

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**July 9, 2013**

**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE BOARD OF SUPERVISORS ROOM AT THE COURTHOUSE IN LOVINGSTON**

- I. Call to Order**
  - A. Moment of Silence
  - B. Pledge of Allegiance
  
- II. Consent Agenda**
  - A. Resolution – **R2013-48** COR Refunds
  - B. Resolution – **R2013-49** Minutes for Approval
  
- III. Public Comments and Presentations**
  - A. Public Comments
  - B. Presentation – Virginia Scenic River Program, Tye River Study & Scenic River Designation (L. Crump, DCR) (**R2013-50**)
  - C. Presentation – Virginia DEQ, Tye River TMDL Project- Draft Summary Report (T. Sieber)
  - D. Presentation – FY14 Reassessment Status (G. Eanes)
  - E. VDOT Report
  
- IV. New Business/ Unfinished Business (As May Be Presented)**
  
- V. Reports, Appointments, Directives, and Correspondence**
  - A. Reports
    - 1. County Administrator's Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
  
- VI. Adjournment (The Evening Session Has Been Cancelled)**

**RESOLUTION R2013-48**  
**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>
\$1,493.68	2013 PP Property Taxes	Hyundai Leasing Titling Trust: Property Tax P.O. Box 198069 Nashville, TN 37219

Adopted: July 9, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

COUNTY OF NELSON  
**JEAN W. PAYNE**  
COMMISSIONER OF REVENUE  
P. O. Box 246  
Lovington, VA 22949

Telephone: 434-263-7070  
Fax: 434-263-7074  
Email: [jpayne@nelsoncountv.org](mailto:jpayne@nelsoncountv.org)

June 24, 2013

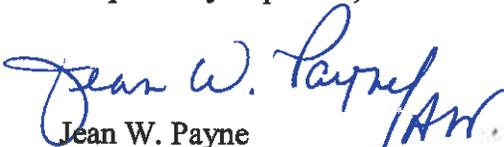
Mr. Thomas Bruguiere, Chairman  
Nelson County Board of Supervisors  
P. O. Box 336  
Lovington, VA 22949

**Re: Hyundai Lease Titling Trust Attn: Property Tax**  
**P O Box 198069 Nashville, TN 37219**  
**2013 Hyundai elantra #246296**  
**Lessee – Ellis, Steven**

This letter shall serve as written request that a refund of \$1,493.68 be issued to the above referenced taxpayers. The subject vehicle was incorrectly assessed and the bill was paid by the leasing company before the error was discovered.

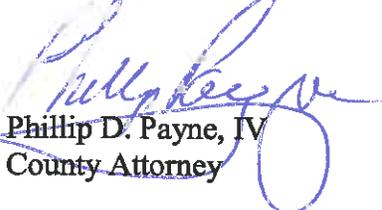
Supporting data is available in this office for you review.

Respectfully requested,

  
Jean W. Payne  
Commissioner of Revenue

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The undersigned has reviewed the request of the Commissioner and consents to the refund requested above.

  
Phillip D. Payne, IV  
County Attorney

**RESOLUTION R2013-49**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(June 11, 2013)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **June 11, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: July 9, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

June 11, 2013

**Virginia:**

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:05 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

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

Absent: None

**I. Call to Order**

Mr. Bruguire called the meeting to order at 2:10 pm, with all Supervisors present to establish a quorum.

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

Mr. Harvey then noted to the Board that former Service Authority member Frank Ott passed away as did the Sheriff's Father. He also noted that Dr. Jervis Taylor was in care but was sharp as a tack; however his mobility was limited.

Ms. McCann then introduced new County employees: Nelson Jones the new Part Time dispatcher who came from CVEC security and has worked in dispatch since mid April, two new Part Time Animal Control Shelter Attendants, Charles Kincaid of Roseland and Kelly Giles of Arrington. She noted that Animal Control has been fully staffed since May.

Mr. Bruguire noted that Mr. Jones's daughter taught at the Middle School and coached the tennis team.

Mr. Carter noted that Animal Control had gotten new uniforms and Ms. McCann added that the Shelter Attendant uniforms would be slightly different but would be similar to the maintenance staff uniforms. She added that staff was waiting until after the new employees' probationary periods to purchase the uniforms. In response to questions, staff noted that the Attendants had on the job training and that Officers had to go to school. Mr. Carter added that the Attendants would be sent for more training if something were offered at the Academy.

**II. Consent Agenda**

Ms. Brennan inquired as to what period of time was covered in the General Fund transfers on the FY13 Budget Amendment and Mr. Carter noted that it covered the last three months. She then asked for the total amount paid for the County Attorney and Ms. McCann noted it was approximately \$100,000. She added that this cost was typically \$9,000 per month and was primarily for Broadband work and it included the health insurance stipend. Mr. Carter added that Mr. Payne has been working with Planning staff on Ordinance amendments; however he was more actively engaged in development of Broadband related contracts.

Ms. Brennan then inquired about the transfer for the Regional Jail and Ms. McCann explained that expenses ran over the original amount budgeted because it was an estimated amount based on the number of prisoners; which can fluctuate. She added that the bills from them were received at a lag which also created variation. She noted that staff projected it would go beyond the budgeted amount and hence required a budget amendment.

Mr. Carter added that the Jail does its projections based on prisoner population and staff budgeted for this based on a 12-24 month trend. He noted that Albemarle has seen a dramatic reduction in prisoner days such that there would be an adjustment at the end of the year based on actual numbers; which was noted to the Board during the budget work sessions.

Mr. Hale then noted that added legal fees also came from them asking questions that required legal research and he recommended that the Board think carefully before seeking legal advice as it came at a price.

Ms. Brennan then moved to approve the consent agenda and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2013- 35** COR Refunds

**RESOLUTION R2013-35  
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>
\$ 92.75	2010-2011 PP Property Taxes	William B. & Mary L. Bryant 8738 Boxelder Lane Dexter, MI 48130
\$ 160.02	PP Taxes	Somers R. Carter & Holly Bradley-

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Carter  
P.O. Box 183  
Lovingsston, VA 22949

\$ 4,237.87      2012 Public Service Tax

Sprint Communications Co., LP  
Willie Lawton, Property Tax Analyst  
P.O. Box 12913  
Shawnee Mission, KS 66282-2913

\$ 90.67            2012 PP Tax & Vehicle License Fee

Timothy D. & Peter H. York  
1827 Stony Point Road  
Charlottesville, VA 22911

\$136.20          PP Taxes

Darrell Robinson  
4018 Clinton Road  
Valrico, FL 33594

B. Resolution – **R2013- 36** Minutes for Approval

**RESOLUTION R2013-36  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(May 14, 2013)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board’s meeting conducted on **May 14, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

C. Resolution – **R2013- 37** FY12-13 Budget Amendment

**RESOLUTION R2013-37  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2012-2013 BUDGET  
NELSON COUNTY, VA  
June 11, 2013**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2012-2013 Budget be hereby amended as follows:

**I.      Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 5,240.00	3-100-001401-0001	4-100-031020-1009
\$ 14,059.00	3-100-001901-0015	4-100-012130-5420
<u>\$ 19,299.00</u>		

**II. Transfer of Funds (General Fund)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 32,500.00	4-100-999000-9905	4-100-012040-3002
\$ 71,520.00	4-100-999000-9905	4-100-033010-6001
<b>\$ 104,020.00</b>		

**III. Transfer of Funds (Debt Service Fund)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 215,588.00	4-108-095100-9113	4-108-093100-9106
\$ 38,230.00	4-108-095100-9123	4-108-093100-9106
\$ 39,150.00	4-108-095100-9150	4-108-093100-9106
<b>\$ 292,968.00</b>		

**IV. Appropriation of Funds (Debt Service Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
<b>\$ 39,150.00</b>	3-108-009999-0001	4-108-093100-9106

D. Resolution – **R2013- 38** Designation of JAUNT Annual Meeting Proxy

**RESOLUTION R2013-38**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DESIGNATION OF JAUNT ANNUAL MEETING PROXY**

**RESOLVED**, by the Nelson County Board of Supervisors that Stephen A. Carter or his designee is hereby appointed as proxy to act and vote all shares of the Nelson County Board of Supervisors at the annual meeting of the shareholders of JAUNT, Inc., a Virginia Public Services Corporation on Wednesday, July 10, 2013 and at any adjournments thereof, upon the election of directors, and, in his discretion, upon such other matters as may properly come before such meetings.

**BE IT FURTHER RESOLVED**, that this proxy shall be valid until otherwise designated.

**III. Public Comments and Presentations**

A. Public Comments

1. Glenda Cahoon, VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President asking the Board to call Sheriff Brooks before the Board for failing to live up to his oath of office and to ask him to state publicly what his position is with regard to the Dept. of Homeland Security. He also demanded that the metal detectors be removed from the main entrance to the courthouse and that it only be used at

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the entrances to Circuit and District Courts when courts were actually in session to properly protect the judges of these Courts.

B. VDOT Report

This report was made during the evening session following the public hearing on the 2014 Secondary Six Year Plan.

**IV. New Business/ Unfinished Business**

A. FY13-14 Budget Adoption (**R2013-39**)

Mr. Carter noted that staff was pleased with the budget process and that no tax increases were implemented. He then complimented staff for an outstanding job done on the budget during the process to make it less burdensome on the Board. He noted that Dr. Collins was also pleased with it and he recommended adoption of the budget.

Mr. Hale noted that he had confirmed with Ms. McCann that there was \$320,000 in the Capital Outlay line of the budget for EMS vehicles.

Ms. Brennan then inquired as to where the set aside funding for Broadband installations was included in the budget and Ms. McCann noted that a budget amendment had been done for this in the current year and at the end of the fiscal year, the balance would be moved via budget amendment into the Broadband budget.

Mr. Carter then noted that staff would bring the Broadband budget to the Authority for approval; however it did not require public hearings etc.

Ms. McCann then noted that there had been some adjustments to the budget from the one advertised; primarily because of the Radio project. She noted that staff had projected more than it turned out would be spent this fiscal year as it was not moving along as quickly as projected. She added that the project was for the same total dollars but that she had moved more of the expense into next year. She noted a similar situation regarding the CDBG budget; some funding was being carried forward to next year.

Ms. Brennan then questioned the \$9,000 budgeted for the dental center and Ms. McCann explained that this was related to the CDBG grant; with the final draw being done in next fiscal year.

