

April 21, 2015

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 5:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston Virginia.

Present:

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

Absent: None

I. Call to Order

Mr. Saunders called the meeting to order at 5:05 PM, with all Supervisors present to establish a quorum.

II. FY15-16 Budget Work Session

Supervisors and Staff reviewed the following outstanding budget items:

Department Considerations:

Planning – New Planner Position and Summer Intern

Initial Discussion:

Mr. Carter noted that Mr. Padalino was present to answer any questions they may have on the information that he had originally submitted or on his follow up summary document.

Ms. McCann noted the information provided by Mr. Padalino and referred to the summary chart that showed 2.25 years' worth of all of the permits, applications etc. that had been processed by the Department as follows:

Approval:	Type of Permit Application / Approval:	Total (1/13 – 3/15):
Administrative	Amended Site Plans	3
	Tower Permit Amendments, Co-Locations, or Temporary Tower Permits	23
	Special Events Permits	60
	Admin. Permits: New Signs, Home Occupations, Temp. Travel Trailers	31
	Zoning Violations: Inspections and Enforcement	23
	Plat Review and Approvals	130
BOS	Communication Tower Permits	4
	Special Use Permits	16
	Rezoning	6
	Ordinance Amendments	5 amendments
PC	Site Plans	19
BZA	Variance Requests or Appeals	6 (3 of each)

Ms. Brennan then thanked Mr. Padalino for answering the Board’s questions and for putting the summary together regarding his position request.

Supervisors questioned how much time per week Grant Massie spent working in Planning and Zoning and Mr. Carter noted it was between 10-15 hours per week, but no more than twenty-nine (29) hours total, because of the Affordable Care Act. Ms. McCann added that these hours were split between Solid Waste and Planning & Zoning and Mr. Carter noted that he may work more than that if Mr. Padalino was on vacation etc.

Mr. Hale then asked if Mr. Massie was included in the 2.3 FTEs currently noted to be in the department and staff confirmed that this included Mr. Padalino, Ms. Hopkins, and Mr. Massie’s part time hours. It was noted this fluctuated depending upon the work week.

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Mr. Carter related that Mr. Massie was now looking at plats and doing plat reviews and did field work for zoning violations; as well as was an excellent resource; having been the Director of Planning and Zoning in Amherst for twenty (20) plus years.

Mr. Bruguere then asked if it would be feasible to hire Mr. Massie full time and Mr. Carter noted that he did not think he wanted to work full time. Ms. Brennan asked if he would be willing to work part time and it was noted that he was already working twenty-nine hours. Mr. Carter added that this would only add eleven (11) more hours if he were made full time. Mr. Hale noted that perhaps he could spend more of his time in Planning and Staff noted that Mr. Massie did tend to spend more time on Planning and Zoning than on Solid Waste.

Ms. Brennan then noted that it was clear to her that the Planning Department needed help to do long range planning such as the Rockfish Valley Area Plan.

Mr. Carter reported that there had been recent inquiries regarding the status of the Rockfish Valley Area Plan by Mr. Hodson of Veritas who had noted in his communication that he would like to address the Board about this. He noted that he thought he would be expressing his concern regarding the lack of progress since the plan was authorized. He noted that Mr. Padalino had related to Mr. Hodson that he did not have the time to devote to the plan unless he worked nights and weekends. He related that he had cautioned Mr. Padalino regarding the ambitious schedule he had set for work on this; just being one person. He noted that unfortunately, it had progressed more slowly and work on the plan was in a holding pattern because of the nature of the office.

Mr. Harvey commented that the explosion on the southern end of Route 151 was affecting things at the Northern end and had not done much good. Mr. Carter disagreed and noted that the increase in business activity there was good for the County in terms of job creation and income. Mr. Harvey noted that it had affected the quality of life for people in the area routinely dealing with the traffic; which Mr. Carter noted was a problem for VDOT to fix. Mr. Harvey and Ms. Brennan noted that the VDOT fix was to make Route 151 four (4) lanes and they did not want that.

Mr. Saunders noted that the Board could make the decision as they went through the budget; however the Board should ask Mr. Padalino its questions while he was there. There being no questions for Mr. Padalino, the Board agreed by consensus to put aside a decision on the planning position and come back to it.

