phase 3 (final phase – western trail and parking area) with applications due in November 2014.

With respect to the Blue Ridge Tunnel, Mr. Carter noted that the low bid of \$636,044.80 was received from Fielder's Choice and their bid submittal had been sent to Woolpert for evaluation. He noted that they advised that the County send all three (3) bids to VDOT to get their review and approval. He added that the County was in position to move forward with the company with final work to be done with CSX and Buckingham Branch Railroad.

Mr. Carter then noted that the trail realignment between bids put the trail in the path of a major rock outcropping and now the trail has been realigned again so that the trail was not in the path of rock so much.

Supervisors discussed Fielder's Choice, with Mr. Saunders noting they were a firm based out of Charlottesville and they had done a couple of \$5 million dollar projects that he was aware of. He noted they had done the work in widening Route 340 in Waynesboro and were currently doing work in Lynchburg.

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Mr. Carter noted that during the first bid process, it was noted that the firm was capable of doing the work however they would prioritize the larger jobs. It was advised that the County have liquidated damages in the contract with them to ensure that he job would be completed in a timely manner. Mr. Saunders added that the company had a number of employees that lived in the County.

Mr. Carter then noted that the County had been awarded \$749,040 for Phase I and the County had \$718,000 in available funding less Woolpert's cost. He added that this would build the trailhead and trail to the tunnel which would be usable; however access would be restricted in order to do Phase II construction in the tunnel. He then reported that the County had been encouraged by VDOT to apply for Phase III funding and staff was working on how to make this go forward. Mr. Hale added that Phase I included the parking area in Afton, 3,400 foot of trail to the east portal, and improvement of the drainage there. He noted that this phase did not get into the tunnel, which happened in Phase II. Mr. Hale then added that the General Assembly had allocated an additional \$90,000 for removal of the bulkheads.

Mr. Saunders noted that some Contractors were concerned with blasting near the tunnel etc. but he felt good in getting started. Mr. Hale added that there was a lot of interest in the project and the foundation was involved.

Mr. Bruguiere noted not having seen no trespassing signs at the site and suggested that these be reposted. Mr. Carter noted that these typically get taken down over time and then the County reposts them.

Mr. Hale then inquired as to how long it would take to get under Contract with Fielder's Choice and Mr. Carter noted it depended upon the time it took for VDOT's review and approval.

4. 2014 Lockn Festival: A project planning meeting with all state, local and related entities is scheduled for 10 a.m. on 8-8 at Oak Ridge Estate. The purpose of the meeting is to move towards completion of final plans and approvals for the 2014 Festival. The 2014 Festival is also an agenda item for the Board 8-12 meeting during which staff will report on the status of approval of the required Special Events Permit, including receipt of input from the Board.

5. Broadband: Network operation is ongoing. County staff conducted a conference call with VA-DHCD staff on 8-5 to discuss the County applying for \$200,000 in CDBG grant funding through the CDBG program's Innovation Project component. A 50% local match is a program requirement (i.e. \$200,000 CDBG grant requires a \$100,000 local match). The conference call was very productive and County staff have begun development of the preliminary application for this grant funding, which would be used to extend the fiber optic backbone (network) south on Route 151 to Route 664, north on Route 151 to the County line with Albemarle and west from Route 151 on Route 6 to a TBE termination point. A cost estimate is pending and the proposed expansion areas will be revises, as necessary, to adjust for potential funding constraints. The central consideration for the Board is to endorse provision of the local match, which will provide authority to submit the grant proposal to VA-DHCD, etc.

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Mr. Carter advised that the County would need to say that it has committed to the local match in the preliminary application letter. He added that this was a consideration of the Board since the County owned the broadband network, not the Broadband Authority.

Mr. Carter noted that staff was still evaluating how far it could be taken on the proposed routes and that the preliminary estimate from BRI showed that all three expansion legs could be accomplished within the available funding.

Mr. Carter noted that this build had the potential to generate revenue that could be used to build out on this side of the county. Mr. Hale noted he would like to see a cost/benefit analysis of doing this. Ms. Brennan inquired as to the investigation of potential customers and Mr. Carter noted that BRI has looked at this and there was the probability of significant connections as they had the potential to lateral out into the Stoney Creek area. He added that there was also business interest in getting fiber in that area.

Mr. Saunders and Mr. Harvey noted that they thought the County needed to move forward with this and asked when the application had to be made. Mr. Carter noted that the County needed to apply prior to September 30, 2014.

Mr. Harvey then moved that the Board of Supervisors commit to the \$100,000 match of the \$200,000 grant for the CDBG program to expand broadband.

Mr. Bruguiere seconded the motion and Mr. Hale and Ms. Brennan reiterated that they would like to see BRI's numbers by the next meeting to see the potential benefit there. Mr. Carter then advised that until the County signed the grant contract, they were not fully committed to do the project.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

6. Radio Project: Network testing was completed by County, Motorola, Clear Communications and RCC staff in July 2014. The testing program was successful in achieving a 96% verification rate (95% was the required acceptance rate). Please see the Information Systems Department's report for 8-12 for a complete summary of the status of this initiative.

Mr. Carter noted that County staff worked on the testing and noted that there were frequency issues to be worked out with the FCC; however the County would move forward with the cutover in September or October. He added that people could now communicate with every radio in the county and Mr. Harvey noted that they could also work a scene on a dedicated channel. Mr. Carter then described the simulcast function of the signals.

7. Rockfish Valley Area Plan: Contract completed with TJPDC for project assistance. Project status is very preliminary.

8. Roseland/Ferguson's Store PER: Staff from Draper Aden Associates advised on 8-4 that they had obtained all information necessary to complete the PER and were working to do so. A date for submittal of the report to the County was not specifically discussed but is anticipated by not later than 8-30.

9. Sturt Property Plan: Site visit by VT-Community Design Assistance Center completed on 6-25. CDAC has submitted a \$25,532 proposal to assist the County with a plan of outdoor development for the property, which will require approval and funding by the Board.

Mr. Carter noted that there was potentially some DCR grant funding that would cover the proposal cost. Mr. Hale noted the possibility that the Sturt heirs would also contribute.

10. Rockfish Valley Rural Historic District: The VA Department of Historic Resources notified the County on 6-23 of a \$10,000 Cost Share Grant awarded to the County for the completion of a reconnaissance survey of 105 properties for the proposed Rockfish Valley Rural Historic District. A \$5,000 local match is required and will be provided by the Rockfish Valley Foundation.

11. Lovington Revitalization: Staff has conferred and met (7-9) with TJPDC staff to discuss a second effort towards a Lovington Revitalization Project. No progress has been made to date on this subject.

Mr. Carter noted that the County had to have an economic development strategy and would have to have an idea of how many jobs would be created. He noted that the County was looking at it with the Planning District Commission's help.

12. Personnel: Ms. Anna Birkner has accepted the Secretary 3 position in the County Administrator's office and will begin work on 8-11. Anna holds a degree in Information Technology from Kent State University. Sara Turner has moved to the Department of Finance and HR. Staff are presently working to fill Shelter Attendant (part-time) and Dispatcher (full time) positions with interviews in process for both.

