

October 8, 2013

Virginia:

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

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

Absent: None

I. Call to Order

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

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

II. Consent Agenda

Mr. Hale noted a minor correction to the minutes for approval. He noted a correction to a person's name who spoke during public comments and this correction was duly noted by Ms. McGarry.

Ms. Brennan then moved to approve the Consent Agenda and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution –**R2013-67** Minutes for Approval

**RESOLUTION R2013-67
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(September 10, 2013 and September 26, 2013)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **September 10, 2013 and September 26, 2013** be and hereby are

October 8, 2013

approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution –**R2013-68** COR Refunds

**RESOLUTION R2013-68
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$120.20	2010-2011 PP Tax & Vehicle License Fee	Jennifer Renee Lawson Ricketts 1513 West Beverly Street Staunton, VA 24401

C. Resolution –**R2013-69** FY13-14 Budget Amendment

**RESOLUTION R2013-69
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2012-2013 BUDGET
NELSON COUNTY, VA
October 8, 2013**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2013-2014 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 5,000.00	3-100-009999-0001	4-100-031020-5419
\$ 7,500.00	3-100-003303-0055	4-100-032010-7020
\$ 2,688.00	3-100-001303-0019	4-100-091030-5690
\$ 15,188.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 50,000.00	4-100-999000-9905	4-100-091030-5665

October 8, 2013

D. Resolution –**R2013-70** Domestic Violence Awareness Month

**RESOLUTION R2013-70
NELSON COUNTY BOARD OF SUPERVISORS
OCTOBER, 2013 AS DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual’s privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

WHEREAS, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

WHEREAS, the Shelter for Help in Emergency has led the way in the County of Nelson in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

WHEREAS, the Shelter for Help in Emergency commemorates its 34th year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency, that the Nelson County Board of Supervisors, do hereby proclaim the month of October 2012 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

E. Resolution –**R2013-71** Disability Employment Awareness Month

**RESOLUTION R2013-71
NELSON COUNTY BOARD OF SUPERVISORS
PROCLAMATION OF OCTOBER AS DISABILITY
EMPLOYMENT AWARENESS MONTH**

October 8, 2013

WHEREAS, every year since 1945 the President of the United States has proclaimed a National Observance in October to promote the employment of individuals with disabilities; and

WHEREAS, this tradition continues in October 2013 with “Because We Are EQUAL to the Task” as the theme for this year’s National Disability Employment Awareness Month; and

WHEREAS, nearly one in five Americans have some type of disability, making people with disabilities the nation’s largest minority; and

WHEREAS, our community needs to harness the potential of all of its citizens so that our economy can continue to grow and our labor force can meet the challenges on the horizon; and

WHEREAS, work is fundamental to identity, providing the opportunity to lead a more independent, self-directed life for all people; and

WHEREAS, we recognize that disability is a natural part of the human experience and affirm that disability in no way should limit a person’s ability to make choices, pursue meaningful careers, or participate fully in all aspects of life; and

WHEREAS, all of us have benefited from the achievements and contributions of people with disabilities; and

WHEREAS, attitudinal barriers can hinder people with disabilities from realizing their full potential; and

WHEREAS, education and public awareness are the most powerful tools for increasing sensitivity and achieving full integration and inclusion of people with disabilities into all aspects of life;

NOW, THEREFORE BE IT RESOLVED , the Nelson County Board of Supervisors hereby proclaims October 2013 as **DISABILITY EMPLOYMENT AWARENESS MONTH** in the County of Nelson, and calls this observance to the attention of all our citizens.

F. Resolution –**R2013-72** November 2013 BOS Meeting Date Change

RESOLUTION-R2013-72
NELSON COUNTY BOARD OF SUPERVISORS
RESCHEDULING OF FIRST NOVEMBER 2013 REGULAR MEETING

WHEREAS, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board’s regular monthly meeting on **November 12, 2013** is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through November 12, 2013;

October 8, 2013

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 12, 2013** be and hereby is rescheduled to **Thursday, November 14, 2013**.

BE IT FURTHER RESOLVED, that pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia, all remaining Board of Supervisors meetings in calendar year 2013 shall be held in the General District Courtroom of the Courthouse in Lovingston, Virginia, unless otherwise resolved by said Board.

III. Public Comments and Presentations

A. Public Comments

1. Jason Hatfield, Disabilities Services Board Representative

Mr. Hatfield noted that it was his understanding that resolution **R2013-71** from the Consent Agenda would be read aloud. Mr. Hale then read aloud **R2013-71**, Proclamation of October as Disability Employment Awareness Month. Mr. Hatfield then noted that he would like it to be known that the proclamation was about civil rights and not just people with disabilities.

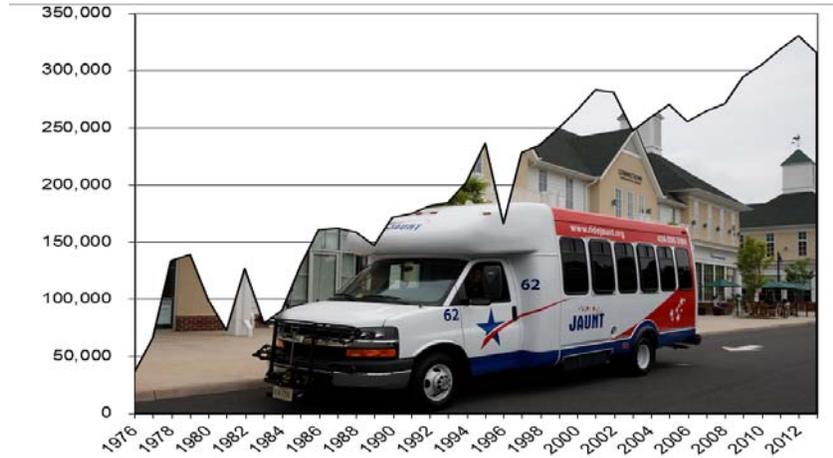
Following public comments, Ms. McCann introduced new employee, Stormy Hopkins, employed as the new Planning and Zoning Secretary starting October 1, 2013. She noted that Ms. Hopkins had worked at Sweetbriar College for seventeen years and brought a lot of skills to the office.

