AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
January 24, 2013

THE REGULAR MEETING CONVENES AT 7:00 P.M. IN THE BOARD OF SUPERVISORS ROOM, SECOND FLOOR, COURTHOUSE, LOVINGSTON

I. Call to Order
- **A.** Moment of Silence
- **B.** Pledge of Allegiance

II. Public Comments

III. Public Hearings & Presentations
- **A.** **Proposed Relocation of the Office of the General Registrar** from its current location at 63 Court Street, Lovingston, VA (lower level of the old Health Department building) to the Daniel Rutherford Law Office located at 571 Front Street, Lovingston, VA 22949.
- **B.** **Presentation –** Region Ten 2013 Legislative Priorities (Patricia Hughes)
- **C.** **Presentation –** Thayer Design, Inc. Historic Courthouse Exhibit

IV. New/Unfinished Business
- **A.** Approval of Minutes **(R2013-05)**
- **B.** Radio Project Staff Report-Final Motorola Contract Design Review and Project Budget
- **C.** VRA 2013 Spring Pooled Financing Application – Refinancing Courthouse Debt

V. Other Business (As May Be Presented)

VI. Adjournment

23 January, 2013

To: Nelson County Board of Supervisors and Nelson County Broadband Authority
From: S. Carter, County Administrator SAC
Re: January 24, 2013 Regular Sessions (Agenda Summary)

Transmitted herewith are the respective agendas for the Board of Supervisors and Broadband Authority regular meetings on 1-24-13. A summary of each session is denoted as follows:

I. NCBA: Following the meeting's call to order and public comments, the Authority will conduct an annual reorganizational meeting, including election of officers. The consent agenda includes approval of meeting minutes. Under New/Unfinished Business, staff will provide a project update, followed by a report from Blue Ridge Internetworks, the broadband system's Network Operator.

It is also anticipated that discussion during the meeting will focus on the network's rate structure.

II. Board of Supervisors: Following the meeting's call to order and public comments, the Board will conduct under public hearings and presentations, a) a public hearing to receive input on the proposed relocation of the office of the General Registrar (to 571 Front Street in Lovingston), b) receive a presentation from Region Ten (Ms. Patricia Hughes) on the agency's 2013 Legislative Priorities (state), and, c) receive a presentation from Thayer Design, Inc. (Marc and Paula Waller) on the Historic Courthouse Exhibit Project, which is a federal/state obligation resulting from the installation of the radio communications tower at the Courthouse.

Under New/Unfinished Business, the Board will consider a) approval of meeting minutes, b) authorization to proceed with the Radio Project's "Final Motorola Contract Design Review" and Project Budget (which encompass the final equipment listing and project modifications identified in completing the final Contract Design Review – staff will report/summarize this subject, see agenda for a summary document) and, c) consider approval of a proposed refinancing in June 2013, through the VA Resources Authority, of the debt incurred to complete the Courthouse Project (preliminary analysis completed to date and currently being revised in cooperation with VRA staff projects savings of approximately $3.0 million based on a 20 year refinancing period, inclusive of eliminating and reallocating the annual double payment of the current debt obligation with USDA-RD; staff to report with updated information at the meeting).

Please advise should you have comment or questions on either agenda prior to the meetings on 1-24.

Your consideration is appreciated.

NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
PROPOSED RELOCATION OF THE OFFICE OF THE GENERAL REGISTRAR

Pursuant to §15.2-1427 and §24.2-306 of the Code of Virginia, 1950 as Amended, the Nelson County Board of Supervisors will conduct a public hearing on January 24, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on the proposed relocation of the Office of the General Registrar from its current location at 63 Court Street, Lovingston, VA (lower level of the old Health Department building) to the Daniel Rutherford Law Office located at 571 Front Street, Lovingston, VA 22949.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS

RUTHERFORD ENTERPRISES, LLC

571 Front Street
Lovingston, VA 22949

Telephone (434) 263-8009
Fax (800) 947-0389

October 25, 2012

Re: Available Office Space for Lease

To Whom It Concerns:

Enclosed, please find the proposal for the newly renovated space. The areas to be leased are the four rooms as shown in the attached diagram, the loft above the rooms, the foyer, as well as access to a handicap accessible bathroom. The total square footage to be leased is approximately 1,550 square feet.

The total monthly amount for a one year lease would be **$1215.00**. Included with this lease would be water/sewer and internet, unless the Nelson County Voter Registrar requires a separate internet service for security purposes. The only maintenance required of the county would be to clean the leased premises and repair any damage to walls or carpet that occurs while the County is leasing the premises. All outside yard maintenance shall be included.

The electricity bill shall be divided equally between the Rutherford Law Group, P.C. and the County. It will be the responsibility of the County to pay for its own telephone service. I am attaching for the County's review the previous year and a half of the monthly electricity usage for the building as a whole, this included heating and cooling the proposed leased premises prior to the current renovations.

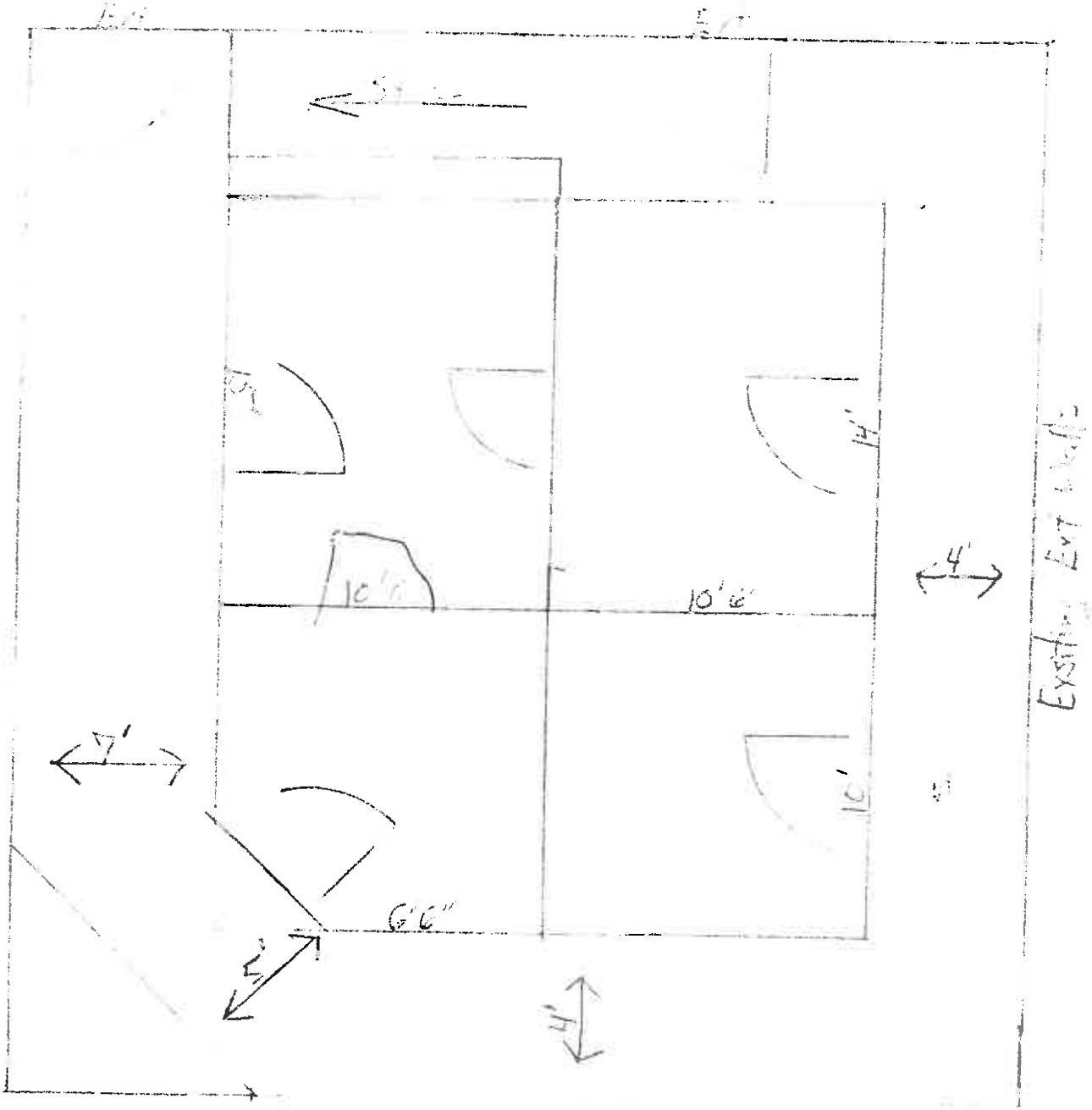
To ensure handicap accessibility to the leased premises, an appropriate ramp shall be installed to the main foyer leading to the leased premises, as well as to each room and bathroom. A handicap parking space shall also be designated, but if the County requires a paved surface for the space, such shall be the responsibility of the County.

As an incentive, if within the next thirty (30) days the County executes a lease, Rutherford Enterprises, LLC will make the minor renovations to the rooms as requested by the Voter Registrar, which would include installing a small window the entrance room, creating an opening, with a writing bar, so a sliding window can be installed, as well as installing a sink and vanity in the rear corner on the wall next to the bathroom.

Rutherford Law Group, PC
All Transactions for Appalachian Power
January through December 2012

Type	Num	Date	Account	Amount
Jan - Dec 12				
Check	1793	10/2/2012	10900 · Rutherford ...	-176.91
Check	1745	8/23/2012	10900 · Rutherford ...	-159.71
Check	1714	7/25/2012	10900 · Rutherford ...	-289.52
Bill Pmt -Check	1658	6/4/2012	10900 · Rutherford ...	-76.76
Bill		5/16/2012	20000 · Accounts P...	-76.76
Check	1615	4/27/2012	10900 · Rutherford ...	-62.66
Check	1601	4/10/2012	10900 · Rutherford ...	-91.30
Check	1564	3/7/2012	10900 · Rutherford ...	-110.42
Check	1546	2/10/2012	10900 · Rutherford ...	-134.98
Check	1522	1/10/2012	10900 · Rutherford ...	-104.87
Jan - Dec 12				

Cub Creek Construction Inc.
56 Miles Lane
Faber VA 22938



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RUTHERFORD LAW GROUP
DANIEL L. RUTHERFORD
ATTORNEY AT LAW

571 Front Street • P.O. Box 5 • Lovingston, VA 22949
434.263.8009

dan@dlrutherfordlaw.com
www.DLRutherfordLaw.com

16 November, 2012

To: Board of Supervisors
From: S. Carter
Re: Registrar's Office (Relocation)

Staff has evaluated three potential locations for consideration of relocating the local Registrar's Office to enable the Board of Supervisors to then determine what will be done with the existing Health Department Building (i.e. renovation or demolition), as with the relocation of the Registrar out of the HD Building and notice (60 days) to the existing private dental practice the building will then be vacant.

Included herewith are the following:

1. Comparable table of three properties that are potential locations for the Registrar's Office

2. Report from Space Needs Assessment (Registrar's Office) from Space Needs Assessment Commissioned by Nelson County during development of the Courthouse Project

3. Letter from Mr. Daniel Rutherford, Esq. regarding "Available Office Space for Lease at 571 Front Street

4. Preliminary Floor Plan at 3 'Floor of Region Ten CSB Building on Tanbark Drive

Additional Comment(s):

1. Lease Amount – a) Rutherford Bldg. = $1,215 per month ($14,580 per year)
   b) Gress Bldg. = $1,400 per month (($16,800 per year) Approx.
   c) Region Ten = TBD based on build out and lease term

2. Building Official Comment(s);

a) Rutherford Bldg. – Determine inclusion of handicap parking space within rental agreement, as ownership of the proposed parking area is in full or part by others (the neighboring bank operation).

b) Gress Bldg: -Doors over stairway to basement; DWV drainage piping in garage dos not have proper slope; No handicap restroom; single unisex restroom limits occupancy to 15 persons; No handicap access to all building functions (first floor or basement); No insulation in heated basement space; Residential HVAC system required opening windows for makeup air for occupants.

3. Staff Comment/Recommendation(s): Lease the Rutherford Building only if the Registrar concurs with a single 550 square foot (approximate) office space only, the parking and HVAC concerns are addressed and the lease term is one year with annual renewals (storage and meeting requirements would have to be met within the Courthouse facility). Alternatively, negotiate with Region 10 for build out of the third floor of the agency's Lovingston facility for use by the Registrar and, possibly, other County staff. A five year lease agreement would be required with the monthly/annual lease payment to be negotiated.

Either consideration would be conducive to a decision to renovate the Lovingston Health Care Center to a County office facility should the consultant's report on the feasibility of renovation the facility for use as an assisted living facility be determined to be not feasible.

COMPARISON OF VARIOUS OFFICES FOR REGISTRAR'S OFFICE			
	Gress Building 86 Tan Bark Drive	Region Ten 71 Tan Bark Plaza	Rutherford Building 571 Front St.
Square Footage (actual enclosed office space)	975 per level	2,400 (30 x 80)	550 (22 x 25)
Square Footage Needed	1,237	1,237	1,237
Are Training Space Requirements Available	NO	YES	NO
Is Heat Available	YES	YES	Only Central
Is Heat Zone Controlled	YES	YES	NO
Is AC Available	YES	YES	Only Central
Is AC Zone Controlled	YES	YES	NO
Unisex Bathroon	NO	YES	YES
Building Functions ADA	NO	YES	NO
Water Fountain	NO	NO	NO
Janitor's Sink	NO	YES	NO
Private Parking Spaces	YES	Limited	NO
Van Accessible Parking Space	NO	YES	NO
Rental Unit Security (Limited/Secure after Hours)	NO	YES	YES
Flood Plain	YES	NO	NO
Moisture Control	YES	YES	YES
Lighting	YES	YES	YES
Natural Ventilation	YES	YES	YES
Insulation	??	YES	YES

COMMENTS: Gress Building - Only 11evel is secure for operations, Bathroom have to be totally redone

Region Ten - Building meets all requirements but does need to be built out to tenant specs.

Rutherford - Top Floor Non Usable Space, No air conditioning directly to each office and parking constraints possible from bank.

Registrar

Present Location: Basement of the Health Department

Proposed Location: TBD

Existing Area Occupied: 510 square feet Office Space, 128 square feet Voting Machine Storage,and 100 square feet for Preparation Storage (Total – 738 square feet)

Total Area Needed Today: 738 square feet

Growth Expectations and Total Area Needed by the Year 2015: 780 square feet Office Space, 160 square feet Voting Machine Storage, and 150 square feet for Preparation Storage,(Total- 1,090 square feet)

The existing Nelson County Registrar's Office is 510 square feet and contains a small public queing area, the transaction counter, two workstations, a payment alcove, a small meeting room for the Electoral Board, and a toilet. The voting machine storage room is across the hall and is not included in the 510 square feet mentioned above.

By the year 2015 it is anticipated that the Registrar will need space for an additional person whether that person is part-time or full-time. There will also be a need for a fireproof ballot storage area, additional public queing space, an access control counter with secure transaction window, and a door with access control features such as a remotely controlled electronic strike. There will also be a need for a small room where confidential discussions can take place, a slight enlargement of the Registrar's work area for improved internal circulation, a small files room or alcove, and a continuance of the Electoral Board's Meeting Room. The area increase associated with these new functions and improvements is approximately 270 additional square feet for a total Registrar's area of 780 square feet. This number excludes the voting machine storage room,which is also too small.

The Voting Machine Storage Room is currently 128 square feet and the Storage Room is currently 100 square feet. It is recommended that Storage space be increased to 150 square feet and the Voting Machine Storage Space be increased to 160 square feet. This will allow shelving storage on opposite walls with a dear and unobstructed width between shelves

Current Conditions

The Registrar's Office is located in the basement of the Health Department. Its current location is not an inviting one for the public and the disabled must enter at the opposite end of the building and maneuver through the basement to the Registrar's Office.

The queing area at the public counter is too small and lacks any possibility of confidentiality. There is also a lack of security with ballots being In non-secure cabinets and the work area is small and cramped with files and boxes. The space would be more effident If a files or storage room existed. The counter is not secure and the Registrar must allow the public to enter into the Registrar's space to view various maps. Due to a lack of space,the Electoral Board's Meeting Room must also serve as a lunchroom and storage room. The voting machine storage room leaks and is also too small to accommodate the future growth of the County.