Ms. McCann explained that there was a part-time Dispatcher position open due to that person accepting a full time Security Officer position with the County.

Mr. Carter then noted that a resignation was received from an Animal Control Officer that week with a two (2) month notice given. He noted the resignation was for personal reasons etc.; however he would talk to him to see if could turn it around. He added that the ACO just got certified and this would be a setback for the department.

Ms. Brennan inquired as to whether or not Dispatchers got paid a shift differential and Mr. Carter noted they did not. He added that this had been looked at but had not been developed and could be revisited if the Board wanted. Mr. Bruguere noted that the ACO had approached him about them carrying firearms and Mr. Carter noted that his response to that had been to incorporate other protective provisions in the Animal Control policy leading up

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to use of a firearm. He added that he had noted to them that if firearms were approved that the policy for their use would be very descriptive and training would be involved etc. to prevent something bad from happening.

13. Staff Reports: Will be provided in the 8-12 Agenda

Mr. Saunders then inquired as to what had become of the Norwood Historic District project and Mr. Carter noted that the study had been done and a report should be forthcoming.

Mr. Carter then reported that the demolition of the house at the intersection of Route 56 East and Findlay Mountain Road was done; however there may be some additional clean up to do.

2. Board Reports

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

Mr. Hale reported that he had not yet seen the CDAC report on the Sturt property and Mr. Carter noted he would send it to him. He then reported that they had to postpone the meeting on the Rockfish Valley Area Plan; however several people involved did make the rounds of the area.

Ms. Brennan then asked Mr. Robert McSwain in attendance to report on the Service Authority. Mr. McSwain noted that he did not have much to report and he would like to see the Draper Aden report on the water line extension when it was ready. He noted that the Board was discussing the policy issue on laterals for sewer and water and were trying to decide who was responsible for payment of the laterals based on where the line was drawn.

Ms. Brennan reported that Angie Rose was hired as the new Director of Social Services and that they were pleased with that; however they were in the process of negotiating her salary. She added that she has worked there for thirty (30) some years.

Ms. Brennan reported that she attended the LOCKN meeting and the Friends of Nelson meetings. She noted that she also attended the High School convocation and advised the group that education was the Board's top priority. She added that the Smyth awards were given out and Dr. Comer made a nice presentation to staff.

B. Appointments

Ms. Brennan noted that the Board had discussed re-instituting the Board member on the Planning Commission and Mr. Carter distributed a resolution authorizing a public hearing on the County Code amendment to this effect and a copy of the draft ordinance.

Ms. Brennan then noted that with everything that was going on, she thought this would be a good idea. In response to questions, Mr. Carter advised that the Board could appoint its representative upon adoption of the ordinance.

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Mr. Bruguere then moved to approve resolution **R2014-57**, Authorization for Public Hearing to Amend the Code of Nelson County, Virginia – Chapter 9, Planning and Development, Article III, Planning Commission, Section 9-27, Composition; general powers and duties to add a Board of Supervisors member to the Planning Commission.

Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2014-57
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA - CHAPTER 9,
PLANNING AND DEVELOPMENT, ARTICLE III PLANNING COMMISSION
SECTION 9-27 COMPOSITION; GENERAL POWERS AND DUTIES

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Tuesday, September 9, 2014 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Chapter 9, Planning and Development, Article III, Planning Commission, Section 9-27, Composition; general powers and duties, to add back the Board of Supervisors member; increasing the Planning Commission Membership from five (5) to six (6).

Ms. McGarry then presented the following summary table of pending appointments for the Board's consideration.

Nelson County Service Authority:

Ms. McGarry indicated that Mr. Harvey's reappointment was pending and Mr. Harvey noted he was ready to be reappointed.

Ms. Brennan then moved to reappoint Mr. Harvey to the Service Authority Board representing the North District and Mr. Hale seconded the motion.

There being no further discussion, Supervisors voted unanimously (4-0-1) by roll call vote to approve the motion, with Mr. Harvey abstaining.

Mr. Harvey then noted that there had been a disconnect on the Roseland project and he was not happy with the letter from Mr. Miller stating that the Service Authority was not interested in doing it. Mr. Bruguere added that if the State was willing to pay to extend the water line, then it should be done.

Mr. Harvey noted that the disconnect was on the Engineering consultants. Mr. Carter explained that he would have deferred to the Service Authority except that Draper Aden had done the original report in the past and it seemed reasonable to retain them again.

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
Nelson County Service Authority	6/30/2014	4Years/No Limit	Tommy Harvey - North	Pending	William Cupo Justin Shimp
Planning Commission	6/30/2014	4Years/No Limit	Phillipa Proulx - North	Y	William Cupo Justin Shimp
			Emily Hunt - East	Pending	
			Linda Russell - Central	Y	Shelby R. Bruguire *Daniel L. Rutherford
<i>* Registrar Has Re-checked and Confirmed Central District Residency</i>					
JABA Board of Directors	7/15/2014	2 Years/No Limit	Diane Harvey	Y - Verbal	
<i>* term limit does not apply if noone else is qualified</i>					
(2) Existing Vacancies:					
Board/Commission	Terms Expired	Term & Limit Y/N	Number of Vacancies		
JABA Advisory Council	12/31/2013	2 Year/No Limit	Deborah Harvey	N	No Applications Received
Library Advisory Committee	6/30/2014	4Years/No Limit	Nancy K. Kritzer - East	N	No Applications Received

Planning Commission:

Ms. McGarry advised the Board that the Registrar had relooked at Mr. Rutherford’s District and had noted he was indeed in the Central District.

Mr. Hale noted that he had an applicant for the East District; however he had not gotten in the paperwork for their consideration and therefore he would like defer its consideration.

Members then agreed by consensus to defer all appointments to the Planning Commission until September.

JABA Board of Directors:

Mr. Hale moved to appoint Ms. Diane Harvey for a two (2) year term on the JABA Board of Directors and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. Brennan then noted the existing vacancies on the JABA Advisory Council and the Library Advisory Committee and Mr. Hale questioned the need for these. Ms. Brennan noted that these smaller boards served in an advisory capacity to the agencys’ Board of Directors.

C. Correspondence

Mr. Harvey noted that he had been approached by Stevie Ashley from Nelson Rescue Squad who said they were in dire need of another vehicle. He added that she had said that they were planning to do a re-chassis and would do it without going through the grant cycle. He supposed that their cost may be approximately \$120,000 for this and that they were going to get a Dodge chassis and put one of their units on it. He noted that this would take about ninety (90) days or so. Supervisors and staff discussed the OEMS grant cycles and it was noted that Gladstone had gotten their approval in June and that the second round was coming up in the fall. Mr. Harvey then noted that Roseland Rescue needed to be getting back on track with the grant cycle.

It was noted that Nelson Rescue was not running that many calls, however the county was with their vehicle. He noted that the Board needed to look at their request and give them guidance before they signed a contract and they did not have the funds to pay half of the grant.

