

April 26, 2012

Virginia:

AT A REGULAR SCHEDULED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. in the Board of Supervisors room located on the second floor of the Nelson County Courthouse in Lovingson, Virginia.

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

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 7:07 pm, with all Supervisors present to establish a quorum.

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

II. Public Comments

Mr. Harvey opened the floor for public comments and there were no persons wishing to be recognized.

III. Consent Agenda

Ms. Brennan suggested that the Fair Housing Resolution be considered separately and the Members agreed by consensus.

Ms Brennan then moved to approve the consent agenda now consisting of resolutions A and C. Mr. Bruguire seconded the motion and Ms. Brennan noted she had some minor changes to a set of minutes and would speak to Ms. McGarry regarding these; however they could still be approved. Ms. Brennan also inquired as to whether or not a person could vote on minutes of a meeting they did not attend and Mr. Carter advised that they could.

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 – R2012-29** Minutes for Approval

**RESOLUTION-R2012-29
NELSON COUNTY BOARD OF SUPERVISORS**

April 26, 2012

**APPROVAL OF MEETING MINUTES
(March 20, 2012, March 22, 2012, April 3, 2012, and April 10, 2012)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **March 20, 2012, March 22, 2012, April 3, 2012, and April 10, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings

B. Resolution – R2012-30 April 2012, Fair Housing Month – Considered Separately

C. Resolution – R2012-31 COR Refunds

**RESOLUTION-R2012-31
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 38.92	2011 Personal Property Taxes	Kelly Lyn Moser 181 Graywinds Lane Nellysford, VA 22958
\$ 84.29	2011 Personal Property Taxes	Mark Christopher Moser 181 Graywinds Lane Nellysford, VA 22958
\$ 18.29	2011 Personal Property Taxes	Savannah Brooke Prechel 510 Persimmon Hill Drive Roseland, VA 22967

Ms. Karen Reifenberger with Piedmont Housing Alliance (PHA) noted that the resolution was for Fair Housing Month - April and the resolution commemorated this. She noted that it also celebrated the Fair Housing Act and this year's theme was creating equal opportunity in every way possible. She added that there would be education offered and that they were having a State, Fair Housing trainer come in to do a Fair Housing certification class who would come out to Nelson County at anyone's request. She noted that they were doing education for MACAA and Region Ten. She noted that they would also take calls regarding compliance with the law. In conclusion she noted that a children's book had been donated to the school libraries called Fair Housing Five in the Haunted House that discussed ending discrimination of all kinds.

April 26, 2012

In response to questions, Ms. Reifenberger noted that they did not speak to the Homebuilders Association and that most of their contact was with realtors. She noted a program called Livable for a Lifetime that advocated for accessibility in housing.

Ms. Brennan then moved to approve resolution **R2012-30**, Fair Housing Month – April 2012 and Mr. Hale seconded the motion. He then pointed out the last whereas clause and read the resolution aloud. 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 R2012-30
NELSON COUNTY BOARD OF SUPERVISORS
FAIR HOUSING MONTH – APRIL 2012**

WHEREAS, April is Fair Housing Month and marks the 44th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and

WHEREAS, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness); and

WHEREAS, the Fair Housing Act supports equal housing opportunity throughout the United States; and

WHEREAS, fair housing creates healthy communities, and housing discrimination harms us all; and

WHEREAS, the Nelson County Board of Supervisors supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby establish April, 2012 to be Fair Housing Month.

IV. New/Unfinished Business

A. FY12-13 General Fund Budget

Ms. McCann distributed handouts that showed the reinstatement of the Courthouse debt payment, the increases in the tax rates, and the additional EMS Transport fees that were also added to the Paid EMS program on the expenditure side. Ms. McCann then noted that the other revenues were shown in the contingency on the expenditure side. She noted that there was now a Nonrecurring Contingency of \$723,546 and Recurring Contingency of \$1,476,778 and noted that bold items reflected changes. Ms. McCann then added that the reassessment cost was incorporated into the expenditure side.

M. McCann then reported that the State Budget was still in flux and that the General Assembly may meet again in May and act on any amendments from the Governor. She reported that staff had gotten

April 26, 2012

information that the court fines legislation had been changed from a 30% to a 40% threshold which would mean more revenue retained at the local level. Mr. Carter added that he had sent letters asking the Governor to veto this legislation. Ms. McCann noted that this fiscal impact was not yet reflected in the budget but that this General Fund revenue line item had the potential to go down by \$16,000.

Ms. McCann then reported that State Compensation Board funding and Aid to Localities reductions were taken programmatically; however the County should have an overall increase in funds of about \$10,688 from the State.

She then reported that she has looked at the cost to implement the VRS mandates in phases vs. in one year and for both the Schools and the County, it would cost \$255,000 more over the five year period if it were done all in the first year. She noted that this was because of front loading it and paying the full benefit costs every year. She added that the actual budgetary impact on the County side would be \$33,000 if done in the first year and then \$7,400 for a phased 5yr implementation. She noted that on the school side, there was also a 6% rate increase that factored into the new costs; however full implementation in FY13 would cost \$1,082,000 and 1% for 5 years would cost \$984,000. She then advised that on the school side, the differential was \$98,000 in FY13.