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Cub Creek Construction Inc.
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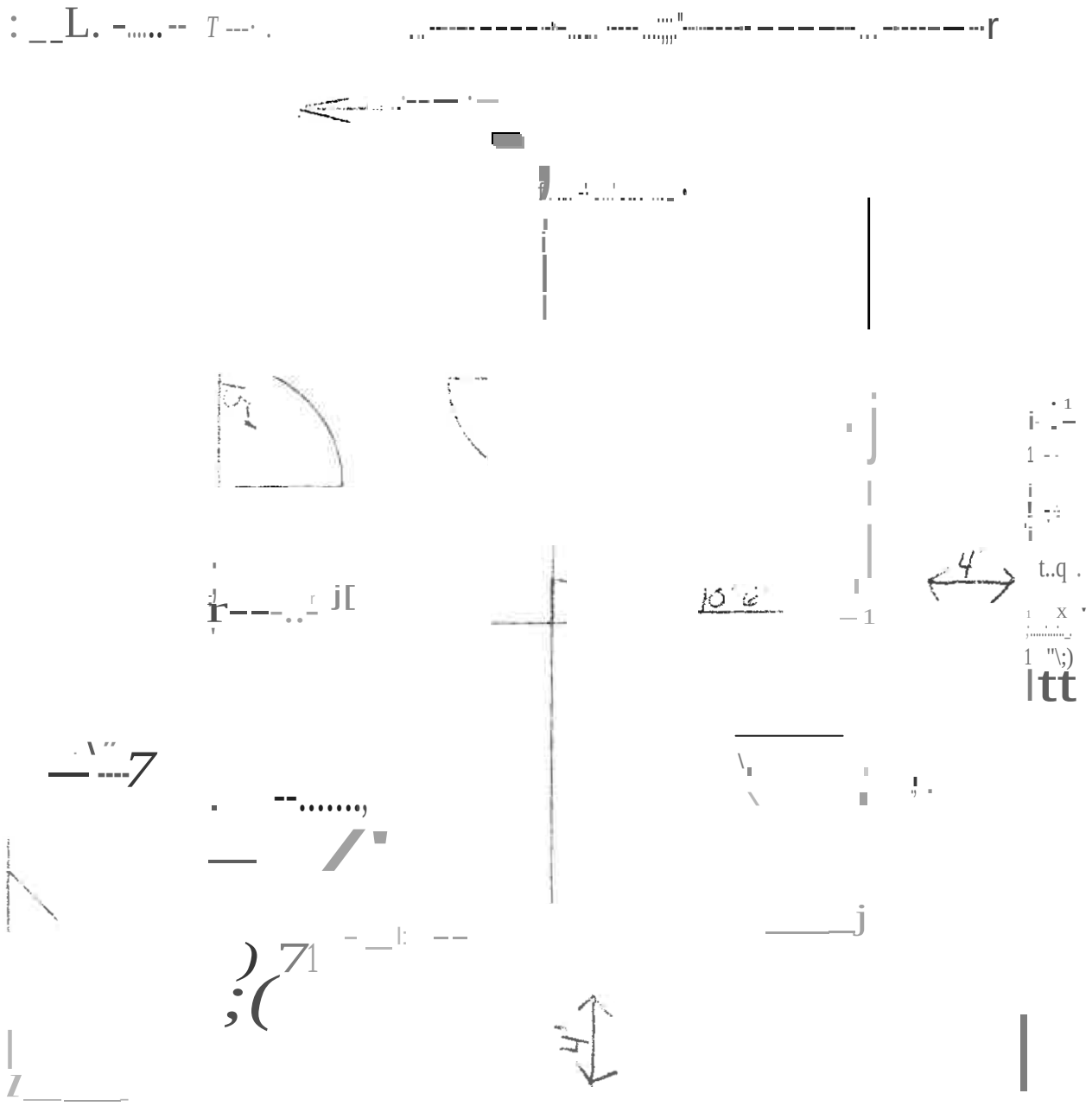

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RUTHERFORD LAW GROUP
DANIEL E. RUTHERFORD
ATTORNEY AT LAW
571 Fr-onc Street • P.O. Box S • Lo,lag•toa, VA12,4!1
434.263.8009
dar.:qdlrutherfordlaw.com
" n•. DLRutberfordLaw.com

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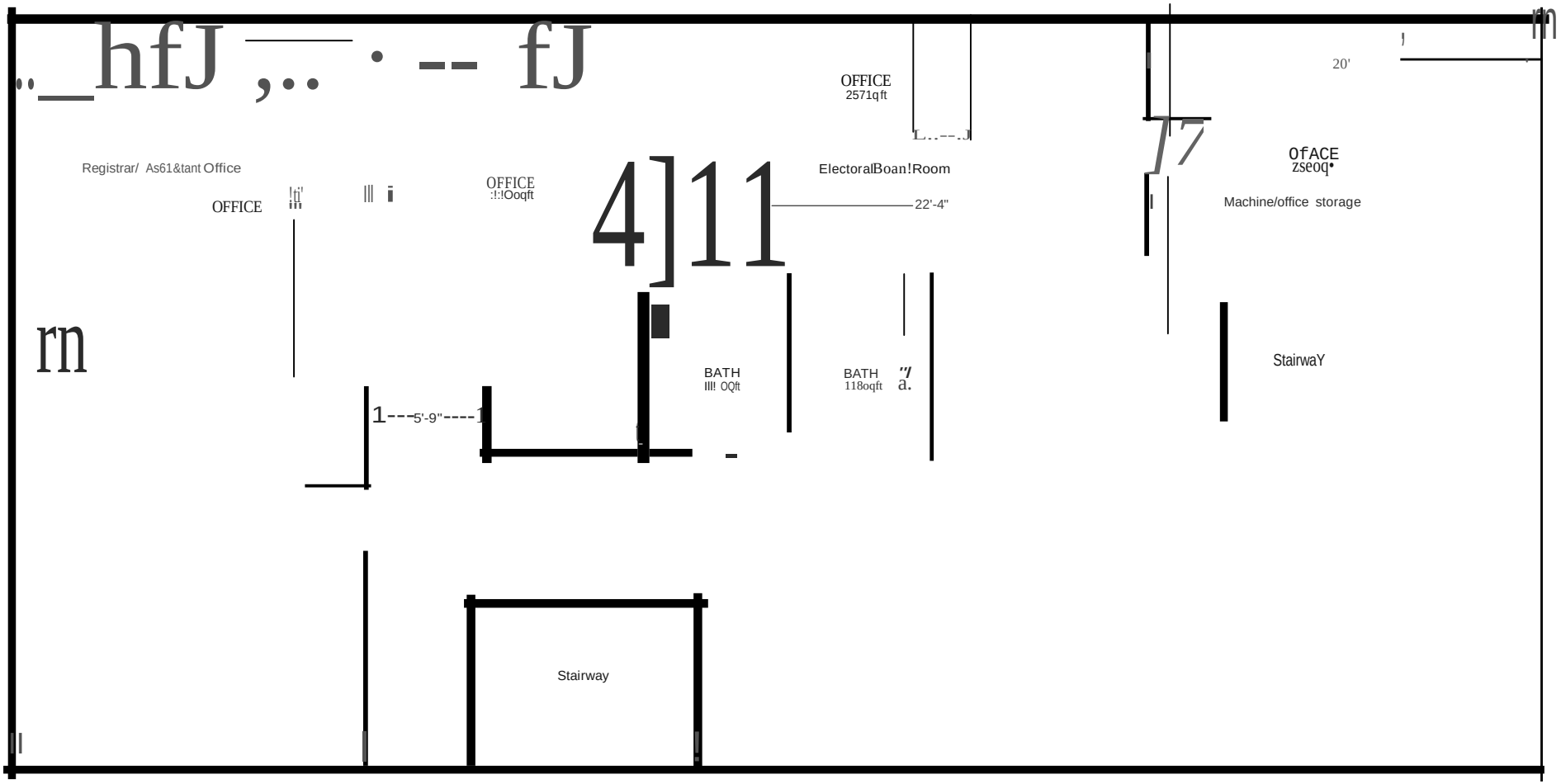
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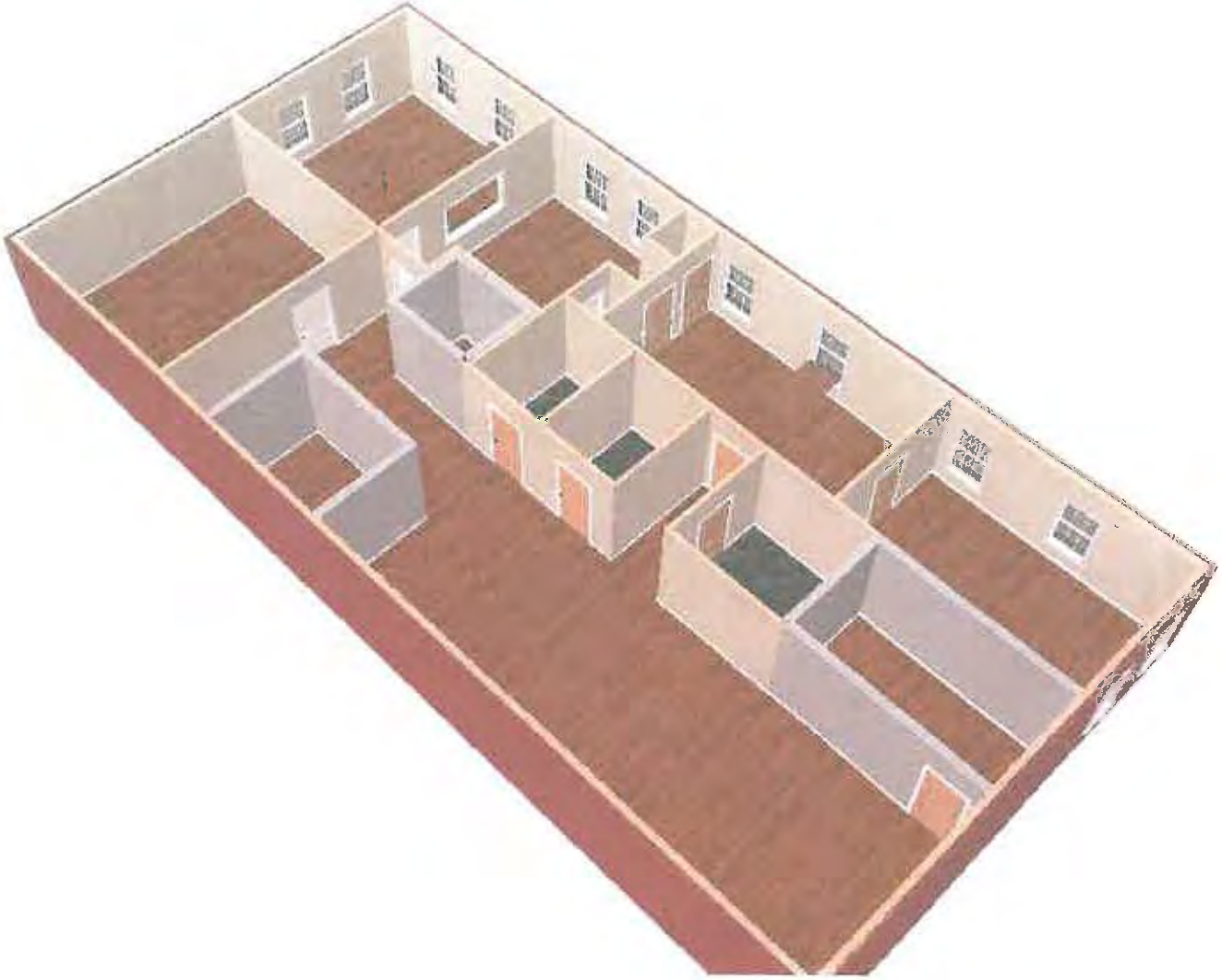

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and send copies of enacted changes to the local electoral board, the State Board, and the Division of Legislative Services.

(Code 1950, §§ 24-49 through 24-51; 1970, c. 462, § 24.1-39; 1971, Ex. Sess., c. 119; 1993, c. 641; 1995, c. 249; 2003, c. 1015; 2004, c. 1000; 2012, cc. 328, 486.)

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative

polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. 307; 2003, c. 1015; 2004, c. 25; 2005, c. 340; 2008, cc. 113, 394; 2010, cc. 639, 707; 2012, cc. 488, 759.)

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§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

From: Patricia Hughes
To: Candy McGarry
Subject: Re: Region Ten Legislative Priorities Presentation
Date: Wednesday, November 21, 2012 3:08:25 PM

Hi. If possible, could we be on the Jan. 24th evening agenda? If not, that's fine. I am running into difficulty with a family issue. Thank you for your consideration.

On Tue, Nov 20, 2012 at 9:30 AM, Patricia Hughes <tricia047@gmail.com> wrote:
> Good morning. Region Ten again requests 15 minutes (if possible) at
> either the January 8th Board of Supervisors meeting, or the meeting
> scheduled for January 24th. Our presentation will deal with
> legislative priorities for 2013. I hope this is possible, and
> appreciate your assistance. You can reach me at tricia047@gmail.com or
> by telephone: 361-1870 (home) or 434-981-5532 (cell.) Again, thanks
> for your consideration of this request.
>
> Very truly yours,
> Patricia Hughes, Nelson County Board Member
> Region Ten Community Services Board

MAIN HALLWAY
BANNERS
NELSON COUNTY COURTHOUSE

MAIN EXHIBIT WALL NELSON COUNTY COURTHOUSE

1810

Historic Courthouse

1810

Historic Courthouse

A NEW COURTHOUSE FOR A NEW COUNTY

"Be it enacted by the General Assembly, That the county of Amherst shall be, and the same is hereby divided by the parish line; the upper county to retain the name of Amherst...The new, or lower county, shall be called and known by the name of Nelson. The justices shall thereof meet at Cabellsville within said county, until the permanent seat of justice shall be fixed and the necessary public buildings erected thereon..."

—An Act for Dividing the County of Amherst, December 25, 1807

Nelson County Historical Society

This early postcard image shows the Nelson County Courthouse as it looked prior to additions and renovations. The designer, Sheldon Crostwait, may have been inspired by courthouse designs at Fairfax (1799) and Haymarket (1802), but his plan was unique in its use of a five-bay arcade, rather than the traditional three bays.

AN UNUSUAL CHRISTMAS GIFT

On Christmas Day in 1807, Amherst County was partitioned into two counties, Amherst and Nelson. William H. Cabell, governor at the time, had been born in Norwood, later to become part of Nelson County. Governor Cabell thought of the new county as a Christmas gift to his birthplace.

The original county seat for Amherst County had been at Cabellsville, about one mile west of present-day Colleen. Nelson County's court sessions were continued in the old courthouse there until a new courthouse could be built.

On December 31, 1808, a permanent seat of justice for Nelson County was established on the south side of Loving's Gap, later to be known as Lovingston. John Loving, a commissioner, donated the land. The town was platted in 1809 by George Varnum with the courthouse located on a hill on the east side of the donated land, where it would dominate the village's large public square.

Virginia Department of Historic Resources

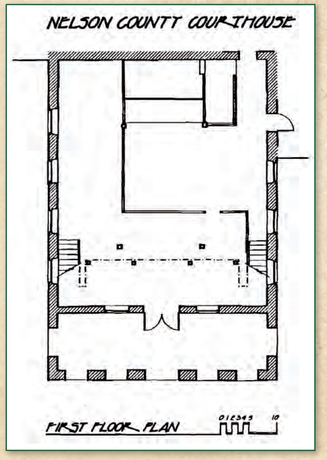
Front view of the courtroom, 1973
This courtroom is one of the oldest in Virginia in continuous use.

ELEMENTS OF DESIGN

In 1809, Sheldon Crostwait submitted plans for the new courthouse. Several plan variations were considered before the magistrates chose a design for a two-story building with second-floor jury rooms placed over a gabled-ended arcade. The design, a derivative of the English townhall plan used for several public buildings in Virginia between 1799 and 1822, bridged the gap between colonial courthouse design and the Jeffersonian temple form. Although the original building has had several subsequent additions, the elements of the original plan remain intact.