Mr. Carter then advised that he had reviewed the grant program with OEMS and they discouraged applying for grants for re-chassis of vehicles.

Mr. Harvey noted that Rockfish Valley Rescue had only done one re-chassis and have had no problems other than it took longer to get done. He added that Nelson Rescue may be able to file an emergency request and he would check on that. He added that the County would be supporting half of the cost anyway. Ms. McCann advised that \$83,000 was the County's part for the Gladstone Ambulance. She added that the total cost was \$167,000 and was fully funded with the 50/50 OEMS grant. She noted that the contract had been signed by Gladstone and the County had paid its half this month.

Mr. Harvey noted he would come back with more information and would work with Stevie Ashley of Nelson Rescue on it.

Ms. Brennan noted it was a question of re-chassis or getting a new vehicle and Mr. Harvey stated they would need to see the difference in cost. He explained that with a re-chassis all that was used was the shell and everything else was redone.

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

D. Directives

Mr. Hale directed staff to provide him with the Sturt property proposal from the Virginia Tech CDAC for his review.

Mr. Hale directed staff to have Woolpert provide a new addendum to replace #11 to incorporate changes made to the scope of the work and forward this to him and Mr. Saunders for review.

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Mr. Bruguere directed staff to remove two dead pine trees along the fence line at the Massie's Mill school demolition site.

Mr. Bruguere then inquired about whether or not Stewart Computer Services (SCS) had signed the Massie's Mill tower lease and Mr. Carter advised that he had signed the contract.

Mr. Hale then asked Mr. Charlie Weinberg in attendance to report on the Dominion Presentation to Buckingham that he attended.

Mr. Weinberg noted that there were two people present and their Board only had four questions. He added that Highland County had more questions. He noted that Dominion had indicated that they were going to interconnect the new proposed pipeline with the Transco line and the compressor station would be there in Buckingham. He added that the line would cross the James River at Wingina and go up from there crossing the Transco line. Mr. Hale added that this was a 200 ft., wide strip.

Mr. Carter confirmed that Emmett Toms of Dominion had told the County the day before that the compressor station would not be at the James River now. He added that the construction right of way width would be 150 ft. for construction and 75 ft. for the final easements.

Mr. Weinberg noted that Buckingham asked if the gas would be distributed locally and Dominion said that they had sold that right to Columbia gas and they would have to talk to them about that.

Ms. Brennan directed staff to ask Legislators' Offices to send notification to the County when their representatives would be holding meetings in the County.

Ms. Brennan directed staff to provide her with a copy of the Amherst County Comprehensive Plan and Transportation Plan.

Ms. Brennan directed staff to set up a 2x2 with Wintergreen and she and Mr. Saunders would attend.

Mr. Saunders noted that he had seen a bucket truck for sale at Brockman's in Amherst and directed staff to look into it.

VI. Adjourn and Reconvene for Evening Session at the Nelson Middle School Auditorium

At 5:20 PM, Mr. Harvey moved to adjourn and continue the meeting at 7:00 PM at the Nelson Middle School and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion.

EVENING SESSION

7:00 P.M. – NELSON COUNTY MIDDLE SCHOOL AUDITORIUM

I. Call to Order

Ms. Brennan called the meeting to order at 7:03 PM, with all Supervisors present to establish a quorum. Ms. Brennan thanked the public for coming and she then advised how the meeting would progress. She explained that the Board would hold two public hearings, Dominion would make their presentation, afterwards the Board would ask questions of Dominion, and then there would be public comments. She emphasized that the public hearings were for the two items listed specifically, however public comments was open to any subject.

II. Public Hearings and Presentations

A. Public Hearing – Special Use Permit #2014-005 – Adial Cabins:
Special Use Permit application, submitted by property owners Duane and Lisa Blakeslee, seeking approval to operate a Motel pursuant to §4-1-25a of the Zoning Ordinance. The subject property located at 2781 Adial Road, Faber is a 200.4 acre parcel Zoned Agricultural (A-1) and is identified as Tax Map Parcel #33-A-8.

Mr. Tim Padalino reported the following:

The Department of Planning & Zoning received an application on June 26th from Mr. Duane and Mrs. Lisa Blakeslee, seeking approval for Special Use Permit #2014-005, to utilize their property on Adial Road for a “Motel” land use. The applicants own the property and have both signed the affidavit (item #5) on the application. The property is located on the south side of Adial Road (Rte. 634), opposite of Synchronicity. The western boundary of the property also has frontage along Gullysville Lane. The approximately 200-acre property is zoned Agricultural (A-1).

He noted that the application seeks approval for, “construction of six (6) new single family dwellings for purpose of vacation rentals.” The Site Plan, which was submitted in May and reviewed by the Site Plan Review Committee in June, further identifies the proposed project as “Adial Cabins.” This project (as proposed) requires a Special Use Permit (SUP) for “Motels, hotels” pursuant to §4-1-25a and pursuant to the definition of “Motel,” which is defined in the Nelson County Zoning Ordinance as follows:

Motel: One (1) or more buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

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Mr. Padalino then noted that there were no public speakers present at the Planning Commission public hearing and one letter was addressed by the property owner. He noted that the Planning Commission had voted 4-0 in favor of recommending the application's approval.

Mr. Padalino then showed an enlarged view of the site plan noting the location of the proposed cabins.

Ms. Brennan then invited the applicant, if present to address the Board and Mr. Dwayne Blakeslee noted to the Board that he did not have anything to add, they were happy to be in Nelson County, and he thanked the Board for their service.

There being no questions of the applicant from the Board, Ms. Brennan opened the public hearing and the following persons were recognized:

1. Robert Goubisch, Afton

Mr. Goubisch spoke in favor of approving the Special Use Permit, noting he thought this would be good for Nelson County.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Bruguiere then moved to approve Special Use Permit #2014-005 – Adial Cabins and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

B. Public Hearing – Amendment to the Nelson County Comprehensive Plan, Addition of a Transportation Chapter. Proposed revisions include a new summary of the 2013 Route 151 Corridor Study in the “Existing Plans and Studies” section; a revised description of Route 29 and Route 151 and other minor modifications in the “Existing Roadway Inventory” section; and the introduction of a new principle, relating to greenways, in the “Recommendations and Vision” section.

Mr. Padalino reported the following:

The Virginia Department of Transportation (VDOT) requires Comprehensive Plans to contain a Transportation Chapter that is reviewed and approved by VDOT for consistency with VDOT's Regional Long-Range Plans for Transportation. That requirement is codified in Code of Virginia §15.2-2223-(B.1).

In response to that state requirement, Nelson County staff partnered with Thomas Jefferson Planning District Commission (TJPDC) staff and worked diligently with the Nelson County

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Planning Commission (PC) to prepare an initial Transportation Chapter during 2011 and 2012. The Planning Commission held a public hearing and subsequently recommended that the Board of Supervisors (BOS) adopt that initial Transportation Chapter document in 2012. However, at their November 20th, 2012 meeting, the Board determined that the document contained inaccurate descriptions of local roads in the “Existing Roadway Inventory” section, and that it was not fit for adoption; and accordingly requested that County staff make specific revisions.

