

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
May 24, 2012

**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 Hearings**
 - A. Norwood Historic District –State Survey and Planning Funds Agreement (**R2012-35**)

- III. Public Comments**

- IV. Consent Agenda**
 - A. **Resolution – R2012-36** Minutes for Approval

- V. New/Unfinished Business**
 - A. County Insurance Coverage of Fourth of July Parade
 - B. Solid Waste -Green Earth Recycling of Virginia, LLC Agreement (**R2012-37**)
 - C. FY12-13 Budget

- VI. Other Business (As May Be Presented)**

- VII. Adjournment**

County of Nelson
Public Hearing Notice
Nelson County Board of Supervisors
Norwood Historic District

The Nelson County Board of Supervisors will hold a public hearing on May 24, 2012 at 7:00 o'clock pm or shortly thereafter, in the Board of Supervisors Room of the Courthouse in Lovington, Virginia. The purpose of the public hearing is to receive input from citizens, in particular those living in the Norwood community, on a proposed State Survey and Planning Funds agreement between the Department of Historic Resources (DHR) and the County. This agreement would provide for preparing architectural documentation at the reconnaissance level on a minimum of 63 historic resources (including farm groups, dwellings, sites, and structures) in order to evaluate the area's potential for the establishment of the Norwood Rural Historic District and inclusion of the district on the state and national historic register listings.

A copy of the proposed agreement and a map of the survey study area are available for review in the County Administrator's Office, 84 Courthouse Square Lovington VA 22949 and on www.nelsoncounty.com. Please contact 434-263-7000 should additional information be required.

By Authority of Nelson County Board of Supervisors

**STATE SURVEY AND PLANNING FUNDS AGREEMENT
FISCAL YEAR 2011-2012**

This agreement is entered into **this April 18, 2012**, by the County of Nelson (County) and the Virginia Department of Historic Resources (DHR), to prepare architectural documentation at the reconnaissance level on a minimum of 63 historic resources (including farm groups, dwellings, sites, and structures) located in an area known as the Norwood Rural Historic District. A map of the survey study area is attached. The project shall also include data entry in DHR's Data Sharing System (DSS), black and white and digital photography and completion of a final survey report. It is the mutual hope and expectation of the County and DHR that this project will assist in evaluating the area's potential for state and national register listing and help support the County's long term economic development and tourism goals

Witness that the County and DHR, in consideration of mutual covenants, promises and agreements herein contained, agree as follows:

Scope of Agreement: The County agrees that it shall provide funding of \$2,000 for this project. DHR agrees that it shall provide funding of \$ 5,500 to the County for this project. The County agrees that DHR shall assist in developing the final scope of work for the project and helping to select a qualified consultant to perform that work. DHR shall monitor the quality of the consultant's work and shall review and approve all products. The County will assume the following administrative responsibilities for the project: hiring a qualified consultant, holding community input meetings, paying all bills, and in collaboration with DHR ensuring final delivery of satisfactory project products by the scheduled deadlines. All work is to conform to DHR's architectural survey and documentation requirements,. The County working in cooperation with its consultant will assume responsibility for logistical arrangements and publicity for any and all public meetings related to the project and will ensure that an appropriate County representative is present at all public meetings to affirm that the County is a sponsor of the project.

Period of Performance: DHR Cost Share Program funds for this project will be available during the May 1, 2012 – June 30, 2013 period only. All work on the project must be completed for close out of the project by no later than June 30, 2013.

This agreement shall consist of:

1. This signed form
2. Any negotiated modifications to this Agreement agreed to by both parties in writing; and
3. The County's contract documents with the consultant selected to carry out this project, all of which documents shall be incorporated herein.

In witness whereof, the parties have caused this Agreement to be duly executed intending to be bound thereby.

**APPLICANT:
COUNTY OF NELSON**

**SOLICITOR:
DEPARTMENT OF HISTORIC RESOURCES**

BY: Stephen A. Carter

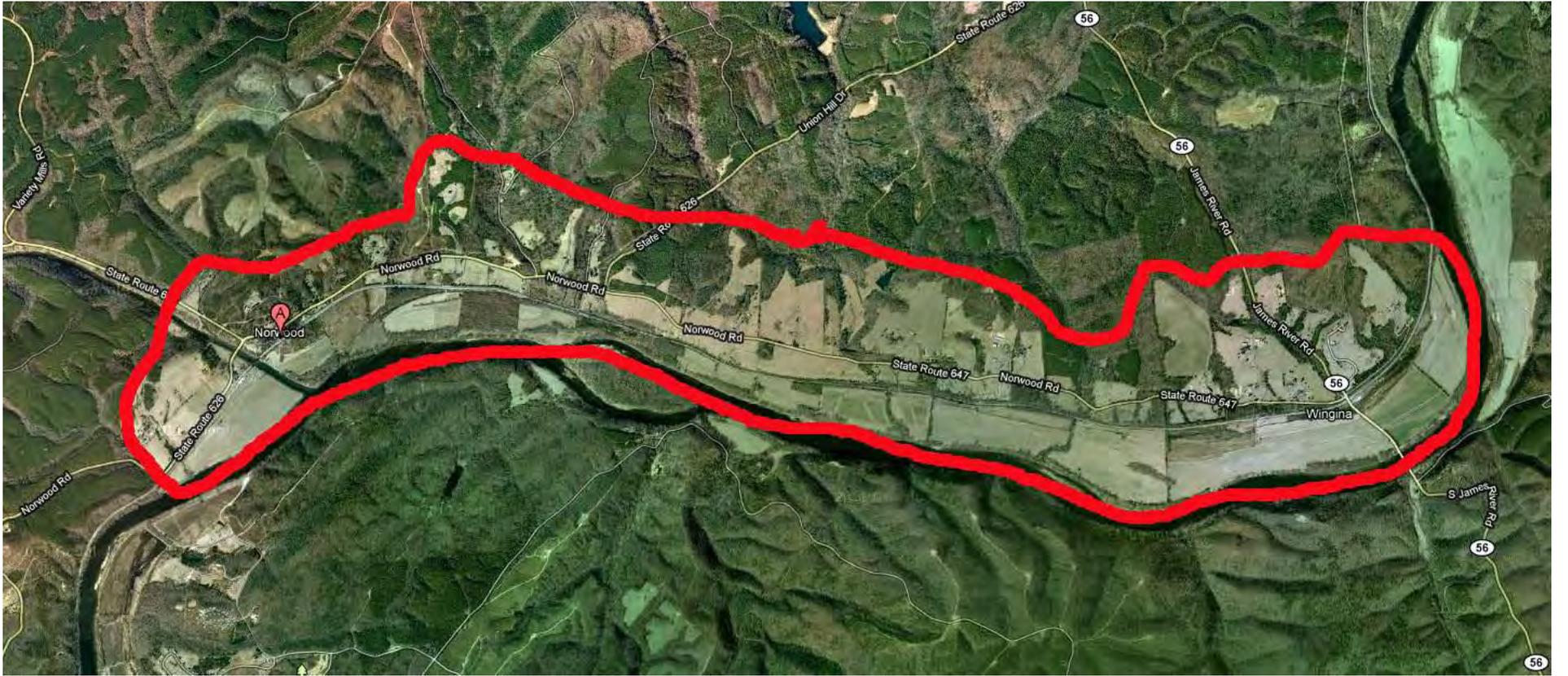
BY: Kathleen S. Kilpatrick

TITLE: County Administrator

TITLE: Director

DATE: _____

DATE: _____



Proposed Norwood Historic District

In the coming weeks and months, you will be hearing more about a proposal to place the Norwood area on the National Register of Historic Places and the Virginia Landmarks Register. Listing on these registers is honorary. Property owners are free to alter, demolish or dispose of property as they see fit. Listing on these registers makes property owners eligible for various benefits. Perhaps most significantly, federal and state income tax credits may be available for properly-qualified rehabilitation projects. Listing on the register is not a regulatory program.

Listing in the National Register of Historic Places and the Virginia Landmarks Register may qualify property owners for benefits administered by the Virginia Department of Historic Resources (VDHR):

- Technical assistance with repair and maintenance and rehabilitation projects;
- Tax incentives for appropriate rehabilitation of income-producing properties;
- The opportunity to grant a preservation easement to the Board of Historic Resources, which ensures preservation of the property and to receive possible tax benefits (real estate and donation). Listing in the registers is required for this benefit.