George Varnum supervised construction of the courthouse, which was built for $3,289.65, payable in three parts over three years. Built of brick and stucco with little architectural detail, the building has a five-bay arcade with the center arch larger than the others. The metal roof is topped with a hexagonal cupola set on a rectangular base. The original courthouse building measured 42 x 50 feet.

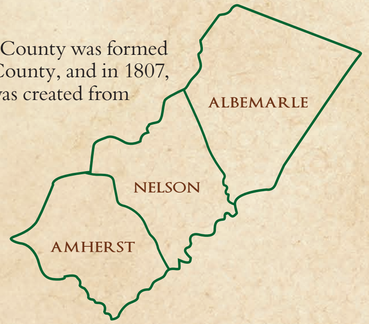
The courthouse was completed and in use by February 26, 1810, when the county's justices met there for the first time. That same year, a clerk's office was built, and two log structures were appropriated for use as the first jails.



Colonial Williamsburg Foundation

Plan for the Nelson County Courthouse, 1809
Four plan variations were initially considered, but all four were rejected in favor of a two-story building with second-floor jury rooms placed over a gabled-ended arcade.

In 1761, Amherst County was formed from Albemarle County, and in 1807, Nelson County was created from Amherst County.



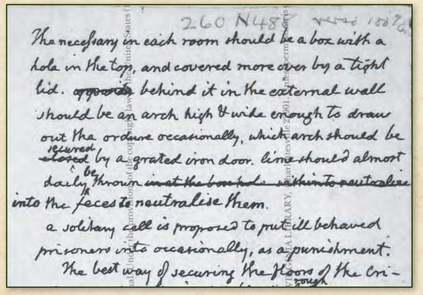
Thayer Design

Capped by a standing seam metal roof with crowning cupola, the courthouse is detailed with a modillion-course cornice on the side elevations.

THE JEFFERSON JAIL, CA. 1824

"Our county is small, and the finances of the people will not admit of the least unnecessary expense, yet we wish to build substantially, durably, neatly, commodiously; to do something creditable to the county of Nelson, and to fulfill decently the expectations of the Legislature."

—Joseph C. Cabell writing to Thomas Jefferson, June 24, 1823


The necessary in each room should be a box with a hole in the top, and covered more over by a tight lid. behind it in the external wall should be an arch high & wide enough to draw out the ordure occasionally, which arch should be closed by a grated iron door. lime should almost daily be thrown into the faces to neutralise them.
a solitary cell is proposed to put ill behaved prisoners into occasionally, as a punishment.
The best way of securing the floors of the Cri-

Massachusetts Historical Society

In his correspondence with Cabell, Jefferson included a cost estimate and even detailed instructions on cleaning the "necessaries" and securing the floor of the criminal compartments.

White House Historical Association

In June 1823, Nelson County's Joseph C. Cabell wrote to his friend and colleague, Thomas Jefferson, to ask for assistance in designing a new jail for the county. The design was to comply with recently enacted legislation as well as measures that were expected to become part of jail reform in coming years. Cabell requested a walled enclosure for prisoners to "take exercise in the open air" and separate spaces for males and females. Expense was also a consideration. The design, Cabell wrote, should be for a small brick building in "the plainest possible style."

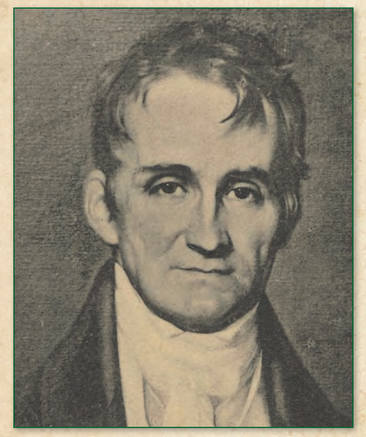
Letters and sketches were exchanged among Joseph Cabell, Arthur Brockenbrough at the University of Virginia, and Thomas Jefferson. Jefferson sent Cabell a copy of the design he had created for the Cumberland County jail. In late July 1823, Jefferson was too feeble to write, but Brockenbrough corresponded with Cabell on the project.

By August 1823, a site for the jail had been selected, and the plan had been approved. The jail was constructed by two of the premier workmen in Virginia at the time, William B. Phillips and Malcolm F. Crawford, both of whom had worked on the pavilions at the University of Virginia.

Modifications made over the years have removed much of the building's original interior finishes, but the exterior walls and many of the interior partitions remain in place. The jail has served many purposes since its initial construction. It was the clerk's office from 1838 until 1940 before housing the county's agricultural agent and the Department of Public Welfare. Most recently, the jail has served as the sheriff's office.

"This is what we believe is one of the last buildings Jefferson designed and shows Jefferson's wide interest in architecture. The jail is a nice contrast to the elegance and grandeur of Monticello and the other public buildings he designed."

—Gardiner Hallock, Arcadia Preservation

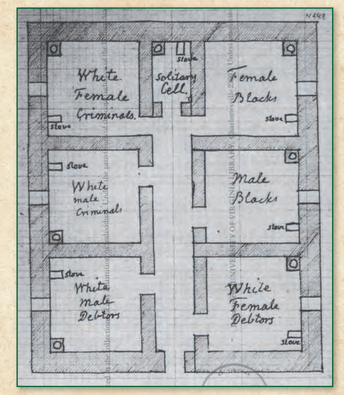


University of Virginia Library

Joseph C. Cabell (1778–1856) collaborated with Thomas Jefferson on many projects, including the establishment of the University of Virginia.

"You have not only given us an excellent plan, but your estimate has saved us a great part of the expense we should otherwise have been obliged to encounter."

—Joseph C. Cabell writing to Thomas Jefferson, August 6, 1823



Massachusetts Historical Society

Jefferson's sketch shows six square cells, each designated for a certain group of inmates. A small room is noted as a solitary cell, which Jefferson wrote in an accompanying document was, "to put ill-behaved prisoners into occasionally, as a punishment." The jail's design shows the type of plan required by the prison reforms passed in the 1820s.

This sketch helped an architectural conservator at Monticello determine that the Nelson County jail was a Jefferson design. The structure is within inches of the size and dimensions of the 44- by 52-foot design made in 1823. The layout of the building mirrors the layout of the drawing.

Samantha Embrey

This 1930s photo of County Clerk C. W. Embrey and an unidentified gentleman is believed to have been taken inside the Jefferson jail.

Library of Virginia

The brick masonry, single-story, gable-roofed jail was largely designed by Thomas Jefferson in 1823. The Historic Structure Report completed in 2012 described the structure as a "modest, sturdy building in sound condition."

In this 1937 photo, County Clerk C. W. Embrey is standing in front of the jail building, which at the time was being used as the clerk's office.

Wiley|Wilson

The jail's most significant architectural feature, other than the surviving elements of the plan, is the mousetooth cornice found on the east and west elevations.

19TH CENTURY PROSPERITY & PROGRESS

Meeting New Needs

"Lovingston contains 124 houses, among which are the court house, clerk's office, and jail, enclosed by a brick wall, which is entered through two arched gates."

—Joseph Martin, *1835 Gazetteer of Virginia and the District of Columbia*

Virginia Department of Historic Resources

This building was known for more than 100 years as the "Whitehead Law Office." Robert Whitehead, a Lovingston native, was appointed Nelson County's Attorney for the Commonwealth in 1845 and held the position until Reconstruction. The frame addition on the west end of the original brick structure was constructed in 1940.

Virginia Department of Historic Resources

This small masonry building, built ca. 1841 by Robert Whitehead, has had various functions, including serving as the clerk's office and as an office for the Department of Motor Vehicles.

In Virginia, courthouse squares were usually prominently located on the town plat. The squares served as farmers' markets, gathering places, and administrative and judicial county seats. County business revolved around the square.

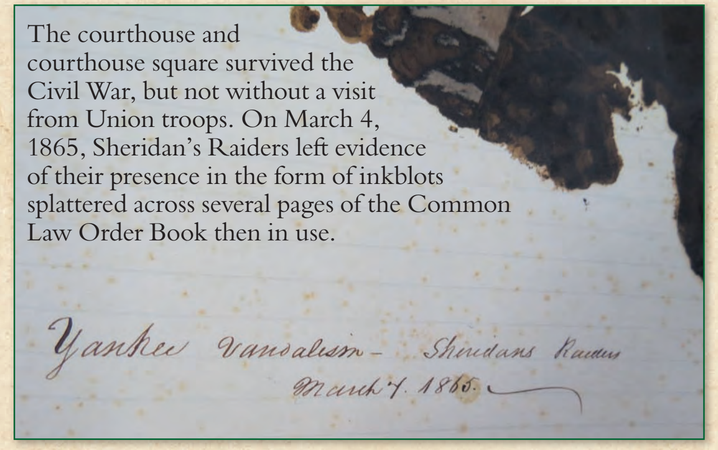
By 1835, Lovingston was an established, prosperous county seat. Buildings at Courthouse Square were added and adapted to meet the needs of the growing population. A new jail, the county's third, was constructed in 1836. It was a two-story yellow brick building located behind the courthouse. The original clerk's office was abandoned when the second jail was converted to office space for the clerk. In 1841, attorney Robert Whitehead was given permission to build a law office on the western edge of the court square. In 1844, the original clerk's office was converted to a law office and leased in perpetuity to Sterling Claiborne. Claiborne sold it in 1853 to Robert Whitehead.

Court Day

Court day, the opening day of a new court session, was more than a legal occasion. Court day drew not only citizens with official court business, but also horse traders, peddlers, and politicians. Business mixed with pleasure as the men of the county gathered to buy and sell, drink, gamble, and hear speeches. Crowds also gathered at the square on election day to stuff ballot boxes and await the results.

Library of Virginia

Crowds gathered on court day in rural Virginia counties, as shown in this 1909 Richmond County photo.



The courthouse and courthouse square survived the Civil War, but not without a visit from Union troops. On March 4, 1865, Sheridan's Raiders left evidence of their presence in the form of inkblots splattered across several pages of the Common Law Order Book then in use.

Sheridan's Raid

Nelson County's most direct connection with the Civil War was Gen. Philip Sheridan's James River Campaign of 1865. In February 1865, Sheridan left Winchester on his last Virginia raid. Moving south up the Shenandoah Valley, he planned to capture Lynchburg and destroy the Virginia Central Railroad. Gen. George Custer and his cavalrymen were dispatched down the Charlottesville-Lynchburg Railroad and the parallel road through Covesville and Lovingston. At Lovingston, some of the cavalrymen raided the Nelson County Courthouse.

Did You Know?

As the Courthouse became the hub of the County, the Circuit Court Clerk's office became, and has remained, the repository for deeds, plats, wills, marriage licenses, court petitions and orders, and other important documents. The Circuit Court is the court of record in Virginia, which means that the documents recorded there are never purged except by Court order.

While many Southern counties have lost records to fire, war, or other disasters, Nelson County is fortunate to have nearly all of the County's original records intact since the inception of the Court in 1808.

20TH CENTURY TRANSFORMATION

Virginia Department of Historic Resources

A wing added across the back of the courthouse in 1940 resulted in a T-shaped building.

During the early 1900s, the jail designed by Thomas Jefferson continued to be used as space for many county offices, including the county clerk's office and the treasurer's office. In 1936, the 1837 jail was demolished, and a new two-story jail was built. A rock retaining wall was built by the CCC (Civilian Conservation Corps).

Two additions were made to the courthouse in 1940—a ten-foot addition was attached to the rear of the original structure, and a large lateral wing was added across the back of the first addition, resulting in a T-shaped building. The "T" portion provided additional office space for the clerk, treasurer, and commonwealth's attorney. The vacated space was made available to the county agent, the home demonstration agent, the Soil Conservation Service, and the 4-H Club. The Public Welfare Board was housed in the basement. That same year, the Whitehead office was modified with the addition of a frame wing.

During World War II, office space was provided at the courthouse for the Selective Service Board, and the basement became the sheriff's office.

In 1968, the original courthouse structure was partially remodeled. The original courtroom ceiling was lowered about three feet. The following year, Hurricane Camille struck, bringing devastation to the county. Thanks to the original planners' decision to lay out the town with flooding in mind, Lovingston did not suffer the damage seen at Massie's Mill and other nearby communities.

A three-story addition, costing nearly a third of a million dollars, was dedicated in December 1975. The addition doubled the courtroom's office space.

Louise Wood

In her recollections, "Growing Up in Lovingston," Louise Mawyer Wood, shown here, wrote of roller skating with friends on the courthouse sidewalks in the early 1940s. Louise was one of many generations of children who played at Courthouse Square.

Samantha Embrey

During the mid-1900s, Nelson County Day was usually held at the courthouse during the month of June. Prior to the courthouse's second addition, it was held on the east side of the building. The daylong event featured parades, dancing, music solos, bands, speeches, and the presentation of Miss Nelson County and her court.

Samantha Embrey

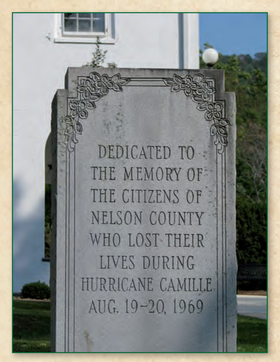
The children in this 1946 photo had gathered to enjoy an Easter egg hunt on the lawn behind the courthouse.

This 1966 photograph shows County Clerk Austin Embrey using microfilm, an early technology. Note the rows of record books behind him.

Samantha Embrey

Paul Whitehead family

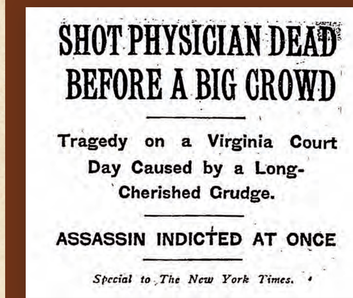
Robert Whitehead was one of Nelson County's most prominent citizens. He served as commonwealth's attorney (1933–1941) and as a Virginia state delegate (1942–1960). His portrait, unveiled in 1961, hangs in the Nelson County courtroom along with those of his father and grandfather.



Thayer Design

Thayer Design

Courthouse Square is home to two monuments. In April 1965, a Confederate monument was erected in memory of the county's soldiers who served in the War Between the States. It is the most recent county seat Confederate soldier sculpture erected in Virginia. A second monument honors Nelson County residents who lost their lives during Hurricane Camille.



SHOT PHYSICIAN DEAD BEFORE A BIG CROWD

Tragedy on a Virginia Court Day Caused by a Long-Cherished Grudge.

ASSASSIN INDICTED AT ONCE

Special to The New York Times.

Theater for Tragedy

In the first decades of the 20th century, Nelson County was shaken by three tragic events—three murders that attracted national attention. In the most famous case, the 1907 murder of a young man by a prominent judge was witnessed by a large crowd of people gathered in Lovington for court day. Local feelings ran so deep that the trial had to be moved to another jurisdiction. In 1910 and 1911, the Nelson County Courthouse served directly as the theater for two sensational murder trials—one involving the murder of a prominent physician by the husband of one of his patients and the other the widow of a Nelson County man murdered by poison, as well as her alleged accomplice. The judge and the widow were both found not guilty, but the man who poisoned her husband was convicted and sentenced to be electrocuted. A mob of his friends rescued him from the Nelson County Jail; he fled and was never caught.

"He [Robert Whitehead] was the Patrick Henry of his generation, a fine lawyer, a great statesman, a man of absolute integrity."

—George E. Allen, Sr., Virginia state senator, 1916–1920

A PRESERVATION SUCCESS STORY

Thayer Design

Although the topography of the courthouse site was challenging, architects and planners made sure that the height of the addition did not exceed the height of the courthouse. The large central arch was designed to mirror the original arches.

The courthouse in Lovingston was one of the county's first permanent structures. An important example of the English derived, town hall type plan, the building survives as one of only seven courthouses of this type in Virginia.

Nelson County's courthouse has been the visual and often the emotional center of the community. The courthouse, square, and adjacent buildings are tied to important events, including trials, campaign rallies, elections, and celebrations.

"We all agree that the 1809 Circuit Court room should remain in function. It's very important to the citizens of Nelson County..." "It's part of the fabric of the community."

—Nelson Circuit Judge J. Michael Gamble

PROGRESS & PRESERVATION

In 1973, Nelson County's courthouse was added to the National Register of Historical Places. The following year, it was designated an official Virginia Landmark. A historic landmark courthouse can be a challenge on many fronts, particularly when renovations are needed. The building must be dealt with gently but modernized enough to be functional. Considerations include safety, security, sound systems, modern heating and cooling systems, and adequate office space.