The revision process was then postponed during 2013 while VDOT undertook the *Route 151 Corridor Study*, in order for the analysis and recommendations from that plan to be incorporated into the proposed (revised) Transportation Chapter. County staff also incorporated additional revisions to improve the Transportation Chapter.

Specifically, the proposed Transportation Chapter that is being reviewed at this public hearing includes the following revisions, relative to the original version reviewed in 2012:

- A revised description of Route 29 and Route 151 and other minor modifications in the “Existing Roadway Inventory” section;
- A new summary of the 2013 *Route 151 Corridor Study* in the “Existing Plans and Studies” section; and
- A proposed new Principle in the “Recommendations and Vision” section stating that the County will, “Support the development of strategically-located greenways...,” as it relates to the County’s existing Goal to, “Promote a safe, efficient and diverse transportation system to serve both local and regional traffic.”

The Planning Commission then reviewed the revised Transportation Chapter, and conducted a properly-advertised public hearing on November 20th, 2013. They then formally recommended that the Board of Supervisors consider adoption of the proposed document on April 23rd, 2014. A complete copy of the Transportation Chapter recommended by the PC was then provided to the BOS in the Meeting Packet for the June 10th, 2014 regular meeting.

Mr. Padalino reiterated that the Transportation chapter of the Comprehensive Plan was a State requirement. He also reiterated that there were three elements in the addition, which was the addition of the VDOT Route 151 corridor study done in 2013; which looked at Beach grove Rd. up to Route 250 in Albemarle County, language revisions made to the descriptions of Route 151 and Route 29 on pages 10 and 13-18, and a proposed new principle to promote greenways under the existing goal. He added that he had suggested it because it emphasized the transportation value of greenways and non-motorized transportation.

Ms. Brennan then noted that the Board and Staff had been looking at the Transportation chapter for three years now and they appreciated Mr. Padalino’s work on it.

There being no questions from the Board, Ms. Brennan opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

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Mr. Hale then moved to approve resolution **R2014-58**, Board of Supervisors Action, Comprehensive Plan Update, Addition of Transportation Chapter. He then read aloud the resolution noting that the Board did hereby approve and adopt the proposed addition to the Comprehensive Plan.

Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2014-58
NELSON COUNTY BOARD OF SUPERVISORS
BOARD OF SUPERVISORS ACTION - COMPREHENSIVE PLAN UPDATE,
ADDITION OF TRANSPORTATION CHAPTER

BE IT RESOLVED, that pursuant to §15.2-2226 of the Code of Virginia 1950 as amended and following proper notice and conduct of a public hearing on August 12, 2014, the Nelson County Board of Supervisors does hereby approve and adopt the proposed addition to the Comprehensive Plan.

C. Presentation – Dominion Transmission, Inc. Southeast Reliability Project

Mr. Emmett Toms, introduced himself as the State and Local Affairs Manager and then introduced Chet Wade, Vice President of Corporate Communications noting that they would be the primary presenters. He then noted the attendance of a team of employees from Dominion Transmission, Inc. who were present to help answer more specific questions.

Mr. Toms then turned the presentation over to Mr. Wade who then introduced a team of employees from Dominion Transmission, Inc. noting the expertise of each. He then referenced the map of the proposed route in Nelson County and then the entire proposed route. He then noted the Fact Sheet provided to citizens on the Southeast Reliability Project. He explained that the back side had FERC information and he encouraged public participation in the process. Additionally, he noted an available booklet on the FERC website that would be helpful to landowners affected by the proposed route.

Mr. Wade then noted that the project was proposed and the decision to build the pipeline had not been made. He added that the route would be built to meet the energy needs of West Virginia, Virginia, and North Carolina and would not be built to export the natural gas; which had been assumed because a leg of the line went to Norfolk. He reiterated that the line would not be used to transport natural gas for export. He noted that it would be an underground build in Nelson County and they would have crews out surveying that had landowner's permission because they were trying to find the best route with the least impact to the environment and cultural and historic resources. He noted that after having received some information in Augusta County regarding the George Washington National Forest, they had reconsidered some portion of the route there. He noted that they wanted to work with the community, landowners, and local government in order to make it the best possible

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project if it went through. He added that they employed the three Cs: Communication, Consideration, and Conduct.

Communication: Mr. Toms then noted that they wanted to supply as much information as early as they could. He added that they took the tack of putting the information out to landowners first even though they knew it was incomplete. He noted that they may not be able to answer all of the public's questions due to the fact that they may not know the answer and some of it may be covered under confidentiality agreements regarding potential customers of the project; however wherever possible, they would provide information. He reiterated that they were in negotiations on agreements with customers, none of which were for exports and were expected to be completed in the next sixty days. Mr. Wade then noted that the meeting that night was not part of the required regulatory process and that if or when they got Federal Regulatory approval they would plan a series of open houses starting next month. He added that they wanted to give people time and would advertise them and they would be open and transparent. Mr. Wade then advised the public to use website tools to become informed and he encouraged the public to use the public comment avenues available to them under the FERC regulatory process.

Consideration: Mr. Wade noted that they believed in making adjustments to the route as they saw fit as they gathered information and assessed the route's potential impacts.

Conduct: Mr. Wade noted that they would meet the letter and spirit of the law and would build the pipeline to the highest legal and quality standards.

Mr. Wade noted some facts about Dominion primarily that they were based in Richmond and were more commonly known in the area as Dominion Power. He noted that they operated 1800 miles of pipeline on the East Coast and served 1.4 million gas utility customers in Virginia. He noted that the Company's Core Values were: Safety, Ethics, Excellence, and One Dominion

Mr. Wade noted that safety was the most important core value. He then noted that Ethics meant doing the right thing. He noted that they would make mistakes; however their mission was to correct them as soon as possible. He noted that excellence meant that they did the best job possible. He concluded by noting one Dominion meant promoting teamwork with the understanding of every employee's contribution.

Mr. Wade then noted some statistics about the company noting that they were ranked second overall in a most admired company poll and ranked first in: people management, use of corporate assets, quality of management, financial soundness and long-term investment. He went on to note that Dominion ranked No. 71 among Russell 1000 companies, spent five straight years in the top 100 based on the criteria of : environment, climate change, employee relations, human rights, corporate governance, philanthropy, and financial. He noted that they had received the No. 1 ranking in corporate governance.

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Mr. Wade then noted they were very proud of their environmental record and since the late 1990s had invested approximately \$2 billion in new power stations to reduce emissions, that served their customers in Virginia. He noted through these they had been able to reduce emissions of Sulfur Dioxide SO₂ and Nitrous Oxide NO₂. He added that NO₂ emissions had been reduced from -84% to -95%. He noted that Carbon intensity had gone down 24% since 2009, mostly through the conversion of coal power plants to utilize solar power, wind power, biomass, and natural gas. He noted that natural gas burned about half of the carbon of coal when it was burned.