Listing in the registry is honorary. A listing on either register does not restrict an owner in the free use of their property. A property owner may alter, demolish or otherwise dispose of property as they see fit.

Financial Incentives:

A primary advantage of listing on the state and federal registers is the tax credit available for qualified property improvements. The federal program, which applies only to income-producing properties, currently offers a tax credit equal to 20% of eligible rehabilitation expenses. The state program may be used for rehabilitation of income producing or owner occupied residential properties. In tax year 2012, the state program offers a credit for 25% of eligible rehabilitation expenses.

For tax credit projects, all improvements must be undertaken under the direction of the VDHR. To qualify for tax credits, the building to be rehabilitated must be a “certified historic structure.” The projects must meet certain spending limits to qualify.

Frequently Asked Questions and Answers:

Q: If my building is in a historic district do I have to get a permit from a review board to paint or do other renovations?

A: No. Property owners may renovate or even demolish a building without permit. However, if owners wish to receive tax credits, renovations must be completed under the supervision of the Virginia Department of Historic Resources.

Q: There are buildings downtown that are not that old. How can this be a historic district?

A: There are modern buildings in virtually all historic districts. When the district surveys are completed some buildings will be designated as contributing and some will be considered non-contributing to the district.

Q: How old does a building have to be to be considered historic?

A: Any building more than 50 years old may be considered to have historic importance.

Q: When you consider places like Staunton and Lexington, how could we possibly consider Norwood historic?

A: Communities are not compared for nomination purposes. Buildings are judged on the basis of their architectural character and according to the degree that they are associated with events and people that were important to the development of the community. There are a number of buildings significant to the commercial growth of the county.

Q: What is the difference between a tax credit and a tax deduction?

A: A tax credit reduces one's tax liability; a deduction reduces one's taxable income. Tax credits for historic improvements are based on the cost of the renovation, not the owner's income.

Q: If I complete a \$100,000 building renovation, what is the potential tax credit available?

A: The federal program for income-producing properties offers a tax credit equal to 20% of eligible rehabilitation expenses - or \$20,000.00. The state program currently offers a credit for 25% of eligible rehabilitation expenses - or \$25,000.00.

Q: Do I have to open my property to the public if it's registered?

A: No. Listing in the National Register of Historic Places or the Virginia Landmarks Register does not require that you open your house to the public.

Q: Will registration or listing increase or decrease my property values and tax burden?

A: Many factors affect the value of real estate: location, improvements, supply and demand, zoning, surroundings, local and national economic conditions, business cycles, actions of national, state and local governments. Changes in any of these factors may affect the value of property. Overall, statistics show that there were no significant changes in assessed values in rural areas. In urban districts, however, the value of properties rose over time at a significantly greater rate than similar properties outside the districts.

Q: Can vinyl-sided buildings be registered?

A: Yes. Although vinyl siding is not a recommended treatment for historic buildings, the national and state registers do not exclude vinyl-sided buildings from consideration.

Q: How are decisions made about what gets listed?

A: The process consists of evaluation and nomination. During the evaluation phase, preliminary information about the property is examined by the Department of Historic Resources Evaluation Team, which then recommends to the State Review Board those properties it considers to meet the criteria for registration. Once the evaluation phase is completed, the nomination phase usually results in the listing of these qualified properties.

Q: Isn't it true that only sites associated with famous people or events get registered?

A: No. The criteria apply to places of national, state or local significance. Many places that may appear at first glance to be unexceptional are listed in the registers.

Q: If my property is listed in the national or state registers, will it be protected from undesirable development or destruction by government projects?

A: No. Listing or registration informs owners, local planners, governmental agencies and others involved in land use planning of the existence of a historic resource.

Q: Will anyone be able to stop me if I want to alter or tear down my property once it's listed?

A: No. Only a local historic preservation ordinance can impose such restrictions on property owners.

Q: Will I be able to leave my property to my children or anyone I want if it's listed?

A: Yes. Listing in the registers in no way affects the transfer of property from one owner to another, or any other rights or responsibilities of property ownership.

This document was prepared as a public service by the Nelson County Department of Economic Development. For further information, please contact the Department of Economic Development office at 434.263.7015.

RESOLUTION (R2012-35)
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO EXECUTE STATE SURVEY AND PLANNING FUNDS
AGREEMENT WITH THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES
(DHR) - POTENTIAL NORWOOD RURAL HISTORIC DISTRICT

BE IT RESOLVED, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute an agreement with the Virginia Department of Historic Resources (DHR). The agreement provides for State and local funding to prepare architectural documentation at the reconnaissance level to evaluate the Norwood area's potential for its establishment as a Rural Historic District and its inclusion on the state and national historic register listings.

Adopted: _____, 2012

Attest: _____, Clerk
Nelson County Board of Supervisors

RESOLUTION-R2012-36
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(May 8, 2012)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **May 8, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: May 24, 2012

Attest: _____, Clerk
Nelson County Board of Supervisors

May 8, 2012

Virginia:

AT A REGULAR SCHEDULED 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: Thomas H. Bruguere, Jr. West District Supervisor- Vice Chair
Allen M. Hale, East District Supervisor
Larry D. Saunders, South District Supervisor
Constance Brennan, Central 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
Phillip D. Payne, IV, County Attorney
Capt. Ron Robertson, Sheriff’s Department Captain

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 2:04 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. Carter asked to remove item B. **R2012-33** as the Commissioner of Revenue had revised her request for additional funds. The Board agreed and Mr. Hale then moved to approve the consent agenda consisting of the minutes for approval. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

- A. Resolution - **R2012-32** Minutes for Approval

**RESOLUTION-R2012-32
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(April 12, 2012, April 25, 2012, and April 26, 2012)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board’s meetings conducted on **April 12, 2012, April 25, 2012, and April 26, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2012-33** FY11-12 Budget Amendment – Considered Separately

III. Public Comments and Presentations

A. Public Comments

Mr. Harvey opened the floor for public comments and the following persons were recognized:

1. Glenda Cahoon, VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement from Kenneth White, VTA President requesting that the Board of Supervisors pass a resolution urging Representative Robert Hurt to contact the Chairman of the House Judiciary Committee regarding drawing up articles of impeachment against President Obama.

2. Glenda Cahoon, Tye River

Ms. Cahoon distributed and read aloud a prepared statement urging the Board to have VDOT conduct a traffic/accident study in the Colleen area from the SPCA thrift store up to Saunders Construction. She asked that they include data from the past two years and facilitate changing the speed limit from 60 mph to 45 mph in that area beginning at Oak Ridge Estate down to Saunders Construction. She also urged them to have VDOT improve the sight distance at the Route 29 and Route 56 West intersection and suggested the placement of vinyl signs to promote traffic safety.

B. VDOT Report

Mr. Don Austin of VDOT was present to report to the Board. He noted that he had been made aware that the Board was interested in discussing the stop light in Lovington.

Mr. Harvey noted that VDOT needed to do something at the stop light to eliminate confusion. He noted that there have been two fatalities there and numerous accidents. He added that the size of the writing on the yield on green was not very large and could not be seen very well at night.

Mr. Austin advised that he had discussed this with the traffic engineer, who would review the previous study and would update the traffic accident data up through 2010. He indicated that this would provide them with a three year period of data to look at and they would look at increased usage of the intersection also. He added that he did not think that any new businesses were causing the increase in traffic and Mr. Bruguere suggested that there was a lot more truck traffic in that area due to them coming off of Route 81.

Mr. Austin then advised that VDOT would look at the turning movements on and off of Rt. 29 and would also look at the related sight distances. He noted that he did not think that sight distances played a role in this case. He added that they would look at causes of accidents from the accident reports and also the flow of traffic. He noted that hopefully the study would be updated by the next meeting.

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Mr. Bruguere noted that VDOT should be more accommodating of the local Boards' wishes to protect its citizens. He added that the accident criterion was unreasonable and that they needed to do something to protect citizens.

Mr. Austin advised that VDOT had to go by the State's criteria to be legal at least on the speed limits.

Mr. Harvey noted that it appeared to him that all of the accidents occurred when travelers were headed northbound turning into Food Lion and there did not seem to be problems coming across Rt. 29. It was noted that some also occurred going southbound. Mr. Harvey added that the two green lights there were confusing and suggested the use of a yellow arrow, green arrow, and red light.

Ms. Brennan stated that she would rather have people stop on a red light and get impatient than cross over into traffic. She added that Nelson had an aging population that was not used to stop lights.

