

October 9, 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. Bruguire, Jr. West District Supervisor- Vice Chair  
Larry D. Saunders, South District Supervisor  
Allen M. Hale, East District Supervisor  
Thomas D. Harvey, North District Supervisor – Chair  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Debra K. McCann, Director of Finance and Human Resources  
Fred Boger, Planning and Zoning Director

Absent: Constance Brennan, Central District Supervisor

**I. Call to Order**

Mr. Harvey called the meeting to order at 2:02 pm, with four (4) Supervisors present to establish a quorum and Ms. Brennan being absent.

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

Mr. Bruguire then asked those in attendance to remember the late Buddy Moore who had served as County Administrator twice and had recently passed away. Mr. Harvey commented that he would like for a plaque to be done to be presented to Mrs. Moore at the Board's next meeting.

**II. New Employee Introductions**

Ms. Jaime Miller introduced new Dispatchers, Kenneth Biby and Lisa Savoy. She noted that they were both county residents and were veterans of the Marine Corps and the Air Force. She added that they were both progressing well with their training and that Ken was on the midnight shift and Lisa was working the 3-11 pm shift.

Ms. Debbie McCann introduced Ron Markin, the new Animal Control Supervisor and noted that he had been in the Army for twenty years, was in the Military Police and managed a K9 facility while serving. She added that the county had a real asset in him and that staff was looking forward to working with him.

Mr. Harvey and members welcomed all of the new employees and noted that they were pleased to have hired veterans and that the county was fortunate to have hired them.

**III. Consent Agenda**

Mr. Hale moved to approve the consent agenda and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2012-72a** Minutes for Approval

**RESOLUTION-R2012-72a**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(September 11, 2012 and September 27, 2012)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **September 11, 2012 and September 27, 2012** be and

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

B. Resolution – **R2012-73** COR Refunds

**RESOLUTION-R2012-73  
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>
\$ 60.00	2011 Vehicle License Fees	Damien David Farmer 117 Rockfish Crossing Schuyler, VA 22969
\$141.16	2012 Business Personal Property	BB&T Equipment Finance Corp. Attn: Property Tax Compliance P.O. Box 167 Winston-Salem, NC 27102-0167
\$112.41	2011 and 2012 Personal Property Tax And Vehicle License Fees	Montie Nelson Frazier 1079 Tanbark Drive Afton, VA 22920
\$1,188.96	2012 Personal Property Tax And Vehicle License Fees	CAB East LLC Ford Credit Personal Property Tax P.O. Box 6700, Dept. 231601 Detroit, MI 48276-2316

C. Resolution – **R2012-74** FY13 Budget Amendment

**RESOLUTION R2012-74  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET  
NELSON COUNTY, VA  
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BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2012-2013 Budget be hereby amended as follows:

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 4,000.00	3-100-002306-0001	4-100-013010-5413
\$ 968.00	3-100-003303-0025	4-100-031020-7041
\$ 552.00	3-100-003303-0100	4-100-031020-7037
\$ 5,520.00		

**II. Transfer of Funds (General Fund)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 10,210.00	4-100-999000-9905	4-100-013010-5413
\$ 14,022.00	4-100-999000-9901	4-100-051010-5601
\$ 6,415.00	4-100-999000-9901	4-100-081020-3012

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\$ 10,000.00	4-100-999000-9905	4-100-091030-5680
\$ 21,500.00	4-100-999000-9905	4-100-091050-7026
\$ 2,500.00	4-100-999000-9905	4-100-091050-7130
<u>\$ 64,647.00</u>		

**III. Appropriation of Funds (School Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 64,466.00	3-205-001803-0003	4-205-068000-9306

D. Resolution – **R2012-75** October As Domestic Violence Awareness Month

**RESOLUTION R2012-75  
NELSON COUNTY BOARD OF SUPERVISORS  
OCTOBER, 2012 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 33<sup>rd</sup> 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.

#### **IV. Public Comments and Presentations**

##### **A. Public Comments**

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

##### **1. Glenda Cahoon, Tye River Road and Virginia Taxpayers Association Representative**

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

##### **B. Presentation – 2014 Reassessment Status Report (G. Eanes)**

Mr. Carter introduced Mr. Gary Eanes of Wampler Eanes Appraisal Group to address the Board.

Mr. Eanes noted that their staff was working on the sales study and that Ms. Amanda Graham was the Office Manager and data entry person. He noted that they were beginning in the field in Stoney Creek looking at sales and would watch these for the next year and half until the notices went out.

Mr. Hale asked Mr. Eanes for his sense of the current real estate market and he noted that they were looking at the current 2008 assessments and what properties have sold for and so far they were showing that properties should be decreasing from the 2008 values.

Mr. Bruguere noted that he wanted to ensure that they would work well with the Commissioner of Revenue and that the computer systems matched up. Mr. Eanes noted that they were working together well and that they have split the data files so that if transfers were made in one file by the Commissioner's Office, they would pick it up. He added that the Commissioner's Office was on top of records and were up to date with transfers as they come through.

Ms. Payne, Commissioner of Revenue, in attendance confirmed that Wampler Eanes was working well with her office and doing a good job so far.

##### **C. Presentation – JAUNT Annual Report (D. Shauneseey)**

Mr. Carter introduced Ms. Donna Shauneseey of JAUNT to make her presentation.

Ms. Shauneseey noted that they were happy to have two board members from Nelson County now and they were both doing a fantastic job. She added that Mercedes Sotura was in attendance and Ms. Janice Jackson was out of the Country and could not attend the meeting.

