

March 8, 2011

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 in the Nelson County Courthouse.

Present:

Allen M. Hale, East District Supervisor (Day Session Only)
Constance Brennan, Central District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor - Vice Chair
Joe Dan Johnson, South District Supervisor – Chair
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
Susan Rorrer, Director of Information Systems
Andrew Crane, Information Systems Specialist

Absent: None

I. Call to Order

Mr. Johnson called the meeting to order at 2:07 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. Proclamations

Mr. Johnson noted the two proclamations for consideration and Ms. Brennan noted that the Big Read was great when it comes around and she applauded this effort.

- A. **P2011-01** Jefferson-Madison Regional Library “The Big Read” 2011

Mr. Hale moved to approve proclamation **P2011-01** Proclamation proclaiming March and April The Big Read 2011, Honoring the Novel *The Maltese Falcon*, by Dashiell Hammett and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following proclamation was adopted:

PROCLAMATION P2011-01
NELSON COUNTY BOARD OF SUPERVISORS
PROCLAMATION, PROCLAIMING MARCH AND APRIL
THE BIG READ 2011, HONORING THE NOVEL
THE MALTESE FALCON, BY DASHIELL HAMMETT

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WHEREAS, THE BIG READ is designed to restore reading to the center of American culture and provides our citizens with the opportunity to read and discuss a single book within our community; and

WHEREAS, the Jefferson-Madison Regional Library invites all book lovers to participate in THE BIG READ that will be held throughout the months of March and April 2011. The Library's goal is to encourage all residents of Central Virginia to read and discuss The Maltese Falcon by Dashiell Hammett; and

WHEREAS, The Maltese Falcon is about what it's like to want something- a fortune, a lover, or even respect – so bad that you would kill for it, give up a chance at happiness to get it, until finally the chase itself means more to you than what you're chasing; and

WHEREAS, THE BIG READ is an initiative of the National Endowment for the Arts in partnership with the Institute of Museum and Library Services, and Arts Midwest; and is supported by the art and Jane Hess Fund of the Library Endowment;

NOW, THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors do hereby proclaim that THE BIG READ is to be held during March and April 2011 and all residents are encouraged to read The Maltese Falcon during this time.

B. P2011-02 Proclamation Honoring the 100th Birthday of Ms. Carrie Wade

Ms. Brennan moved to approve Proclamation **P2011-02**; Proclamation Honoring the 100th Birthday of Carrie Napier Wade and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following proclamation was adopted:

**PROCLAMATION P2011-02
NELSON COUNTY BOARD OF SUPERVISORS
PROCLAMATION HONORING THE 100TH BIRTHDAY
OF
CARRIE NAPIER WADE**

WHEREAS, Ms. Carrie Napier Wade was born on March 15, 1911, in the Tyro area of Nelson County, VA. and is celebrating her 100th birthday this year; and

WHEREAS, She is the fourth child of thirteen of the late Ardelia and Massie Napier who were sharecroppers who moved quite frequently throughout the Massies Mill and Tye River areas of the county, with Ms. Wade attending Tyro, Massies Mill, and Pine Hill Elementary Schools; and

WHEREAS, at the age of eighteen, she moved to Washington, DC to seek out a better life, so she could help her parents and siblings. There, she began her work life as a domestic worker, but soon was able to acquire employment by General Services, Incorporated (GSI), a food processing industry. After employment with GSI, Ms. Wade was able to further her education by attending Dunbar High School, where she took classes in dressmaking and tailoring.

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Ms. Wade then became self-employed, setting up a seamstress shop in her home and also venturing into sales work, doing home showings of merchandise. She was one of the top sales persons and was recognized at several conventions across the United States. She was active in her church, Nativity Catholic Church, and several social organizations in the District of Columbia; and

WHEREAS, in 1971, Ms. Wade and her late husband, Bernard, moved back to Nelson County, where she has exemplified her lifetime motto of “I might wear out but I will never rust out.” Instead of retiring, she began work with the Monticello Area Community Action Agency (MACAA), where she worked with the Meals on Wheels Program, served as a field representative, and was the coordinator of the agency’s thrift store. She has been actively involved in the community with the Home Extension Club, the Senior Center, and several other service-oriented organizations. She has continued to be active in her church, St. Mary’s Catholic Church, its sodality, and its outreach in the community.

NOW, THEREFORE BE IT PROCLAIMED, that the Nelson County Board of Supervisors, does hereby join the Nelson County community in celebrating and honoring the 100th birthday of Ms. Carrie Napier Wade.

Mr. Johnson noted that he would present the adopted proclamation to Ms. Wade on behalf of the Board.

III. Consent Agenda

Mr. Johnson noted the items for consideration on the consent agenda and Ms. Brennan moved to approve the consent agenda as presented and Mr. Hale seconded the motion. Ms. Brennan noted that the letters from the Commissioner of Revenue requesting the refunds needed to be addressed to Mr. Johnson as he was now the Chairman. Staff noted that this had been related to the Commissioner and that the letters currently associated with the COR Refunds, were not made a part of the official meeting records.

