

October 25, 2012

Virginia:

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

Present: Constance Brennan, Central District Supervisor
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
Fred Boger, Planning and Zoning Director
Tim Padalino, Planner

Absent: Thomas H. Bruguere, Jr. West District Supervisor- Vice Chair

I. Call to Order

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

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

II. Public Comments

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

III. Public Hearings

- A. Comprehensive Plan Amendments – Transportation Chapter and Related Administrative Changes (**R2012-77**)

Mr. Tim Padalino addressed the Board and noted that the proposed amendments were needed in order to have the transportation elements in its own chapter per the State Code and in order to be in compliance with VDOT. He then briefly noted how the chapters had been reorganized and reiterated the other associated changes. He then explained that the content mainly focused on a summary of transportation infrastructure, plans, and studies. He noted that there was new information included on scenic byways and a new map inclusive of a map of long range projects. Mr. Padalino then noted a minor issue was that the bicycle plan was moved to the appendix and this was not noted in the information previously provided to the Board. He clarified that the actual bicycle plan was in the appendix and the relocation of the plan was just not listed as a change.

Mr. Padalino then noted that Mr. Will Cockrell of the TJPDC was present for any questions on the content and Mr. Cockrell noted that he did not have anything further to add to Mr. Padalino's summary.

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

Mr. Harvey then suggested, and Members agreed, that this be put on the November meeting agenda for consideration when all members were scheduled to be present and no action was taken.

IV. New/Unfinished Business

- A. Jefferson Madison Regional Library Agreement (**R2012-76**)

Mr. Carter noted that the agreement had been presented at the October 9, 2012 meeting and its consideration was deferred until Ms. Brennan could be present. He noted that to

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date Albemarle, Louisa, and Charlottesville had approved the agreement and Greene would be considering it at their first November meeting.

Mr. Carter then reiterated that the agreement revisions were driven by an Albemarle County study done two years ago. He noted that they wanted another Board member given their size and monetary contribution, to change the budgetary process to add more definition to it adding that funding was subject to annual appropriation.

Members discussed the budgetary process briefly with Mr. Carter noting that it would be done as it has been and Mr. Harvey noted that they have always funded the regional costs first and then the local. Mr. Carter confirmed that it would still work that way.

Mr. Carter then noted that the most considerable change was the institution of an out of region user fee of \$30 for those using the libraries who were not members of the JMRL region. He added that this would result in savings for Nelson of approximately \$13,100 based on projections done by the library. He noted that this was also driven by Albemarle because of their high out of region usage.

Mr. Harvey noted that this may be a future problem for north end county citizens if Augusta were to make these changes also; however he noted that they had not done so yet.

Mr. Carter noted that he agreed with the fee as did the other member localities and he reiterated that this was the major consideration and the rest was incidental. He added that there was also clarification on the share of costs for Albemarle and Charlottesville.

Ms. Brennan noted that she was unsure as to how the out of region fee would save the County any money and Mr. Harvey noted that southern end of the county, Amherst library users were already affected as they had already instituted an out of region fee.

In response to questions, Mr. Carter noted that both Albemarle and Charlottesville would now have six (6) members and the rest would have one (1) each.

Mr. Hale then moved to approve resolution **R2012-76** Authorization to Execute Jefferson Madison Regional Library Agreement Dated 8-31-2012. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION-R2012-76
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO EXECUTE JEFFERSON MADISON REGIONAL
LIBRARY AGREEMENT DATED 8-31-2012**

RESOLVED, by the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute the Jefferson Madison Regional Library Agreement Dated 8-31-2012, a copy of which is hereby attached.

B. November Regular Meeting Change (R2012-78)

Following brief discussion on the new meeting date, Ms. Brennan moved to approve resolution **R2012-78** changing the November meeting date to November 20, 2012 at the same time. Mr. Hale seconded the motion and members confirmed that there were no second meetings in November and December.