Mr. Hale then moved to approve resolution **R2013-39** Adoption of Budget Fiscal Year 2013-2014, which is from July 1, 2013 to June 30, 2014 and Mr. Harvey seconded the motion.

Mr. Bruguere noted it was a good year for the County and that they were able to fund the budget within the current tax rates; however next year could be quite different.

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

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**RESOLUTION 2013-39**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**ADOPTION OF BUDGET FISCAL YEAR 2013-2014**  
**(JULY 1, 2013-JUNE 30, 2014)**

**WHEREAS**, pursuant to the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950, the Board of Supervisors of Nelson County, Virginia has prepared a budget for informative and fiscal planning purposes only and has also established tax rates, as applicable, for Fiscal Year 2013-2014 (July 1, 2013-June 30, 2014); and

**WHEREAS**, the completed Fiscal Year 2013-2014 Budget is an itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowing; and

**WHEREAS**, the Board of Supervisors has published a synopsis of the budget, given notice of a public hearing in a newspaper having general circulation in Nelson County and, subsequent thereto, convened a public hearing on the Fiscal Year 2013-2014 Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2013-2014 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of \$68,971,563. The individual fund totals are denoted as follows:

<u>Fund</u>	<u>Budget</u>
General	\$ 35,982,969.00
VPA	\$ 1,852,054 .00
Debt Service	\$ 3,331,008.00
CDBG	\$ 11,700.00
Capital	\$ 1,497,975.00
School	\$25,470,920.00
Textbook	\$ 320,667.00
Piney River (Operations)	\$ 214,270.00
Courthouse Project	\$ 290,000.00

1) The General Fund includes \$18,010,450 in local funding transferred to the Broadband Fund (\$123,335), the Debt Service Fund (\$3,331,008), the Piney River Water & Sewer Fund (\$50,000), and the School Fund (\$14,111,107 for general operations, \$215,000 allocated for school nursing, and \$180,000 allocated for school buses). Also included is \$1,852,054 in local, state, and federal funds transferred to the VPA Fund.

2) The CDBG Fund includes \$2,700 transferred to the Broadband Fund.

3) The School Fund includes a transfer of \$173,732 to the Textbook Fund.

**BE IT LASTLY RESOLVED**, that adoption of the Fiscal Year 2013-2014 Budget shall not be deemed to be an appropriation and no expenditures shall be made from said budget until duly appropriated by the Board of Supervisors of Nelson County, Virginia.

**B. FY13-14 Budget Appropriation (R2013-40)**

Mr. Carter noted that the budget also needed to be appropriated so the County could incur and pay expenses as of July 1, 2013. He explained that per the State Code, the funds had to be appropriated before they could be expended. He added that since his tenure with the County, this had been done on an annual basis and was easiest for staff. Mr. Carter then suggested that the Board adopt this presented resolution as well.

In response to a Member's question, Ms. McCann noted that the State sent funds for schools on a monthly basis.

Mr. Harvey then moved to approve resolution **R2013-40** Fiscal Year 2013-2014 Appropriation of Funds. Ms. Brennan 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 R2013-40  
NELSON COUNTY BOARD OF SUPERVISORS  
FISCAL YEAR 2013-2014  
APPROPRIATION OF FUNDS**

**WHEREAS**, the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950 require the appropriation of budgeted funds prior to the availability of funds to be paid out or become available to be paid out for any contemplated expenditure; and

**WHEREAS**, the Nelson County Board of Supervisors has heretofore approved the Fiscal Year 2013-2014 Budget (July 1, 2013 to June 30, 2014) for the local government of Nelson County and its component units; and

**WHEREAS**, the Board of Supervisors now proposes to appropriate the funds established in the Fiscal Year 2013-2014 Budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that the Fiscal Year 2013-2014 Budget be hereby appropriated on an annual basis by fund category, as follows:

<u>Fund</u>	<u>Revenue(s) (All Sources)</u>	<u>Expenditure(s) (All Departments)</u>
General	\$ 35,982,969.00	\$ 35,982,969.00
VPA	\$ 1,852,054.00	\$ 1,852,054.00
Debt Service	\$ 3,331,008.00	\$ 3,331,008.00
CDBG	\$ 11,700.00	\$ 11,700.00
Capital	\$ 1,497,975.00	\$ 1,497,975.00
School	\$ 25,470,920.00	\$ 25,470,920.00
Textbook	\$ 320,667.00	\$ 320,667.00
Piney River (Operations)	\$ 214,270.00	\$ 214,270.00
Courthouse Project	\$ 290,000.00	\$ 290,000.00
	\$ 68,971,563.00	\$ 68,971,563.00

**BE IT FURTHER RESOLVED** by the Board of Supervisors that:

1. The General Fund appropriation includes the transfer of \$1,852,054 (4-100-093100-9201) to the VPA Fund (3-150-004105-0001), \$3,331,008 (4-100-093100-9204) to the Debt Service Fund (3-108-004105-0100), \$14,506,107 (4-100-093100-9202/Nursing \$215,000, 4-100-093100-9203/Operations \$14,111,107, 4-100-093100-9205/Buses \$180,000) to the School Fund (3-205-004105-0001), \$123,335 (4-100-093100-9114) to the Broadband Fund (3-114-004105-0100), and \$50,000 (4-100-093100-9207) to the Piney River Water & Sewer Fund (3-501-004105-0001). The amounts transferred from the General Fund to the VPA Fund, Debt Service Fund, School Fund, and Piney River Water & Sewer Fund are also included in the total appropriation for each of these funds.
2. The CDBG Fund appropriation includes the transfer of \$2,700 (Account 4-503-094710-9114) to the Broadband Fund (3-114-004105-0503).
3. The Textbook Fund appropriation includes the allocation of \$173,732 from the School Fund.
4. The appropriation of funds to the School Fund, Textbook Fund, and VPA Fund shall be in total and not categorically.
5. The appropriation and use of funds within the General, Debt Service, CDBG, Capital, Piney River Water & Sewer, and Courthouse Project funds shall adhere to the amounts prescribed by the Board of Supervisors for each department therein unless otherwise authorized by the Board of Supervisors.

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

### **A. Reports**

1. County Administrator's Report

### **A. Courthouse/Government Center Project (All Related):**

- 1) **Courthouse Addition** – Project close out by 6-30-13, per Blair Construction.
- 2) **Law Office Retaining Wall:** V-ditch rework in process.

Mr. Carter noted that after the V-ditch work was completed, VDOT would come in and resurface the road and would do something about the drainage there. He reported that the previous week, staff had pushed back the grate on the drain across from Ms. Harker's house and the water seemed to flow through better and no flooding occurred. He added that he was encouraging VDOT to look at this and at the box culvert.

- 3) **Jefferson Building:** Bid solicitation advertised on 5-30. Pre-bid meeting on 6-17 (10 a.m.). Bid proposals due on 6-26 at 2 p.m.

Mr. Carter noted that five companies had picked up plans and Branch Construction had written that they were not interested. He noted that several local contractors and 1 larger company had gotten them.

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**4) Magistrate's Building:** Lynchburg Restoration has completed door and window installations. Price Masonry Contractors Inc. will schedule completion of interior re-plastering. County staff will facilitate HVAC installation and re-painting of roof.

**B. Broadband Project:** Staff further evaluating rate/fee schedule. BRI. Project close out with NTIA by 6-30 is in process.

Mr. Carter reported that the staff goal was to have something for the NCBA's consideration by the 27th on the wireless rates. He added that the FCC licensing had cleared on the three towers, the County should be able to closeout with NTIA on time, and that final reporting was in process.

**C. 2012 Radio Project (Narrow banding):** \*County staff are in the process of authorizing payment that will allow the majority of equipment to be ordered so that field installations can begin in approximately 90 days. \*The County will not authorize certain equipment to be shipped until frequencies have been identified and licenses granted by the FCC. \*Staff are still working to obtain the required new frequencies, NRAO quiet zone letters of concurrence and FCC licensing for the system. \*Due to subscriber units being shipped after the Jan. 1, 2013 narrowband deadline they are not able to be programmed (per FCC regulations) in wideband and narrowband modes therefore the original cutover plan can't be accomplished as planned. \*To remedy this staff filed a request for a manufacturers waiver with the FCC on May 7, 2013. \*This waiver would allow us to program the radios as planned. \*Due to the delays related to the NRAO and FCC we will file an additional waiver with the FCC to further extend the County's deadline for narrowband compliance to June 30, 2014.

**D. Lovington Health Care Center:** JABA continuing feasibility work. Update pending.

**E. VRA Refinancing's (Courthouse & Literary Loan):** Completed on 6-5.

**F. 2014 General Reassessment:** Wampler-Eanes to report to BOS on 7-9-13.

**G. Board Retreat:** Schedule for first quarter of FY 13-14?

**H. EMS Revenue Recovery Program:** Staff plans/proposes to conclude contract with current billing company, effective 10-1-13, and proceed with contracting with EMS Management & Consultants of Lewisville, NC as of October 1<sup>st</sup>.

Mr. Carter noted that things seemed to go well in spurts with the current company. He noted that the typical pattern was that things would go down, staff would meet with the President, things would improve and then trend back down again.

He added that the notice requirement was ninety (90) days and the County would transition from one company to the other as of October 1, 2013.

Mr. Carter then noted that the new company serviced Appomattox County, Augusta County, Campbell County, Greene County, Rockbridge County, and Amherst County among others. He added that Amherst County has been very happy with the change.

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Ms. Brennan then inquired about the soft billing issue and asked if they would help with that. Mr. Carter noted that they would and that the Board could decide to pursue a more aggressive stance on that but would still be able to maintain the hardship program. He added that the current company has had trouble securing the insurance information timely and the new company has assured staff that they would be more aggressive on this front. He noted that the projected revenue amounts were far less than expected and it was worth making a change to see if it improved.

**I. Other** – BOS Questions, comments, directives.

2. Board Reports

Mr. Saunders had no report.

Ms. Brennan reported attendance of the DSS Board meeting and noted that they were doing a personnel reclassification of some positions. She noted that this resulted after their retreat where the Board felt that it was a good idea to take a hard look at how some of the positions were classified and compensated. She added that this reclassification would be at no cost to the county.