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 – **R2011-13** Minutes for Approval

**RESOLUTION-R2011-13
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(January 27, 2011)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board’s meetings conducted on **January 27, 2011** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2011-14** COR Refunds

**RESOLUTION-R2011-14
NELSON COUNTY BOARD OF SUPERVISORS**

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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>
\$ 70.00	2008-2010 Vehicle License Fees	Margaret G. Morse 650 Morse Lane Arrington, VA 22920
\$ 235.75	2008-2010 Personal Property Tax & 2008-2010 Vehicle License Fees	David Louis Morse 650 Morse Lane Arrington, VA 22920

C. Resolution – **R2011-15** FY10-11 Budget Amendment

**RESOLUTION R2011-15
AMENDMENT OF FISCAL YEAR 2010-2011 BUDGET
NELSON COUNTY, VA
March 8, 2011**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2010-2011 Budget be hereby amended as follows:

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 7,050.00	4-100-999000-9901	4-100-011010-3007
\$ 2,358.00	4-100-999000-9901	4-100-091030-2001
<u>\$ 31,040.00</u>	4-100-999000-9901	4-100-091030-5616
\$ 40,448.00		

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

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 178,655.00	3-205-003840-0358	4-205-061100-9301
\$ 15,000.00	3-205-003840-0358	4-205-062100-9302
\$ 70,335.00	3-205-003840-0358	4-205-063100-9303
<u>\$ 47,000.00</u>	3-205-003840-0358	4-205-068000-9306
\$ 310,990.00		

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IV. Public Comments and Presentations

A. Public Comments

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

1. Debra K. McCann, Director of Finance and Human Resources

Ms. Debbie McCann introduced Ms. Cindy Wilson, the new Tourism and Economic Development specialist. She noted Ms. Wilson had worked previously with Richfoods. She noted that the other new employee in dispatch was out with Pneumonia and would be presented at another meeting.

2. Kenneth White, Roseland – President of the Virginia Taxpayers Association

Mr. White, having missed the scheduled public comment session, was invited by the Board to provide his public comment while staff was setting up for consideration of item V. B, 2011 redistricting.

Mr. White distributed and read aloud the following prepared statement:

Mr. Chairman and members of the Board, my name is Kenneth White, 93 Shields Gap Road, Roseland, and I am President of the Virginia Taxpayers Association.

In all of your Board's discussions, with Zoning Administrator Fred Boger, you are operating under the extreme delusion that you are making the decisions locally, and that Washington and the United Nations have nothing whatever to do with your work. The fact is, as shown by the blockbuster attached scholarly and thoroughly researched article in the February 21, 2011 The New American magazine, that virtually everything you do falls within concepts and mandates laid out by the UN's Agenda 21. A few years ago, under badly advised tree-hugger pressure from would-be environmentalists, unfortunately caved in to by then Representative Virgil Goode, this Board passed a ruling, based on the UN's "sustainable development", that no logging roads would any longer be permitted on the eastern slope of federal land within Nelson County, allegedly to "preserve" the national forest.

But as this article brings out, "sustainable development" has never been defined in any legal document, and can mean whatever the user of the term wants it to mean. The International Council for Local Environmental Initiatives, including over 1,200 local government members, has the mission to "mobilize local governments to help their countries implement (EXTREMELY COSTLY, addition by VTA) multilateral environmental agreements, such as the Rio convention through Cities for Citizen Protection, Local Action for Biodiversity and other initiatives."

The result is that locals lobby and pressure the national government to hop aboard the global program that will transfer more money, authority and power to the UN. By deception, bribe, entice, seduce and flatter local officials, non-governmental organizations (NGOs) and corporations to join the green lobby. Your regional government activities are already an integral and necessary part of this Agenda 21, which proposes an array of activities that are intended to be implemented by every person on earth, with phrases like "profound reorientation", "all human society", "every level", "demand" and "require", to constitute an undisguised call for total regimentation of all life on the planet.

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What should your response be to this information? Well, we would urgently recommend that you make copies of this article, and distribute them to each member of the Thomas Jefferson Planning District Commission, to our state delegate and state senator, to our United States representative and our two United States senators, and to the president of the United States, asking them all to take effective action to stop further progression of this insidious movement to make slaves of all of us.

It should be noted that a favorite word of all these planners is "stakeholders", but nowhere will you find by what lawful procedure the identity of all these individuals or entities has been determined, and who agreed that any specific organization should be a "stakeholder." We do know that Barack Obama has a number of individuals in his cabinet who are actively promoting this totalitarianism, and that it will progress further unless all of us, led by informed grassroots citizens, put a stop to this unlawful action by the UN, which is actually a private organization elected by no one.

Since you are already in violation of the Constitutions of Virginia and the United States, and the Posse Comitatus Act, as we in VTA have already documented exhaustively in no less than twenty-six regular monthly Board meetings, our message to you today is a warning not to further incriminate yourselves by now refusing to take new action which is obviously required. That concludes my Statement.

B. VDOT Report

Mr. Carter noted that Mr. Hamilton of VDOT had provided a summary of County activity by email as follows:

MAINTENANCE (For the next 30 days):

- **Over the next month, VDOT will focus on the following:**

1. Customer Service Requests
2. Brush Cutting
3. Machining Stabilized Roads as Weather Permits

- **Recent or ongoing activities:**

1. Route 760 and Route 151 - Residency continuing to monitor pavement and repair to be scheduled this spring.
2. Route 654 - Reviewing ditch work.
3. Route 666 - Delineators installed along roadway until repair is scheduled for this spring.

CONSTRUCTION

0029-005-130,C501,B645 – Tye River -Build Bridge Rehabilitation (UPC 76552)

- North/Southbound traffic will use the southbound lanes of Route 29 during the bridge rehabilitation. The work zone will be in place through late 2012.

TRAFFIC ENGINEERING ISSUES

- Route 637 – Request for SCHOOL BUS STOP AHEAD Sign in vicinity of 2205 Piedmont Road.
- Route 631 – WINDING ROAD Signs with 15 MPH advisory speed plates installed on February 18, 2011.
- Regional Operation Center reviewing signal on Route 29 per Board's request.
- Signing request still under review on Route 29 at Woods Mill, per Board's request.
- Route 56 – SLOW MOVING FARM EQUIPMENT Sign with supplemental warning plaque NEXT 1.0 MILES, to be installed 0.60 miles east of Route 603 for westbound traffic and 0.40 miles west of Route 603 for eastbound traffic.

Mr. Carter reiterated the understanding that VDOT would attend the Board meetings quarterly; which meant they were due to report in person in April.

