

March 10, 2015

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

Absent: None

**I. Call to Order**

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

- A. Moment of Silence
- B. Pledge of Allegiance – Ms. Brennan led the pledge of Allegiance

**II. Consent Agenda**

Ms. Brennan moved to approve the Consent Agenda 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 – **R2015-13** Minutes for Approval

**RESOLUTION R2015-13  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(February 10, 2015)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **February 10, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

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B. Resolution – **R2015-14** COR Refunds

**RESOLUTION R2015-14  
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>
\$304.92	2014 RE Taxes	Sandra Hoffman & Deborah Bowling 817 Centenary Dr. Arrington, VA 22922
\$46.75	2012-2014 PP Taxes	Stuart L. Smith & Elizabeth L. Smith 160 Rutile Lane Roseland, VA 22967

C. Resolution – **R2015-15** FY15 Budget Amendment

**RESOLUTION R2015-15  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET  
NELSON COUNTY, VA  
March 10, 2015**

**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>
\$5,000.00	4-100-999000-9905	4-100-031020-1009

D. Resolution – **R2015-16** Jefferson Madison Regional Library -The Big Read 2015

**RESOLUTION R2015-16  
NELSON COUNTY BOARD OF SUPERVISORS  
JEFFERSON-MADISON REGIONAL LIBRARY'S  
THE BIG READ 2015: "THE NAMESAKE" BY JHUMPA LAHIRI**

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**WHEREAS**, The Big Read is designed to restore reading to the center of American culture and provides our citizens with the opportunity to read and discuss a single book within our community; and

**WHEREAS**, the Jefferson-Madison Regional Library invites all book lovers to participate in the Big Read that will be held throughout March 2015. The Library's goal is to encourage all residents of Central Virginia to read and discuss "The Namesake" by Jhumpa Lahiri; and

**WHEREAS**, the novel follows the Ganguli family from their traditional life in Calcutta through their fraught transformation into Americans; and

**WHEREAS**, the Big Read is an initiative of the National Endowment for the Arts in partnership with Arts Midwest; and is supported by the Art and Jane Hess Fund of the Library Endowment;

**NOW, THEREFORE**, be it resolved by the Nelson County Board of Supervisors, that The Big Read be observed during March 2015 and all residents are encouraged to read "The Namesake" by Jhumpa Lahiri during this time.

E. Resolution – **R2015-17** FY15-16 VCA, Local Government Challenge Grant

**RESOLUTION R2015-17  
NELSON COUNTY BOARD OF SUPERVISORS  
VIRGINIA COMMISSION OF THE ARTS  
2015-2016 LOCAL GOVERNMENT CHALLENGE GRANT**

**BE IT RESOLVED**, By the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute and submit an application for 2015-2016 Local Government Challenge Grant funding to the Virginia Commission of the Arts.

**BE IT FURTHER RESOLVED**, said application is to include a local match of \$5,000.00 to be confirmed upon formal adoption of Nelson County's Fiscal Year 2015-2016 Budget by the Board of Supervisors.

**III. Public Comments and Presentations**

A. Public Comments

There were no persons wishing to be recognized for public comments.

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B. Presentation – Blue Ridge Medical Center Programs (P. Whitehead) (R2015-23)

Ms. Whitehead addressed the Board and noted that this year was the Medical Center’s 30th anniversary; they opened July 1985. She noted that she would show a brief PowerPoint that would update them on the services they provide, she would discuss the impending funding crisis they may be faced with, and would request a resolution from the Board advocating for keeping federal funding in place that she could take to legislators.

She thanked the Board for their support over the years and also related how the Center had expanded.

She then gave the following presentation:

Blue Ridge  
MEDICAL CENTER

30  
ANNIVERSARY  
1985 - 2015

Nelson County  
Board of  
Supervisors

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1. BRMC Programs and Services Update
2. Federal Funding Update
3. Resolution Request

BRMC's Grand Opening in the summer of 1985

Thank you, Nelson County, for your support through 7 expansions, and the development of important service programs, including school nursing, transportation, and dental care.

Thank You!

**Services and Programs**

- Primary care services
  - Family Medicine
  - Pediatrics
- Behavioral Health
- Dentistry
- Pharmacy
- X-ray
- Physical Therapy
- Rural Health Outreach community based services
- School Nursing
- Outreach and Enrollment
- Patient Centered Medical Home
- Medical interpretation
- Quality Assurance and Quality Improvement
  - Joint Commission Accreditation
  - Clinical measures accountability



Ms. Whitehead noted that they had two Pediatricians, one who was full time and one who was part time. She noted that they were offering mental health services and would add a Social Worker to provide a complete holistic approach to medicine. She noted that they had added dentistry thanks to the support of the dental program through a CDBG grant awarded in 2013. She noted that they had one dentist and one hygienist and would add a part time dentist to help serve children. She also noted that they had a full pharmacy with a sliding scale and they offered a medication assistance program. Ms. Whitehead then noted that the Rural Health Outreach Program (RHOP) was supported by the Board and was a free services to the community that depended upon grants and donations. She then noted that they administered the School Nursing program, which had been Board supported since the mid 1990's.

Ms. Whitehead advised that they provided outreach and a marketplace for the Affordable Care Act. She added that they were recognized as a patient centered medical home and was Level 3 which was the highest status. She noted that they provided medical interpretation to prevent disparities in healthcare and provide outcomes in demographics of all kinds.

## What's Next??

<p style="text-align: center;"><u>Near Term</u></p> <ul style="list-style-type: none"><li>• Adding a patient education center in <b>unfinished</b> space in our lower level</li><li>• Improving privacy at check in</li><li>• Adding telemedicine services</li><li>• Reach Out &amp; Read program</li></ul>	<p style="text-align: center;"><u>Long Term</u></p> <div style="text-align: center; font-size: 48px; color: #0056b3;">?</div> 
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Ms. Whitehead noted that they had diabetes self-management groups and would be providing a meeting space for staff and community groups.

Ms. Whitehead then noted that they intended to improve privacy at check in by installing sound barriers.

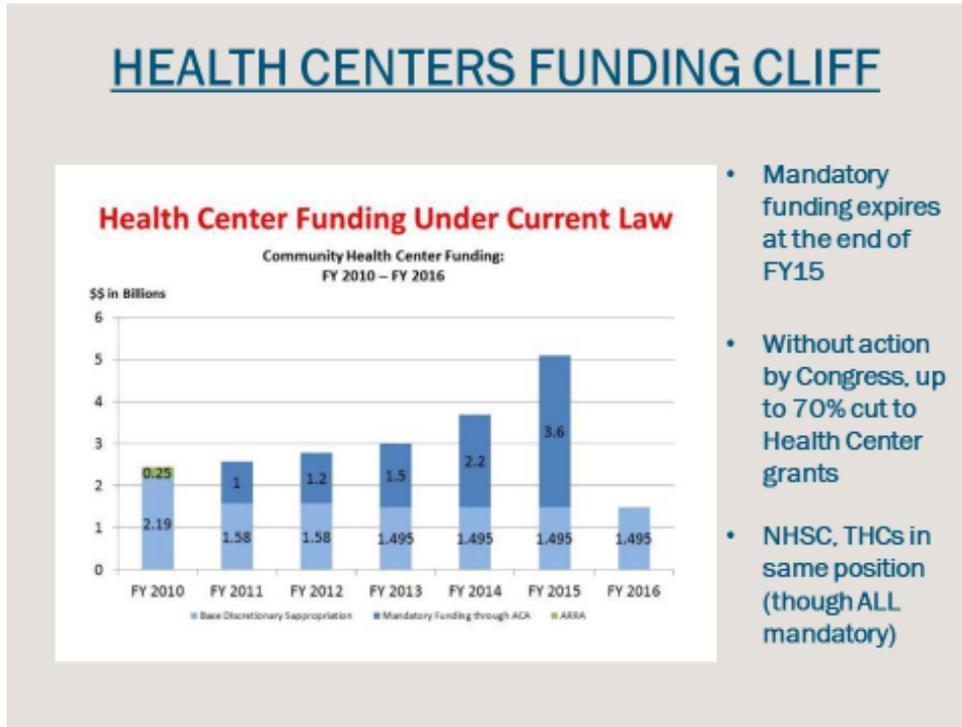
She then noted that through the implementation of telemedicine, they could provide access to providers in remote places and that this equipment was coming in April.

Ms. Whitehead then explained that the Reach Out and Read program was a collaborative effort with the Library to provide bookcases and books for the lobby and they would also give books out at all well child checkups. She added that this was a proven program that has led to improved reading.

## Health Center Funding Cliff

<p style="text-align: center;"><b>BRMC is an FQHC. What is an FQHC?</b></p> <ul style="list-style-type: none"><li>• Serves a Medically Underserved Area or Population</li><li>• Non-profit</li><li>• Volunteer Board of Directors (majority must be patients)</li><li>• 19 program requirements</li><li>• Sliding Fee Scale</li><li>• Federal Funding</li></ul> 	<p style="text-align: center;"><b>What that means in our community</b></p> <ul style="list-style-type: none"><li>• 10,950 active patients<ul style="list-style-type: none"><li>– 5454 have received sliding scale benefits</li><li>– 2310 are uninsured</li></ul></li><li>• Community-based &amp; enabling services are free of charge for low income uninsured local residents.</li><li>• We have a direct impact on the health of the community, and the local economy.</li></ul>
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Ms. Whitehead related the above information and noted that in order to use the sliding fee scale, a patient must be at or below 200% of the federal poverty level and that federal funding was 17-20% of their \$7 million dollar budget. She added that the Medical Center had a direct impact on the local economy being the 6th largest employer in the county employing ninety (90) people.



Ms. Whitehead discussed the above funding cliff bar graph, noting that the light blue bars represented base discretionary federal funding, the green bar in 2010 was ARRA funding, and the dark blue bars represented the funding provided through the Affordable Care Act all in Billions of dollars. She noted that this peaked in 2015 and was shown to disappear in 2016. She noted that this affected many community health center facilities across the nation, not just them. She noted that with the Affordable Care Act funding ending, they would lose 70% of their federal funding in 2016.

