

December 9, 2014

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston Virginia.

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

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 2:05 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. Consent Agenda

Ms. Brennan noted the Consent Agenda items for consideration and Mr. Bruguire inquired as to whether or not the inside of the building on the Calohill property had been cleared by the seller. Mr. Carter advised that it had and that County maintenance staff were working on clearing the exterior of the surrounding property.

Ms. Brennan then noted she would like to defer consideration of approving the minutes until January and Supervisors agreed by consensus to do so. Mr. Hale then moved to approve the consent agenda less item A. Minutes for Approval, and Mr. Bruguire seconded the motion. 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 – **R2014-82** Minutes for Approval – Deferred
- B. Resolution – **R2014-83** COR Refunds

**RESOLUTION R2014-83
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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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>
\$21.90	2014 PP Tax	Roy Rogers Nash 5828 Jefferson Mill Road Scottsville, VA 24590
\$106.66	2014 PP Tax & Vehicle License Fee	Lillian C. Strickler 936 Peavine Lane Shipman, VA 22971
\$50.00	Land Use Fee	Rebecca Miles 400 Stonemill Dr. Apt. 1 Lynchburg, VA 24502
\$50.00	Land Use Fee	Dixon Tucker 410 Esmont Ct. Chesapeake, VA 23322

C. Resolution – **R2014-84** FY15 Budget Amendment

**RESOLUTION R2014-84
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET
NELSON COUNTY, VA
December 9, 2014**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2014-2015 Budget be hereby amended as follows:

I. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$5,800.00	4-100-999000-9905	4-100-032020-5665
<u>\$120,023.00</u>	4-100-999000-9905	4-100-091050-7076
\$125,823.00		

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D. Resolution – **R2014-85** Acceptance of Conveyance – Calohill Property

RESOLUTION R2014-85
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
CALOHILL PROPERTY – OSWALD L. WILLIAMS

RESOLVED, by the Nelson County Board of Supervisors that the County Attorney, Philip D. Payne, IV is hereby authorized to accept the conveyance of property on behalf of the Nelson County Board of Supervisors from Oswald L. Williams via deed, dated November 24, 2014 and recorded as instrument number 14002848 in the Nelson County Circuit Court Clerk’s office on December 1, 2014. The Conveyed property being Tax Map 57-A-34L, approximately 2.500 acres in the Lovington Magisterial District together with all buildings and improvements thereon and inclusive of an appurtenance to said lot, access thereto over a joint use right of way known as “Calohill Drive”.

III. Public Comments and Presentations

A. Public Comments

1. Alyssa Elliot, Agriculture and Natural Resources Extension Agent for Amherst County. Ms. Elliot introduced herself and noted that her specialty was Animal Science and that she worked closely with Michael LaChance. She added that she just wanted to introduce herself and she thanked the Board for their support of Virginia Cooperative Extension.

2. Scott Leake, Congressman Hurt’s Office

Mr. Leake extended Congressman Hurt’s greetings and noted that a continuing resolution was under consideration this week by the Federal legislators which would hopefully allow the State to continue to work. He then noted that the Congressman had local elected official appreciation events scheduled for late March or Early April this year.

Mr. Hale then asked when the deadline on the budget was and Mr. Leake noted that funding ended on December 12, 2014.

Mr. Leake then related that he went to American Legion Post 17 on December 11, 2014 and attended a flag retirement ceremony along with a troop of Boy Scouts and Cub Scouts and they had done a wonderful job.

3. Ernie Reed, Nellysford

Mr. Reed noted that he was concerned about the Atlantic Coast Pipeline and the FERC process and that it only worked as a viable process when citizens could weigh in fairly. He then asked the Board to weigh in and noted that he thought the Rockfish Valley Area Plan information would be vital to demonstrate the corridor’s values and how these might be

compromised by the pipeline. He then suggested that the Board expedite this so it could be analyzed in the FERC process. Mr. Reed then advised that the Friends of Nelson would be doing an independent study of the local costs of the pipeline to the County and that they would be raising money after first of year for this. Mr. Reed then noted that FERC says they would like alternate routes recommended; however, he did not know of any alternate routes that would be suitable. He added that the most logical route would be to use existing infrastructure and if Dominion was not willing to do this, then they were not right for the job.

4. Marian Kanour, Free Nelson

Ms. Kanour noted that she understood that Mr. Saunders asked for groups to bring specific recommendations to the Board and she noted their letter doing this. She then distributed a copy of the letter to staff and noted that when elected officials wrote to FERC they were required to acknowledge it; however they were not required to acknowledge citizens. She then noted the name of each document that Free Nelson suggested could be submitted to FERC by the Board of Supervisors as follows: US Geological Survey report 99-518, Washington Post story dated August 19, 2013 that discusses the way that Hurricane Camille tracked and the unusual geography of Nelson County that in essence traps these storms, and the official file from the West Virginia Department of Environmental Protection citing violations against Dominion Transmission for their G-150 line in West Virginia.