Mr. Wade noted that they were proceeding with the project in order to take advantage of abundant natural gas and to make the Country more energy independent. He added that the EPA was requiring every state to reduce its Carbon intensity and Virginia must reduce this by 40%. He noted that this facilitated the need for pipelines because as with other sources of energy, it was produced in one area and must be transported to reach customers. He noted a second reason was that potential customers would like to have more sources of natural gas in order to meet the needs of their customers. He noted that another reason was to fuel the economy.

Mr. Wade then showed a map of Virginia that showed the existing pipelines in the state as of 2010. These were those of Columbia Gas, East Tennessee Natural Gas, Transcontinental Gas Transmission, and Virginia Natural Gas Co. He added that in Virginia, there were 2.5 times as many miles of pipelines than there were roads. He noted that the map depicted that Virginia's gas comes from the west and the south. He added that they see the project as one that could fuel economic growth in the commonwealth.

Mr. Emmett Toms continued the presentation noting the following project details:

He advised that the proposed compressor station would now be located in Buckingham County so they could tap into the Transco line there. He noted that the entire length of the proposed pipeline was approximately 550 miles, the pipe would be 42-inches in diameter in West Virginia and Virginia; there would be a 20-inch lateral to Hampton Roads; and it would be 36-inches in diameter in North Carolina. He added that the line's capacity would be 1.5 billion cubic feet/day and there would be three compressor station locations, one in West Virginia, near the beginning of the route, one in Central Virginia in Buckingham County, and one near the Virginia/North Carolina state line. Mr. Toms then reiterated that the final pipeline route has not been selected and that dominion was conducting surveys and would determine the best route based on landowner input and an assessment of environmental, historic and cultural impacts.

Mr. Toms then noted the following potential benefits of the pipeline: property tax revenues, economic development activity, near term employment opportunities, and economic activity for local businesses during construction and operation. Mr. Toms noted that their tax group was in the process of determining what the potential tax revenue to Nelson County would be.

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Mr. Toms then noted the following slide showing the regulatory process and expected timeline:

He noted that The Federal Energy Regulatory Commission (FERC) was the lead agency if Dominion decided to move forward with the proposed project:

<u>Activity</u>	<u>Timing</u>
Survey/route planning	May-Dec. 2014 FERC Pre-Filing
Request	Fall 2014
FERC Application	Summer 2015
FERC Certificate	Summer 2016
Construction	2017-2018
In-service	Late 2018

Mr. Toms then noted that the natural gas industry was one of the safest and was regulated by the Dept. of Transportation.

Mr. Toms then advised that there would be open houses held for public input as part of the FERC process and noted the following project activity schedule:

<u>Pre-filing activity</u>	<u>Timing</u>
Survey notification letters to landowners within the 400-foot study area	Mid-May 2014
Local officials informed about surveying Letters	May-June 2014
Meetings with Boards of Commissioners/Supervisors and Municipal Governments	Aug.-Sept. 2014
Open houses	2014-2016
Construction	2017-2018
In-service	Late 2018

Mr. Toms then noted the website for the project: www.dom.com/SEpipeline and advised that an 800 number would be established for use by citizens after the open houses.

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Mr. Toms then noted that Dominion was already involved in the Community at the North Branch School with their solar greenhouse gardening project with Blue Ridge Medical Center's Rural Health Outreach Program.

He then related that in Nelson County, they proposed to build 35.1 miles of pipeline over 225 parcels. He noted that 25% of landowners had given them their approval to survey and they would be ready to survey at the end of the month. He added that if a landowner had denied them access they would respect that until the very last opportunity. He noted that in terms of the right of way, they would take the best route with the least impact and he showed several pictures of established right of ways. He noted that the landowner would receive a one-time payment for the easement and short of building something permanent, the landowner could do anything on it. He noted that a 125 ft. construction right of way was needed and the final right of way would be 75 ft. wide. He added that the trench would be 9-10 feet deep, the pipe would be 42 inches with a minimum of 3 feet of soil on top; however they liked to have at least 4 feet of soil on top. He noted that if they had to blast, they used the minimum blast needed and tried to do it horizontally.

In conclusion, Mr. Toms noted the following relative to questions they had previously received:

They have done the route on GIS maps and did not know the particulars of the properties until the surveyed which would go into the next year. He noted that they had four types of survey teams consisting of about 10-12 people. He noted that they would do civil surveying and then environmental and the work would be done on foot.

He noted that they had evaluated conservation easements and have tried to avoid these whenever possible. He added that in regards to stream and river crossings, these were the most regulated and they would have to get permits. He noted that these would be evaluated on a case by case basis. He added that they had to locate any water source within 150 ft. of either side of the route and were required to use Erosion and Sediment (E & S) controls during construction.

With regards to Eminent Domain, Mr. Toms noted that this was used as a last resort and they were able to negotiate successfully with 95% of property owners. He added that they only gained this ability with the issuance of the FERC Certificate.

Mr. Toms then noted that he and the team would take the Board's questions.

Q: Mr. Saunders noted that there were concerns about leaks and he asked if they could go into the testing methods used and how this would be monitored.

A: Dominion noted that natural gas was nontoxic and nonpoisonous. It was noted that they did x-ray all wells and did tests. They noted that they had certain requirements that they had to test the pressure to. They noted that they did various leak surveys and patrolled the line by foot and air. It was noted that the level of testing depended upon the class and location of the pipeline and they did these tests at various times during the year.

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Q: Ms. Brennan noted that she had learned that they did the testing with water under pressure and she asked where they would get the water for this, how it would be disposed of, and would it contain chemicals or be of a higher than normal temperature at disposal.

A: Dominion: It was noted that they would get the water for testing out of streams through withdrawal permits and after testing, they were not allowed to discharge the water into certain watersheds, so they would propose to do it on the ground through a water filter structure. It was noted that they did have to test the water while discharging it and the discharge locations would be negotiated with the State and the Feds. They noted that the water would be tested to ensure that oil, grease, and solids and ph met strict standards. They added that they would do a full analysis of the pipeline to determine where the water would come from. They noted that they could reuse the same water to test certain sections of the line and from section to section and this would have to be hashed out. They noted that this was yet to be determined, it was part of the permitting process, and could not be pinpointed until the final route was determined.

Q: Mr. Harvey asked how long of a section could be tested at a time. He noted that a 42 inch pipe took a lot of water per foot and he was not aware of any source in the county that could accommodate this unless it was only done in segments.

A: Dominion: They noted that it depended on the class of pipe, the topography of the line, and water availability. Dominion reiterated that this would all be studied as part of the permitting process.

Q: Mr. Saunders asked what the operating pressure of the gas line would be and then that of pipeline testing.

A: Dominion: It was noted that the operating pressure was 750-1440 psi and testing would exceed that depending on the class of pipe: Class I would be at 1.1 times the operating pressure, Class II would be at 1.25 that, and Class III would be at 1.5 times that. They noted that the class of pipe was determined by the density of people within a certain distance of the line. The higher number of people, the higher the class and they were creating a larger safety factor. They added that this was on a sliding mile and was a Department of Transportation requirement.