Ms. Brennan then noted that the Schools would like to implement this all at once and Ms. McCann concurred noting her reasons as follows. She noted that it would provide for a greater benefit for the employees' retirement calculation, on the County side it would maintain continuity between the full time and part time salary scales which are linked. She noted that the raise would only apply to VRS covered employees; so if they gave the full time employees 2 steps on the scale, which equated to 5%, this would maintain the scale for both full time and part time employees. She added that if they did the 1% per year, then they would be maintaining two different scales. She also noted that any new employees after July 1, 2012 would have to have the 5% taken out and that if they did 1% per year, this would create a salary differential which was more problematic for the Schools. She concluded by noting that the County or Schools could not be in a position to give a real pay raise until the 5% threshold was met.

Mr. Bruguere noted that he was against paying a bonus for Schools because it did not reward those who have been there a long time. Mr. Carter suggested that the Board could wait to see how the year pans out before deciding whether or not to give a bonus.

Ms. McCann noted that the Schools have discussed giving a 6% raise in order to make employees whole and if the County did that, she suggested that the part time employees receive a 1% raise. Mr. Bruguere questioned the VRS rate increase for the schools going from 5% to another 6% next year and Ms. McCann reported that the County's rate increase was around 2% and this difference was due to the fact that the County has paid actuarial rates whereas the Schools have not because of the State.

Mr. Carter then summarized the previous discussion and noted that part of the tax increase was to address the VRS issues.

Mr. Hale inquired as to there ever being a guideline for maintaining a contingency and Mr. Carter noted that there has not and this figure was usually the carryover amount. He added that staff and the Board have discussed holding a fund balance of 10-12% of the total budget.

April 26, 2012

Mr. Carter then added that the VRS changes also encompassed revamping of the system such that there would be an alternate retirement system and retirement calculations would be based on five years average final compensation hereafter and not the three years as it was now.

Mr. Carter then noted that staff was at a point of needing direction as to which way to go with working on the budget.

Mr. Hale noted that delaying on addressing the VRS would not help and it would not be changing. He then noted that the Board had two options and could not say that they were not going to do it. He then stated that the other question was adding the 1% to the 5% and he stated that he was inclined to go this direction but not provide for any other raises. He added that the raise did benefit the employee in the long term. Mr. Harvey noted his agreement and he supported giving a 6% raise in FY13.

Members then discussed how they would address the additional 1% and it was noted that a 1% raise would be authorized for the part time employees who were not part of the VRS system. Ms. McCann noted that this would cost \$43,000 for part time County employees and Ms. Brennan noted that this cost was noted to be \$151,900 for the schools. Ms. Brennan then noted that she would go along with it but that it bothered her to spend the extra \$255,000. Ms. McCann confirmed that this would reduce the recurring contingency by another \$255,000 and it would be left with around \$200,000.

Ms. McCann then inquired if there were any other items the Board wanted to address in the school budget and she noted that there were currently no new buses in the budget. Mr. Hale then reported the numbers given by the School Board on the buses as follows: There were sixty-nine (69) buses total in the fleet. He added that there were fifty-seven (57) permanently assigned buses consisting of forty-six (46) used for standard routes, two (2) used for Handicap routes, five (5) used for substitute buses and four (4) used for trips. He then noted that a total of twelve (12) buses were in the shop consisting of four (4) out of the rotation for inspection every 30 days, two (2) out for breakdowns, two (2) spare handicapped buses, and four (4) extra for spring sports and no parts buses.

Ms. McCann noted that Shannon Irvin had noted to her that because the new buses had different emissions standards and required some different equipment and employee training, that David Johnson would like to see that they did not buy the buses this year but rather the Board provided \$50,000 for maintenance needs. Members then confirmed that was what the School Board had advised in the joint meeting.

Ms. McCann then reported that there was \$246,000 in new money from the County in the school budget now. She noted that they had originally asked for \$1.8 million in new money and that their original budget request was essentially defunct at this point.

Mr. Harvey reported that the two Boards had discussed fuel costs and that they had based their budget on \$3.25 per gallon. He added that the Board made sure that they knew that the money there was spent on fuel and nothing else.

Ms. McCann also noted that the Schools had received more in State money of \$138,000 and with State budget amendments they should see another \$90,000 more on the revenue side. She then noted that Ms. Irvin had not included new positions in their raise calculations.

April 26, 2012

Members then agreed by Consensus to go with providing only the \$50,000 for maintenance on buses and deferring purchase of any new buses in FY13.

Mr. Bruguere suggested that the \$246,000 in new County funds and the \$220,000 in additional State funds might take care of the School's VRS problem and then they would have the \$50,000 for buses.