**Funding Cliff Effect at BRMC**

<p><b>For The Center</b></p> <ul style="list-style-type: none"><li>• Significant staffing reductions</li><li>• Sliding Scale restructuring to significantly limit the number of people who qualify</li><li>• Reduced capacity</li><li>• Fewer services—eliminate dental care, reduce behavioral health.</li></ul>	<p><b>For Patients</b></p> <ul style="list-style-type: none"><li>• Reduced access to care for local residents</li><li>• Tendency to wait to come to the doctor until problems have escalated and require more expensive care</li></ul>
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**For the County**  
Negative economic impact.

 Blue Ridge  
MEDICAL CENTER

Ms. Whitehead then explained that loss of this funding would require them to have to reduce staff by three (3) family practice providers, the dental program would be in jeopardy, and behavioral health programs would be reduced. She noted that patient revenues would reduce by another million dollars.

Ms. Whitehead then noted that she was asking the Board to pass the provided resolution so that she could take it to Congressman Hurt and the Senators to help them understand the funding issue. She added that she had been talking to them all along about this and that the issue had enjoyed bipartisan support; however no leadership of either party was willing to take the issue on.

Ms. Whitehead then asked for the Board’s agreement and read the last paragraph of the proposed resolution as follows:

Be it further resolved, that the Nelson County Board of Supervisors does hereby support the continuation of Federal support at levels necessary to continue health care services that are affordable for low income members of our communities.

Ms. Whitehead then noted she would answer any questions the Board had.

Mr. Bruguiere asked that if citizens were supposed to have insurance, wouldn’t that take up some of the slack of reduced revenue. Ms. Whitehead noted that there was a large group of people who did not qualify for Affordable Care Act healthcare because they made too little money and could not qualify for Medicaid. She added that since Virginia did not participate in Medicaid expansion, this would not allow them to qualify and there were still a lot of uninsured people. She further clarified that they did not get a subsidy if they did not qualify and they could not afford Obamacare insurance. She added that the premise was that with Medicaid expansion, that would expand to cover these people not eligible for Obamacare and the Medicaid expansion did not happen in 33 states.

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It was noted that there were still many uninsured, and there were many who did not sign up for Obamacare and would have to pay a penalty.

Ms. Brennan then moved to approve resolution **R2015-23**, Supporting Blue Ridge Medical Center and Other Federally Qualified Health Centers in the United States and Mr. Hale seconded the motion.

Ms. Brennan noted how valuable the Health Center was to Nelson County and Amherst. Ms. Whitehead noted that 30% of their patrons were from Amherst and it was suggested that Ms. Whitehead seek the same resolution from the Amherst County Board. Supervisors agreed that they provided a great service to all patrons.

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 R2015-23  
NELSON COUNTY BOARD OF SUPERVISORS  
SUPPORTING BLUE RIDGE MEDICAL CENTER  
AND OTHER FEDERALLY QUALIFIED HEALTH CENTERS  
IN THE UNITED STATES**

**WHEREAS**, Blue Ridge Medical Center has been providing quality, patient centered, cost-effective health care for residents of Nelson County and surrounding communities for thirty years, and

**WHEREAS**, the County of Nelson has invested considerable support for Blue Ridge Medical Center in the form of direct funding for its School Based Health Care program and other programs, and

**WHEREAS**, the County of Nelson applied for and received a Community Development Block Grant to assist with the establishment of a dental facility for Blue Ridge Medical Center, and

**WHEREAS**, Blue Ridge Medical Center has over 11,000 active patients and provided care in over 59,000 patient visits in 2014,

**WHEREAS**, Blue Ridge Medical Center provides primary care, dental care, behavioral health care, a pharmacy, and a variety of support services for the people of Nelson County and surrounding communities, and

**WHEREAS**, Nelson County is a designated Health Professional Shortage Area (HPSA) and has a “Medically Underserved Population” (MUP), and

**WHEREAS**, it is imperative that health centers across the country like Blue Ridge Medical Center have funding stability so they can continue to meet the pressing needs of those who would otherwise go without access to basic primary care, and

**WHEREAS**, health centers are currently facing a significant loss of federal funding in the years ahead, something that would immediately reduce access to care in our community, and

**WHEREAS**, limited access to primary care has an impact on health at significant cost to taxpayers since lack of access often causes people to delay seeking health care until they are seriously ill and require inpatient or emergency department care at a much higher cost to all payers, local and federal, and

**WHEREAS**, health centers play a vital role in preserving and expanding access to care in the communities they serve, and

**WHEREAS**, health centers have enjoyed bipartisan support for 50 years and have continued to provide a safety net for those in need throughout a continually changing health care environment,

**NOW THEREFORE BE IT RESOLVED**, that in this 50<sup>th</sup> year of health center service nationally and in this 30<sup>th</sup> year of local service by Blue Ridge Medical Center, there remains a vital need for uninterrupted quality, patient-centered, cost effective care provided by Federally Qualified Health Centers including Blue Ridge Medical Center, and

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors does hereby support the continuation of Federal support at levels necessary to continue health care services that are affordable for low income members of our communities.

### C. VDOT Report

Mr. Don Austin reported the following:

1. The Laurel Road intersection was being looked at by traffic engineers and there was no word on whether or not it would be blocked off or opened up.
2. Traffic engineers still to look at the passing zone near the collection site in Shipman.
3. They had delayed work on the abandonment for Robert McSwain due to weather; however they would resume working on this.
4. SSYP funding was close to last year at \$237,000 for unpaved roads in 2016, and was slated to be \$289,000, \$351,000, \$356,000, and \$342,000 in successive years. He added that the County would still have around \$50,000 in Telefees coming in and a public hearing on this would be held in May or June. He added he would get a priority list from Mr. Carter and possibly schedule a work session with the Board.
5. HB2 was the new transportation plan last year and HB1887 was passed this year. He noted he would update Mr. Carter on this when details were available. He noted briefly that HB2 put all money in a pot and projects would compete for it statewide. HB1887 redistributed the state funding with a certain percentage for competitive

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projects statewide, a certain percentage for bridges and pavements, and a certain percentage of projects were now competitive within districts and then within a ten (10) county area. He added he would advise staff on that as it became clear. He noted the biggest issue would be which types of roads would be eligible for the local funding.

6. Rt. 654 would be closed for pipe replacement beginning March 16<sup>th</sup> for 3-4 weeks.

Supervisors then related the following VDOT issues:

Ms. Brennan noted that VDOT had done a great job on snow removal and she thanked them.

Mr. Bruguere asked if there was still a pot of money for paved secondary roads for maintenance such as trench widening etc. Mr. Austin noted that this was considered improvement and he did not know if it would be eligible in the new program; however it did not appear to be funded for now. He added that the only funding was unpaved road funds; however Telefees could be used for this. Mr. Bruguere asked if Mr. Austin's office could provide estimates for trench widening and Mr. Austin noted it could and he would look at some places with Mr. Bruguere in the spring.

Mr. Hale reported that on Laurel Road, up the hill but before the Y intersection heading north and on the east side, there was a lot of gravel washed out there and the shoulder was sloping off.

Mr. Harvey noted to Mr. Austin that he was ready when he was for the speed limit study and he would speak to him later on that.

Ms. Brennan inquired about the status of the safety projects and Mr. Austin noted that they should be close to doing the right of way phase. He noted he thought the design public hearings had been held and they were in the approval process. Mr. Harvey asked if the right of way had shifted west and Mr. Austin noted he was not aware of that. Mr. Harvey noted he thought a person's septic system was in the right of way. He noted that they would have to work with that but he was not aware of it and would check.

In response to Mr. Bruguere's question, Mr. Austin noted that right of ways had to be purchased for a primary road.

Mr. Austin then noted to Supervisors that if they were getting complaints on rural rustic or unpaved roads, he advised that they were falling apart right now from freezing and thawing and loggers; and they would do the best they could.

#### **IV. New Business/ Unfinished Business**

- A. Virginia Department of Health, Pump and Haul Septic Permit (**R2015-18**)

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Mr. Carter noted that staff had prepared a resolution that would authorize the County to apply to VDH for a permanent pump and haul permit. He noted this would be a blanket authorization to allow businesses or anyone else who wanted to use this solution to seek that approval from the County. He added that this was prompted by the expansion at Wild Wolf to add an event center and in working with the Health Department to address waste water system issues, it was determined that the pump and haul solution was the most feasible for the expansion. He added that the business had requested to fall under the County's permit, and the County did not yet have a permit. He added that the only way this solution could be approved by VDH is if the local government has a permit for them to be approved under. He added that it would then follow that the County would have a contract with the permitted entity where the operating rules and bonding would be established. He noted that once the permit was in place, VDH monitored it and the County was responsible for it including correcting any deficiencies or violations. He then concluded that in order for someone to have this solution, the County had to be the permit holder.

Mr. Harvey questioned how Wild Wolf could get to the point of expansion and realize there was not enough sewer capacity. He questioned the process that Wild Wolf had gone through since there was a change of use and they had added 156 seats without going through the site plan review process. Mr. Carter noted he understood the Health Department was reviewing their rework of their existing sewer systems. Mr. Harvey again questioned why it did not go through the review process.

Mr. Padalino in attendance spoke to this and noted that since they were dealing with existing buildings, there was no requirement to go through the site plan process. He added that he had been notified by the Building Official of their plans, had received a zoning or site plan approval form and he had conducted a site visit, where he looked at the existing parking and existing facilities and determined that everything was fine. He noted that they were dealing with an existing structure and there was nothing in the project that triggered the site plan requirements. He reiterated the use of an existing building and added that new construction triggered a site plan review. Mr. Harvey noted that he thought that the increased seating at a restaurant triggered the review by all of the normal agencies. Mr. Padalino noted that in looking at seating it was about parking on the site and not about the highway or turn lanes. Mr. Harvey noted that in evaluating entrances, VDOT looked at number of seats and Mr. Padalino noted that they could look at that or use floor space or traffic counts to evaluate that. Mr. Padalino then noted that there was nothing in the ordinance that required a site plan and he could not require a site plan if there was no basis for it. He added that the space changed from retail and was considered a change in use according to the building code etc. however there was no new development and he could not require a site plan.

Mr. Carter then continued, noting that anyone wanting to pump and haul would have to fall under the umbrella of the County's permit. He noted that Wild Wolf had requested this and in order for it to be done, the County's application had to be authorized by the Board and submitted to VDH. He added once approved, they would be able to proceed. He related that he had reached out to Ms. Wolf about the alternatives that they had considered and she had advised him that these were not feasible to pursue at present.

