AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
June 11, 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- 35** COR Refunds
- B. Resolution – **R2013- 36** Minutes for Approval
- C. Resolution – **R2013- 37** FY12-13 Budget Amendment
- D. Resolution – **R2013- 38** Designation of JAUNT Annual Meeting Proxy

III. Public Comments and Presentations
- A. Public Comments
- B. VDOT Report

IV. New Business/ Unfinished Business
- A. FY13-14 Budget Adoption **(R2013-39)**
- B. FY13-14 Budget Appropriation **(R2013-40)**

V. Reports, Appointments, Directives, and Correspondence
- A. Reports
  - 1. County Administrator's Report
  - 2. Board Reports
- B. Appointments
- C. Correspondence
- D. Directives

VI. Recess and Reconvene for Evening Session

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

II. Public Comments

III. Public Hearings

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

B. <u>Special Use Permit #2013-002, Nelson County Community Development Foundation</u>
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.

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

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

IV. Other Business (As May Be Presented)

V. Adjournment

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.

Amount	Category	Payee
$ 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-Carter P.O. Box 183 Lovingston, 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

Adopted: June 11, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

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

Telephone: 434-263-7070
Fax: 434-263-7074
Email: jpayne@nelsoncounty.org

May 10, 2013

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

Re: Bryant, William Barry
Bryant, Mary Lynn
8738 Boxelder Lane Dexter, MI 48130

This letter shall serve as written request that a refund of **$92.75** be issued to the above referenced taxpayers. Personal property taxes were paid in 2010 and 2011 on a 1994 Venture boat trailer which is a non-taxable item.

Supporting data is available in this office for you review.

Respectfully requested,

Jean W. Payne /AW.

Jean W. Payne
Commissioner of Revenue

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

Phillip D. Payne, IV
County Attorney

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

Telephone: 434-263-7070
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May 14, 2013

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

Re: Carter, Somers Randall
Bradley-Carter, Holly
P. O. Box 183 Lovingston, VA 22949

This letter shall serve as written request that a refund of **$160.02** be issued to the above referenced taxpayers. Personal property taxes were paid for the period 08/12/11 through 06/30/12 on a 2007 Ford Mustang #7714 with a DMV disposition date of 08/11/11.

Supporting data is available in this office for you review.

Respectfully requested,

Jean W. Payne /AW.

Jean W. Payne
Commissioner of Revenue

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

Phillip D. Payne, IV
County Attorney

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

Telephone: 434-263-7070
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May 22, 2013

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

Re: Sprint Communications Company, L/P
Willie Lawton, Property Tax Analyst
P. O. Box 12913 Shawnee Mission, KS 66282-2913

This letter shall serve as written request that a **2012 Public Service** refund of **$4,237.87** be issued to the above referenced taxpayers. This account was erroneously billed at the personal property rate of $2.95 when it should have been billed at the real estate rate of .60.

Supporting data is available in this office for you review.

Respectfully requested,

Jean W. Payne /HW

Jean W. Payne
Commissioner of Revenue

Please include a copy of this letter with the refund.
Thanks-
Audrey

The undersigned has reviewed the request
refund requested above.

Phillip D. Payne, IV
County Attorney

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

Telephone: 434-263-7070
Fax: 434-263-7074
Email: jpayne@nelsoncounty.org

May 30, 2013

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

Re: York, Timothy Dylan
York, Peter Hamilton
1827 Stony Point Road Charlottesville, VA 22911

This letter shall serve as written request that a 2012 personal property and vehicle license fee refund of **$90.67** be issued to the above referenced taxpayers. This vehicle was assessed and taxes/VLF were paid in Albemarle County.

Supporting data is available in this office for you review.

Respectfully requested,

Jean W. Payne /AW
Jean W. Payne
Commissioner of Revenue

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

Phillip D. Payne, IV
Phillip D. Payne, IV
County Attorney

COUNTY OF NELSON
JEAN W. PAYNE
COMMISSIONER OF REVENUE
P. O. Box 246
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Telephone: 434-263-7070
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Email: jpayne@nelsoncounty.org

May 31, 2013

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

Re: Robinson, Darrell
4018 Clinton Road Valrico, FL 33594
1988 Coachmen Motor Home #9018 – moved to Florida 08/08

This letter shall serve as written request that a refund of **$136.20** be issued to the above referenced taxpayers. This vehicle was moved to Florida in August 2008 but the Virginia title was never cancelled.