In September 2002, Nelson County leaders reviewed proposals for renovating the courthouse. Problems included a lack of security, an out-of-date heating and cooling system, and no sound system in the courtroom. The flow of people in and out of the courtroom was incorrect, accessibility was an issue, and witness rooms were insufficient. There was no office for the judge or secretary.

Plans presented by the Lynchburg firm Wiley|Wilson maintained the existing courthouse building and Jefferson-designed jail. It was decided that part of the existing courthouse and the additions from 1940 and 1968 would be kept for office space. A prominent public entrance was part of the final design, along with an atrium-style hallway that now connects several buildings. Efforts were made to keep the height, scale, and massing of new buildings in character with the existing historic buildings and to maintain green spaces on the square. The setback of the new judicial building was designed to match that of the historic buildings on the south facade.

WHY IS THE NELSON COUNTY COURTHOUSE A PRESERVATION SUCCESS STORY?

"While it was a long time coming, we finally achieved a design that preserved the character and buildings of the original courthouse but provided us with the security and the handicap access that we needed for our facility."

—Allen Hale, Nelson County Supervisor, East District

"The 1810 Courthouse is the central landmark of Nelson County. Its preservation is one of our legacies, and the design for the expanded courthouse complex has allowed us to keep all our resources on the courthouse grounds. It succeeds in meeting current and future needs while honoring and cherishing our history."

—Connie Brennan, Nelson County Supervisor, Central District

Quote to come from Wiley|Wilson...

Quote requested from County Administration...

Thanks to the vision of Judge Gamble, the leadership of the Board of Supervisors, the creativity of the architects and builders, and the support of the citizens of Nelson, the expansion of the judicial center has preserved our historic courthouse and courthouse complex as a living part of Nelson County's heritage. We are proud to have served as members of the project team.

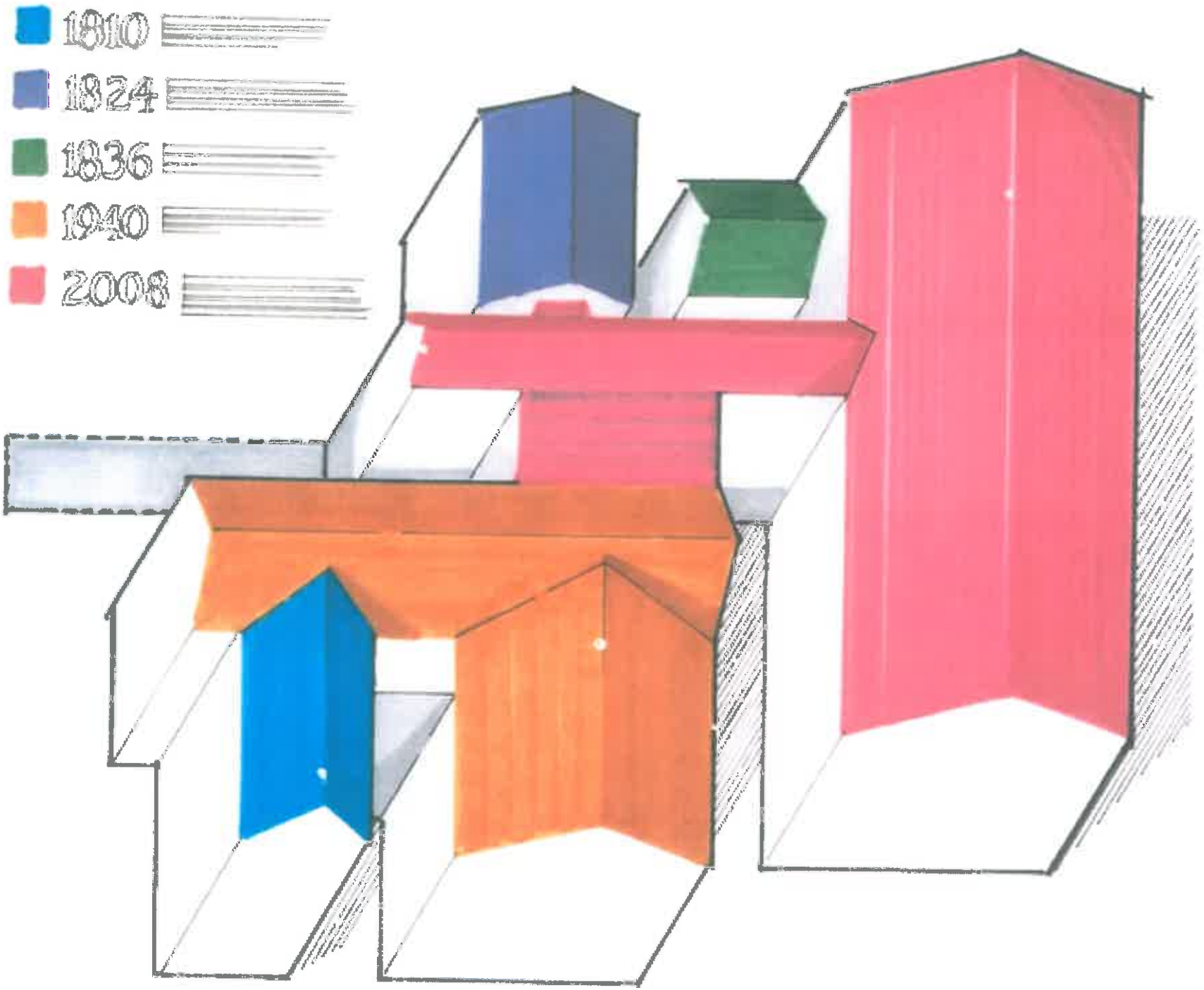
—Nelson County Historical Society

"The people of Nelson County take seriously their courthouse and what it stands for."

—from an article titled "Long and Colorful History Leads to 150th Anniversary"

Credit to come

Groundbreaking for the addition took place on March 19, 2009.



NELSON COUNTY COURTHOUSE 1810 - 2008

From:	Eaton, Ethel (DHR)
To:	Candy McGarry
Cc:	Donald Johnson; Steve Carter
Subject:	DHR File No. 2010-1385; Nelson County Public Safety Tower
Date:	Tuesday, January 22, 2013 3:46:55 PM
Attachments:	Nelson County Public Safety Tower, interpretive exhibit DHR File No. 2010-1385.doc

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Ms. McGarry,

Attached please find our letter on the interpretive exhibit. This really is very exciting! Kudos on an great effort here.

Regards,

Ethel

Ethel R. Eaton, Ph.D., Senior Policy Analyst
Division of Resource Services and Review
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221
(804) 482-6088 voice
(804) 367-2391 fax
http://www.dhr.virginia.gov

COMMONWEALTH of VIRGINIA

Department of Historic Resources

Douglas W. Domenech
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

January 22, 2013

Stephen A. Carter, County Administrator
County Administrator's Office
84 Courthouse Square
Lovingston, Virginia 22949

Re: Nelson County Public Safety Tower
Lovingston, Virginia
DHR File No. 2010-1385

Dear Mr. Carter:

On January 14, 2013 we received from Ms. Candy McGarry the proposed text and design of the interpretive exhibit in accordance with Stipulation I.A of the Memorandum of Agreement executed for the referenced project in December 2010 among the Federal Communications Commission, our office, the Nelson County Historical Society and the County. The material presented is very well done, both text and illustrations, and will be an asset to heritage tourism in the area. You should be justly proud of this preservation success story.

If you have any questions, or if we may provide any further assistance, please do not hesitate to contact me at (804) 482-6088; fax (804) 367-2391; e-mail ethel.eaton@dhr.virginia.gov.

Sincerely,

Ethel R Eaton

Ethel R. Eaton, Ph.D., Senior Policy Analyst
Division of Resource Services and Review

From:	Donald Johnson
To:	Candy McGarry
Cc:	Donald Johnson
Subject:	Nelson County
Date:	Tuesday, January 22, 2013 10:51:45 AM

The FCC is ok. SHPO should ok also in an e-mail, nothing formal. Please forward for our records.

Don Johnson
202-418-7444

RESOLUTION-R2013-05
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(December 11, 2012 and December 20, 2012)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **December 11, 2012 and December 20, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: _____, 2013 Attest:_____, Clerk
Nelson County Board of Supervisors

December 11, 2012

Virginia:

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

Present: Constance Brennan, Central District Supervisor
Thomas H. Bruguiere, Jr. West District Supervisor- Vice Chair
Larry D. Saunders, South District Supervisor
Allen M. Hale, East District Supervisor
Thomas D. Harvey, North District Supervisor – Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Jacqueline Britt, Registrar
Carter Smith, Former Electoral Board Member
Don Bailey, Electoral Board Member
Phillip D. Payne, IV, County Attorney
Susan Rorrer, Director of Information Systems
Andrew Crane, Information Systems Specialist

Absent: None

I. Call to Order

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

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

II. Consent Agenda

Mr. Hale noted that he thought the Region Ten request to approve a line of credit was peculiar. Mr. Carter noted that it had been reviewed by their lawyers and that the follow up explanation from them seemed reasonable. Mr. Harvey concurred and noted that there was no fiscal or moral obligation being made by the Board in approving this. Mr. Hale then noted that they explained that their cash flow related to Medicaid was a seasonal issue and they had the need for backup when these receipts were delayed. Mr. Carter then noted that they were not likely going to use these funds to pay for their new building and that he had cash flow issues similar to what they describe when he worked in Craig County and came close to having to use a line of credit.

Ms. Brenan then moved to approve the consent agenda as presented 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 – **R2012-89** Minutes for Approval

RESOLUTION-R2012-89
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(November 20, 2012)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **November 20, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2012-90** COR Refunds

RESOLUTION-R2012-90
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.

Amount	Category	Payee
$ 363.38	PP Taxes & Vehicle License Fees	Willie S. Banks, Jr. 71 Pines Lane Shipman, VA 22971
$1,849.65	2011 RE Taxes	Ronald L. Moyer P.O. Box 94 Shipman, VA 22971

C. Resolution – **R2012-91** FY13 Budget Amendment

RESOLUTION R2012-91
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
December 11, 2012

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

I. Appropriation of Funds (General Fund)

Amount	Revenue Account	Expenditure Account
$ 8,513.00	3-100-009999-0001	4-100-043020-8004
$ 71,972.00	3-100-009999-0001	4-100-051010-7002
$ 80,485.00		

II. Transfer of Funds (General Fund)

Amount	Credit Account (-)	Debit Account (+)
$ 6,198.00	4-100-999000-9905	4-100-032020-7007

D. Resolution – **R2012-92** Region Ten CSB Request to Approve Line of Credit

RESOLUTION R2012-92
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZING REGION TEN COMMUNITY SERVICES BOARD
TO APPLY FOR AND ACCEPT LOANS

WHEREAS, Region Ten Community Services Board ("Region Ten") was established by the City of Charlottesville and the Counties of Albemarle, Fluvanna Greene, Louisa and Nelson (the "Localities") as required by § 37.2-500 *et seq.* of the Code of Virginia, 1950, as amended, to provide mental health, intellectual disability and substance abuse services to the residents of the Localities; and,

WHEREAS, the services provided by Region Ten are more particularly described in an annual Performance Contract with the Virginia Department of Behavioral Health and Developmental Services, which is subject to review by the Board of Supervisors of Nelson County (the "County"); and,

DRAFT

WHEREAS, Region Ten receives reimbursement funding from the Commonwealth of Virginia, the federal government and Localities for services it provides within the Localities; and,

WHEREAS, in order to pay operational expenses Region Ten has previously relied on loans and other financing obtained through Region Ten Community Services Board, Inc., ("Region Ten, Inc.") the private nonprofit corporation formed to assist Region Ten in the fulfillment of its mission; and,

WHEREAS, Region Ten now wishes to obtain a loan or other financing in its own name for purposes of cash flow management and for the payment of operational expenses; and,

WHEREAS, § 37.2-504.A.11. of the Code of Virginia, 1950, as amended, requires that community services boards may "apply for and accept loans as authorized by the governing body of each city or county that established it" and Region Ten seeks the County's authorization solely to meet that statutory requirement; and,

WHEREAS, Region Ten is seeking authorization from the governing body of each Locality to apply for and accept a loan or line of credit in an amount up to $2,000,000 that creates no legally enforceable obligation extending one year beyond the date on which the obligation is incurred (the "Line of Credit"); and

WHEREAS, Region Ten and the Localities understand and agree that the obligations under the Line of Credit are not to constitute a debt or pledge of the full faith and credit of the Localities and shall not impose any liability on the Localities, nor is the requested authorization a guarantee on the part of the Localities of the Line of Credit.

THEREFORE BE IT RESOLVED, the Nelson County Board of Supervisors does hereby grant its authorization to the Region Ten Community Services Board ("Region Ten") to apply for and accept a loan or line of credit in an amount up to $2,000,000.

III. Public Comments and Presentations

A. Public Comments

1. Glenda Cahoon, Tye River Rd. and VTA Representative

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

B. Presentation – VA Cooperative Extension Service (A. Rose)

Mr. Antwan Rose, VCE Unit Coordinator addressed the Board and noted that he had expanded the school programs at the request of the Board in March and was working with a constituent in Roseland on an international exchange program. He noted that there was currently a Japanese student staying in Roseland and then reported the following:

☐ Provided school enrichment to elementary school students in the areas of electricity, moon phases, solar systems, force and motion, and plant biology

☐ Provided middle and high school enrichment in the areas of soil and minerals

☐ Continued leadership development in the Nelson County Teen Club

☐ Had a total of 165 male and 178 female youth participants for a total of 343 youth participants

☐ Inducted another Teen Club member as a 2012 Virginia All-Star

☐ Led and Directed 4-H Camp with a total of 90 youth participants and 14 teen leaders from Nelson County

☐ Coordinated a Spring break Day Camps to Lynchburg Grows and other gardens to demonstrate the important of farm to table and agricultural sustainability

☐ Developed new Farm to Table 4-H Curriculum in order for youth to understand Virginia agriculture

☐ Serving as the Local Coordinator for a Japanese Exchange Student for the 2012– 2013 school year

☐ Completed Civil Rights Compliance and worked toward getting the office in compliance with federal and state regulations

☐ Conducted 4-H Afterschool Aerospace programs that focused on STEM education

☐ Hosted the 2nd Annual Science Fair at Tye River Elementary School

☐ Raised over $2000 local funds in scholarship fund for 4-H programs

☐ 4-H Volunteers donated over 2400 hours in 2012, which is valued at $21.79 per hour equaling $52,296 of valued time given One full time employee works an average of 2000 hours in one year

Community Clubs

- o Junior Master Gardeners in Rockfish Valley work with the Nelson County Master Gardeners to educate youth about gardening both vegetables and floral plants
- o Teen Club provides leadership opportunities and professional development that enables the youth to have the life skills to succeed…
- o Home School Association of Nelson County participated in project areas of sewing and fashion review and started an archery club
- o Aerospace Club

☐ Local Food Pantry– Assisted Connie Brittle with leadership and coordinated volunteers for this program

☐ Nelson County Day participant

☐ Actions taken since March, 2012 Meeting

- o Worked with Sandra McKenzie to facilitate Reality Store at NCHS in 2013
- o Programming in Nelson County High School 9th grade Science
- o Programming in Nelson County Middle School 8th grade Science
- o Presented Public Speaking to the Middle School faculty for Spring programming
- o Secured volunteer leaders to lead a Livestock club in Nelson County
- o Secured volunteer leader to lead an Outdoor Adventure Club in Nelson County
- o Installed a 4-H All-Star track in the 4-H Teen Club

Mr. Rose noted that the Reality Store project would bring in local businesses and students would work through real life situations. He noted that he was only able to establish programming in the 8th and 9th grades.

Mr. Rose noted that Nelson has currently been participating in a joint county livestock club with Amherst County and that Nelson was establishing its own with Kevin Irving heading this up. He added that the Saunders family wanted to stay with the Amherst group until the Nelson County group has gotten going. Mr. Rose noted that he thought that Jessica Ligon would be involved and the club would begin by showing lamb and beef.

Mr. Rose noted that Nikki Chambers at the Ski Barn was to head up the Outdoor Adventure Club in Nelson County in the spring.