B. Presentation – JAUNT Annual Report (D. Shaunesey)

Ms. Donna Shaunesey, Executive Director of Jaunt presented the following power point over viewing their activities for FY 2013:

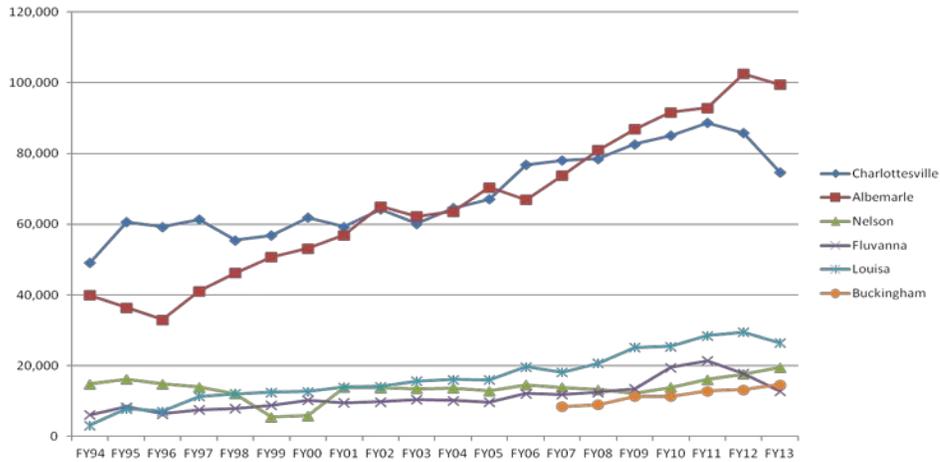
Ms. Shaunesey noted that there had been a small downturn in ridership due to cutbacks in some programs as shown below.

TOTAL ANNUAL RIDERSHIP



Ms. Shaunesey noted an upturn in Nelson was shown below and there was a downturn in Fluvanna County.

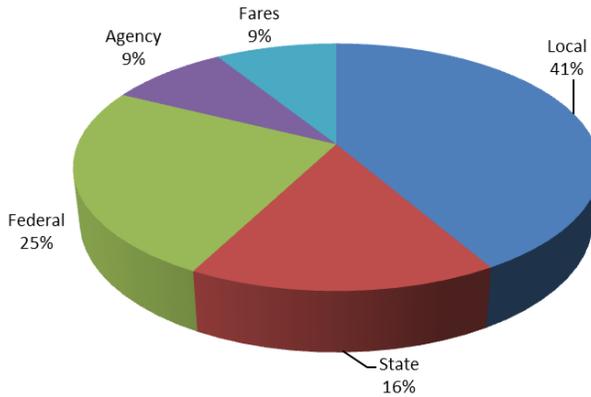
PUBLIC RIDERSHIP FY93 TO FY13



Ms. Shaunesey noted the shares of funding below.

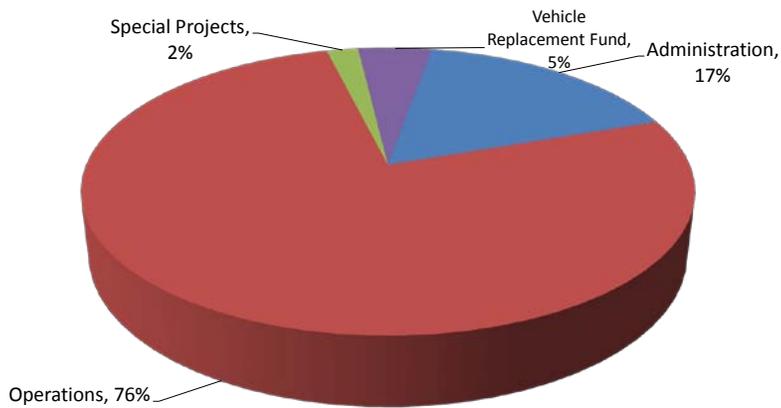
OVERALL FINANCIAL PICTURE: Revenue

FY13 Operating Revenues = \$5.7 million



Ms. Shaunesey noted the % expenses and that they had to provide the local match for vehicle expenses in order to get federal dollars. She added that there were many things listed under administration that others would consider operations; such as maintenance on their scheduling software etc.; however the State had rules that they had to follow on this.