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Mr. Harvey was hesitant given that this was a big project, had never been done, and would open the door to anyone who could not provide the necessary sewer. He added that he needed more than a few days to consider this. Mr. Carter advised that the application would take approximately sixty (60) days for VDH review.

Mr. Bruguere noted that it seemed like VDH should make a recommendation to them before approving the application. Mr. Carter advised that the County could apply for the permit and then bring in those covered if the Board wanted.

Ms. Brennan then inquired that if the County got the permit, would it mean that anyone could automatically use it. Mr. Carter advised that it did; however each applicant would have to be individually authorized under the permit and if a violation occurred, the offender could be removed. Ms. Brennan then asked if the business requesting to use the permit could be asked to pay the fees and Mr. Carter noted these fees would be waived for the County; however the County could require the applicant to pay whatever fees it decided. He added that the agreement between the County and the business would likely provide for bonding etc. He added that the permit would not cost the County any money; however, the County would have the first level of liability if there was a problem. He noted though that the County would address this through the agreement provisions.

Mr. Saunders then questioned if anyone could go out and start a business without sewer and then apply for coverage under the pump and haul permit. Mr. Carter indicated they could and that in doing this, the County would be getting involved in individual business issues.

Mr. Bruguere questioned how this was different than what occurred with the LOCKN Festival and Mr. Carter noted that they get a temporary pump and haul permit directly from VDH; whereas Wild Wolf was seeking a permanent facility for pumping and hauling and the County had to hold that permit.

Mr. Saunders questioned why connecting to the Stoney Creek system was not an option and Supervisors noted that it could be once the new owners took over.

Ms. Brennan asked if a temporary permit could be issued to Wild Wolf and Mr. Carter noted he was not sure and would have to ask VDH.

Mr. Harvey questioned the timing of things related to the sewage issue. Mr. Carter noted that there was a compliance matter with the existing business that was under review by VDH and was presently being addressed. He noted that there was time for the County to pursue this and not have an impact on Wild Wolf's intended start up; given that VDH would likely take sixty (60) days to approve the County's application.

Ms. Brennan noted that since this was the first time this had come up in the County, she would have liked to have known about this earlier and had VDH present at the meeting. Mr. Hale noted that this has been a problem in the past down there and businesses could not expand. He added that he preferred to study the matter further and not take any action.

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Mr. Bruguere inquired as to the location of the Stoney Creek sewer line and Mr. Saunders noted that he installed and connected it and it went in front and behind the shopping center. He noted that it was gravity fed at the shopping center and there was pressure sewer at Rosewood.

Mr. Saunders asked again if they could operate similarly to LOCKN on a temporary pump and haul permit and Mr. Carter reiterated it would be up to VDH. He added that he understood that what has been proposed has been a permanent restroom facility until something else was in place; which tipped the County into having to be the permit holder. Mr. Carter advised that staff had moved this forward quickly to try to help Wild Wolf and he would follow up on the question of the temporary permit.

Ms. Brennan inquired if the Stoney Creek system had the capacity to accept more waste and Mr. Saunders noted he thought they could expand pretty easily.

Mr. Bruguere noted he thought there must be less costly alternatives and Mr. Carter noted he could not speak to that; and that he just looked at the laws and moved the request forward. Mr. Bruguere suggested that doing this could potentially open Pandora's Box.

Mr. Hale then suggested delaying action. He noted that inaction would not preclude what was happening there since they could get a temporary permit if they had a temporary facility.

Mr. Carter advised that VDH and Wild Wolf would be having a meeting on this and the County had requested to participate.

Mr. Bruguere then inquired as to where the extra seating would be and Mr. Carter advised that it would be in existing structures that were formerly retail space. He added that they were not adding any structures there.

Mr. Bruguere then inquired as to the length of time the permit held by the LOCKN Festival was for and Mr. Carter noted for as long as the event.

Mr. Saunders then asked when action would be taken by the Board if no action was taken then. Mr. Carter noted that he could report back on this during budget work sessions coming up.

Supervisors then agreed by consensus to have staff gather more information and report back and no action was taken.

B. Authorization for Public Hearing: Proposed Ordinance to Repeal and Re-Enact Article V, Agricultural and Forestal Districts to Include new State Provisions **(R2015-19)**

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Mr. Padalino noted that the Ag Forestal District Advisory Committee had recommended amendments to the County Code to align it with 2011 changes to the State Code and he gave the following report:

The Advisory Committee members and AFD participants have worked with the County Administrator and County Attorney to draft proposed amendments that, if enacted, would make the County Code closely match the Code of Virginia. These proposed amendments are presented to the BOS as a “repeal and replacement” of the existing AFD Article of the County Code.

The proposed changes would result in the Nelson County AFD program more closely matching the state’s language in the following important ways:

1.) *An AFD “program administrator” role would be established.* The program administrator would be appointed by the BOS, and would result in a simplified and expedited AFD application process.

- See Section 9-151 “Definitions” and Section 9-201 “Procedure – Creation of district – Initiation of application review.”

2.) *The application requirements would be modernized to allow for maps to be created using GIS and/or other electronic data.* Currently, the local program still uses the original application requirements, which require that maps of the proposed district be drawn by hand onto USGS topo maps and VDOT road maps. That outdated requirement is a time- and labor-intensive process, and results in maps of limited accuracy.

- See Section 9-153 “Application forms, maps, and required notice.”

3.) *The criteria for the minimum size and location of each agricultural and forestal district would be modified.* In addition to the existing criteria, the proposed update would allow for properties located more than one mile from the district “core” to be included in an AFD application, if the parcel “contains agriculturally and forestally significant land.”

- See Section 9-200 “Minimum size and location of district.”

**Requested Actions:**

In order for the proposed amendments to proceed, the Board would need to conduct a public hearing and then adopt a resolution to repeal and replace Article V. “Agricultural and Forestal Districts” of Chapter 9. “Planning and Development.”

The first step in that process would be to authorize County staff to advertise for a public hearing for “R2015-19” – “Proposed Ordinance to Repeal and Re-Enact Article V, Agricultural and Forestal Districts to Include new State Provisions.”

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Mr. Padalino added that this would be an amendment to County Code not to the Zoning Ordinance; which meant the Planning Commission was not involved.

Mr. Bruguere asked what the parcel size requirement was for a parcel that was distant from the contiguous parcels and it was noted there was none; however the parcel had to be deemed to be of agricultural or forestal significance.

Mr. Robert McSwain, in attendance and a member of the Ag Forestal Advisory Committee, noted that the core had to be 200 acres but other parcels could be smaller.

Mr. Bruguere then suggested that if the satellite parcel was smaller, it should be the same size as those eligible for land use.

Ms. Susan McSwain, in attendance and a member of the Ag Forestal Advisory Committee, noted that some counties did not have land use taxation and the code provisions would allow those in Ag Forestal Districts to get it as long as the requirements in the State Code were met.

Supervisors and staff briefly discussed whether or not this was automatic per the Ordinance and it was noted that it was.

Ms. Brennan then moved to approve resolution **R2015-19** Authorization to Hold a Public Hearing to Repeal and Re-enact Article V, Agricultural and Forestal Districts, of the Code of Nelson County, Virginia to Incorporate State Code Changes to Section 15.2-4300 “Agricultural and Forestal Districts Act:.

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

**RESOLUTION R2015-19**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO HOLD A PUBLIC HEARING**  
**TO REPEAL AND RE-ENACT ARTICLE V, AGRICULTURAL AND FORESTAL**  
**DISTRICTS, OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**TO INCORPORATE STATE CODE CHANGES TO SECTION 15.2-4300**  
**“AGRICULTURAL AND FORESTAL DISTRICTS ACT”**

**WHEREAS**, Section 15.2-4300, “Agricultural and Forestal Districts Act” of the Code of Virginia, 1950 as amended has been amended:

**NOW THEREFORE BE IT RESOLVED**, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Tuesday, April 14, 2015 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an ordinance proposed for passage to repeal and re-enact Article V, Agricultural and Forestal

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Districts the Code of Nelson County, to incorporate changes made to Section 15.2-4300 of the Code of Virginia, 1950 as amended. These changes primarily affect revisions to County Code Sections: 9-150 Purpose and Intent, 9-153, Application forms, maps, and required notice, 9-200, Minimum size and location of district, 9-201, Creation of district, 9-204, Review of district, continuation, modification, or termination, and 9-205, Withdrawal of land from district.

C. Referral to the Planning Commission of Proposed Amendments to Zoning and Subdivision Ordinances to Incorporate the Designation of DEQ as Administrator of the Local Stormwater Management Program **(R2015-20)**

Mr. Padalino noted that originally the County was going to have a local VSMP and last year the state said that DEQ could administer the program if Counties opted out. He advised, that last March, the Board did vote to opt out and DEQ was now administering the local storm water program. He added that because of this, the local Ordinance needed to reflect that there was a state program. He noted that attorneys at Sands Anderson had modified the ordinance through a grant program and the County had never acted upon it. He noted that there were also a few language changes to have consistent formatting within the document.

Mr. Padalino reiterated this was a housekeeping measure to make sure this was reflected in the Zoning and Subdivision Ordinances and needed to be referred to the Planning Commission for public hearing and recommendation to the Board.

Ms. Brennan then moved to approve resolution **R2015-20** Referral of Amendments to the Nelson County Zoning and Subdivision Ordinances to the Nelson County Planning Commission, Incorporating the Designation of the Department of Environmental Quality as Administrator of Local Stormwater Management Program.

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

**RESOLUTION R2015-20  
NELSON COUNTY BOARD OF SUPERVISORS  
REFERRAL OF AMENDMENTS TO NELSON COUNTY ZONING &  
SUBDIVISION ORDINANCES TO NELSON COUNTY PLANNING COMMISSION  
(INCORPORATING THE DESIGNATION OF THE DEPARTMENT OF  
ENVIRONMENTAL QUALITY (DEQ) AS ADMINISTRATOR OF LOCAL  
STORMWATER MANAGEMENT PROGRAM)**

**WHEREAS**, the Nelson County Board of Supervisors (the Board) has received and reviewed in public session conducted on March 10, 2015 a staff report on changes proposed to Appendix A-Zoning (Nelson County Zoning Ordinance) and Subdivision Ordinance of the Code of the County of Nelson, Virginia; and,

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**WHEREAS**, the staff report proposed changes to the Zoning and Subdivision Ordinance in order for these Ordinances to reflect the County's decision to have the Virginia Department of Environmental Quality (DEQ) administer the Local Stormwater Management Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Title 15.2 Chapter 22, Planning, Subdivision of Land and Zoning of the Code of Virginia, 1950 with specific reference to §15.2-2285 of said Code, that the proposed amendments of the Code of Nelson County to incorporate local Stormwater Management Program administration components be referred to the Nelson County Planning Commission for review and development of a report on the Commission's findings and recommendations to the Board in accordance with §15.2-2285 of the Code of Virginia.