Mr. Rose noted that the All-Star program was from the 8th grade through High School and would be meeting this month. He added that Stacey Johnson in Afton would be working on this.

In response to questions, Mr. Rose explained that programming provided experiential education where the kids go outside and have hands on experience. He gave the example of handling soils and minerals.

He then noted that the Block and Pony club could be reinstated if interest was expressed. He noted that he did not currently have any contacts for those with horses and has been referring people to Carrie Swanson in Albemarle.

Members briefly discussed that Dr. Ligon's daughter would be taking over the Lovingston Veterinary practice and that the Holmes were leaving the practice but not the county. It was noted that the Holmes had a 5 year lease and this had been the plan. Members then noted that the Ligon sister in Amherst may work with horses and that the Rockfish Ruritans had horse shows etc. in Afton. Another contact mentioned was Hope's Legacy, who also uses the Rockfish Ruritan Park.

2012 Agriculture and Natural Resource accomplishments in Nelson County Michael Lachance Extension agent, ANR Activities:

· Provide ongoing technical assistance and make farm visits for local residents in regard to:

- ☐ Property management
- ☐ Protection of domestic water supplies
- ☐ Pasture improvement
- ☐ Livestock management
- ☐ Pest control and public health
- ☐ Food safety
- ☐ Home food production

· Initiated a community gardening project at Ryan Apartments in collaboration with JABA. Received funds from JABA to purchase topsoil and garden supplies to allow residents of that facility to grow their own vegetables.

· Obtained a $10,000 grant from an anonymous donor to promote home food production in Nelson County. Money is being used by working in collaboration with Nelson County Public School to install raised bed garden at the high school which will demonstrate an intensive garden that can feed a family of 4.

☐ Am working as well to develop the interior courtyard at the high school as an outdoor teaching facility.

☐ Plans are underway to develop:

§ Tree fruit variety trial site in Nelson County to evaluate the potential of new and underutilized varieties
§ Teaching bee yard

· Organized the Nelson County Bee Group to teach beekeeping skills to local residents

· Interact with, train and support ongoing contributions of Extension Master gardener and Master Naturalist volunteers in Nelson County and other central Virginia counties

· Working with other agricultural agents in area to develop learning resources for low income/disadvantaged youth at Lynchburg Grows, an urban farming learning center in that city.

· Working with Virginia Extension specialist to develop:

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- ☐ Tree Fruit Website
- ☐ Home fruit curricula
- ☐ Sustainable viticulture guidelines

· Collaborating with various colleagues in the Thomas Jefferson Planning District and beyond to develop:

- ☐ Food Heritage Program, identifying the cultural diversity of local foods, e.g. orchards, and developing marketing materials for local farms
- ☐ Piedmont Sustainable Woods, promoting greater utilization and marketing of value added products harvested from local timber stands
- ☐ Generation NEXT, an award winning land transition workshop to ensure wealth is preserved from one generation to the next. Present lectures for both timber landowners and farm families.

C. Presentation – Local Department of Social Services (M. Kohl)

Mr. Kohl addressed the Board and noted that the State had begun to send localities an annual financial statement that listed the Statewide Benefit Payments. He noted that it was his understanding that the Board wished to hear a breakdown of these numbers locally. Mr. Kohl then noted that the local Department of Social Services handles the eligibility for these local programs listed as follows:

Comprehensive Services Act (CSA) funds: $442,103 in State funding $198,323 Local
Medicaid -$13,885,779 in Federal and State funding
SNAP-$3,393,790 in Federal funding
Energy Assistance - $338,620 in Federal funding which covered heating in the fall and cooling in the summer.
TANF- Traditional Welfare Program $106,930 in Federal and State funding
FAMIS - Similar to Medicaid, but for those not meeting Medicaid threshold $489,073 in Federal and State Funding.

Mr. Kohl then noted that the Subtotal was $18,656,295 in Federal and State funds that were accessed by Nelson County residents.

Mr. Kohl then reviewed the following worksheet that showed an approximate breakdown of clients served per program for the main categories:

Financial Value for Locality FY 2012:

SNAP (food stamp) break down:

- $3,393,790.00 - SNAP assistance to clients FY 12 1200 SNAP cases in FY 2012 (approximate)

- Censes data gives average of 2.59 people per household - 1200 cases represents 1200 households

- 1200 SNAP cases multiplied by 2.59 clients in household is 3108 clients served by SNAP in FY 12

$3,393,790.00 divided by 3108 equals $1092.00 per year or $91.00 per month, per client in household.

Medicaid break down:

- $13,885,779.00 - Medicaid assistance to clients FY 12 1400 Medicaid cases In FY 12 (approximate)

- 1400 cases roughly equals 1400 clients unlike SNAP benefits.

13,885,779 divided by 1400 equals $9,918.00 per year, per client. (Medicaid is about 60% seniors and disabled clients).

Total Benefit program numbers:

- $303,000.00 -local funds allocated FY 12 by BOS to NCDSS **
- $18,214,192.00 - amount of Benefit services leveraged by local allocation and distributed to Nelson County residents

Over 6000 % return on local investment

**The $303,000.00 also includes leveraging funds to provide the following services:

1. Child Protective Services
2. Foster Care Services
3. Adult Protective Services
4. Child Care
5. Employment Services

Mr. Kohl noted that their new computer programs would allow them to be able to pull statistics locally.

In response to questions, Mr. Kohl noted that it was hard to tell how many new cases they had in FY12 because people were going on and off of the programs; however he thought that at any given time, there were about 3,000 cases. He noted that the SNAP program cases were based on income and household members and that if this changed, then the benefits changed. He reiterated that this was constantly changing.

He then noted that they had connected systems with VEC, Social Security Administration, and other state agencies that could be used to see when these household changes occurred; however they relied heavily on self reporting which can be problematic. He added that they were bound by laws on what they could check into and what they could not. He then reported that these laws have been relaxed more since 2008, however in a small community such as Nelson there was the opportunity for the cross sharing of information between sides of the office. He then noted that their new computer system should help with fraud elimination.

Mr. Kohl then reiterated that the SNAP benefits were recorded by household and that this translated into about 3,108 clients served by the program.

In response to questions regarding the Medicaid breakdown, Mr. Kohl noted that these funds were payments for services rendered that went to DMAS from vendors. He added that the Department approved and managed the eligibility for this and then DMAS transmited the figures back down. Mr. Carter then noted that the Medicaid rates were federally established.

Mr. Kohl then noted that the monies allocated to clients for the SNAP program was direct revenue for Nelson County when money was spent here. He added that a lot of Medicaid money was spent in the County also. Mr. Kohl then advised that his office leverages the County funding amount into monies used to benefit the County's economy and that there was a good return on investment and their staff were good stewards of the funds given them.

Mr. Kohl then responded to questions and noted that Ms. Brennan was correct in that 1/5 of the County's population was on food stamps; however he would have to get for her how many of this number were children.

Mr. Hale then commented that it was clear to him that medical services were expensive and Mr. Kohl noted that there was supposed to be a 40% increase starting October 2014 and they would see a huge increase.

Mr. Saunders then noted that there were two instances in which he had heard there were problems with staff morale. Mr. Kohl then noted that there were no problems with staff morale now; however there were problems when he came in that he thought the Board

was aware of. He added that when he came in, he cleaned house and it was addressed if you were not doing the job. He added that he was making sure that Nelson County was served in the best possible way and that 90% of the inherent issues had been taken care of. He then noted that he could not help it if current or former employees had issues with this. Mr. Saunders then thanked Mr. Kohl and noted that he had wanted to hear his side of the story.

D. VDOT Report (R. Hamilton)

Mr. Randy Hamilton of VDOT reported to the Board. He noted that there was $1.4 million dollars to be reallocated from the project at Route 6 and Route 639 that was not moving forward. He noted that he had provided a handout depicting accident data for the last five years and a map pinpointing locations for consideration. He then asked the Board to advise him on other sites not shown for which to use the $1.4 million. He then reported that they looked at Rt.151 and 638 and they estimated $3.5 Million to correct to standards at this location, which was based upon current standards. He added that the Route 151 and Route 635 intersection, going back to the old Rockfish Valley Elementary School would cost about $1.48 Million. He then asked the Board to prioritize suggested sites to be sent back to VDOT.

Members then noted their disappointment that the monies had been moved three times already.

Mr. Hale then noted that the property owners near the Rt. 639 and Rt. 6 project were not at all pleased with the plans; however he acknowledged that no matter what, someone was going to be unhappy. He added that it seemed that VDOT could do a whole lot less of a project than what they had suggested, such as what was done at Greenfield Rd.

Mr. Hamilton then noted that he was asking the Board if there was somewhere better to spend the money and he wanted to get the Board's preferences.

Mr. Hale noted that the people who were familiar with these dangerous intersections knew where to look etc. however it seemed to him the problems were on the main corridors.

Mr. Harvey added that speed limit reductions have helped and that these sites needed to be graded on standards today and they should not have to wait for fatalities to get something done. He added that the sight distances were terrible on Route 151 and that the cheapest way to solve it was with speed reductions. He then gave the example of the intersection at Spruce Creek Lane.

Mr. Hamilton then advised that the money they were looking at was from the SSYP and the Board controlled these allocations. He added that if the Board wanted to go with something else; he would come back for a resolution from the Board to reallocate the funding.

Mr. Harvey then inquired as to whether or not VDOT had any qualifying projects and Mr. Hamilton noted he would go back to Don Austin to see if he had any suggestions.

Mr. Antwan Rose advised that he had witnessed a fatal accident on April 2, 2012 at Rt. 56 W and Rt. 29. He suggested that there needed to be additional safety features before the stop sign coming from Roseland onto Route 56 out to Route 29.

Mr. Bruguiere suggested that VDOT get more recent crash data from the State Police than the data provided that was two years old.

Members then reported VDOT issues from their districts as follows:

Mr. Bruguiere again noted that Tan Yard Road in Massies Mill going in to the collection site, needed trench widening and he noted that using gravel would help. He noted that the trucks were coming in from Route 151 now that VDOT was working on the other end.

Mr. Bruguiere then reiterated that VDOT was rebuilding a bridge in Massies Mill that was being overdone and he thought the money could have been more wisely used in other projects. Mr. Hamilton then noted that this was being done with stimulus funding which limited how it could be used.

Mr. Hale noted that at RT. 6 and Rt. 639, the speed limit was 45mph and it was now changed back and did not start until Cove Creek. He added that he wanted this to go back to 45 mph which would alleviate some problems there. He noted that a traffic study had been done that showed it was justified to do it.

Mr. Hale then confirmed that the Wayside at Woods Mill was owned by VDOT. He noted that the County had installed a Port o John there and he was now looking at concrete prefabs that could be put in. He noted that this would still need pumping; as it did not require a drain field and would cost $14,000-$15,000. Mr. Harvey noted that they could put in a drain field; however this would require site work. Mr. Hale inquired as to whether or not VDOT could do the site work and Mr. Hamilton stated he would have to speak with Don Austin about this. Mr. Hale then noted he would get them more information on this.

Mr. Saunders noted his outstanding wish list on speed limit reductions: Rt. 56 from the fire station to Wingina, Williamstown Road – Route 722, and in Arrington making it a uniform speed of 25 mph on Rt. 665. He then reiterated the site distance problems at the intersection of Findlay Mountain Road and Route 56.

Ms. Brennan then inquired about the speed study done at the Rt. 6 and Old Roberts Mountain Road intersection. Mr. Hamilton noted that he had not heard back and would follow up on the other work to be done there also.

Ms. Brennan then noted that she and Mr. Harvey were working on the Route 151 corridor and would like to meet up with him on this after Christmas.

IV. New Business/ Unfinished Business

A. Shipman Polling Place Relocation **(R2012-93)**

Mr. Carter noted that staff had prepared a resolution to approve the Shipman polling place relocation and to authorize the change for public hearing as it had to be incorporated into the local ordinance. He added that the request to change the location would be sent concurrently to the State Board of Elections and the Department of Justice for review.

Mr. Saunders then moved to approve resolution **R2012-93** Authorization for public hearing on an ordinance to amend the Code of Nelson County, Virginia Chapter 2, Article I, Section 2-28 and Mr. Bruguiere seconded the motion.

Members and staff discussed that the earliest public hearing date would be on January 8th and the Board agreed by consensus to add this date to the resolution.

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-R2012-93
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON AN ORDINANCE TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA CHAPTER 2 (ADMINISTRATION), ARTICLE I (IN GENERAL), SECTION 2-28 (PRECINCTS AND POLLING PLACES)

WHEREAS, the Nelson County Board of Supervisors wishes to accommodate the Nelson County Electoral Board's request to move the Shipman polling place within the South District's Shipman precinct in order to provide for improved conditions for voters

related to parking, traffic safety, space, and greater handicap accessibility in accordance with § 24.2-310 of the Code of Virginia;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that the request to move the Shipman polling place from its current location at American Legion Post #17 in Shipman to the Carriage House at Oak Ridge is hereby approved and;

BE IT FURTHER RESOLVED, that pursuant to §15.2-1427 and §24.2-306, the County Administrator is hereby authorized to advertise a public hearing to be held on January 8, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia to receive public input on an Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Chapter 2, Article I, Section 2-28 to change the Shipman Precinct polling place from American Legion Post #17 to the Carriage House at Oak Ridge.

B. Registrar's Office Relocation

Ms. Jackie Britt, Registrar and Don Bailey, Vice Chair of the Electoral Board were present to address the Board.

They noted that they had revisited the Rutherford space and had spoken to Daniel Rutherford again. They reported that he had said that he would renovate the downstairs and it would be workable for them to be used as a conference area and they could create voting booths for absentee voting there. She then noted that if they were able to do that, then they could use the mezzanine level for storage. Ms. Britt then noted that Mr. Rutherford had assured them that there would not be political signs posted at the premises there. Ms. Britt then noted that her favorite option was still the Region Ten building.

Mr. Carter then noted that staff had received lease information from them that afternoon and it would cost $3,300 per month. Members of the Board quickly reached consensus that this would not be an option. Mr. Carter then wondered if Mr. Rutherford's monthly lease amount of $1,215/month would change with the use of the additional basement space.

Mr. Bailey noted he was unsure of that but that Mr. Rutherford understood that having a conference room available to them was an important factor. He added that they did not need a dedicated conference room however they did need one occasionally.

Mr. Bruguiere asked if the County could create an inducement for Mr. Rutherford to fix up the space if the County rented from him and it was noted that he had in fact said that he would. Mr. Harvey noted he would not want to pay rent on the lower level space full time.

Mr. Harvey then suggested they look at the building on the corner in Lovingston owned by John Bradshaw and Ms. Britt noted that she was in there recently and it was in horrible shape as you could see the sky through the roof. She added that there was no parking there also; however at most they would have 5-6 cars there at one time.

Mr. Harvey then asked if the bank was amenable to upgrading the parking and Mr. Carter noted that he had noticed that the parking was being upgraded already. Mr. Bailey added that they would have one handicapped space near the building and Mr. Carter added that they could make this a requirement of the lease.

Mr. Hale then introduced a fourth possibility which was the use of the old General District and J&D court areas. He noted that these areas would provide sufficient square footage and conference space and there was another separate office that was secure that could be used for storage. He added that this space was currently used by the Assessors and there were no plans for this space after they were through and it ought to be a consideration. He noted that they did not know if the relocation was permanent or not no matter which space was chosen. He then stated that there was ample parking at the courthouse facility and they would need to do a minimal amount of work to accommodate them.

This option was then discussed with Mr. Harvey noting that he thought this location was far away from the parking lot and Mr. Hale and Ms. Brennan thought that Ms. Britt could go down to meet people as needed. Ms. Britt then advised that they needed space for people to come in and vote.

Mr. Harvey then suggested that maybe the current Finance and HR office did not have to be where they were and the Registrar could go there and they could move upstairs.

Mr. Bailey then noted that they were concerned about handicapped access and that coming through the secure entryway was intimidating to voters. He added that they were open on Saturdays during elections and this could be an issue in staffing the entryway then. In response to questions regarding the number of Saturdays, their office was open; Ms. Britt noted that they had to be open for two Saturdays prior to primaries and one Saturday prior to a general election. She added that they were open on four Saturdays this past year.