The Board then discussed the following VDOT related issues:

Mr. Hale noted that the Black Creek Reservoir water was never clear because it receives runoff causing it. He showed a picture of an area of bank along the road at 719 Horseshoe Loop that should be planted to avoid the erosion there. Ms. Brennan inquired as to whether this could be done to divert water from a road. Mr. Hale noted that it was a bank along the edge of a state road that did not have anything to hold it there and he was concerned about the effect on the public water supply. Ms. Brennan noted that there was a lot of this on Buck Creek Lane also.

Mr. Johnson noted that he was looking at Route 654 for wash-boarding.

Mr. Harvey did not have anything to send to VDOT.

Ms. Brennan inquired as to when the Board would add roads to the rural rustic program and it was noted that this was done with the upcoming Six Year Plan with VDOT.

V. New Business/ Unfinished Business

A. FY11-12 Budget

Mr. Carter gave a quick update on the status of the budget, noting that the budget team members had been working on it extensively. He noted the work was almost at a point of completion, the budget would be balanced, and staff did not intend to recommend a tax increase. He projected that staff would be finished its work by the end of the week and would have it ready for introduction to the Board on the 16th. He noted that that the Board was meeting with the Constitutional Officers on the 16th and suggested that they could meet before or after on the budget to be briefed. He also noted that the County had a substantial amount of nonrecurring funds but not of recurring funds that the Board would have to

deal with. He stated that staff would like to meet with each committee this week to go over each area prior to finalizing draft budget; which was about 98% finished.

Members noted whether or not they were available, with several indicating that they were not in a rush to meet. Mr. Carter supposed that staff could build out the budget and then meet with them after the fact.

B. 2011 Redistricting

Mr. Carter noted that Susan Rorrer and Andrew Crane would be presenting some redistricting scenarios and Phil Payne would give an overview of the redistricting process.

Overview of Redistricting Process:

Mr. Payne then presented an overview of the redistricting process and noted there were three areas to be considered: the Voting Rights Act (VRA), general state criteria for reapportionment, and the timetable.

1. **VRA-** Mr. Payne noted that Section 2 provided for civil remedy for the protection of classes if the opportunity to participate in the electorate was affected. He noted that this would likely not be an issue because of the County's scattered population.

Mr. Payne then noted that the County was subject to the Department of Justice (DOJ) pre-clearance procedures, which meant the County must submit all proposed changes to the DOJ. He noted that the standard applied was whatever changes would not have the affect of denying the right to vote based on race or color. He noted that the DOJ had sixty (60) days to act from receipt of the County's submission and they could request additional information, adding another sixty (60) days from there to respond.

2. **State and Traditional Criteria-** Mr. Payne stated that the variation in the change in populations in the districts could not be greater than 10%; however he advised the Board to strive for a narrower range. He advised that the Statute required that districts be contiguous and compact and the Board should keep this in mind. He added that clearly observable boundaries were required. He noted that last time, the Board used ridgelines as boundaries, but he thought that the Census maps may include these now. He added that they also should not split precincts within census blocks.

3. **Timetable-** Mr. Payne noted that the boundaries of new districts and maps were part of an ordinance, which must be enacted sixty (60) days before an election. He stated that two (2) weeks public notice was required and the Ordinance would go to the Justice Department for preclearance. He noted that once the preclearance was received, the Registrar would mail notices to those in new districts. He added that this must be done four (4) days before voting day. He stated that given this, the Board would have to enact the Ordinance on March 24th in order to be ready for the August primary.

Mr. Payne suggested that this timetable could work if preclearance was provided by the DOJ in thirty (30) days. He added that if the County had not received preclearance and had not given notice, this would not affect voting in the primary as long as it was a county-wide vote; since it was not by district. He noted that a potential problem was that if a Supervisor or potential Supervisor wanted a district primary; everything would have to be in place for that to occur. If the County were split in a delegate race it would be a problem.

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Mr. Payne then recommended that they do the precincts and reapportionment in one ordinance and that they move forward quickly. He added that once the Board decided on the new districts, the ordinance would be drafted and the boundary descriptions written and contained therein.

In response to questions, Mr. Payne noted that if a citizen were disgruntled, their recourse would be to sue the Board, but they would have to prove that they have violated one of the legislative directives. He added that there would be some who were disgruntled if they were moved.

Mr. Payne concluded by stating that primaries did not include caucuses and that the redistricting only affected Government voting opportunities run by the Electoral Board.

Redistricting Scenarios:

Ms. Rorrer noted that they had developed three (3) scenarios to present to the Board. Ms. Rorrer explained that the term “load” meant the population as the district was drawn and the optimum load would always be 3004 for each district because it was total population of 15,020 divided by five, the number of districts. She noted that the term “deviation” represented the percentage that the load had to be changed to reach the optimum and that it could not be more than +/- 5%.

Ms. Rorrer stated that Plan 5 had the most evenly distributed load and had the least % deviation. Mr. Crane then distributed a handout showing the current districts and population loads as follows:

GEO: ▼

Geographic area	Total population	Housing units		
		Total	Occupied	Vacant
Nelson County	15,020	9,931	6,396	3,535
COUNTY SUBDIVISION AND PLACE				
Central district	3,145	3,864	1,454	2,410
East district	2,824	1,452	1,184	268
North district	2,959	1,417	1,251	166
South district	3,284	1,596	1,349	247
West district	2,808	1,602	1,158	444
PLACE				
Arrington CDP	708	309	266	43
Lovington CDP	520	262	231	31
Nellysford CDP	1,076	702	536	166
Schuyler CDP	298	159	126	33
Shipman CDP	507	261	226	35
Wintergreen CDP	146	2,119	75	2,044

Source: U.S. Census Bureau, 2010 Census.