Q: Mr. Bruguire asked if they planned to work with each landowner to facilitate the best location according to them and what was the minimum distance between a home and the pipeline.

A: Dominion: It was noted that this was their intention; however they needed to get on the ground and survey in order to evaluate this and 25 feet was the minimum federal requirement; however they usually went more than that.

Q: Mr. Hale noted that he would like a written copy of Dominion's remarks. He then noted that the map had circles designated that said milepost 150, 160, 180 and asked what these

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symbolized. He also noted that the easement widths had been confusing and he asked what size easement they were requiring.

A: Dominion: It was noted that these were mile markers along the way and represented designated sections along the pipeline. It was reiterated that a 125 ft. temporary easement was needed during construction and a final easement of 75 ft. was needed and would be maintained. It was noted that legally, they could be 25 ft. from a home; however their goal was to not be that close to structures and they noted that it was not likely it would happen with this project. They added that the permanent right of way would be 75 ft. so they could not be closer than that.

Q: Ms. Brennan noted that the Nature Conservancy had noted that Nelson County had some of the least fragmented forests in the Piedmont and would they be able to provide funds to minimize the negative effects on species and habitats especially for those that would be affected and if so, how would those funds work.

A: Dominion: They noted that it would be part of their permitting process and could not really answer that in detail that night.

Q: Ms. Brennan asked if and how they would monitor invasive vegetative growth on easements and if the pipeline was abandoned in the future, would the corridor be replanted with native species. She followed up by asking if they would use herbicides or pesticides for this and if so, would the landowners have any say in it.

A: Dominion: They noted that they would be patrolling the pipeline for invasive species and would be doing maintenance frequently at least every three (3) years and they would require that certain seed mixes be used to minimize invasive species. They noted that they would not use either herbicides or pesticides and would use manual cutting. They added that in many cases, the land was being farmed again and they did not have to do anything.

Q: Mr. Hale asked for the milepost location of the proposed compressor station and what the diameter was of the Transco pipeline.

A: Dominion: They noted that the compressor station was around milepost 190 and the Transco pipe was 36 inches in diameter.

Q: Ms. Brennan asked if there would be other metering or regulating stations in Nelson and if so how many and where would they be.

A: Dominion: They noted that there would not be any and people would only see the riser of the valves above ground. They noted that they were required by the Department of Transportation to have them every so many miles and they would not make noise on a daily basis under normal operating procedures. They noted that the number of miles in between these varied based upon the pipeline classification.

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Q: Mr. Bruguere asked who would pay the property taxes on this and what this estimate was.

A: Dominion: They noted that they would obtain an easement for the use of the property; however the property owner would own the property and pay taxes on the property and Dominion would pay taxes on the value of the pipeline underground. It was noted that Dominion would have this estimate in September as they were working on this now for each County.

Q: Mr. Saunders asked if there was any future opportunity for a local company to hook on to the pipeline to serve the local area and Ms. Brennan asked if they could guarantee that this could happen.

A: Dominion: They noted that Dominion was a wholesaler in this case and a local distributor would have to do this. They added that they could not guarantee this; however a distributor could tap the line if it was feasible for them and that would be allowed by Dominion.

Q: Ms. Brennan asked if the easement payments would be based solely on linear foot of pipe going through the property and did they have a standard easement document that could be made available.

A: Dominion: They noted that the easement values would be determined on a case by case basis and would be based on the value of the surrounding properties, much like property values and would be negotiated with each property owner. They then noted that the easement documents were developed with each project and they had not developed these yet. It was noted that each document could differ slightly for each party. They added that the main document may be the same; however there would be amendments attached for each instance. They then noted that the basic document would not be made public and they reiterated that these documents had not yet been developed.

Q: Mr. Harvey inquired if there were any weight restrictions on the easements that were on land used for agricultural purposes.

A: Dominion: They noted that there could be; however typically tractors, hay wagons etc. were fine; however a large combine may have to be analyzed based on information provided to them. They added that they would work with logging operations on these and they typically buried the pipe 4 ft. deep. They noted that they worked with the landowner on these cases as long as they were aware of it and had stabilized pipeline crossings that they could plan for during construction if so advised. They added that during construction, they could also work with landowners on avoiding certain areas where weight restrictions might be a problem.

Q: Ms. Brennan asked if landowners could construct fences along the easement.

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A: Dominion: They noted that they could and if a fence was there prior to construction, they would work with the landowner to replace this or relocate it; however they preferred that the fence not cross it.

Q: Mr. Saunders asked why Dominion did not consider using other utility company's existing right of ways.

A: Dominion: They noted that they were evaluating these and they had found that a lot of them were electric transmission lines and they had to follow the terrain differently than a gas utility route would. They added that they preferred to use collocation, had evaluated all collocation opportunities, and would continue to do so throughout evaluation of the study area for the pipeline.

Q: Mr. Hale asked if the utility right of way that went through Jarmon's Gap was a Dominion Transmission line.

A: Dominion: They noted that it was however the terrain there was not conducive to a gas pipeline build.

Q: Ms. Brennan then asked if Dominion could provide a list of streams, wetlands, conservation easement properties, and historic properties that would be crossed.

A: Dominion: They noted that they would be compiling a list of all water bodies crossed as they did the surveys and noted that one of the survey crews did wetland delineations etc. They added that right now they were using GIS data and they needed to field verify these.

Q: Mr. Bruguere asked if wooded land had to be cleared, would the landowner get the benefit of this.

A: Dominion: They noted that yes they would and was part of the easement process where they could negotiate being able to keep proceeds from any associated timbering of the easement area.

Q: Ms. Brennan asked if the route in Nelson had been changed and when a map of affected properties would be provided.

A: Dominion: They noted that yes they had made a change based on the Naked Mountain Preserve being discovered. They added that as they surveyed, they would be able to better determine reroutes.

Q: Mr. Harvey asked if they would try to avoid large contiguous conservation easement areas.

A: Dominion: They noted that yes they did try to avoid these areas and reroutes may come in to play.

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Q: Mr. Bruguere asked what the plan would be in addressing Ag Forrestral Districts.

A: Dominion: They noted that they would look at these with the landowner on a case by case basis and they noted that during construction through agricultural land, topsoil was segregated and put back on top.

Q: Mr. Hale asked who oversaw the Erosion and Sediment Controls on the project. He noted that the County had an E & S ordinance that governed this and he asked if the County Would be responsible for making sure they complied with this. He added that this may entail more County staff.

A: Dominion: They noted that the E&S responsibilities would be overseen by the County, State, and FERC. They added that they would have to install controls and monitor them and would work diligently to comply during all phases of construction. They noted that they would pay whatever fees were associated with this.

Q: Mr. Saunders asked if giving them permission to survey the property meant that gave them the right to put the pipeline in.

A: Dominion: They noted that the survey process was to evaluate the land and it was an advantage for them to get on the property to talk with the landowner to see what was on the ground that might facilitate re-routes. They reiterated that the property owner did not give up their rights by letting them survey.

Q: Ms. Brennan asked if Dominion had a plan to provide clean water if water sources were contaminated by the pipeline.