Mr. Hale reported that he and Doug Coleman had visited the new County park (Sturt Property) and he noted that it was a beautiful place and that they heard bobwhites there. He added that Mr. Coleman had noted that there were very few invasive plants in the area. Mr. Hale then described the property's location as being on Findlay Gap Road after crossing the second fjord. He added that Westvaco owned property on several sides of it and that Doug Coleman thought they should let the trees grow for harvest to fund improvements to the property.

Mr. Hale then reported that the Thomas Jefferson Planning District was in shambles and a special meeting had been called to deal with the issues.

Mr. Bruguere reported attendance of the EMS Council meeting where the big topic was the music festival and the employment of rescue units. He noted that there was more to come on that and Mr. Saunders added that Oakridge has spoken with the Sheriff's Dept. and EMS and he thought this was under control. Mr. Bruguere noted that the festival should be good for the County and should generate a lot of revenue. Mr. Saunders then noted that Reagan Thompson had said they would use as many locals as possible in the event. Mr. Carter reported that he had signed off on permits for them to run fiber optic cable over to the site from Route 29 and it would be a branch line over onto Oak Ridge Road.

Mr. Hale inquired of Mr. Bruguere if they discussed the proposal regarding fire trucks at the EMS Council meeting and Mr. Harvey noted that he had something to report on that.

Mr. Hale then noted that this was discussed at the last Faber Fire Dept. meeting and the general view was that one template would not fit every department. He noted that they had researched another type of vehicle that would cost under \$100,000. He added that he would like to see what came from the Council but would also like to see departments be given the latitude to put together what each wanted.

Mr. Harvey noted he was aware that Faber wanted another brush truck to be able to handle brush fires; however he noted that he wanted to stick to the plan to buy three of the mini pumpers. Mr. Hale

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acknowledged that they had speced out a brush truck and he reiterated that he thought it made sense to give the departments some latitude to determine what their needs were.

Mr. Harvey reiterated that the plan was to purchase three new mini-pumpers. He added that he was told that Faber could not come up with the additional money when it was available interest free for 7-8 years. He added that they could pay for the trucks up front and receive discounts and if they were to buy all three at the same time, they would get discounts. Mr. Hale then noted that Faber Fire Department would pay off their one loan they had this year.

Mr. Harvey then noted that Montebello and Lovingson were ready to go forward now and they needed to get the EMS Council's recommendation to the Board.

Mr. Harvey and Mr. Hale briefly discussed the need for brush trucks given that the Forestry Department fights brush fires anymore, not fire departments. Mr. Harvey added that the Forestry Department did not use the volunteer fire departments' equipment and they did not want volunteers there unless they have passed the necessary tests. Mr. Hale noted that there have been plenty of smaller brush fires that pop up around people's houses etc. that the volunteer fire departments respond to.

Mr. Bruguere noted that he agreed that there was a need to have comparable equipment at each Department so they all can use them as needed. Mr. Saunders noted that if a mini-pumper could be used to fight smaller brush fires instead of a brush truck, then he would go with that.

Mr. Harvey then noted that the fire chiefs agreed with the plan in a meeting with just the chiefs. He added that the program had been put out there and he would speak with Eddie Embrey again on it.

Mr. Harvey then reported that the Board had received a request from Curtis Sheets for a \$75,000 contribution to be made to help pay for an expansion of Wintergreen Station II. He noted that this was since the County has spent money on adding the Lovingson Station II bunk rooms to help support the paid crew being there. He added that they did not pay rent but have done some improvements there. He added that the other paid crew was stationed at Wintergreen and they needed to do an addition there. He reported that Wintergreen Fire and Rescue wanted a squad truck in the valley. He added that they now had to move it to the mountain and then one ambulance was stored at Rockfish until ski season when they needed two on the mountain. Mr. Harvey noted that they were planning on putting an addition on the front of the firehouse at Stoney Creek. He noted that this would allow them to bring the big truck to the valley and have a second rescue unit on the mountain. Additionally, he noted this would also be for the housing of the paid employees - some theirs and some the County's. Mr. Harvey then noted that the expansion would cost \$300,000 and the maximum that could be borrowed from the loan fund was \$250,000. He added that they were asking the County to upfront them \$75,000 as a grant; which would be equal to what had been spent on Lovingson Station II on the bunk rooms and paving.

Ms. McCann then advised the Board that the Lovingson Station II renovation cost was \$35,581 and including the paving, the total spent there by the County was approximately \$68,000.

Mr. Bruguere asked if this would go before the EMS Council, and Mr. Harvey said it would not as it would be between Wintergreen Fire and Rescue and the Board.

June 11, 2013

Members and staff briefly discussed the loan fund balance and whether or not there would be enough balance. Staff indicated that there was approximately \$600,000 in the fund.

Members briefly discussed the dispersal of funds prior to October and the number of loans that could be held at one time. Staff noted that the policy on this would have to be checked.

Ms. Brennan then recommended that the Board grant the request. She then moved that the Board of Supervisors appropriate a grant for \$70,000 to Wintergreen Fire and Rescue to accommodate their construction addition on Station II.

Ms. Brennan noted that while the request was for \$75,000, she thought that \$70,000 was equitable.

Mr. Harvey then seconded the motion.

Mr. Hale stated that he was opposed to doing this, he did not think that the Board could equate Wintergreen Fire Department with Nelson Rescue, which was a volunteer organization, and he could not support the County investing in something that was privately owned.

Mr. Harvey noted that Wintergreen Fire and Rescue was a nonprofit organization but was funded by WPOA and WPI. He added that the volunteer fire and rescue owned the equipment and buildings.

Mr. Hale reiterated that the County continued to fund the interest free loan fund etc. and he could not support the motion.

Mr. Bruguiere stated that the Board did do the paving at Station II and Mr. Harvey added that they were modifying the building there because of the County.

Ms. Brennan noted that Wintergreen Fire Department provides services to the county and it was important for them to have an ambulance on the mountain during ski season. Mr. Saunders agreed that they did serve other parts of the county and not just Wintergreen.

There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Hale voting No.

#### B. Appointments

Ms. McGarry noted that JABA had requested that Ms. Brennan be reappointed to their Board of Directors. Mr. Saunders then moved to reappoint Ms. Brennan to the JABA Board of Directors and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Ms. McGarry then noted the following relative to Boards and Commissions with expiring seats on June 30, 2013.

Piedmont Workforce Network Board Incumbent James S. Turpin would like to be reappointed as the Business representative, Nelson County Social Services Board, North District representative, Donald

June 11, 2013

Gray would like to be reappointed, and Region Ten Community Services Board representative, Patricia Hughes would like to be reappointed. Ms. McGarry then noted that no response regarding reappointment had been received from the Jefferson Area Disabilities Services Board incumbent, Jason Hatfield or the Nelson County Library Advisory Committee, South District incumbent, Jean B. Holliday.

Ms. Brennan then moved to reappoint James Turpin to the Piedmont Workforce Network Board, Donald Gray to the Social Services Board, and Patricia Hughes to the Region Ten Board. Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Members briefly discussed the existing vacancies on the Keep Nelson Beautiful Board and the JABA Advisory Council. It was noted that KNB membership provided for up to fifteen members and that there were currently six to seven members.

#### C. Correspondence

Ms. Brennan noted having received a letter from the Ligmincha Institute wanting to meet with the Board of Supervisors. Ms. Brennan and Mr. Hale agreed to meet with them on July 12, 2013 from 4:30 pm to 5:30 pm and she would RSVP for them.

#### D. Directives

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

Ms. Brennan directed that staff get a list from the Commissioner of Revenue of the tax exempt properties in the county.

Ms. Brennan directed that staff get the percentage of real estate taxes not gotten because of land use. Mr. Carter noted that he thought the dollar amount was close to \$4 million. Ms. Brennan clarified that she was only interested in the information and did not want to eliminate the land use program.

Ms. Brennan then inquired about the timing of the Broadband Authority reorganization and noted that she was interested in resigning. Members advised that all seats should be advertised and that anyone not wanting to be on it had an obligation to seek their replacement.

Mr. Bruguire noted that it was the Board's mission to oversee Broadband until the network was up and running fully. He suggested that it may be prudent for the Board members to stay on at least one more year to resolve all of the outstanding issues before them.

Mr. Hale noted that his experience on the Service Authority had been very positive and he thought the same model of Board member participation would be important to the NCBA.

Mr. Bruguire reiterated that it was important for the Board to continue their service on the NCBA for one more year. Ms. Brennan noted that she would like to see someone else who was more knowledgeable than her on the Board. Mr. Bruguire added that he thought that the funding aspect was more important than their full understanding.

June 11, 2013

Members then reiterated their consensus to advertise all NCBA seats.

Ms. Brennan inquired about the courthouse smoking area and it was noted that staff needed direction on this and she stated she would meet with Mr. Carter.

Ms. Brennan inquired about using the Reverse 911 system with cell phones and Mr. Carter indicated that he would check on the status of this.

Ms. Brennan inquired as to the status of the work to be done on the Old Jail building and Mr. Carter noted that the work was progressing. He added that painters had been secured etc. and some work would be done before the end of the year. He noted that the door would be replaced and they were just painting the trim.

Mr. Brennan directed that staff have Theresa Brooks report back on the Amherst nuisance dog ordinance.

Mr. Hale directed that staff be sure to put straw down so no red mud was splashing up on the sides of the Magistrates building.

Mr. Hale then noted that he thought the Board retreat was an excellent idea. He added he would like to have the Department Heads come in and report etc. along with the Constitutional Officers. Members agreed by consensus that this should be held in the General District Courtroom. Mr. Saunders noted that he found meeting with everyone to be very helpful to him when he first started on the Board.

Mr. Saunders and Ms. Brennan noted that the target date for the Board meeting in the courtroom was in one month or possibly by June 27<sup>th</sup>.

Ms. Brennan then introduced Orion Bloom who would be working with her over the summer. She noted that he was a rising senior at Miller School and lived in the County. She noted that he was interested in law also and had attended a jury trial. She asked members to send her any ideas on things he could participate in.

Mr. Bloom then addressed the board and reiterated that he goes to Miller School and would be a senior. He noted that he would like to go on to college and major in History and get a law degree and that he wanted to observe what went on in his home county. He noted that he had contacted Ms. Brennan to see about her helping him and was grateful to her for the opportunity. He added that he would like to go into public service of some type in the future. In response to questions, he noted that he was not in the ROTC program. Mr. Bruguere then suggested that he go into Political Science with a minor in History if he was interested in pursuing the law degree.