2010 Census Redistricting Data (Public Law 94-171) Summary File, Tables P1 and H1

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Ideal District Population = 3,004

Deviation from Ideal District Population (must be between -5% and +5%):

Central:	0.0469 (4.69%)
East:	- 0.0599 (-5.99%)
North:	- 0.0149 (-1.49%)
South:	0.0932 (9.32%)
West:	- 0.0652 (-6.52%)

Ms. Rorrer then explained that Census Blocks were drawn between geographical features. She noted that in Plan 5, for example the South district going to the East district line goes from the power line to follow North of Oak Ridge Road to Route 29. She noted that they looked at maps in some detail at areas of population and that the South District polling place would shift from Shipman to Lovington in this case.

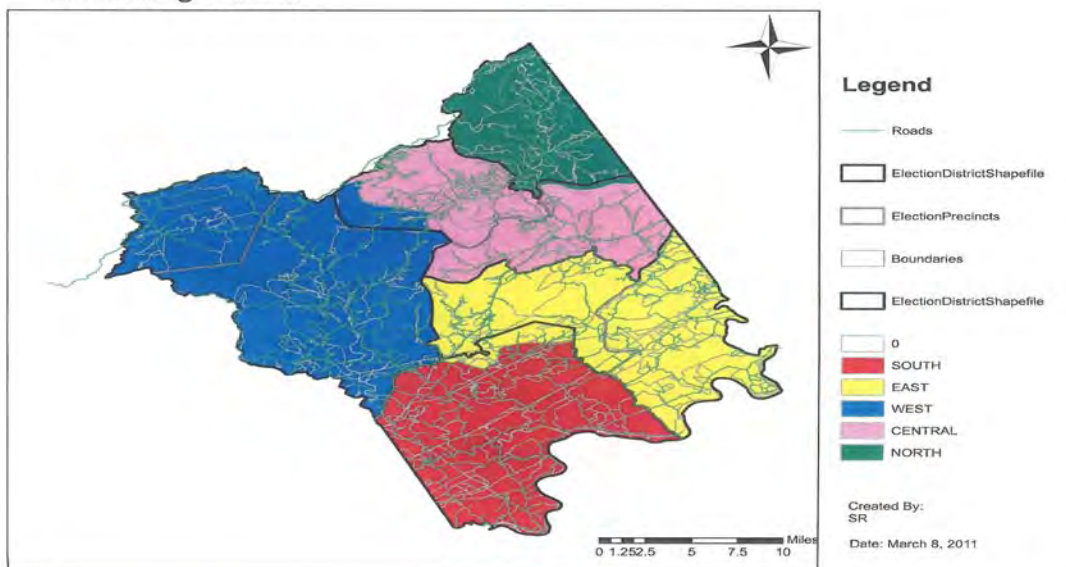
Members discussed the particulars of Plan 5 with some controversy over dividing Beech Grove Road between the Central and West Districts. Another point of discussion was how to place Cub Creek Road. Ms. Rorrer noted that the difficulty when splitting census blocks was it was hard to know how many were in each block.

It was suggested that it did not matter much where the lines went and which district you were from made very little difference, given that the decisions of the Board were not district driven.

The Board then reached consensus that Ms. Brennan and Mr. Bruguere would sit down with Ms. Rorrer to figure this out. They agreed that Plan 5 was the best base scenario to work with.

Mr. Hale indicated that he had no problems with the South and East as it was presented in Plan 5 as follows:

Districting Plan 5








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District Summary

Plan 5

District Count: 5
 Maximum Deviation: 130
 4.33%
 Average Deviation: 48
 1.60%
 Minimum Count: 2,926
 Maximum Count: 3,056

		Deviation From Optimum			
District	Load	Optimum	Deviation	As % of Optimum	
 SOUTH	3,056	3,004	52	1.73%	
 EAST	3,045	3,004	41	1.36%	
 WEST	3,031	3,004	27	0.90%	
 CENTRAL	2,926	3,004	-78	-2.60%	
 NORTH	2,962	3,004	-42	-1.40%	

Mr. Harvey suggested that members get the redrawing of the lines done at present and any remaining daytime agenda items could be considered at the evening session. Ms. Rorrer indicated that staff would need to bring up a different computer and the Board agreed by consensus to continue down the agenda while staff prepared to work with the Supervisors to look at each of the districts.

In response to a question about how ethnicity changes in Plan 5 were determined, Ms. Rorrer noted that the software program showed the percentages relative to this when changes were made. Mr. Payne advised that they were better off if the numbers in the districts stayed basically the same, then this would fulfill the requirement of not diluting the minority vote.

Following the Board's consideration of item VI and prior to adjournment, Mr. Harvey exited the meeting as his district was not affected. Members worked with Susan Rorrer to utilize the redistricting software to reapportion their respective districts to their satisfaction and Mr. Harvey rejoined the meeting prior to adjournment.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter distributed and presented the following report:

A. Courthouse/Government Center Project: Blair Construction advised at the monthly construction meeting on 2-23 that the projected turnover date for the new courts and public safety building is now May 1, 11. All aspects of the project are in process.

Mr. Carter noted that the recent rain was hampering the completion of paving the parking lots.

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B. Broadband Project: The RFP for Network Operation services was re-issued on 3-3 with proposals due on 3-29. All facets of the project are in process. Staff has been contacted by the Associate Director of VA-DHCD to coordinate scheduling an initial contract meeting on the CDBG grant the County has been awarded. Tentative dates are 2-18 and 2-25 (at 10 or 11 a.m.).

C. 2012 General Reassessment: In process.

D. Blue Ridge Medical Center – CDBG Project: In process.

E. Blue Ridge Tunnel & Blue Ridge Railway Projects: (Tunnel) – Negotiations for trail easements on the east and west side of the Tunnel are pending (appraisals have been provided to both property owners). Funding applications to VDOT and VA-DCR are pending award decisions. **(Railway Trail)** – Receipt of the grant award contract for the ensuing phase of the project is pending from VDOT.