Follow-up Discussion:

Mr. Bruguere inquired as to whether or not the office currently had more workload than the previous Director, Mr. Boger did and Ms. Brennan noted that she thought that Mr. Padalino was more thorough than Mr. Boger was in his work.

Mr. Hale then noted that what was presented that the new Planner position would be used for, aside from day to day work, which was helped by having the part time hours, was long range planning which included Lovingston Revitalization, Comprehensive Plan Updates, and the Rockfish Valley Area Plan. He suggested that these long range planning needs could be contracted to the Planning District Commission to do rather than adding a position. He further noted he thought the job of the

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Planner was to help people understand the Zoning Ordinance regulations and submit recommended changes for those. He added that the amount of hours outlined in the request that was spent with prospective applicants did not need to be as much as indicated and that many of these prospectives could get the information needed from the Tourism and Economic Development office. He then noted that he was not in favor of adding the full time position and Mr. Bruguire agreed.

Ms. Brennan disagreed and noted she was in favor of it and she was not sure about hiring the PDC to do the long range planning work since it still had to be overseen by someone. She added that the Rockfish Valley Area Plan was highly important and Phase I needed to be done.

Mr. Hale noted that the effectiveness of the plan needed to be figured out. Ms. Brennan stated that the Board did plans and no one wanted to do anything. She noted the ideas for planning had been good and in the past studies were done and nothing resulted from them largely because of the Board.

Supervisors briefly discussed the number of Planners in Albemarle County and Mr. Hale noted the mess that the Crozet development had become. Ms. Brennan noted she was not trying to make Nelson like Albemarle County.

Ms. Brennan then stated she would like to see at least a one and a half time Planner positions added or more.

Mr. Bruguire noted that the County was not business friendly and he had not been impressed by Mr. Padalino. Mr. Hale suggested that individual's performances should be discussed in closed session and Mr. Bruguire agreed that would be more appropriate and then reiterated that he did not think the County was business friendly. Mr. Saunders then advised the Board to speak more generally in open session. Mr. Harvey suggested that several departments could be involved in the discussion and Mr. Bruguire supposed that those departments may need to work better together.

Supervisors then agreed by Consensus to table a decision on the new Planner position.

Summer Intern:

Supervisors discussed this being a local person and staff noted that the initial inquiry came from a local person; however if this were to proceed, the County would have to advertise it and it would be open to all. Mr. Carter then noted that he thought there was a greater need for the Planner position than the internship due to the limited time frame of an internship. He noted that unless their time was spent on something that was task specific and the person had a lot of expertise, the Planner position would be more beneficial.

Mr. Hale reported that having internships versus having a part time employee had been discussed at the PDC and they had come to the same conclusions that Mr. Carter had. He added that for those reasons, he thought the internship could be removed presently.

Supervisors then agreed by Consensus to not fund a Summer Intern.

Capital Outlay – Purchase of Excavator

Ms. McCann noted that Mr. Truslow meant to include the purchase of an excavator in his budget request. She noted that the current Daewoo excavator in use was purchased in 2007, had no major mechanical conditions; however the A/C had been repaired three times and needed to be replaced. She added that it was used 650 hours per year and had been used a total of 5,817 hours. She then noted that the back-up Case excavator was purchased in 1995 and had the engine replaced at 5,000 hours and it had intermittent periods where it would not run. She noted that it currently had been used a total of 9,203 hours.

Ms. McCann then related that Mr. Truslow had indicated that he thought the County could get another year out of the Daewoo before it had any major problems and he would suggest trading in the 1995 Case excavator on the new one.

Mr. Carter added that the County would have to bid this out, but Mr. Truslow had provided a price for a SANY at \$120,000; however some may be more or less. Mr. Carter then noted that other than the air conditioning, the Daewoo had worked flawlessly over the years that the County has had it.

Ms. McCann then noted that she would guess it would cost several thousand dollars to fix the air conditioning. Mr. Harvey suggested that the grounding of the cab could have come loose causing the issues.

Mr. Saunders then suggested fixing the air conditioning on the Daewoo and going another year. He noted that he has had Case equipment himself but acknowledged that Mr. Truslow was sold on the Daewoo. Mr. Carter added that getting parts had not been a problem. It was then noted that in bidding this out in the past, a generic set of specs was used to get bids.