D. Authorization for Public Hearing: Proposed Amendments to Zoning Ordinance, Addition of Artist Community (**R2015-21**)

Mr. Padalino presented the following staff report:

The Nelson County Planning Commission has recently initiated a proposed amendment to the Zoning Ordinance, pursuant to Zoning Ordinance §16-1-3. The proposed amendment would establish a new provision for conducting an "Artist Community" land use in the Agricultural (A-1) District. This issue was initially introduced by Mr. Gregory A. Smith, Executive Director for the Virginia Center for the Creative Arts (VCCA), which is currently located in Amherst County at Sweetbriar College, and which has expressed interest in potentially relocating to Nelson County.

This report contains a detailed description of the proposed amendments; a summary of the review process to date; and requests for further action by the Board of Supervisors (BOS).  
Summary of Amendment Process To-Date

- 11/19: At the November Planning Commission (PC) meeting, Mr. Smith of VCCA presented a request to the Nelson County Planning Commission to consider the possibility of initiating a Zoning Ordinance amendment that would create a new "Artists Community" land use and definition, as a permissible use in the Agricultural (A-1) District.
- 12/17: At the December PC meeting, (draft) recommendations were reviewed among PC members, County staff, and Mr. Smith.
- 1/28: At the January PC meeting, PC members and County staff discussed recommendations that had been revised to reflect the previous requests and suggestions made at the December PC meeting. The PC also directed staff to prepare for a public hearing to be conducted on this matter at the February 25th PC meeting.
- 2/25: At the February PC meeting, the Planning Commission conducted a public hearing in accordance with all applicable Code of Virginia and County Code requirements. The Legal

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Notice was advertised in the February 12th and 19th editions of the Nelson County Times. The only comments received during the public hearing were from Mr. Smith of VCCA; no other members of the public provided comments or posed questions. The PC voted unanimously (5-0) to recommend that the Board of Supervisors conduct a public hearing on the proposed amendments, and consider adopting the amendments as proposed.

Proposed Amendments (as reviewed at February 25th PC public hearing)

Article 2: "Definitions"

**Add the following definitions:**

*Artist Community:* A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. An artist community shall be a not-for-profit organization governed by a Board of Directors, managed by a professional staff, and focused on a specific mission.

*Artist Community Residencies:* time and space scheduled for resident artists to create work not at the artists' home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, and scheduled for a period not to exceed ninety-five (95) consecutive days.

*Resident Artists:* professionals who create new work in literary, visual, musical, theatrical, dance, and other forms, as evidenced by their education in said fields, training, and expenditure of time in their studio endeavor, regardless of whether they make their living by it.

Article 4: "Agricultural District (A-1)"

Add the following provisions to "Section 4-1-a Uses – Permitted by Special Use Permit only:"

Section 4-1-46a: Artist Community, conditional upon the following limiting factors:

- Minimum property size of 20 acres;
- Maximum floor area of 40,000 square feet (cumulative / all facilities);
- Maximum of 25 resident artists at any time with each resident artist being limited to a maximum duration of ninety-five (95) consecutive days;
- Maximum of 15 public events per year (monthly Open Houses/Open Studios and infrequent fundraising events)
- Existing structures are adaptively reused (as applicable) and new structures are designed to be compatible with rural character of surrounding area
- Restrictions on future division of the property

**Additional Details & Considerations:**

After the PC public hearing, Mr. Smith provided an email containing the following updates regarding various details and considerations of the Virginia Center for the Creative Arts (VCCA):

A. (Regarding taxation and economic impacts): The VCCA is a 501 (c) 3 not-for-profit organization. While the benefits to the County would not be in property taxes, the VCCA has at least three means of impact on the local economy:

1. The VCCA employs 20 people; about a third of whom are professionals, and two-thirds work in our food service, buildings & grounds, and clerical work – and are therefore drawn from the local population;

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2. Our employees, as well as the 400 resident artists (called “Fellows”), purchase goods and services such as: groceries, art supplies, haircuts, beer and wine, snow plowing services, gasoline & propane, building supplies, etc.; and

3. Some artists have bought properties in Central Virginia after spending time in residence at the VCCA.

While it would be difficult to quantify these impacts, the VCCA's annual operating budget is about \$1 million, and there are occasional capital purchases and projects on top of that. So we probably would have a similar impact to the [Ligmincha] Buddhist Center or Monroe Institute.

B. (Regarding specific properties in Nelson County): We [VCCA] are talking with a property owner about a possible gift of her 79-acre parcel, and are alternatively considering buying a site. Until the Zoning Text Amendment goes through the BOS, the VCCA won't act on either option.

**Requested Actions:**

In order for the proposed amendments to proceed, the Board would need to conduct a public hearing and then adopt a resolution to amend the Zoning Ordinance.

The first step in that process would be to authorize County staff to advertise for a public hearing to be conducted by the Board in accordance with all applicable Code of Virginia and County Code requirements. The next available Board meeting date for such a public hearing is April 14th.

Mr. Padalino noted that the amendment was driven by a tentative interest and there was no specific deal in place.

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Mr. Bruguere questioned why “nonprofit” was included in the definition and Mr. Padalino noted that this was included because if applied to a commercial interest, they could circumvent the ordinance and be a hotel etc. He added it was meant to be narrow.

Mr. Bruguere noted he was not in favor of the nonprofit requirement and Mr. Padalino advised that less than 20% of these were for profit. He added that this was a well-defined approval process etc. and was a quality control measure to keep out things that would disrupt A-1. Mr. Bruguere noted he thought this was similar to a conference center.

Ms. Brennan suggested that they hold a public hearing and get input on this; noting that it could be changed afterwards.

Ms. Brennan then moved to approve resolution **R2015-21**, Authorization for public hearing to Amend the Code of Nelson County, Virginia Appendix A, Zoning Ordinance, Article 2 (Definitions) and Article 4 (Agricultural A-1) to Include “Artist Community”

Mr. Hale seconded the motion and the following discussion ensued:

Mr. Bruguere questioned the difference between this and a conference center where participants were doing artist work. Mr. Padalino supposed that the main difference was the duration of stay; noting that twenty-one days was longer than the typical conference.

The Board then invited Mr. Smith, Executive Directive for Creative Arts VCCA to speak to the issue. He noted that the purpose of a Conference Center was to make money and educate attendees; whereas the purpose of an Artist Community was to create new art. He noted that 60% of the patrons were writers and that works of art go into the public domain and culture. He noted that there was no for profit interest in this as there was no profit to be made; it was only for the public good through the creation of art.

Mr. Bruguere reiterated that the designation bothered him as a requirement. It was noted that since VCCA was the only one in the state, and they had asked to start the process in Nelson; the way that they operated had been related and the definition came from that; they were non-profit so this was stipulated.

Mr. Carter asked if VCCA was tax exempt under the State Regulations and Mr. Smith noted that he thought so; however in terms of property taxes, they were located on property owned by Sweetbriar College and taxes were not paid.

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 R2015-21**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING**  
**TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA**  
**APPENDIX A, ZONING ORDINANCE, ARTICLE 2 (DEFINITIONS) AND**  
**ARTICLE 4 (AGRICULTURAL DISTRICT A-1) TO INCLUDE**

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**“ARTIST COMMUNITY”**

**WHEREAS**, the Planning Commission has completed its review, held a public hearing, and has made its recommendation to the Board of Supervisors regarding proposed amendments to the Code of Nelson County, Appendix A, Zoning Ordinance, Article 2 (Definitions) and Article 4 (Agricultural District A-1) to include “Artist Community”,

**NOW THEREFORE BE IT RESOLVED**, that pursuant to §15.2-1427, §15.2-2204, and §15.2-2285 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Tuesday, April 14, 2015 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an ordinance proposed for passage to amend Appendix A, Zoning Ordinance, Article 2 Definitions and Article 4 Agricultural District A-1 to include items regarding “Artist Community”.

E. Nelson County Animal Control Use of Force Policy (**R2015-22**)

Mr. Carter noted that the County had been operating the Animal Control department with the use of catch poles and padding etc. and as time had progressed, the Animal Control Officers (ACOs) had become certified in the use of pepper spray and batons. He noted that staff with Mr. Payne’s input had now established a use policy based on those used by other localities.

He added that the policy would authorize the use of pepper spray and batons and when certified, the use of Tasers. Mr. Carter then advised that the two current ACOs were certified in the use of pepper spray and batons, but not Tasers. He reiterated that this part of the policy would not apply until the ACOs were certified.

Ms. Brennan noted she was surprised to see Tasers included, however she noted it made sense and it permitted use on humans if necessary.

Mr. Carter noted that staff has had safety concerns over the years and that firearms may be in the future; however they would start with this.

Mr. Bruguere noted his approval, given that ACOs were often on site by themselves.

Mr. Hale noted that he thought that the section on knives could be removed.

Mr. Bruguere then moved to approve resolution **R2015-22** Approval of the Nelson County Animal Control Use of Force Policy.

Mr. Harvey questioned whether or not this policy should be maintained and the ACOs trained through the Sheriff’s Department. Mr. Carter advised that the ACOs received training through the Animal Control Academy and it was the same level of training as the Sheriff’s personnel.

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Mr. Hale then suggested that the OC in OC Spray be spelled out in the policy and that section D. on knives should be removed. He explained that this section was too restrictive and did not include a belt knife. It was noted that OC stood for Oleoresin Capsicum and Mr. Payne noted no objection to these changes. Mr. Hale then read aloud Section D. on Knives as follows:

“Knives are not issued by the Animal Control Division. However, officers are authorized to carry a folding knife in a pocket or in a sheath on the belt.”

Ms. Brennan suggested keeping this section, but removing the folding part of the description. Mr. Hale then also suggested keeping the knife section and simply saying “ACOs are authorized to carry knives”.