Supporting data is available in this office for you review.

Respectfully requested,

Jean W. Payne/AW.

Jean W. Payne
Commissioner of Revenue

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

Phillip D. Payne, IV
County Attorney

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.

Approved: June 11, 2013

Attest:_____, Clerk
Nelson County Board of Supervisors

May 14, 2013

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the Board of Supervisors Room located on the second floor of the Nelson County Courthouse.

Present: Thomas H. Bruguiere, 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
Linda Staton, Finance Technician

Absent: None

I. Call to Order

Ms. Brennan 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. Hale led the Pledge of Allegiance.

II. Consent Agenda

Ms. Brennan moved to approve the consent agenda and Mr. Harvey 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- 29** COR Refunds

RESOLUTION R2013-29
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.

Amount	Category	Payee
$ 786.06	Disabled Veteran Exemption	Charles J. Fitch, Jr. P.O. Box 120 Afton, VA 22920

$ 1,714.20	Disabled Veteran (Spouse) Exemption	Eva J. Maki P.O. Box 343 Nellysford, VA 22958
$ 3,177.45	Disabled Veteran Exemption	Andrew J. Puttagio 1767 Dickie Rd. Roseland, VA 22967

B. Resolution – **R2013- 30** Minutes for Approval

RESOLUTION-R2013-30
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(April 25, 2013)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **April 25, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

C. Resolution – **R2013- 31** FY12-13 Budget Amendment

RESOLUTION R2013-31
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2012-2013 BUDGET
NELSON COUNTY, VA
May 14, 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)

Amount	Revenue Account	Expenditure Account
$ 105.00	3-100-009999-0001	4-100-031020-7042
$ 946.00	3-100-003303-0025	4-100-031020-7042
$ 14,144.00	3-100-003303-0240	4-100-081020-7050
$ 20,000.00	3-100-003303-0240	4-100-081020-7051
$ 20,000.00	3-100-003303-0240	4-100-081020-7055
$ 55,195.00		

II. Transfer of Funds (General Fund)

Amount	Credit Account (-)	Debit Account (+)
$ 169,470.00	4-100-999000-9905	4-100-093100-9114

III. Transfer of Funds (Capital Fund)

Amount	Revenue Account	Expenditure Account
$ 250,000.00	4-110-999000-9903	4-110-093100-9114

IV. Appropriation of Funds (Broadband Project Fund)

Amount	Revenue Account	Expenditure Account
$ 250,000.00	3-114-004105-0110	4-114-094200-3011
$ 30,000.00	3-114-004105-0100	4-114-094200-3010
$ 21,408.00	3-114-004105-0100	4-114-094100-3140
$ 72,022.00	3-114-004105-0100	4-114-094100-3160
$ 23,540.00	3-114-004105-0100	4-114-094100-3170
$ 22,500.00	3-114-004105-0100	4-114-094100-8203
$ 419,470.00		

III. Public Comments and Presentations

A. Public Comments

1. Glenda Cahoon, VTA

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President that demanded that the Board withdraw the decision to place a walk through metal detector at the courthouse entrance and provide that these only be used at the courtroom entrances when the courts were in session.

B. VDOT Report

Mr. Don Austin, Maintenance Supervisor reported the following:

Mr. Austin noted that the Secondary Six Year Plan (SSYP) update was forthcoming and he distributed a draft plan to the Board and staff.

Mr. Randy Hamilton in attendance then noted that the SSYP workshops and hearings were going to be scheduled. He then reported that two (2) projects had been added: a turn lane at Anderson's store and Rt. 151 and one at the Old Rockfish School and Rt. 151. He noted that in terms of revenues, there were only telefees in 2014, 2015, and 2016 and then in 2017, formula secondary state funds and secondary unpaved roads funds were being allocated. He added that he would need to come back to get these funds programmed in 2017.

Mr. Hamilton then reviewed the construction priority list and noted that the first priority, which was the installation of flashing signs/lights at Rt. 634 and Rt. 6, would be advertised in June 2013.

He reiterated that a turn lane at Rockfish Valley Hwy at Rt. 6 and Rt. 638 at Anderson's Store in Afton had been programmed at a cost of $1,500.000. He noted that similarly, a turn lane at Rt.

151 and Rt. 635 at the Old Rockfish Elementary School had also been programmed at a cost of $1,500,000.