A: Dominion: They noted that they would have to evaluate all water crossings and all water sources within 150 ft. of any disturbed area and this would be done for the entire length of the pipeline. They added that no contaminated fracking water would be used to test or would be discharged onto land or into waterways in Nelson County. They reiterated that no fracking water would be used in Nelson County.

Q: Ms. Brennan asked what their plans were for the abandonment of the pipeline when it was no longer needed.

A: Dominion: They noted that they expected it would be in place for many decades and noted that one Columbia pipeline had been in place for 80 years. They added that there was no specific plan for this and they would work to maintain it while it was in operation.

Q: Ms. Brennan asked if Dominion would build, own, and operate the pipeline or would another company do that.

A: Dominion: They noted that they would use good qualified contractors to build the pipeline and they would be the operator.

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Q: Ms. Brennan asked Dominion to describe the pipeline design with respect to earthquakes.

A: Dominion: They noted that they would have to evaluate seismic activity. They added that there were no safety issues reported after the last and strongest earthquake in Virginia and they would make sure it was designed accordingly to the area's seismic activity.

Q: Ms. Brennan asked what they would do if they had to blast in some situations.

A: Dominion: They noted that prescribed blast procedures would be followed and if there was any damage to property, the owner would be compensated; however they took every precaution to keep that from happening.

Q: Ms. Brennan asked if local EMS providers would have to undergo any special training related to the pipeline or secure special equipment and would they be paying for that. She followed up with asking if there would be an EMS response plan put together once it had been built.

A: Dominion: They noted that potentially, there would be trench rescue and backboard rescue type situations and they had been able to work with local EMS providers and have organized training. They added that they were open to discussing covering any additional costs associated with this if need be. Additionally, they noted that there would be an EMS response procedure and local response plan that would be reviewed annually and was an EMS requirement. They added that there would be community outreach programs that addressed these things.

Q: Mr. Saunders asked if they had their own safety officers.

A: Dominion: They noted that yes they did and the contractors would as well. They added that the contractors usually brought a medic unit with them and that when they evaluated contracts with contractors, they looked at safety ratings and this was the number one thing they evaluated as they took safety very seriously.

Q: Mr. Harvey asked if there were points of shut off in the line if something major happened and would they be automatically or manually shut down.

A: Dominion: They noted that yes there were valve settings along the line and they would be evaluating whether or not they would be automatic or manual during the design process.

Q: Mr. Saunders asked about the size of the construction ditch.

A: Dominion: They noted that the width of the ditch was 15 ft. at the top and 6 ft. at the bottom and 9-10 feet deep. They noted it may be deeper in streams and the bigger the pipe, the wider the ditch had to be and they had to follow all OSHA safety standards.

Q: Mr. Harvey asked what the odds were that the pipeline would not come through Nelson County and what other alternative routes did they have.

A: Dominion: They noted that they could not give those odds. They added that while they had not committed to the project, their potential customers had shown a lot of interest. They noted that the sooner they could be on properties to survey, the sooner they could understand any special circumstances. They noted that the route being considered was the one that was shown; however it could be modified based on what they found.

Q: Ms. Brennan asked if they had heard that insurance or mortgage companies had raised rates or dropped coverage entirely for landowners that had a pipeline running through their property and would financial compensation be provided to these homeowners. Mr. Harvey added that he had heard rumors that financial institutions had sent letters to people that had received the Dominion letters that they would not continue their loans on these properties.

A: Dominion: They noted that they had never heard of this situation and had no knowledge of it but would be glad to look at a letter if they were provided one. They added that there were about 200,000 miles of natural gas pipelines in the country and if that were the case it would have happened elsewhere and they were not aware of it.

There being no further questions from the Board, Mr. Toms noted that they could submit any additional questions to them directly and they added that their goal was to better educate the public. He noted that they would have a meeting in September at which the public could participate. He noted that they would have stations set up where individuals could visit them and speak with representatives on all topics and on specifics of individual properties. Ms. Brennan suggested that they begin these by opening the meeting with general questions and answers and then moving to the stations. Mr. Toms noted that they were there to share information and their proposed format provided this opportunity.

III. Public Comments

Ms. Brennan then opened the floor for public comments noting that she had a signup sheet and she would call those signed up in order to speak. She then asked the public to state their name and address and to limit their comments to three minutes or less. She also advised the public to keep their comments directed to the Board and that it would not be an interactive session where they would answer questions or engage in a dialogue. Ms. Brennan then called the names of those that had signed up to speak and the comments of the following persons recognized are summarized below:

1. Ed Ely, Roseland

Mr. Ely thanked Dominion for their participation and noted that he thought that Dominion's citizenship was pretty good; however he questioned whether or not the current route was the most cost effective as it covered some of the hardest ground. He encouraged Dominion to look at alternatives with fewer impacts.

2. Philip Purvis, Shipman

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Mr. Purvis questioned what rights an easement gave Dominion and were they able to do anything they wanted in the 75 ft. He added that if they did use dynamite, it could damage wells and would they be responsible for that. He then noted that Virginia was currently not a place for fracking; however would they have the right to drill on that easement and perform fracking.

3. Robert “Denny” Goubisch, Afton

Mr. Goubisch quoted Thomas Jefferson noting that “Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because law is often but the tyrant's will, and always so when it violates the rights of the individual.” He added that he thought that nothing should happen without 100% consent from every landowner involved. He noted that Dominion came there to defend making money as a corporate citizen and that ethics would demand that they not consider eminent domain. He then commended the Board for holding the meeting and asking questions.

4. Bernie McGinnis, Shipman

Mr. McGinnis thanked the Board for the meeting and asked that the Board make sure that none of the County’s citizens were hurt, they were protected, and they helped them survive this crisis. He added that they should follow his grandfather’s advice and beware of the big boys from the city.

5. Ms. Bo Holland, Faber did not come forward to speak.

6. Mr. Carlton Ballowe, Faber did not come forward to speak.

7. Ernie Reed, NC property owner

Mr. Reed thanked the Board for the meeting and their questions. He then suggested that the open houses held by Dominion not be limited to one on one discussions so the wisdom of the people could be shared with all attending. In follow up he requested that the public be able to ask questions of them in a public forum.

8. Morgan Barker, Crawford’s View Road

Mr. Barker noted that he wanted the Board to represent the County’s citizens and he thought that wind and solar powered energy was a more viable solution. He added that he thought that landowners should decide if it was feasible for them to be here and he wanted more information from them the next time they came.

9. Sapphyre Miria, Louisa VA

Ms. Miria noted that Dominion was the same company that knowingly built an under designed power plant in collusion with the Feds on top of a fault line in Louisa County that

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went into a hot shut down during the 2011 earthquake. She urged the Board not to trust Dominion, to listen to the people, and to tell Dominion no.