Mr. Austin noted that VDOT was testing flashing lights at the Lynchburg Mall as a warning to drivers.

Members then discussed the following VDOT concerns:

Mr. Bruguere:

1. Asked for a no double stacking sign to be placed at the crossover at Rt. 56 West and Rt. 29; similar to the one located at the High School.
2. Requested that the 45 mph speed limit on Rt. 151 and 56 West at Macs Market be extended to Rt. 655 at the top of the hill there. He noted that there was a lot of truck traffic there and there was a near miss with a tractor trailer recently. Mr. Harvey agreed that it was a busy area there, a lot was going on in a small span, and the request was warranted. Mr. Austin noted that they did have to follow federal speed guidelines and review the area etc. before this could happen. Mr. Harvey then related how much safer Rt. 151 was from the changes that have been made including reducing the speed limit.

Ms. Brennan:

1. Asked if VDOT had look at the increase in accidents since they raised the speed limit to 60 mph on Rt. 29. Mr. Austin noted that he was not sure if it had been done but he would check.
2. Requested VDOT to look at the speed limit going south on Rt. 29 from Food Lion and extending the 45 mph beyond the businesses in that area.

Mr. Saunders:

1. Noted that the speed limit sign was missing in Arrington at Phoenix Road and New Mount. Mr. Austin reported that they would be putting up new signs there soon.
2. Noted that at the intersection of Rt. 56 East and Findlay Mountain Rd. there was a bad blind spot where the sight distance was really bad. Mr. Harvey noted that this complaint had been studied 7-8 times in his tenure on the Board.

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3. Noted that Norwood residents were concerned about the speed limit from the Fire Dept. on Rt. 56 to Rt. 626.

4. Reported that on Arrington Road near House #626 there was a sink hole that keeps getting bigger. Mr. Austin noted that they would go out and look at it.

Mr. Hale had no VDOT issues.

Mr. Harvey then noted that the newly paved roads looked nice around courthouse and going down the hill onto Front Street.

IV. New Business/ Unfinished Business

A. Draft Local Grievance Procedure

Mr. Carter noted that the Code requires a local grievance procedure, which the County's Personnel policy includes; however it was never certified by the Circuit Court as required. He noted that therefore, the County has been following the state procedure. He added that the State policy affords the State and any localities to have a hearing officer in lieu of a panel which has been preferred by employers.

He added that in the most recent case, even though the County was successful in prevailing, the grievant has continued to appeal based on conflicts between the County policy and the State policy. He noted that therefore, Mr. Payne has advised that the County should write a local procedure endorsed by the Board and certified by the Circuit Court. He noted that staff was not recommending the Board take action now, but rather work with Mr. Payne on the potential removal of the panel as an option. He then explained how the panel would work and related his previous experiences in using a panel; noting that the use of a hearing officer removes any subjectivity in the process. He then noted that staff wanted to get it before the Board for ongoing discussion.

Mr. Hale inquired as to the problem with using the State's policy and Mr. Carter noted that there were contradictions in the procedural aspects of the grievance process. He explained that in the State policy, matters could be referred to the State agency and recently the grievant did this and they said that they did not have anything to do with it and they were now appealing to Circuit Court.

The Board then turned to Mr. Payne for an explanation and he noted that the local grievance procedure had not been certified by the Circuit Court and because it had the use of a panel in it, staff did not then have it certified and in lieu of that decided to use the State's policy, which allowed for a hearing officer. He added that the State procedure also has pieces that did not work for the County which was creating problems. He then noted that the only consideration for staff was whether or not to have a panel available for insignificant issues. He stated that he had put this in for consideration because of the costs associated with a Hearing Officer. He added that for something not important, a panel would be the cheaper and easier way to go; however the downside was bad experiences with panels.

Ms. Brennan then questioned whether or not the exceptions listed were part of the State Code and Mr. Payne advised that the first four were variations of the State Code and he had added the other ones. He added that he had looked at the Department of Social Services grievance procedure in crafting the draft

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and he had used the State Language wherever he could. He noted that Constitutional Officers were exempt from the policy.

Ms. Brennan then confirmed that the County Administrator did not currently maintain an up to date list of those exempt from the procedure as the policy had not yet been adopted. She then inquired as to the meaning of “who may normally be present” as used within the document and Mr. Payne noted that he thought it came from the State Code, however he would check. He then noted that the procedures were meant to be more flexible.

Ms. Brennan then inquired as to who would be the most likely management representative should the agency head also be the immediate supervisor of the grievant as noted under the second step of Management Steps section d. Mr. Carter noted that it would most likely be the Finance and HR Director or whomever else was designated. Mr. Payne added that the grievant could skip this step, which had been done before and that there were certain circumstances where the first two steps could be skipped altogether.

Mr. Carter then advised that staff would bring this back for further consideration in the near future.

In response to questions, Mr. Carter noted that a lot of time and money had been spent on the current grievance which was still pending. He noted that they had filed an appeal in Circuit Court and now have filed an EEOC complaint. He added that the Hearing Officer costs were over \$5,000 and the transcripts cost over \$1,000 and these costs were not including Mr. Payne’s costs.

Mr. Carter noted that this was an obligatory part of local government and then suggested that the Board conduct a closed session while Mr. Payne was present. Members agreed to do so following consideration of the revised budget amendment that had been pulled from the Consent Agenda.

Ms. McCann noted that under the transfer of funds section of the budget amendment, the Commissioner of Revenue had requested \$200 more since the submission of the request. She added that she then had revised her request to add \$700 to her budget due to more than anticipated expenses for DMV updates.

Ms. Brennan moved to approve **R2012-33**, FY11-12 Budget Amendment as modified to change \$200 to \$700 in the Commissioner’s request and Mr. Bruguire seconded the motion.

In response to questions, Ms. McCann noted that they have to pay to have their vehicle data updated from DMV into the system. She noted that in the past, seemingly the bill has been split between two years and it was all billed in this year this time.

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 R2012-33
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
May 8, 2012

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BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2011-2012 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 2,500.00	3-100-009999-0001	4-100-031020-5419
\$ 5,180.00	3-100-001502-0002	4-100-032020-5646
\$ 7,500.00	3-100-003303-0240	4-100-081020-7050
<u>\$ 15,180.00</u>		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 700.00	4-100-999000-9905	4-100-012090-3015
\$ 5,000.00	4-100-999000-9905	4-100-091030-5638
<u>\$ 5,700.00</u>		

III. Appropriation of Funds (CDBG Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 2,436.00	3-503-009999-0001	4-503-094700-9114

IV. Appropriation of Funds (Broadband Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 2,436.00	3-114-004105-0503	4-114-094100-3002

B. FY12-13 General Fund Budget

Members agreed to forgo discussion of this item until the evening session.

C. Introduced – Closed Session

Mr. Harvey noted that the three reasons for conduct of the Closed Session were: discussion of personnel, acquisition of real property, and consultation with Legal Counsel.

Mr. Hale then moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (1), § 2.2-3711(A) (3), and § 2.2-3711(A) (7): discussion or consideration of assignment, appointment, promotion, performance, salaries of specific employees of any public body, discussion or consideration of the acquisition of real property for a public purpose, and consultation with legal counsel pertaining to probable litigation.

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

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The Board then conducted the closed session and upon its conclusion, Mr. Hale moved to reconvene in open session and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in open session, Mr. Hale moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Mr. Bruguire seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Following the certification of the closed session, there was no action taken by the Board.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

A. Courthouse/Government Center Project: Blair Construction has re-mobilized and is working to address the project punch list and to complete the scope of work approved for the Jefferson Building. The present substantial completion date is June 19th, per Change Order 19, which endeavored to encompass all outstanding construction items. Cottle Multi-Media has presented design plan and bid document for Courthouse signage initiative. Pending review by County staff, this initiative is ready for implementation.

Mr. Carter added that the County would have to bid signage out and it could be done in phases. He noted that the total cost was estimated to be around \$42,000 and the County would then have to get quotes.

B. Health Department Relocation: Design work for Health Department relocation has been approved. Lease pricing is pending receipt of construction costs from the general contractor. A projected relocation date, per BRMC, is fall 2012.

Mr. Carter noted that the lease amount was unknown and Mr. Saunders added that it appeared they were getting ready to pour the concrete slab for the building.

