

April 10, 2012

Virginia:

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

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

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 2:00 pm, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Mr. Hale submitted a minor correction to the March 13, 2012 minutes and then moved to approve the consent agenda with the correction. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution - **R2012-25** Minutes for Approval

**RESOLUTION-R2012-25
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(February 14, 2012, February 23, 2012, and March 13, 2012)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **February 14, 2012, February 23, 2012, and March 13, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

- B. Resolution – **R2012-26** FY11-12 Budget Amendment

April 10, 2012

RESOLUTION R2012-26
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
April 10, 2012

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

I. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 28,500.00	4-100-999000-9901	4-100-012040-3002
\$ 6,500.00	4-100-999000-9901	4-100-012040-3015
<u>\$ 35,000.00</u>		

III. Public Comments and Presentations

A. Public Comments

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

1. Janice Jackson, JAUNT

Ms. Jackson introduced Ms. Mercedes Sotura, the newly appointed JAUNT Board member and noted that she was very pleased she was appointed. She added that she was from the Afton area and is a rider of JAUNT which gives her a good firsthand view of their service.

Ms. Jackson then noted that JAUNT's requested FY13 budget amount was the amount of funding needed to maintain current service levels. She noted that they were dealing with rising gas prices and uncertainty and are having issues with rising employee and software upgrade costs. She noted that an increase of \$7,700 was requested to keep these current levels. She noted that if given level funding, they would raise fares and if this were done on all routes and fares were raised by \$.50 one way and \$1.00 round trip (seniors paying), it would only give them less than \$3,000 in additional revenue. She added that this was because of the federal funding formula. She noted that after that, they would have to cut one day of one route. She advised that one day of service to the Nelson Senior Center would get them to level funding or they could cut one day of mid day service. She noted that if this was cut, they may end up losing their grant funding because of the non supplant of funds requirements. She noted that if routes were cut and fares were raised, they still were not up to current funding levels. In conclusion, she noted that the message to take from this was that JAUNT is a corporation and the County is a shareholder in that corporation and the Board should be aware of the importance of certain budgetary decisions. She reiterated that they would have to cut services if they were level funded.

2. Mercedes Sotura, Afton and JAUNT Board Representative

Ms. Sotura noted that she is legally blind and cannot drive. She noted that she uses JAUNT to go to Charlottesville and the Senior Center and has had wonderful experiences with JAUNT as a user. She

April 10, 2012

then reported that twelve people go to the Senior Center and the service to Charlottesville had seven to eight working people riding. Mrs. Sotura noted that this service was needed and on the different days; citizens needed the flexibility offered by the different routes.

B. Presentation – Jefferson Madison Regional Library (M. Coy)

Ms. Mary Coy, Nelson County's representative to the JMRL Board of Trustees showed the Board a short video promotion made at the local branch. She noted that the Friends of the Library have raised hundreds of thousands of dollars in support of the library. She added that the Library Board was having their May Board meeting at Rockfish Community Center in order to raise awareness on that side of the county. She reported that the Library's database can be accessed via the internet with a library card. And then she noted that Library Director John Halliday was present to answer questions.

In response to questions, it was noted that the library sale yielded over \$102,000 overall and Nelson County would get a portion of that. Mr. Halliday then noted that he has appreciated working with County staff over the years.

Ms. Coy then encouraged the Board to fully fund the library's budget request in order to increase staff to two full time people. She added that employee costs were going up and they were finding that librarians were spending more time interfacing with people to help them with the internet etc. She noted that they have a teen program and movie night going but cannot be more innovative with one full time person.

In conclusion, Mr. Halliday noted that he hoped at minimum the Board would cover the increases in benefit costs for the current full time employee.

C. VDOT Report

There were no VDOT representatives present to report and Mr. Bruguiere asked staff to let VDOT know that where the bridge construction at Rucker's Run is occurring, people who were avoiding cones were creating a drop off on the left hand side of the road and the shoulder needed to be bladed back towards the road.

Ms. Brennan asked staff to thank Mr. Don Austin for coming out to see a constituent and she noted that he was great and so polite in the interaction.

IV. New Business/ Unfinished Business

A. VRA Equipment Lease Financing, Radio System Project (R2012-27)

This item of business was considered after item C.

Mr. Carter referred to the memo provided by Paul Jacobson, Bond Counsel that outlined the particulars of the VRA financing and he recommended endorsing the resolution which allowed the financing to move forward.

Mr. Carter noted that the proposed resolution allowed for maximum levels of borrowing, interest rate, and term but these were expected to be much lower. He added that the financing was with VRA and was

April 10, 2012

a lease revenue structure where lease payments would be made to VRA and they would hold title of the equipment for a ten year period and lease it back to the County for that time.

Mr. Carter reported that there were no surprises in the resolution but rather it formalized the decision to do the project. He added that it was still about a \$3 million project and that Motorola would come back with a more solid pricing proposal and that staff was working with them, Clear Communications, and the fire and rescue agencies to finalize the numbers.

Mr. Carter then noted that staff has been using equipment numbers on file as a reference and were working with Sands Anderson on drafting an equipment agreement that allows for the squads' use of the equipment.

Ms. Susan Rorrer in attendance clarified that staff was using the current inventory list as a tool but did not want to assume that every radio out there needed to be replaced. She added that they were going on an agency by agency basis and that radios could be converted if they were P25 compliant. She noted however that the only ones of these she was aware of were in the Sheriff's Dept. She noted that the Kenwood radios would narrowband but were not digital so they would not function in the new digital radio system environment. Ms. Rorrer then noted that there may be some opportunity for trading in some of the current radios.

In response to Mr. Hale's question regarding the timing of the financing, Mr. Carter noted that the County was doing it now to coincide with the VRA pooled bond issuance timeline.

Mr. Hale then moved to approve resolution **R2012-27** Resolution Approving Equipment Lease Financing Radio Communications System Upgrade and Ms. Brennan seconded the motion.