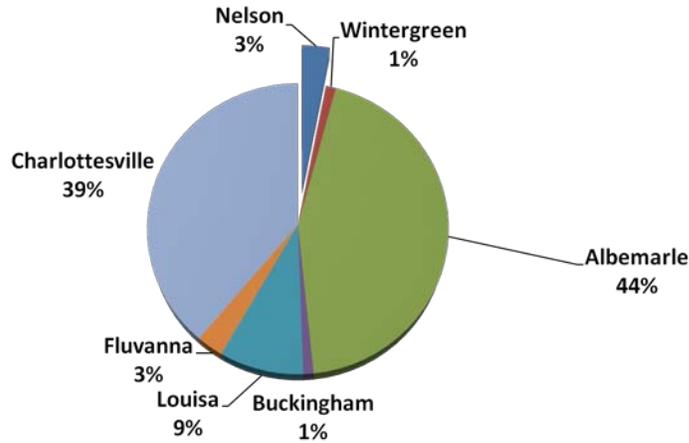
OVERALL FINANCIAL PICTURE: Expenses



October 8, 2013

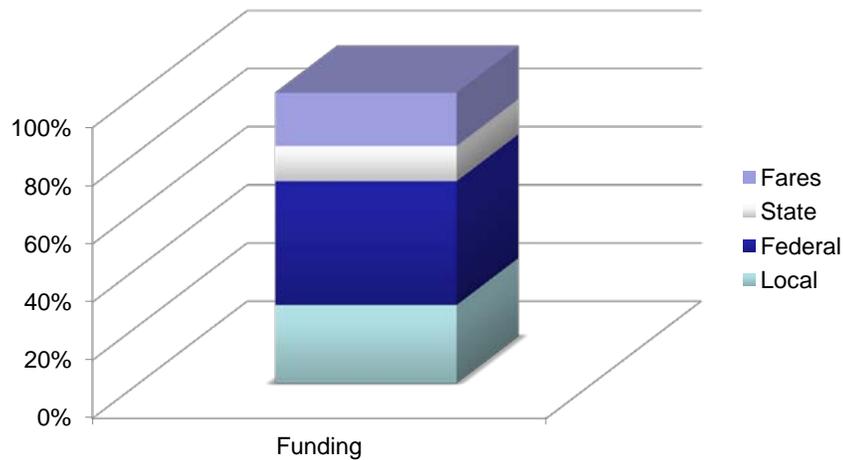
Ms. Shaunesey noted that the local funding shares shown below were roughly proportional to the ridership.

LOCAL FUNDING SHARES

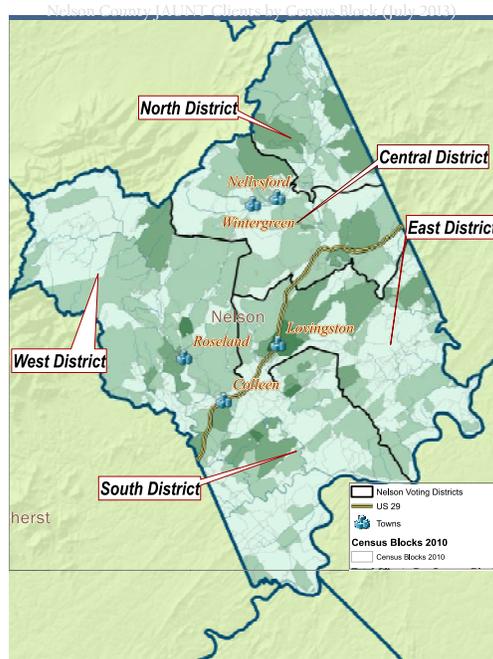


Ms. Shaunesey noted that they had to have local funding in order to draw down state and federal funds.

COUNTY TRANSIT FUNDING

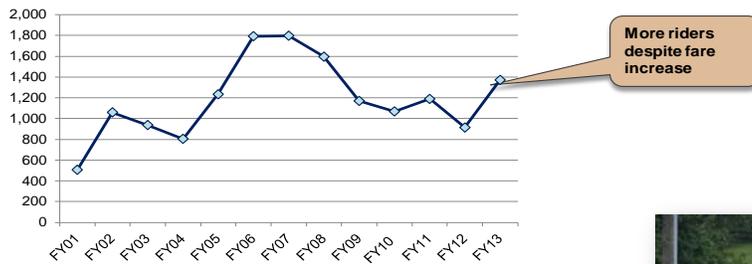


Ms. Shaunesey noted that the dark colored areas shown were where the most people were picked up in July.



Ms. Shaunesey noted that System wide ridership went up 50% even though the fare went up \$1 as shown below.

MIDDAY ROUTE

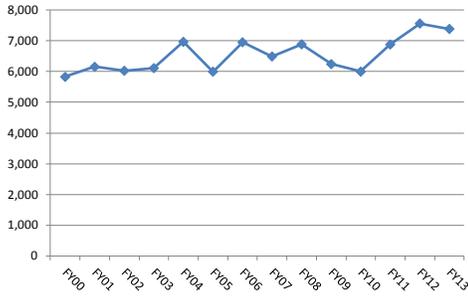


This route increased by 50% - highest rate of increase throughout JAUNT!



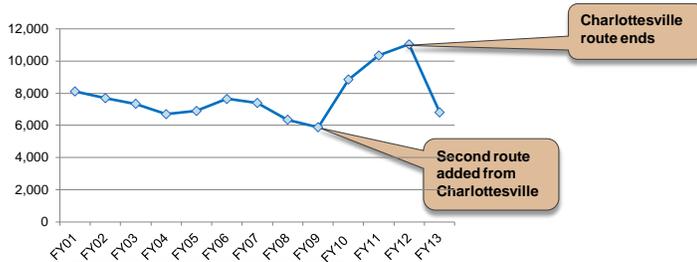
Ms. Shaunese noted that on the Commuter Routes, they were charging \$1 more there and the ridership dropped slightly.

COMMUTER ROUTES to Charlottesville



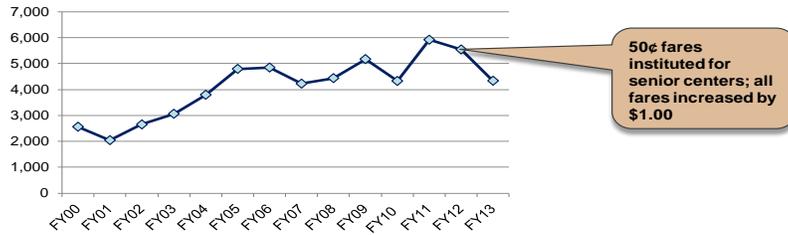
Ms. Shaunese noted that they added on a second route to Wintergreen from Charlottesville and that one of the Wintergreen workers bought a car and car-pooled others to Wintergreen to work. She noted that they wanted to see this happen as people became self sufficient.