5. Sarah Ray, Pipeline Education Group (PEG)

Ms. Ray noted she represented the Pipeline Education Group (PEG) and that they have been researching problems with pipelines and making their findings available to the public. She then distributed information to staff for the Board to review. She added that they had collected 574 more signatures on the petition opposing the pipeline in Nelson County. She noted that they had submitted 1724 signatures in September and now had 2,298. She noted that some were residents, some were visitors that had specific interests in the pipeline, and some were children who were interested in how the pipeline would affect their future. She concluded by offering the Board any help they could give in sharing information or doing specific research for the Board.

6. Eleanor Amidon, Tanbark Drive Afton

Ms. Amidon noted that Mr. Saunders had invited those opposed to the pipeline to come to the Board meeting. She then distributed and read aloud the following letter to the Board:

Dear Nelson County Board of Supervisors:

Dominion's annual report to the United States Securities and Exchange Commission for the fiscal year ending December 31, 2013, Form 10-K, under "Item 1A. Risk Factors on page 23, states that their businesses "are influenced by many factors that are difficult to predict, involve uncertainties that may materially affect actual results and are often beyond their control:

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The first item listed is that their operations can be affected by changes in the weather. "In addition, severe weather, including hurricanes, floods and winter storms, can be destructive, causing outages and property damage that require incurring additional expenses. Changes in weather conditions can result in reduced water levels or changes in water temperatures that could adversely affect operations at some of the Companies' power stations. Furthermore, the Companies' operations could be adversely affected and their physical plant placed at greater risk of damage should changes in global climate produce, among other possible conditions, unusual variations in temperature and weather patterns, resulting in more intense, frequent and extreme weather events, abnormal levels of precipitation and, for operations located on or near coastlines, a change in sea level or sea temperatures."

This is their number one "risk factor." We know that Nelson County experiences severe weather events. If they are going to force their risky business into Nelson County, we should make sure that our local ordinances make them completely financially responsible for any damage to public health or to the environment caused by their operations here.

In the section of the Form 10-K report entitled "Management's Discussion and Analysis of Financial Condition and Results of Operations," on page 52, under "Environmental Matters," the report states: "Dominion and Virginia Power are subject to costs resulting from a number of federal, state and local laws and regulations designed to protect human health and the environment. These laws and regulations affect future planning and existing operations. They can result in increased capital, operating and other costs as a result of compliance, remediation, containment and monitoring obligations...."

Dominion says they are subject to federal, state, and LOCAL laws. It is up to us to make sure we have local laws on the books before they force their way into Nelson County. Their report gives us list of four concerns that we need to have in our ordinances: compliance, remediation, containment and monitoring. These are things they would be obligated to do, and that we should feel obligated to include in our local zoning ordinances.

7. Sharon Ponton, Lovington - Free Nelson Organizer

Ms. Ponton noted that the Board was the advocate for the health, safety, and welfare for citizens. She noted that she understood that the County does not have the funds or staff to do studies etc.; however there were resources in the county that could help to do research if asked, in order to determine the impact of the pipeline on the community. She note for example there were transportation concerns such as who would address or pay for wear and tear on the County's roads during the construction of the pipeline. She then asked the Board to participate in the FERC process and accept help from the community in doing research etc. She asked that the Board not view the anti-pipeline groups as adversaries, as they did not want to be adversarial; but rather there were a lot of questions to be answered that still had not been answered by Dominion; such as where the testing water would come from. She added that the groups were willing to help and all the Board needed to do was ask.

B. VDOT Report

Mr. Don Austin of VDOT in attendance reported the following:

Mr. Austin reported that shoulder widening had been bid out and would start in spring time. He added that they would be using safety funding to pave a 4 ft. shoulder from the Albemarle County line back to Route 6 which would help with the washouts there.

Mr. Austin reported that there were two historical markers to be replaced, one at Colleen and one at the Nelson Wayside. He noted that VDOT maintained the structures; however did not replace them. He added that the Board would have to contact the sponsors of the markers unless they wanted to proceed with funding their replacement at a cost of \$1600 each. He advised the Board to let the County Administrator know their preference and it would be communicated to him.

Mr. Austin noted that they would be working on a bridge replacement on Route 722, Keys Church Road, and this bridge would be closed for about three weeks in January starting January 12th. He noted there would be a short detour around this area through Findlay Gap Rd.

Mr. Austin reported that on Green Lane, the end of maintenance was extended to the proper location.

Mr. Austin reported that they were working on the preliminaries for Lodebar Estates under the Rural Rustic program, which should be scheduled for early summer paving.

Mr. Austin reported that Aerial Road, Route 645 was suggested to be paved by a citizen. He noted that part of this road was paved and the other part was not. He noted that the latest traffic count was 60 for the whole road which was lower than the others programmed for the Rural Rustic program. Mr. Austin added that the unpaved part of the road had been graded the previous week and Mr. Hale noted he would go take a look at it.