Ms. Britt expressed concern regarding the storage space if they were to occupy the Finance and HR office and Mr. Harvey assured her that there was plenty of storage in the Courthouse area. Ms. Britt then expressed concern regarding having enough space in that office for absentee voting.

Mr. Carter then noted that there were as many elderly and handicapped people coming in to pay taxes as would come in to this office.

Ms. Britt then advised that she preferred the Rutherford Building temporarily and would like the Health Department building to be renovated and then they would move back in.

Mr. Daniel Rutherford then joined the meeting and members directed their questions to him regarding his space. He noted that he would not charge more for monthly use of the conference room space in the basement and that he was definitely going to upgrade the lower level. In terms of having discussed the parking with the bank, Mr. Rutherford noted that he owned the road around the side and gave Ms. Lynch access there. He added that he has talked with the bank but at the time he did not know what he would be using it for and he noted he would certainly talk to them as necessary. He added that the handicapped sign that had been erected needed to be moved to the proper spot. He noted that the parking area was gravel now and could be paved; however there was an accessible concrete pad that led directly to the front door on the north side of the building.

Mr. Hale then inquired if the Board should coordinate the relocation of the Registrar's Office public hearing with that of the relocation of the Shipman polling place. Members then questioned whether or not this would require a public hearing and staff indicated that one would not be needed. Ms. McGarry then read from the State Code section§ 24.2-306 B, that "notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change."

Mr. Bruguiere then noted that he would like to do what Ms. Britt preferred and that he thought that the rent for the Rutherford space was reasonable and the County could afford it. He then recommended that they be someplace more permanent by the next Presidential election. Mr. Rutherford then indicated that he would like a lease for at least a year or preferably three. He added he just did not want to do anything less than one year.

Mr. Hale noted that he was not in favor of spending money unnecessarily. Mr. Saunders noted that he agreed with both Mr. Hale and Mr. Harvey; however he thought that the lease amounts discussed were a small amount compared to the cost of renovating the Jefferson Building for the Commonwealth Attorney. He added that the rent was very reasonable for the area.

Mr. Harvey suggested that the Board make a decision on this at the December 20, 2012 meeting and members agreed by consensus.

C. High Top Tower Lease Agreement –Assignment of Lease **(R2012-94)**

Mr. Payne reported that after a year, there was an executed lease between the Nature Conservancy and WCVE for the tower premises on High Top. He added that staff needed the County to execute the assignment of lease whereby the lease between the Nature Conservancy and WCVE was assigned to the County and that these parties would also have to execute this. He added that the County probably would not be able to increase the height of the tower and if any changes conflicted with Virginia Outdoors Foundation then it would be reviewed by them.

Mr. Hale then moved to approve resolution **R2012-94** Authorization to Accept the Assignment of Lease for High Top Tower and Mr. Bruguiere seconded the motion.

Ms. Brennan then inquired if it were possible to revisit the tower height and Mr. Payne said it was; however the language stated that it could not be increased without approval by the Nature Conservancy. He added that they wanted to establish the right and have some control over any increase. He noted that the Virginia Outdoors Foundation would be a tougher group to work with because they had an easement and the County would have to get both to sign off on this.

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-R2012-94
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO ACCEPT THE ASSIGNMENT OF LEASE
FOR HIGH TOP TOWER

RESOLVED, the Nelson County Board of Supervisors hereby authorizes the acceptance of the Assignment of Lease by and between Commonwealth Public Broadcasting Corporation (CPBC), the County of Nelson, and the Nature Conservancy. Said Lease executed on November 16, 2012 demises a parcel of land within tracts in Nelson County, Virginia, conveyed to the Nature Conservancy by Deed of Gift dated December 20, 2006 and recorded as Instrument No. 060004866 in the Clerk's Office for the Circuit Court of Nelson County, Virginia, being identified as Tax Map parcel 57-A-1, (Otherwise known as High Top) for the purposes of the erection, maintenance, and operation of one tower and television and radio antennas and other uses all as set forth in the Lease.

BE IT FURTHER RESOLVED, the Nelson County Board of Supervisors hereby directs the Chairman, Thomas D. Harvey to execute the attached Agreement of Assignment on behalf of the Board and authorizes the appropriation of $7,500.00 to CPBC in consideration of said Lease Assignment.

Mr. Bruguiere then inquired about renovating the cinder block building on site and Mr. Payne noted that the County would have to decide what it wanted to do and run it by them as it was a judgment call based on what was proposed to be done. He added that things would be considered on a case by case basis.

Ms. Brennan then inquired about the sublease requirement and Mr. Payne noted that there was another section authorizing this in the lease to the County. It was then noted that the County could lease tower space to Stewart Computer Services, however a collocation fee would have to be paid to the Virginia Outdoors Foundation. He noted that he has already sent them the NCBA rates etc. for pre-approval and that they could not decide to be difficult and say no; they would have to have a reason to deny it.

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D. County Grievance Procedure

Mr. Carter reported that staff was introducing the procedure to the Board; however staff wanted to review it more with Mr. Payne. He noted that Mr. Payne had removed the panel hearing option and this procedure only included the hearing officer option.

Mr. Carter then explained that establishment of this procedure was brought about by a recent grievance taking 18 months to resolve and that in the process of this; one of the positions taken by the grievant was that the County's grievance procedure and the state procedure were used against each other. He added that the local policy was never certified to the Circuit Court and that the County always used the state one.

Mr. Carter then clarified that now that the County was beyond this, staff would like to certify a local procedure to remove any ambiguity related to this.

In response to questions, Mr. Carter noted that this proposed procedure closely mirrored the state procedure and Mr. Payne confirmed that there was very little difference between the two. He echoed Mr. Carter's comments that they ran into procedural issues because of the differences between the current local procedure and the state one. He added that the proposed procedure was written almost verbatim out of the State Code and he hoped it would eliminate procedural challenges.

Ms. Brennan asked if there was a different one for Constitutional Offices and Mr. Payne noted that they were not part of the procedure and that if they wanted to be, then that was a different question. He added that the Department of Social Services had a state imposed grievance procedure written by one of the State's premier employment attorneys and it was used to design the proposed version.

Members then took this under advisement and no action was taken.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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

1) Courthouse Addition – Project completion is pending Blair Construction's completion of the outstanding punch list items. A status has been requested from Blair.

Mr. Carter noted that Blair was having difficulty in getting the subcontractor to start.

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

Mr. Carter noted that the Historical Society was involved with the project and it was taking longer than projected.

3) Courthouse Signage: Final installation(s) scheduled for first week in January 2013.

4) Courthouse Retaining Wall (Law Office): Project completion is scheduled for 12-12-12.

Mr. Carter reported that the curb and drop inlet would be done by the following day.

6) Jefferson Building: Proposals for interior renovation are pending receipt. Committee to provide recommendations thereafter for project completion.

7) Magistrate's Building: Exterior restoration and painting is complete. Interior restoration (re-plastering of walls) by contractor postponed pending repair/re-installation of door and windows.

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Mr. Carter noted that they needed to get the windows and doors redone before the plaster was complete. He added that Staff was working on this and then VA Lime-works would return to finish.

B. Broadband Project: Joint meeting of NCBA with BOS scheduled for 12-11.

C. 2012 Radio Project (Narrow banding): The project's Contract Design Review (CDR) remains in process. This encompasses final equipment to be purchased, final design and overall installation (testing and startup). Completion of the CDR phase is ASAP. Overall project completion is projected to be August-September 2013. A letter has also been submitted to the FCC requesting a time extension for compliance with the 1-13 narrow banding mandate and is expected to be granted or, alternatively, the FCC may decide to establish a nationwide extension.

Mr. Carter noted that the FCC was to grant the waiver with the provision of additional information.

.**D. High Top Tower (Lease):** Approval of lease document(s) by BOS on 12-11 agenda.

E. Lovingston Health Care Center: Howard & Assoc.'s final report is pending receipt.

F. Norwood Historic District Project: In process. History Tech LLC is project consultant.

G. 2014 General Reassessment: In process.

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

Mr. Carter added that the team was meeting that week to look at RFP responses from firms that would provide technical assistance during the process.

I. Blue Ridge Medical Center: VDH's relocation to BRMC scheduled week of 12-10.

2. Board Reports

Mr. Saunders reported the following:

1. Jefferson Building.

He noted that another opinion had been obtained from Randy Parr of Lynchburg Restoration, Inc. and a joint proposal with Price Masonry had been presented. They recommended removing the plaster off of the inside of the exterior walls to see what shape the brick was in to determine the work to be done in order to be able to apply the whitewash. He added that to remove the plaster on the inside of the exterior walls they would charge $11,475.00. He noted that Mr. Parr suggested that the partition walls were in good shape and that maybe they would remove the paint and re-plaster the bad spots of these instead of applying the lime-wash.

2. Magistrate Office:

Mr. Saunders noted that he met with Paul Truslow and Mr. Carter and they agreed that the doorways and windows in the old Magistrates Office building were in bad shape. He noted that they were concerned that if they started taking these out, the brick would collapse. He noted that the exterior was pretty much finished and dry so they could do the inside. He added that they would like to get ideas on how to repair the windows and it would likely be after Christmas before this was decided. He noted that there were two windows and one door to be replaced. He then noted that they may be able to save some of the wood in there, but that the storm windows had created problems by directing water back in.

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Mr. Hale then noted that he was happy with the proposal and this would not affect what direction was taken afterwards and that he thought they should proceed with having Lynchburg Restoration, Inc. go ahead with this proposal.

Mr. Carter suggested that the Board resolve that they are solely and uniquely qualified and that it was in the County's best interest to accept their proposal.

Mr. Hale then moved to authorize staff to enter into a contract with Lynchburg Restoration, Inc. and Price Masonry to remove the plaster as discussed in the Jefferson Building for a sum of not to exceed $11,475.00 and that the Board was aware that they were uniquely qualified and that no one else in the region was in the position to do this work.

Ms. Brennan seconded the motion and Mr. Saunders clarified that it was only the inside of the exterior walls that were to be done and none of the partition walls.

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

Mr. Hale then commented that both individuals were very keen on seeing the best possible work done on the building and that he was glad that Mr. Parr was brought in.

Ms. Brennan reported her attendance of a JABA Board meeting where the concentration was on finding the replacement for Gordon Walker, who was retiring as CEO in February. She added that they were in the process of interviewing people.

Mr. Hale reported the following:

1. Wintergreen Storage Tank

Mr. Hale noted that the new storage tank at Wintergreen had 25 ft of water in it and that the forecast was such that they would make snow from this tank. He noted that the tank was 78 feet high and that they would fill it the following day from Lake Monacan. Mr. Harvey noted that they would not need as many cold days to make snow now.

2. TJPDC Meeting

Mr. Hale reported that the TJPDC had done a resolution commending Mr. Boger for his service on the Commission. He added that he was the longest serving commissioner and Mr. Carter added that he had been on there for 15-16 years.

Mr. Bruguiere reported that the EMS Council was working to put living quarters in Station II using Coleman Adams and Mr. Carter noted that David Thompson was working with Curtis Sheet’s architect and they were waiting on a revised plan to come forward.

Mr. Harvey reported the following:

1. Pippin Hill Winery Dinner

Mr. Harvey reported attending a dinner at Pippin Hill Winery that recognized important people including Gordon Walker. He noted that they discussed the County’s Athletic facility project with people there. He added that he had provided a copy of the Daily Progress that had an article on Craig County’s project which was using volunteers. He added that he would like to get big donors involved.

2. Town Hall Meeting

Mr. Harvey reported on the town hall meeting held at RVCC. He noted that Mr. Carter and Ms. Rorrer were very helpful. He noted that he did not take anything as a complaint; however they may need to check into the mail delivery issue brought up in the Faber/Nellysford area. He then noted that most of the discussion was on Broadband and

then Woody Greenberg proposed a change in the Zoning Ordinance pertaining to mineral rights. Mr. Carter noted that he had given him a resolution that he would need to talk with Mr. Payne about.

Mr. Bruguiere questioned why the County should be involved in mineral rights and Mr. Harvey noted that property would need to be zoned industrial most likely for the mining of the minerals to occur. Mr. Bruguiere noted that there were still mineral rights in Piney River or the Roseland area and that nothing could be done until these were removed. He added that the County should not be involved in this.

Mr. Harvey indicated that he would like to look at this and Ms. Brennan suggested that they could look at including mineral extraction in the Zoning Ordinance.

Mr. Carter then added that Ms. Amidon attended the meeting and spoke on continuing the Uranium mining ban in Virginia.

Mr. Harvey concluded by reporting that there were at least fifty (50) people there and that they would do another one in February. He added that people were complimentary of them doing these afterwards.

B. Appointments

It was noted that Ms. Mary Lee Embrey's term on the JABA Council for Aging was expiring with no applications having been received and no input yet on whether or not Ms. Embrey would like to be reappointed.

Staff then noted a letter from the Celebrate Shenandoah Group requesting that two persons be appointed to serve on the Celebrate Shenandoah Committee. Members briefly discussed the request and no action was taken.

C. Correspondence

Introduced: Letter from Dr. Collins regarding school employee bonuses

Mr. Carter read aloud a letter from Dr. Collins requesting funds for employee bonuses totaling $195,000. He then noted that they had enough ability to pay the bonus and then staff could bring back the specific amount. Mr. Harvey stated he was under the impression that the money was there in the fuel budget and then if they ran short on funds for fuel, the Board would cover it. Mr. Carter reiterated that the budget amount would absorb it until the number was more specific.

Mr. Harvey then asked if separate checks were done and Mr. Carter reported that they were and that all appropriate taxes were deducted. Mr. Harvey noted he was concerned that the School's bonus would be combined with the regular paycheck, making more taxes come out and he suggested that Ms. McCann speak with Shannon Irvin to discuss this. He added that the School Board had discussed that they wanted to distribute them personally and Mr. Carter noted that the County's had been distributed the previous week. Mr. Carter then reiterated that their request should not be an issue.

Introduced: Blue Mountain Barrel House Entry

Mr. Saunders mentioned an email circulating that VDOT was giving Blue Mountain Barrel House a hard time over their entrance. He noted that once they had gotten started, VDOT had issues and that the owners and David Thompson had worked out a solution; however VDOT was not satisfied.

Mr. Carter then reported that he had spoken with Jeff Kessler of VDOT about it and he had noted that his concern was that the site plan was presented at the review meeting, the applicant never secured a permit to do the work, and the work completed was not what was presented at the site plan meeting. He noted that VDOT wanted them to go get the permit; which they never got. He added that they had installed a pipe in the VDOT right

of way that was not shown on the plans and was not approved and that they were aware at the site plan meeting that the entrance was coming off of a VDOT road.

Mr. Saunders then noted that they should pay the permit fee and that he would talk to Mr. Smack about it. Mr. Bruguiere added that Miss Utility did not identify the cable there either. Mr. Carter then suggested that they should just get a permit and get it resolved; not necessarily relocate anything.

Introduced: Gladstone Senior Center Funding Request & Massies Mill Community Center

Mr. Saunders noted that Gladstone Senior Center would like to request funds for heating oil; so that they can keep the building open all winter. Mr. Harvey noted that the Board needed to get the Community Center funding figured out. Mr. Carter noted that they may have received funding from the County as the County may have returned taxes that CSX pays to the County to the Community Center. He added that heretofore, the Board has been considering these things on an individual basis. He further explained that the County may be remitting the taxes back, once they were paid unless since CSX owned the building, the taxes were being paid back to them. He noted that he would check on this.

Mr. Bruguiere then inquired as to what to do with the Massie's Mill Community Center and Mr. Hale suggested selling off the acreage not being used for the tower site. Ms. Brennan noted that she was concerned about liability; however Mr. Carter noted that the County was covered by sovereign immunity. He added that County staff could secure the property. Mr. Saunders supposed that there was a lot of asbestos in the building and Mr. Carter confirmed that any asbestos present would have to be abated.

D. Directives

Mr. Harvey, Mr. Hale, Mr. Bruguiere, and Mr. Saunders had no directives.

Ms. Brennan had the following directives:

1. Inquired as to whether or not the lights in the entryway were fixed. Mr. Carter noted that the sensor had been relocated; however the maintenance department says they are not right yet and that staff was talking to Blair about it.

2. Inquired as to the hiring of a new Recycling Coordinator and Mr. Carter noted that the position had been advertised that week.