Mr. Hale reported that he attended the Schuyler Community Center for lunch and they had a large crowd there. He noted that lunch was at 11:30 once a month and it happened to fall on Board day. He added that they take meals to 40 people that cannot make it to the center that one day. Members then agreed to attend lunch at Schuyler Community Center on July 9th.

Mr. Hale then suggested that they hold the NCBA meetings before the afternoon Board session instead of before the evening session. Members and staff then briefly discussed how the meeting schedule is set at

June 11, 2013

the Board's annual meeting and the possibility of changing it. Mr. Harvey noted that if it is in the evening, it is an opportunity for the public to come and no action was taken.

Mr. Carter noted that staff was waiting for official word on receipt of the CTB grant for the tunnel project.

He then reported that there was to be a conference call with staff, NCSA, and DEQ regarding the underground storage tank (UST) sites in Roseland. He noted that DEQ wanted to ask the County to extend the water line from the Piney River III system up to Roseland and they would provide extensive funding to do that. He added that DEQ was recovering funds from other projects for this and that NCSA was flushing water out of the system every week. He then noted that he was slowly convincing NCSA staff to consider extending the waterline out to the sewer only customers right now. Mr. Harvey noted that extending the line would not help the flushing problem if were to dead end in Roseland and that a loop solution was needed.

Ms. Brennan distributed copies made for the Board of a sheet that detailed what CSA does, just for their information.

## **VI. Recess and Reconvene for Evening Session**

At 4:50 pm, Mr. Harvey moved to continue the meeting until 7:00 pm, and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

### **EVENING SESSION**

**7:00 P.M. – NELSON COUNTY COURTHOUSE**

#### **I. Call to Order**

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

#### **II. Public Comments**

1. Denise Merricks, Piney River.

*Ms. Merrick's comments were submitted just prior to adjournment as permitted by the Chair.*

Ms. Merricks noted she was curious about the status of the Broadband project. She stated that now that she had moved to Piney River, she could not work from home because she did not have internet access. She asked when they could expect to have reasonable service in areas of the county that did not have it. She stated that she had internet access at her previous home in Shipman through Stewart Computer Services; however SCS could not address her needs because of the lack of access to the County towers right now. She then stated that her new address was 1180 Tye Brook Highway behind Saunders Brothers.

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It was then noted that the County towers were available for use now by Stewart Computer Services; however he had said that the tower lease rates were not feasible. It was also noted that staff had been directed to come up with a solution to this and it was being worked on.

### **III. Public Hearings**

#### **A. Virginia Department of Transportation, Nelson County Secondary Six Year Plan Establishes secondary road funding priorities for FY14-FY19 (R2013-41)**

Mr. Don Austin of VDOT addressed the Board and noted that they were required to update the secondary six year plan (SSYP) and to hold a public hearing on the proposed plan. He noted that Telefees funding allocations have not changed for the first three years due to the transportation plan enacted by Congress; however beginning in 2017, funds from the formula funding and secondary regular construction monies were shown coming in. He added that Unpaved Roads (rural rustic) funds also come into the County, however the funding was minimal.

Mr. Austin then stated that funds from other projects had been diverted to and were programmed for the two safety projects on Route 151, which would construct turn lanes at Route 638 and Route 635. He added that the flashing light sign monies at Route 634 were also programmed into the plan.

Mr. Austin then noted that portions of Pigeon Hill Rd., Eades Lane, Donahue Lane, and South Powell's Island Road were programmed for resurfacing this year and would be removed from the plan next year. He added that South Powell's Island Rd. was the only new project fully funded and that the environmental clearance was gotten and work there should start in the late summer.

Mr. Austin then reported that the last four items in the plan were standard county-wide items including: countywide engineering & survey, countywide right of way engineering, countywide traffic services, and countywide rural additions with no funds shown to be allocated.

He then noted that VDOT, Staff, and the Board would need to begin work sessions next year on what roads to do next. He added that State formula money could also be used on unpaved roads.

Mr. Austin then clarified that Telefees could be used on any project.

Mr. Bruguere then opened the joint public hearing and there being no one wishing to be recognized the public hearing was closed.

Mr. Hale then moved to approve resolution **R2013-41** Six-Year Road Plan and Construction Priority List correcting the third "Whereas" to include Don Austin's name instead of Randy Hamilton's and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2013-41  
NELSON COUNTY BOARD OF SUPERVISORS  
SIX-YEAR ROAD PLAN  
AND CONSTRUCTION PRIORITY LIST**

June 11, 2013

**WHEREAS**, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

**WHEREAS**, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2013/14 through 2018/19) as well as the Construction Priority List (2013/14) on June 11, 2013 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

**WHEREAS**, Don Austin, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2013/14 through 2018/19) and the Construction Priority List (2013/14) for Nelson County,

**NOW, THEREFORE, BE IT RESOLVED** that since said Plan appears to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2013/14 through 2018/19) and Construction Priority List (2013/14) are hereby approved, as amended as applicable at the public hearing.

**B. Special Use Permit #2013-002, Nelson County Community Development Foundation**

Consideration of an application by Nelson County Community Development Foundation, for approval to develop multi-family dwellings pursuant to Section 4-1-26a of the Zoning Ordinance on property located off Route 650, Oak Ridge Road, Tax Map #68-A-57.

Mr. Padalino noted that a Special Use Permit application was made by George Krieger on behalf of the Nelson County Community Development Foundation to develop multifamily dwellings on property located off Route 650, Oak Ridge Road, Tax Map #68-A-57. He noted the request was made pursuant to Section 4-1-26a of the Zoning Ordinance.

Mr. Padalino explained that the property had frontage on Rt. 56 and Oak Ridge Road and was accessed from there on Buena Vista Lane. He added that the property was adjacent to the County's Shipman recycling center and was currently zoned A-1 and some was R-1. He added that on site, there was a duplex that was constructed 12 months ago. He noted Exhibit 1 that showed 4 black rectangles that represented each phase of development. He added that they were deviating from this plan due to the density requirements in the zoning ordinance and they now planned to construct two additional triplexes as opposed to three duplexes. Mr. Padalino noted that the first duplex had already been constructed and the commercial entrance was built. He then referred to the copy of the application provided and the MOU entered into by the County with NCCDF.

Mr. Padalino then noted that the request met the goals of the Comprehensive Plan and at the May 22, 2013 Planning Commission public hearing, the Planning Commission recommended approval of the Special Use Permit application.

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Mr. Bruguire then inquired as to whether or not it would be better to have the whole parcel be one zoning designation and Mr. Padalino noted that it was not uncommon to have dual zoning. Mr. Krieger noted that it would not make any difference to them as both R-1 zones were arbitrarily created to create zones along major arteries and was previously A-1. He added that this did not affect development there.

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

Mr. Krieger noted that the NCCDF was the designated sub-recipient of Federal Housing funds which were being used for some development. He also noted it was a pleasure working with new Planning Director. Mr. Krieger then reiterated that their plan originally started off with duplex housing because it works better and is less costly to develop. He added that the present Ordinance now considers each triplex dwelling unit to require two acres and it would require four acres for a duplex. He noted that this kind of area was not needed to accommodate the drain fields. He noted that he would work with Mr. Padalino and the Planning Commission on a new definition to seek a different designation for duplexes with four or fewer bedrooms and two or fewer baths. He added that he thought that as a general tool for the County to use, this would be necessary. Mr. Krieger then reported that at the Planning Commission public hearing; there were comments about how NCCDF had not sought out neighbors to inform them about the project. He noted that he had worked on this for about a year and had improved a neighbor's driveway and was sensitive to neighbors in these projects.

Mr. Robert Canody, a resident on Route 56 East, who missed the public hearing, was recognized by Mr. Bruguire to ask questions. Mr. Canody asked whether or not the housing units would be owned or rented, if these were Section 8 housing, and what the benefits to the County of doing this were.

Mr. Krieger addressed these questions, noting that the fiscal benefit to the County was the taxation on new units. He added that there was no such thing as Section 8 housing since Section 8 was a voucher program and these vouchers could be used for any housing. He noted that the units being considered were rentals and were owned by NCCDF. He explained that the property was a single undivided lot and was owned and maintained by NCCDF in perpetuity. Mr. Krieger then noted that in a single lot subdivision, roads had no rules and he intended to work with Mr. Padalino on how to deal with these types of roads in future developments.

Following this discussion, Ms. Brennan moved to approve Special Use Permit #2013-002 an application by Nelson County Community Development Foundation, for approval to develop multi-family dwellings pursuant to Section 4-1-26a of the Zoning Ordinance on property located off Route 650, Oak Ridge Road, Tax Map #68-A-57 and Mr. Harvey seconded the motion.

Mr. Hale noted that one of his constituents, Mac Drumheller, had received notice about this and was several miles away. Mr. Krieger noted that he was listed in the tax maps as an adjoining property owner and required being provided notice. Mr. Hale then noted he favored the duplex model as opposed to the multifamily unit.

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

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**C. Proposed Amendment to Appendix A - Zoning Ordinance, Chapter 20, Communication Towers, Section 20-18, Class IV, Personal Wireless Services** Proposes a new section pertaining to Class IV communications towers known as personal wireless services. (O2013-03)

Mr. Payne noted that an amendment to the Tower Ordinance had been under review and was directed at simplifying the placement of antennas under certain circumstances. He noted that it tracked with more detail the recommendation the Planning Commission made and was intended to lower the cost of these applications. He added that the proposed Ordinance added a provision for what was called a substantial increase in existing towers and was mandated by federal law. He noted that the goal was to keep the rest of the Ordinance focused on towers whereas this proposed amendment focused on what was essentially a utility pole.

Mr. Payne then noted that he had suggested an additional definition under item viii as noted in the Board's packet. He noted that this was suggested so that one of these poles could not go up in a subdivision without being reviewed. He added that he had received some comments from Verizon Wireless on the remainder of the Ordinance and that he would make minor changes to accommodate these for the Board's final consideration. He noted that most of these changes would be in definitional category changes; which would make the Ordinance neater.