Mr. Hamilton noted that Safety funds had helped these get programmed and that they would go to construction in the next several years. He further explained that they had used funds from another discontinued project for these two projects and that they were now in the preliminary design phase.

Mr. Hamilton then reviewed the next few projects that were Rural Rustic projects and included the resurfacing of Pigeon Hill Road, Eades Lane, Donahue Lane, and South Powell's Island Road. Mr. Hamilton then explained that secondary unpaved roads monies were used on roads with a count of 50 vehicles per day.

Mr. Saunders then requested a traffic count on Cedar Creek Road; noting that it was unpaved and went from James River Rd. across to Phoenix Rd.

Mr. Austin noted that VDOT had not gotten traffic counts on some roads since 2007. Mr. Hamilton then recommended checking current counts on roads of interest to the Board.

Mr. Hamilton noted that he would like to work on the draft SSYP plan by June and then could meet with the Board on the use of the 2017 funds in the near future; however he wanted to get the Board's priorities set. Mr. Carter noted that staff would likely work with Mr. Hamilton and schedule the public hearing for the first meeting in June.

Mr. Hamilton noted that they needed a resolution moving secondary funds to primary projects for the first priorities. Mr. Austin noted that the Primary Six Year Plan was coming up and there was a meeting in Roanoke on June 4th at Northside High School. He added that the Primary Plan was to be released that week.

Mr. Austin then reported that their plan was to mow in June and that they have already started in some places. He added that they have sprayed weed/grass retardant around as well

Mr. Hale reported that he had met with VDOT at the Woods Mill Wayside and had discussed the possibility of locating a permanent structure there. He reported that there was a suitable site, that VDOT would be willing to do the site work, and that the Board should discuss the pursuit of this. He added that the Board would be responsible to pay for the building and that he needed to check with Bell on the annual cost of maintaining it. He noted that the septic tank would be under the building and would need pumping several times per year and that he thought the annual cost would be less than what they were paying now. Mr. Hale then noted that this would be a convenience to the travelling public and the building did not require water. Ms. Brennan then suggested that the ability to wash hands was needed. Members then agreed to discuss this further later in the session.

Mr. Bruguiere then noted that there was a place at Horseshoe Road that was washing out badly and was getting into the reservoir.

IV. New Business/ Unfinished Business

A. Proposed Amendment to Appendix A - Zoning Ordinance, Chapter 20, Communication Towers, Section 20-18, Class IV, Personal Wireless Services **(R2013-32)**

Mr. Carter introduced the subject and noted that he had invited Phil Payne to present the changes if need be. He added that internal discussions had resulted in the determination that the revisions to the full Ordinance needed more time and that the most urgent issue was the wireless services piece. He noted that he recommended favorable endorsement of the resolution to take this to public hearing and that staff would continue to work on amendments to the overall ordinance. Mr. Carter noted that this had not been presented to the Planning Commission at all and that Mr. Payne did not think it had to go back to them.

Ms. Brennan questioned whether or not the fees should be taken out of the ordinance and be put in a separate schedule and Mr. Carter noted that it depended upon what the State Code required. He noted there was a provision in the proposed amendment that existing wireless services installations would be retroactively captured.

Mr. Bruguiere questioned whether or not, it needed to go to public hearing first, and Mr. Carter noted that it did. He added that staff had submitted both drafts from the Planning Commission and from staff and that he thought that the Board could deviate from the Planning Commission text. He added that Mr. Payne had drafted the text of the staff version.

Mr. Hale then questioned the meaning of personal wireless services and Mr. Payne noted that the definition in the proposed ordinance was the federal definition and as defined included commercial wireless etc. He added that it did cover what the Board wanted.

Mr. Payne then gave the following summary on the evolution of the ordinance revisions:

He noted that several years ago, the tower ordinance was referred to the Planning Commission for revision in order to simplify it. He noted that the Planning Commission's proposal included a Class III licensed exempt provider, which was a short provision to exempt some of the facilities that would be different from the tower concept. He then related that after that, two things happened: the Sinclair decision was rendered by the Supreme Court regarding Planning Commission authority and it stated that the Zoning Administrator's authority could only be delegated by what was in state statute. He noted that the recommended language had this in it. Second, the Middle Class Tax Relief Act was passed that contained language regarding how to handle a substantial increase in the size of a tower and therefore, the new ordinance needed language to address this. He noted that this was later defined and was included in the proposed Class IV language. Mr. Payne then noted that the previous ordinance was regulating a WISP antenna the same way as a tower was being regulated which did not make sense and he thought it was important to develop a class to capture the smaller undertakings.