Mr. Harvey questioned where the fuel was coming from and Ms. McCann noted that the County was using Tiger Fuel and then switched to Exxon when Tiger was having issues with their fuel and now had gone back to Tiger. Mr. Harvey noted that he thought Tiger was still having problem with their tanks and he has had to replace a number of ambulance engines etc.

Supervisors then agreed by Consensus to fix the A/C in the current Daewoo excavator and defer purchase of a new one until next year. Ms. McCann noted that there were funds budgeted in the Maintenance budget that would cover the cost of fixing the A/C.

Registrar -Voting Machines

Mr. Carter noted that if the Board was amenable, he would like their approval to authorize the Registrar and Electoral Board to go ahead and purchase the voting equipment. He noted that the State had identified that the touch screen model used by the County and forty (40) other localities were deficient and would no longer be certified. He added that he thought it would be a good idea to get ahead of the curve since forty (40) other localities were affected and would be ordering new machines. He noted that funding for these was still included in the FY16 budget.

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Staff noted that funds were available for this in the contingency if they were purchased in this year; however they just wanted consensus to go ahead with executing a contract to purchase the machines. It was noted that it was not certain if the funds would be expended in FY15 or FY16 and that staff would bring this back to the Board if payment was needed in this fiscal year. Ms. McCann noted that Ms. Britt needed to get the order placed so that the County was in line and would not have to wait.

Ms. Brennan moved that the Board authorize the Registrar to bid out the voting machines and Mr. Bruguere seconded the motion.

Ms. McCann then advised that the Code of VA exempted Electoral Boards from the procurement Act and that all of the voting machine vendors were approved by the state. She added that they needed authorization to initiate a contract so that the County's order could get in line and she would clarify if the funds would be spent in this fiscal year or next. Mr. Hale noted that the motion should be to authorize the expenditure of funds to purchase the voting machines.

Ms. Brennan agreed, then rescinded her previous motion and moved to authorize the expenditure of funds to purchase the voting machines as requested and Mr. Bruguere seconded the new motion.

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

County Attorney – Hourly Rate Change Request

Ms. McCann noted that currently Mr. Payne's rates were \$200 per hour for general work and \$180 per hour to attend meetings and he was asking for \$225 per hour and \$200 per hour respectively.

Ms. Brennan then moved to approve the new rates of \$225 per hour for general work and \$200 per hour for attendance of meetings as listed for Mr. Payne and Mr. Hale seconded the motion.

The Board then discussed the fact that he had not had a raise in rates since 2011 when they were set. Mr. Hale then noted that the County had budgeted \$85,000 for this and if this amount was converted to hours, it was 400 hours per year. He added that the County would have to show restraint in calling for services and that Mr. Payne has been a valuable asset in advising the Board and he thought that they got the value for that expense. He added that if the Board tried to hire someone else for less, they would likely not have the equivalent experience and that they should move forward. Mr. Harvey agreed and noted that work for the County was different than general law practice.

Ms. Brennan asked how many times Mr. Payne had been in court over the last couple of years and Mr. Carter noted it had not been much and it had been for minor things. He added that there had been no big Zoning things and that Mr. Payne's expertise has been invaluable. He noted that to date, if the County has had to defer to the insurance company's appointed representation, he thought Mr. Payne's expertise was as good as or better than they were and that he was an outstanding attorney. Ms. Brennan noted that she was pleased with his work and Mr. Bruguere and Mr. Saunders agreed. Mr. Carter added that Mr. Payne tried to use restraint in doing work for the County.

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

Agencies:

Health Department: Ms. McCann noted that they were asking for an increase of \$678 dollars to fund an increase in man hours.

Supervisors agreed by Consensus to fund the increase.

Region Ten Community Services Board: Ms. McCann noted that they were asking for an increase of \$12,809. She noted that they had a formula where they calculated their request based on a share of the cost of services for Nelson beneficiaries. She noted that staff's experience has been that if they were not fully funded, there was not a significant impact to services. It was noted that the \$92,586 funded for this year was an increase over last year.

Ms. Brennan suggested giving them \$10,000 more, Mr. Saunders suggested \$6,000, and Mr. Bruguere suggested level funding.