Mr. Bruguere opened the public hearing and the following persons were recognized:

1. Lori Schweller, LeClair Ryan Attorney representing Verizon Wireless.

Ms. Schweller noted that Verizon Wireless did support the amendment and noted that their comments were related to clarifying certain definitions. She noted that one category included without by right approval, was the replacement of a wooden monopole. She noted it was assumed that a wooden monopole would be replaced with a metal pole of the same height and assumed it did not permit the replacement of the existing monopole with a new one that was taller than the existing one. This would necessitate that it go back through the permitting process. She then noted that most towers installed in the county were called treetop monopoles and were not designed to be extended. She suggested that another category be added that would allow for the replacement of one that did not substantially increase in height.

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

Mr. Payne then explained that on the topic just addressed, that in the drafting of the definition dealing with replacing existing towers, it was the intent to limit the replacement to the same height; however it would not have to be that way. He noted that the substantial increase language mandated by the feds dealt with the girth of tower with the addition of antennas but not additional height; other than the one exception of not to increase the height by more than 10%. He added that the federal language did not address it. Mr. Payne noted that the Board could allow it and the consideration was could it be 10% higher which tracked with the substantial increase federal language; however there could be a pole in a sensitive location that went up that much. He noted that staff was trying to mitigate the unintended results of this and it was really the planning end of the issue to think about.

June 11, 2013

Mr. Harvey then noted that when the Board approved these tree top towers it was assumed they would have to come back to raise these due to the additional foliage on the trees. Mr. Payne noted that this may be addressed by classes of towers; however tree top poles cannot be extended, so they would have to be replaced and this would be easy to apply for.

Mr. Payne then explained that replacing a wooden monopole with a metal one would not push the tower into another class. He added that they were not talking about a new tower but were addressing a replacement tower. He noted that the industry request was to allow them to replace a tower with one that was a little bit taller.

Ms. Schweller noted that a typical wooden monopole was around 80 feet tall.

Ms. Brennan then asked if substantial increase would be defined and Mr. Payne noted that an antenna structure could add some height; so the substantial increase provisions did not apply and they could not avail themselves of this benefit.

Mr. Harvey and Mr. Saunders suggested that 10% was reasonable and Mr. Payne added that if they had ten (10) ft of separation as a standard, then it should be at least a 10 foot minimum.

It was then noted that they were discussing Class IV towers today and that they could revisit this issue when dealing with the other Classes of towers. Mr. Payne noted that it was still a straight replacement with no increase in height.

Mr. Carter then noted that they would bring the modified Ordinance back to the Board on June 27, 2013 and consideration of the draft Ordinance was deferred.

**D. Proposed Amendment to Chapter 12, Utilities, Article III, Water and Wastewater, Division Ten, Schedules of Rates, Fees, and Other Charges.** Proposes an increase in the base service fees for water and sewer and grinder pump fees. (O2013-04)

Mr. Carter noted that the consideration of the public hearing was the proposed increase in the base service fees for water and sewer and grinder pumps. He noted that the current water /sewer rates were proposed to be raised from \$26.00 for water and \$25.74 for sewer to \$29.90 for water and \$29.60 for sewer. He added that this was approximately a 15% increase. Mr. Carter then noted that the consideration included doubling the grinder pump fees from \$4.50 to \$9.00. He noted that the current rates were approved in 2004 and held until 2006; with billing beginning in 2009 when the Piney River III system came online and they had not been changed since 2006.

Mr. Carter then noted that Staff has proposed to the Board that the rates be raised and that the County subsidy to the Service Authority be reduced. He added that raising the rates would make the system more self supporting so that it could be turned over to the Service Authority for them to own and operate. Mr. Carter then explained for the public that the County owned this system independently of the Service Authority but that they operated it on behalf of the County.

June 11, 2013

Mr. Bruguire then opened the public hearing and the following persons were recognized:

1. Denise Merricks, Piney River

Ms. Merricks clarified with the Board that they were looking to make up the subsidy and that this was the first of several increases. Mr. Carter added that the County was trying to equalize these rates to those of the Service Authority over a period of five (5) years. He noted that in FY18 the water would be \$39.87 per month, sewer would be \$39.46 per month, and the grinder pump fee would be \$21.00 per month.

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

Mr. Hale then moved to approve Ordinance **O2013-04** Amendment to the Code of Nelson County, Virginia, Chapter 12, Utilities, Article III, Water and Wastewater, Division Ten, Schedules of Rates, Fees, and Charges to Repeal and Re-enact Section 12-153 Base Service Fees and Section 12-169 Grinder Pump Fees changing the minimum usage rates per month for water to \$29.90, Sewer to \$29.60, and Grinder Pump fees to \$9.00.

Mr. Saunders seconded the motion and Mr. Hale pointed out the current base service fees for other areas of the system which were higher than these. He added that the Service Authority's grinder pump fee was \$25.25 as compared to the proposed rate of \$9.00. Mr. Hale then noted that the usage fees above the minimum had not been increased and that the purpose of the rate increase was to bring them closer in line with the others. Mr. Bruguire noted that he worried more about the subsidy the County was paying to the Authority.

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

**ORDINANCE O2013-04**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT TO THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 12, UTILITIES, ARTICLE III, WATER AND WASTEWATER,**  
**DIVISION TEN, SCHEDULES OF RATES FEES AND OTHER CHARGES**  
**TO REPEAL AND RE-ENACT SECTION 12-153 BASE SERVICE FEES AND**  
**SECTION 12-169 GRINDER PUMP FEES**

**BE IT HEREBY ORDAINED**, that Pursuant to §15.2-1427 and the applicable provisions of §15.2-2122 and §15.2-2143 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors does hereby amend the Code of Nelson County, Virginia, Chapter 12, Utilities, Article III, Water and Wastewater, Division Ten, Schedules of Rates, Fees, and Other Charges to repeal and re-enact Section 12-153, Base Service Fees for water and sewer with no change to the cost per 1,000 gallons, exceeding 4,000 and Section 12-169, Grinder Pump Fees as follows:

***Section 12-153 Base Service Fees***

Base service fee allots consumption up to four thousand (4,000) gallons per billing period.

Base Service Fees

	Water	Sewer
Minimum usage—Up to 4,000 gallons per month	\$29.90	\$29.60
Cost per 1,000 gallons, exceeding 4,000	6.10	6.85

***Section 12-169 Grinder Pump Fees*** ***\$9.00 per month***

**BE IT FURTHER ORDAINED**, that this Ordinance is effective upon adoption.

**IV. Other Business (As May Be Presented)**

There was no other business considered by the Board.

**V. Adjournment**

At 8:18 PM, Mr. Harvey moved to adjourn the meeting and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.



Douglas W. Domenech  
Secretary of Natural Resources

RECEIVED

JUN 19 2013

David A. Johnson  
Director  
COUNTY ADMINISTRATORS  
OFFICE

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**

600 East Main Street, 24<sup>th</sup> Floor

Richmond, Virginia 23219

(804) 786-6124

June 19, 2013

Mr. Stephen A. Carter  
Nelson County Administrator  
Post Office Box 336  
Lovingston, Virginia 22949

RE: Scenic River Study of the Tye River

Dear Mr. Carter:

At your request, the Department of Conservation and Recreation (DCR) conducted an evaluation of the Tye River from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles. On the basis of a field study on May 21, 2013, this river segment was found to qualify as a Virginia Scenic River.

Background work conducted during the winter of 2012-2013 laid the ground work for the field evaluations, and on May 21, DCR staff, along with staff from the Virginia Tech Community Design Assistance Center (CDAC) and local stakeholders, paddled this section of the Tye. In addition to representatives of DCR and CDAC, those participating in the fieldwork were Emily Harper, Director of Parks and Recreation for Nelson County, a staff member from the Virginia Department of Environmental Quality and other Nelson County residents.

Should your locality wish to continue the designation process, the next step will be to obtain a resolution from the County Board of Supervisors (example attached), and then forward a copy to us so we can begin the final report.

Following adoption of the resolution, the County will need to contact your local legislators to ask that they serve as patrons for legislation in the 2014 General Assembly session to codify the designation. A proposed amendment to the *Code of Virginia* is attached.

DCR will present the recommended designation to the Board of Conservation and Recreation at their next meeting for endorsement. Additionally, if you would like us to present the program to your locality or to your Board of Supervisors, please let us know.

Mr. Stephen A. Carter  
June 19, 2013  
Page Two

DCR staff is looking forward to working with Nelson County to complete the designation process. Any additional questions can be directed to Lynn M. Crump, Environmental Programs Planner, (804) 786.5054 or [Lynn.Crump@dcr.virginia.gov](mailto:Lynn.Crump@dcr.virginia.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'DP' followed by a flourish.

Danette Poole, Division Director  
Planning and Recreation Resources

**Attachments**

cc: Ms. Emily Harper, Director, Nelson County Parks and Recreation Department  
Ms. Lynn Crump, DCR, Environmental Programs Planner

**PITTSYLVANIA COUNTY BOARD OF SUPERVISORS  
SCENIC RIVER DESIGNATION - BANISTER RIVER**

**RESOLUTION  
2012-09-11**

**VIRGINIA:** At the adjourned meeting of the Pittsylvania County Board of Supervisors on Tuesday, September 18, 2012 in the General District Courtroom of the Edwin R. Shields Courthouse Addition, the following resolution was presented and adopted:

**WHEREAS,** the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification, protection, and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and

**WHEREAS,** the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and

**WHEREAS,** several Pittsylvania County residents joined staff from the Virginia Department of Conservation and Recreation to visit the Banister River and evaluate its eligibility for Scenic River designation; and

**WHEREAS,** the Virginia Department of Conservation and Recreation completed its evaluation and determined that the portion of the Banister River under review in Pittsylvania County was found to qualify as a Virginia Scenic River; and

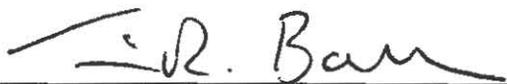
**WHEREAS,** the Virginia Board of Conservation and Recreation supported the endorsement for designation as a Scenic River of a portion of the Banister River; then

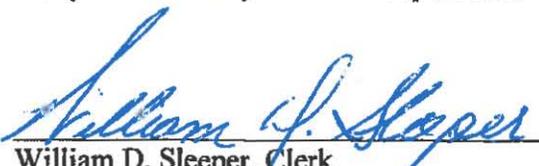
**THEREFORE, BE IT RESOLVED,** that the Pittsylvania County Board of Supervisors does hereby support the designation of the Banister River, from the Anderson Bridge at Route 640 in Pittsylvania County to the point where the Banister River leaves the County at the Pittsylvania/Halifax County line, as a Virginia Scenic River; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that Pittsylvania County will contact our General Assembly representatives to request that they serve as patrons for the legislation that will codify the Scenic River designation.