Mr. Hale inquired as to who was in charge of talking with property owners on the tunnel easements and Mr. Carter noted that no one was right now and that staff was corresponding with them to provide additional information. He noted that they were not in a position to negotiate with Royal Orchards yet and the County was waiting on grant funding for that. He noted that staff was waiting out Mr. Tyler to begin negotiations and would involve Mr. Hale at that point.

F. Region 2000: The Regional Water Supply Plan work group met on 2-24 in Lynchburg. Local government approval(s) of the plan is to now ensue. The Region 2000 Services Authority is working towards a January 2012 startup of the Campbell County Regional Landfill.

Mr. Carter reported that DEQ had given the plan high marks and the County would receive packets of information so that each locality could approve the plan. He noted that there had been no changes in the last two years. He added that George Miller of the NCSA had attended the meeting and was now reviewing it as well.

Mr. Carter also reported that Methane was being captured and sold from the regional landfill now. He added that our landfill produced less than 5% and was now out of the gas monitoring program. He further explained that the Campbell landfill was an existing landfill to be utilized after Lynchburg was closed. He added that they should be moving to Campbell in the next eight months and it would probably generate methane but he was not sure if it would be able to be piped somewhere from there. He further noted that Bedford City may leave the Authority if their conversion to a town is finalized.

G. FY 10-11 Budget – VDH Funding: VDH has requested approval to allocate \$4,682 in local only funding to address a shortfall in the local match (formula) requirement for FY 11. Approval would not increase the total local allocation for FY 11 of \$220,021 (but would, as noted, shift the \$4,682 from local only programming to the Cooperative State & Local Matched Budget).

Mr. Carter noted that because of the bonus to state employees and increases in technology and rent, the VDH has held vacancies open, which has resulted in a reduced local match required by about \$4,000. He explained that they have asked for this difference to be absorbed into the local only monies; which would be a shifting of funds and would not change the bottom line. He noted that this would essentially

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be taking county money and providing funding taken by the state and he wanted to get the Board's concurrence before this was okayed.

Mr. Carter clarified that no loss of services was indicated by Dr. Peake. Members clarified that it was a paper transfer and the bottom line was not changing. It was noted that either the Board agreed to the transfer that would move local only monies up to a formula category or they would have to absorb the reduction somewhere.

Mr. Carter noted that he was not comfortable making the decision and it was a policy decision for the Board; although he was not sure that the County should supplant State funding.

Ms. Brennan noted that she wanted to know what this meant for VDH operations and Mr. Carter replied that the Finance Manager had indicated that this could affect food services, but Dr. Peake has not said.

Mr. Johnson and Ms. Brennan indicated that they would like more information and Mr. Hale, Mr. Harvey, and Mr. Bruguiere stated that they would like to say no as the County has met the local requirement. Mr. Carter reported that the Board presently provided \$120,000 more in local funds than was required.

Following discussion, the Board's consensus was to not approve the request and to have staff report what the local impact would be.

H. Nelson Memorial Library – HVAC System: The Library's HVAC system, which is the facility's original system, is at the end of its useful life. An outlay of \$6,000 is necessary to maintain the system's cooling ability. Funding is proposed in the FY 12 Budget to replace the entire system. However, budgetary funding is available in the FY 11 Budget to provide for the system's replacement, which staff recommends the Board approve.

Members and staff discussed the cost to replace the whole system, with Mr. Carter noting that staff had budgeted \$50,000 but the cost may be in the \$30,000-35,000 range. Members noted that they would like local contractors to bid on this work, and to investigate the feasibility of a geothermal system.

Mr. Carter advised that the County may have to advertise but if the expected cost was less than \$50,000, staff could get four quotes. He added that they could use contingency to cover the costs this year and that it would be a wash either way.

The Board then agreed by consensus to proceed to replace the HVAC system at the Library for a cost of up to \$50,000 and Ms. McCann noted that she would submit a budget amendment including this at the Board's next meeting.

The Board briefly discussed whether or not there was enough land there for a geothermal system and members expressed concern about the water supply. Mr. Hale suggested that the library's long term expansion plans should be considered in the replacement of the HVAC unit and Mr. Carter indicated that if the library built an addition, it would get its own HVAC system.

I. Scenic By-Way (Routes 617 and 800): VDOT staff has proposed attending an ensuing Board meeting to provide input on the approval process for the proposed scenic by-way in lieu of conducting a

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formal public hearing. Albemarle County has advised that it will not request/conduct a public hearing. The Board's input on this subject is requested.

Mr. Carter inquired as to whether or not the Board wanted to have a public hearing on the proposed scenic by-way or have the VDOT/DCR staff come and report to the Board. He noted that VDOT preferred not to have a public hearing and members agreed by consensus not to hold a public hearing.

J. Scheduling: Establishing dates for meetings of the budgetary committees, budget work sessions, and work sessions for the re-districting project is presented for discussion.

K. Staff Reports: See attached (which were included within the agenda document).

Mr. Carter referenced the Solid Waste report and stated that this type of analysis was done periodically and that the Faber site waste reductions were shown. He also noted that they had not had any problems in Schuyler with dumping at the old site that they were aware of. He then added that the fires in the Montebello compactor may have been from cinders being dumped.

2. Board Reports

Mr. Bruguere:

Mr. Bruguere reported attendance of a program regarding the Chesapeake Bay. He noted that the state was taking a wait and see approach and wanted to see if reductions in TMDLs were being made prior to mandating anything. He noted that the Chesapeake Bay Foundation said that the EPA was doing inspection fly-overs in the valley and targeting certain farms. He reported that they were working with farmers in Page County to develop cost sharing programs before the mandates came out and that they had about fifteen (15) different programs to offer. He added that Michael LaChance, County Extension Agent, was there also.