COMMUTER ROUTES to Wintergreen



Ms. Shaunesey noted that they expected to see a bit of a downturn in the intracounty route ridership as shown below due to the fare implementation for seniors and the fare increase for others.

INTRACOUNTY SERVICE



Ms. Shaunesey then noted that funding from the State and JABA provided the local match for this. She added that it went towards farm trips and fieldtrips. She also noted that ARC Medicaid transportation had been directed to JAUNT now instead of them using a private provider.

SOME HIGHLIGHTS

- Senior Shopping Grant provided nearly 200 field trips for seniors
- Human service agency service tripled with Arc transportation



Ms. Shaunesey noted more highlights of the year below.

MORE HIGHLIGHTS

- Five Nelson drivers won safe driving awards this year
- Our nonprofit, JAUNT Friends, distributed 1,100 tickets to passengers in need



Ms. Shaunesey noted that in 2014, they would be finding services to implement quickly in order to use the funding and were adding a 5pm return route from Charlottesville. She added that the route had been extended to the UVA research park now. Ms. Shaunesey noted that there was no local match required for this and they could not cut services; the local maintenance of effort was required. She then noted that there was an older grant in place that would add another midday route to Charlottesville in November.

FY14 Preview

Additional state funding this year will allow us to add some service this winter:

- Adding a 5 PM return for commuters to Charlottesville
- Extending the Piney River Route to UVA's Research park to allow existing riders to continue.



Ms. Shaunesey also reported the following statistics for Nelson County:

**JAUNT in Nelson County
FY13**

	Number of Trips		
	FY11	FY12	FY13
Piney River Route	3,362	3,261	3,029
Lovingston Route	3,481	4,303	4,359
Wintergreen Routes	2,142	3,413	2,616
Intracounty Services	5,919	5,543	4,337
Midday to Charlottesville	1,160	914	1,372
Total Public Service	16,064	17,434	15,713
Agency Service	4	1,074	3,531
GRAND TOTAL	16,068	18,508	19,244

Children	0%
Adults	68%
Seniors	32%
People with Disabilities (all ages)	37%

Highlights of the Year in Nelson County

- Public ridership decreased in the County with the Wintergreen services leading the way, but for the happy reason that one of the riders purchased his own vehicle and is providing service from Charlottesville to Wintergreen as a private citizen.
- The Midday service to Charlottesville showed a 50% increase – the highest throughout the JAUNT system in FY13.
- Human service agency transportation increased three-fold as we provided Medicaid transportation for clients of the Arc. This has increased the proportion of trips for people with disabilities from 25% to 37% of our total.

C. Presentation – MACAA, Introduction of New Executive Director Barbara Miller

Ms. Margaret Morton introduced new MACAA Director Barbara Miller. Ms. Miller then addressed the Board and noted that she was originally from Pennsylvania and she was happy to be there representing MACAA. She added that she was trying to do more outreach in the outlying counties in financial literacy and that case workers were to provide these services to Nelson. She noted that financial literacy was seen as a need in all communities especially when transportation was an issue. She noted that the goal was to make sure people knew how to budget and were aware of tools they could use. She then noted that they were re-

October 8, 2013

establishing the Wheels to Work project again; where people donated vehicles and then MACAA matched them up with a citizen. Ms. Miller then complimented Ms. Margaret Morton on her wonderful outreach skills and noted that MACAA was a strong agency and she wanted it to provide the services that were needed. She then mentioned that they still had the Project Discovery Program and thanked the Board for its support.

D. VDOT Report

Mr. Don Austin reported the following:

1. New “No Parking” signs were installed on Route 800 near the quarry as requested by Mr. Hale.
2. Installation of a pipe and patchwork on Roseland Road had been done.
3. South Powell's Island road was being finished; they were working on the pipe end walls now.
4. The concrete end walls mentioned by Mr. Harvey at the previous meeting located north of Lovington had been looked at and they would be looking at the other location. Mr. Harvey noted that this ultimately may be the landowner's (VDOT's) problem.
5. The pipe issue north of Lovington would require open cutting of Route 29 and he noted this would begin the following week and should take one week to complete.
6. Paving of the street beside the courthouse would be started in the next couple of weeks.
7. Randy Hamilton would like to have a work session on the secondary six year plan (SSYP). He suggested scheduling this soon to start working on it. Discussed working with Mr. Hamilton and having a called meeting or having it at the November meeting. Mr. Hamilton would like to get started early this year. The Board and staff discussed scheduling this and Mr. Austin noted he would work with Mr. Carter and Mr. Hamilton.

Ms. Brennan inquired if the Route 6 flashing light sign was going to be working soon and Mr. Austin noted they would finalize everything and that there was a hold up on the electrical part. He added that these were so high due to the visibility coming over the hill.

Ms. Brennan noted that also on Route 6 there was a drop off in the pavement at the edges and the ditches were full of leaves.

Mr. Hale noted that the leveling along the Rockfish River Rd. was looked at and there were half a dozen spots where deep holes existed and needed filling in.

Mr. Saunders noted the following:

October 8, 2013

1. He appreciated the workers cleaning up Route 29.
2. He has received a complaint about wash boarding and dust on Route 654, Cedar Creek Rd. He noted there was a lot of traffic on that road. Mr. Austin suggested that this road should be discussed at the SSYP workshop for inclusion in the plan.
3. He noted that it was great that they were working on South Powell's Island road.

Mr. Bruguire noted that on Dark Hollow Road, off of Roseland Rd. there were large places under the pine trees where the pavement was completely gone and needed to be patched. He added this was right before Seaman's Orchard.

Mr. Harvey noted the following:

1. A Cherry tree had fallen up to the edge of the road on the eastbound side of Route 151, before getting to Morningside Farm and Pounding branch.
2. Noted that the rumble strips were being put everywhere, even in passing zones on Route 151. Mr. Austin noted he would check on this.