Mr. Bruguere then amended his motion to include Mr. Hale’s suggestions regarding OC spray and the section on knives.

Mr. Hale seconded the amended motion with these changes and Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2015-22  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF THE NELSON COUNTY ANIMAL CONTROL  
USE OF FORCE POLICY**

**WHEREAS**, Nelson County Animal Control does not currently have a policy on the use of force by Animal Control Officers, and

**WHEREAS**, a standard operating policy on the use of force by Animal Control Officers would provide guidance on the use of physical force, would ensure that members of Animal Control use only the force reasonably necessary to accomplish lawful objectives, and would explain the issued equipment that may be used in response to physical threats,

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that the Nelson County Animal Control Use of Force Policy be approved as attached and is hereby incorporated by reference as a part of this resolution.

**NELSON COUNTY ANIMAL CONTROL  
USE OF FORCE POLICY  
ADOPTED MARCH 10, 2015**

I. Purpose

The purpose of this Standard Operating Policy is to provide guidance on the use of physical force and to ensure that members of Animal Control use only the force

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reasonably necessary to accomplish lawful objectives and to explain issued equipment that may be used in response to physical threats.

## II. Policy

Nelson County Animal Control Officers shall exert only the minimum amount of force necessary to reduce the level of resistance to law enforcement efforts. Use of Force applies to the equipment issued by Nelson County, as well as any other items which could be used as a weapon, including a motor vehicle.

## III. Procedure

- A. The use of physical, non-deadly force is authorized in circumstances when:
  - 1. An escalation of force is justified by the actions of a subject.
  - 2. In self-defense of a third party or if circumstances warrant the immediate use of force.
- B. When use of physical force results in injury, it shall be reported appropriately and the injury treated
- C. Only equipment issued or approved by the County Administrator may be carried by officers.
- D. Equipment will be issued to Officers who have completed the required initial training in the proper operation and maintenance of each type of equipment issued to them.

## IV. Approved Equipment

- A. O/C -Oleoresin Capsicum Spray (Pepper Spray)
  - 1. All field officers are required to carry O/C spray while on duty.
  - 2. Officers are authorized to carry O/C spray while off duty.
  - 3. O/C spray should be discharged at a distance of three (3) to ten (10) feet from the intended subject.
  - 4. O/C spray should be discharged in two (2) one second bursts directed towards the eyes of the intended subject. No more than four (4) one (1) second bursts may be fired directly into the eyes, unless the officer is in immediate danger of serious injury or death.
  - 5. Medical treatment: Animals are not required to be transported to a veterinarian unless the animal is in need of medical treatment. Individuals who have been exposed to O/C spray in other than a controlled training environment, shall be transported to the hospital for treatment as soon as possible after exposure.

B. ASP Tactical Baton

1. Only non-lethal areas may be struck with the ASP Tactical Baton unless deadly force is justified.
2. Medical treatment: Any subject who has obviously been injured or any person who claims to have been injured shall be transported to a hospital for medical treatment. Any animal that has obviously been injured shall be transported to a licensed veterinarian for treatment.

C. Taser

1. Animal Control Officers will be issued Tasers after they have completed the required initial training in the proper operation and maintenance of the device, and they will receive re-certification annually.
2. All Animal Control Officers will conduct the appropriate testing as required or according to manufacturer's specifications of the Taser at the beginning of their shift and document the test was completed and any problems noted. Failure to complete a daily test will result in disciplinary action.
3. Use of Taser on Animals
  - a) Animal Control employees will use the lowest level of force necessary to capture or immobilize animals. Authorized Animal Control Officers may employ Tasers whenever they determine that it is the appropriate level of force necessary to capture animals and to protect the public or themselves from animals that may be aggressive or vicious. A Taser device should never be pointed at an animal unless there is justification for its anticipated use.
  - b) When an officer determines that an animal is going to be shot with the Taser, the following actions will be taken:
    - 1) Either another Animal Control Officer or a Nelson County law enforcement officer should be present and standing by with a Ketch-Pole.
    - 2) Prior to firing the Tasers, officers need to shout in a loud manner "Taser, Taser, Taser" to alert anyone in the area of the imminent deployment.
    - 3) Officers will be alert to human beings in the immediate vicinity to minimize the risk of human contact with the deployment of the Taser.

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- c) Once the animal has been shot with the Taser, it can be secured and controlled by use of the Ketch Pole. The only exception to this is when the Taser is used to protect the public or an officer from an imminent attack from an aggressive animal.
  - d) Officers should avoid directly aiming at the head or face of an animal. The projectiles may cause significant damage to the eye if they impact directly. Officers should rotate the Taser so it is perpendicular to the ground before discharging the weapon. This procedure will give the darts a greater probability of striking along the body of the animal avoiding the head and face area.
  - e) After an animal has been shot with the Taser, and secured by the Ketch-Pole if possible, the officer is to remove the hooks from an animal.
  - f) Once the animal has been secured in the Animal Control Vehicle, the officer must evaluate the animal to see if it is in any immediate distress as a result of the Taser use. This is done so that if the animal is in need of veterinary treatment, information can be provided regarding any medical concerns.
  - g) Whenever the Taser is discharged, Officers will notify a supervisor as soon as possible. The discharge incident will be documented on a special report describing the incident in detail. If there is an accidental discharge, this occurrence will also be documented on a special report. The spent cartridge should be removed from the Taser whenever it is fired, and will be given to a supervisor. Reports shall be completed by the end of the officer's shift.
  - h) In addition to the special report, a Taser Use Report must be completed and should include witness information, approximate distance from animal, distance between the two probes, whether the probes caused any visible injuries, number of cycles applied and animal's response to the use of the device, and the animal's condition immediately afterwards.
  - i) Tasers are to be utilized for smaller animals and are not intended for use against animals weighing over 200 to 300 pounds.
  - j) Officers are not permitted to carry Tasers while off duty.
4. Use of Tasers on Human Beings
- a) Officers will not discharge Tasers at people except in extreme circumstances. Officers may use any weapon, object or means available to defend their life in any situation where the degree of violence has progressed to the point where

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a reasonable officer in the same circumstances would have concluded that a threat existed justifying the particular use of force.

- b. A Taser should not generally be used against or around, pregnant women, elderly persons, young children, and visibly frail persons unless exigent circumstances exist.
- c. Individuals, who have been Tased, other than in a controlled training environment, shall be transported to the hospital for treatment as soon as possible after exposure. Officers will contact Dispatch to have medical personnel respond to the scene.

D. Knives

- 1. Knives are not issued by the Animal Control Department; however, Officers are authorized to carry them.

F. FY15-16 Budget Introduction

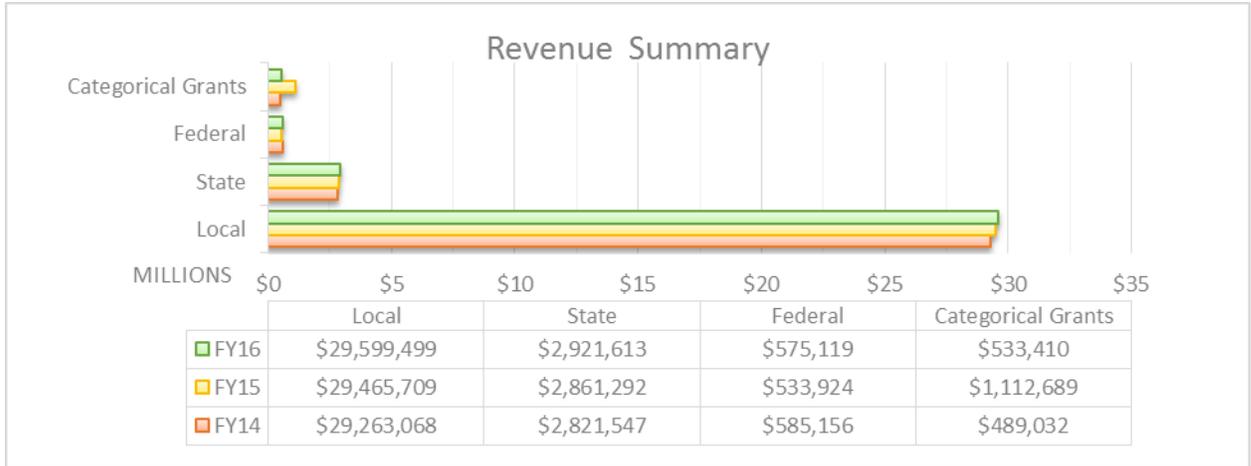
Ms. McCann distributed budget packets to the Board and then reviewed the following:

**March 10, 2015--FY16 General Fund Budget Summary**

**OVERALL REVENUES**

Overall, General Fund Revenues inclusive of use of fund balance are projected to increase by \$1.2 million (3.5%) over the current FY15 budget. Primary sources of revenue include local, state and federal.

The three year trend in the major sources of revenue are depicted in the graph below. Other than grants, which typically can show strong fluctuations, other types of revenue reflect only marginal increases. Average annual increases of revenue over the 3 year period is 3.2% for federal, 1.7% for state, and 1.4% for local.



**LOCAL REVENUE**

**General Property Taxes**

General Property taxes continue to represent the largest source of General Fund Revenues (66%). The FY16 projection reflects an increase of \$592,000 over the current budget. This increase represents 49% of the overall revenue increase. General Property Taxes include Real and Personal Property, Machinery and Tools tax, and Public Service tax. Also included is delinquent tax collections, penalties, and interest. Tax rates are established on a calendar year basis even though the county budget is presented on a fiscal year basis (July-June). For example, the FY16 budget will include the second half tax billing for calendar year 2015 and the first half billing for calendar year 2016.

**Real Estate Tax** is the largest source of revenue for the county and is expected to generate 17.5 million in FY16. This represents a \$342,641 increase over the FY15 budget amount. The FY16 projection assumes the current tax rate of \$0.72 per \$100 assessed value and 1% growth in value for both CY2015 and CY2016. The Calendar Year 2014 value of taxable real estate after Land Use deferrals and elderly/veteran tax relief is \$2.4 billion (\$2,428,764,250) which generates approximately \$230,500 of estimated collectible real estate tax revenues for each penny of the tax rate. Comparatively, the value of the penny using the 1% growth estimates would be \$232,800 for 2015 and \$235,100 for 2016.