Supervisors then agreed by Consensus to fund an increase of \$6,000.

Extension Service: Ms. McCann noted that they were asking for an increase of \$1,732 that had been budgeted.

Supervisors agreed by Consensus this was okay as funded.

Regional Library: Ms. McCann noted that they were asking for an increase of \$8,730. She noted that they were including a salary increase and had an increase in retirement costs passed on through the City of Charlottesville; who provided their retirement not VRS.

Mr. Harvey suggested funding an increase of \$4,500 and Mr. Saunders concurred noting that the County was spending money to make improvements to the building that would benefit library patrons.

Supervisors agreed by Consensus to fund an increase of \$4,500.

JAUNT: Ms. McCann noted that they were asking for an increase of \$16,740. She then reported that they had followed up with four (4) scenarios of how they could address not receiving this increase in funding.

Ms. McCann noted the following:

Scenario 1. Covered the shortfall with a fare increase from \$2.50 to \$8.00 one-way for commuter routes and from \$2.50 to \$5.50 one-way for mid-day fares; which would net \$15,125 and \$2,325 respectively. She added that this would have a significant impact on riders.

Scenario 2. Covered the shortfall by decreases in services. This would eliminate 2 days of Midday service and cover two days by the grant; which would leave one day covered by County funds; however the grant would be used up sooner and would net savings of \$14,068. It would also eliminate intracounty service between 10:30 am and 2:00 pm, and 4pm to 6pm. The new hours would be from 7:30 am to 10:30 am and 2pm to 4pm for a net savings of \$3,412.

Scenario 3. Covered the shortfall by using increased fares and decreased service as follows:

Increase Commuter Route Fares – Increase fare from \$2.50 to \$4.50. (*\$5,500 NET*), Increase Midday Fares – Increase fare from \$2.50 to \$3.50 (*\$650 NET*), Decrease Midday Service – Currently, Nelson has midday service 5 days a week (one of those days is covered by a grant at no cost to the County). The change would eliminate one day of service and still cover one day by the existing grant. This leaves three days covered by the assistance from Nelson County. (*\$6,401 NET*), Decrease Intracounty Service – Eliminate service between 10am and 2pm, and 4pm to 6pm. This still allows senior residents access to JABA resources. The new hours would be from 7:30am to 10am and 2pm to 4pm. (*\$4,985 NET*)

Scenario 4. Only changed fares for the midday routes and slightly for the commuter routes as follows: Increase Commuter Route Fares – Increase fare from \$2.50 to \$3.50. (*\$2,750 NET*), Decrease Midday Service – Currently, Nelson has midday service 5 days a week (one of those days is covered by a grant at no cost to the County). The change would eliminate one day of service and cover two days by the existing grant. This leaves two days covered by the assistance from Nelson County. (*\$11,252 NET*), Decrease Intracounty Service – Eliminate service between 10:30am and 2pm, and 4pm to 6pm. This still allows senior residents access to JABA resources. The new hours would be from 7:30am to 10:30am and 2pm to 4pm. (*\$3,412 NET*).

Ms. McCann then noted that she had looked at some other options and she distributed and reviewed these as follows:

<u>JAUNT-Additional Options</u>			
Additional Option (Opt.3 w/out midday fare increase)	\$16,740	Additional Option w/ commuter fare incr. to \$3.50	\$16,740
Commuter Fare increase \$2.50 to \$4.50	\$5,500	Commuter Fare increase \$2.50 to \$3.50	\$2,750
Midday-cut 1 day, cover 1 day w/grant	\$6,401	Midday-cut 1 day, cover 1 day w/grant	\$6,401
Decrease Intracounty to 4.5 hrs/day	\$4,985	Decrease Intracounty to 4.5 hrs/day	\$4,985
Subtotal Savings	\$16,886	Subtotal Savings	\$14,136
No additional local funding required		Additional local funding required	\$2,604

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She noted that the difference in the shortfall numbers shown on her sheet of \$16,740 and JAUNT's of \$17,478 was due to the Wintergreen contribution component.