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

**RESOLUTION R2012-78
NELSON COUNTY BOARD OF SUPERVISORS
CHANGE IN NOVEMBER 2012 REGULAR MEETING DATE**

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BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby change its regularly scheduled meeting date in November from Tuesday, November 13, 2012 to November 20, 2012 so as to avoid conflicting with Board Members' attendance of the Virginia Associations of Counties (VACO) annual conference.

C. Gladstone Volunteer Fire And Rescue Service Interest Free Loan Application

Mr. Carter noted that the Treasurer was advised by him to proceed with issuing the loan per the Board's consensus. He noted that Gladstone Fire and Rescue Service was concerned that they would lose the equipment that they wanted to purchase if it were delayed until the meeting and that he had made the decision to go ahead even if it was not quite done per the policy.

He noted that they borrowed \$65,000 from the no interest loan fund to buy the equipment and that substantial information was provided to the EMS Council on their request.

Mr. Carter then reported that he thought that the remaining fund balance was several hundred thousand and it was noted that another request may be forthcoming from Wintergreen.

Mr. Saunders then moved that the Board accept and approve the application from Gladstone Fire and Rescue Service for an interest free loan to purchase equipment and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

D. Nelson County Broadband Project

1. Approval of Federal Interest – NTIA Filing (R2012-80)

Mr. Carter noted that Phil Payne had explained during the Broadband Authority meeting this and the next consideration for the Board's approval. He added that it was a Board obligation for the NTIA grant to record security instruments to protect the Federal interest so that in the case of default, they would have first recourse. He noted that secondly, the County was the recipient and owned the assets but could not operate the network and therefore the Nelson County Broadband Authority (NCBA) was created. He added that in light of that another document for the Board's approval provided for the County to lease the network to the NCBA.

Mr. Carter then noted that he thought that it was nine (9) years that the County would have the obligation to maintain network ownership. He added that staff was still working on a listing of property etc. and once this was compiled, another detailed document would be brought forward.

Ms. Brennan then moved to approve resolution **R2012-80**, Approval of Federal Interest Filings with the NTIA, US Department of Commerce Broadband Infrastructure Grant Award #NT10BIX5570049. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION-R2012-80
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF FEDERAL INTEREST FILINGS WITH THE
NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION (NTIA), U.S. DEPARTMENT OF COMMERCE
BROADBAND INFRASTRUCTURE GRANT AWARD #NT10BIX5570049**

BE IT HEREBY RESOLVED, by the Nelson County Board of Supervisors that in compliance with Federal grant closeout procedures related to the County's Broadband Infrastructure Grant Award, National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, Broadband Technology

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Opportunities Program (BTOP) Award #NT10BIX5570049, said Board hereby approves the following attached Federal Interest Filing documents:

1. Covenant of Purpose, Use and Ownership
2. Security Agreement

BE IT FURTHER RESOLVED, the County Administrator, Stephen A. Carter, or the County Attorney, Phillip D. Payne, IV is hereby authorized to execute and file the aforementioned documents as appropriate on behalf of the County.

2. Lease of Broadband Network to Nelson County Broadband Authority (R2012-79)

Mr. Hale moved to approve **R2012-79** Authorization to Execute Lease Agreement with Nelson County Broadband Authority, Broadband Network. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION-R2012-79
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO EXECUTE LEASE AGREEMENT
WITH NELSON COUNTY BROADBAND AUTHORITY
BROADBAND NETWORK**

WHEREAS, pursuant to the Virginia Wireless Services Authority Act, Chapter 54.1 of the Code of Virginia, the Nelson County Board of Supervisors established the Nelson County Broadband Authority to provide managerial and operational oversight of the Nelson County Broadband Network; and

WHEREAS, the proposed lease agreement provides the legal vehicle by which the Authority can perform its intended functions,

BE IT HEREBY RESOLVED, by the Nelson County Board of Supervisors that the Chairman, Thomas D. Harvey, is hereby authorized to execute the proposed lease agreement on behalf of the Board of Supervisors, thereby providing for its lease of the Nelson County Broadband Network to the Nelson County Broadband Authority.