**Public Service tax** is levied on the real estate and personal property owned by railroads, utilities, pipelines, and other businesses required to register with the State Corporation Commission (SCC). Public Service Corporation assessments are prepared by the Virginia Department of Taxation and the SCC. The Department of Taxation conducts an annual statewide sales study of real property to determine current fair market values. A ratio is established comparing the results of the annual sales study to locally assessed values which is then applied to public service values prepared by the SCC. Public Service tax is expected to generate \$770,000 in FY16 which reflects an increase of \$241,210 over the FY15 budget amount. The FY15 budgetary estimate was based on an assumption of reduced values

similar to the trend from the 2014 county reassessment. However, utility property maintained market value and experienced growth.

Ms. McCann added that the 2014 ratio should have been 100% because it was a reassessment year and this included real and personal property taxes. Mr. Hale noted that CVEC had upgraded its transmission lines also, and Ms. McCann added that the increase could also be attributable to the increase in the personal property tax rate. Mr. Carter noted that the NCBA towers were not taxable since they were owned by the County and leased to the NCBA; however he noted cell towers were taxed.

**Personal Property Tax** is levied on vehicles and other tangible non-real estate property. Qualified vehicles are eligible for a pro rata share of personal property tax relief (PPTR) which the state provides to the county as a fixed payment of \$1.7 million. Personal Property tax collections and the tax relief payment from the state in FY16 are projected to decrease by less than 1% from the FY15 budget amount. In fact, projections for FY15 are anticipated to come in \$33,000 less than budget. The current tax rate (CY2014) is \$3.45 per \$100 of assessed value which is an increase over the CY2013 rate of \$2.95. The FY16 budget assumes no change in the tax rate.

**Mobile Home Tax** is levied on manufactured homes not classified as real estate. Mobile Homes are assessed as tangible personal property, yet taxed at the real estate property tax rate. Mobile Home tax is expected to generate \$30,000 in FY16 which is no change from the FY15 budget amount.

**Machinery and Tools Tax** is levied on certain business equipment used in manufacturing and certain other commercial activities. This tax is anticipated to generate \$12,000 in FY16, an increase of \$2,000 over the FY15 budget. Machinery and Tools Tax represents less than ¼ percent of overall General Property Taxes. The statutory tax rate is \$1.25 per \$100 assessed value based on original cost. However, an assessment ratio is applied to the value as follows:

Tax Years	Ratio (%)	Effective Rate per \$100
1 to 5	40	\$0.50
6 to 10	30	\$0.38
11 to 15	20	\$0.25
16 plus	10	\$0.13

**Late Tax Penalties and Interest** is anticipated to generate \$355,000 in FY16 which is an increase of \$20,000 over the FY15 budget. A ten percent penalty is charged the day after the due date and ten percent annual interest is accrued beginning 25 days after the due date. Delinquent tax collections continue to be a significant portion of overall property tax collections and are reflected in the budget within each category of tax. Delinquent real estate collections are anticipated to be about \$960,000 in FY16. Personal Property delinquent collections are anticipated to be approximately \$385,000. Together delinquent

tax collections and associated penalty and interest make up 7% of all General Property Taxes.

Ms. McCann noted that a lot of the June tax billing did not get paid until July which was a new fiscal year and Mr. Carter noted the County had an aggressive collection program in place.

**Other Local Revenue**

In addition to property taxes, local revenue generally includes other local taxes (utility, vehicle license, recordation, meals, and lodging), permits and license fees, court fines and fees, interest earnings, and various recovered costs. Other local revenue is expected to generate over \$5.65 million in FY16 which is an increase of \$130,571 over the FY15 budget amount. Significant changes are noted in the chart below.

<b>FY15 to FY16</b>	<b>Changes</b>
Local Sales Tax	\$26,320
Utility Tax	\$12,289
Meals & Lodging Tax	\$133,500
Building Permits	\$15,000
Tax Sale Proceeds	\$25,000
Land Use Application Fees	-\$70,000
Colleen Connection Fees	-\$19,262

Ms. McCann noted that the decrease in Land Use Application revenues was because there was a surge in fees close to reassessment and then it dropped off. She noted that those in land use had to reapply every six (6) years and the majority of this revenue hits in the year of reassessment.

Ms. McCann then noted that there was a large Colleen connection fee in the current year that would not reoccur in next fiscal year.

**STATE REVENUE**

State revenues, excluding non-recurring grants, are anticipated to increase by \$20,056 in FY16 from the FY15 budget amount. State revenues include **non-categorical aid** from motor vehicle carriers tax, mobile home titling tax, deeds tax, and communications sales tax. Non-categorical aid is anticipated to generate \$645,000 in FY16 which is a decrease of \$8,000 from FY15.

**Categorical state aid** primarily provides for at risk youth programs (CSA) and public assistance and welfare programs. Increases in funding for public assistance is the most significant factor contributing to the overall increase expected in state revenues. The

County expects to receive \$875,000 in categorical state aid in FY16 which is an increase of almost \$15,000.

The largest source of state funding relates to **state shared expenses**. State shared expenses represent the State's share of activities that are considered to be a shared state and local responsibility. Shared responsibilities include Constitutional Offices and the Registrar/Electoral Board. State shared expenses are expected to be \$1.4 million which is an increase of \$13,000 from FY15.

Ms. McCann noted that this increase was due to the restoration of State Aid to Localities funding.

### **FEDERAL REVENUE**

Federal revenue, excluding non-recurring grants, is expected to provide \$575,000 in FY16. This is a \$42,000 or 7.9% increase over the FY15 budget amount. Federal funding includes payment in lieu of taxes and public assistance and welfare. Payments in lieu of taxes have historically been received for forest land located in Nelson County. These funds must be approved during the federal budget process. Federal funds are also received for public assistance and welfare programs and are the largest source of ongoing federal funding. Public assistance funds are expected to increase by \$42,000 accounting for the overall increase in federal revenue.

### **STATE AND FEDERAL GRANTS**

In FY16, the county expects to receive \$533,410 in non-recurring grants from state and federal sources. This reflects a decrease of \$70,714 from FY15. Grants are generally not budgeted until they are awarded. Some grants may be awarded mid-year and amended into the budget at the time of award.

### **USE OF FUND BALANCE**

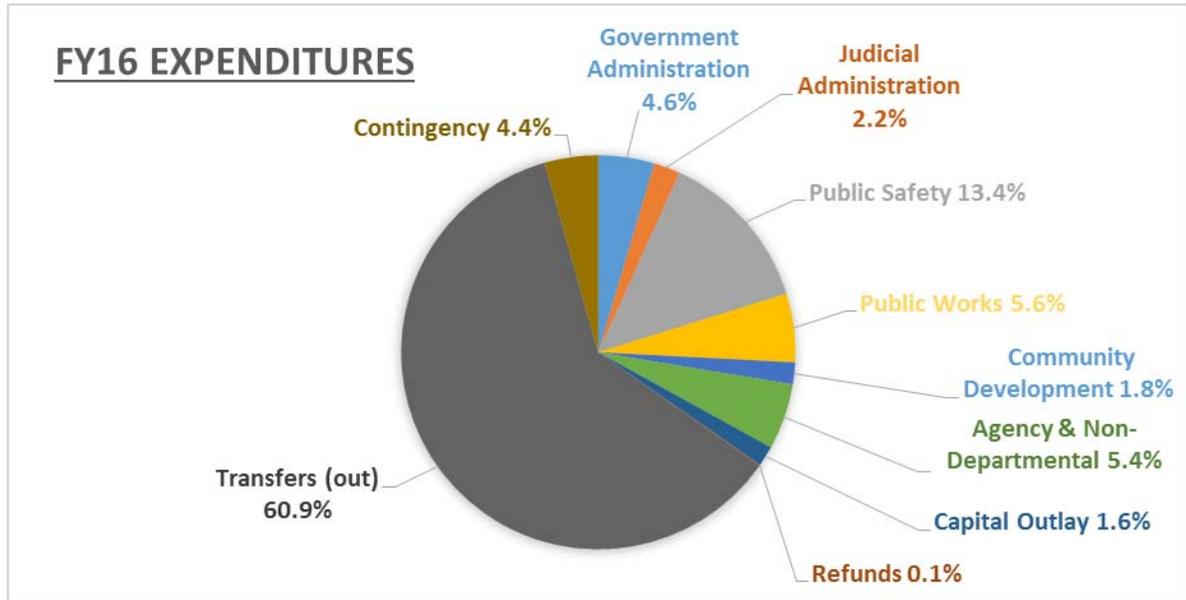
The FY16 proposed budget anticipates the use of \$2.8 million in fund balance which is an increase of about \$500,000 from the FY15 budget. Of the \$2.8 million, about \$1.4 million is carryover from FY15 resulting from \$60,500 in unexpended funds for Broadband Improvements and \$1,348,601 in unexpended contingency funding. The County also expects to use about \$1.4 million for the existing courthouse renovation project to reduce the amount of borrowed funds for the project.

Ms. McCann noted that the remaining part of the set-aside of \$2,000,000 was already in the Courthouse fund to cover Architectural and Engineering fees for the courthouse renovation project, so these funds did not have to be moved.

### **OVERALL EXPENDITURES**

Overall, recommended expenditures in FY16 are increasing by 1.2 million primarily due to the inclusion of fund balance to reduce the amount financed for renovation of the existing courthouse. Total recommended expenditures for FY16 is \$36.4 million as compared to the current FY15 budget of \$35.2 million. The graph below reflects the allocation of FY16 expenditures between the various categories of expense. Transfers is by far the largest

category of expense which includes funding for the School Division, Social Services, and Debt Service.



Supervisors inquired as to what percentage of the total Transfers was related to the transfer to Schools and Ms. McCann noted that she would have to look that up; however she noted that the total Transfers were \$22,000,000 and the transfer to schools for operations was approximately \$14,000,000.

### **Government Administration**

Government Administration includes the Board of Supervisors and the following departmental operations: 1)County Administration 2)County Attorney 3)Commissioner of Revenue 4)Treasurer 5) Finance & Accounting 6)Technology 7)Land Use Panel 8)Board of Elections 9)Registrar. Overall, governmental administration expenditures are recommended at \$1.68 million which reflects a decrease of \$61,000 from the FY15 current budget. An increase of 8.5% in health insurance premiums add \$9,900 to administration expenditures in FY16. The most significant decreases were within the Board of Supervisors, Finance & Accounting, and Technology budgets. These decreases are attributable to non-recurring expense items or changes in personnel from FY15 to FY16.