Ms. Brennan then questioned the savings noted in options 3 and 4 and Mr. Hale noted he was not sure of how many riders were using each service and that they had increased service on the midday route over the years and could do some cutting to this. He added that he thought that people using the service could manage their appointments and trips around this schedule and he recommended that the midday route be cut.

Staff noted that JAUNT measured their ridership in trips because that was what their funding was based upon. Ms. McCann noted that the data provided of 332 trips was over a six (6) month period. Staff reiterated that they had asked many times for the number of riders and JAUNT has said that was not pertinent information since they were funded by trips made. Supervisors then briefly discussed JAUNT's fuel costs being reduced as a potential reason to cut funding.

Mr. Hale then suggested that the Midday service to Charlottesville be reduced to three days with (2) days being County funded and one (1) day being grant funded. He noted that JAUNT had projected savings from doing this at \$13,933 during their budget presentation. Ms. McCann noted that using the requested amount not including Wintergreen of \$16,740 would add \$2,807 and it was suggested to round it up to \$3,000.

Supervisors agreed by Consensus to increase funding by \$3,000 and emphasized that there would be no impact on seniors utilizing the intracounty service.

MACAA: Ms. McCann noted that MACAA had not been very responsive to the County's invitation to present to the Board on April 9th and had not been able to come. She noted that their requested increase was \$3,996.

Supervisors agreed by Consensus to provide level funding.

Shelter for Help: Ms. McCann noted that they were asking for an increase of \$356.

Supervisors agreed by Consensus to provide an increase of \$356.

Sexual Assault Resource Agency: Ms. McCann noted that they were asking for an increase of \$35.

Supervisors agreed by Consensus to provide an increase of \$35.

OAR/Community Corrections: Ms. McCann noted that they were asking for an increase of \$3,500 for the Criminal Justice Planner position.

Mr. Hale noted he was against funding this and Ms. Brennan noted she was in favor of providing the funding.

Ms. Brennan noted that the Criminal Justice Planner put together programs that saved localities money and she had been pleased with what she has seen as a representative on the Community

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Criminal Justice Board. She strongly recommended that the Board fund this and noted that this amount was only Nelson's share and that others would also fund this. She then reiterated that Commonwealth Attorney, Anthony Martin, had written a letter of support. Mr. Hale noted that Mr. Martin indicated in his letter that he was in favor of some of their services and the Criminal Justice Planner was not specifically mentioned.

Ms. Brennan then noted that their programs were instituted from the work done by the Criminal Justice Planner. Mr. Carter added that the Regional Jail did similar work and then he reported that the Regional Jail program of diversion was not funded by Albemarle and Charlottesville and would have cost more to have the program than to jail the potential participants.

Mr. Hale noted that he thought if it were a good program then all of the jurisdictions would fund it and it appeared that Louisa and Greene did not contribute anything to this.

Following this discussion, Supervisors agreed by Consensus to provide additional funding of \$1,500.

Economic Development Authority: Ms. McCann noted that they were asking for an increase of \$3,400.

Ms. McCann noted that previous funding was based on a quarterly meeting schedule and they were requesting funding to go to monthly meetings. She added that they had made the same request last year.

Ms. Brennan noted she would be willing to fund meetings every other month. Mr. Harvey and Mr. Hale suggested that they meet as needed and then if they could demonstrate more meetings were necessary then it could be reconsidered.

Supervisors agreed by Consensus to not provide the additional funding requested and noted that they could come back to the Board during the year if more funds were needed for this.

Schuyler Senior Center Meals: Ms. McCann noted that they were asking for an increase of \$124.

Supervisors agreed by Consensus to provide an increase of \$124.

Community Center Tax Refunds: Ms. McCann noted that this item increased by \$16,000.

Ms. McCann explained that this budget line now contained the tax refund associated with the Heritage Center and Supervisors agreed by Consensus with this funding.

Ms. McCann then advised the Board that they had added \$16,069 in funding to the budget that would come out of the recurring contingency that had been budgeted.

Schools:

School Nursing Program:

Ms. McCann noted that they had requested a \$20,000 increase to provide for a 5% pay increase for nurses, who had not had a raise since 2008-2009. She added that they had provided the same funding of \$207,000 for six to seven years now.