E. Thomas Jefferson EMS Council Board of Directors Appointment

Mr. Carter noted that a vacancy on the Thomas Jefferson EMS Council Board of Directors had occurred in the transition with the EMS Coordinator position and recommended that the Board appoint Ms. Jaime Miller, the current EMS Coordinator to this Board. He added that he had spoken with her about this appointment.

Ms. Brennan then moved to appoint Jaime Miller to be the County's representative on the TJEMS Board of Directors and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion

V. Other Business (As May Be Presented)

Introduced: Personnel Matter

Mr. Carter noted that a personnel matter presented to him had been addressed that day.

Introduced: Agenda Packets and Broadband Authority Meetings

Ms. Brennan asked that the Board packet and the Broadband Authority packet be created as separate electronic files going forward.

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Members also requested that staff remind them regarding upcoming NCBA meetings a week prior to the meeting date.

Introduced: Community Criminal Justice Board (CCJB) Appointment

Ms. Brennan noted that she had received a letter that her term on the CCJB has expired and she noted that she would like to be reappointed. Staff noted that this was usually an annual appointment done in January but that Staff would check on this.

Introduced: Appalachian Trail Community™ Proclamation

Mr. Hale noted his attendance of the Appalachian Trail Community™ designation event designating Nelson County as an Appalachian Trail Community™. He noted that they had presented him with a Proclamation to this effect that he would like entered into the Board's official minutes. He then thanked Nelson County Times reporter, Katrina Koerting for doing a nice article on the event.

Mr. Hale then moved that the proclamation designating Nelson County as an Appalachian Trail Community™ be placed into the official meeting record. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) to approve the motion and the following Proclamation was made an official part of the meeting record:

**Proclamation
Nelson County, Virginia**

WHEREAS, Appalachian Trail (AT.) founder Benton MacKaye's vision of the A.T. included opportunities for recreation, recuperation, and employment through • ... a series of recreational communities throughout the Appalachian chain ... to be connected by a walking trail"; and

WHEREAS, communities along the AT are important partners for the sustainability of the Trail and its greenway for an estimated four million plus visitors to the Trail every year (with potential for many more); and

WHEREAS, Appalachian Trail Communities™ are characterized by an abundance of natural, historical and cultural features-many of which are protected and best viewed and appreciated via the AT; and

WHEREAS, Appalachian National Scenic Trail walking, adventures, overlooks, and primitive areas present opportunities to attract visitors to Appalachian Trail Communities™ from around the world; and

WHEREAS, this designation will act as a catalyst for enhancing economic development, engaging Nelson County citizens as AT visitors and stewards, and helping community members see the AT. as a resource and asset; and

WHEREAS, Nelson County is recognized and is taking steps to ensure the ongoing protection of its natural and recreational resources while investing in its future as a memorable destination along the AT.; and

WHEREAS, Nelson County's sense of place and the protection of the cultural, historical and natural assets in the Appalachian Mountain Region can benefit through the use of resources and new partnerships; and

WHEREAS, Nelson County is now recognized and designated as an Appalachian Trail Community™, an official designation conferred by the Appalachian Trail Conservancy, and desires to continue its efforts to support the AT. and its community effort for at least 5 years.

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NOW, THEREFORE, I, Allen Hale, do hereby proclaim that Nelson County accepts the designation as an Appalachian Trail CommunityTM and urges its citizens to support the AT through appropriate programs, activities, and ceremonies.

Introduced: Potential Registrar Location

Mr. Carter noted that the Board had directed him to find an alternate location for the Registrar out of the Health Department building. He noted that they have looked at a couple of locations and reported that the bank location where Montague Miller is located was too small and the former Farm Bureau office on Tanbark Lane was owned by the Assistant Commonwealth Attorney and there was some concern that his leasing it to the County would be a conflict of interest.