3. Inquired as to whether or not Ms. Bowling had set up 2x2 meetings and Mr. Carter replied she had not yet.

4. Inquired as to the signage outside being worked out and Mr. Carter noted that it had.

5. Noted that she wanted to have a town meeting with Mr. Hale and that she would have another one with Mr. Harvey in February.

6. Inquired as to what was being done for Mr. Boger’s retirement and noted that this needed to be figured out and done on the 20th.

Mr. Hale then noted that there were many areas of the planning office that Mr. Padalino had not had a lot of experience with and that maybe Mr. Boger should be brought back to consult for a set amount of time. Mr. Carter noted that he had spoken to Mr. Padalino about this to some extent and he had suggested that he and Mr. Payne were available to consult. The Board then agreed by consensus to go ahead with speaking to Mr. Boger regarding possible consulting to the office.

VI. Other Business (As May Be Presented)

There was no other business considered by the Board.

VII. Recess and Reconvene for Evening Session

At 4:48 pm, Mr. Saunders moved to adjourn and Mr. Bruguiere 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 COURTHOUSE

I. Call to Order

Mr. Harvey called the joint meeting to order at 7:01 pm with all Supervisors present to establish a quorum.

II. Public Comments

The Board agreed by consensus to defer public comments until the end of the meeting. At the conclusion of the meeting, Mr. Harvey opened the floor for public comments and there were no persons wishing to be recognized.

III. Other Business

A. Joint Meeting with the Nelson County Broadband Authority

Mr. Harvey noted that the meeting would be conducted more like a joint work session.

Mr. Carter then began the meeting by noting for the public that the Authority had signed a contract with Blue Ridge Internetworks (BRI) to be the Network Operator and its first Service Provider. He then introduced the owners of BRI, Baylor Fooks and Jeff Cornejo.

Mr. Carter then gave a snapshot of the status of project construction; noting that everything was complete except for the Massies Mill tower; which was scheduled for review by the Planning Commission and then the next day by the Board. He noted that it should then soon be operable and that the electronics vendor Calix was here this week to finish the installation of electronics that makes the fiber work. He noted that the federally funded project was about to come to conclusion before the project deadline of 2/28/2013.

Mr. Carter then reported that NTIA staff and County staff had biweekly conference calls and the County has been told it could get an extension but he did not think this would be necessary. He then moved on to the provision of services and how that would come about. He noted that BRI issued a joint press release soliciting public input in order to gather information from those interested in receiving services. They would then analyze the data and would come back to confer about their findings and recommendations as to how to best deploy services to businesses and residences.

Mr. Bruguiere then asked if BRI would explain how service deployment would work.

Mr. Baylor Fooks then addressed the Board and noted that they were thrilled to be here, it was a big deal for them and they were committed to it. He noted that their current network in Charlottesville uses the same technology as the County's network and that they had decided to provide services when Lumos backed out. He added that they would be filling two roles; they would handle new connections to the network and would be assessing the cost to add new connections. He noted that secondly, they would offer services on the network. He reported that they had built a good reputation in Charlottesville over twelve (12) years, have added 125 buildings to their network in a competitive environment, and would deliver services that people would buy. He noted that they did direct fiber access to the premise and the wholesale rates approved by the Board were in place and they would addresses business customers who want a fiber to the premise connection. He added that this type of connection was state of the art and anyone would be pleased to have that option.

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He then noted that he would like to discuss other ways to deliver services in the county in a way that would allow for lower cost deployment. He noted that they were not a wireless ISP but that they have dabbled in it. He stated that wireless was hard to control and that he thought that if it was the only thing available, consumers should be happy and get it; however if they were delivering it, they would seek a different technology. He noted that they would introduce a passive optic networking solution for a cheaper option and a hybrid fiber to copper topology that would allow copper to get closer to customers in order to offer DSL. He added that they would be deploying micro d-slams that would allow a connection near fiber to serve 12-48 customers. He noted that they did not need the same density that bigger players needed to invest in an area to serve. He noted that they hoped to do an excellent job in operating the network and execute the plan as ratified. He noted that fiber to businesses was competitive with major markets and he wanted to help develop the residential market.

When asked about the response from interest inquiries, Mr. Fooks noted that they were pleasantly surprised at how concentrated the interest was around the network. He noted that they had over 300 inquiries as of that morning. He noted that the interest seemed to mimic the census map but the concern was that the construction cost to get fiber directly to those a mile away from the backbone was significant. He supposed the installation cost per mile in air was around $15,000 and on the ground it was around $40,000 per mile.

Mr. Fooks, then noted that copper lines were already there and they would have to get an interconnect agreement with Verizon in order to use them. He added that the CLEC/ILEC relationship has been contentious but by law they had to offer services. Mr. Fooks then noted that it might cost a couple of dollars a month compared to the higher cost for fiber. He noted that they would locate a micro d-slam next to a Verizon cross connect that served houses within range of DSL; leasing copper pairs from Verizon to serve them with DSL. He added that BRI had higher standards, people would be pleased, and residents wanted service under $100 or $50 per month. Mr. Fooks then noted that DSL could carry data over a short distance of over 3 miles and they could run 50 MB DSL up to a mile. He noted that wired technology did not have the latency that wireless technology has and they could ride the data over the same copper pair as the voice because they used different frequencies. He added that in doing this, a hum could be heard on the line sometimes; however a filter would be used to cut the hum. He then explained that if Verizon said no on them being a co-resident on the voice pair, they would have to be on a second pair; which most homes had two (2) pairs run to them and this would depend on the interconnect arrangement with Verizon.

When asked how far they could get that technology from the main fiber, Mr. Fooks reiterated that they could go three (3) miles from a junction box and they would need to feed the device with fiber to some point; but that copper technology could only go a couple of miles. Mr. Fooks then noted that the County's network was 144 strands going North and 144 strands going south and that every time a customer was connected it used one (1) fiber. He added that to mitigate this, they could set more equipment in the field that could serve multiple customers using passive optics. He explained that passive optical technology used prisms and mirrors and they could use a splitter that allowed one (1) connection to become eight (8) connections. He added that one (1) fiber could be split sixty-four (64) times using Calix technology.

Mr. Carter then noted that what the County put in place was an active Ethernet system but that it had the capability to do passive. Mr. Fooks added that the staff and Board should be commended for using flexible technology. He stated that the County could buy passive cards and have a dual system mixing both passive and active solutions. He noted that the system was engineered for business class customers using active-e technology but could also offer passive. He reiterated that the passive option meant lower costs per connection and conserved the fiber.

Mr. Fooks then noted that these technologies could deliver more bandwidth than people wanted or needed. He noted that passive technologies could deliver 2.5 GB down and 1 GB up per home which was miles above what people were getting in New York City. He noted that speeds get down to okay if converted to hybrid fiber to DSL technology to

5,10,25 MB which was good but not revolutionary and was on par with metropolitan areas.

Mr. Bruguiere then asked Mr. Fooks to explain how a wireless solution might work due to the County's topography.

Mr. Fooks noted that wireless services was a different line of business, but that he believed the fiber optic network would help Mr. Stewart build a better network than he had now. He noted that now he had to install antennas on water towers, houses etc. and had clients with line of site. He added that this worked a little differently than 3G cellular wireless and was faster than that. He noted that he believed he could deliver multi-meg service but it was not what they did; however it would complement their services.

Ms. Brennan then asked how this would help SCS use the network and it was noted that they would have to be on the network towers and if they could get fiber to the towers, they could get more bandwidth to customers.

Mr. Jeff Cornejo of BRI noted that their job as Network Operator would be to get him connected, which would include planning the build, executing the build, configuring the necessary equipment, and monitoring afterward.

Ms. Susan Rorrer noted that SCS, as a provider would purchase bandwidth from someone and then would pay the Broadband Authority the transport fees for the amount of data that he was pushing across the network. She added that if SCS wanted a1 GB circuit, he would call BRI and they would connect them.

Mr. Fooks then reiterated that the data still had to leave Nelson County and get to the internet and the County had attracted two companies that could do it. The first being Mid-Atlantic Broadband (MBC), a company that started a nonprofit network prevalent in Southwest Virginia that extended to DC who offers favorable rates for long haul connections. He added that they would be a tenant in the shelter which allowed SCS or BRI to buy connectivity to the internet that did not previously exist just weeks ago. He noted that Lumos was there also but that MBC would likely offer lower cost connections. Mr. Cornejo noted that a major component of pricing was what this would cost BRI. Mr. Carter added that staff had not gotten pricing with MBC but would have this within a couple of weeks which will be factored into pricing. It was noted that there was a mix of businesses and residences to be served.

Mr. Fooks then noted that the County went from none to almost two (2) options for internet connectivity, with one being the best one could ask for. Ms. Rorrer then confirmed that staff was in the process of signing agreements with MBC. It was noted that they could connect anywhere but that Lovingston was in the middle of the network and was the best place for carriers to meet the network. Mr. Carter noted that they could also connect in at three (3) of the towers due to the electronics located there. Mr. Fooks noted that having a fortified shelter in Lovingston meant that they could put equipment in Lovingston which allowed them to have greater bandwidth and then customers could start ordering services from them.

Mr. Cornejo noted that the current rate plan has non-recurring charges to build to the home and this was not defined as a trunk or line. He added that all of the fiber on Route 29 was for long haul connections and that carriers could do what Lumos did and build a node in the Lovingston shelter for signal regeneration.

Mr. Carter suggested that if the network had subscription enough to be self sufficient, then they could talk about how to build the network out. He added that the discussion has been to let this thing start and see how it pans out and then start to look at the rate structure.

Mr. Stewart of SCS reported that they were working on contracts that would give him a beam west and then there was the High Top site that would get him to the county border. He noted that he had the capability of 10-15 MB down and up and that his use of the network would depend on how the Authority went forward. He added that he had two (2)

fiber pops in the county and greatly supported the use of fiber; however DSL was another subject.

Mr. Cornejo noted that once the network was operational, it would be good to sit down and look at how to get to him and they would have to determine how the costs of this would be covered.

Ms. Brennan asked if the fiber could be strung aerially and Mr. Cornejo noted it could as they had a pole attachment agreement with CVEC. He added that it was cost effective and may be the way to do it.

Ms. Rorrer suggested that additional workshops would need to be held to discuss options and the criteria the Board would consider in extending the fiber route. Mr. Carter noted that they could do capital expenditure improvements planning and could evaluate potential investments.

Mr. Bruguiere noted that he thought the network should get up and running and then they could see how the financials were working before discussing building out further.

Mr. Cornejo noted that they would have fiber expenditures for laterals that would be recovered in a couple of months and that there would be fairly miniscule expenditures associated with it. He noted that they would be paying USF fees every month and could consider funding the Broadband build out through RUS programs. He added that awardees were usually phone companies; but whoever was building the infrastructure could get this money. He noted the process was complicated and political but would be possible. Mr. Carter noted that staff was in the process of talking to RUS about funding opportunities.

Ms. Rorrer noted that they should keep in mind that as people requested services, they would need to decide if they were willing to pay for fiber to the home and they would need to consider their position on sharing in the cost of this. She added that they would have to make these decisions otherwise others may own the infrastructure that was built. It was noted that one person could pay for the build out; it could pass others and not be available to them. Mr. Fooks confirmed that the first customer essentially paid a penalty and others benefited from that investment and as a public Board, they would have to wrestle with how to handle this.

Mr. Joe Dan Johnson, in attendance noted the legal issues related to this in subdivisions in Northern Virginia.

Mr. Fooks then noted that they should never run one fiber at a time, however they should run 48-144 strands as there was only a couple of dollars a foot difference. Mr. Cornejo added that the challenge was to quickly utilize the fiber without exhausting the plant and that splitting decisions were based on a lot of factors.

Mr. Fooks related that they have a company that owned fiber and one that was an operating business. He noted that the operating company rented fiber nodes from the one that owned fiber and they decided to charge the operating company and sometimes it loses money. He added that the network would get to a point where the income could sustain these routine builds.

Mr. Alan Patrick, in attendance noted that the Authority wanted the network to be sustainable and then they wanted to build up some money for future capital builds or get RUS money for this. He then asked what the Authority should focus on at this point and that he thought that rates would play an important role in this. He reiterated that he thought that some portion should be set aside for build out.

Mr. Carter noted that he thought it was to be determined and that the rates were established so that the network would be self supporting. He acknowledged that the rates were high for residential and that Danville was an interesting model that was charging based on the same premise as the gross receipts tax. It was noted that the current model was like charging for a toll booth.

Mr. Harvey noted that the priority was to get service to as many people as possible versus making money on it. He added that he wanted key players to play on the network, it was important and it needed to be attractive to do this.

Mr. Cornejo advised that the Authority needed to be sure not to deplete the fiber plant as it was currently set up to use one fiber per drop. Ms. Rorrer agreed and noted that someone needed to oversee how the fiber was distributed and make these decisions. Mr. Carter concurred and noted that they were there now and needed to do this next.

Mr. Tommy Stafford, in attendance, noted that as a potential customer he would pay a higher one-time fee as long as the monthly fee wasn't so high.

Mr. Johnson, in attendance, noted that a distinction had to be made between residential and business connections; with the understanding that there would be some up-front money returned in a reasonable amount of time. It was suggested that the County has given tax abatements to businesses bringing jobs in and that the same consideration should be afforded to local internet providers if they could also show this. The Board was then implored to get service to people ASAP.

Mr. Fooks then related that the smartest thing he has heard about rural networks was that the players had to work together and could only afford to do it once. He added that the revenue out there could not support multiple companies doing same thing.

Mr. Cornejo then advised that the nonrecurring charges would have to be shouldered as the rate discounts for multiyear contracts were not big enough. Mr. Fooks noted that the Authority would need a policy on these decisions because of its responsibility to taxpayers; whereas they, being a private company could take risks.

Mr. Johnson then reiterated the need to get an affordable policy in place that encouraged people to sign on to the network.

Mr. Cornejo noted that their survey form asked for name, address, phone number, and email address and most of the responses were from Afton.

Mr. Harvey then supposed that the sharing of resources would eliminate cherry picking and that providers should get a lower rate if they planned to build out.

Mr. Carter reiterated that the tower pricing was based on the space on the tower and was developed with input from various sized entities.

Mr. Fooks noted that he thought that any concessions should go to those who would offer services at accessible rates.

Ms. Brennan and Mr. Harvey both thought that BRI should meet with SCS and Nelson Cable to see how to go forward.

Mr. Stewart of SCS noted that the Authority needed to take adoption rates into account when looking at this. He noted that the complex thing was that they needed x number of media types to make it all work as quickly as possible. He noted that he had seven (7) employees now, needed more bandwidth, and would need to look at more next year to keep up with the growth and whether or not he used the network would be based upon the cost for him.

Ms. Rorrer noted that the ongoing priority would be working on the rate schedule and whether or not it would change. She added it would be helpful to have recommendations for top priorities and Mr. Stewart noted he needed hard numbers before he could decide how to use network.

Mr. Fooks recommended that the Authority ought to green light the current rate card with an asterisk that if a new rate card was approved, it meant that current providers using the network could be adjusted. He added that he thought that there were some customers that

would pay the current rates now; such as Veritas. He noted that they should see who could swing it and that historically utility companies charged more for business use than residential; which could lead to having two (2) separate price lists.

Mr. Harvey iterated how important it was to have everybody on the same page and noted that they all needed to play as a team. He added that the willingness seemed to be there and he felt comfortable with BRI working on it. Mr. Harvey then added how important the internet was to his business noting that State Inspections were now computerized and State Troopers could pull the information up immediately and that it also helped eliminate mileage tampering.

Mr. Bruguiere then noted his appreciation for BRI coming and he noted that he looked forward to working with them; acknowledging it was a work in progress. He added that they had standard rates to start with and that going forward they could be re-examined.

Mr. Harvey noted that he preferred to start off with the right rates and Mr. Bruguiere noted that they weren't sure what the right rates were yet; however they had been advised that these were okay to start with.

Mr. Fooks noted that they were very happy to be working with the County and Authority and that they had a lot to learn as well. He assured the Boards that this was a very big project for them and they were thrilled to be here.

Ms. Brennan then suggested that staff arrange another workshop on the rates etc. and Mr. Harvey noted that they were willing to look at all types of suggestions. Mr. Fooks noted that the Authority did not want to model after Staunton, who overcharged for use of the network; which was still unlit underground and no one was using it.