Ms. Shauneseey then noted that JAUNT ridership was increasing with Nelson having a steady increase over the years and a 9% increase over the past year. She added that these rates only included those paying a fare.

She reported that users must make reservations through their call center or make a daily reservation through their Dispatch center; both of which were open seven days a week. She noted that their Reservations Staff handled over 70,000 calls and their Dispatch Center handled over 147,000 calls in the past year.

Ms. Shauneseey then outlined their funding sources as follows: 40% Local, 28% Federal, 14% State, 9% Agency, and 9% Fares for a total of \$5.5 Million. She then noted that the local share was broken down as follows: 45% Albemarle, 37% Charlottesville, 9% Louisa, 4% Fluvanna, 3% Nelson, 1% Wintergreen, and 1% Buckingham.

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Ms. Shaunesey then discussed the Commuter Routes in the County and noted that there were two that went to Charlottesville daily, one that went to Wintergreen, and then one going from Wintergreen to Charlottesville. She added that the Midday Route started at 7:30 am and that they no longer had the grant funded extra midday route. She did note that the ride time was shrinking and at most it was two hours. She noted that the ridership on the Commuter Route to Charlottesville had increased since the start of the year and had increased 11% from the past year. She noted that the bus stop had been moved from the IGA and Food Lion and would likely be at the Nelson Center in Lovingson now.

Ms. Shaunesey then noted that the Wintergreen Routes were very successful and that the funding for these came from Wintergreen to the County and then were passed through to JAUNT.

Ms. Shaunesey then discussed the intracounty service and noted that the trips to the Senior Centers were counted here. She noted that ridership for the Rockfish Valley Senior Center had tripled whereas it had declined at the Nelson Center due to a few individuals' physical conditions.

She then noted some highlights as follows: a Senior Shopping Grant from the State and JABA provided over 250 field trips for seniors and the monthly service to the Food Pantry provided 276 trips. She noted that grant funding from NCCDF had funded the trips to the Food Pantry and that this service had ended last month. She added that they were working out an alternative with volunteers through NCCDF and were also applying for a grant to reinstate this service. Additionally, Ms. Shaunesey reported that six Nelson drivers won safe driving awards this year, which was tough to do as it required no moving violations, that JAUNT began transporting Arc clients, and that Kayla Giles, daughter of Nelson Driver Wallace Giles, received a college scholarship through JAUNT's state transit association.

Ms. Shaunesey then reviewed the results of a ridership survey that said: 98% received prompt and courteous service, 2% didn't know, and that prior to the rate increase, 93% thought the service was reasonably priced and 7% thought it was not. She noted that 100% said that the drivers drove safely.

She then noted that in FY13, in order to balance the budget, they increased all fares by \$1.00 and started charging the seniors 50¢ to go to the Nelson and Rockfish Centers. She added that the seniors were not balking at the fare and that ridership on commuter routes was going up; however she would keep an eye on the impacts of this.

In conclusion, Ms. Shaunesey noted that they kicked off the Jeans for JAUNT Friends program to celebrate the 5<sup>th</sup> anniversary of JAUNT Friends. She noted that Jeans for JAUNT Friends was designed to raise awareness of this important nonprofit and to raise money too. She added that the funds went to support ticket scholarships and to support JAUNT staff and services. She added that they had given out 112 books of tickets in FY12 and that in FY12; they had received a donation specifically for scholarships for Nelson residents.

Following the presentation, Mr. Bruguere asked that they email him a breakdown of their administrative costs and Ms. Shaunesey said she would but that he should be aware that they included some things in administration that should be in operations and that these accounts were determined by the state.

In response to questions, Ms. Shaunesey noted that their drivers did have radio contact with their dispatch center; however radio communications were sketchy in some areas of the county. She noted that they were testing cell phones now also. She also noted that their fleet was uniform in size with most vehicles being 14-18 passenger; however they did have one 22 passenger vehicle and may get another. When asked if they looked at utilizing smaller vehicles on less utilized routes, she noted that there were federal rules on having a fleet size larger than what was needed and that 80% of the cost was not related to the vehicle but was attributable to the drive, dispatch etc.

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Ms. Shaunesey then related the current fares as follows: \$3 per trip for Commuter routes to Charlottesville, Nelson/Amherst to Wintergreen fare - \$4, Wintergreen to Charlottesville - \$4, Midday to Charlottesville - \$3.25 each trip and \$2.25 for those with disabilities or over 60 years old, and Intracounty -\$2.75 each way and \$1.75 for those with a disability or over 60 years old.

Ms. Shaunesey then noted that Amherst County was contributing to the services to Wintergreen and that she appreciated the Board's continued support.

D. Presentation - Local Department of Social Services (M. Kohl)

Mr. Carter introduced Mr. Michael Kohl, the Director of Social Services to present to the Board.

Mr. Kohl then addressed the Board and noted he had been in his position for three (3) years this month. He then noted that things were going forward well and he had no real issues to report. He added that he had a great staff providing services to the community and that they have had an increase in services and service quality. He then noted that he had made an effort to work with the agency's community partners and to foster those relationships. He noted an example was that the office participated in the Jeans for JAUNT initiative as they have a lot of clients who could not afford to pay the fares and it was a good way to be a part of the community.