Mr. Hale:

1. Mr. Hale reported that at the last NCSA meeting, the Board agreed to go ahead with RFPs for engineering services related to the new pumping station and water storage tank at Wintergreen and to do a PER on the water impoundment at Rodes Farm. He noted that he had attended a related meeting along with Russell Otis with WPI and learned a lot about why such a large (5 million gallon) storage capacity was needed. He related that the cost of making snow was higher at temperatures above 28 degrees due to the cost of compressed air. He stated that in these conditions, more compressed air and more water is used and this storage capacity would enable the cost of making snow at Wintergreen to be greatly reduced. He then reported that the advertisements were going out next week and then they would choose an engineering firm. He added that the NCSA was seeking an equitable arrangement with WPI on the cost of this arrangement. He noted that the cost would be borne by WPI and the customers and would not be funded by the rest of the system. He related that a massive concrete storage tank was to be built into the side of the mountain.

Mr. Hale reported that the pumping station and the 5 million gallon reservoir were estimated to cost \$4-\$5 million, but would hopefully be less. He noted that from the NCSA's point of view, they are not as under the gun as they once were with meeting certain thresholds. He added that at present time,

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the funding agreement was that Wintergreen would pay 50% on an RDA loan for Capital Improvements and that they were prepared to pay 75% of the cost of Operations & Maintenance of the station but this was to be finalized.

2. Mr. Hale reported that the VA Rural Water Association was doing a source water protection thing and that it was important to look at public water sources (wells), do an inventory, and know what needs to be protected. He stated that they were always concerned about possible contaminants and that there may be some recommendations coming forward to the County on this.
3. Mr. Hale reported that at BRMC, the 900 ft drilling was approved by the EPA but neither the County nor the NCSA has been advised of this. He reported that this was not a closed system and would draw water; which was noted to be a problem because the County has no underground aquifers.

Ms. Brennan:

1. Ms. Brennan reported that the TMDL Pilot Project Focus Group synopsis was forthcoming. She added that it looked like PDCs were going to take the lead around the State to remedy this, but it was still not clear how it would work.
2. Ms. Brennan reported that she attended the PDC meeting where they reviewed and discussed adopted legislation. She added that they also discussed the Rural Transportation Scope of Work which will analyze access management for commercial properties; this having been added for Nelson County. Lastly she noted that they were doing a presentation on a Steep Slope Ordinance for Charlottesville and that Bill Wanner was not at the PDC now.
3. Ms. Brennan reported that she attended the Planning Commission Meeting and that Phil Proulx was reelected chair. She reported that the 7:30 pm meeting time would remain the same. She added that the Green Infrastructure Project was being overseen by the Planning Commission and that work on the Comprehensive Plan was beginning. She noted that the idea was to do a few things this year, such as updating the census data and that the PDC could do this. She noted that they would also look at changing the maps to show historic districts and trails etc. as part of their proposal. Mr. Carter added that staff had built in certain items from the scope of the PDC's proposal into next year's budget.
4. Ms. Brennan reported that she attended JABA meetings and noted that they were to put in place a program for Medicaid and Medicare eligible folks.
5. Ms. Brennan reported that she met with Steve Williams, Mr. Boger, and Mr. Payne to discuss the Comprehensive Plan. She noted that Steve Williams was concerned with the Route 151 corridor and development planning.

Mr. Johnson:

1. Mr. Johnson reported that he attended a Program on segregation; which would be ongoing as a museum collaboration.

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2. Mr. Johnson reported that the Department of Social Services Board had granted employees a bonus despite some controversy in voting. Initially, he noted that the Board had voted for a 3% local and 1% state funded bonus for a total of 4%. Mr. Carter reported that he had recommended to the Director that they do what the county did in terms of the employee bonus. Mr. Johnson then corrected himself and reported that they had done a flat bonus of \$350 using local funds and \$150 in State funds for a total bonus of \$500.00 per employee.

The Board indicated that they were not happy with that and that they should send the Social Services Department a letter to this effect. Mr. Carter indicated that when he met with the Director he strongly suggested that it be the same; but that he had proposed more.

Following brief discussion, the consensus of the Board was to comment on the bonus not being in line with that of the County and that justification for it was wanted. It was noted that Pauline Page was Chairman of the DSS Board and that Mr. Hale and Mr. Carter would draft a letter.

B. Appointments

Ms. McGarry noted that an application had been received from James E. Hall to replace Buddy Moore on the James River Alcohol Safety Action Program Policy Board. Ms. McGarry noted that the appointment would be for a three year term effective upon appointment. Members briefly discussed the qualifications of the applicant as being excellent and then Mr. Bruguere moved to accept Mr. James E. Hall on the James River Alcohol Safety Action Program Policy 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 and the appointment.

C. Correspondence

Introduced: Letter from Mr. Allan Adell Regarding Festy Meetings

Ms. Brennan referenced a letter from Mr. Adele regarding meetings held to discuss the Festy. She reported that the letter indicated that he was happy with the meeting, but was disappointed that he did not receive the correct noise ordinance and would like a written response from the County on how the County will deal with noise. Ms. Brennan then submitted the letter to the Deputy Clerk to be distributed to the Board and held on file.

Introduced: Email Concerning Dog Attack at Crabtree Falls

Ms. Brennan reported that she had gotten an Email concerning a deadly dog attack at Crabtree Falls. Members and staff then discussed Mr. Uttaro's monthly Animal Control report which noted that the person reporting the incident was not the dog owner and that no one had filed a report with County Animal Control. Mr. Uttaro indicated in his report that he would put something in the paper on how to report these types of incidents. Mr. Uttaro's report also indicated that the attacking dog owners left immediately and no one knows who they are. Mr. Uttaro's report contained the following:

“This month a letter was sent to the editor about an animal attack at Crabtree Falls, I have had the chance to talk to the person who wrote the letter and a family member of the person who owned the dog

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that was attacked. They did not make any contact to the Animal Control Office or the 911 center. They did not get any information on the owners of the dogs that were involved, but they did tell me they thought they were not county residents. I do plan to send an article to the paper in reference to this and what citizens need to do in the event of a problem dog.”