Given under my hand this 18th day of September, 2012.



  
Tim R. Barber, Chairman  
Pittsylvania County Board of Supervisors

  
William D. Sleeper, Clerk  
Pittsylvania County Board of Supervisors

Proposed Legislation for the *Code of Virginia*:

Tye River State Scenic River.

The Tye River within Nelson County from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles, is hereby designated a component of the Virginia Scenic Rivers System. Nothing in this section shall preclude the Commonwealth or a local governing body from constructing, reconstructing, or performing necessary maintenance on any road or bridge.

### **Scenic Rivers Background**

The Virginia Scenic Rivers Program was established in 1970 as a way to celebrate outstanding examples of Virginia's more than 49,000 miles of rivers and streams. The program continues to expand and protect Virginia's rivers because:

- Rivers and streams provide drinking water, recreational opportunities, habitat for fish and wildlife, resources for commerce, and some of our most scenic vistas.
- Informal, traditional river access sites are being lost when land use changes from agricultural to residential, and the new, smaller lot owners prohibit public use of the property.
- Scenic river designation promotes a greater awareness of the value of rivers among the citizens of Virginia.
- Ninety percent of all the physical resources cherished by residents of a region fall in water, wetlands and steep topography area (Lewis).

The program is managed by the state in partnership with citizens and local government and focuses on enhancing the conservation of scenic rivers and their corridors. Recognized for their scenic, recreational, historic and natural characteristics, rivers and streams that gain this designation are honored by community groups, localities, DCR and Virginia's General Assembly as being Virginia's finest.

Scenic river designations result from partnerships between local groups, local governments, state agencies and the Virginia General Assembly. The act assigns management responsibilities of the program to the Board of Conservation and Recreation. The board discusses river issues and makes recommendations on the stewardship of existing scenic rivers and expansion of the program with other eligible river segments.

In order to gain this designation, local residents and state representatives evaluate rivers according to program criteria to determine whether or not river segments are worthy. This is done only after each locality adjacent to the river segment requests the study. Once the river is found worthy, the locality must then have its local legislators present a bill to the General Assembly, which then passes a resolution adopting the river into the system of scenic rivers.

The Virginia Scenic Rivers Program protects scenic rivers and streams and provides an opportunity to consider scenic and other resources in planning and design. The program encourages the protection of rivers with scenic, recreational, historic and natural characteristics. If locally adopted, properties along designated scenic rivers may be eligible for a special tax assessment to reduce tax liability.

Scenic river designations result from local partnership initiatives of concerned citizens, local governments, state agencies and the Virginia General Assembly. This partnership begins in the evaluation phase and continues through and after the designation process. The grassroots effort of many citizens ensures the quality and continued success of the program.

A methodology has been established that is used to objectively evaluate potential scenic rivers and determine their eligibility for designation. The same tool is used to monitor changes on system components to ensure each section continues to meet the standards. The evaluation and

ranking procedure provides data for formulating goals, objectives and priorities for management of designated scenic river corridors.

### **Scenic River Code Sections**

The *Code of Virginia*, [§10.1-401](#) assigns the following duties and powers to the director of DCR:

- Identify rivers or river segments, including shores and natural environs, to be considered for designation.
- Conduct evaluations of rivers or segments to be considered for designation.
- Recommend rivers or segments to be considered for designation to the governor and General Assembly.
- Should a river be designated, the DCR director may acquire real property or interest in lands which offer protection to the Scenic River, but eminent domain cannot be exercised in acquiring any such property or interests.

The *Code of Virginia*, [§10.1-402](#), provides that DCR may fully review and make recommendations to federal, state and local agencies regarding the planning for use and development of water and related land resources so that scenic rivers resources are protected.

The Scenic Rivers Act prescribes the powers and duties of the administering agency, DCR, in the *Code of Virginia*, [§10.1-405](#).

The duties include:

- Administration of the scenic river system to preserve and protect its natural beauty and to assure its use and enjoyment for its scenic, recreational, geologic, fish, wildlife, historic, cultural or other assets, and to encourage the continuance of existing agricultural, horticultural, forestry, and open-space land and water uses.
- Periodically surveying each scenic river and its immediate environs and monitoring of all existing and proposed uses of each scenic river and its related land resources.
- Assisting local governments with problem solving associated with the Virginia Scenic Rivers System in consultation with the director, the board and other advisory committees.

The *Code of Virginia*, [§10.1-407](#), states that after the designation of a scenic river, no dam or other structure that impedes natural flow thereof shall be constructed, operated or maintained in such river unless specifically authorized by an act of the General Assembly.

### **After Designation**

- The localities work with VDOT to erect scenic river signage.
- Localities work with the Board of Conservation and Recreation and any local river committees to manage the river resources.
- DCR works within the environmental review process and with localities to protect the river.

Since the inception of the Scenic River System program in 1970, 24 river segments totaling 519.8 miles of river have been added to the System.

### **WHAT SCENIC RIVER DESIGNATION DOES**

- Designation encourages protection and preservation of the river.
- Designation declares the protection of a river's scenic values to be a beneficial purpose of water resource policy.
- Designation allows for a local administering committee, that can be appointed by Department of Conservation and Recreation (DCR).
- Designation requires the Board of Conservation and Recreation (BCR), whose members are appointed by the Governor, to advise the Director of DCR on the federal, state or local plans that impact the designated river segment and to give local citizens a voice in river-related issues.
- After designation, the General Assembly must approve construction of any dam that would result in an impediment to the natural flow of the river.
- For properties along designated scenic rivers, a special tax assessment may be given to reduce the tax liability, as valued by the State Land Evaluation Advisory Council, if adopted by the locality.
- The Federal Energy Regulatory Commission (FERC) recognizes Virginia's designated Scenic River System. This acknowledgement of the program ensures that the qualities of the designated river are considered during licensing or relicensing of federal projects on that river.
- Designation allows for lands along designated corridor to receive grant funds.

### **WHAT SCENIC RIVER DESIGNATION DOES NOT DO**

- Designation does not give the state control over land use.
- Designation carries with it no land use controls.
- Designation does not give the public any right to use privately owned land.
- Virginia does not commercially promote its scenic rivers.
- Recreational use of the rivers currently in the Scenic Rivers System has not increased any more than the use of high quality streams that are not in the system.

In a nutshell, Scenic River designation constitutes official recognition of the natural, scenic, historic and recreational values of some of Virginia's most valuable riverine resources and provides them with a measure of protection not afforded other rivers. In addition, it gives riparian landowners and other local citizens a stronger voice in any government action or decisions that have the potential to impact 'their' river.

Planning and Recreation Resources  
Lynn M. Crump, CLA, ASLA, Environmental Programs Planner  
(804) 786- 5054 fax (804) 371-7899 [Lynn.Crump@dcr.virginia.gov](mailto:Lynn.Crump@dcr.virginia.gov)

**Virginia Scenic Rivers**

Revision Date: 3/13/2012

River Name	Designated Reach		Total miles	Administrating Legislation	Orig. Date Approved	Extension Date
	From	Downstream to				
<b>Appomattox River</b>	100 ft. from the Lake Chesdin Dam	Confluence w/ the James River	19.2	§10.1-409	1977	1998, 2011
<b>Big Cedar Ck.</b>	Near Lebanon, 5.8 miles from confluence	Confluence w/ the Clinch River	5.8	§10.1-410.2	1992	
<b>Blackwater River</b>	Proctor's Bridge at Rte. 621	Confluence w/ Nottoway River at the Virginia/North Carolina line	56	§10.1-418.6	2010	
<b>Catoctin Creek</b>	Town of Waterford	Confluence w/ Potomac River	16	§10.1-410	1977	
<b>Chickahominy River</b>	Rte. 360	Hanover/Henrico/ New Kent Co. Line	10.2	§10.1-410.1	1990	
<b>Clinch River</b>	Confluence with Little River	Rte. 645 (Nash Ford Bridge)	20	§10.1-410.2	1992	1994
<b>Clinch River</b>	Rte. 58 in Saint Paul	Confluence w/ the Guest River	9.2	§10.1-411.1	2002	
<b>Goose Creek</b>	Confluence of N. & S. Prongs of Goose Ck. Near Linden	Confluence w/ Potomac River	48	§10.1-411	1976	2007
<b>Guest River</b>	100 feet down stream of Rte. 72	Confluence w/ the Clinch River	6.5	§10.1-411.1	1990	
<b>Hughes River</b>	Shenandoah National Park line	Confluence w/ the Hazel River	10	§10.1-418.6	2010	
<b>Historic Falls of the James<sup>^</sup></b>	West Richmond 1970 City Limits	Orleans Street (extended)	8.6	§10.1-412	1972 <sup>^</sup>	1984
<b>Upper James River</b>	0.2 miles SE of Rte. 43 @ Eagle Rock	Rte. 630 Bridge at Springwood	14	§10.1-413	1985	
<b>Lower James Historic River<sup>^</sup></b>	1.2 miles east of Trees Point	Lawnes Creek (James City/ Surry Co.)	25	§10.1-419 <sup>^</sup>	1988	
<b>Jordan River</b>	Rte. 522 Brdg. at Flint Hill	Confluence with the Rappahannock River	6	§10.1-418.6	2010	
<b>North Mayo River</b>	Rte. 695	North Carolina line	7.1	§10.1-418.4	2008	
<b>South Mayo River</b>	Patrick County line	North Carolina line	6.9	§10.1-418.5	2008	
<b>Meherrin River</b>	Brunswick/Lunenburg/ Mecklenburg Co. Line	Brunswick/ Greenville Co. Line	37	§10.1-418.3	2006	
<b>North Meherrin River</b>	Rte. 712 Bridge	Junction of South Meherrin River	7.5	§10.1-418.1	1997	
<b>Moormans River</b>	Charlottesville Reservoir	Confluence w/ Mechums River	14	§10.1-413.1	1988	
<b>North Landing River (Pocaty, West Neck &amp; Blackwater Cks.)</b>	North Landing Road (Rte.165)	North Carolina line	26.7	§10.1-413.2	1988	
<b>Nottoway River</b>	Rte. 40 Bridge at Stony Creek	Confluence w/ Blackwater River at the Virginia/North Carolina line	72.5	§10.1-414	1979	1992, 2011
<b>Rappahannock River</b>	Headwaters near Chester Gap	Ferry Farm/ Maysfield Brdg. (Rt/3 bypass)	86	§10.1-415	1985	1990
<b>Rivanna River</b>	South Fork Rivanna River reservoir	Confluence w/ the James River	46	§10.1-416	1975	1988, 2009
<b>Rockfish River</b>	Rte. 693, Schuyler	Confluence w/ the James River	9.75	§10.1-415.1	1990	
<b>Russell Fork River</b>	Splashdam railroad crossing	Kentucky state line	9	§10.1-411.2	2010	
<b>Shenandoah River</b>	Warren/Clarke Co. Line	West Virginia/Virginia State line	21.6	§10.1-417	1979	1992
<b>St. Mary's River</b>	Headwaters in Augusta Co.	George Washington - Jefferson National Forest boundary	6	§10.1-418.2	1979	
<b>Staunton River</b>	Rte. 761 (Long Island)	Rte. 360	51.3	§10.1-418	1975	2001, 2003
<b>TOTAL Segments</b>	<sup>^</sup> river protected w/ separate Act of the Gen. Assembly & included w/ program		656	#REF!		