Mr. Kohl then noted some upcoming things affecting his agency. He first noted that the new healthcare laws were coming and that even though they were not sure what these would look like, they were slowly preparing. He noted that DSS would be doing all of the screening and paperwork related to this and the State was saying now that they should be looking at a 40% increase in cases at the local level in each locality. He added that they were preparing for a 40% increase in Medicaid case loads; which could mean another 400-500 cases. He noted this to be significant but that the impact was still uncertain.

He then noted that the State was preparing to modernize their computer systems to better handle these cases through the roll out of the CommonHelp program - where clients could apply online for services and benefits. He added that the State was trying to get DSS into the 21st century. He noted that they have not gotten a lot of applications through this here but that it was also not working all that well right now. He added that they would be making this change by next month and that the State was issuing a computer to be located in the waiting room for clients to use to apply for services. Mr. Kohl then explained that the way it currently worked, noting that a fourteen (14) page application was handed out and then the client would see a staff member. He noted that he thought that with the new system, they would direct applicants to the computer and then if the client was eligible, they would then see a staff member. He reiterated that this was being driven by the new healthcare laws.

He then noted that they were very cognizant that the elderly were not typically computer savvy and that they would give clients support in using the system. He added that they could still do paper but that they were moving to a computerized system.

In conclusion, Mr. Kohl thanked the Board for their budgetary support for DSS and CSA and offered to answer the Board's questions.

Mr. Hale inquired as to whether or not they would need more staff if the 40% increase in cases came to pass and Mr. Kohl noted that he thought they would need at least another staff member but he was not sure until they say how it went. He added that it may be that they could handle a 20% increase in cases without increasing staff. He noted that they would take a wait and see approach and that one (1) staff member typically carried 200-300 cases. He then noted that they were getting conflicting information from the State as to whether they would be getting more State funds.

Mr. Bruguere supposed that with the new computerized system, they shouldn't need more staff since they could weed out folks before the case levels jump up 40%. He then noted that he was in favor of making house calls on all applicants in order to verify

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everything that they put onto applications. He added that they were not seeing a large increase in unemployment and questioned where the 40% increase would come from.

Mr. Kohl explained that there would be more people eligible because the eligibility thresholds would be raised. He added that it was Federal Programs mandating this and that DSS did have a lobbying group that worked on certain things. In relation to the house visits, Mr. Kohl advised that they were only able to administer the policies given and that he did not want eligibility staff going out to do house visits etc. as they could get sued because they would be working outside of the regulations of the program areas. He noted that they have cross-over clients using other services, in which case those workers were out in homes and they now had processes in place where information gathered from the field was passed on to the benefit workers; which could cut down on fraud. Mr. Kohl noted that they did have a fraud program and did not let people get away with defrauding the government and the county.

#### E. VDOT Report

Mr. Don Austin noted that he would give his usual report and that Jerry Harter a traffic engineer was present to do a presentation on VDOT's general philosophies on engineering decisions.

Mr. Austin then reported that the speed limit study on Route 56 east from the Fire Dept. to Wingina was pending.

He noted that at the intersection of Rt. 56 west and Rt. 29 in Colleen, they were planning on increasing the stop sign size and lengthening the stop bars. He added that the traffic there did not warrant a speed limit change and they could trim down the median to improve sight distance.

Mr. Austin then reported that on the matter of installing a protected green arrow turn at the Food Lion stoplight in Lovingson, they were planning on changing it to a flashing yellow arrow and not starting with the full protected turn there. He added that speed limit study did not indicate the need to reduce speed there.

Mr. Saunders inquired as to the completion date of the bridge just past the High School going south and Mr. Austin advised that they were almost ready to switch sides and likely would not finish before winter. He added that he would find out the projected completion date and report back.

Mr. Harvey then suggested that the Board hear Mr. Harter's presentation which may answer some of the questions they had and then go back to Mr. Austin.

Mr. Harter introduced himself and noted that his presentation was meant to explain general philosophies used in VDOT's decision making.

Mr. Harter first discussed the use of TCDs - Traffic Control Devices. He noted that these devices must: fulfill a need, command attention (entails lifelong maintenance), have a clear and simple meaning, and command respect.

He then noted the following Signal/Stop Sign warrants: traffic volumes, crash history or pattern, delay, school crossing/pedestrian volumes, and engineering judgment. He noted that a capacity analysis was done to see if things were operating better once these were in place.

Mr. Harter then introduced the Flashing Yellow Arrow (FYA) which had been proven to improve safety and operating conditions at other locations. He reiterated that at the Food Lion intersection, there was not the capacity or volume to warrant a protected green arrow there. He added that they did not want to create a traffic pattern that would create bad behavior and they had decided that a FYA would be better. He noted that this would be the first one in the region and that it has been shown that the FYA is clearly conveying the message of slowing down. He added that research has shown that crashes have been reduced where it has been used.

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Mr. Harter then showed a video depicting how the FYA worked at another location.

Mr. Bruguere noted that he saw a problem in the video of people proceeding to the middle of the intersection on the flashing yellow arrow.

Mr. Harter noted that at the Food Lion intersection, the current configuration created a yellow trap and that with this signal, when it went to yellow it meant the other group would stay green. He added that it would improve safety because the light would tell you when to be out of the intersection.

Mr. Harvey then questioned why a green arrow was needed at all and Mr. Harter confirmed that the light would provide for one. Mr. Harvey noted that he thought that this would be a tremendous improvement.