Mr. Bruguire then inquired if there would be a formal report from VDOT on LOCKN festival transportation outcomes. Mr. Austin noted that he was not aware there would be and that their formal comments were made during the follow up meeting. Mr. Carter noted that at the follow up meeting, there was broad discussion and that VDOT was pleased with how it went. Mr. Austin added that the formal notes from the meeting could be shared with the County and the LOCKN promoters.

IV. New Business/ Unfinished Business (As May Be Presented)

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

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter reported the following:

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

- 1) Courthouse Addition:** Complete. Final retainage is pending payment to Blair Construction (resolution of inspection costs related to project punch list is pending).

Mr. Carter noted that the re-inspection work that identified discrepancies was being looked at and the County was asking Blair to report on this as far as who should pay for this.

October 8, 2013

2) Jefferson Building: In process. A change order has been requested but is pending receipt for completion of exterior repairs and painting of the structure (possibly an unpainted finish).

Mr. Carter reported that Owen would need more time to finish their work, possibly until November 18th. He added that they had originally said they would finish in 60 days and the County had given them 90 days and they still would not finish on time. He added that Owen had indicated that the soapstone gift from judges would be installed this week or next.

Mr. Hale noted he was unclear on the change order and it was clarified that it was to address the exterior of the building that was not part of current contract. Mr. Carter added that experts have said that the County may want to fix the brick and then repaint it or leave the brick finish. Mr. Hale noted that the repair work done under the windows looked good. Mr. Bruguere added that something should be done with the plaster on the back side of the building.

Mr. Hale then inquired about what was in the old furnace room now and Mr. Carter noted there was now a concrete floor in there. He added that the space could be used for storage if the space could be kept weather tight. He noted that there were two rooms in the basement area there and that Paul Truslow had worked with the contractor to put in PVC piping that was 8-10 inches in diameter along with a sump pump to address any water that was in there. He added that the floor had been raised up and was ready to go.

Mr. Saunders asked if the Commonwealth Attorney's Office would be in there by the end of November and Mr. Carter was hopeful they would. It was suggested that the exterior work be done before bad winter weather set in and it was noted that they could move in even if the exterior work was not done. He noted that the change order was to come that week and he would ramp it forward.

Ms. Brennan noted that the Courthouse Committee needed to get together to look at next phases. Mr. Carter noted that remodeling the current Commonwealth's Attorney's space for the Superintendent and using his current office for a conference room had been discussed and then things could go from there.

Mr. Carter reported that Paul Truslow and Billy Hart had created a larger evidence room for the Circuit Court Clerk however this did not address the Clerk's overall space needs.

Mr. Hale noted that they had come to no solution on who to put in the vacant space upstairs; however it was noted that Susan Rorrer had a preference to be in the old Board room space if they got moved out of the basement, since that would be near the central nervous system of IT.

Mr. Carter then noted that staff was cleaning out the other side of the basement area so it could be used for storage and records could be kept straight.

October 8, 2013

3) Magistrate's Building: Restoration of electrical service (request to AEP made) and flooring installation are the balance of work to complete.

It was noted that the flooring would be wood laminate flooring.

B. Broadband Project: NCBA public hearing on tower rate amendment for WISPs scheduled (October 24th). First tower lease(s) with SCS is pending signature by company. NTIA approval pending for provision to cellular carrier to provide for tower lease(s). Broadband Project close out reports and filings have been submitted to NTIA for review and subsequent grant.

Mr. Carter reported that Mr. Stewart has the agreements and he needed to add the agreement date and an effective date. He noted that then he would do the loading analysis and then he could get on the towers. He added that Mr. Stewart has indicated that he wants to use all of the towers. He noted that each effective date needed to be 30 days from the agreement date. He noted that Mr. Stewart would lease each tower individually.

Mr. Saunders then reiterated for the record that everything related to the tower contracts was in SCS's court now. Mr. Carter concurred and noted that staff has spent a significant amount of time with Mr. Stewart in getting everything set. Mr. Harvey noted that Mr. Stewart was misinforming the public and saying that the County was holding him up from being on the towers. Mr. Saunders then indicated that was the reason he wanted to clarify this issue in public session.

C. 2012 Radio Project (Narrow banding): In process. Summer 2014 completion.

Mr. Carter reported that currently the Sugarloaf tower was being worked on and equipment was being replaced.

D. Lovingson Health Care Center: Status of feasibility assessment is pending from JABA.

Mr. Carter noted that staff was waiting for JABA to schedule a meeting on this. He added that Chris Murray had retired and JABA had just gotten additional information that they would meet with the County on before he would be reporting back to the Board.

E. BR Tunnel and BR Railway Trail Projects: 1) **BRRT** – Project Pre-Bid meeting completed on 10-3. Construction bids due on 10-18. 2) **BRT** – VDOT/FHA review of Phase 1 construction plans in process. Approval received from VA-DCR to proceed with eastern trail property acquisitions.

Mr. Carter noted that the Blue Ridge Trail project included renovation of the large depot building and installation of a cover on one of the bridges. He noted that the weigh station would also be refurbished using \$300,000 in VDOT grant funds.

October 8, 2013

Mr. Carter then noted that for the Blue Ridge Crozet Tunnel Project, the drawings were under review and the County could proceed with the property acquisitions per DCR. He added that the County should receive survey information for the contracts by the end of the week.

Mr. Hale noted that he had a copy of the Shumate plat; however he requested that he be provided a copy of the Woolpert plat to review when it came in.

Mr. Carter reported that Mr. Tyler wanted to use the Shumate plat and that it would be attached to the contract. He added that he had given him a preliminary plat that Woolpert had done; however he had insisted that the Shumate plat be used. Mr. Carter then noted that the County would be ready to proceed to closing once the documents were finalized.