Mr. Carter then confirmed for members that the financing application was done in house by County staff.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2012-27
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION APPROVING EQUIPMENT LEASE FINANCING
RADIO COMMUNICATIONS SYSTEM UPGRADE

WHEREAS, the Board of Supervisors (**the "Board"**) of the County of Nelson, Virginia (**the "County"**) has determined (i) that a true and very real need exists for the acquisition, installation and equipping of a County radio communications system upgrade, including new fixed and mobile equipment for a VHF simulcast system (**the "Project"**) described in the Local Lease Acquisition Agreement and Financing Lease (as hereinafter defined); (ii) that the Project is essential to the governmental functions of the County; and (iii) that it reasonably expects the Project to continue to be essential to the governmental functions of the County for a period not less than the terms of the Local Lease Acquisition Agreement and Financing Lease; and

April 10, 2012

WHEREAS, the Board proposes to enter into (a) the Local Lease Acquisition Agreement and Financing Lease with Virginia Resources Authority (“**VRA**”) and (b) related documents in connection with financing the acquisition, installation and equipping of the Project; and

WHEREAS, VRA has indicated to the County that it is willing (a) to issue its Series 2012A VRA Bonds (as more particularly defined in the below defined **Local Lease Acquisition Agreement and Financing Lease, the “VRA Bonds”**) and to provide a portion of the proceeds thereof to the County to finance the Project in an amount substantially equal to \$1,800,000 (the **“Proceeds Requested”**) and (b) to acquire a leasehold interest in a portion of the Project described on Exhibit A hereto (the **“Leased Equipment”**) and lease the Leased Equipment to the County pursuant to the terms of the Local Lease Acquisition Agreement and Financing Lease (collectively, the **“Lease Obligations”**); and

WHEREAS, in connection with the acquisition of the Lease Obligations by VRA, the County has agreed to make rental payments to VRA under the Local Lease Acquisition Agreement and Financing Lease (the **“Lease Payments”**); and

WHEREAS, VRA has advised the County that the sale date of the VRA Bonds is tentatively scheduled for May 22, 2012 but may occur, subject to market conditions, at any time between May 1, 2012 and June 1, 2012 (the **“VRA Sale Date”**), and that VRA’s objective is to pay the County an amount which, in VRA’s judgment, reflects the market value of the Lease Payments under the Local Lease Acquisition Agreement and Financing Lease (the **“Purchase Price Objective”**), taking into consideration such factors as the purchase price received by VRA for the VRA Bonds, the underwriters’ discount and other issuance costs of the VRA Bonds, and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Lease Payments under the Local Lease Acquisition Agreement and Financing Lease and consequently the aggregate principal components of the Lease Payments under the Local Lease Acquisition Agreement and Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested; and

WHEREAS, VRA has advised the County that the aggregate total principal components of Lease Payments will not exceed the Maximum Authorized Principal Amount (as hereinafter defined) and the interest component of the Lease Payments will not exceed the Maximum Authorized Interest Rate (as hereinafter defined); and

WHEREAS, the County has submitted its application to VRA to undertake the Lease Obligations; and

WHEREAS, there have been presented to this meeting a draft of the Local Lease Acquisition Agreement and Financing Lease, between the County and VRA, to be dated as of April 30, 2012 providing for a portion of the proceeds of the sale of the VRA Bonds to be provided by VRA to the County and conveying to the County a leasehold interest in the Project (the **“Local Lease Acquisition Agreement and Financing Lease”**) in connection with the transactions described above, a copy of which shall be filed with the records of the Board:

April 10, 2012

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. It is hereby found and determined that the terms of the Local Lease Acquisition Agreement and Financing Lease in the form presented to this meeting and incorporated in this Resolution are in the best interests of the County for the acquisition, installation and equipping of the Project and that the Project is essential to the governmental functions of the County.

2. The Local Lease Acquisition Agreement and Financing Lease and any related financing documents are hereby approved in substantially the forms presented to this meeting. The Chairman, Vice-Chairman, County Administrator and any officer of the Board who shall have power generally to execute contracts on behalf of the Board be, and each of them hereby is, authorized to execute, acknowledge, consent to and deliver, as appropriate, the Local Lease Acquisition Agreement and Financing Lease and related financing documents. The actions of the Chairman, the Vice Chairman and the County Administrator, each of whom is authorized to act, shall be conclusive, and no further action shall be necessary on the part of the County.

The final pricing terms of the Local Lease Acquisition Agreement and Financing Lease will be determined by VRA, subject to VRA's Purchase Price Objective and market conditions described in the Recitals hereof; provided, however that (i) the Lease Payments shall be composed of principal components having a maximum aggregate principal amount of not to exceed \$2,000,000 (**the "Maximum Authorized Principal Amount"**) and interest components with a maximum interest rate of 5.0% per annum (exclusive of "supplemental interest" as provided in the Local Lease Acquisition Agreement and Financing Lease) (**the "Maximum Authorized Interest Rate"**), and (ii) the Local Lease Acquisition Agreement and Financing Lease shall have a term not exceeding 12 years from the Closing Date (as defined in the Local Lease Acquisition Agreement and Financing Lease). Subject to the preceding terms, the Board further authorizes VRA to determine the aggregate total of principal and interest components of the Lease Payments, establish a schedule of Lease Payments including the dates and amounts and the optional and extraordinary prepayment provisions, if any, of the Lease Payments, all in accordance with the provisions hereof.

Given the Purchase Price Objective and market conditions, it may become necessary to enter into the Local Lease Acquisition Agreement and Financing Lease with aggregate principal components of the Lease Payments greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Lease Payments on the Local Lease Acquisition Agreement and Financing Lease set forth in this Section 2 restricts VRA's ability to generate the Proceeds Requested, the Local Lease Acquisition Agreement and Financing Lease may be entered into for an amount of less than the Proceeds Requested. The Chairman, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into the Local Lease Acquisition Agreement.

As set forth in the Local Lease Acquisition Agreement and Financing Lease, the County agrees to pay such "supplemental interest" and other charges as provided therein, including such amounts as may be necessary to maintain or replenish any VRA Reserve (as defined in the Local Lease Acquisition Agreement and Financing Lease).

April 10, 2012

Lease Payments due under the Local Lease Acquisition Agreement and Financing Lease shall be payable in lawful money of the United States of America and otherwise comply with the terms set forth in the Local Lease Acquisition Agreement and Financing Lease. The County may, at its option, prepay the principal components of Lease Payments upon the terms set forth in the Local Lease Acquisition Agreement and Financing Lease.