Mr. Stafford noted that the urgency on getting rates set was that people were signing two (2) year contracts with other providers and Mr. Stewart advised that they needed to move quickly before Verizon and Century Link etc. came in.

Janet Lychock reiterated that her neighborhood was turning to satellite service as it has been marketed as their only option; however she could not use this for work purposes due to latency issues.

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

Mr. Harvey noted that they appreciated everyone's attendance and that the goal was to get the service out there at a reasonable price; working together to make it happen.

In conclusion, Mr. Carter acknowledged the good work of staff, reiterated their commitment to the project, and noted that the County had been favorably served by ICON engineering and they deserved to be recognized as well.

Introduced: Ban on Uranium Mining

Ms. Brennan noted that the Farm Bureau had issued a policy statement in support of not ending the ban on Uranium mining and that she would like to direct staff to prepare a resolution supporting this statement for the Board's consideration at the next meeting.

IV. Adjourn and Continue Until 7:00 PM December 20, 2012

At 8:40 pm, Ms. Brennan moved to adjourn and continue the meeting until 7:00 pm December 20, 2012 and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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December 20, 2012

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors room located on the second floor of the Nelson County Courthouse in Lovingston, Virginia.

Present: Allen M. Hale, East District Supervisor
Constance Brennan, Central District Supervisor
Thomas H. Bruguiere, Jr. West District Supervisor - Vice Chair
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor -Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Fred Boger, Director of Planning and Zoning
Tim Padalino, Planner
Jackie Britt, Registrar

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 7:02 pm with all Supervisors present to establish a quorum.

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

I. Public Comments

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

II. Public Hearings

A. <u>Special Use Permit # 2012-004 Joe L. Brown, Tax Map # 69-A-52</u>
Consideration of an application for a Special Use Permit submitted by Joe L. Brown to allow for a manufactured home in a R1 District. The property is located at 892 Lonesome Pine Road, Shipman, VA, consisting of .82 acres.

Mr. Padalino noted that this application was being made in order to help a person whose home had burned down. He explained that the property was Zoned R-1 and the applicant initially wanted to replace his home with a single wide dwelling; however it could not go there. He further noted that their office had suggested to put in a doublewide which was allowed there and then advised him to come back to get the special use permit. He reported that staff had made a site visit and everything looked good. He concluded by noting that he recommended approval of the SUP for the home that was already in place.

It was then noted that there had been a lot of communication with Supervisors on this and it was done openly.

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

Mr. Hale then commended the Planning and Zoning department for its handling of the matter and subsequently moved to approve Special Use Permit #2012-004 for Joe L. Brown, Tax Map #69-A-52.

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

B. <u>Class III Communication Tower Permit # 2012-004, County of Nelson, Tax Map # 55-A-26</u>

> Application is for the construction of a 110 foot communications tower with a 4 foot lightning rod for a total of 114 feet. The tower will be located on property owned by the County of Nelson at 961 Tan Yard Road, Roseland, VA. Special Exceptions requested to Sections 20-8-2 and 20-7-2e to permit the proposed tower to be located within the view shed of a designated Scenic Byway (Patrick Henry Highway, Route 151).

Mr. Padalino noted that this was an application from the County for the last tower in the Broadband Project. He added that the tower application was for the construction of a 110 foot communications tower with a 4 foot lightning rod for a total of 114 feet and would be located on property owned by the County at 961 Tan Yard Road, Roseland, VA. He added that special exceptions were requested to Sections 20-8-2 and 20-7-2e to permit the proposed tower to be located within the view shed of a designated Scenic Byway (Patrick Henry Highway, Route 151). Mr. Padalino reported that the property was zoned A-1 as were the surrounding properties. He added that 422 address points within a 3 mile radius could potentially be served by the tower and that the County had applied for a microwave to be placed on the top ten feet of the tower. Additionally, he noted that there would be an equipment cabinet at the base of the tower.

Mr. Padalino then noted that the photo simulations of the tower showed additional arrays that were speculative and were not part of the application. He noted that during the site review, there was a question of whether or not an E&SC plan would be required and it was determined it would not because the County would use an existing roadbed up to the tower that had a width of fifteen (15) feet and no additional grading was required. Mr. Carter then noted that David Thompson concurred with this determination. Mr. Padalino then noted that the other concern was the fall zone, however the tower had not been designed yet and he noted that the collapse plan would be provided from the manufacturer's engineer. Mr. Carter confirmed that the County would get this certification from them.

Members then discussed where the drain field was located on the property and it was agreed that it was likely down in front of the school towards the road. It was also noted that the tower Engineer would produce a landscaping plan, which was typically required and would be included on the final site plan. Mr. Padalino noted that this was necessary because of the unknown future use of the property and was appropriate along one side if the building would be reused. He noted that there was mature vegetation around the other sides and was not a concern.

Ms. Brennan noted that the landscaping was discretionary and could be done later and Mr. Carter noted that the whole site was encircled by the woods.

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

Mr. Bruguiere then moved to approve the Class III tower permit #2012-004, Tax Map # 55-A-26 an application for the construction of a 110 foot communications tower with a 4 foot lightening rod for a total of 114 feet, located on property owned by the County at 961 Tan Yard Road, Roseland, V with the Special Exceptions requested to Sections 20-8-2 and 20-7-2e to permit the proposed tower to be located within the view shed of a designated Scenic Byway.

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

Mr. Harvey then suggested using secondary road money to redo Tan Yard Road to fifty foot wide and straightening it out some. Mr. Bruguiere noted that the County had requested that the trucks come in from the Massies Mill side, but VDOT was now working on that end. Mr. Harvey reiterated that there were monies available from being transferred from other projects that were too expensive. The Board then suggested that staff go to VDOT with this idea and ask them to look at how they would do this.

III. New/Unfinished Business

A. Registrar's Office Relocation **(R2012-95, Authorization for Public Hearing)**

Mr. Carter noted that he had no new information to present on the subject and Mr. Bruguiere noted that he liked the idea of letting Ms. Britt decide where to go and she liked the Rutherford Building.

Mr. Bruguiere then moved to approve resolution **R2012-95**, Authorization for a public hearing on the relocation of the Office of the General Registrar to the Rutherford Law Offices located at 571 Front Street, Lovingston, Virginia.

Mr. Saunders seconded the motion and members discussed with Mr. Payne that the other space details could be put in the lease agreement. It was noted that this could be worked out before the public hearing to be held on January 24th.

Mr. Hale then reiterated that he thought that the Registrar ought to be in a publicly owned building; however he would vote to hold the public hearing. Mr. Bruguiere then noted that it may be a temporary situation.

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-R2012-95
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON THE RELOCATION OF THE OFFICE OF THE GENERAL REGISTRAR

BE IT RESOLVED, that the County Administrator is hereby authorized to advertise a public hearing to be held on January 24, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia to receive public input on the proposed relocation of the Office of the General Registrar from its current location at 63 Court Street, Lovingston, VA to the Daniel Rutherford Law Office located at 571 Front Street, Lovingston, VA 22949.

IV. Other Business (As May Be Presented)

Introduced: Broadband Project Status

Mr. Carter noted that the County has had pretty productive discussions with the local wireless company and have met twice and may meet again next week. He added he was not sure it would work and that it may take Board action to make it work.

Mr. Harvey then reported that he had spoken with the lady from Franklin County and he wanted her to come to the County to see the project. Mr. Carter noted that he had spoken with Rick Huff and was now playing phone tag with their IT Director. He added that he had discussed potential funding opportunities with an RUS person who recommended that staff look at the draft regulations in order to provide comment on the new rules for the Community Connect Program. He added that RUS was trying to make the program conducive to localities.

Mr. Harvey then added that he wanted the Franklin County person to give the same presentation she did at the VACO conference and that she was willing to come and do it soon. It was noted that she now worked at CIT and was involved with the Franklin County wireless solution. Mr. Carter then suggested that the Board could have a special meeting for this.

Ms. Brennan then asked if there had been any consideration of inviting Advisory Committee and Authority Board members to the wireless provider discussions and Mr. Carter noted that he was trying to get it to a point to bring forward and they were discussing proprietary information at this point.

Mr. Harvey reiterated that he would like to meet with the Franklin County lady first.

Mr. Carter advised that he was guarded about arranging deals with one company and then when another company came in, they would have to be treated equally. He added that staff was trying to work with SCS to figure out how the numbers could work and he noted that they have been helpful. He added that there seemed to be a better understanding of where both parties were coming from.

Mr. Harvey then inquired as to the Advisory Committee status of Mr. Stafford. Mr. Carter noted he was still on the Committee and Mr. Harvey concurred; noting that the Board of Supervisors would have been the ones to accept his resignation and not Mr. Taylor.

Introduced: Courthouse Concrete Work

Mr. Saunders inquired as to the status of the Courthouse concrete work and Mr. Carter reported that Blair could not get the local company to come to work and were now going to use one of their premier subcontractors who would start after the first of the year, weather permitting. He added that this was after Mr. Beecraft had made a concerted effort to get them to come. Mr. Harvey then suggested they talk to Tim Cooper who was local and did good work.

Mr. Bruguiere suggested it would better to wait until spring and Mr. Saunders advised that as long as they used concrete blankets, it would be okay as long as it was not extremely cold. He added that when it is colder, they used calcium to set up the concrete quicker and it may have a white powdery finish when it's done.

Introduced: Resolution Maintaining the Uranium Mining Ban ***(R2012-98)***

Ms. Brennan introduced a Resolution prepared by staff on the Uranium mining ban. She noted that the Pittsylvania Board of Supervisors had passed a similar resolution and that Bill Bolling had come out opposing lifting the ban. She noted that since there was a lot of agriculture in the County, she wanted to pass the resolution in order to protect the health, safety, and welfare of its citizens.

Mr. Hale then moved to approve resolution **R2012-98**, resolution supporting maintaining the Virginia General Assembly's moratorium on Uranium mining and milling in Virginia, taking out the last whereas after VA Ag industry and that no evidence has been seen so far etc.

Ms. Brennan seconded the motion and Mr. Hale explained that the Board was taking a position on the matter and that the reality was there was a terrific amount of risk. He added that it was unknown if the Uranium occurrences in the County had mining potential; however he thought the moratorium was the wisest course to follow. Mr. Harvey concurred and noted that the potential threat was to future generations. Mr. Bruguiere supposed that even if the ban were lifted, there were so many restrictions that there would not be mining to start with. He added that there was not enough electricity in the country now, coal plants were shutting down, and only a couple of permits were issued for nuclear power and it may be the only way to get cheaper electricity. He noted that most was coming from Russia and that France had 75% of its energy coming from Uranium. Mr. Hale and Ms. Brennan both noted that Japan was stopping use of Uranium now. Mr. Saunders noted that he was hoping to get more information and could not logically make a comment on the matter.

Mr. Bruguiere then read the Virginia Farm Bureau's policy statements on the subject as follows:

"We support continuation of the current moratorium on the mining and/or milling of Uranium in the State of Virginia."

"We believe farms and agribusinesses should be protected from possible adverse impact should the moratorium on Uranium be lifted."

The Chair then called for the vote, and Supervisors voted (4-1) by roll call vote, with Mr. Bruguiere voting NO, to approve the motion and the following resolution was adopted:

RESOLUTION R2012-98
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION SUPPORTING MAINTAINING THE VIRGINIA GENERAL ASSMEBLY'S MORATORIUM ON URANIUM MINING AND MILLING IN VIRGINIA

WHEREAS, in 1982 the Virginia General Assembly enacted a moratorium on the mining of uranium in Virginia; and

WHEREAS, legislation to lift this moratorium is likely to be proposed in the next General Assembly legislative session enabling Virginia Uranium, Inc. to begin uranium mining in the Commonwealth; and

WHEREAS, there are at least three (3) reported uranium occurrences in Nelson County located in both agricultural and residential areas according to Virginia Uranium, Inc.'s own published maps; and

WHEREAS, the Virginia Farm Bureau Federation, on November 29, 2012, established a policy that supports the continuation of the current moratorium on the mining and /or milling of uranium in the state of Virginia, after having concluded that the mining and milling of the radioactive ore is a threat to Virginia's agricultural industry,

NOW, THEREFORE, BE IT RESOLVED, that in concurrence with the Virginia Farm Bureau Federation policy, the Nelson County Board of Supervisors does hereby support the continuation of the current moratorium on the mining and/or milling of uranium in the state of Virginia; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to each member of Nelson County's legislative delegation in the General Assembly and the Honorable Governor Robert McDonnell.

Introduced: County Flag Options

Ms. Brennan noted that she had two (2) flag options for the Board to consider and perhaps they could adopt one at the January meeting.

Members reviewed the options and Ms. Brennan was instructed to bring back an option with half gold on the diagonal version instead of white and one with gold on the outline of County.

Introduced: Appreciation of Mr. Fred Boger's Years of Service upon His Retirement

The Board asked Mr. Boger, in attendance to stand while the Board read aloud a resolution prepared by staff and affixed to a plaque for presentation.

Mr. Hale moved to approve resolution **R2012-96**, resolution recognizing the exemplary service of Fred Boger – Director of Planning and Zoning and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2012-96
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING THE EXEMPLARY SERVICE OF FRED BOGER – DIRECTOR OF PLANNING AND ZONING

WHEREAS, Fred Boger has served as Nelson County's first Director of Planning and Zoning and has been its Zoning Administrator since October of 1996; and

WHEREAS, Mr. Boger is retiring from this position as of January 1, 2013; and

WHEREAS, Mr. Boger's nearly sixteen (16) years of outstanding leadership and commitment to Nelson County has served to inspire former and current employees alike and;

WHEREAS, Mr. Boger's knowledge of and dedication to the field and profession of Planning and Zoning has transcended Nelson County through his service on regional Planning Commissions and Boards; having represented the County on the Thomas Jefferson Planning District Commission since 1998 and being actively involved in the Virginia Association of Zoning Officials since its inception in 1990,

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors wish to hereby recognize and commend the exemplary public service of Fred Boger in his capacity as Director of Planning and Zoning and Zoning Administrator and wish him well in his future endeavors.

Ms. Brennan then presented Mr. Boger with the plaque and the Board presented Mr. Boger with retirement gifts. Mr. Boger opened them and noted his appreciation for the Board's consideration.

Introduced: Gladstone Senior Center Request for Funding

Mr. Saunders reintroduced the subject of Gladstone Senior Center's request for funds to purchase heating oil and the Chair advised he would entertain a motion.

Mr. Saunders then moved that the Board of Supervisors help the senior citizens in Gladstone with heat; giving them money to buy either heating oil or radiant heaters that was $199 each. He noted that the Railroad paid the electric bills, that oil was an annual expense, and they could purchase the radiant heaters that would function for years to come. Members then suggested that the County just give them the money and they could decide what to purchase. Mr. Saunders then withdrew his original motion.

Mr. Saunders then moved that the County give the Gladstone Senior Center $1,000 to purchase either heating oil or radiant heaters and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

V. Adjournment

At 7:51 pm, Ms. Brennan moved to adjourn and there was no second recorded. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

January 23, 2013

RADIO COMMUNICATIONS PROJECT

PROJECT BUDGET AMOUNT:		**$ 2,900,000.00**
Original Contract Amounts:		
Motorola Contract		$ 2,599,074.00
RCC Contract		$ 104,645.00
Licensing		
	Total:	**$ 2,703,719.00**
Proposed Contract Changes:		
Changes to Project Scope and Equipment		$ 50,815.51
Additional Subscriber Units and Chargers		$ 80,195.07
Addition of Wintergreen Fire and Rescue Channel		$ 130,627.46
Addition of Equipment for NCSA (no cost to County)		$ (40,526.44)
	Total:	**$ 261,638.04**
TOTAL PROJECT EXPENSES AS OF JANUARY 23, 2013:		**$ 2,965,357.04**
Additional Funding Sources:		
Four For Life 2012 Funding		$ 16,790.00
Four For Life 2013 Funding (estimated)		$ 16,970.00
Fire Program 2012 Funding		$ 39,235.00
Fire Program 2013 Funding (estimated)		$ 39,235.00
	Total:	**$ 112,230.00**
TOTAL AVAILABLE FUNDING:		**$ 3,012,230.00**
TOTAL PROJECT EXPENSES TO DATE:		**$ 2,965,357.04**
BALANCE:		**$ 46,872.96**