C. Broadband Project: Mastec has installed 15.71 miles of conduit along Routes 29 and 6 (as of 4-30). Approximately 10,000+ feet of fiber optic cable has also been installed (Route 29 south). The contractor is working several crews, including a local company from Schuyler. Fiber backbone completion is projected to be July 2012. Pending are issuance of RFPs of RFQs for tower construction (Afton and Avon), outside plant services (OSP) and network operation. Electronics equipment contract with selected company is near completion (by week of 5-14, possibly sooner). Mr. Bruguire is assisting with tower location for the Massies Mill area. There is considerable work focused on service providers and discussion of proposed rate structure.

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Mr. Carter explained that OSP work was splicing, installing drops etc. Mr. Bruguere noted that he had secured permission from a Massies Mill potential tower site landowner and the site met with Fred's approval so he was moving on that.

Mr. Carter reported that there was some debate within the subcommittee on service providers and rates etc. and they would endeavor to encourage ISPs to express interest in the network. He added that there were three ISPs interested right now.

He also reported that staff had met with a network operations company from Charlottesville but that the County would have to reissue an RFP for these services. He noted that they seemed to be a good fit and would work with the Authority on a tiered pricing for services.

Mr. Carter then iterated that the real discussion had been whether the County would provide the transport only and would outsource everything out. He noted that there were concerns that the rates to be considered in July would not cover these costs. He noted that there were three expenses associated with providing services and staff was discussing how to mitigate these. He added that the feasibility of being a service provider or staying the course of just providing transport to ISPs was at the crux of the discussions.

Mr. Hale suggested that staff and Icon look at how Bristol VA is providing services as the ISP. He noted that they did it all and that staff should look at this. Mr. Carter noted that they had been consulted and that they had ten plus years of experience and operate several other utilities. He added that their service area was likely not as geographically large as Nelson. Members and staff discussed that this was not a comparable situation.

Ms. Brennan noted that the network should have two local service providers already and Mr. Carter agreed and noted that if the Authority was not able to provide services now, they could work to provide this later. He added that it was unsure if the Authority could afford to hire people to run the network so it seemed more feasible to outsource this.

Mr. Carter then noted that the Board would get challenged by residents who wanted service and could not afford to get it at this point; however he was confident the backbone would be ready to be utilized and the challenge was to get someone to provide the services and make it as affordable as possible.

D. 2012 Radio Project (Narrowbanding): The project is in process with the loan application to VA Resources Authority submitted and working towards May/June closing. Motorola, Inc. personnel are working towards completion of the Rough Order of Magnitude, which is pending receipt. An 18 month schedule is projected.

E. Recreation PER: Three preliminary site plans (plan view) have been received from Moseley Architects. Work session with County staff is pending with presentation to Board thereafter (possibly 5-24 meeting or first June meeting).

Mr. Carter added that the consultants have looked at two sites on the NCHS/NMS property and one site on private property adjacent to it. He added that staff has contacted the private property owner with no response so far.

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F. Maintenance Dept. Projects: 1) Law Office Retaining Wall- Nolen Frisa has completed the wall design and submitted to VDOT for review/permitting. A cost estimate is pending completion. Thereafter the project will be ready for implementation. 2) The rework of the Treasurer's office is in process. 3) Nolen Frisa has completed a preliminary evaluation of the former Magistrate's Office and is prepared to proceed with assisting the County to repair/renovate the structure.

1) Mr. Carter reported that a concrete wall would abut up against the existing wall and was similar to the design that the Wiley Wilson structural person proposed initially. He added that they would turn back into the bank at the ends of the wall. He added that they had advised that using piers was not feasible as there was not substantial enough a foundation and would have to excavate too far under the building in order to do that. He added he was not sure of what the final cost would be but that it had been estimated at \$60,000 previously.

2) Mr. Saunders asked to see the plans before this project proceeded to construction.

3) Mr. Carter noted that the brick needed repointing and the roof needed to be removed. He noted that the building was in horrible shape and that the County needed a historical perspective and may need Mr. Self to look at it. Mr. Saunders and Mr. Hale suggested that the County needed to determine what the building would be used for. Members noted that it was historically significant and that the Historical Society had suggested using it for historical display etc.

G. Blue Ridge Tunnel & Blue Ridge Railway Trail: 1) BRT - The project was recommended for 2012 Transportation Enhancement Program grant funding by VDOT staff but was not funded by the Commonwealth Transportation Board. Staff has expressed the County's disappointment to the Lynchburg CTB member and to VDOT staff in an effort to seek funding in 2012 for the project, which will not be provided. A renewed effort will be made to secure 2013TEP funding given VDOT staff recommendation and the favorable input received from the CTB member. 2) BRRT - Craddock-Cunningham (Lynchburg) selected to provide design services for renovation of the depot building, minor extension of east side of trail, preservation of historic artifacts and possible acquisition of caboose, and cover for one of the existing bridge installations. Time line is 12-16 months (approximate).

Mr. Carter noted that Mark Peake was the new CTB member and Mr. Hale added that the County should go the suggested route of getting the other transportation districts involved for a more regional approach.

H. Massies Mill Recreation Center: Representative of MMRC have indicated the organization's intent to deed the property back to the County. No input provided on used balance of County funding. A letter is forthcoming from MMRC on this overall subject.

Members briefly discussed the fate of the building and Mr. Bruguere noted that he had spoken to George Krieger of the Community Development Foundation who thought he would not have much use for it but that he would look at it. He suggested that if not, the Board should sell it or tear it down. Mr. Hale stated that he thought the site would be valuable to someone.

I. Norwood Historic District Project: Tourism and ED staff have worked with the NC Historical Society and Norwood residents in the development of an application to VA Department of Historic Resources for cost share program funding to establish a Norwood Historic District. \$7,500 in funding (\$5,500 state

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and \$2,000 local) is the estimated project budget. If endorsed by the Board the project will result in the fourth significant historic district within the County in the past ten years (Lovington, Schuyler, Afton - Norwood).

Mr. Carter noted that this had come about when the Goodwin historical marker was placed in Norwood and residents had expressed interest in the creation of a historic district. He noted that the application was ready and that it had Historical Society and resident support. He then asked if the Board wanted this to go forward.

Mr. Bruguere noted that he would like the district to have the endorsement of those that it would affect. Mr. Carter noted that there were no known negative effects and it could be beneficial since people could get historic tax credits to refurbish their homes.

Mr. Hale indicated that he did not think anyone would object and noted that there were significant historic resources in Norwood. He added that Pat Price owned considerable amounts of the old river canal and remnants were still there. He noted that other property owners had historically significant properties and have spent their own money to restore these.

Members and staff discussed how to go about gauging the support for this and it was suggested that the Board could enlist Ms. Price to canvass the neighborhood. Mr. Hale noted that there were no negative connotations and no rules or regulations that would go along with this and Mr. Bruguere indicated that there had to be some stipulations somehow and that it could possibly affect property tax assessments.

Members then agreed by consensus to schedule a public hearing on it at their next meeting. It was also suggested that a town meeting could be held if there was insufficient time for the public hearing.

J. Business After Hours at the Courthouse: The NC Chamber of Commerce will host a Business After Hours at the Courthouse on May 15 from 5:30 p.m. to 7:30 p.m. Debbie Bowling has been instrumental in facilitating this monthly business get together.

Mr. Carter noted that the ribbon cutting portion of the ceremony had been deferred.

K. June 12, 2012 BOS Meeting: Re-scheduling of the 6-12 regular session is submitted for consideration. Should the Board decide to move the meeting to another date then a resolution to provide for this action will be included in the May 24th agenda (per § 15.2-1416 of the Code of VA).

Members agreed by consensus to maintain the regular meeting date on June 12, 2012.

L. Added -Paid EMS: Mr. Carter reported that staff was working on amending the agreement to include expanding the program with WPOA. He added that they were actively recruiting people with the target date of starting expanded services being July 1, 2012. Mr. Harvey suggested that this needed to be moved along sooner if at all possible.

M. Added-Reassessment: Mr. Carter reported that RFP responses had been received and staff would be looking at these. He noted that two responses were from Virginia companies and one was from a North Carolina one.

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N. Added – Secondary Six Year Plan: Mr. Carter noted that Randy Hamilton of VDOT had requested that the Board include discussion of the SSYP plan at their June meeting. He noted that they could decide to do this at a separate meeting if they preferred.

Items V.A2 and V.B-V.D were considered during the evening session.

2. Board Reports

Mr. Saunders and Mr. Bruguiere had no reports.