3. The same officers of the Board, and the County Administrator and the County Attorney be, and each of them hereby is, authorized and directed to procure, execute and deliver any and all other agreements, financing statements, papers, instruments, title insurance policies, real property surveys and inspections, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out the purposes and intent of this resolution and the Local Lease Acquisition Agreement and Financing Lease.

The same officers are authorized and directed to work with the County's bond counsel, Sands Anderson PC, and representatives of VRA, including without limitation, Bond Counsel to VRA, to perform all services and prepare all documentation necessary or appropriate for the execution, delivery and recording, as appropriate, of the Local Lease Acquisition Agreement and Financing Lease.

4. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which would (a) cause the VRA Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the "Code"**) or (b) otherwise cause interest on any Tax-Exempt VRA Bonds to be includable in the gross income for Federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require it at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the VRA Bonds.

5. The County covenants that it shall not permit any proceeds derived from the Lease Obligations to be used in any manner that would result in (a) 10% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the Project, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that compliance with any such covenant is not required in order to prevent the interest on the VRA Bonds from being includable in the gross income for Federal income tax purposes of the registered owner thereof under existing law, the County need not comply with such covenant to the extent provided in such opinion.

April 10, 2012

6. Such officers of the County as may be requested are authorized and directed to execute and deliver a tax compliance agreement in relation to the Lease Obligations (**the “Tax Compliance Agreement”**) in the form approved by the Chairman or Vice Chairman of the Board or the County Administrator, or any of them, in collaboration with the County’s bond counsel, with such completions, omissions, insertions and changes as may be approved by the officers of the County executing such Tax Compliance Agreement, whose approval shall be evidenced conclusively by the execution and delivery thereof.

7. The undertaking by the County under the Local Lease Acquisition Agreement and Financing Lease to make Lease Payments shall be a limited obligation of the County, payable solely from funds to be appropriated by the Board from time to time for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the Board has lawfully appropriated from time to time. Nothing herein or in the Lease Obligations shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

8. The Board believes that funds sufficient to make payment of all amounts payable under the Lease Obligations can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Lease Obligations. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County’s annual budget, to include in the budget request for each fiscal year during the term of the Lease Obligations an amount sufficient to pay all amounts coming due under the Lease Obligations during such fiscal year. As soon as practicable after the submission of the County’s annual budget to the Board, the County Administrator is authorized and directed to deliver to VRA evidence that a request for an amount sufficient to make the payment of all amounts payable under the Lease Obligations has been made. Throughout the term of the Lease Obligations, the County Administrator shall deliver to VRA within 30 days after the adoption of the budget for each fiscal year, but not later than July 1, a certificate stating whether an amount equal to the Lease Payments and any other amounts due under the Lease Obligations which will be due during the next fiscal year has been appropriated by the Board in such budget. If at any time during any fiscal year of the County, the amount appropriated in the County’s annual budget in any such fiscal year is insufficient to pay when due the amounts payable under the Lease Obligations, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County’s annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

9. The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA’s Preliminary Official Statement and VRA’s Official Statement in final form, both prepared in connection with the sale of the VRA Bonds, a portion of the proceeds of which will be used to purchase the Lease Obligations. If appropriate, such disclosure documents shall be distributed in such manner and at such times as the Chairman of the Board, the Vice Chairman of the Board or the County Administrator, each of whom is authorized to act, shall determine. The Chairman of the Board, the Vice Chairman of the Board or the County Administrator, each of whom is authorized

April 10, 2012

to act, are authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

10. The recitals to this resolution are hereby incorporated by reference and are declared to be findings of the Board in connection with its decision to acquire, equip, construct, improve and finance the Project.

11. The Board hereby determines that it is in the best interests of the County to authorize the County Treasurer to participate in the Virginia State Non-Arbitrage Program in connection with the Lease Obligations.

12. Nothing in this Resolution, the Local Lease Acquisition Agreement and Financing Lease or other related documents shall constitute a debt or a pledge of the faith and credit of the County, and the County shall not be obligated to make any payments under the Local Lease Acquisition Agreement and Financing Lease except from funds that may be appropriated by the Board.

13. All acts of the officers, agents and representatives of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the leasing of the Project by the County to finance the Project and the design, acquisition, improvement, construction and equipping of the Project are hereby approved, ratified and confirmed.

14. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto, to record such document where appropriate and to pay from County funds all appropriate recording fees, taxes and related charges.

15. This Resolution shall be effective immediately upon its adoption.

B. Establishment of 2012 Personal Property Tax Relief (R2012-28)

Mr. Carter noted that the establishment of the Personal Property Tax Relief was an annual responsibility and the County receives \$1.7 million from the State that is used to reduce the local Personal Property Taxes for payments on non commercial vehicles. He added that staff uses a software tool to calculate the percentage offset and the proposed resolution outlines the parameters of the offset. He noted that this year, staff was recommending a 51% setoff. Additionally, Mr. Carter noted that this process has been in place for some time via the Personal Property Tax Relief Act (PPTRA), the State has capped the amount, and the formula was put in place with localities to be held harmless. He noted that since its implementation, the revenue from the State has been static but the percentage keeps declining.

Ms. McCann confirmed it was down to 51% and that the County was using 97-98% of the funds. She added that they needed to leave some bit of cushion to allow for adjustments throughout the year. She then advised that the relief percentage was 54% last year and that amounts left over roll into the General Fund.

Ms. Brennan then moved to approve resolution **R2012-28** 2012 Personal Property Tax Relief and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

April 10, 2012

RESOLUTION (R2012-28)
NELSON COUNTY BOARD OF SUPERVISORS
2012 PERSONAL PROPERTY TAX RELIEF

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3524 has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

WHEREAS, the Nelson County Board of Supervisors has adopted an Ordinance for Implementation of the Personal Property Tax Relief Act, Chapter 11, Article X, of the County Code of Nelson County, which specifies that the rate for allocation of relief among taxpayers be established annually by resolution as part of the adopted budget for the County.