D. Directives

Ms. Brennan had the following directives:

1. Ms. Brennan stated that she thought the County’s Website needed an update; as it was not user friendly. It was noted that Maureen Kelley usually managed the website; however Cindy Wilson should be able to help with this. Mr. Johnson recommended that staff contact the High School to get an intern to help with this. Mr. Carter stated that the County’s website has been cited as being outstanding and Ms. Rorrer added that there was more there than meets the eye and the Board may want to see what different companies have to offer. Staff noted that there were always problems with routinely managing its content.
2. Ms. Brennan noted having received a request from the Sheriff to look at worker’s compensation coverage of officers hired at private events. Mr. Carter stated that he had not been provided the document and Mr. Bruguere noted that if the officers were off of the clock, he did not think they should be covered unless it was a County sponsored event and the employer (hiring entity of the event) should pay it.

Mr. Johnson suggested that they discuss that the money come in from the person hiring the officers to the county and then they could contract through the Sheriff’s Office to be covered. Mr. Carter suggested that the hiring entity could be billed out for the use of the Sheriff’s Department’s Deputies, cars etc. He noted that a Deputy was hurt at one of these events, which has prompted this request. He advised that if it was a private party, the County should not provide the coverage.

Mr. Johnson suggested that he discuss this with the Sheriff in April and devise a plan to accommodate this. Mr. Carter noted that in this case, questions about overtime come into play.

Mr. Carter added that staff had received information from the State Compensation Board on converting the Dispatchers which would result in the loss of State funding if they were to be converted to all county.

3. Ms. Brennan inquired as to the status of EMS Council auditing and Mr. Bruguere stated that they had talked about it and they knew what to do and were all on board.
4. Ms. Brennan reported that John Lorbert would do a study on the Sturt property at no cost to the County.
5. Ms. Brennan reported that a Chamber of Commerce after hours would be held at Lovington IGA on the 17th at 5:30 pm.

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6. Ms. Brennan reported there would be PDC public service training on the 25th on local impacts from the 2011 General Assembly.
7. Ms. Brennan reported that there would be Planning Commission training on April 11th on legal issues related to planning.
8. Ms. Brennan noted that she would be bringing forward the idea of having a sister county.

Mr. Hale had no Directives.

Mr. Bruguere had the following Directives:

1. Mr. Bruguere reported that the EMS council voted to suggest having a controlled burn ordinance that would require notification to dispatch that a controlled burn was going on. Mr. Carter noted that he was getting an opinion from Mr. Payne on the Board's ability to do this and he would report back.

VII. Adjournment

At 5:35 pm, Mr. Hale moved to adjourn and reconvene at 7:00 pm and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Johnson called the meeting to order at 7:00 pm, with four Supervisors present to establish a quorum and Mr. Hale being absent.

II. Public Hearings & Presentations

A. Rezoning #2010-004 – Terry and Janet Parkins

Consideration of a rezoning request from Residential Planned Community to A-1 for Terry and Janet Parkins, located at the intersection of Rt. 151 and Stonegate Lane, Nellysford, Virginia, Tax Map #22-A-57A and 57B.

Mr. Boger overviewed the request to rezone the Parkins' property from Residential Planned Community to Agricultural A-1 and to remove the property from the Wintergreen master plan. He noted that the reason for the application was that they wanted to keep horses there, but currently weren't allowed to.

He added that the Planning Commission had wanted letters of opinion on this from Wintergreen Property Owners Association (WPOA), Wintergreen Partners Inc., (WPI) and High Country Associates. He noted that they did not express any objections, but did not want a decrease in development rights as a

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result of the Board's approval. He reported that the Planning Commission was in agreement and recommended approval of the requests with the condition that it was not effective until the Board had a new Wintergreen master plan map signed by the chairman.

Members and staff discussed the property's removal from the master plan with Mr. Boger noting that it required the architect to remove it and would cost approximately \$1500 to have it done.

Members discussed whether or not it was fair to have the property owners who want the rezoning to have to wait for this and Mr. Boger noted that the intent was to try to keep the map current. He added that it would not take long if it were just done.

Mr. Johnson inquired as to whether or not the property was ever part of WPOA and Mr. Boger noted that it was not really because they never paid into WPOA and have never had any restrictions or covenants on it.

Mr. Harvey agreed with Mr. Bruguiere that updating the Master Plan was not an issue and that WPI should update it when they want.

Mr. Boger noted that the property was a combination of residential and open space on the master plan and was at one time donated to the Nature Foundation. He noted that the consequences of it not being taken off of the Master Plan meant that they would still have to go through the architectural review board etc. to do things on the property. Mr. Harvey noted his disagreement and stated that if the Board rezoned it, it would be taken out and the plan would be updated by Wintergreen.

Mr. Boger noted that the Applicants were present and Mr. Terry Parkins of Nellysford addressed the Board.

Mr. Parkins noted that the property was near the Mark Addy Inn; they were looking forward to more expedience, and were capable of writing a check tonight if necessary to pay for updating the master plan, which he noted was very relevant to them. He then noted that they appreciated the Board's consideration.

Following comments from the Applicant, Mr. Johnson opened public hearing. There being no one wishing to be recognized, the public hearing was closed.

Mr. Bruguiere then moved to adopt Resolution **R2011-16**, omitting the last sentence on the effective date and also removing the third WHEREAS and Mr. Harvey seconded the motion.

Ms. Brennan noted she was still not clear what happened if the master plan and map was never amended and did it matter; they would still have the same rights and it affected Wintergreen.