Mr. Hale noted he was in favor of granting their request and it was noted that Sarah Tomlin ran the program through the Blue Ridge Medical Center. Ms. Brenan added that some of the new funding would go towards maintaining the stock of Over the Counter medications.

Supervisors then agreed by Consensus to provide the increase in funding of \$20,000.

Mr. Bruguiere noted he thought that the School Nurses' pay should be tied to the school's increase percentage and it was noted that it would not be beneficial for them to be considered school staff as it would likely cost more and there were benefits to maintaining their affiliation with Blue Ridge Medical Center.

Buses: Current Funding Provides for Two (2) New Buses

School Capital: Civil Rights compliance issues may be addressed as budget amendment pending results of architectural review. Date for 2x2 committee is pending.

Mr. Harvey noted that he and Mr. Bruguiere had met with the two School Board members the previous night and that a lot needed to be done. He noted that the Schools were bringing a new consultant on board to help with evaluation of the OCR items. He added that it had been suggested that the \$2 Million being set aside for the Courthouse be used to address the School's needs and that the County should finance the whole courthouse amount.

Staff advised the Board of the Tye River Elementary School set aside amount of \$340,000 and the \$500,000 in unobligated Capital funds that totaled close to \$1 Million that could be used for this.

Mr. Harvey further noted that Security was their number one priority, such as replacing card readers and cameras.

Mr. Carter advised that he and Ms. McCann were in favor of waiting until the fall VRA issuance to secure the financing for the Courthouse because the bid amounts would be known at that point. He noted that the fund balance could be used to cover any costs prior to that and the County could use the provisions of the reimbursement resolution until the VRA funding came through. He reiterated that the County should know the bid amount before needing to apply to VRA for financing.

Mr. Hale then inquired as to who made the decisions on the School Capital items and Mr. Harvey advised that the School Board did.

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Mr. Hale then noted that \$250,000 was estimated for security items and he was not sure he agreed with these; adding that he thought they were associated with living in fear.

Mr. Bruguiere then noted it to be a safety issue and then described that at the Middle School, once all of the kids were inside, the doors were locked and one had to push a button to gain entry and cameras could see who was at the door.

Mr. Harvey noted that he was hoping to change their policy on bomb threats; where they had all of the students gathering in one place; which he thought provided more of an opportunity for someone to cause mass harm.

Mr. Hale noted that according to a seasoned teacher, paying attention to bomb threats was a waste of time. Mr. Harvey disagreed noting that if something were to happen, they would not want that on their conscience. He added that catching and prosecuting those making the threats would be a great deterrent.

Mr. Harvey then noted that the committee was still putting figures together and they would report back and he added that they were still working on the buses. Mr. Bruguiere added that they wanted four buses and two cars and he thought they had talked them out of wanting the cars. It was noted that funding for two buses was included in the budget.

Ms. McCann noted that the Schools typically requested buying four (4) new buses and the County had typically funded the purchase of two (2) new buses in recent years. Mr. Carter noted that Dr. Comer had related to him that if buses met inspection then they could be used and that there was nothing in the State Code that required new buses. Mr. Harvey noted that they should be able to get more years out of the newer buses.

Supervisors agreed by Consensus to leave these decisions to the committee to make and then have them report back to the full Board.

Other Funds:

Ms. McCann reviewed the Other Funds as follows:

Debt Service Fund

Debt service expenditures relative to the General Fund total \$1,168,315 and include debt service and trustee fees for the following:

- 1) Convenience Centers/Construction & Equipment
- 2) Courthouse Judicial Center (15 Yr. Refinancing, May 2013)
- 3) Radio Project
- 4) Existing Courthouse Renovation (Interest only in FY16)

Debt service expenditures relative to the School Fund total \$2,198,966 and include debt service payments and trustee fees related to the following:

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- 1) There is no outstanding debt for Bus leases or Tye River Elementary.
- 2) Rockfish River Elementary (Literary Loan refinanced 5/13)
- 3) Early Retirement Incentive (Refinanced in FY2000)
- 4) NCHS Renovations/ New Middle School (Lease Revenue refinanced in FY12 & VPSA)

All debt is supported by a transfer from the General Fund in the amount of \$3,367,281. County debt reflects an overall increase of \$114,776 due to the upcoming courthouse renovation. School debt reflects an overall decrease of \$14,555.