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors does hereby authorize tax year 2012 personal property tax relief rates for qualifying vehicles as follows:

- Qualified vehicles with an assessed value of \$1,000 or less will be eligible for 100% tax relief;
- Qualified vehicles with an assessed value of \$1,001 to \$20,000 will be eligible for **51%** tax relief;
- Qualified vehicles with an assessed value of \$20,001 or more shall be eligible to receive **51%** tax relief only on the first \$20,000 of assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicle, farm use vehicle, motor homes, etc.) will not be eligible for any form of tax relief under this program.

BE IT FINALLY RESOLVED that the personal property tax relief rates for qualifying vehicles hereby established shall be effective January 1, 2012 through December 31, 2012.

C. FY12-13 General Fund Budget

Mr. Carter reported that nothing additional had been developed but that staff had information on the Broadband project for the Board’s consideration and information for review to present at the public hearing if they wanted to proceed with it.

Ms. McCann noted that she had prepared a short PowerPoint presentation and statistics sheet that could be presented at that evening’s public hearing and otherwise staff could review the conference call held with the Governor’s Office regarding VRS funding.

Mr. Carter then briefed the Board on the VRS conference call and noted that it was mandated for localities, as of July 1, 2012, to require employees to pay 5% VRS and each locality and school division will have to establish an offsetting pay increase of 5%. He noted that there was an additional proposal that it could be phased in over 5 years for both localities and school divisions. He added that staff has not worked anything up to present on this yet and that it was the start of a massive overhaul of the VRS system. He noted that there were more changes coming such as a hybrid program in 2014 and different classes of participation based on vestiture etc. He noted that the 5% would be subject to FICA and Medicare Taxes.

April 10, 2012

Mr. Carter then reported that the Governor's Office spokesperson would not answer how these measures would fix the system and they stated that the Constitutional Officers' raises would have to be paid by localities as a supplement.

Ms. McCann noted that for the County employees, the FICA/Medicare costs associated with this would be a little over \$30,000 and for the school employees it may be over \$100,000. She added that they would also have an increase in their VRS rates.

Mr. Hale confirmed that employees will be required to pay 5% of the VRS and this will require a raise of 5% to everyone. Ms. McCann noted that they were mandated to give an offsetting raise of 5%.; however it was not apples to apples and employees will take home less because of paying FICA/Medicare taxes and the VRS is calculated on a higher salary. She added that this was an expense to the locality as well. Members and staff agreed that this was illogical and did not resolve the problems with the VRS.

Mr. Carter then distributed handouts related to Broadband, the tax rate public hearing PowerPoint handout and tax examples. Mr. Carter noted that the Broadband handout was for the Board's consideration of the use of nonrecurring monies to expand the Broadband project.

Ms. McCann then reviewed the following handouts:

Public Hearing PowerPoint:

- Public Hearing April 10, 2012
- **Real Property Tax Rate and Motor Vehicle License Fee**

Proposed Real property tax rate increase

- Authority per the Code of Virginia
- Section 58.1-3007
- Current rate is 55 cents per \$100 property value
- Proposed rate is 60 cents per \$100 property value
- Increase of 5 cents

Tax impact example

- Property Value of \$200,000
- Increased tax of \$100 per year
- 27 cents per day

Revenue generated by proposed Increase

- FY12 \$655,733
- FY13 \$1,338,230

Proposed vehicle license fee increase

- Authority per the Code of Virginia

April 10, 2012

- Section 15.2-1427, 46.2-752, 46.2-1168, 46.2-694(A)(13)

Current rate:

- Vehicles \$30
- Motorcycles \$13

Proposed rate:

- Vehicles \$38.75
- Motorcycles \$18

motor vehicle fee impact example

- Per vehicle
- Increased fee of \$8.75 per year
- 2.4 cents per day
- Per motorcycle
- Increased fee of \$5.00 per year
- 1.4 cents per day

Revenue generated by proposed Increase

- FY12 \$67,813
- FY13 \$135,625

Why are these increases necessary?

- General Fund revenues outside of grants and other sources of non-recurring funds are only projected to increase by \$109,814.
- This is an increase of 0.4%.
- Unfunded state legislative mandates have increased local costs.
- Current General Assembly legislation relative to the Virginia Retirement System (VRS) is an example of such legislation. Costs to the county could be over a million dollars.
- The proposed school budget reflects a \$1.6 million request for additional local revenue above current year funding amounts. Significant increases in VRS rates and fuel expense are among the demands facing the school division.
- Recent economic conditions have delayed maintenance and improvement needs of county and school facilities which must be addressed.

Tax Impact Examples:

Real Property Tax and Motor Vehicle License Fee Changes Proposed

Impact of Real Property Tax and Motor Vehicle License Fee as advertised:

5 cent increase (60 cents per \$100 property value) generates \$655,733 in FY12 and \$1,338,230 in FY13

April 10, 2012

\$8.75 increase per vehicle and \$5.00 increase per motorcycle generates \$67,813 in FY12 and \$135,625 in FY13

Example:

Property Value \$200,000	Tax increase \$100 per year
Motor Vehicle (1)	Fee increase \$8.75 per year

TOTAL INCREASE \$108.75 per year (30 cents per day)

Impact of Real Property Tax (4 cent increase) and Motor Vehicle License Fee as advertised:

4 cent increase (59 cents per \$100 property value) generates \$524,586 in FY12 and \$1,070,584 in FY13

\$8.75 increase per vehicle and \$5.00 increase per motorcycle generates \$67,813 in FY12 and \$135,625 in FY13

Example:

Property Value \$200,000	Tax increase \$80 per year
Motor Vehicle (1)	Fee increase \$8.75 per year

TOTAL INCREASE \$88.75 per year (24 cents per day)

Impact of Real Property Tax (3 cent increase) and Motor Vehicle License Fee as advertised:

3 cent increase (58 cents per \$100 property value) generates \$393,440 in FY12 and \$802,938 in FY13

\$8.75 increase per vehicle and \$5.00 increase per motorcycle generates \$67,813 in FY12 and \$135,625 in FY13

Example:

Property Value \$200,000	Tax increase \$60 per year
Motor Vehicle (1)	Fee increase \$8.75 per year

TOTAL INCREASE \$68.75 per year (19 cents per day)

Mr. Hale suggested that Ms. McCann could add as a reason for the increase that it would allow for continuance of the prepayment of the Courthouse debt that represents significant savings over the term of the loan and there was Board consensus to continue this going forward. It was noted that another reason to add could be the enhancement of the County's Emergency Services operations.