Mr. Harter then noted that the new light would be installed in the next thirty (30) days. He added that there was a small sight distance problem but that they were hoping this FYA would provide for enough caution to mitigate it. He noted that it was hard to tell if false starts or sight distance was causing the crash problems at the light. He added it would be a four section light and that they would put up signs etc.

Members and Mr. Harter briefly discussed the use of a flashing yellow and not a flashing red and it was noted that the yellow is associated with proceeding with caution and red with stopping. Mr. Hale noted that he still favored the use of a protected green arrow, but was interested to see how the FYA worked.

Mr. Harter then continued his presentation and discussed Specialty Signs. He noted that for Watch for Children signs the locality can make an agreement with VDOT and take over administering these. The locality would have to get a permit from VDOT for these. He added that specialty signs also included: No littering, Equestrian, Farm Vehicles etc.

Mr. Harter then explained that they consider the following factors when evaluating speed limits: they are based upon the 85th percentile speed counted in the field, intersections along corridor/land use density, crash history, the geometry of the road – horizontal & vertical alignment, width, shoulders etc., and special generators (schools, large industrial uses etc.). He added that typically speed limits were set at + or - 5mph of the 85th percentile.

Mr. Harter noted that typically VDOT would not redo speed studies unless one or more of these characteristics has changed with the roadway. He added that if it was a Low Volume Road (less than 400 vehicles per day), it was typically not reviewed for speed limit changes but it would be reviewed for crash history, curve data and other characteristics.

Mr. Harter then noted that on Route 29, they looked at the 85th percentile and speed was in the 60's. He added that they were recommending some signage at the middle intersection in Lovington and would put up pedestrian signs. He noted that there were no other indications of trouble out there and he had spoken to the Rescue Squad there and they noted that it was not a big deal to pull out onto Route 29.

Mr. Harter then noted that they would replace the stop sign at 1001, would install the FYA at the Food Lion intersection, and were not going to change the speed limit there.

Mr. Harter noted that he had not planned to discuss through truck restrictions since it was not much of an issue for the County.

Mr. Harvey inquired as to whether or not they looked at the crossover at the Rescue Squad as he did not think they needed this. Mr. Harter noted that they did look at that and it appeared it was being used. He added that they could look at closing the other one that was not being used.

Mr. Saunders expressed his surprise that the speed limit could not be lowered on Rt. 29. Mr. Hale stated that the problem was that the highway was built in the 1930s and there



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was no sight distance and no shoulder in spots whereas the newer section did have this and the whole thing was all the same speed. He added that he thought they needed to work on fixing the road.

Mr. Hale then related that on Route 639 the road he lived on, there was an eight (8) mile stretch that had highly reflective signs there that were not requested. He added that it seemed ironic to him that they cannot do anything where it mattered and that there were signs in places where there was not a problem.

Mr. Bruguere also expressed that he still thought that a protected green would be best at the Food Lion light, but that he would wait to see. He noted that VDOT should review its functioning within 6 months to a year.

It was then noted that the Lane Ford Bridge intersection area has had a lot of near misses mostly due to truck traffic going way to fast. It was suggested that VDOT extend the lowered speed limit past the bridge and that the months of September and October were the heaviest travel times in that area. This area was further described as the intersections of Rt. 56 west at Crabtree Falls Highway and then Rt. 151 and Rt. 655 (Roseland Rd.) on either side of Lane Ford Bridge near Mac's Market.

Mr. Harter noted that they were looking at Rt. 151 now for potential turn lanes. Mr. Harvey noted that he agreed in concept with the 85th percentile standard, however they have proven on Rt. 151 that accidents have been reduced since the speed limit was reduced to 45mph. He added that the turn lane at Ashley's was a great addition. He noted that he still felt strongly that sight distances at intersections were bad along Rt. 151 so if they could extend the lowered speed limit, it would mitigate this. He gave an example of the intersection with Spruce Creek Lane. He then added that the Rhodes Farm intersection was another example of this working.

Mr. Harter acknowledged the sight distance challenges in the County and attributed those to the county's topography. He noted that they had to prioritize these things and it came back to the extremely egregious issues and crash patterns.

Mr. Harvey noted that at the North end of Rt. 151 there was a business impact there and they had been lucky there with so many turning vehicles. He added that the intersection with Rt. 250 is often backed up a half mile there on a Friday afternoon. Mr. Harter noted that this was the second highest crash location in the County.

The discussion then moved back to the speed issues in Lovington and Mr. Hale acknowledged that coming down off of the gap towards Lovington it felt like a high speed road, especially because of the two end entrances to Lovington making it like a bypass. Mr. Harvey then suggested closing the middle intersection to cars and people would still be able to walk across there. Mr. Harter noted that there had been six (6) crashes there in three (3) years. Members then discussed that the Fire Department was a designated park and ride area etc. and no action was recommended on that intersection.

Mr. Bruguere then suggested that something be written regarding the stop light change at the Food Lion intersection and published in the NC Times ahead of the actual change in order to inform the public. Mr. Harter indicated that their public information division was in the process of drafting something up along these lines. Staff noted that this could also be placed on the County's website.

Members then thanked Mr. Harter for his presentation noting it was very informative.

Mr. Austin then heard maintenance issues from the Board as follows:

Mr. Saunders described four 90 degree turns coming into Arrington, that were 35mph and then there is a straight stretch where it was 25 mph. He noted that a citizen there has had three (3) cars end up in their yard in the last three (3) months. He noted there were speed limit signs and asked if they could look at reducing this. Mr. Austin replied that they would take a look at this.