The following district VDOT issues were discussed:

Mr. Saunders – South District:

1. Mr. Saunders noted that the Laurel Road and Browning's Cove intersection was a Y and that it was not supposed to be one. He added that it was created and needed to be blocked off somehow because it was now a 3-way intersection and everyone had the right of way.

Mr. Hale agreed and noted that the sight distance was better if one used the part that was supposed to be blocked off. It was agreed that only one side should be used regardless of which side it was.

2. Mr. Saunders requested that Mr. Austin provide him with the written report on the Wingina speed reduction study.

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3. Mr. Saunders requested to receive something in writing that VDOT had checked to see if the trees on the Findlay Mountain Road and Route 56 east intersection property were on private property or in the VDOT right of way.

4. Mr. Saunders noted that on Route 626 from Norwood Rd. to Greenfield Drive, quite a few potholes had been reported to him. Mr. Austin confirmed that these were on Norwood Rd.

5. Mr. Saunders noted having received a complaint and suggestion to eliminate the passing lane in front of the VDOT shop in Shipman. Mr. Austin noted that this had been an ongoing complaint; however the speed zones and sight distances had changed over the past couple of years. Mr. Saunders requested that Mr. Austin respond to him on this concern in writing.

6. Mr. Saunders asked if VDOT could look at the large potholes at the entry of the Gladstone collection site. Mr. Austin noted they could possibly look at it whenever they repaved the nearby shoulder of the road.

Mr. Bruguere-West District

Mr. Bruguere noted that in Piney River, where the new paving was done across from Campbell's Store, when VDOT put the aprons in, a 5-6 inch drop off in the pavement was left and he had gotten a complaint about it. He supposed that all it needed was gravel pulled up to it and Mr. Austin noted he would have someone look at it.

Mr. Harvey – North District

Mr. Harvey noted that the shoulders along Route 151 were washed badly. He gave the examples of where Wind Ridge Landscaping was and the turn lanes at Rockfish River Elementary School. Mr. Austin noted that a lot of places needed the shoulders cut and he would look at it.

Mr. Harvey then noted that VDOT had never cut along the guardrails and Mr. Austin noted that they had equipment failures.

Mr. Harvey then noted he would like to have the Culpeper VDOT contact email; noting that he thought the contact name was Joel Vnuzio. Mr. Austin noted that he would find out and let him know. Mr. Harvey then noted that his plan was to do something with clearing at the Afton Overlook in spring

Mr. Hale and Ms. Brennan had no VDOT issues.

IV. New Business/ Unfinished Business (As May Be Presented)

A. EMS Revenue Recovery Program Status Report

Ms. McCann noted that at the last Board meeting, Ms. Brennan had requested a status report on the program and the following report was provided:

PAID EMS FINANCIAL INFORMATION

July 1, 2013 –June 30, 2014	FY2013-2014
Cash Collections	\$499,050.00
YTD Expenditures	\$699,810.43
Net Program Shortfall YTD	-\$200,760.43
Average Monthly Shortfall	-\$16,730.04

July 1, 2014 –October 31, 2014	FY2014-2015
Cash Collections	\$132,222.84
YTD Expenditures	\$220,804.47
Net Program Shortfall YTD	-\$88,581.63
Average Monthly Shortfall	-\$22,145.41

She noted that the above charts compared cash collections from ambulance billing to actual expenses for FY2013-2014 and also for FY2014-2015 to date. In FY2013-2014, collections provided for 71.3% of expenses. Year to date, collection revenue has provided for 59.9% of expenses. For the current year, collections were budgeted at \$450,000. To date, collections for the full fiscal year project to be about \$400,000 which was a \$50,000 budgetary shortfall.

Ms. McCann then noted that the Affordable Care Act by its requirement for all persons to obtain health insurance has brought about changes in the application of contractual allowances to the ambulance service billing. As a result of this change, EMS Management Consultants would be retroactively billing patients for some charges that remain on account.

In conclusion she noted that as of October 31, 2014, the accounts receivable was \$297,501 which represented about 45% of net charges. As an effort to lower the receivables and increase revenues, EMS Management Consultants has recommended that the county consider a collections program and they would be providing several proposals for consideration. She added that the Treasurer’s Office could be utilized for this as well.

Mr. Hale inquired as to when the new billing company began providing service and noted that he thought this change would result in a more efficient system. Ms. McCann noted that

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they had started in December of 2013 and that their system was more efficient; however one issue was relative to the fact that their legal staff took a different perspective on how Nelson County residents were treated. She explained that they could not bill patients who were without insurance which has now changed because of the Affordable Care Act. She added that the previous billing company, Fidelis had not used the same legal interpretation and had been billing those without insurance. Mr. Carter noted that the percentage of collections written off for those without insurance was approximately 90%.

Ms. Brennan asked if all insurance companies paid for ambulance transport and Ms. McCann noted that she was not sure; however she thought they would at least pay for a portion of it.