### **Judicial Administration**

Judicial Administration includes operational expense for General District Court, J&D District Court, Court Services Unit, Circuit Court, and the Commonwealth Attorney. Judicial Administration expenditures for FY16 are recommended at \$787,000 which is an increase of \$9,351 over the FY15 budget. The increases are primarily attributable to the health insurance increase within the Circuit Court Clerk and Commonwealth Attorney budgets.

## **Public Safety**

Public Safety includes operational expense for the Sheriff, Public Safety (Emergency Services), Emergency Services Council, E911 Program, Forest Fire Service, Paid EMS, Regional Jail, Building Inspections, Animal Control, and Medical Examiner. Public Safety expenditures for FY16 are recommended at just under \$4.9 million which is an overall increase of \$13,636 from the FY15 budget. The increase in health insurance adds about \$46,000 plus \$26,484 is added to make one part-time Animal Control Officer full-time. The E911 Program reflects an increase of \$114,000 which includes increased maintenance cost for the radio system and adds \$54,733 for upgrade of the recording system. However, the upgrade of the recording system is 100% offset by grant funds. Due to a lower jail population trend, the regional jail expense is expected to be \$114,000 less than in FY15. The Paid EMS program reflects an increase of \$45,000 which is primarily the impact of a 3% pay adjustment for employees with associated benefit costs and the purchase of an auto-CPR device. The Sheriff's Department budget reflects an overall reduction of \$62,000 which is primarily due to \$73,000 in non-recurring grants within the Sheriff's FY15 budget.

## **Public Works**

Public Works includes operation expense for Waste Management, Building and Grounds, and the Motor Pool. Public Works expenditure for FY16 are recommended at just over \$2 million which is an \$18,785 increase over FY15. This increase is reflective of the health insurance increase as well as anticipated increases in solid waste transportation cost and electric service expense. The Motor Pool budget includes the purchase of 2 police vehicles which is the same number of police vehicles purchased in FY15.

## **Recreation & Community Development**

Recreation and Community Development includes operation expense for Recreation, Planning, and Tourism/Economic Development. The overall budget for FY16 reflects a reduction of \$1,371. This sector had increased health insurance expense of \$3,500 and various other incremental reductions.

## **Agencies & Non-Departmental**

Agencies and other Non-Departmental expense increased by \$53,000. Agencies were level funded and no new agencies received funding. Non-Departmental funding includes \$135,000 for a 3% pay adjustment for county employees and reflects a reduction in the Crozet Tunnel Project budget.

## **Capital Outlay**

Capital Outlay expenditures in FY16 are expected to decrease by \$1.1 million. This is primarily due to the completion of the radio project in FY15. The following capital expense is proposed for FY16.

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Voting Equipment	120,050
Callohill Bldg. Renovation	\$100,000
Emergency Services Vehicles	\$320,000
Broadband Network Improvements	\$60,500
Total Capital Outlay	\$600,550

Ms. McCann noted that the Board had approved to cover 50% of the cost of an ambulance and 80% on a fire truck, which accounted for the budgeted amount for Emergency Services Vehicles.

### **Refunds**

Revenue refunds are anticipated to remain at \$30,000 in FY16.

### **Transfers**

This category of expenditure reflects funds moved to various other accounting funds and is by far the largest category of expenditures. Transfers are proposed for the 1)Debt Service Fund 2)Reassessment Fund 3)Broadband Fund 4)VPA (Social Services) Fund 5)Piney River Water/Sewer 6)Courthouse Project Fund and 7)School Fund. Overall Transfer Expenditures in FY16 are proposed at \$22.2 million which is an increase of \$2.2 million from FY15.

Changes in Transfers are denoted in the chart below.

Fund Category	Change
Debt Service (new CH Debt)	\$100,721
Broadband (planning study)	\$50,000
CDBG Broadband Grant Match	\$100,000
Courthouse Project	\$1,426,225
VPA (Social Services)	\$70,148
School Operations (3% COLA)	\$517,300
School Capital	-\$58,221
Overall Increase	\$2,206,173

Ms. McCann noted that the Debt Service on the new Courthouse Debt was interest only, the increase in VPA funds was from Federal and State increases in funding; not local, and nothing had been allocated yet for School Capital since no request had been received yet from the Schools.

Please note that the School Board budget request will not be approved until March 12<sup>th</sup>. As such, the requested school budget is denoted using the FY15 approved budget amounts with the changes noted above as recommendations. Once the approved budget request is received, school funding will need to be reconsidered.

**Contingency**

Contingency Reserves are expected to be almost \$1.6 million (Recurring-\$1,256,700, Non-Recurring-\$340,051). This is an increase of about \$139,000 from FY15.

**Expenditure Considerations**

Attached is a list of considerations detailing the more significant changes requested within the various departments. The list indicates the cost for each item and whether or not funding is included in the draft budget.

**Considerations:**

<u>Department</u>		<u>1St Draft Budget</u>
<b>Sheriff</b>		
PT Clerical to Full Time	\$23,845	Not Funded
3 Ballistic Vests	\$1,740	Funded
<b>Emergency Services Council</b>		
New Cost of Fire Equipment Testing	\$5,678	Funded
Training & Supplies (FY14 funding was \$10,000)	\$15,000	Funded
Expense Reimbursement Savings FY14 to FY15	-\$8,766	
<b>E911 Program</b>		
Emergency Notification System	\$8,500	Not Funded
Increased Radio Maintenance	\$47,350	Funded
Recording System Upgrade {PSAP Grant}	\$54,733	Grant Funded
<b>Paid EMS</b>		
Additional Coverage 7A-5P Sat/Sun	\$41,600	Not Funded
3% Employee COLA	\$15,323	Funded
Additional Health Insurance Contribution	\$9,086	Funded
Auto CPR Device-County Ambulance \$	13,500	Funded
<b>Building Inspections</b>		
FT Asst. Building Code Official	\$58,576	Not Funded
<b>Animal Control</b>		
PT ACO to Full Time	\$26,484	Funded
PT Shelter Attendant to Full Time	\$20,446	Not Funded

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**Motor Pool**

2 Sheriff Vehicles (1 Dodge Charger/1 Ford)	\$64,350	Funded
2 Vehicle camera systems	\$7,868	Funded
2 Building Inspections Vehicles (Ford Explorers)	\$60,000	Not Funded

**Planning**

Summer Intern	\$3,869	Not Funded
FT Planner	\$56,584	Not Funded

**Non-Departmental**

3% COLA for County Employees & assoc.benefit cost	\$135,000	Funded
8.5% Health Insurance Increase (within each dept)	\$59,078	Funded

**Agencies Requesting Increased Funding**

Health Department	\$678	Not Funded
Region Ten	\$12,809	Not Funded
Regional Library	\$8,730	Not funded
JAUNT	\$16,740	Not Funded
MACAA	\$3,996	Not Funded
Shelter for Help	\$356	Not Funded
OAR	\$3,500	Not Funded
Nelson County EDA	\$3,400	Not Funded

**Fiscal Year 2015-2016 Proposed Budget Calendar**

March 10, 2015 (Regular 2 PM Session): Budget Presentation and Overview  
March 17, 2015 (Tuesday, 4-6 PM): Budget Work Session  
March 24, 2015 (Tuesday, 1-5 PM): Overviews by Constitutional Officers and Dept. Heads  
March 31, 2015 (Tuesday, 4-6 PM): Overviews by Agencies  
April 7 or 9, 2015 (Tuesday/Thursday): Proposed joint meeting with School Board  
April 16, 2015 (Thursday, 4-6 PM): Budget Work Session  
April 21, 2015 (Tuesday, 4-6 PM): Budget Work Session  
April 28, 2015 (Tuesday, 4-6 PM): Budget Work Session/Schedule Public Hearing Date  
June 9, 2015 (Regular 2 PM Session): Adopt/Appropriate Fiscal Year 2015-2016 Budget

Supervisors and staff discussed the proposed budget calendar and Mr. Hale suggested meeting on Thursdays, the 19th, 26th, and 31st and then determining more dates after these.

Supervisors then agreed by consensus to meet for budget work sessions on Thursday, March 19th from 4-6pm, Thursday, March 26, 2015 from 1-5 pm, and Thursday March 31, 2015 from 4-6pm, all in the General District Courtroom.

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Staff noted that the School Board had listed April 9th for a joint meeting with the Board and they would check on this. Mr. Harvey noted he wanted to have a dedicated night to meet with them.

G. Closed Session Pursuant to State Code §2.2-3711 (A) (2), Consultation With Legal Counsel Pertaining to Actual Litigation

Mr. Hale moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (7): Consultation with legal counsel and briefing by staff members pertaining to actual litigation. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

The Closed Session was conducted and upon its conclusion, Ms. Brennan moved to come out of closed session and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors then reconvened in open session and Mr. Hale moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

H. *Introduced: Introduced Resolution R2015-24, Resolution Petitioning Atlantic Coast Pipeline LLC and the Federal Energy Regulatory Commission to Consider a Preferred Route That Minimizes the Use of Eminent Domain Takings of Personal Property.*

Ms. Brennan introduced resolution **R2015-24**, read it aloud and moved to approve the resolution. Mr. Hale seconded the motion and the Board discussed the following:

Mr. Harvey pointed out that he was not sure that people were seeing that Atlantic Coast Pipeline LLC was a brand new LLC and it was not Dominion Power. He added that the LLC had served the property owners with the lawsuits.

Mr. Bruguere inquired as to whether or not the existing utility right of way corridors could be identified and Mr. Hale and Ms. Brennan noted they could and sited the 300 foot wide easement at Jarmon's Gap and the 500 foot wide one across the Shenandoah National Park. They added that they had been investigated and did exist.

Mr. Hale then echoed Mr. Harvey's sentiments and added that one hardly knew who they were dealing with, noting that now there was Atlantic Coast Pipeline LLC.

There being no further discussion, Mr. Saunders called for the vote and Supervisors voted 3-1-1 to approve the motion, with Mr. Hale, Mr. Harvey, and Ms. Brennan voting Yes, Mr. Bruguere voting No, and Mr. Saunders abstaining.