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

RESOLUTION R2011-16
NELSON COUNTY BOARD OF SUPERVISORS

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**A RESOLUTION RECOMMENDING APPROVAL OF REZONING #2010-004
FOR TERRY AND JANET PARKINS**

WHEREAS, on March 8, 2011, the Nelson County Board of Supervisors held a public hearing on the application for Mr. Terry Parkins and Mrs. Janet Parkins for a rezoning request, from Residential Planned Community to A-1, located at the intersection of Rt. 151 and Stonegate Lane, Nellysford, Virginia, Tax Map #22-A-57A and 57B.

WHEREAS, on December 15, 2010, the Nelson County Planning Commission held a public hearing on the application and the commission voted on February 23, 2011 5-0 to rezone 25.481 acres from Residential Planned Community to A-1;

WHEREAS, The Board of Supervisors considered the County's staff report, the recommendation of the Planning Commission and the comments made by citizens during the public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE NELSON COUNTY BOARD OF SUPERVISORS as follows:

The Nelson County Board of Supervisors approves the rezoning request #2010-004, for Terry and Janet Parkins, to rezone 25.481 acres from Residential Planned Community to A-1, located at the intersection of Rt. 151 and Stonegate Lane, Nellysford, Virginia, Tax Map #22-A-57A and 57B.

Mr. Harvey then advised that Wintergreen was not required to change the master plan.

III. Other Business (As May Be Presented)

There was no other business considered by the Board.

IV. Public Comments

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

1. Mary Coy, Trustee to Jefferson Madison Regional Library (JMRL)

Ms. Coy spoke on behalf of the Jefferson Madison Regional Library and noted that their annual appeal was being made to emphasize that this was not a library like the one that they had when they were growing up. She noted that today's library was not just a place to get reading materials and that with a library card; users could access many free databases covering education and finance tools etc.

She noted that during the previous summer, 535 Nelson County students did summer fun reading and attended all of the programming that was done at the library. She added that their investment in education is something that is expected for them to keep paying back on. She noted that a lot of residents who don't own computers or have broadband use the library for free. She noted that 5,000 users came in, in the month of February and 696 used the computers in February, not counting those using their own computers.

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Ms. Coy then concluded by asking the Board to consider funding the JMRL full funding request with the intent to help them stay open as much as possible and provide services to the level that was needed. She stated that they appreciate the Board's support, but the facility was in bad shape.

Members advised Ms. Coy that the Board had approved the funding for and installation of a new HVAC system for the library that afternoon.

2. Kim Cash, Montebello

Ms. Cash stated that she supports broadband deployment in the County and recognizes it is needed to enable home businesses, entrepreneurs, and to allow existing businesses to grow; however she questioned why the County was allowing select for profit providers to bypass the Communication Tower Ordinance. She stated that the public and other providers would benefit from knowing which parts of the Ordinance were being enforced and which were not. She further stated that a tower, of any size, that relays a signal is a communication tower and is subject to the Ordinance. She urged the Board to amend the Ordinance if they wished it to be otherwise, to allow all providers the same advantages.

Mr. Carter noted that the County staff was ready to enforce the Tower Ordinance if the Board did not object; noting that the Board has been given a legal opinion on this a couple of times with no response. He reiterated that the Planning Department and the County Administrator were prepared to enforce the Ordinance as long as the Board supported it.

Mr. Johnson noted that he was not ready to enforce the Ordinance and that he wanted the Ordinance changed as it was not appropriately worded. Mr. Carter noted he did not disagree but that the Ordinance has been in place for quite some time and that while the Ordinance revision was being drafted, the business Ms. Cash eluded to was continuing to expand while they sat idly by. Mr. Johnson noted that they should encourage the business to continue to put Broadband out there. Ms. Brennan noted that the Planning Commission was crafting a Tower Ordinance revision that would be coming forward and they had questions about how to handle these small towers, including whether or not they should be allowed with no fees etc.

Mr. Johnson noted that he did not want to put the small operator out of business by charging excessive fees. He suggested a one-time fee that would cover all towers, because if not, they would be putting the smaller local provider out of business in favor of bigger companies such as Verizon. Ms. Brennan noted that she thought that the Ordinance should contain something on these smaller towers and Mr. Johnson agreed noting that the Board has been asking for a new tower ordinance for three (3) years now; and in order to get Broadband out across the County it needed adjusting. He noted that he fully supported efforts to expand Broadband coverage in the County and that wireless would be the only way to serve the County for the next seven (7) years at least. Ms. Brennan suggested that she have a conversation with Mr. Johnson to come up with some wording on this to be taken back to the Planning Commission for consideration. She then emphasized that the issue was not about not providing broadband, but that there should be a level playing field for all, where everyone putting up towers abides by the laws; with which Mr. Johnson agreed.

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Mr. Bruguere then commented on the height restrictions placed on windmills and that the Board was promoting green power, but had limited the windmill heights. Mr. Johnson agreed and suggested that they revisit the restrictions placed on windmills. Mr. Bruguere added that similarly if there were fewer restrictions for the smaller towers, there could be better coverage in the Piney River and Roseland areas; where cell service is needed. He then noted that there were four (4) towers in the area that had been permitted since 2008 that were not being utilized. Mr. Johnson then commented on the lack of cell service or internet service in the south district.

V. Adjourn and Continue until March 16th at 1 pm for FY12 Budget Work Session

At 7:30 pm, Mr. Harvey moved to adjourn and continue the meeting until March 16th at 1 pm and Ms. Brennan seconded the motion.

Members and Staff discussed when they would look at the budget and Mr. Carter noted it would be after the meeting with the Constitutional Officers at 1 pm. He noted that staff had not changed their requests except for one Department, where some Part-Time funds were removed. He added that Staff was hoping to have the draft budget to the Board by Friday or Monday.

Following this discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.