Mr. Carter then spoke to the expense side of the program and noted that when the coverage was increased to 24/7, the costs of the program increased. He noted that the County currently did not collect the copayment from insurance; however, the collection issues were the uninsured and people who did not provide insurance information. He added that the billing company was doing a better job of getting this; however if they were not able to, then people did not pay.

Ms. McCann noted that when Fidelis realized the County was switching billing companies, they ramped up collections so these numbers were somewhat inflated. Mr. Carter added that the projected collections were 45% to 60% and the County was probably within that range. He noted that the only way to increase receipts was to be more aggressive with collections.

Mr. Harvey noted that Hospitals were now allowed to give out insurance information whereas before they were not. Mr. Carter agreed this was better now; however it was an ongoing concern that needed to be addressed. He added that the billing company was doing a good job of getting insurance information.

Mr. Harvey noted that some volunteers may not be as good at doing the paperwork and Mr. Carter advised that Ms. Miller was still reviewing call sheets and getting information when she could. He reiterated that the problem areas were still the uninsured and those with insurance who did not provide their information.

Mr. Harvey noted that the revenue recovery program was not meant to be a revenue neutral program and ambulance service was one that the County had to provide.

Mr. Bruguiere noted that the County could not afford to subsidize the program by \$200,000 and everyone was supposed to have insurance now and he thought the County needed to proceed with more aggressive collections.

In response to brief discussion regarding those who did not have the ability to pay the bill, Ms. McCann advised the Board that there was a hardship waiver program that used federal guidelines as a means to determine hardship and fee waivers.

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Ms. Brennan then suggested that Staff come up with a plan of options on how to beef up collections and bring it back for the Board's consideration.

Mr. Hale then questioned the ambulance coverage by Medicare and Medicaid and it was noted that they did provide coverage; however it was not at 100%. Ms. McCann explained that they were required to write off the amount above the Medicare and Medicaid allowable charges. Mr. Carter added that the balance of these bills had to be adjusted off per the Office of Inspector General (OIG) rules and regulations. Staff then added that Medicaid and Medicare revenue was the most consistent as well as insurance if that information is provided and secondary insurance was billed as applicable.

B. FY15 Allocation of Local Reduction in State Aid to Localities (R2014-86)

Mr. Carter noted that the draft resolution proposes the plan to address the reduction in State Aid to Localities for the County. He added that the options were to repay the funds or take a reduction prior to the disbursement of these funds to the County. He noted that staff proposed to take a reduction and the figures presented were reported to the County by the State Department of Planning and Budget. He noted that the County would have to send their choice to the State if it were not provided, the State would just make the reductions. Mr. Carter clarified that these reductions would be for the current Fiscal Year and would be taken off of state disbursements to the County for the rest of the year. He advised that the Board had opted to do the same last fiscal year.

Ms. Brennan expressed her concern that the State has decided where to reduce funding and Ms. McCann advised that the Board could make a corresponding reduction on the expenditure side. Mr. Harvey noted that CSA funding took the largest hit and the County would have to pay for this regardless and Ms. McCann agreed and noted the likelihood of having to request additional funds by the end of the fiscal year.

Mr. Hale then moved to approve resolution R2014-86, Approval of Allocation of the Reduction in State Aid to Localities for Nelson County and Mr. Bruguiere seconded the motion.

Ms. Brennan then noted she would be voting for it under protest and Mr. Hale noted that the State had less money so it was passing down less money. Ms. Brennan supposed that there was nothing really that could be done about it other than writing the State a letter and Mr. Carter noted that the Regional Legislative Program spoke to this issue.

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 R2014-86
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF ALLOCATION OF THE REDUCTION
IN STATE AID FOR NELSON COUNTY**

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WHEREAS, the County of Nelson is required to elect an allocation of the reduction in state aid to localities pursuant to HB5010 which amends Chapter 2, 2014 Acts of Assembly, Special Session I, to include Item 471.30; and

WHEREAS, the Nelson County Board of Supervisors has allocated the reductions within the Fiscal Year 2014-2015 general fund budget in accordance with the 2014-15 Fiscal Year Aid to Localities Reduction report prepared by the State Department of Planning and Budget;

NOW THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors hereby authorizes county staff to make submission to the Department of Planning and Budget electing to allocate state revenue reductions pursuant to the Fiscal Year 2014-2015 calculated reduction as prepared by the Department of Planning and Budget and as denoted below:

Registrar/Electoral Board	\$ 1,106
Constitutional Offices	\$ 9,571
Rolling Stock Taxes	\$ 0
Recordation Taxes	\$ 5,791
Comprehensive Services (CSA)	\$12,914
VJCCCA Alternative Treatment	<u>\$ 315</u>
	\$29,697

C. Authorization to Proceed with Easement Acquisition, Blue Ridge Tunnel Project (**R2014-87**)

Mr. Carter noted that the primary consideration was would the Board support a local match of \$13,800 to match DCR grant funds to acquire the needed easement. He noted that the County could not use the value of the tunnel for this as it would require a reappraisal of the tunnel which could be risky.