Mr. Carter reported that staff was working on the radio project and that the number of radios to be purchased was still uncertain. He added that they were working with Motorola and the fire and rescue agencies to get as close a count as possible to provide each agency to be able to operate within the new system. He noted that staff met with WPOA and they estimated that they may need 50-80 radios and this was still to be determined; so there may be a need for more funding for additional equipment. He

April 10, 2012

added that staff was establishing the number of mobiles in vehicles and were now determining who amongst the volunteers needed radios and that staff would like to contain this to the responders. He added that the County wanted to ensure compatibility with Wintergreen and the new system was for everyone.

Mr. Carter then reported that a request for a joint Board meeting was sent to Dr. Collins; however he was on spring break this week. He suggested that once the tax rates were decided the Board should be able to move forward. He added that the General Assembly budget should be forthcoming also.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter distributed and reviewed the following report:

A. Courthouse/Government Center Project: A substantial completion walk through and punch list resulting from the walk through (Supervisors Saunders and staff members D. Thompson, S. Rorrer, P. Truslow and D. Rogers represented the County) have been completed. Blair Construction is to complete the punch list for re-inspection by WileyWilson and County staff. To date, no work has commenced on the Jefferson Building although Blair Construction has been advised to proceed with the work that has been identified while the necessary project change order (which will encompass most if not all final changes) is being processed.

Mr. Carter noted that the punch list was extensive and staff would follow up to ensure items were completed. He added that a subcontractor to Blair is responsible for the landscaping.

B. Health Department Relocation: A projected relocation date remains as early September 2012.

Mr. Carter noted that the new facilities would include Tom Eich's work; however they were trying to find a suitable location for the rabies investigation work. He added that the County was looking at arranging an area at the transfer station/animal shelter. He confirmed that the Health Department was still doing well/septic work.

C. Broadband Project: Conduit installation on Route 29 is nearly completed and installations within Route 6 are in process. Completion of the installation of the fiber backbone is projected by May 30, 12. Interviews conducted with three respondent firms on provision of network electronics. A selection decision is in process. Responses for provision of location services (Re: Miss Utility) have been received with selection in process. A request for proposals or quotations for installation and maintenance services (i.e. fiber splitting, connections to businesses and residents, trouble shooting installation issues, etc.) is in process and will be issued within the ensuing week to two weeks. Licensing with Ms. Utility is in process. Establishing NCBA as an ERate provider is in process but not completed to date. Discussions with service providers are in process. Draft NCBA rate structures (i.e. network charges) are in development and anticipated by not later than May 30, 12 (possibly by 4-26). Network operation projected to commence in second quarter 2012 (possibly end of July).

April 10, 2012

Mr. Carter reported that MasTec has not encountered a lot of rock to date and that fiber would be hung on the bridges on river crossings. He noted that the provision of network equipment was not an issue between the vendors interviewed.

He then reported that there were two to three more sites identified for the Massies Mill tower and Icon was working on developing the bid documents to construct the two towers that have been approved.

D. Refunding of Lease Revenue Bond, Series 2002: Completed.

E. 2012 Radio Project (Narrowbanding): The project is in process with the loan application to V A Resources Authority submitted and working towards May/June closing. Motorola, Inc. personnel working towards completion of the Rough Order of Magnitude, which is anticipated by 5-12. An 18 month schedule is projected.

F. High Top Tower (Lease Agreement): A revised lease agreement assigning the sub-lease to the Nelson County Broadband Authority has been drafted with input from WCVE's legal counsel continuing to be pending.

Mr. Carter noted that staff was still waiting on an attorney for WCVE to get back to the County on the proposed lease. He added that Mr. Payne was being proactive but was waiting on them.

G. Recreation PER: The project is in process. Three site options will be developed inclusive of facilities.

Mr. Carter reported that he has been unsuccessful in getting the private property owner to respond regarding the potential purchase and use of the property. He noted that he would communicate this to Mosely and they would look at the school site for two of the options being considered. Mr. Harvey suggested that staff speak to the executor of the estate or Jimmy Wood. Mr. Carter expressed concern about having to enter into a retainage contract if he were to go through Mr. Wood. He added that they would like to get access to the north side of the High School and there was also 17 acre parcel that would work well.

H. Maintenance Dept. Projects: Maintenance staff are facilitating the law office retaining wall initiative (Nolen Frisa Assoc. is being retained in lieu of the initial engineering firm). This initiative is in process. Purchases of a new roll off truck and a new skid steer for solid waste operations have been completed (below budget) with the equipment on order for delivery. The rework of the Treasurer's office is pending further input from the Board (Mr. Saunders).

Mr. Carter reported that the current truck issues had been resolved by Mack in the later models and that the County had purchased a Bobcat Skid Steer loader. Mr. Harvey suggested that the older truck be kept as a backup and Mr. Carter reported that this vehicle was in the shop a lot. He added that purchasing the extended warranty has helped mitigate these expenses. He then noted that staff had reported on April 3rd that it was proposed to trade in the old truck on the purchase for a second new truck.

Mr. Saunders noted that he had gotten three options to redo the Treasurer's Office from a local contractor that he would pass on to staff that ranged in cost from an estimated \$8,000 to \$17,000. He

April 10, 2012

added that the location of the safe was limiting. Mr. Carter noted that the Board ought to decide if it wanted to do this now or wait until the space needs was decided. He noted that the Treasurer and the Commissioner did go look at the Jefferson Building and they have sent over their comments. Mr. Saunders noted that the local contractor that provided the options has built banks in Altavista etc.

Mr. Carter then reported that the County had issued an RFP for reassessment services which was due May 3, 2012 and the committee would be gathered for interviews etc. In response to questions, Mr. Carter noted that staff had proposed to hire its own assessors in the past; however this may be hard to do for this time due to the time constraints.