Ms. McCann noted that debt on the Tye River Elementary School was paid off and Rockfish River Elementary was refinanced in May 2013 and was one of the debts incorporated into paying for the new Courthouse Building debt. She noted that it would be paid off in 2018. She noted that this debt, the debt for the early retirement program, the High School/Middle School Lease Revenue, and VPSA debt would all be paid off in 2018 and these payments were part of the new funds to be used to cover the Courthouse renovation project debt service.

Capital Fund

Expenditures reflect funding in the amount of \$300,500 that was allocated in FY12 (remains unspent) as a Capital Reserve for the School Division (TRE). Also included is an unallocated Capital Reserve in the amount of \$597,543.

Mr. Harvey indicated he was not too concerned about the building envelope at Tye River; however he did think they would need to do some testing.

Revenues generated include only a small amount of interest earnings. The remainder of revenue reflected is the existing fund balance.

Courthouse Project Fund

The Courthouse Project Fund expenditure budget for FY16 includes \$7,283,271 in architectural and construction related expense relative to the existing Courthouse renovation project.

Architectural expenditures are supported with prior year fund balance. The remainder of the project is supported with approximately \$1.4 million in local revenues transferred from the General Fund and anticipated financing proceeds of \$5.5 million.

CDBG Fund

This budget reflects the recently awarded Community Development Block Grant for Broadband expansion. The expansion project is supported with grant revenues of \$200,000 and local match funding of \$100,000. The local match funding is provided by way of a Transfer from the General Fund.

Piney River Water/Sewer Enterprise Fund

In FY16, this budget is increased by \$4,868 primarily reflecting increases in sewer treatment cost and maintenance supply expenses. Sewer treatment expense is variable from year to year and can be impacted by the amount of rain and snow received. The budget for maintenance supplies reflects an increase of \$1,500 which is reflective of increased costs for grinder pumps and related parts. There are other incremental changes in maintenance and repair, electric service, and billing/postal services.

Receipts for water and sewer fees are projected to be approximately \$111,000—a slight increase over the current year. Fees for connection and installation are projected to be \$42,000 (\$12,000 Connection Fees and \$30,000 installation expense). In FY16 expenses are anticipated to exceed revenues by \$65,229. This shortfall is covered by a transfer from the General Fund in the amount of \$40,000 and \$25,229 in anticipated fund balance at year end.

Mr. Carter noted that the County would work more with the Service Authority on the inflow and infiltration issue. He added that the cleanouts could be an issue and they would look at this to see if they could troubleshoot it.

Ms. McCann noted that six (6) water and or sewer connections had been budgeted and that the County had that many this year.

Supervisors inquired as to the total debt on the system and Mr. Carter noted that it was \$1 Million and it was financed through USDA-Rural Development over a forty-two (42) year term. He noted that staff had discussed paying this down more quickly. He noted that the financing rate may be 3.8%-4.5% on this debt.

This concluded the budgetary considerations for the Board and Ms. McCann then inquired as to the Board's preference in scheduling the budget public hearing. She noted that the earliest it could be held would be at a continued meeting on May 7th or they could have it at their regular meeting on May 12th.

Supervisors agreed by Consensus to authorize the public hearing to be held at their regular meeting on May 12, 2015.

Staff then inquired as to the status of decisions regarding School Capital and Mr. Harvey suggested that additional funding for this and the new planner position could be allocated anytime during the year. Ms. McCann confirmed that this could be done as a budget amendment during the year as there were sufficient funds in the contingency to accommodate this.

Supervisors then confirmed that they had authorized the hiring of an Assistant Building Code Official and Inspector and then part time Animal Control Officers. Ms. McCann noted that the half time person in Finance was hired in this fiscal year. Mr. Bruguier then noted that the hiring of new staff was the first thing that citizens criticized no matter the position.

Ms. McCann then inquired as to whether or not the Board wanted to consider the adjustment of their salaries and they agreed by Consensus not to adjust their salaries at this time.