Members and Staff briefly discussed what the School's funding request would be now and members agreed by consensus that it would be best to get a new budget request from the Schools. Ms. McCann reported that without addressing the buses now and with Ms. Irvin's revisions, she thought that the School's were now showing a shortage of \$956,000. Mr. Harvey then reiterated that they needed to make sure that the Schools reported on costs and kept money where it was allocated.

Mr. Carter then suggested that staff bring back an updated budget from the Schools and then have the Board look at agency funding. Mr. Harvey noted that he wanted to get the schools done first and then work on the County budget next.

Ms. McCann then related that the Department of Social Services (DSS) figured that they would need \$5,500 in order to implement the VRS in one year and it was noted that the Service Authority was discussing doing an overall 6% raise which would also apply to DSS.

Ms. McCann then confirmed that the Constitutional Officer's employees were figured in and their raises would be considered a local supplement.

Members noted that the next regular meeting was on May 8th and it was noted that there was no Planning Commission meeting in April and therefore no public hearings to be held during the night session. Ms. Brennan then noted that she would be out of the County from May 9th to May 16th.

Ms. McCann noted to the Board that the High School FFA Banquet was on the 8th and members were invited to attend for dinner. Members agreed to attend and she then affirmed that she would RSVP to that effect on their behalf.

V. Other Business (As May Be Presented)

Introduced: Gladstone Fire and Rescue Services

Mr. Saunders expressed his concern that Gladstone Fire and Rescue Services still had not received the funds from the Receiver and these funds should have been released by then. He added that the lawyers involved were not returning their phone calls.

Mr. Harvey reported that he thought that the lawyers were filing the paperwork the following week to wind this up and that Tom Berry just needed to ask the judge to turn the funds over. He reiterated that it was his understanding this request was going out Friday or Monday to the judge. He noted that this was not a docket item, but rather was the submission of an order. Mr. Carter noted that staff would check on this the next day but was unable to do much about it except encourage that it gets done. He added that he or Mr. Payne could write a letter to judge. Mr. Saunders reiterated that something needed to be done

April 26, 2012

because it was not right that these funds had not yet been released. He added that he attended the new organization's first annual meeting the past Saturday and they were doing a good job.

Members then questioned where the Gladstone funding from this year went and Mr. Carter noted that it was still in the County's General Fund. Mr. Harvey and Mr. Saunders both indicated that they wanted Gladstone to have these funds now as it was money to go towards expenses that were paid in arrears and they were due the payment. Mr. Harvey noted that they did not turn in expenses for the current year and therefore should not get a disbursement in FY13. It was noted also that they should have their transport license now from the State.

Ms. McCann then confirmed the Board's consensus to go ahead and pay out the remaining Gladstone Rescue EMS Council funds to the new Gladstone Fire and Rescue Services organization.

Introduced: Wintergreen EMS Loans

Ms. Brennan reported that she turned over \$50,000 to the Treasurer as the final payment for the Wintergreen ladder truck. Mr. Harvey reported that the Board needed to look at the EMS fund because Wintergreen would be buying a tanker and the current loan limit was \$250,000. He suggested that the Board might want to increase this threshold so it could be loaned out. Mr. Carter advised that the request needed to come to the Board through the EMS Counsel.

Introduced Heritage Center Discussions

Mr. Hale reported that he and Mr. Saunders were continuing discussions with the Heritage Center and that they wanted to meet on May 2, 2012 at 6:00 pm. He noted that he had emailed them a fair solution and that if they did not like it, he did not know what they would do to resolve it.

Introduced: Upcoming Meetings

Mr. Hale reported that the Planning District Commission would be hosting a meeting on local impacts from General Assembly action on Tuesday May 1, 2012 at 11:00 am. He added that there may be a \$10.00 fee associated with it as lunch was included and there was also a Mayors and Chairs meeting the next day.

Introduced: Broadband Project

Mr. Carter noted that with the Broadband Authority, there was a lot that was moving all over the place but moving forward. He noted that the difficult part was when the network was up and running in July it would not serve residences except through the towers and would be primarily a business type situation until service providers came in and built it out. He added that staff has discussed doing a study as to how best to expand out into the county and the equipment vendor had said that the best way to deploy services was by wired connection but that it was very expensive. Mr. Carter then reiterated that residences would not get fiber connections immediately. He noted that the Authority would get revenue from business connections and leasing of fiber initially and would potentially be able to grow the network from these revenues.

April 26, 2012

Mr. Carter then reported that getting one provider that would be reliable has been very difficult. He added that the goal was to position the County to move forward, it would not happen immediately and it could be 3-4 years before things started to happen. He then reiterated that some of the ten expansion options presented to the Authority would be good to do. Mr. Hale then noted that he was not in favor of doing more until the original backbone was up and running and that he was referring to the more expensive items listed.

VI. Adjournment

At 8:25 pm, Ms. Brennan moved to adjourn the meeting and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.