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Ms. Brennan and Mr. Saunders debated whether or not Mr. Saunders could abstain without providing a reason and Mr. Saunders subsequently changed his abstention to a No vote.

Resolution **R2015-24** was adopted (3-2) with Mr. Hale, Mr. Harvey, and Ms. Brennan voting Yes and Mr. Bruguere and Mr. Saunders voting No as follows:

**RESOLUTION R2015-24**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION PETITIONING ATLANTIC COAST PIPELINE LLC AND THE**  
**FEDERAL ENERGY REGULATORY COMMISSION TO CONSIDER A**  
**PREFERRED ROUTE THAT MINIMIZES THE USE OF EMINENT DOMAIN**  
**TAKINGS OF PERSONAL PROPERTY**

**WHEREAS**, ninety-four percent (94%) of the Atlantic Coast Pipeline is proposed to be constructed on privately owned land potentially requiring the use of eminent domain against private property owners; and

**WHEREAS**, the proposed Atlantic Coast pipeline would cross the properties of over 200 landowners in Nelson County; and

**WHEREAS**, a preponderance of these property owners have denied Dominion and their agents permission to survey their land; and

**WHEREAS**, Dominion is prepared to initiate eminent domain proceedings against Nelson County property owners who oppose the construction of the Atlantic Coast Pipeline across their property; and

**WHEREAS**, Dominion has taken no action to minimize eminent domain takings in Nelson County by proposing a route using existing rights of way that would minimize or eliminate the need for use of eminent domain against property owners in Nelson County; and

**WHEREAS**, the majority of Nelson County citizens are opposed to the construction of the Atlantic Coast Pipeline across private properties in Nelson County;

**WHEREAS**, Federal law requires the consideration of route alternatives to minimize environmental impacts to communities along the path of the ACP; and

**WHEREAS**, co-location options with other utility easements are possible for the ACP, and

**WHEREAS**, the Nelson County Board of Supervisors has previously passed Resolution R2014-67 opposing the construction and operation of the Atlantic Coast Pipeline in Nelson County, and

**WHEREAS**, nothing in the newly proposed alternative routes through Nelson County has altered the concerns expressed in the previous resolution,

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**NOW, THEREFORE, BE IT RESOLVED** that the Nelson County Board of Supervisors reaffirms its opposition to the construction and operation of the Atlantic Coast Pipeline in Nelson County, and

**BE IT FURTHER RESOLVED**, that the Board hereby petitions the Atlantic Coast Pipeline LLC to create a preferred route for the ACP that co-locates within existing utility corridors to the maximum extent possible thus minimizing or eliminating the need for eminent domain against private property owners, and

**BE IT FINALLY RESOLVED**, that the Board hereby petitions the Federal Energy Regulatory Commission to require that Atlantic Coast Pipeline LLC proffer a preferred, responsible route and a corresponding cost analysis that minimizes the use of eminent domain and maximizes the use of existing rights of way and property easements.

Mr. Saunders then noted for the public that he thought that information in the resolution was incorrect and if it were corrected he would vote in favor of it. He added that he agreed with the resolution but disagreed with some of the facts it contained.

Mr. Carter then inquired as to whether or not the Board wanted to meet with Dominion.

Mr. Bruguiere noted that he thought it was up to the Board to meet with Dominion in an open forum to ask questions with no public participation. He added he would like to nail them down to the route and ask other questions. Mr. Harvey disagreed and stated that he thought meeting with them was acknowledging that they were wanted in the County and he did not want them here.

Mr. Hale then noted that it was not their responsibility to address specific properties. He added that he would want to ask any questions they wanted and was not against a public meeting with them. He added that he did not think doing this would change anything; however he would go along with it noting it would give the Board the opportunity to ask questions.

Mr. Harvey noted that they were not answering the Board's questions because they did not have to and Mr. Hale agreed.

Ms. Brennan indicated she was only willing to do it if they were going to answer questions, the meeting was held in the evening, and the public could submit their questions to the Board.

Mr. Saunders suggested the meeting could be held at the High School and noted he thought they should talk to them one more time.

Mr. Harvey noted that he had been pleased with the public, who have been courteous and have done their homework.

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Ms. Brennan noted that that Dominion had put out one more route only a week ago and Mr. Harvey noted that the pipeline had the potential to be the most devastating thing to the County ever.

Mr. Saunders noted that he has gotten many calls in favor of it. He noted that he was neutral himself and was not going to campaign for or against it.

Mr. Hale also noted that he had gotten a call from a constituent who was in favor of it; whose husband worked on pipelines and he noted no objection to further public discussion on this.

Mr. Carter advised that the County had received notice from FERC of their intent to prepare an environmental statement and he suggested that once the preliminary draft environmental impact statement (EIS) was drafted would be the time to meet and get closure on many of their questions given that it was presently indeterminate what they were going to do. Mr. Carter added that the EIS was prior to the submission of the application and specific questions would be answered. Supervisors disagreed and noted that they will have decided the route by then.

Mr. Saunders suggested that they should have the meeting sooner rather than later. Ms. Brennan noted they would have to pick a date that would suit everyone, giving the public at least two (2) weeks prior notice.

Supervisors agreed by consensus to hold the meeting with Dominion and allow enough time for proper notice and the submission of questions. They further agreed to decide the format of the meeting and date by the next meeting.

Ms. Brennan then noted that she thought the FERC scoping meeting would be moved to the end of April. She then asked the Board's interest in having Mr. Charlie Banks, the State Floodplain Program Manager, do a presentation on floodplains at the next Board meeting in April. Supervisors agreed by consensus to schedule Mr. Banks to report at the April Board meeting.

*I. Introduced: Request for Board Endorsement of TJSWCD Grant Application*

Mr. Hale noted that the Thomas Jefferson Soil and Water Conservation District was interested in outreach and cost share assistance in the Tye River Watershed for TMDL mitigation. He noted that they have asked if the County would support their grant application for funding that would reduce bacterial pollution there over the next two (2) years. He noted this to be an identical program to what had been done in the Rockfish River Watershed area.

Mr. Hale then moved that the Board approve the Chair signing the letter signifying their support of the program. Ms. Brennan seconded the motion.

Mr. Hale noted that they have had one year of the program in the Rockfish area.

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Mr. Bruguere noted that they had signed the same letter at the Farm Bureau and Mr. Hale added that the application needed to be in by March 20<sup>th</sup> which was why it was being requested at the last minute.

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

**V. Reports, Appointments, Directives, and Correspondence**

**A. Reports**

**1. County Administrator's Report**

Mr. Carter reported the following:

**1. Courthouse Project Phase II:** Architectural Partners is in process with final project design. A projected bid date is early June 2015 with project financing to be obtained based upon an acceptable low bid proposal

**2. Broadband:** Development of the Local Innovation Grant Program funded project to add 8.1 miles to the fiber network is in early development. A project agreement with VA-DHCD is pending receipt.

**3. BR Tunnel and BR Railway Trail Projects:** a) **BRRT** – Project close out by VDOT is in process. b) **BRT** – Completion of Phase 1 is projected to be the first of May. Development of Phase 2 is in process. A decision on the County's Phase 3 TAP grant application is pending.

**4. Radio Project:** The project is operational. Additional system evaluation is in process.

Mr. Hale noted that the pagers were still not working properly and Mr. Harvey showed him a texting function that they could get on their phones. Mr. Hale noted that the patch was implemented and Faber could not hear anything on pagers. Mr. Harvey then advised that they use their walkies as there were a limited of folks that did not have these. He added that if the member had a cell phone, they could get the call and know the details.

It was also noted that the pagers were analog and digital pagers could not be bought; which meant they had to page on analog. It was also noted that once the patch was cut out, so was the interference.

Mr. Carter noted that the cell phone enhancement was just done and if squads had a problem, they should take it to their captain and bring it through proper channels. It was supposed that most of the folks complaining just wanted a scanner.

Mr. Bruguere noted that the radios were clear and there was no static. Mr. Harvey advised that the next step was to locate the call off of a map and then notify everyone else that you

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were going to the firehouse. Mr. Hale supposed this function was dependent upon whether a person had a smartphone and coverage.

Mr. Carter then advised that it would be good if these things were coordinated internally so everyone knew who was doing what on a call and Mr. Harvey added that duty crews could be established in the departments.

**5. Lovingson Health Care Center:** No update(s) to report.

**6. Solid Waste - Region 2000 Service Authority:** The Authority is proceeding with a state required update of its Solid Waste Management Plan. Authority staff are also in process with the permitting through VA-DEQ of a lateral expansion of the Authority's Livestock Road Landfill facility in Campbell County.

**7. FY 15-16 Budget:** Budget presented on 3-10 with Board work sessions to ensue.

**8. South Rockfish Valley Historic District Project:** In progress.

**9. 2015 Lockn' Festival:** Planning for the 2015 Festival is in process by its sponsors.

**10. 2015 General Assembly Session:** 2015 Session is concluded. Veto Session begins 4-8.

**11. Department Reports:** Included with 3-10-15 BOS agenda.

Mr. Carter added to his report noting that the sewer problem in the first floor of the new Courthouse had been fixed. He noted it was due to an installation problem that was causing repeated backups. He reported that Moore's had come back and corrected the problem and it was now working properly, it just took a while to identify the issue.

Mr. Harvey exited the meeting prior to Board Reports.

## 2. Board Reports

Mr. Hale, Ms. Brennan, and Mr. Saunders had no reports.

Mr. Bruguere reported that Montebello Rescue was no longer in service and he thought that Curtis Sheets bought their ambulance. Mr. Carter confirmed but noted that the ambulance was supposed to be rotated into the paid program. It was noted that Montebello had so few volunteers they could not continue to operate.

## B. Appointments

Ms. McGarry noted an application had been received from Ms. Gloria Ashley of Lovingson for the East District seat on the Library Advisory Council which had been vacant since 2014.

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Mr. Hale then moved to appoint Ms. Gloria Ashley to the Library Advisory Council and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

She then noted that there was still a vacancy on the Local Board of Building Code Appeals and no applications had been received.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

There were no directives given by the Board.

**VI. Adjournment – Evening Session Has Been Cancelled**

At 5:30 PM, Ms. Brennan moved to adjourn and continue the meeting until March 19, 2015 at 4:00 PM for the conduct of a budget work session. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.