Mr. Hale noted that he and Mr. Saunders had met with the Heritage Center representatives and had gone around and around but at their last meeting, they indicated that they were amenable to having the electricity and water separately metered and would pay the monthly bill. He noted that this would mean some expense to the Service Authority but that the Board should proceed with directing Mr. Payne to draft the papers and include as part of the closing that it not close until the meters have been done. He noted that separating the meters seemed to be the cleanest way to handle it. He added that the figures that had come from the Co-op were around \$7,000 for the electric meter but that he thought the Service Authority could do some of it.

Ms. Brennan reported the following:

1. Moving forward on the County flag design – staff to email mock ups to the Board.
2. Met with the committee on the tower mitigation program, which would be the entryway display consisting of a series of boards denoting the pictorial history of the courthouse grounds. She added that the Historical Society would put together a committee to think about this and the County will have to put out an RFP to select a design company. She noted that the Historical Society committee would also meet with the overall committee and the Board.
3. Met with Mr. Carter and several Broadband Subcommittee members to discuss the overall project and left feeling better about things.
4. Walked the Courthouse grounds with the Landscape Architect and staff and discussed the things that would be done; such as moving some things to different areas etc. She noted that they were hoping to complete the changes this month or they would have to be done in the fall.
5. Met with Peggy Whitehead, Sarah Jane Stewart, and the Blue Ridge Dental Center to discuss issues associated with the Nelson Dental Clinic and the Blue Ridge Dental Clinic. She added that the new clinic would still be serving the same population as now.
6. Attended a Thomas Jefferson Community Criminal Justice Board meeting along with Jim Hall, the other representative. She noted that there would be some reorganization there and they discussed the evidence based practices that were used here in Nelson. It was noted that this program has reduced

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recidivism. She added that the CIT training was moving forward, the Sheriff's Department participates, and the Commonwealth Attorney was interested.

7. Reported that the Historical Society had a new display opening.

8. Reported that Wintergreen had paid off the ladder truck as was noted at the previous Board meeting.

9. Attended VGIN Board meeting and noted that they were interested in helping local governments get more involved in GIS. She added that they would be at the VACO conference this year to possibly present.

Mr. Harvey reported that he had met with the Fire Chiefs on radios and semi-agreed on how many they would need. He added that they now had a better count on the walkies and that they had discussed dispatch procedures and no interest loan procedures. He noted that he advised them to avail themselves of the loan monies that were available.

B. Appointments

Ms. McGarry noted that there were no appointments for the Board's consideration until June.

C. Correspondence

Ms. Brennan noted a letter sent to Board Members requesting that Whippoorwill Lane become state maintained. Mr. Carter noted that his understanding was that there was no state money for this and staff has included this in the SSYP folder to be discussed. He added that the residents along the road would have to bring about the improvements to bring the road up to state standards and then it could be accepted into the system. Mr. Hale added that this was because there were no rural addition funds in the VDOT budget.

Members discussed a response to the citizens and it was decided that Mr. Carter would respond by letter.

D. Directives

Mr. Bruguere and Mr. Harvey had no directives.

Mr. Hale:

1. Noted that Judge Serkes would like the Board to use the Courtroom for meetings and he suggested that the Board should try it out sometime. Mr. Carter advised that there was no sound system there to facilitate this. Members noted that they may be amenable to trying this out at some point.

2. Asked if the Health Department has seen the plans for their space at BRMC and Mr. Carter confirmed that they were working with BRMC closely on the space layout. He added that the State's Department of General Services has gone back and forth on it and it was now moving forward.

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3. Directed that the new Assessors work closely with the Commissioner of Revenue and Mr. Carter assured the Board that these requirements were spelled out clearly in the reissued RFP.

4. Asked about the completion date for the work being done on the Jefferson Building and Mr. Carter confirmed that June 19th was the completion date as of that day. Mr. Hale then advised that Preservation Magazine was doing an article on the building for its summer issue.

Ms. Brennan:

1. Noted receiving a request concerning ABC stores opening on Sunday. She noted that this person who was an employee did not want it open on Sunday. She noted that the Board could only pass a resolution saying that they did not want them open on Sunday if they did not. She added that she was asking the Board to think about this and would poll them individually.

2. Asked about filling Susan McSwain's position, noting that she is retiring but that she was unsure as to when. Mr. Carter noted that staff had one of the attendants working towards assuming the position; however it did not look like it was going to be a long term solution. Ms. McCann added that her Finance staff would work with Ms. McSwain to get a handle on solid waste reporting and tracking and that potentially the person now could do the scheduling and supplies etc. Mr. Carter added that the County needed someone to work on recycling but otherwise the things Ms. McSwain was working on were not really ongoing other than the recycling. Mr. Bruguere suggested that Merle Kelley could take a greater role in reporting and data collection. Mr. Carter then confirmed that he did collect the data and run reports and that the reporting has gone to an every three year responsibility versus an annual one.

3. Suggested that the County should send congratulations to retiring teachers and staff should ask the Schools to let the Board know when the ceremonies were held. She then listed several of those that were honored and retiring with 30 plus years of service.

4. Asked if staff had looked into refinancing the Courthouse debt and Mr. Carter noted that he had not but would and that he was unsure as to whether or not it would be feasible at this point.

5. Asked if the Nelson Rescue records situation had been cleared up and Mr. Carter noted that they were working on it and that nothing had been reported to him on it. He added that he thought that they were still within the timeline to submit the missing forms.

Mr. Saunders asked if the checks had been disbursed to Gladstone Rescue Services and Ms. McCann noted that Ms. Staton was waiting to get the checks back from the Treasurer and to call to see when they would be ready.

VI. Other Business (As May Be Presented)

There was no other business considered by the Board.

VII. Recess and Reconvene for Evening Session

At 4:55 pm, Members agreed by consensus to defer consideration of items VB – VI until the evening session. Ms. Brennan then moved to adjourn and continue until the evening session and Mr. Saunders

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seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Harvey called the meeting to order at 7:30 pm with all Supervisors present to establish a quorum.

II. Public Comments

1. Michael Tancyus, Afton

Mr. Tancyus noted that the sound system in the Board room was inadequate especially for those with hearing impairments.

Mr. Harvey noted that the procurement of an upgraded system was already in process and should be installed within six weeks maximum.

2. Janet Lychock, Afton

Ms. Lychock expressed her distress that fiber would not be pulled out to residences as part of the current broadband project. She questioned whether or not RVCC would be added as an anchor institution and noted her support of it becoming a Wi-Fi hotspot.

Mr. Carter noted that ten additions to the project were submitted to the Board and prioritized by Icon and are currently under consideration. He added that the County was working under the present project budget and no additions have been made to date. Staff then noted that RVCC was not one of the original anchor institutions and if the Board elected not to fund bringing the fiber there, RVCC could pay to have it brought there.

He added that the Martin's Store tower should be up by the end of September. He noted that who uses the tower was undetermined and would depend on who wanted to locate there. He noted that a local wireless company was interested in using the towers to provide services.

Ms Lychock then added that her cell service had diminished even though more towers were being put up in the County.

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Mr. Hale then addressed the public and noted that the reason for the late start to the evening session was the Board's attendance of the family night held for a former Supervisor's spouse.

III. FY12-13 General Fund Budget

Mr. Carter noted that a new set of summary revenue and expenditure documents had been distributed and noted the following changes:

Expenditure Changes:

- Added 5% for VRS costs for the County and DSS and the 1% raise for full and part time County employees for a total increase of \$87,500.

Revenue Changes:

- Reduced rent revenues by \$9,480 on general property for the Health Department rent because the rent in FY13 will go to BRMC.
- Reduced Court Fines by \$15,717.
- Increased local sales tax by \$126,128 based on newly received state estimates.

Ms. McCann noted that the net effect of these changes was an additional \$13,431 added to the recurring contingency on the expenditure side.

In response to questions, Ms. McCann noted that tax sale proceeds were zero which was the number that Judy Smythers had given her. She added that it may be possible that some funds may be released next year but that the Circuit Court Clerk has to hold proceeds for a specific amount of time.

Ms. McCann then noted that the recurring contingency was now \$1,490,263 and the non-recurring contingency, which was the windfall from the tax increases to be collected in June, was now \$723,546.

Staff then noted the revised school budget that now listed a bottom line shortfall of \$1,200,689 and included the following items:

- 6% Salary increase for all full-time employees; 1% increase for all part-time employees, substitutes, and temporary workers.
- Mandatory 5% contribution by full-time employees for employee share of retirement costs.
- VRS Rates: 11.66% VRS; 1.11% RHCC; 1.19% Group Life (40162 GROUP); 13.15% VRS; 1.32% Group Life (55562 GROUP)
- Overall 4.8% increase in premiums for Health Insurance is included.