Mr. Carter then reported that the VDOT Central Office wanted to do a photographic history of the tunnel project and would be taking before and after pictures of the tunnel maybe starting next week.

The portal entrances were discussed and Mr. Hale noted that the east portal on the Nelson County side has had rock slides that blocked the flow of water out of the tunnel. He noted that once this was taken out it would drain. He added that water was coming in from many places and that part of the restoration would be the installation of drainage channels on each side of the trail. He noted that Phase III, the most expensive phase, would be repairing the brickwork that lined the tunnel and also stabilized it.

F. EMS (Revenue Recovery Program): Contract close out conducted with Fidelis. Contract with EMS Management & Consultants, Inc. commences 12-1-13.

Mr. Carter noted that Staff would be meeting with the new company on the transition in the week to follow.

G. Health Department Demolition: Hazardous materials abatement and building demolition procurement are in process.

Mr. Carter reported that the County was able to use cooperative procurement, riding Culpeper County's contract to hire Joel Loving from Charlottesville to develop the hazardous material abatement specifications for the Health Department building demolition. He added that DEQ had provided positive comments regarding using the cinderblock as fill material at the landfill. He noted that there would be no E&S plan required for that. He noted that specifications would be put together for the removal of the framing etc. and there would have to be a site grading plan.

In response to questions, Mr. Carter noted that Mr. Loving's quote to do the work was approximately \$5,000 and the threshold was \$2,500 for quotes. He added that Mr. Loving had agreed to honor Culpeper County's pricing and he could report the contract price during the evening session.

October 8, 2013

Mr. Carter reiterated that there was hazardous material to deal with and Mr. Harvey and Mr. Hale indicated that they thought that someone who does demolition work would know how to take the building down. Mr. Carter noted that the County would include the hazmat report in the bid package to do the demolition.

H. 2014 General Reassessment: Status update pending receipt.

Mr. Carter reported that the Assessors would be finished by the end of the week and then they would have the notice schedule etc. to report back to the Board.

I. Lockn Festival: 2013 review meeting conducted on 10-3 with second meeting on 10-7.

Mr. Carter noted that the first review meeting was a roundtable discussion from all of the department's perspectives. He noted that the second meeting was what the future plan was and how the County could help to support it. He added that Mr. Frey was in New York that day meeting with the Festival's financial backers to decide the future of the Festival. He noted Mr. Frey was optimistic and was committed to doing it again.

J. Albemarle Charlottesville Regional Jail: Col. Ron Matthews retiring 12-31-13. Recruitment in process for new superintendent.

Mr. Carter commented that Albemarle County was handling the recruiting process as they did last time. He noted that since Ron Matthews has been there, things have gotten more effective, they were trying to reduce recidivism, and efforts were made to run the jail smoothly.

K. Personnel: New employees – Sara Turner (County Administration), Stormy Hopkins (Planning and Zoning), Kenyon Gibson (Econ. Development & Tourism – PT).

Mr. Carter noted that Sara Turner was hired in the County Administrator's office and had worked a couple of days last week. He added that she had; however gotten called back to work until her notice period was up and would return the following week. He noted that Ms. Turner has been telecommuting and had an office in Maryland. He added that she lives at Davis Creek and her husband Travis is a county native.

Mr. Carter then reported that Ms. Kenyon Gibson was filling a Part Time, weekend slot that already existed at the Visitor Center. He added that the previous person had left and the Center was now fully staffed. Mr. Carter added that the Visitor Center was operated 7 days per week.

L. Stormwater Management: Project status report to BOS at 11-13 meeting. Program implementation steps to proceed thereafter.

Mr. Carter noted that Ms. Alysson Sappington of the TJSWCD would report on this at the Board's November meeting. He noted that following this presentation, the process would start where storm water management items would be introduced to the Board. He noted for instance the Board would have to act on an Ordinance by April that would have to be sent to

October 8, 2013

DCR for approval. Mr. Carter added that the consultants had developed policies and procedures for Nelson and Louisa Counties. Mr. Bruguere then noted that the program was uniform across the state.

M. Other: BOS Input.

Mr. Hale noted that he had been contacted by Black Dog Salvage, who works with a production company in finding buildings etc. to salvage. He noted that they come in and take everything out of a building that was salvageable. He suggested that the County have them look at the Health Department building before the demolition. He added that he had discussed the old Massies Mill School with them also and they said that they had personnel who were knowledgeable about that.

Members briefly discussed the location of Black Dog Salvage and whether or not they would pay for something valuable.

Mr. Harvey suggested that the County bid out demolition of this building after any salvaging has been done.

Mr. Hale noted that he would look into this and would report back. It was noted that the old Massies Mill School was currently open and anyone could walk in. Mr. Harvey then suggested that it needed to be insured in case something happened and Mr. Carter noted that the building was a good candidate for demolition.

2. Board Reports

Mr. Harvey and Mr. Saunders had no report.

Ms. Brennan:

Ms. Brennan inquired as to Mr. Carter's response to a letter from an Animal Control Officer regarding their future use of firearms. Mr. Carter noted that he had spoken to Theresa Brooks and Kevin Wright and they were working on that. He noted that from his perspective, the County needed a highly effective policy on the use of weapons and training on this before they were given the authority to use weapons. He noted that he had emphasized following the chain of command on this type of issue as well.

Ms. Brennan noted that the soapstone plaque was ready to go and she would check with Mark Waller on this.

Ms. Brennan asked that Mr. Carter check on the status of Maureen Kelly's vehicle and she noted that the one she had seen her in was pretty ratty.

Ms. Brennan inquired about staff having written a letter to get the upper Rockfish River looked at for scenic river designation and Mr. Carter noted it had been done.

October 8, 2013

Ms. Brennan reported that she attended a memorial service for Claude DeFosse. She then inquired as to what now happened with the trail and Mr. Carter noted that it continued and was part of the deed.