He further noted that the tunnel committee had suggested asking the City of Waynesboro to contribute to the local match; which he had done and they were considering it. He added that the City had asked if the County's Board had discussed this and he advised that two committee members had and he would follow up with full Board. Mr. Carter noted that he had advised Waynesboro that he would ask the Board if they would accept \$13,800 from Waynesboro for this.

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Mr. Carter then explained that easement negotiations were ongoing and he noted that the first drawing provided was the easement sketch and he noted that ROLC wanted to move the parking area. He noted that he would get information from them the next day that may allow closure on the easement. Mr. Carter noted that there were two DCR grants; one expiring on 12/31/14 and one on 9/30/15. He then advised that he tried separating the easement areas; however this fell short of using the full grant amount. He then reported that he had written DCR staff a letter to report progress and request an extension.

Mr. Carter noted that the County needed the Board to consent to secure the easement from ROLC and agree to cover the \$13,800 local match. He noted that \$10,000 of this would be the donation from the Tunnel Foundation; therefore the real outlay would from the County would be \$3,800. He added that staff had checked the meeting minutes and the \$10,000 donation from the Tunnel Foundation had not been designated for a specific purpose.

Mr. Hale then noted that the Foundation felt that it was essential that the access to east portal be secured; which required funds for the purchase of the property and it was the only reason Tyler was willing to go forward on the east. He added that it showed a public private partnership for that acquisition.

Mr. Carter noted that the ROLC Board would not agree to a donation on the easement and staff has been working on this since 2007.

Mr. Hale then noted that the west trail had been designed for the best location and now ROLC has asked to move the trail from the parking area and he was afraid that if they would not accept the trail design as is, then it will be a problem. He added that the easement would be in Augusta County not Nelson and involved \$1.5 Million in grant funding that had not yet been secured for Phase III and there was no knowledge that these funds would be granted. He then noted that money could then spent for an easement to nowhere. It was noted that CSX owned a strip of land between the Nelson County trail and the ROLC owned part.

Mr. Carter noted that if the trail were moved, it would have to be redesigned and more environmental and archeological review would have to be done; which were good reasons not to change it. He noted that the application for Phase III had been submitted to VDOT and it had good potential to happen. He added that acquiring the ROLC easement would enhance this probability.

Mr. Hale noted that there was a lot of money in the funding program; which was ongoing and he thought the County would be successful unless the program went away. He then questioned what would be done if ROLC said no to the easement proposal. Mr. Carter advised that staff would continue to work on it and a revised easement was coming the following day. He noted that he had asked if they could include language to provide for shared parking etc. and they said they would see. He then noted that the County would not move forward with it unless it was in the County's best interest and that he was not going to do something to harm the County.

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Ms. Brennan noted being acquainted with ROLC family member Fred Scott; who had assured her that ROLC wanted to work with the County on this and that there were just technical issues to work out. Mr. Carter noted that he would facilitate a meeting with ROLC, Augusta County, and Waynesboro to discuss the project and he was hopeful that the County would get an extension of time from the FHWA through DCR since the County was showing progress in acquiring the easement; however currently the deadline was 12/31.

Mr. Hale then noted that the County could do their suggested trail change as the west side was not a handicapped accessible trail.

Mr. Carter then explained the easement funding noting that the appraised value of the easement was \$69,000 and 20% had to be local match with the grant paying for the balance. He then reiterated that he has asked Waynesboro for the \$13,800 local match.

Mr. Harvey noted that it was all worthless if not completed and Mr. Hale noted he thought they had an excellent chance of getting the funds from Waynesboro; however the County should be prepared to go forward with it and be willing to cover the full match. He acknowledged that it was true that County staff had devoted enormous amounts of time on this and should not lose out on the grant funds.

Members and staff then discussed that these monies could not be used on the east side since more than the appraised value was paid.

Mr. Carter noted that if the County could make this work, then it would have the opportunity to go back to DCR for future grant money. He noted that if ROLC was not willing to accept what was designed now with the understanding that the County would then it could not go forward. Mr. Hale noted that the trail as designed wandered like it did because it followed a nice path all the way around. He added that an alternated design could be devised that would work; however it could not be done between now and the end of the year. Mr. Carter noted that he had advised ROLC that it was not in the County's best interest to change the trail alignment right now.

Mr. Hale then supposed if that if they weren't agreeable then the County would be years away from building that side of the trail. He added that the problem to worry about was if the funding for Phase III did not materialize, then the County could have an easement of no value and he suggested including a clause in the easement that said that if funding for Phase III construction did not come through, then the County would be reimbursed and the easement would be rescinded.

Mr. Harvey noted he was not sure that would work and Ms. Brennan noted she would like to be positive about the Phase III funding first.

Mr. Carter noted that he had just signed the contract addendum for Phase II; which would be initiated sometime in spring.