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- Inclusion of \$50,000 in additional funds to refurbish several existing buses in lieu of purchasing new buses for the 2012/2013 school year.

- New Positions Included:

- o High School Position to teach Financial Literacy - \$55,830.19
- o Middle School position to teach Language Arts - \$55,830.19
- o Part Time Gifted position to help satisfy SOQ requirements of 1:1000 students -\$24,960.66
- o Technology support person to help maintain computers as we move to 1:1 -\$49,198.82
- o Elementary position to cover influx of Kindergarten students - \$59,375.77

- Fuel budgeted at \$3.25 per gallon.

The Board then began to review County expenditure items as follows:

Board of Supervisors: Staff noted that the overall budget increase was related to advertising and audit costs.

Finance and Technology – Staff noted that the proposed new positions were removed with no budgetary impact because these were being funded through reimbursement from the Broadband Authority. Mr. Carter explained that the County would not need these positions if a network operator was hired and it was questionable that the Authority could afford these positions. Mr. Carter noted that the IT department works on all sorts of projects including broadband related things.

Courts- Staff noted that the difference in the requested and recommended amount was due to a reduction in microfilm costs based on historic expenses.

Commonwealth Attorney – Staff noted that a request for another full time secretarial position in lieu of the current part time position had been submitted by the Commonwealth Attorney that day. Ms. McCann related that the previous year's part time money allocation was high because of the use of a part time investigator by the previous Commonwealth Attorney for a specific case. She added that it was reduced by \$9,000 to return it to normal levels. Mr. Carter added that Mr. Martin was requesting another full time Secretary which the State did not fund. Ms. McCann noted that this would add back more funding due to the inclusion of benefit costs. Members noted the increased case load as presented by Mr. Martin and staff suggested funding another part time position but not a full time one. Members then agreed by consensus to leave it as is for now with the option to revisit it later.

Sheriff's Dept. – Staff noted that the part time speed enforcement funding had been reduced under the premise that typically the court fines come in a lot higher than projected and in the past they have requested that money which was backed by the additional fines collections. It was noted that this money is typically added back with budgetary amendments throughout the year.

Captain Ron Robertson in attendance noted that the department had surpassed budget numbers this month and that he had no problems with how this had been working. He noted that he would prefer to start with \$10,000 budgeted because the part time speed enforcement officer was working twenty hours a month, which equated to \$18,000 to \$20,000 per year. He and Ms. McCann concurred that there was around a months lag in realizing the revenues. Members then agreed by consensus to add \$5,000 back

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to their department for part time speed enforcement and increase the offsetting revenue of court fines by \$5,000.

Emergency Services- Staff noted that the large increase in this departmental budget was due to the shifting of the Dispatchers' salaries and benefits to this department out of the 911 departmental budget. Staff noted that it would be easier for the EMS Coordinator to manage the budget if all of the costs associated with dispatch were included.

EMS Council - Staff noted that the reduction was the extra money for training and Emergency supplies that were cut out the previous year. Members agreed to add \$10,000 back in for training and suggested that the Council be encouraged to use it for training only and not supplies.

Paid EMS - Staff noted that the estimated revenues from the increased transport rates were added to cover the expanded EMS program and the increase in mileage rate reimbursement to the volunteer agencies. Ms. McCann noted the cost provided by Mr. Sheets for the expanded program was \$157,000 and the new revenues more than covered these costs.

Medical Examiner – Staff reported that the County had been using the State medical examiner; however as reported by Captain Robertson, the County now had one by the name of David Webb.

Animal Control – Staff reported that they were inclined to remove this responsibility from the EMS Coordinator; however a Supervisor was needed on site at the shelter; therefore staff was proposing to add a full time Animal Control Supervisor position and possibly eliminate the part time Shelter Attendant position; which would be a savings of \$14,274. Mr. Carter noted that the department would then consist of two part time Animal Control Officers and a full time Supervisor.

Mr. Harvey noted that he thought that Animal Control fit into law enforcement best and then asked Captain Robertson when the Sheriff's Department would take it over. Mr. Carter noted that staff had previously proposed to keep it as is and just have it be supervised by the Sheriff's Department. Captain Robertson indicated that he would go back and discuss this with Sheriff Brooks; however he knew that they did not want to have to deal with the shelter. Members then made no adjustments to this budget.

Waste Management – Staff noted the reduction was due to a decrease in the costs of ground water monitoring.

Motor Pool – Staff noted that this budget did not contain the requested Sheriff's Department vehicles. Ms. McCann noted that their request had been for three vehicles and they had now revised this to include one transport van and two cars. It was noted that the County's prisoner population averaged 30-32 per month. Captain Robertson noted that they were requesting a van in order to be able to transport multiple prisoners at a time. He reported that presently, if they have to go to various locations for transports it ties up several deputies and vehicles for hours at a time.

Captain Robertson then stated that they were only requesting level funding for the vehicles of \$75,000. He added that they were interested in leasing the vehicles and have talked to other jurisdictions that loved the lease program they were researching. He added that all of their vehicles and equipment were

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getting old and antiquated and he was trying to save money in the long run by reducing maintenance costs.

Mr. Carter and Ms. McCann noted that staff's concern was that they had more vehicles than they had officers and that the County was maintaining and insuring a lot of vehicles that were not being used. Ms. McCann then noted that a cost of \$63,938 and \$43,570 for the vehicles including equipment had been provided by Captain Robertson.

Mr. Harvey then suggested that they get vehicles with minimal equipment and added that they did not want to buy cars until the County could provide the new narrow-banded/digital radios for them. He then noted that the Board would take the proposal and consider it later. Ms. McCann then reported that \$23,000 was the bare bones cost of the car on State contract.

Mr. Carter commended the Sheriff's Dept. for continually trying to improve everything and the Captain confirmed that they had no wrecked vehicles presently. Mr. Harvey again stated that they should go back to the basic car, lights and radios. Ms. McCann noted that the base cost of the van was \$27,000 and the Captain noted that a major expense of \$9,000 associated with the van was the interior cages that would be required to transport multiple prisoners.

Mr. Harvey reiterated that they needed to work with these figures and the Captain reiterated that they could work within level funding of \$75,000. Mr. Harvey then encouraged the Captain to work on a resolution of the Animal Control Department problem.

Planning – In response to questions, Staff noted that there may be a retirement in this department; however administration had not been officially notified of this and therefore all positions were funded at current levels.

Agencies:

Health Department- Staff noted that this budget was level funded by staff and that the increase they had asked for was to cover the additional rent to go into the new facility. Ms. McCann explained that the impact of the reduction was that the local only funding was cut by this amount to absorb the higher rent cost. She clarified that the rent increase would come from the local only programs. Members questioned what programs this would affect and there was consensus to come back to this.

Mr. Hale then noted that it would be helpful for him if there was a narrative to accompany the staff recommendations. Ms. McCann and Mr. Carter noted that they thought they were providing this now, that the detailed budget showed where these cuts were specifically being made, and that Ms. McCann's notes were contained in the excel spreadsheet that could be provided.

Members then discussed not having enough time for proper review of the budget and Mr. Carter noted that staff has been prepared for a month or more and that this was the first time that the Board had spent any time on it. Members then acknowledged this to be the case and agreed to come back to the Agency budgets next time.

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Members and staff then discussed the schedule up to budget adoption and in order for the public hearing requirements to be met the Board would need to hold the public hearing on June 7, 2012 and then could adopt it on June 28, 2012. Members then agreed on meeting again at a continued meeting on May 23rd at 2:00 pm for a budget work session and to also work on the budget at the May 24, 2012 regular meeting.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 9:15 pm, Mr. hale moved to continue the meeting until May 23, 2012 at 2:00 pm in the Board of Supervisors room for budget discussions. Mr. Saunders seconded the motion and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

From: [Steve Carter](#)
To: [Debbie McCann](#); [Candy McGarry](#)
Subject: RE: Nelson County 4th of July Parade
Date: Wednesday, May 16, 2012 1:21:28 PM

Candy,

FYI, once Debbie has input from VACO Ins Programs on County sponsorship. If this can be done then we should put it on the May 24th agenda or the 6-12 session.