10. Deirdre Skogen, Wild Virginia did not come forward to speak.

11. Charlotte Rea, Afton

Ms. Rea noted that she had heard more unanswered questions than answered questions especially on how they would handle leaks and how the line was monitored for leaks. She noted that Dominion said that the pipeline was preliminary; however they said they would file with FERC next month. To her this meant they had already decided to do the pipeline. She then noted that 99% of these filings were approved. She noted that Dominion did not care about the citizens of Nelson and the 25% approval rating by citizens was probably inflated. She noted that they had spoken about compensation for blasting damages, however they did not say anything about compensating adjacent properties that were negatively affected by the pipeline. She added that they had refused to provide maps to landowners and that was unacceptable. She noted that she would like to see how this would be used for economic development, jobs, and industrial development. She noted that this did not define public use and citizens needed to stand up and be recognized.

12. Gwen Casale, Shipman, did not come forward to speak.

13. Nicholas Oppenheimer, Nellysford

Mr. Oppenheimer noted that he had been in the construction business for 40 years and he noted that every job would take longer and cost more than thought and things would go wrong. He added that a pipeline this long would be fraught with things going wrong. He noted that Dominion had stated a reason for the pipeline was there was no access to the northern supply of gas; whereas the map showed that the natural gas was coming from the West and Dominion was not being honest about this. He added that they should know how much water to the cubic inch should be needed to pressure test the pipeline and that they knew exactly what kind of easements they would use etc. He noted that they needed to do their homework and that they were doing things backwards namely they should survey first and then determine the route. He then described the rocky terrain that they would encounter in building the pipeline on its current proposed route.

14. Mitch Fleisher, MD. Nellysford did not come forward to speak.

15. Toni Ranieri, Afton

Ms. Ranieri noted that about 2/3 of the world's existing reserves of fossil fuels could not be burned before 2050 without increasing global temperatures by 2%, the threshold beyond which the climate change was expected to be catastrophic and it seemed to her that the pipeline was already outdated.

16. Tom Lever, Louisa VA

Mr. Lever noted he had a series of questions that related to accountability, externalities, and economics. He noted he was concerned about the lack of standardization or oversight in the signing of easements and whether that consent would be properly informed and he was interested in developing a legal mechanism to enforce mitigation and in avoiding the exportation of the natural gas. He then noted he had other questions such as: what was the rate of leakage in other pipelines, what was the rate of degradation of the pipes, what were the negative externalities of pipe damage, how could the topsoil excavated be preserved from the clay that was dug up, what would be the impact to the continuity of forests and wild lands, and what mitigation efforts would be made and how would these be enforced, what would be the compensation to homeowners for decreased home values, would Virginia's population increase and would the demand for Natural gas in Virginia and North Carolina really increase and should this increase be promoted, what quantity of natural gas comes to Virginia annually now, would present sources slow down production and could Virginia just keep bringing this in and lower our demand as the supply decreased, What were the present sources for Virginia and North Carolina and what quantity remained, why ship it from Pennsylvania when present infrastructure was here, how many decades of use remained from the northern shale, would this be used domestically and not exported and would the proceeds be returned to Virginia and North Carolina communities.

17. Jane Taylor, Afton

Ms. Taylor noted she did not receive a letter from Dominion; however she wrote them to tell them to stay off of her property. She noted that she was concerned about Eminent Domain laws and the use of it for private gain, private enterprise, and increasing tax revenues etc. She added that Dominion Power knew all about those things and she questioned what just compensation was. She questioned the non-exportation of natural gas noting that there would be a glut of natural gas in the nation and Dominion would not overlook the fact that they would make more money if they sold it overseas. She questioned what would keep them from changing their minds and exporting it. She then noted that she did not see a benefit to Nelson County. She added that 74% of Virginians and more than 74% of Nelson County voters voted to include in the State code an amendment that only public institutions use eminent domain and could take property.

18. Lincoln Brower, Roseland

Mr. Brower thanked the Board for the meeting. He noted that he was involved when a gas line exploded in California alongside an interstate and it was an incredible inferno. He noted that the proposed pipeline would ship 1.5 billion cubic ft. of gas per day and it would take a long time to turn it off should something happen. He then questioned where the gas was coming from and what the impact was to the environment. He also questioned what they would do with the pipeline when the gas ran out and he thought they should consider alternative power sources such as wind and solar power in order to keep the rural character of the county.

19. Wisteria Johnson, Shipman

Ms. Johnson thanked the Board for getting Dominion there and for representing Nelson County so well. She then asked what it would take to get the Board to jointly oppose the pipeline even if it did nothing but let the world know that they wanted to preserve the integrity of Nelson County. She added that she saw no benefit of the pipeline to Nelson County. She noted that the word eminent domain was Nelson's biggest concern given that people have worked hard for their land and did not want the pipeline to happen. She then asked if there was anything that could be done to keep Dominion from acquiring the FERC certificate. She noted she understood that eminent domain was not available to them until they got the certificate from FERC; however she questioned whether or not citizens could do anything to prevent them from getting it.

20. Added: Kurt Bowers, Pipeline Committee Chair for the Sierra Club, Albemarle County

Mr. Bowers noted that for a 30 inch line, the revenue would be about \$7,500 per mile and if this were extrapolated out, it was about \$350,000 per year. He noted that Rappahannock County had a pipeline coming through and the Board of Supervisors opposed it by resolution. He noted that the Washington County Board approved fracking in the county because they believed they would have access to the gas transmission lines. He noted that there were 3 pipelines and one, the Spectra pipeline had been put on hold and it was now down to two options for the pipeline. He noted that the state could not use fossil fuels anymore and there was enough offshore wind power to power the whole state of Virginia and they did not need transmission pipelines. He noted a Stanford study that noted we were on the brink of the sixth mass extinction in the earth's history and he added that they needed to use wind power. He concluded by noting that the Sierra Club was opposed to the pipeline and would fight it the whole way.

21. Added: Mike Jones, Waynesboro County and NC Property Owner

Mr. Jones noted that to protect the Country's natural resources, the Country's borders should be protected and the answer to lowering the Country's dependence on any kind of energy was to stop breeding.

There being no other persons wishing to be recognized, Ms. Brennan closed the public comments session and the Board had the following comments:

Mr. Bruguiere noted he would reserve comment until after Dominion held the next public meetings. He explained he wanted to gather more information before making a judgment.

Mr. Hale noted that he had not been persuaded that the pipeline was in the interest of Nelson County and he was opposed to it. He then added that the County's responsibility was going to be to do everything possible to assist citizens as the process went forward. He noted he had no doubt that it would be built and the County should assist people to protect their property and they should examine the County's ordinances to evaluate for areas where they could impose additional requirements.

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Ms. Brennan noted she was opposed to the pipeline and was frustrated that many questions asked were not answered and she would send them more and ask for written answers. She noted that she was concerned with the format of the upcoming Dominion public meetings and that they should do what Ernie Reed suggested because she thought their format was a divide and conquer technique. She added that she thought they should do whatever they could to assist in mitigating the negative impacts if the pipeline was built. She concluded by stating that she still hoped that they could get them to move the pipeline and she thanked the public for coming and expressing their views.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 9:45 PM, Mr. Hale moved to adjourn the meeting and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.