**RESOLUTION R2013-50**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**SCENIC RIVER DESIGNATION- TYE RIVER**

**WHEREAS**, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification, protection, and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and

**WHEREAS**, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and

**WHEREAS**, on May 21, 2013, Nelson County residents and staff joined staff from the Virginia Department of Conservation and Recreation, the Virginia Department of Environmental Quality, and staff from the Virginia Tech Community Assistance Design Center to visit a section of the Tye River and evaluate its eligibility for Scenic River designation; and

**WHEREAS**, the Virginia Department of Conservation and Recreation completed its evaluation and determined that the portion of the Tye River under review in Nelson County was found to qualify as a Virginia Scenic River; and

**WHEREAS**, the Virginia Board of Conservation and Recreation supported the endorsement for designation as a Scenic River of a portion of the Tye River;

**THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby support the designation of the Tye River within Nelson County from Route 738 (Tye Depot Road) to the confluence with the James River, a distance of approximately 12.7 miles; and

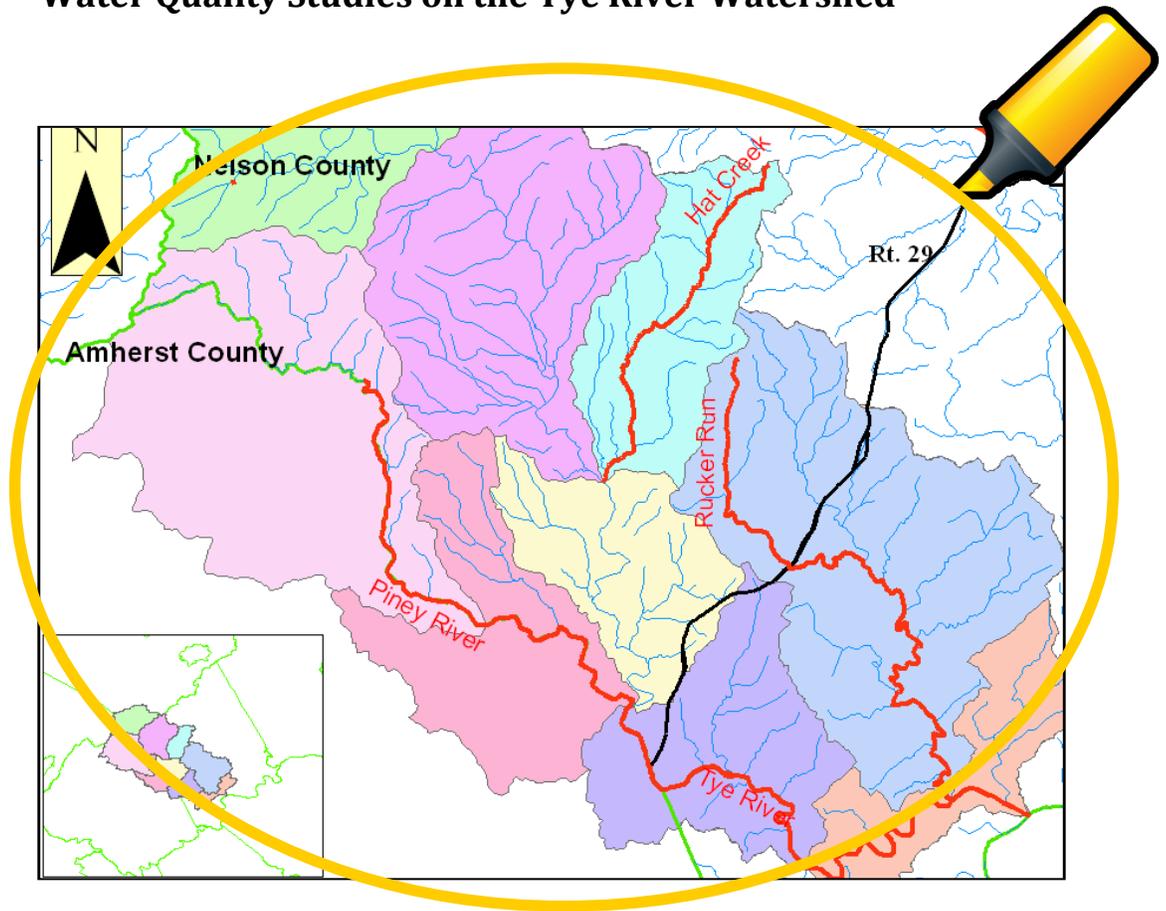
**BE IT FURTHER RESOLVED**, that Nelson County will contact our General Assembly representatives to request that they serve as patrons for the legislation that will codify the Scenic River designation.

Approved: \_\_\_\_\_, 2013

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

# HIGHLIGHTING LOCAL STREAMS:

## Water Quality Studies on the Tye River Watershed



The Virginia Department of Environmental Quality (VADEQ) monitors the Commonwealth's streams and rivers (*there are 52,232 miles of them!*) for five uses: fishing, swimming, wildlife, aquatic life (benthic), and drinking. When streams fail to meet standards based on these uses, they are declared to be "impaired", or not fully supportive of their beneficial uses, and placed on

Virginia's impaired waters list. VADEQ reports this list to the USEPA every other year as required by the federal **Clean Water Act** of 1972. Based on routine water quality monitoring, several streams in Nelson County have been added to the list of waterways in Virginia that do not

meet water quality standards. Hat Creek, Piney River, Rucker Run and the Tye River were listed as "impaired" in 2004, 2006, and 2008 due to violations of the recreational use standard (excess *e. Coli* bacteria). A **Total Maximum Daily Load** must be prepared for streams that do not meet water quality standards and are listed as impaired.

*Are we being singled out?  
No. In Virginia, 68% of  
assessed streams are  
considered "impaired".*

## TOTAL MAXIMUM DAILY LOAD

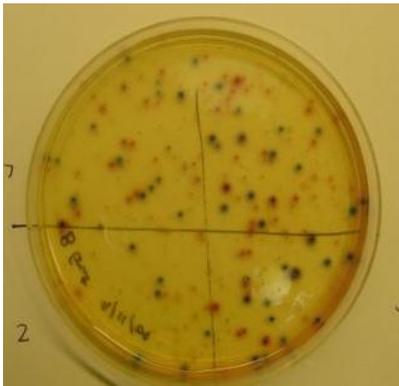
A **TMDL** is a pollution budget for a stream, which sets a maximum amount of a pollutant that can enter a stream but still allow the stream to maintain water quality standards. It is also the process of improvement that Virginia uses to make streams healthier and cleaner. This report is part of the TMDL studies for these streams.

### What is the primary contact standard?

The code of Virginia states that all of Virginia's waterways are designated for several different uses, including "recreation... e.g. swimming and boating" (9VAC 25-260-10). These activities involve contact with the water – people getting their feet, bodies, and heads wet. People are naturally attracted to waterbodies whether to wade, fish, swim or paddle, and streams should be **safe** places to enjoy Virginia's great outdoors.

### Why do we care about bacteria? Why is too much bacteria a problem?

VADEQ is charged with ensuring that Virginia's waterways are **safe** places to play and swim. This implies a low risk of contracting a gastro-intestinal illness from being in the water. Illnesses of this type can be caused by bacteria in the stream water. VADEQ monitors a strain of bacteria in the fecal coliform family to ensure that streams are **safe** for people to enjoy. This strain is known as *Escherichia coli* or *E. coli*. VADEQ visits streams all over the Commonwealth on a regular basis to take water samples and measure the concentration of bacteria colonies. The higher the concentration of bacteria in the water, the higher the likelihood of ingesting *E. coli*, and the greater the risk of illness. Virginia's water quality standard is set so that a stream's samples should not exceed an *E. coli* concentration of 235 colonies per 100 mL of stream water more than 10.5% of the time.

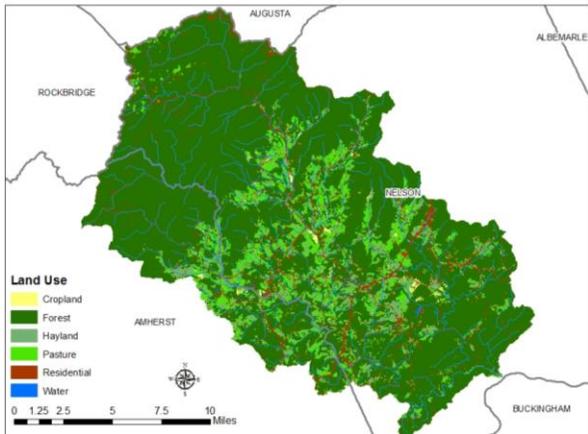


Each of the purple-blue dots on the slide to the left is an *E. coli* colony – a cluster of bacteria growing all together. When bacteria grow, the molecules of bacteria grow on top of each other, eventually becoming visible to the naked eye. The reddish colonies at left are fecal coliform colonies, which is the family of bacteria that *E. coli* belongs to. Many folks relate *E. coli* to food poisoning, but it can also be ingested from water sources with similar disastrous consequences. (Photo Credit: Sandy Greene, HSWCD)

**Where is the bacteria coming from?** Sources of pollution are typically divided into two categories - **point** and **nonpoint sources**. The bacteria in the Tye watershed comes primarily from **nonpoint source** pollution including agricultural and residential lands.