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Mr. Saunders then noted that the Williamstown Rd. intersection with Route 755, needed to be looked at. He added that it had gotten built up there along Williamstown Road and Mr. Austin noted he would refer this to the traffic division to look at.

Mr. Harvey then asked for clarification of speed limits on un-posted roads and Mr. Harter noted that if un-posted, the speed limit was 55 mph for cars and 45 mph for trucks. It was then noted that un-posted gravel roads in the County were 35 mph as provided for in recent General Assembly legislation.

Mr. Harvey then noted that the guardrail at Sunrise Drive still needed to be looked at and Mr. Austin confirmed that they had not gotten to it yet.

Mr. Bruguere then related a call he had made to the VDOT 800 number to request that mowing be done on Dickie Road and grading be done on Jack's Hill Road. When the grading was only done on one side, he noted that he then called the Bryant Supervisor who was irate that he had called about it. He noted that they had mowed on Brent's Mountain and then had moved elsewhere and he thought that they should do the mowing in their area first.

Mr. Bruguere then noted to Mr. Austin that they needed some reflective signs there at Jack's Hill Rd. where a car went around the curve and into the creek. Additionally, he requested that ditching be done on Embly's Gap road.

Mr. Hale did not have any VDOT maintenance issues to report.

Mr. Randy Hamilton then addressed the Board regarding the letter the County had received mentioning the upcoming fall multimodal transportation meetings. He added that there was a meeting on November 8th in Lynchburg to look at the plan from 2014-2019 and that this was a starting point with this being looked at again in spring.

Mr. Hamilton then noted that he wanted to meet with the Board on an alternative to the Route 639 road project and he has asked Mr. Harter to look at other locations where this funding could be used. He noted that they could use the PDC listing of projects also that would be updated in a month or so and would be forwarded to the County.

Mr. Hale noted that he was not sure that the Route 639 project was completely done for and noted that there was supposed to be a meeting with property owners there on the Right of Ways. Mr. Hale noted that he had agreed to go to meetings with Ms. Rosotto and Mr. Hamilton noted he would follow up with her on that.

## **V. New Business/ Unfinished Business**

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

Mr. Carter noted that work on the updated Library agreement has been ongoing since 2011. He reported that the Albemarle Board of Supervisors had a study done and they have been the instigators of the changes. He added that most of it was budget driven and had more to do with the relationship between Charlottesville and Albemarle.

Mr. Carter then noted that there were no substantive changes; however an out of area fee of \$30 per person had been proposed to go into effect January 1, 2013. He noted that for Nelson County, this was projected to result in a savings of \$13,100. Mr. Carter then related that the concern from the Library Board was that people that did not live within the region would not continue to use the library or there would be reciprocation from surrounding libraries. He then noted that despite these concerns, each locality voted to include this in the new agreement.

Mr. Carter then reported that Albemarle's Board had approved the agreement and that Charlottesville was considering it the following week; with each party being asked to adopt this by the end of November.

It was noted that Nelson citizens could use other libraries and they may be subject to a fee as would non-Nelson citizens if the agreement was approved as written.

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Mr. Hale then did the math and noted that 437 out of region users in Nelson County seemed remarkable to him.

Mr. Bruguere then reported that he had heard that the Scottsville branch may pull out of the Regional Library and there was talk of shutting that location down; which no one else could confirm or not.

Mr. Carter reiterated that there had been much more interaction on this between Albemarle and Charlottesville and that there were no substantial changes for the rest of the members.

Mr. Harvey supposed that this would have a large effect on the north end of the County citizens that used Augusta County libraries and Mr. Carter noted that until they imposed a fee, it would not be an issue. Mr. Hale noted that as a percentage of their total, Nelson would be small.

Mr. Carter then recommended approval and Mr. Harvey noted that the County would probably never see the savings and they would have to review carry over amounts yearly.

Ms. Mary Coy, Trustee to Library Board in attendance was then invited to address the Board on the subject.

Ms. Coy then reported that the Library Board had voted unanimously to send a letter out that the out of area fee was a bad idea as it discouraged library use and burdened staff. She added that it penalized people who already had to drive to the library and were using it because it was close to work etc.

Ms. Coy then noted that Nelson had 344 people using the local library from out of area. She then reported that Amherst County did charge a fee in response to others such as Lynchburg and Campbell County charging a fee. She added that she thought there were 250 users from Nelson going to other libraries in Augusta etc.

It was also noted that Nelson's fees would be going down whereas Albemarle's would be going up as a result of revamping the agreement if it were not for the out of area fees.

Ms. Coy then related that she had spoken to her friend who was on the Augusta County Library Board and she had said that they would wait to institute an out of area fee. She then supposed that more Afton folks may use the Crozet branch once it was built rather than going to Augusta County.

Members then agreed by consensus to defer this matter until the next meeting in order to give Ms. Brennan a chance to consider it and no action was taken by the Board.

## **VI. Reports, Appointments, Directives, and Correspondence**

### **A. Reports**

#### **1. County Administrator's Report**

Mr. Carter presented the following report:

**A. Courthouse/Government Center Project:** Blair Construction has been provided with the inspection reports (concrete and retaining wall installations) completed by the County and, County staff have requested that WileyWilson and Blair establish a schedule (for review/approval by the County) for completion of the project, including in process and final verifications by the County (and WileyWilson) to insure the acceptability of all punch list items as they are completed by Blair.