Mr. Harvey then stated that he thought the tunnel committee should take care of these details and he had no problem setting aside funds for the match.

Mr. Carter noted the top part where the parking area was as the concern for them now and he added that ROLC had committees and a Board of Directors that were involved. Mr. Harvey noted he thought that the Board of Directors changed every year and Ms. Brennan noted she was happy for the tunnel committee to decide. It was suggested that the Board needed to vote on providing the local match or not.

Mr. Hale then moved that staff, in consultation with the committee, proceed with the acquisition of the easement from the ROLC for the trail as designed by Woolpert and if funding for the local match did not come forward from other sources then the Board commits to provision of the local match of \$13,800.

Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and resolved to proceed with the ROLC easement acquisition as stated in the motion.

Mr. Saunders then noted that he knew Fred Scott of ROLC very well. Mr. Carter reported that he had been advised that some of the ROLC members were willing to give the County the easement but some were not.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: The project committee met on 12-4 with Architectural Partners (Mr. Jim Vernon) to review a revised project scope based on a project budget of \$3.62 to \$4.375 million (based upon \$332,287.50 that will be available in FY18 from retirement of current solid waste project debt and financing periods of 15 and 20 years; the lower budget range at 15 years, the higher range at 20 years). The outcome of the meeting was direction to AP to use a total project budget of \$6.0 million for the committee's ensuing review and not to meet with the full BOS on 12-9, as the committee concurred that the previous reduced project budget range was insufficient to result in significant project accomplishment.

2. Broadband: County staff submitted the Local Innovation Grant application to VA-DHCD on 11-15 (\$200,000 state grant with \$100,000 local match). An award decision is pending.

3. BR Tunnel and BR Railway Trail Projects: **A) BRRT** – Final retainage is pending payment to Keith Barber Construction due to additional informational requirements to be submitted to VDOT to provide for project close out. **B) BRT** – Construction of Phase 1 is in progress. The grant addendum for Phase 2's completion in the amount of \$405,994 was received on 12-5 and will be executed and returned to the Department (per previous BOS approval). It is anticipated that Phase 2's bid solicitation will be issued by 4-15-15. An application for Phase 3 funding (\$1.5 million) was submitted to VDOT on 10-31.

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Negotiations with ROLC for purchase of the easement for the western trail and parking area is in process and will be the subject of discussion with the BOS on 12-9 (status and local match).

3 A) Mr. Carter noted that the County needed Keith Barber to comply with the Buy America provisions and VDOT was waiting for him to provide this documentation.

4. Radio Project: Cutover to the new radio system is scheduled for 12-10, providing for project completion.

5. Property Acquisition: Acquisition of the O.L. Williams property (\$120,000 purchase amount) in the Calohill Business Park was completed on 12-1.

6. Lovington Health Care Center: A meeting with Region Ten was completed on 12-10 with concurrence that Region Ten would provide a feasibility plan (pending) for the County's consideration. No additional progress has been made on this subject.

7. Roseland/Ferguson's Store PER: The draft PER was received from Draper Aden Associates on 11-14. Staff's review of the PER with concurrence from VA-DEQ and NCSA staffs is an extension of the Piney River water system is not financially or operationally practical due, primarily, to insufficient water demand and the expense to flush significant water from an expanded water system due to insufficient water demand. DAA has also received comment from County staff and will edit the PER to address ease of review comments, which will not change the report's findings.

Mr. Carter noted that the PER showed that the County would spend \$36,000 to \$46,000 flushing water out of the system which was not feasible. He noted that DEQ was to provide the County reimbursement for their portion of the PER costs, which was approximately 3/4 of costs. Ms. McCann advised that the Board had committed to \$2,200 and DEQ was paying the balance of approximately \$7,500 for the PER.

8. Solid Waste: Staff has responded to inspections on 11-4 by VA-DEQ of the County's solid waste transfer station and closed landfill. There were no reported violations but two areas of concern were denoted in the Department's inspection report to the County. One was correction of minor settling of a groundwater monitoring well, which has been completed. The second was a reported structural concern with the concrete pad on which the solid waste transport trailer(s) sit during daily operations at the transfer station, presenting a significant concern. The pad was inspected by Nolen Frisa (structural engineering consultant) and determined not to be failing (albeit with comment), which was reported to DEQ staff who responded that cracks in the pad, due to 21 years of operation, need to be addressed, which is in process.

Additionally, the November 2014 Groundwater Monitoring Report to VA-DEQ of the closed landfill resulted in no constituents exceeding state/federal requirements. In previous semi-annual reports, Cobalt, which is naturally occurring, exceeded regulatory requirements. Subsequent to the 11-14 report, staff conferred with VA-DEQ staff on the possibility of

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close out of the monitoring program. DEQ staff responded that a three year period without constituent exceedances is required to petition for program closeout (which was understood) but that the Department would be amenable to consider reducing the extent of the County's monitoring well network to assist with reducing program expenses while the monitoring program continues. Work on reducing the monitoring well network is in process.