Mr. Hale inquired as to whether or not they could use the just completed assessment as a starting point and noted that he would rather pay someone here in the county rather than paying out of county folks to do it. Mr. Bruguere agreed but acknowledged that the timing may preclude the County from doing this; however, the County should plan to implement its own department going forward.

Mr. Hale suggested finding out what others were doing and the details related to going about it.

In response to whether or not the new company could use any of the previous assessment information, staff noted that they could probably use the photos but they would probably do their own sales analysis etc. Mr. Carter noted that this may bring the reassessment costs down.

Members then proposed using a new Board committee and Mr. Carter noted that this one would focus on more active participation and coordination with the Commissioner of Revenue and her office.

2. Board Reports

Mr. Saunders and Mr. Harvey had no reports.

Ms. Brennan reported the following:

1. Attended DSS Board Meeting, first adoption in ten years was done in the County.
2. Attended JABA Board meeting, Jane Woods reported on legislation affecting them.

Mr. Hale reported that he attended a TJPDC meeting and they will have their 40th anniversary this coming year and are proposing a series of events and holding meetings in localities.

Mr. Bruguere reported that Ms. Rorrer was coming to the next EMS Council Meeting along with Clear Communications to discuss the new radio system project. He noted that the meeting would be held in the Board room and that Eddie Embrey should be notified so that he could tell the squads.

B. Appointments

Ms. McGarry reported that there were no appointments to be made by the Board presently; however there were quite a few Commissions that had seats expiring on June 30, 2012. She noted that a master list of these had been included in the Board's packet and she would begin to advertise these twice per

April 10, 2012

month in the Nelson County Times. She concluded by noting that there remained vacancies on the Ag Forestal District Advisory Committee and the Keep Nelson Beautiful Committee.

C. Correspondence

1. Relay for Life Request – A. Drumheller

The Board discussed the appropriateness of hanging the plaque in the new courts building and agreed by consensus to suggest that they put it in the Nelson Center or Library; somewhere other than the courthouse. Upon conclusion of the discussion, no formal action was taken by the Board.

2. Gladstone Senior Center

Mr. Carter noted that the Senior Center's request had been presented before but now staff had the expenditure figures. Mr. Saunders noted that the Center was concerned about needing more heating oil, but the weather has turned warm now. It was noted that they have made a note that they had paid these bills already. Members briefly discussed how to consider these types of requests and with no consensus being reached; no action was taken by the Board.

3. Schuyler Community Center

Mr. Hale reported that the Center has pursued this grant on their own initiative to get USDA funding and he thought that the Board ought to come up with a contribution on this.

Mr. Carter advised that he and Paul Truslow had met with them but did not assist them with the grant application. He noted that they had applied before on this but funding was not available. He added that the USDA will now provide the \$25,000 in grant funding and the Center noted that it could contribute \$10,000 and they need \$55,000 total. It was noted that a low bid of \$47,000 to do the work had been presented.

Members and staff briefly discussed the possibility of setting up a zero interest loan program for this type of thing. Mr. Hale noted that because they have gotten a substantial portion of the cost, he would agree to give them \$10,000.

Mr. Hale then moved to contribute \$10,000 towards the furnace replacement at Schuyler Community Center and Ms. Brennan seconded the motion.

Mr. Hale then confirmed that the Center and the Walton's Museum are one and the same. Mr. Saunders then expressed concern that the Board would be setting a precedent by approving this and Mr. Carter noted that the Board could expect these types of requests periodically. Ms. Brennan and Mr. Hale noted that the Board has discussed how to deal with this, no policy has been established, and these were considered on a request by request basis. Mr. Hale reiterated that he was willing to go forward with this because they would provide a substantial portion of it. Mr. Saunders noted that he could see this being a frequent occurrence and Ms. Brennan suggested that the Board set up a fund and establish a policy on this. Mr. Harvey noted that he was not sure that the Community Centers could pay back loaned funds, as they do not have the funding sources like fire and rescue agencies did.

April 10, 2012

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Bruguere suggested that in these instances, the Board should look at the amount of money requested and compare it to the number of people served. Mr. Hale noted that the difference in this case was that they made an effort to get funding and were also providing their own funds.

D. Directives

Mr. Bruguere and Mr. Harvey had no directives.

Mr. Hale suggested that the Board consider selling the Health Department building instead of demolishing it.

Ms. Brennan had the following directives:

1. Inquired about the status of the Heritage Center and Mr. Hale noted that they were waiting for him to email Reverend Sandidge, he added that it was still a basic proposal as previously discussed and they would continue with what they were doing.
 2. Inquired as to anything being done with the Magistrate Building and Mr. Carter noted that nothing was currently being done but that the brick was deteriorating. He noted that moisture was getting through and the paint was acting as a barrier to it getting out, which was causing the deterioration. He added that the gutters not working properly have also contributed to this. Mr. Harvey suggested that the Historical Society take this on as a project and Mr. Carter noted that someone with expertise in brick masonry needed to look at it and that Wiley Wilson was not interested. Mr. Hale suggested that the County could get Bob Self or whoever works on the Jefferson Building to look at it.
 3. Inquired as to the Healthcare Center Feasibility Study that JABA wants to do and Mr. Carter noted that he thought that Gordon Walker was going to contact him but that he would call him to discuss it.
 4. Inquired as to when the Board would discuss the EMS service enhancement and Mr. Carter noted that they could do this during the next budget work session. Mr. Harvey suggested that the Board authorize Curtis Sheets to hire some more people now as people that work can no longer run calls from 2:00 am-6:00 am. Mr. Carter noted that he would get another proposal from him and that the current agreement needed to be amended to incorporate the expansion and it could be brought back to the Board on or before the April 26, 2012 meeting.
- Mr. Harvey suggested that they send Mr. Sheets something authorizing him to go ahead and hire more people and Mr. Carter strongly suggested that these people be paramedics in order to provide the highest level of care possible. Ms. Brennan concurred and the Board agreed by consensus to have staff send Mr. Sheets authorization to begin to expand the program.
5. Stated that the County should do something on recycling shredded paper. Mr. Carter noted that he had checked with the Custodians who reported that they put full bags of shredded paper into the recycling bin and have arranged this with the attendants. Ms. Brennan then suggested that the County

April 10, 2012

employees only shred things that need to be shredded such as paper that contained sensitive or proprietary information.