Mr. Carter reported on the meeting held that morning with Blair Construction and Randy Vaughn. He noted that they went over the punch list and inspection reports on the retaining walls and concrete and agreed that Wiley Wilson would be the final decider of what needed to be replaced, repaired or accepted for the curb and guttering. He added that they were to meet again that Thursday morning to verify acceptance or not of the

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punch list and go from there. He noted that the retainage came up and the County was noncommittal. He noted that Blair wanted concurrence that once 20% of the Punch List achieved acceptance that the same percentage of retainage would be released. Mr. Carter reiterated that the County did not commit to anything regarding the release of the retainage. He added that Blair wanted to get this done quickly as did the County.

Mr. Saunders then noted that a major issue that the County would have later was with the HVAC system and humidity noting that next summer, they would have the same issue in the Clerk's Office and Judge's Chamber. Mr. Carter reported that Blair and Moore's Electric continued to say it was a control issue and not an installation issue but the County just wanted it fixed. Members and staff briefly discussed the warranty start period and that Wiley Wilson had offered solutions but they would have to test these.

Mr. Saunders noted that the Clerk's area may be more readily fixable but that the Court area may be different, since it was based on a fully loaded courtroom; which it never was. He noted that they would look at this again and it may be programmable. He noted that it went back and forth between Wiley Wilson's design and the installation and that they could not start the warranty if it was not working.

Mr. Saunders noted that they had also pressed the point that the concrete needed to be taken up and replaced and that they did not want patched pavement in the process.

Mr. Carter noted that the importance of the quality of the sub-contractors was noted and they assured them that they would fix the problems.

**B. Courthouse Display:** In process. A meeting is being scheduled for review of Thayer Design, Inc.'s project design.

Mr. Carter noted that he did inquire about the 4x4 soapstone plaque commissioned by the Judges and noted that they would have to figure out where to put it. He added that this had been commissioned unbeknownst to the County.

**C. Courthouse Signage:** In process with Acorn Sign Graphics. An approximate ten week completion schedule is projected.

Mr. Carter noted that Acorn would come back with recommendations and costs etc. and then the County would enter into a contract with them.

**D. Courthouse Retaining Wall (Law Office):** In process. Due to weather and VDOT permitting, the project schedule will likely slip from completion by 10-15 the end of October (to be confirmed with Owen Building & Remodeling, Inc.)

**E. Treasurer's Office Remodeling:** Complete with the exception of glass installation, which is in process.

**F. Jefferson Building:** The status of renovation/restoration of the building is in review.

Mr. Carter reported that Price Masonry submitted a proposal to complete the renovation and it would cost \$400,000 plus. He noted that he had discussed an alternative path with Wiley Wilson that would revert back to a modified plan that had been developed. He described this as they would complete the external repairs, dry the building out and leave enough space to circulate the air between the walls and insulation and finish it without full restoration. Mr. Carter noted that Mr. Saunders sat in for Ms. Brennan and Mr. Hale who could not make it to the meeting. He noted that the cost to proceed on the alternative course was around \$185,000. He then requested direction from the Board.

Mr. Saunders noted that he thought the Price Masonry cost was way out of line, as it was just an office space and not open to the public. He added that just the exterior restoration would cost \$96,000 whereas it should cost about \$10,000 to paint it. He noted that the interior would cost \$130,000 and that Wiley Wilson estimates were \$37,000. He reiterated that it would be twice the cost to go with Price Masonry's plans and that they could still restore it down the road. Additionally, he noted that the moisture being

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retained could be mitigated with commercial humidifiers or turning the heat on. He further recommended that they not insulate the walls and allow the air to circulate and stated that he did not think they needed to go to such extent to preserve the building.

Mr. Hale noted that he agreed because of the cost but that he would like to find a painting process that would not peel off right away.

Mr. Saunders noted that they discussed the wooden steps being removed and replacing the door with a window and Mr. Carter noted that they also discussed restoring a window that had been bricked in towards the front.

Mr. Carter advised that he would send the full report out to the full Board and confirmed that he had the Board's consensus to not go with Price Masonry's plan. He noted that they would have to decide if it would be broken down into components or all bid together and Members and Staff discussed separating the exterior work from the interior work. Mr. Saunders noted that they could do that but that on the interior it would probably work best to have a General Contractor to manage things and that they could push to use local companies.

Mr. Carter advised that if the cost of the work was over \$100,000, the County would require bid bonds and performance bonds etc.

Members and Staff noted that they were looking at January to get started and could get the interior done in the winter and the exterior done in the spring.

Mr. Carter noted that it would be easier to have a General Contractor for the County and the project would require a Class A Contractor.

The Board then reached consensus to get the inside done first and hire a General Contractor for the whole interior project including removing the door and replacing the window.

It was then noted that Wiley Wilson had sketches that could be used for the interior and that the work would be done in conjunction with the Commonwealth Attorney.

**G. Magistrate's Building:** The brick restoration of the building is to be completed by 11-30-12. Replacement of the roof and interior rework will also be required for project completion.

**H. Broadband Project:** Construction of the fiber backbone network is 95%+/- complete. Installation of network electronics (Calix) is in process (Phase 1 – complete by mid-October; Phase II by late November) with turn up of the network and anchor institutions by end of November. Martins Store and RVFD tower projects are in process with completion in November 2012. Massies Mill tower site pending (negotiations with property owner in process). Network Operator contract is in process as are final co-location and service provider agreements with Lumos and Mid-Atlantic Broadband (co-location only with this connectivity providing access to MBC ISP and WISP providers). All other facets of the project, including close out requirements with NTIA (the project must be completed by March 2013) are in process.