Ms. Brennan reported attending a meeting with Hank Theiss of Wintergreen who noted that there was not much new going on and they were waiting to see what Mr. Justus wanted to do.

Ms. Brennan reported that there was nothing going on at the Department of Social Services at the moment.

Ms. Brennan reported attending a Crisis Intervention Team meeting and discussed identifying persons that may have mental health issues and to be sure that they got the help needed in order to be kept out of jail. She added that training was being done with the County and Wintergreen deputies.

Ms. Brennan noted that she had nothing to report regarding JABA and that Marta Keene, the new Executive Director was getting good evaluations. She added that the PACE program for the elderly was coming along.

Ms. Brennan reported that the Community Criminal Justice Board (CCJB) met in Fluvanna and had presented on probation violations. She added that they assessed an individual in terms of risk and the kind of violation.

Mr. Hale:

Mr. Hale reported that the TJPDC was going to hire a head hunter firm to search for a new Executive Director. He noted that David Blount was going to do the Legislative Program and would continue to be the Acting Director; assigning tasks to staff. Mr. Hale noted that the Legislative Forum was coming up on December 3, 2013 at 6pm and it was a good opportunity to meet with the Legislators that came.

Mr. Bruguere:

Mr. Bruguere reported attending the LOCKN Festival meetings. He noted that they did want to come back and had expected that they would lose money the first year, then would break even, and then would make money. He reiterated that Mr. Frey was going to New York to consult with the Festival investors. Mr. Bruguere then noted that at the first meeting, there were VDOT people there and they were positive but also acknowledged that there were things that they could do differently. He added that the travelling public was not held up at all and he suggested not blocking the crossover at Route 56 West. He noted that they also discussed not closing schools for two days and possibly coordinating more with the schools on the dates. He added that Labor Day weekend was not a good time to have the Festival and that businesses preferred to do it after Labor Day as well. He noted that there were things that VDOT and Oak Ridge would like to get done and there were partnerships that could be forged for water and sewer infrastructure. He noted that the group had

October 8, 2013

discussed the ticket site having a link to the County website so Festival goers could easily see what else was available etc. He noted that there were not too many negative things said and that overall the Festival could be a win/win for the County; however some things needed to be ironed out.

Mr. Saunders added that they were looking to double attendance if they came back next year and that they were looking into a lane from Tye River Elementary to Oak Ridge to alleviate safety concerns and help traffic flow into the site. He confirmed that water, sewer and electricity were discussed. He also noted that he was pleasantly surprised with VDOT's comments.

Mr. Bruguire noted that the County would know if they wanted to come back by the end of the year and this would enable them to work the Festival into the school calendar for next year so as not to lose educational days. Mr. Carter noted that the Festival planning was done in 4-6 months so the school closing was a last minute situation.

B. Appointments

Ms. McGarry noted that the only appointment for consideration was for the JAUNT Board. She noted that Ms. Janice Jackson would like to be reappointed and that Ms. Shaunesey of JAUNT would love to have her back.

Mr. Hale then moved to reappoint Ms. Janice Jackson to the JAUNT Board and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

There were no Directives given by the Board.

VI. Recess and Reconvene for Evening Session

Members briefly acknowledged the item on the agenda for the night session and Mr. Harvey moved to adjourn and reconvene at 7:00 pm. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Bruguere called the meeting to order at 7:00 PM, with four Supervisors present to establish a quorum and Ms. Brennan being absent.

II. Public Comments

1. Greg McCormick, Vice President of Nelson County Baseball Association.

Mr. McCormick noted that he was sharing great strides of the Association since its formation and asking the Board for input on how to best move forward from this point. He reported that a baseball clinic had been well attended and they had finished their first fall ball season. Mr. McCormick related that the team had played in Buckingham and an umpire there had commented on how well mannered and knowledgeable the kids were. He added that their first fall ball season had exceeded expectations. Mr. McCormick then noted that they intended to be a Dixie Youth franchise in the spring which would require that there are dugouts on all fields and at present two fields did not have them. He noted that new bases were needed, as was the grading and seeding of the fields. Mr. McCormick added that the bridge crossing the creek needed improvement for accessibility purposes. Mr. McCormick added that he felt a need to react to these specific needs now in order to support a quality baseball program in Nelson and the Board's support was needed to move forward.

2. Brandon Page, President of Nelson County Baseball Association

Mr. Page reiterated what Mr. McCormick said. He added that he wanted to make baseball the way it used to be in Nelson. He added that they taught life lessons through the sport and wanted to be there for the kids by improving things. Mr. Page then denoted the season records for the various age divisions. He noted that Dixie Youth does not do fall ball and was more for spring but their rules were applied in the fall. He added that they wanted to stay under the Dixie program because it had more to offer the kids. Mr. Page then noted that many kids from Cove Creek played fall ball and said that they only played at Cove Creek because it was an organized program. He noted that 18 of 22 Cove Creek players would be back in spring.

Mr. Harvey noted the field improvements being made at RVCC and Mr. Page said he was aware of it and he had spoken to the travel team involved. He added that they would like to offer the same thing in Afton as was being offered on the eastern side of the County and would like to be able to utilize that field as well.

Mr. Saunders then inquired as to whether or not they had a cost estimate for the needed improvements to the Lions Field. Mr. Page said they did have some estimates on the dugouts and grading but would like to speak with a VDOT representative on the bridge. Mr. Saunders asked what specifically needed to be done in order to play in spring and Mr. McCormick replied that the fences, dugouts, and grading at two fields needed to be done and they had estimated it was approximately \$10,000 worth of work. He added that it would cost approximately \$1,500 - \$2,500 for fencing and \$600-\$1,200 for the dugouts.