6. Suggested that employees turn lights and computers off at night and suggested the installation of automatic switches that turn lights on and off.

Mr. Saunders inquired as to what would be done with the Health Department spot if it were demolished and Mr. Carter stated that this had been considered as a footprint for a new building. Mr. Hale added that he was not sure that there would be enough space there and it may just remain as a piece of grass.

VI. Other Business (As May Be Presented)

Mr. Carter reported that he had not yet received any response from the Massies Mill Recreation Center on the use of their funds.

VII. Recess and Reconvene for Evening Session

At 4:10 pm, Mr. Hale moved to adjourn and continue until 7:00 pm and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Harvey called the meeting to order at 7:00 pm with all Supervisors present to establish a quorum.

II. Public Comments

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

1. Janet Lychock, Afton

Ms. Lychock stated that she was a BPOL orphan and that she would like to know the status of the Broadband initiative.

Mr. Harvey stated that this may be discussed later in the meeting.

III. Public Hearings & Presentations

A. Public Hearing: Rezoning Application #2012-001, Lynn Bowling

Consideration of an application by Lynn Bowling, real estate agent to rezone two (2) acres from M-1 (Limited Industrial Districts) to A-1 (Agricultural). The property is owned by Arlene B. Mays Revocable Trust & Andy Mays, Trustee for the Estate of Marshall A. Mays, Sr., Tax Map #76-A-4A.

April 10, 2012

Mr. Boger noted that Ms. Lynn Bowling, Real Estate Agent, representing Arlene B. Mays Revocable Trust and Andy Mays, Executor, has petitioned the Nelson County Board of Supervisors to rezone approximately two (2) acres of a nine (9) acre tract of land located on Stage Road (TM #76-A-42) from Limited Industrial, M-1 to Agricultural, A-1.

He noted that the reason for this rezoning request was to permit the construction of a single family residence which was not permitted in the M-1 Zoning District. He noted that the adjoining properties to the left and right are presently zoned Agricultural, A-1 and the present uses of these properties are residential with part of the property to the left having an area used for parking a tractor trailer(s). He noted these parcels on the zoning map for the Board's review.

He then noted that staff had the following comments on the application:

1. VDOT has no issue with this proposal, and VDOT land use permits will be required for a private residential entrance and any utility installations within the state right of way to serve this property.
2. The owner may be required to connect to the public water line if the new dwelling will be within 300 feet of the water line serving the house on the left. If this property is required to connect the existing line serving the adjoin house will have to be replaced in order to connect the new dwelling. The size of existing water is too small to serve two dwellings.
3. A soils report will have to be prepared for septic system and submitted to the Planning Office for transmittal to the Health Department for review and approval.
4. The seven acre residue of this tract will have frontage on Stage Road and Cooperative Way. However it is important to note that new entrance from this residue property must comply with VDOT requirements. Considering the curve in Cooperative Way and the frontage on Stage Road, it may be problematic for the owner to install a commercial entrance on these two roads.
5. At the request of the Planning Commission we met with Jeff Kessler, VDOT, and Ms. Bowling on March 14th to determine the feasibility of an entrance being constructed from this site to Cooperative Way. Mr. Kessler indicated that VDOT could not deny access to the property, but must meet their standards for sight distance, stopping distance and separation distance. He indicated that an entrance on Stage Road may not meet their requirements because the speed limit on this road is 45 mph.

Mr. Boger noted that since Mr. Massie Saunders did the survey work for Cooperative Way, it was suggested to Ms. Bowling that she have him look at the plans/data to see if there is an area along Cooperative Way where an entrance could be located under VDOT's current standards.

He noted that they really did not get an answer from VDOT to their questions regarding the entrance. However, if an entrance was to be constructed it would most likely require some changes to Cooperative Way.

Mr. Boger then stated that the two adjoining properties were zoned A-1 and from a planning perspective it would seem logical that the middle property should have the same A-1 zoning classification as these

April 10, 2012

two properties. He added that he therefore he had no objection to rezoning these two (2) acres as long as the current owners were aware of the potential problem of obtaining VDOT's approve for a commercial entrance to serve the residue.

He noted that the Planning Commission had held two public hearings on this and despite their concerns regarding the entrances; they had recommended approval of the application.

Mr. Boger reiterated that VDOT had been noncommittal on which way the entrance should be done and there were issues with both options. He added that they would have to do soils work on both parts before the subdivision was done.

Staff and Members briefly discussed that an entrance off of Stage Road may not be allowed by VDOT because of speed limits there and it was agreed that the stop sign at Cooperative Way would not allow someone to get up to any speed.

Ms. Lynn Bowling, the Applicant noted that she represented the Mays and acknowledged that the VDOT entrances being discussed were commercial vs. residential. She added that the Mays realize that the residue land is pretty useless there and that the 2.0 acre tract was the only salvageable piece of property.

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

Ms. Brennan moved to approve rezoning application #2012-001 from Lynn Bowling representing the Mays from M-1 (limited industrial district) to A-1 (Agricultural) and Mr. Hale seconded the motion.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the rezoning request.

B. Public Hearing: Proposed Increase in Real Estate Tax Rate

The proposed Real Property tax rate increase, pursuant to Section 58.1-3007 of the Code of Virginia, inclusive of mobile homes is as follows; no change is proposed for the Tangible Personal Property and Machinery & Tools Tax rates for 2012. All tax rates are per \$100 of assessed value.

	<u>2011</u>	<u>2012</u>
Real Property Tax	\$0.55	\$0.60
Tangible Personal Property	2.95	2.95
Machinery & Tools Tax	1.25	1.25
Mobile Home Tax	0.55	0.60

Mr. Harvey noted the reason for the public hearing and noted the rates as advertised. He then opened the public hearing and the following persons were recognized:

1. Larry Whitaker, Lovington

April 10, 2012

Mr. Whitaker asked why it appeared that they were being assessed at approximately 120% of the fair market value of their property given that the values have declined. He added that he was aware that the 2012 assessment was not being used.