Mr. Payne then advised that he believed that the first part of the Planning Commission's recommended ordinance would have to go back to them for consideration since some things had

happened since then regarding towers. He then noted that the Class IV piece was a standalone provision and governed the facilities that were listed: a whip antenna attached to the side of a building, an antenna array, an antenna hidden within a building and installed on a 40 ft pole (same as utility pole) and should not be as stringently regulated. He added that he had borrowed some language from Albemarle County and had consulted Michael Bowers to create an exception to what was not a tower. He concluded that it created a category that did not have the expense and regulatory issues as those of a big tower. Mr. Payne then noted that the staff proposed amendment would not change anything that existed already in the other tower classes.

Mr. Carter then noted to the Board that if they wanted to refer this back to the Planning Commission, they could. Ms. Brennan noted that she thought that the Planning Commission should receive a copy as a matter of courtesy and Mr. Harvey added that they could provide comment at the public hearing.

Mr. Hale then moved to approve resolution **R2013-32**, Authorization for Public Hearing to Amend Appendix A of the Code of Nelson County, Virginia – Zoning Chapter 20, Communication Towers, To Include Section 20-18 Class IV Personal Wireless Services and Mr. Harvey seconded the motion.

Mr. Bruguiere clarified that the amendment would be adding a Class IV tower which was confirmed by Mr. Hale and Mr. Payne. Mr. Payne added that the proposed Class IV tower provisions were stand alone and would be in addition to the current ordinance. Members then agreed to hold the public hearing on June 11th at 7:00 pm.

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-R2013-32
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING TO AMEND APPENDIX A OF THE CODE OF NELSON COUNTY, VIRGINIA -ZONING CHAPTER 20, COMMUNICATION TOWERS, TO INCLUDE SECTION 20-18 CLASS IV PERSONAL WIRELESS SERVICES

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on June 11, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Appendix A - Zoning Ordinance, Chapter 20, Communication Towers, to add Section 20-18, Class IV, Personal Wireless Services.

B. Nelson Rescue Squad, Station II Modification**s** & MOU **(R2013-33)**

Mr. Carter explained that the MOU provided for modification of Station II in partnership with Nelson Rescue and WPOA, the entity that provides the paid EMS program. He added that the previous version was lengthy, revisions were made by both Nelson Rescue and staff, and the

parties were now at the point that their Board and WPOA approved of the language and were fine with moving forward with the building modifications.

Mr. Carter then noted that the Station II building would be modified to accommodate overnight stays in order to be able to provide 24hr EMS services. He noted that a quote had been received from Coleman Adams, the work would be paid for by the County, and this was memorialized in the MOU. He added that the funding was in place for the project and staff would move forward if given the Board's blessing.

Mr. Saunders inquired as to whether or not this work was put out to bid and Mr. Carter noted that the money was being allocated to the Nelson Rescue Squad and they would do the procurement. He added that the Rescue Squad wanted Coleman Adams to do the work and that this would have to be addressed if this was a concern. Mr. Bruguiere then explained that they did not have to follow state procurement requirements and they wanted Coleman Adams to do the work since they did the initial building. It was then noted that Nelson Rescue owned the building.

Ms. Brennan then moved to approve Resolution **R2013-33**, Approval of Nelson Rescue Squad Station II Modifications and Memorandum of Understanding and Mr. Hale seconded the motion.

Mr. Bruguiere commented that it should be noted to Coleman-Adams that local people were available to do the work.

There being no further discussion, Supervisors voted (3-1) by roll call vote to approve the motion, with Mr. Saunders voting No and Mr. Harvey being absent for the vote and the following resolution was adopted:

RESOLUTION-R2013-33
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF NELSON RESCUE SQUAD STATION II MODIFICATIONS AND MEMORANDUM OF UNDERSTANDING

WHEREAS, the proposed Memorandum of Understanding facilitates the renovation of Nelson County Rescue Squad's Lovingston Station II to enable Station II to be used by Nelson County's Emergency Medical Services Program in providing twenty-four hour, seven days per week, EMS service(s) to augment and support the delivery of EMS services by the County's volunteer EMS agencies; and

WHEREAS, the renovation of Station II will specifically provide for the completion of modifications to the facility that will enable employees of Nelson County's EMS Program to operate from Station II on a 24 hour, seven day per week basis,

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that the Nelson County Administrator is hereby authorized to execute the proposed Memorandum of Understanding on behalf of the County by and between Nelson County, Nelson County Rescue

Squad, and Wintergreen Property Owner's Association (the entity with which Nelson County currently contracts to provide for the County's Emergency Medical Services Program).