Mr. Carter noted that the concrete pad at the transfer station was not structurally unsafe, rather the main concern was leachate runoff.

9. Personnel: a) Staff met on 12-4 with Ms. J. Britt, Registrar to discuss the proposed position description and FLSA exempt status. The meeting resulted in agreement that the position is exempt per the FLSA and that no job description is necessary due to statutory provisions. b) Advertisement for a vacancy in the ACO department (Part-Time ACO Officer) is in process. c) Interviews were conducted the week of 12-1 with applicants for the Part-Time Finance & HR position (a decision is pending).

Mr. Carter noted that the ACO vacancy was for the position previously held by Kelly Giles.

10. Staff Reports: Provided in the 12-9 meeting Agenda.

11 Other: Per inquiry/input from the BOS.

2. Board Reports

Mr. Saunders:

Mr. Saunders reported that he attended the following meetings: Courthouse Phase II, south District Town Hall Meeting, Friends of Nelson, Stewart Computer Services, and Nelson Cablevision.

Mr. Saunders then reported that at the Town Hall meeting, he had asked for better attendance at Board meetings and had gotten it that day.

Mr. Saunders then noted that Reverend Rose's wife had passed away and he wished to offer his condolences.

Mr. Bruguere:

Mr. Bruguere reported that he met with Friends of Nelson and was asked by Nelson Cablevision to go to walk through there.

Mr. Bruguere then reported attending the Planning Commission meeting where the Blue Have 151 SUP was denied and then the Commissioners were told that the action they took was not a recommendation to the Board and the matter was technically still with the Planning Commission. He noted that the Planning Commission procedures would change such that they would make a motion afterwards to recommend denial to the Board. Mr.

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Carter confirmed that this was a rare occurrence and Mr. Payne had advised that in voting down the approval, no action was taken.

Mr. Saunders noted that the intent of the Planning Commission was to deny the approval and Mr. Hale added that they just did not think that a second motion needed to be made. It was then noted that if this was the case and the matter was still in the Planning Commission's hands, then there should not be another vote other than to recommend denial.

Mr. Hale and Mr. Carter both reiterated that this should not happen again; if the vote to approve something is voted down, then a motion to deny needed to be made.

Supervisors and staff then discussed whether or not the application would be withdrawn and Mr. Carter noted it had not been as of yet. He noted having seen an email from their engineer noting their intent to withdraw; however, he did not have the authority to do this.

It was noted that in the past, the Planning Commission would have both an approval and denial resolution for each item to consider.

Mr. Bruguiere then reported that Blue Haven 151 had advertised an event coming up at the Bed & Breakfast, which was a by right use.

Mr. Hale:

Mr. Hale then reported that he attended the TJPDC meeting and they had adopted a new procedure in which each locality would report on what was happening in their county. He noted that Louisa County had suffered from an earthquake and had a \$70 million Elementary School and High School building project. He noted that they were able to do this with some FEMA money and had an earthquake rider on their insurance policy.

Mr. Hale reported that Fluvanna and Louisa counties reported that they were drawing water from the James River to feed the Zion's Crossroads area.

Mr. Hale reported that in Greene County, the NIIHS was building an enormous structure for more testing and improvements were being made to the intersection of Route 33 and Route 29.

Mr. Hale reported that Albemarle County had reported that they were looking to solve their solid waste issue and saw Nelson County as a model. Mr. Carter added that they could not use the Rivanna Service Authority per DEQ. Mr. Carter then related that the County Administrator had asked if their citizens could use our collection sites and he had said no unless the Board disagreed. He added that their Board was divided on whether or not they wanted a regional landfill.

Mr. Carter then reported that the SUP to Rezone the Region 2000 land for future landfill expansion was denied by the Campbell County Board of Supervisors. He noted that they had

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a while to go with the current capacity and the good thing was that the value of the borrow soils from the land exceeded the cost of the price paid for the land.

Mr. Hale then reported that the City of Charlottesville was enhancing bicycle transportation on West Main Street.

Mr. Harvey:

Mr. Harvey reported attending the Service Authority meeting and not much was going on and things were going well. Mr. McSwain, a NCSA Board member in attendance reported that the Schuyler water treatment plant was to be renovated inside and that Blue Ridge Barrel House had changed their method of treating waste and would now do pre-treatment on site. He also noted that NCSA staff was redoing their purchasing manuals.

Ms. Brennan:

Ms. Brennan reported attending the following meetings:

Community Criminal Justice Board (CCJB) Meeting –Ms. Brennan reported that they had a new planner and had a presentation by the Judge who noted that they were revising education for Judges, Magistrates etc. on how to handle domestic violence cases.

Department of Social Services Board (DSS): Ms. Brennan reported that things were fine and there was no dramatic increase in services. He noted that staff was training school counselors on what information was needed when they had a Child Protective Services (CPS) call. She added that the new Director was doing a good job.