Agricultural lands' runoff often contributes bacteria from cropland and hayland if proper controls are not in place. In addition, cattle directly deposit bacteria into streams adjoining pasture. Residential lands contribute bacteria from improperly functioning septic systems, and from straight pipes (pipes that take sewage directly from the house to the stream with no treatment in between). Other nonpoint sources, including pets and wildlife, were determined to have a minor influence on bacteria levels. Permitted point sources in these watersheds are limited, but are accounted for at their maximum level of discharge.

**WHAT IS A WATERSHED?**  
*It's an area of land that drains to a common point or body of water.*



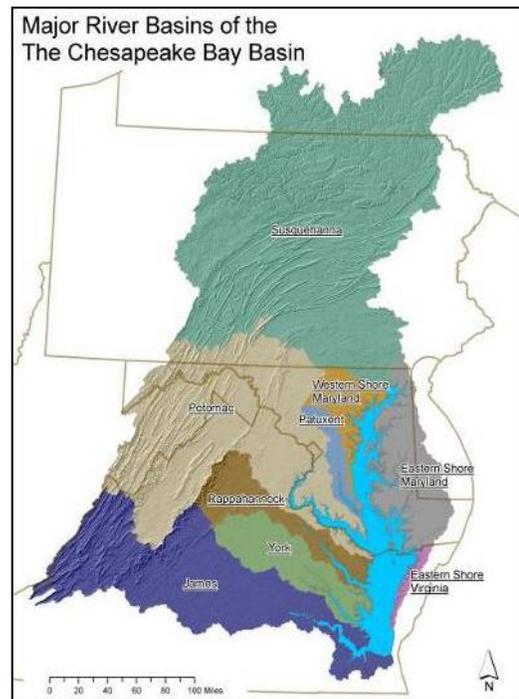
**LANDUSES IN THE TYE RIVER WATERSHED:**  
**Forest -- 76%**  
**Pasture -- 11%**  
**Cropland -- 6%**  
**Residential -- 6%**  
*Source: National Agricultural Statistics Service (NASS) 2009 compiled by VT-BSE.*

**What is being done? (And what, really, is a TMDL?)**

VADEQ and its local and state agency partners have been working together on the Tye River watershed since 2012 to determine sources of bacteria, suggest reductions, and recommend next steps in the process known as the **Total Maximum Daily Load (TMDL)** process. In these **TMDL** studies for Hat Creek, Piney River, Rucker Run and the Tye River, a watershed-based approach was used to relate both land-based and in-stream sources of pollutants to water quality problems. Local community participation has been key to the development of this TMDL. Local residents, farmers, paddlers and representatives from interested organizations volunteered their time to attend meetings and review data as part of the **Technical Advisory Committee (TAC)**. Their involvement was necessary to create an accurate and reliable picture of the watershed and its land uses. The TAC considered and gave feedback on such information as: background pollutant concentrations, point source contributions, and non-point source contributions. Through the **TMDL** process and the local expertise of **TACs**, Virginia is able to identify water-quality based controls to reduce pollution and meet water quality standards.

## How do the local stream TMDLs relate to the Chesapeake Bay TMDL?

These local TMDLs are based on monitoring of local streams and have been developed to identify the bacteria reductions needed in order for these streams to support safe recreation. The Chesapeake Bay TMDL was developed using monitoring data collected within the Chesapeake Bay watershed which consists of six states and the District of Columbia. It has been developed to identify the nitrogen, phosphorous and sediment reductions needed to restore the water quality in the Chesapeake Bay. The Chesapeake Bay itself is downstream from Nelson County's local streams and their watersheds. As such, these local streams are components of the larger watershed that drains into the Chesapeake Bay, meaning that whatever enters local streams eventually enters the Chesapeake Bay. Conversely, pollutant reductions to local streams also reduce pollutant loading to the Bay. While these TMDL studies for the Tye River and its tributaries are focused on how to reduce bacteria, the measures taken to reduce bacteria will also result in reductions of sediment, nitrogen and phosphorus transported to the streams. Therefore, all best management practices and pollutant reductions from these local TMDLs also contribute to the reductions needed to meet Chesapeake Bay cleanup goals.



**Whatever we do to clean up our local streams will also help downstream.**

### So, what reductions are recommended?

When looking at the sources of bacteria in the Tye River Watershed, straight pipes are of primary concern because of their risk to human health. Virginia would like to eliminate all discharges of raw sewage to waterways, including straight pipes and failing septic systems. In addition, reducing direct deposits to the streams from cattle is recommended to make a large difference to bacteria levels. These "direct" sources of bacteria contain many colonies and in times of hot weather, bacteria can even reproduce in the open air. By comparison, bacteria deposited on the ground and then carried to the stream by runoff does not live as long because it is exposed to the elements. Taking care of the "direct" sources first is an efficient and effective way of reducing bacteria. The **TAC** was able to provide information on likely sources of bacteria in the Tye River watershed and review all reduction options as part of creating this TMDL.

## Where do these reductions come from?

There are many reasons to decrease the amount of bacteria coming into streams and rivers. Not only will a **safe** recreation environment be restored, but the streams will be cleaner for other uses, including supplying water to cattle and irrigating crops. The recommended reductions can be accomplished by installing practices to prevent **bacteria** from getting into the streams. Techniques that target the land uses that contribute the most bacteria will be most effective. With that in mind, the following reductions are recommended by the **TAC** for the streams that have excess bacteria in the Tye River Watershed:

Stream	Livestock Direct Deposit	Pastureland	Cropland	Straight Pipes & Failing Septics
Hat Creek	75%	25%	5%	100%
Piney River	40%	25%	5%	100%
Rucker Run	65%	25%	5%	100%
Tye River	10%	5%	5%	100%

## What's next? Where do we go from here?

The goal of the **TMDL** program is to establish a three-step path that will lead to local streams and rivers returning to a safe and healthy state and again meeting water quality standards. The first step in the process is to develop **TMDLs** that will identify pollutant



reductions that result in streams achieving water quality standards, which is a federal requirement under the Clean Water Act. This report represents the culmination of that effort for the excess bacteria issues in the Tye River watershed. The second step, mandated by Virginia law, is to develop a **TMDL Implementation Plan – or “Clean-**

**up Plan”**. The final step is to put this **“Clean-up Plan”** into place! Implementation of these **TMDLs** will contribute to on-going water quality improvement efforts in these watersheds. There are lots of actions that landowners can do to clean-up Hat Creek, Piney River, Rucker Run and the Tye River itself, including: **fixing malfunctioning septic systems and straight pipes, considering pasture rotation, and providing alternative water supplies while fencing cattle out of streams.**

### Want more information? Want to make a difference to your local stream?

Contact **Thomas Jefferson Soil and Water Conservation District** and the **USDA Natural Resources Conservation Service** for more information on available cost-share programs at 706 Forest St., Suite G, Charlottesville, VA 22903 or (434) 975-0224 or [www.tjswcd.org](http://www.tjswcd.org).

July 5, 2013

To: Board of Supervisors  
 From: S. Carter *SAZ*  
 Re: County Administrator's Report (July 9, 2013 Meeting)

**A. Courthouse/Government Center Project (All Related):**

**1) Courthouse Addition** – Tunnel waterproofing repair and minor curb and gutter repairs are the balance of work to be completed.

**2) Law Office Retaining Wall:** Complete but requires VDOT approval.

**3) Jefferson Building:** Contract issued to Owen Building and Remodeling, per low bid submittal of \$136,144. Project is to begin by 7-22 with contract completion at 90 days.

**4) Magistrate's Building:** Price Masonry to resume interior plastering on 7-8. Painting of metal roof will also commence week of 7-8. County Maintenance will install HVAC, flooring and paint interior, as necessary, and will also address exterior soiling at base of the structure.

**B. Broadband Project:** Staff to advertise tower rate amendment for ensuing public hearing and approval by NCBA. Meeting with Stewart Computer Services on leasing of network towers conducted on 7-3. Stewart to submit loading and elevation specifications and schedule for leasing of towers to facilitate lease agreements. NTIA and VA-DHC CDBG grant is in process for close out.

**C. 2012 Radio Project (Narrow banding):** FCC has approved manufacturer's waiver to provide for programming equipment in wideband and narrowband modes. Waiver to extend County's deadline for narrowband compliance to June 30, 2014 is in process.

**D. Lovingson Health Care Center:** JABA continuing feasibility work. Update pending.

**E. BR Tunnel and BR Railway Trail Projects:** Final approval of TAP grant funding for BR Tunnel by CTB on 6-19. Grant contract pending receipt from VDOT. Property appraisal for eastern trail completed, submitted to property owner and meeting pending. Staff will endeavor to issue construction bid requests prior to ensuing November 2013 TAP application due date to show project progress. Re-establishment of CCBRT Foundation tax exempt status in process with IRS. BRRT construction documents in process with date for request for construction bids TBD.

**F. Relocation of BOS Meetings:** Staff working to establish initial meeting in Gen. District Court by the Board's August 13<sup>th</sup> meeting (sound and recording systems being evaluated).

**G. Piney River 3 Water & Sewer System:** Staff working with VA-DEQ on feasibility of water line extension to Roseland area to provide for mitigation of two UST sites on Route 151. An updated PER is being reviewed.

**H. Reports (Storm Water, Tye River TMDL and General Re-Assessment):** Scheduled for 7-9 BOS meeting.

**I. Other:** To be presented or responded to per BOS input.





Nelson County Library Advisory Committee

Please return form to: County Administrator's Office  
Attn: Candy McGarry - Appointments  
P.O. Box 336  
Lovington, VA 22949  
Fax: (434) 263-7004 or [cmcgarry@nelsoncounty.org](mailto:cmcgarry@nelsoncounty.org)

YES - I would like to be considered for re-appointment to this Committee.

NO - I would not like to be considered for re-appointment to this Committee.

Printed Name: BONNIE Holliday

Signed Name: B Holliday Date: 7-2-13