Mr. Hale inquired about the County's dollar maximum to not have to get bids and Mr. Carter noted that the County's threshold was $2500 and that greater amounts required more effort to get competition. He added that a formal procurement policy was followed and that the Board had used the sole source provisions in hiring a contractor for the Magistrates Building.

C. Appendix A -Zoning Ordinance, Review of Planning & Zoning Rates, Fees, and Charges

Mr. Carter noted that Tim Padalino and Grant Massie were present and has been working on these changes at his request. He added that they had looked regionally within TJPDC and Region 2000 and other adjacent neighbors. He noted that there were five (5) fees to consider increasing and that the current fees dated back to their origin in the 1970's.

Mr. Carter then noted that there were five (5) rate changes recommended that still did not encompass all of the actual costs associated with each item. He added that staff had not prepared a resolution to go to public hearing and just wanted to present it for information at this point. He noted that the Board could move forward by motion and second if it desired.

The following information was provided in a report by Mr. Padalino to the Board regarding the fees:

These recommended increases in the fee schedule are intended to address a portion of the following overhead costs associated with administering various permit review and plan review processes:

• average cost of $136 per application to run two legal advertisements (as required by State Code); this does not include the additional cost to run two more legal ads for each application reviewed by the BOS…
• mailing cost of $2 - $3 per packet, per meeting for members of the Site Plan Review Committee, the PC, and/or the BZA…
• each member of the PC and the BZA receive a $75 stipend per meeting…and
• average monthly mileage reimbursements costs of $116 for PC and $103 for BZA

When these various overhead costs are added together, there is an average of $430 of total overhead costs per application (using an average of two applications per public meeting).

Please note: that $430 figure does not factor in the additional costs of the staff hours required of the Administrative Assistant and Director of Planning & Zoning to administer these application review processes. It is only a reflection of the tangible overhead costs associated with processing various permit applications.

Fee Type / Fee Amount	**Existing Fee**	**Proposed Fee***
Special Use Permit	$45	**$450**
Rezoning	$25	**$450**
Variance	$25	**$350**
Site Plan Review (Minor)	$100	(same)
Site Plan Review (Major)	$500	(same)
Site Plan Review (Amended)	$100	(same)
Plat Review (Prelim)	$100 + $10/lot	(same)
Plat Review (Final)	$75 + $5/lot	(same)
Appeal	$25	**$250**

(*) Note: If it is ever necessary to re-advertise Public Notices as a result of an applicant's decision to postpone or reschedule their public hearing, the applicant will be responsible for paying the costs associated with re-advertisement.

Mr. Bruguiere commented that the existing rates did not cover the costs and Mr. Padalino explained that the proposed increases did not cover staff hours and that he wanted to contain the fees to only include overhead costs and it was not intended to be a self sustaining venture. He then added that the proposed fees did contain the average costs of advertising for two (2) ads and therefore the average overhead cost was $430 per application.

Mr. Padalino noted that he wanted to make it as simple as possible and he recommended using a set fee rather than adding actual ad costs. Mr. Bruguiere then noted the footnote about the applicant being responsible for ad costs related to re-advertisement due to applicant postponement.

Mr. Saunders noted that he agreed that the fees should cover expenses, however this was a very large increase all at once and he suggested phasing the increases in.

As a side note, Mr. Harvey added that the report did not include anything regarding land disturbance and he would like to see a chart of the costs of building a doublewide and then those of a small business and additionally a larger site development. He added that he could not support a 1000% increase in fees.

Mr. Padalino acknowledged that the increase in fees did seem rather large; however he noted that the fees were so old that it seemed like more of a disparity than there actually was.

Mr. Hale noted his agreement that the existing fees were too low; however he noted that on the other hand because the zoning map was imperfect, there would be cases of rezoning and uses not provided for that would be appropriate. Mr. Carter noted that the use would have to be added and then they would apply or they could seek an ordinance amendment. Mr. Hale proposed that the Board consider a compromise on the fees and that he thought they should be in the $300 range.