Mr. Carter explained that this would be an increase in the rate and the values used would be the 2008 values for taxation. He reiterated that the Board was considering a raise in the rate from \$.55 to \$.60 per \$100 in value.

Mr. Whitaker stated that there still seemed to be a discrepancy and he did not understand.

2. Roger Collins, Nellysford and School Division Superintendent

Dr. Collins thanked the Board for its past support of the School Division and note how well they were supported. He added that he supported the Board raising more money for the locality, that he admired the Board for taking it on, and he supported the increase in taxes.

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

Mr. Harvey explained that the taxes were based on a fixed amount in 2008 and that in 2012, the values went down so much that the Board would have had to raise the tax rate 29% to get the same amount of money. He noted that the County had to assess every six years and citizens would either pay on the value or the rate. He added that the rates of other surrounding localities that assess more often were nowhere near this.

C. Public Hearing: Proposed Amendment to Chapter 7 (Motor Vehicles and Traffic) Section 7-26, Local Fees Levied, of the Code of Nelson County Virginia (O2012-03)

Pursuant to Section 46.2-752, Section 46.2-1168, Section 46.2-694(A)(13), of the Code of Virginia, the proposed amendment to Section 7-26 is to increase the Local License Fees levied within Sub-section (1) from \$30.00 to \$38.75 and within Sub-section (2) from \$13.00 to \$18.00. Upon passage the increase in Local License Fee(s) levied shall be effective for the annual license fee year commencing on June 5, 2012. (O2012-03)

Mr. Harvey noted the reason for the public hearing and noted the rates as advertised. He then opened the public hearing and the following persons were recognized:

1. Judy Barnes, Lovingston

Ms. Barnes inquired if these fees would be for six months and it was clarified that these would be for one year.

2. Bo Delk, Roseland

Mr. Delk noted that he owned a lot of vehicles and going from \$30.00 to \$38.75 was a 29% increase and he would like it to remain the same. He suggested going to \$39.00 so it would be a nice even number.

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

April 10, 2012

Staff then clarified that the proposed \$38.75 was the maximum amount allowed by the State Code and that it had to be implemented in certain amounts. Mr. Carter noted that the motor vehicle license fee maximum was \$33.00 and the other fees were a State EMS fee and a State inspection fee that were part of the total of \$38.75. Ms. McCann added that the County could not charge just part of these fees.

Mr. Harvey noted for the public that the Board was not going to decide on the rates that night and would meet again on April 12, 2012 at 2:00 pm in order to set the rates.

IV. Other Business (As May Be Presented)

Introduced: Broadband Project Update:

Mr. Carter reported that the deployment of fiber optic cable was being done underground from Colleen down Rt. 29 to Martin's Store and on to Afton. He added that towers were to be constructed at RVFD, Martin's Store, and in Massies Mill, with one already up in Colleen. He further noted that these should be operational in late July to September. Mr. Carter then supposed that Ms. Lychock might be able to be wirelessly served by the Martin's Store tower based on her place of residence. He noted that residential services were expected to be built out over time and that persons within a three mile radius of a tower may get high speed broadband service. Mr. Carter then noted that the Broadband Authority would be looking at the rates that would be charged to service providers to use the network, the Authority was still in negotiations with service providers, and the network would be an open access network as required by the federal funding agencies. He added that as companies such as Nelson Cable and Lumos have seen the route under construction, the interest has increased and the Authority would have a backhaul service provider by the second quarter of this year when it becomes operational. Mr. Carter reiterated that fiber optic cable residential services would probably not happen immediately.

Staff advised Ms. Lychock that it was possible that RVCC may become a wifi hotspot if the fiber was run over to it from the main line. He noted that this location was originally planned to be a community anchor institution and that service providers would be potentially able to build out the system from there to nearby residential customers. Mr. Carter noted that it is anticipated that the network would be operational by early fall; however everyone along the fiber route would not get service through a wired connection probably for some time. He noted that this would be dependent upon the economics of the service providers and their willingness or ability to do so. He added that the County is not providing funding to lateral out from the backbone into neighborhoods and this was something that the Authority would be encouraging service providers to do.

Ms. Lychock indicated that this may be driven by the population densities of certain areas and Mr. Harvey noted that a house every 800 feet was needed for this to be feasible. He then added that if the tower can be seen in line of sight, it may be able to provide you with service from up to seven miles away. He noted that Stewart Computer Services was doing point to point deployment of wireless service relays with mini type towers serving communities.

Mr. Carter then noted that the conduit was in for the most part and that the construction company was almost done with Route 6 and should be finished by the end of May unless they hit rock. He added that the fiber would be pulled within the next week on Route 29 and that staff was still working on

April 10, 2012

establishing service providers and selecting electronics to make it all work. He then noted that staff could start to be more proactive in putting status updates on the County website. Ms. Lychock noted that people were getting excited about it and having options. Mr. Carter then noted that as part of the budgetary process, staff had given the Board a list of ten options of expanding the system to consider.

Introduced: Staff Calendar of Budget Process

Mr. Carter inquired about requesting a meeting with the School Board in the next two weeks. He noted that once the tax rates were established, the Board had until June 30, 2012 to complete the budget process. He added that the critical path was the tax rates and the School's request. He noted that a public hearing was required on the budget and the latest this could be held was at the first June meeting.

Mr. Harvey noted that the Board had a lot of work to do on expenditures. Members added that they hoped to meet with the School Board the following Thursday.

V. Adjourn and Continue until 2:00 pm April 12, 2012 in the Board of Supervisors Room

At 7:35 pm, Ms. Brennan moved to adjourn and continue the meeting until 2:00 pm on April 12, 2012 in the Board of Supervisors Room.

Mr. Bruguere then mentioned that he had several people note to him that they missed getting the Rural Nelson synopsis of the Board Meetings and he wondered if Ms. McGarry could provide this for the public. Members and staff briefly discussed the feasibility of her doing this given her current work load and it was discussed that even though there was a lag; the approved minutes were posted for the public to read and were considered official. Ms. Brennan indicated that she could have the synopsis posted on the website or her blog. Following this discussion, there was no consensus reached and no action taken.

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