Mr. Carter then reported on the conference call had that morning on the resolution with Lumos on how the County would connect with them. He reported that the understanding was that the County would be on their core network for redundancy. He then noted that NTIA may come in and do an audit of the project up to this point but that staff was not concerned about this.

**I. 2012 Radio Project (Narrow banding):** The project's final equipment order is being completed (Motorola, Clear Communications, RCC and County staffs). FCC waiver request has been drafted and is being readied for submittal (to authorize project beyond 1-13 regulatory date). Project completion is scheduled for 9-2013 (although County staff are working towards an earlier completion date than that projected by Motorola)

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**J. High Top Tower (Lease):** Lease negotiations successfully completed on 10-4. Final lease document(s) to BOS by second October or first November 2012 meeting.

Mr. Carter reported that the Outdoors Foundation was the hold up on finalizing the lease document and they conceded that they only needed to be referenced as the holder of the conservation easement.

**J. Lovington Health Care Center:** In process.

**K. Massies Mill Recreation Center:** Letter sent to MMRCI on 10-2 requesting concurrence on property conveyance to Nelson County and disbursement of balance of funds to Millennium Group/Nelson Heritage Center. The request for a full accounting of all County funds also reiterated.

Mr. Carter noted that he was not sure how these funds would be disbursed and Mr. Saunders inquired as to what the County would do with the land there. Mr. Carter noted that would be up to the Board and Mr. Bruguere suggested that they demolish the building and sell the property. Mr. Carter noted that the first challenge was to get them to give the building back. Mr. Bruguere reiterated that he was not in favor of holding onto it if it was for no specific purpose.

**L. Norwood Historic District Project:** IN process. Completion date is by 6-30-2013.

**M. 2014 General Reassessment:** Wampler-Eanes (Gary Eanes) to report to BOS on 10-9.

**N. Stormwater Program (Local):** Grant application submitted to VA-DCR in partnership with TJSWCD, Nelson and Louisa counties. Award notice pending (likely end of 2012 to early 2013). Grant project for development of local storm water program will be utilized to implement the program by the state mandated deadline of 6-30-14.

**O. Blue Ridge Medical Center:** A final lease agreement is expected to be completed in October to enable the local Health Department to relocate to BRMC by 11-1 or in early November.

Mr. Carter reported that VDH has given the County notification of lease termination for it lease in the Health Department building effective 12/1/12.

Mr. Carter then noted that the County still had on hand \$117,000 in escrow from the state and that the VDH wanted to use it to buy furniture. He noted that the County would first recover its costs for AE services etc. of about \$30,000 from these funds.

Mr. Hale noted that he thought that they should bear the cost for the design work done for the old Health Department building.

In response to questions, Mr. Carter noted that BRMC was recovering the VDH renovation costs over time through the lease agreement. He noted that they had to pay off the related debt and had to charge a lease for them to be there.

Mr. Bruguere noted that since they have already used taxpayer money to build it, they shouldn't have to pay rent.

**P. Trail Project (BRRT and BRT):** Contract signed for AE design services for the BRRT. A Transit in Parks Program (grant) application (\$2.0 million) submitted on 9-28 to the federal Department of Transportation.

**Q. BOS Retreat:** Submitted for Board consideration.

**R. BOS Follow Up Items (from 9-11 Meeting):** All items have been addressed with exception of use of NCHS horticultural program for Courthouse planting, which is in process.

Mr. Carter reported that Mr. Truslow would use these plants at the collection sites rather than storing them and then once the Jefferson building was finished, the County would buy plants locally and place them in the planned locations. He added that he had been concerned about over-wintering the plants.

**S. Other:** Other subjects (inquiries from BOS).

## 2. Board Reports

Mr. Bruguieri reported that Curtis Sheets had discussed the living quarters at Station 2 and that they had a couple of rooms that would work for them. Mr. Carter added that staff had met with Russell Otis and Curtis Sheets and they had related that they would get back to the County with layouts that they wanted. Mr. Harvey related that Nelson Rescue wanted Coleman Adams to do the work and Mr. Carter noted that they would not be able to hire them directly if the County was doing it. Members and Staff briefly discussed it not being that big of a project. Mr. Harvey noted that they should be good until springtime and Mr. Bruguieri commented that the County should work towards getting the paid people under the County.

Mr. Hale reported that he attended a PDC meeting in Stanardsville that mostly dealt with the healthcare benefits for employees. He noted one thing of interest was that the Greene County Board of Supervisors built a building for the library and the second floor on it was used for a PVCC satellite facility and they have started courses there. He noted that this was very impressive and saved citizens a drive into Charlottesville.

Mr. Harvey noted that the Service Authority work at the Heritage Center was almost complete and the County should be ready to go to next steps. Mr. Hale noted that he would check and then Mr. Payne could get to work on the conveyance documents.

Mr. Harvey then noted that the Service Authority and WPI deal was almost completed for the water tank project. He added that Crome Company was doing the job and Mr. Saunders noted that he had done pipe work for them on several projects. Mr. Harvey reported that the tank was open on top; which was how they saved \$1 million.

Mr. Saunders had no report.

### B. Appointments

Mr. Harvey noted that there were no appointments to be made at this meeting.

### C. Correspondence

There was no correspondence presented for consideration.