Thanks,

SAC

Stephen A. Carter
Nelson County Administrator
P. O. Box 336
Lovingston, VA 22949
(434) 263-7000 (P)
(434) 263-7004 (F)

From: Debbie McCann
Sent: Wednesday, May 16, 2012 1:19 PM
To: Steve Carter
Subject: RE: Nelson County 4th of July Parade

It would need to be a specific entity to be listed as an additional insured (not an event). My thoughts are and I can confirm with VACORP that if it is a county sponsored event, it should be covered. I am not certain what would be required to make this a county sponsored event. Perhaps a consensus of the Board to agree to sponsoring/endorsing the activity for purposes of insurance.

Let me know what you think.

Thanks,
Debbie

From: Steve Carter
Sent: Wednesday, May 16, 2012 11:08 AM
To: Debbie McCann
Cc: Maureen A Kelley; Candy McGarry; Debbie Bowling
Subject: FW: Nelson County 4th of July Parade

Debbie,

Please see the email messages below and confer with VACO Insurance Programs on the question of whether or not the County can provide for the 4th of July Parade as an additional insured or other coverage that may be applicable to address VDOT's requirements.

Thanks,

Steve

Stephen A. Carter

Nelson County Administrator
P. O. Box 336
Lovingston, VA 22949
(434) 263-7000 (P)
(434) 263-7004 (F)

From: Maureen A Kelley
Sent: Monday, May 14, 2012 1:58 PM
To: Steve Carter
Subject: Nelson County 4th of July Parade

Can you help ?

Maureen A. Kelley
Nelson County Economic Development and Tourism
Post Office Box 636
Lovingston, Virginia 22949
Phone - 434-263-7015
Fax - 434-263-6823
www.nelsoncounty.com

From: Kim Bryant [nelsonparade@yahoo.com]
Sent: Monday, May 14, 2012 1:27 PM
To: John Holman; Denise Carter; Sarah Holman; Maureen A Kelley
Subject: Fw: RE: Nelson County 4th of July Parade

Hi All,

I have been attempting to finalize the applications to VDOT for the parade, but running into a few problems. The first 5 years we were only required to completed one form, the LUP-A. Last year additional forms with a map highlighting the location and a \$100 fee, which we paid and the county reimbursed us for. This year (number 7), VDOT is now requiring the same forms plus a form stating that I will take on liability for the parade with an insurance policy, and also a form that commits law enforcement for the parade. We have just submitted the \$100 fee again.

I have already contacted Sheriff Brooks who has agreed to take care of the parade as usual. But the liability form is really the sticking point. I simply won't be liable for anything that happens, since we are simply a group of citizens and not an organization.

Below is the email message that I send to VDOT this morning along with their reply. What are your thoughts?

Kim

--- On Mon, 5/14/12, Tweedy, Tiffany (VDOT) <Tiffany.Tweedy@vdot.virginia.gov> wrote:

From: Tweedy, Tiffany (VDOT) <Tiffany.Tweedy@vdot.virginia.gov>
Subject: RE: Nelson County 4th of July Parade
To: "Kim Bryant" <nelsonparade@yahoo.com>
Cc: "Kessler, Jeffery B., P.E. (VDOT)" <JefferyB.Kessler@VDOT.Virginia.gov>, "Clark, Matthew D. (VDOT)" <Matthew.Clark@VDOT.Virginia.gov>
Date: Monday, May 14, 2012, 11:44 AM

Ms. Bryant:

All documents that were included in the original correspondence are required for your submittal to be deemed complete. This checklist was derived from and is based on the most recent Land Use Permit Regulations. I have attached the Land Use Permit Special Events Guidelines for your review and use.

Please review the attached guidelines and compare it to the items requested. These documents are to be submitted for the Department to be able issue the Land Use Permit.

If you need further assistance or would like to schedule a meeting to go over the application, please feel free to give me a call.

Thank you.

Tiffany S. Tweedy

Virginia Department of Transportation

Lynchburg District | Land Use Section

Permit & Subdivision Specialist, Sr.

Office: 434.856.8330

Fax: 434.947.6558

Tiffany.Tweedy@VDOT.Virginia.gov <<http://us.mc1618.mail.yahoo.com/mc/compose?to=Tiffany.Tweedy@VDOT.Virginia.gov>>

From: Kim Bryant [mailto:nelsonparade@yahoo.com] <[http://us.mc1618.mail.yahoo.com/mc/compose?to=\[mailto:nelsonparade@yahoo.com\]](http://us.mc1618.mail.yahoo.com/mc/compose?to=[mailto:nelsonparade@yahoo.com])>
Sent: Monday, May 14, 2012 10:53 AM
To: Tweedy, Tiffany (VDOT)
Subject: RE: Nelson County 4th of July Parade

Dear Tiffany,

Today I am sending you the documents for the parade. I have contacted the sheriff in Lovingston who has given his approval and support for the parade. The documents to be included are the LUP-A, the detailed map, and the LUP-SE1. I did not complete the LUP-SEA as it appears that this is the responsibility of law enforcement. I also did not complete the LUP-SP form as we are not a non-profit organization (we are a complete volunteer group that uses personal funds to organize this parade). I also did not complete the VDOT work zone traffic control form since our local law enforcement takes care of this for us.

You should have copies of the forms and payment in the next day or so. Please contact me with any questions.

Regards,
Kim Bryant
Nelson County 4th of July Parade Committee

--- On Wed, 4/25/12, Tweedy, Tiffany (VDOT)
<Tiffany.Tweedy@vdot.virginia.gov<<http://us.mc1618.mail.yahoo.com/mc/compose?to=Tiffany.Tweedy@vdot.virginia.gov>>> wrote:

From: Tweedy, Tiffany (VDOT)
<Tiffany.Tweedy@vdot.virginia.gov<<http://us.mc1618.mail.yahoo.com/mc/compose?to=Tiffany.Tweedy@vdot.virginia.gov>>>
Subject: RE: Nelson County 4th of July Parade
To: nelsonparade@yahoo.com<<http://us.mc1618.mail.yahoo.com/mc/compose?to=nelsonparade@yahoo.com>>
Cc: "Kessler, Jeffery B., P.E. (VDOT)"
<JefferyB.Kessler@VDOT.Virginia.gov<<http://us.mc1618.mail.yahoo.com/mc/compose?to=JefferyB.Kessler@VDOT.Virginia.gov>>>, "Clark, Matthew D. (VDOT)"
<Matthew.Clark@VDOT.Virginia.gov<<http://us.mc1618.mail.yahoo.com/mc/compose?to=Matthew.Clark@VDOT.Virginia.gov>>>
Date: Wednesday, April 25, 2012, 11:09 AM

Ms. Bryant:

Thank you for taking time to speak with me this morning regarding your Land Use Application for the Nelson County 4th of July Parade. As discussed, the Land Use regulations have changed and there are new forms and information that is required prior to the Department moving forward with issuance of your Land Use Permit.

To help expedite this process, I have provided a list below with the information that we will need. This information is also provided in greater detail in the Land Use Special Events Guidelines. Please take time to read through the Guidelines and make yourself aware of any additional requirements pertaining to your event.

The Special Event Guidelines and forms listed below can be found at the Department's Land Use Website.

<http://www.virginiadot.org/business/bu-landUsePermits.asp>

The Land Use Permit Submittal includes:

1. The Land Use Application (LUP-A) with the description of the event, location, date, time (start and finish), and the roads that will be closed or that will be temporarily affected, a description of provisions that will be made to handle emergency and local traffic in the area, and the intersections or roads that will be affected during the event;
2. There was no signature on the application. Please sign the Land Use Application on behalf of the organization you are representing;
3. A detailed map showing, the parade route and intersections which Nelson County Sheriff's Office will provide traffic control;
4. The Special Event Information Sheet (LUP-SEI);
5. The Special Events Approval Sheet (LUP-SEA) – to be executed by any/all appropriate localities, law enforcement officials and authorized VDOT staff prior to permit issuance;
6. The Notice of Permittee Liability Form (LUP-SP);
7. The VDOT Work Zone Traffic Control Certification Verification Form (LUP-WZTCC); and
8. The \$100.00 permit fee, preferably by check, made out to the Treasurer of VA.

When you have completed the information above, please mail it to:

Virginia Department of Transportation

Lynchburg District – Land Use Section

Attn: Tiffany S. Tweedy

4219 Campbell Avenue

Lynchburg, Virginia 24501

Should you have any questions regarding this information, please feel free to give me a call at 434-856-8330.