Mr. Saunders noted that Debbie Powell of the Methodist church contacted DSS to get names of families for Christmas help and they were not helpful. Ms. Brennan and Mr. Harvey both noted that this may be a policy issue and she would contact her about this.

Jefferson Area Board for Aging (JABA) - Ms. Brennan reported that they were having good survey results and had a report on the increasing numbers of elderly in the community that would begin to squeeze services. She noted that Nelson would have the highest increase in the region; partly because of Wintergreen and partly because people were staying here and getting older while the young people were leaving.

Region Ten: Ms. Brennan noted that she and staff met with Region Ten on the Lovingson Health Care Center building and she noted that she would be meeting with a couple of other prospects.

Mr. Carter then advised the Board that he forgot to report that Animal Control was working with Almost Home to provide shelters for dogs to people who were identified as not having appropriate shelter for their animals. He added that instead of ticketing people for this, they were helping them to get igloo dog houses.

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Ms. Brennan then noted that she had a candidate for the Library Advisory committee who would be submitting their application.

C. Correspondence

1.USDA, Forest Service Land Acquisition

Ms. Brennan noted the correspondence and Mr. Hale stated that the Campbell tract being acquired by the Forest Service was spectacular and it made sense to add it to the George Washington National Forest. It was noted that \$750,000 had been paid for the property.

2.Nelson County High School FFA Rings

Ms. Brennan noted the FFA Letter and read aloud the chapter's achievements. She added that the request was for the funding and presentation of rings including coaches at an amount of \$1,826.99. She noted that the Farm Business Management Team and the Agronomy Team both placed second at the National Convention and Supervisors noted what an accomplishment it was.

Mr. Bruguiere then moved to approve the request for rings for FFA and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

3.Steve Martin, Blue Ridge Railway Trail Caboose Acquisition

Mr. Carter inquired as to whether or not the Board was amenable to accepting the caboose on the property permanently and once it was deeded over, assuming the responsibility for it long term.

Mr. Bruguiere noted that his concern was that this could turn out like the moving of the depot building in Amherst and that he would hate to accept it and not finish it etc. Mr. Carter confirmed that it did need to be refurbished and he could relate to Mr. Martin that this had to be done in a timely manner or else removed. He added that he had spoken to the Amherst County Administrator who said they would be helpful with this in the future.

Mr. Harvey noted that this was the original caboose that was there and he thought it would be worth getting back.

Mr. Carter then related that Clifton Forge had refurbished several train related things and he could put Mr. Martin in touch with them to be able to work on getting it refurbished. He then asked if the Board was amenable to having it on County property long term and he added that the Virginia Blue Ridge Railway Trail Foundation would refurbish it.

Mr. Hale then moved that the Board of Supervisors is amenable to the caboose being on Nelson County property in Piney River and to proceed with its acquisition and restoration.

Mr. Bruguere seconded the motion and Supervisors briefly discussed the location of the caboose. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

D. Directives

Mr. Harvey, Mr. Bruguere, and Mr. Saunders had no directives.

Mr. Hale directed the following:

1. Mr. Hale directed staff to request from the Planning District Commission, a large scale map of the county showing the watersheds, streams, and highways with an overlay of the Atlantic Coast Pipeline route. He noted there would be no expense to the County for this and he thought it would be helpful to the County to see exactly where the pipeline was going. He added he wanted some sense of the topography and crossings etc. and it was for County use.
2. Mr. Hale directed staff to request an explanation from Dominion on how they arrived at the projected tax revenue figures provided to the County. He noted that the figures seemed difficult to believe and they had not provided any explanation of the method by which the figures were generated. He added that he understood that the SCC values this; however he would like an explanation.

Ms. Brennan directed the following:

1. Ms. Brennan directed staff to have the entryway lights turn off at night.

Mr. Saunders added that he had comments from citizens that not all of the school parking lot lights needed to be on at night. The Board briefly discussed this as probably being a safety issue for the schools.

2. Ms. Brennan directed staff to look at having an energy performance study done for the County.

Introduced: Funding Request from Shrader Law Office

Mr. Carter noted that the subject could be carried over until January, however he had received a summary from Shrader Law Office on their work to conduct delinquent tax sales for the County, which included a request for \$20,000 to continue next year. He noted that Mr. Shrader noted that these funds were used to cover costs incurred for property whose sale did not recover their costs. He noted that Mr. Shrader indicated that his last request was in 2013 for \$15,000 and Mr. Carter noted that the original set-aside was \$25,000.

Mr. Carter then noted the reported funds from the tax sales; which was a significant surplus of funds.

Mr. Hale then moved to comply with the Shrader Law Office request for an additional \$20,000 for the costs associated with the collection of delinquent real estate taxes in Nelson

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County. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

VI. Adjournment – No Evening Session Will Be Held

At 4:34 PM, Ms. Brennan called for all in favor of adjourning, with Supervisors voting unanimously to adjourn by voice vote.