October 8, 2013

Mr. Bruguere suggested that they check to see if any of the fields were in the flood plain as this had been an issue at Fleetwood. Mr. McCormick noted that they would have cement blocks on a pad; which was the cheapest route to go.

Mr. Saunders then inquired as to the organization's fundraising and it was noted that they were holding raffles and approaching businesses for donations. Mr. Page added that they were asking for donations from Lowes and have asked contractors for surplus materials and some have offered to donate their time to help build the dugouts.

Mr. Bruguere then noted that the Board would discuss this at a later date to see what could be done; however he noted that they would need to go through the County's Recreation Department for funding since they ran the league. He added that he was supportive of their efforts and was glad the league was Dixie Youth again.

3. Reverend Foster, Shipman

Reverend Foster noted that he was concerned about the old Ryan School and how it came to be on the County's tax rolls when as far as he knew, there was no deed to the property and it was given by Thomas Ryan to the Trustees and the blacks of the Shipman area. He added that Ryan had given the land to Nelson County to build the training school.

Mr. Harvey then advised that he start his inquiries on the tax status of the property with the Commissioner of Revenue's Office. Mr. Foster then indicated that his niece had paid taxes on the property and that now she should be able to use it.

Mr. Carter also advised Mr. Foster that there was a deed for the property recorded in the Clerk's Office. He added that the property was no longer used as a school and was private property that no one really owned and at some point it was put back on the tax rolls.

Mr. Foster noted that he wished more citizens would attend the Board meetings and Mr. Saunders thanked him for taking the time to come out to speak to the Board. He added that he was always welcome and they welcomed his comments.

III. Public Hearings

- A. **Special Use Permit Application # 2013-004, Rockfish Valley VFD** Special Use Permit #2013-004, submitted by Mr. Tommy Harvey on behalf of Rockfish Valley Volunteer Fire Department and Rescue Squad, located at 11100 Rockfish Valley Highway, Afton, Tax Map Parcel #7-A-9B, and is zoned Agricultural (A-1). The application seeks approval to, "allow two (2) additional 30,000 gallon propane tanks," pursuant to Section 4-1-29A of the Zoning Ordinance.

Mr. Padalino noted that the application was submitted by Mr. Harvey on behalf of the Rockfish Volunteer Fire Department and was for an open storage permit to allow two

October 8, 2013

additional 30,000 gallon propane tanks for Foster Fuels. He then referred to the map showing the parcel on Rockfish Valley Highway. He noted that the property was zoned A-1 and was 26 acres. He then showed an aerial image of the property that currently has two 30,000 gallon liquid propane tanks for Tiger Fuel located on it. He noted the screening of the current tank area that would also screen the additional tanks. He added that they were only interested in having one tank immediately and would reserve one for future use. It was clarified that if granted approval, they would not have to return when the second one was to be installed.

Mr. Harvey noted that there would be separate driveways to each set of tanks and they would not share driveways. He added that the Fire Department was more than willing to limit the tanks number of tanks to four 30,000 gallon tanks and no more would be added in the future.

Mr. Hale then confirmed that the new tanks would be north of the trees and the screening would remain in place. Mr. Harvey added that when heading south on Rt. 151, a person could barely see the ones that were currently there and that they were willing to plant more trees; however if traveling northbound, one of the new tanks may be seen.

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

1. Timmy Spicer, Foster Fuels

Mr. Spicer addressed the Board and noted he looked forward to answering any questions they had about the site.

Mr. Saunders noted he no problem with what was in the report and what the Planning Commission had recommended.

Mr. Harvey noted that Foster Fuels serviced the schools and having these tanks at the site would cut down on traffic.

It was noted that the main office of Foster Fuels was located in Brookneal and they had other satellite offices.

Mr. Hale inquired as to the history in terms of the hazard of these tanks and Mr. Spicer noted that these were heavily regulated per the fire code and that the number of incidents was very small. He noted that there were duplicate procedures at the tanks and the statistics provided to the Planning Commission noted that 1 tank in 37 million had a problem and these were not necessarily tank issues.

2. Watt Foster, Owner of Foster Fuels

Mr. Foster thanked the Board for the opportunity and noted that Foster Fuels had been in business for 92 years. He added that it was a family owned community company and he was

October 8, 2013

looking forward to working in Nelson County. Mr. Harvey added that all of the employees in the Nelson office were county residents.

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

Mr. Hale moved to approve Special Use Permit application #2013-004 submitted by Mr. Tommy Harvey on behalf of Rockfish Valley Volunteer Fire Department and Rescue Squad, located at 11100 Rockfish Valley Highway, Afton, Tax Map Parcel #7-A-9B, to allow two (2) additional 30,000 gallon propane tanks," pursuant to Section 4-1-29A of the Zoning Ordinance.

Mr. Saunders seconded the motion and Supervisors voted (3-0-1) by roll call vote to approve the motion with Mr. Harvey abstaining. Mr. Harvey noted that he did not have a conflict of interest; however since he was the applicant he abstained from the vote.

IV. Other Business (As May Be Presented)

Mr. Carter noted to the Board that he was supportive of the Dixie Youth Program. He added that the Parks and Recreation Department had been instrumental in getting into the Dixie Youth program and in doing the field work at the Lions Field. It was noted that the County had a year to year contract with the Hollands to use the fields that may run through August. He noted that they also used the Nelson Center field because of the lights. Mr. Bruguere noted that players tended to go to Cove Creek Park because of the facilities. Mr. Carter reiterated that the County has been maintaining the Lions Fields. Members and staff discussed the logistics of the County improving property that it did not own and Mr. Saunders noted that it should not be an issue to improve the property. Mr. Carter then noted that if the County was able to put lights on the High School ball fields, the youth program would be able to transition the programs to over there.

V. Adjournment

At 7:40 PM, Mr. Harvey moved to adjourn the meeting 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.