### D. Directives

Mr. Harvey directed that staff go back and check the dates for when Buddy Moore came in as County Administrator the first and second times for use on a plaque for Mrs. Moore. He added to do this as a resolution also for the Board's approval.

Mr. Bruguieri requested that the draft Minutes from the last Broadband Authority meeting be put up on the County's website and to also do this for the Board's meeting minutes. Members agreed by consensus to have staff post the draft meeting minutes on the website going forward.

Mr. Hale asked for clarification of the Animal Control Department staffing and it was noted that Ron Markin was the new ACO Supervisor and there was one part time Shelter Attendant and two part time ACO positions. Mr. Carter reported that the County was currently recruiting for the second part time ACO position. He then noted that the ACOs may be answering some calls that were unnecessary and that there was some sorting going on. He added that they were reporting getting 30-50 calls per day for service. Mr. Hale suggested that the animal control problems would be solved if there were strict

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enforcement of the dog licensing laws. Mr. Carter noted that he had discussed this with Mr. Markin and that they would make sure there was coordination with the local Veterinarian and the Treasurer's Office on getting dog tags. Mr. Carter then noted that they were two weeks into the new Supervision and were pleased.

Mr. Saunders had no directives.

## **VII. Other Business (As May Be Presented)**

There was no other business considered by the Board.

## **VIII. Recess and Reconvene for Evening Session**

At 5:25 pm, Mr. Saunders moved to recess and reconvene for the evening session and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion.

### **EVENING SESSION**

#### **7:00 P.M. – NELSON COUNTY COURTHOUSE**

##### **I. Call to Order**

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

##### **II. Public Comments**

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

###### **1. Reverend William Foster, Shipman**

Mr. Foster noted that he was concerned about needing a stop light put up at Colleen especially with the Blue Ridge Medical Center building completion. He added that the Board should be concerned about people's lives and should get a grant to put up a stop light, considering how dangerous it was in Colleen.

Mr. Harvey noted that the Board could make a request to VDOT and then it was out of their hands. He added that VDOT has looked at that site and it did not meet the criteria. He then explained that the Food Lion stop light would be changed to include a blinking yellow arrow, which would be the first in the District and had been successful elsewhere. He added that once VDOT does a study somewhere, unless something changes, they would not revisit it again for five years.

Mr. Hale noted that they would continue to push VDOT on safety issues and Mr. Harvey then supposed that a stop light at the Dairy Isle would not help up at BRMC even if traffic was slowed there at the light. He added that this could cause there to be more rear end collisions.

Mr. Saunders then assured Mr. Foster that the Board would continue to look at it.

##### **III. Public Hearings**

###### **A. Special Use Permit, # 2012-002, Rockfish Wildlife Sanctuary Tax Map parcel #46-2-2B**

Mr. Boger presented the application and noted that the Applicant was seeking to relocate their existing wildlife rehabilitation operation from the Schuyler area to a new facility. He noted that the new facility was to be constructed in the Shipman area at 5458 Wheelers Cove Road, which was a 19.47-acre property, currently zoned Agricultural (A1) and located 5.4 miles north of Route 641 (Dutch Creek Lane).



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Mr. Boger reported that the Site Plan committee reviewed the plan and had minor concerns. He then described the site and building which would have a caretaker's apartment above it. He noted that they would rehabilitate wild animals and then release them.

Mr. Boger then noted that the site review problem was now resolved and that VDOT would require road grading for a low volume commercial entrance and that the applicant would have to get Mr. Mooney to sign the permit also.

Mr. Boger then reported that the Planning Commission held a meeting on September 26, 2012 on the application and recommended approval of the Special Use Permit (SUP). He added that the final Site Plan approval was contingent upon the SUP approval.

Mr. Jim Taggart, the Engineer on the project, addressed the Board and noted that he had prepared the site plan and wanted to stress it was a tentative agreement on the site easement. He noted that it would entail a vegetative cutback on Mr. Mooney's property to install a twenty ft radius back to the south. He noted that the applicant and Mr. Mooney had a good working relationship. Mr. Taggart added that they were designing to a 35 mph speed limit and site distance, and was afraid that the unintended consequence of doing this was increased speeds going forward. He noted that it was a standard site and that they had met all of the requirements, noting that it was similar to that of a single family dwelling and they were designing and building it as a three bedroom house. Mr. Taggart reported that the well had been drilled and they had plenty of water. In conclusion he noted that it was a good and low impact use of the land.

Ms. Butler, the applicant and Treasurer of the Rockfish Wildlife Sanctuary addressed the Board and noted that their work started at the founder's house in 2004. She noted that injured animals were brought to them for rehabilitation until they could be released back into their natural habitat. She noted that 450 animals had been taken care of in the last year or two and in their largest year, they had taken care of 650 animals.

Ms. Butler then noted that they would have a full time caretaker onsite who would be there and then during the daytime, wildlife rehabbers and volunteers would also be there. She added that they also wanted to provide educational programs offsite.

Mr. Carter then asked if the Animal Control officers made referrals to them and Ms. Butler noted that they did.

There being no further questions for the applicant, Mr. Harvey opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Mr. Hale then noted that he had looked at a number of these sites on a voluntary basis for them and then moved to approve Special Use Permit #2012-002 for the Rockfish Wildlife Sanctuary Tax Map parcel #46-2-2B and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the Special Use Permit.

#### **IV. Other Business (As May Be Presented)**

There was no other business considered by the Board.

#### **V. Adjournment**

At 7:25 pm, Mr. Hale moved to adjourn the meeting and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.