Thank you,

Tiffany S. Tweedy

Virginia Department of Transportation

Lynchburg District | Land Use Section

Permit & Subdivision Specialist, Sr.

Office: 434.856.8330

Fax: 434.947.6558

Tiffany.Tweedy@VDOT.Virginia.gov <<http://us.mc1618.mail.yahoo.com/mc/compose?to=Tiffany.Tweedy@VDOT.Virginia.gov>>

From: Clark, Matthew D. (VDOT)
Sent: Friday, April 20, 2012 3:22 PM
To: Tweedy, Tiffany (VDOT)
Cc: Kessler, Jeffery B., P.E. (VDOT)
Subject: FW: Nelson County 4th of July Parade

Tiffany,

This is an e-mail sent in regarding the permit application that I gave you this morning.

Thank you.

Matthew D. Clark
Land Development Engineer
Virginia Department of Transportation
Land Use Section, Lynchburg District
Phone: (434) 856-8238
Matthew.Clark@VDOT.Virginia.gov

From: Kim Bryant [mailto:nelsonparade@yahoo.com]
Sent: Friday, April 20, 2012 10:30 AM
To: Clark, Matthew D. (VDOT)
Subject: Nelson County 4th of July Parade

Dear Mr. Clark,

I am requesting permission to hold the annual Nelson County 4th of July Parade in the village of Lovingston on Wednesday, July 4, 2012. This is the 7th year that we are holding this event. I have

faxed a copy of the LUP application to your attention this morning.

We wish to begin the parade at 11:00am at the BB&T Bank and travel north through the Village. The Nelson County Sherriff's Department will be contacted regarding the full cooperation of their officers.

Your consideration of this request is appreciated and I shall look forward to hearing from you.

Regards,
Kim Bryant
Nelson County 4th of July Parade Committee

AGREEMENT

THIS AGREEMENT, dated this _____ day of _____, 2012, by and between the County of Nelson (the "County") and Green Earth Recycling of Virginia, LLC (the "Company") provides:

1. Undertaking. Company collects and recycles used clothing and shoes. By the terms of this Agreement, the Company will place its collection bins at the County's refuse collection sites for use during the regular operating hours of such sites.
2. Term. The term of this Agreement is one year from the date above and shall automatically renew for additional one year terms, unless one party gives the other thirty days' written notice of an intention not to renew. Notwithstanding the foregoing, either party may terminate this Agreement for any reason by giving the other party thirty days' written notice.
3. Consideration. Payment shall be made by the Company on a monthly basis to the County in the amount of \$40.00 per each collection bin that was in operation during the month preceding payment on County-owned premises (e.g., the Rockfish, Shipman, Massies Mill, and Faber Collection Centers). Checks shall be addressed to "County of Nelson" and shall be mailed to County Finance Office; Nelson County Courthouse; P.O. Box 336; Lovingston, VA 22949.
4. Collection Bins. Company will provide enclosed steel bins painted white and displaying the words "CLOTHES AND SHOES". The bins will be emptied as frequently as needed and in any event not less than every two weeks.
5. Compliance. Company will maintain the bins in a clean, painted, and serviceable condition, and shall respond within forty-eight (48) hours to any request by the County to comply with the requirements of this paragraph. Company shall comply with all applicable laws, codes and regulations.
6. Reporting. Company shall provide the County with an estimated weight of a full bin, and shall provide an annual total weight to the County by March 1 of each year.
7. Relationship of Parties. Company's relationship with the County shall at all time be that of an independent contractor.
8. Employees. Company's employees and agents, if any, who perform services for the County under this Agreement, shall also be bound by the provisions of this Agreement.

9. Injuries. Company waives any rights to recover damages from the County for any injuries that Company, its employees, or both, may sustain while performing services under this Agreement and that are a result of the negligence of Company or its employees or agents. The Company shall take precautions for the safety of, and provide reasonable protection to prevent injury, loss, or damage to, its employees, and other persons who may be affected by the undertaking and to property at the site of the undertaking or adjacent thereto.

10. Indemnification. Company shall indemnify and hold harmless the County, its officers, agents and all employees and volunteers, from any and all claims of bodily injury, personal injury or property damage, including the cost of investigation, all expenses of litigation, including reasonable attorney fees, and the cost of appeals arising out of any claims or suits which result from error, omissions, or negligent acts of the Company, its sub-contractors and their agents and employees. Company shall indemnify and hold harmless the County against and from all liability, claims, damages and costs, including attorney's fees of every kind and nature and attributable to bodily injury, sickness, disease or death or to damage or destruction of property resulting from or in any manner arising out of or in connection with the performance of this Agreement.

11. Insurance. Company shall, during the performance of the Agreement, keep in force at least the following minimum limits of insurance:

<u>Type of Insurance</u>	<u>Each Person</u>	<u>Each Occurrence</u>	<u>Aggregate</u>
Workers' Compensation	Statutory	Statutory	
Comprehensive General Liability	\$1,000,000	\$1,000,000	
Vehicle Liability	\$1,000,000	\$1,000,000	\$1,000,000

The Company shall furnish the County with original Certificates of Insurance. The Certificate of Insurance must provide that the County shall be given forty-five (45) days advance notice of cancellation, non-renewal, or material change in coverage.

12. Nondiscrimination. During the performance of this Agreement, Company agrees as follows (Code of Virginia, Section 2:2-4311):

- a. Company shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis

prohibited by state law relating to discrimination in employment except where there is a bona fide occupational qualification, reasonably necessary to the normal operation of the Company. Company agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

Company in all solicitations or advertisements for employees placed by or on behalf of Company, shall state that such Company is an equal opportunity employer.

Notices, advertisements and solicitations placed in accordance with Federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

Company shall include the provisions of the foregoing paragraphs of this section in every subcontract or purchase order of over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

13. Drug-Free Workplace to be Maintained by the Company. During the performance of this Agreement, Company agrees as follows (Code of Virginia, Section 2:2-4312):

- a. Company shall provide a drug-free workplace for all of its employees. Company agrees to post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance or marijuana is prohibited in the workplace and specify the actions that will be taken against employees for violations of this prohibition.

Company, in all solicitations or advertisements for employees placed by or on behalf of Company shall state that such Company maintains a drug-free workplace.

Notices, advertisements and solicitations placed in

accordance with federal law, rule of regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

Company shall include the provisions of the foregoing paragraphs of this section in every subcontract or purchase order of over \$10,000.00 so that the provisions will be binding upon each subcontractor or vendor.

14. Faith Based Organizations. The County does not discriminate against faith-based organizations.

15. Immigration Law. Company covenants that it does not, and shall not during the performance of this Agreement for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

16. Assignment. Company's obligations under this Agreement may not be assigned or transferred to any other person, firm or corporation without the prior written consent of the County.

17. Entire Agreement. This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties. In the event of any conflict between provisions contained herein and those appearing in an exhibit, the provisions of the document deemed by the County to be most favorable to the County shall prevail.

18. Amendment. This Agreement may not be modified or amended unless the amendment is made in writing and is signed by both parties.

19. Severability. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court should find that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it becomes valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

20. Waiver of Contractual Right. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

21. Applicable Law. The laws of the Commonwealth of Virginia shall apply in the construction and enforcement of this Agreement. The sole venue for any proceeding

between the parties regarding this Agreement shall lie in the Circuit Court of Nelson County, Virginia.

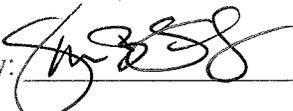
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first-above written.

COUNTY OF NELSON

By: _____

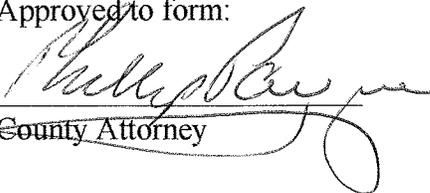
Its _____

GREEN EARTH RECYCLING OF VIRGINIA, LLC

By:  _____

Its owner _____

Approved to form:


County Attorney

RESOLUTION (R2012-37)
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO EXECUTE AGREEMENT WITH GREEN EARTH
RECYCLING OF VIRGINIA LLC

BE IT RESOLVED, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute an agreement with Green Earth Recycling of Virginia, LLC for the placement of its collection bins at the County's refuse collection sites for use during the regular operating hours of such sites in order to collect and recycle used clothing and shoes.

Adopted: _____, 2012

Attest: _____, Clerk
Nelson County Board of Supervisors