Mr. Carter then noted that the Registrar had recently looked at the Rutherford Law Office building and thought that would work subject to negotiations. He noted that he had gotten a summary proposal late in the day for leasing the space and thought he would introduce it to the Board.

Mr. Saunders added that the Electoral Board has also looked at the space, that he had looked at it with Ms. Britt, and they felt that the security there would be okay. He noted that the parking would be improved to create parking where the old bank was and they would also have some on Front Street. He added that accessibility would be addressed and would have to be done regardless of who went in there.

Mr. Saunders then described how a five (5) foot wide concrete walk would come out to the parking lot and would be a kind of ramp; however it would be fairly flat out to the parking area. He noted that a concern was the electrical cost and that Rutherford was asking the County to pay half of the electric bill and then all of the phone and custodial costs. He added that they would furnish water and sewer, yard maintenance, and Internet if they were to use it and not a private connection. Mr. Saunders also noted that Ms. Britt wanted to add a small window in the reception area and an open counter with glass on it between two of the rooms. He added that the proposal stated that there would be no added cost for this if it were done within the next thirty days and that there would be a shared bathroom that would be handicap accessible. In conclusion, Mr. Saunders noted that the proposal was for 1500 square feet to be leased including the loft area.

It was then noted that Mr. Rutherford had included electric bills for the last 2 years which averaged \$122 per month and that the rates provided were based on a one year lease. He had also indicated that a longer lease could be worked out and 3.7% would be the escalator after one year. Mr. Saunders noted that Mr. Rutherford's office was located there and he would be working on the basement etc. to create more space.

Mr. Harvey inquired as to where they would be storing the voting machines, and it was noted that there was one room that could work and that there was a large enough space to bring them out and program them during elections. Mr. Harvey noted that the stands being stored at the RVFD were not that big and Mr. Carter noted that they would also have the 24 poll books to contend with.

It was then clarified that if a decision were made to proceed in the next 30 days, there would be no cost to make the changes that Ms. Britt asked for since the carpenter would still be on site.

The alternate locations were briefly discussed and it was reiterated that the basement of the former Farm Bureau building was still somewhat damaged and has problems. It was discussed that Ms. Britt liked the location of the Rutherford building because of its proximity to the Post Office and Courthouse etc.

Members then discussed the parking area as potentially being owned by the bank and Mr. Hale noted that he wanted to look at this and was not ready to decide on it that day.

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Mr. Carter noted for reference that the County was paying around \$14,000 per year for leasing of the McGinnis building for approximately 2,400-2,800 square feet. He added that typically the County used a certain CPI for rural areas in its agreements.

Members then agreed by consensus to let Mr. Carter work out the details and come back to the Board with a recommendation. Mr. Carter noted that for any move, the Registrar would have to give the Department of Justice notice of the move and get their approval which could take 60-90 days. He added that the Health Department has given notice to the County of their vacating the premises as of December 1, 2012.

Introduced: Wiley Wilson Proposal for Jefferson Building AE Services

Mr. Saunders referred to Wiley Wilson's proposal sent out that day for turnkey AE services to assist with bidding, inspection services and design work of the Jefferson Building renovations. Mr. Carter noted that Randy Vaughan of Wiley Wilson explained that they think the work to be done is more extensive than originally anticipated and that this would require retooling of the building - which was why the proposal was \$30,000.

Mr. Saunders and Mr. Hale agreed that this needed to be looked at and that they were not comfortable with it. Mr. Carter inquired as to how the Board wanted to proceed and Members discussed having the committee look at it and return with a recommendation. It was then decided that Mr. Saunders and Mr. Hale would discuss the proposal and then confer with Mr. Carter early next week.

Introduced: Staff Appreciation

Mr. Harvey and members thanked staff for their work done to help Shipman residents who lost their home to a fire the previous week. He added how much the Board appreciated their service to the public and noted that this was what the County was supposed to do in order to be helpful to its citizens.

VI. Adjournment

At 7:55 pm, Ms. Brennan moved to adjourn the meeting until November 20th at 2pm in the Board Room 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.