III. Other Business

A. Approval of CDBG-LIG Grant Pre-Contract Documents (R2015-36)

Ms. McGarry noted that the proposed resolution would approve five documents related to pre-contract requirements required by DHCD for the CDBG Broadband grant. She note these were the Local Business and Employment Plan, Residential Anti-Displacement and Relocation Assistance Plan, Non-Discrimination Policy, Section 504 Grievance Procedure, and the Fair Housing Certificate. Mr. Carter confirmed that approval of these documents was a standard pre-contract requirement for every CDBG grant awarded by DHCD.

Mr. Harvey moved to approve resolution **R2015-36**, Resolution Approving DHCD-CDBG Pre-Contract Grant Documents for Nelson County Broadband Grant #1-23 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 resolution was adopted:

RESOLUTION-R2015-36
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION APPROVING DHCD-CDBG PRE-CONTRACT GRANT DOCUMENTS
FOR NELSON COUNTY BROADBAND GRANT #14-23

RESOLVED, by the Nelson County Board of Supervisors, that the following DHCD- CDBG pre-contract grant documents are hereby approved for the Nelson County Broadband Grant #14-23:

1. Local Business & Employment Plan;
2. Residential Anti-Displacement & Relocation Assistance Plan;
3. Non-Discrimination Policy
4. Section 504 Grievance Procedure; and
5. Fair Housing Certificate

NELSON COUNTY, VIRGINIA: GRANT #14-23

LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The County of Nelson designates as its Local (Section 3) County Business and Employment Project Area the boundaries of Nelson County.
2. The County of Nelson, its contractors, and designated third parties shall in utilizing Community Development Block Grant (CDBG) funds utilize businesses and lower income residents of the in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, nonconstruction, materials, and supplies required to complete the Nelson County Community Broadband Network, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in Nelson County are:
 - (a) The County of Nelson shall identify the contracts required to conduct the CDBG activities.
 - (b) The County of Nelson shall identify through various and appropriate sources including:

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The business concerns within Nelson County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.

- (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CDBG funds.
 - (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CDBG funds.
4. The County of Nelson and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in the County:

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- (a) The County of Nelson in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CDBG activities.
- (b) The County of Nelson shall advertise through the following sources

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The availability of such positions with the information on how to apply.

- (c) The County of Nelson, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.
 - (d) To the greatest extent feasible, the County of Nelson, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by the Community Development Block Grant (CDBG).
5. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the County of Nelson shall keep, and require to be kept by contractors and subcontractors *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

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RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The County of Nelson will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County of Nelson will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate- income households in the jurisdiction.

The County of Nelson will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

The County of Nelson’s FY 2015 project includes the following activities:

The proposed telecommunications project will install an open access 8.1 mile fiber network along the Route 151 corridor from the intersection of Martin's Store at Route 6, south to the Route 664 intersection in Nellysford and north from the existing network in Afton to the County line. Additionally, it will go northwest from the intersection of Route 151 and Route 6 in Afton up Afton Mountain Road to Saddleback Lane. This installation of last mile fiber is an extension of our successful thirty-one (31) mile middle mile fiber network project.

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The County of Nelson will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

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In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

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NON-DISCRIMINATION POLICY

The County of Nelson or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, color, religion, color, sex, national origin, disability, or status as a protected veteran. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Nelson County, Virginia: Grant #14-23 Section 504 Grievance Procedure Grievance Procedure

The County of Nelson has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: Debra K. McCann, Director of Finance and Human Resources, Nelson County, P.O. Box 336, Lovingson VA 22949, 434-263-7000 (phone), 434-263-6817 (TDD), who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within **sixty (60) days** after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Debra K. McCann, Director of Finance and Human Resources. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), the County of Nelson need not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Debra K. McCann, Director of Finance and Human Resources and a copy forwarded to the complainant no later than **ninety (90) days** after its filing.
5. The Section 504 coordinator shall maintain the files and records of the County of Nelson relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within **thirty (30) days** to Debra K. McCann, Director of Finance and Human Resources.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the County of Nelson complies with Section 504 and the HUD regulations.

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FAIR HOUSING CERTIFICATION

**Fair Housing Certification
Compliance with Title VIII of the Civil Rights Act of 1968**

Whereas, the County of Nelson has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and;

Whereas, recipients of funding under the Act are required to take action to affirmatively further fair housing;

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Therefore, the County of Nelson agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

IV. Adjournment

At 6:45 PM, Mr. Hale moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.