Mr. Carter then explained that a variance was when a person cannot meet setbacks and has to present a hardship to the Board of Zoning Appeals as to why the setbacks could not be met.

Mr. Hale suggested the fees be set at $300 for SUP & Rezoning and $250 for Appeals and Variances.

Members discussed having a charge plus the ad costs and Mr. Carter noted that it was possible to do this and that staff was consolidating ads now to save money. He acknowledged that a lower fee plus ad costs would look better; however Mr. Hale noted that this would be a book keeping headache and the applicant would have no idea of their costs until it was all settled.

Mr. Carter noted that staff has been advised by Mr. Payne that more details were required in these ads which made them expensive.

Ms. Brennan then noted that she did not think that she, as a citizen, should pay for another person's application.

Mr. Hale noted that it was a matter of coming up with a reasonable increase and Members briefly discussed how well and septic fees were set and collected.

Mr. Hale then moved that the Board move forward to advertise an increase in fees to $250 each. Ms. Brennan suggested that he amend his motion to go to $300 for rezoning, $300, for an SUP, $250 for a Variance, and $200 for BZA appeal.

Mr. Carter suggested that the Board get consensus for each fee and then make a motion. Mr. Hale then withdrew his original motion on the floor.

Ms. Brennan then proposed $300 for all fees. Mr. Carter then noted that there were typically four (4) ads done for a rezoning and an SUP and the others had fewer associated with them.

Ms. Brennan suggested $300 for an SUP and Mr. Saunders and Mr. Harvey opposed this as the SUP ads were not similar in size to the other application types.

Members then discussed each individually as follows:

<u>SUP:</u>

Mr. Hale proposed $250 for SUP applications; which put the County on par and not on the low or high end of its comparable localities.

Following brief discussion, Members then agreed by consensus to advertise a fee of $200 for an SUP application.

<u>Rezoning:</u>

Mr. Padalino noted that this application was the most expensive along with the SUP; given that there were more ads and meetings associated with them.

Following brief discussion, Members then agreed by consensus to advertise a fee of $300 for a Rezoning application.

Variance:

Mr. Carter noted that these ad costs were about the same and that the SUP and Rezoning fees should be comparable and a Variance cost would be less than these. He added that the difference was 4 ads and 2 public hearings vs. 2 ads and 1 public hearing.

Following brief discussion, Members then agreed by consensus to advertise a fee of $150 for a Variance application.

Appeal:

Mr. Carter noted that there were usually 2 ads and 1 public hearing associated with these and he suggested the fee be the same as a variance application.

Following brief discussion, Members then agreed by consensus to advertise a fee of $150 for an Appeal application.

Mr. Bruguiere then suggested that the Board could revisit the rates in a year if desired.

Mr. Hale then moved to authorize staff to advertise for a public hearing on the proposed increases in application fees at levels of $200 for a Special Use Permit, $300 for Rezoning, $150 for a Variance and Appeal. He added that the public hearing would be held at 7pm on June 11, 2013.

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

D. Piney River Water & Sewer System III – Rates, Fees, and Charges

Mr. Carter noted presenting a review of potential rate increases for the Piney River Water & Sewer System III over a five year period as follows:

FY13 Current Rates	**Year One FY14**	**Year Two FY15**	**Year Three FY16**	**Year Four FY17**	**Year Five FY18**
W=$26.00, S=$25.74, GP=$4.50	County + 15% Rate Increase W=$29.90, S=$29.60, GP=$9	County + 10% Rate Increase W=$32.89, S=$32.56, GP=$12	County + 5% Rate Increase W=$34.53, S=$34.18, GP=$15	County + 10% Rate Increase W=$37.98, S=$37.59, GP=$18	County + 5% Rate Increase W=$39.87, S=$39.46, GP=$21

Mr. Carter then noted that the last input received from the Board was that the County should raise rates to be comparable with those of NCSA before they could take over the system. He noted that the rates shown were based on current information and that additional information provided showed that at year 5, the system would break even and would even show a little bit of a profit; which meant the system could be turned over at that point. He reiterated that it was feasible for NCSA to take it over and it was definitely so in five years.

Mr. Hale then suggested that the Board implement the first year increases; which would make water $29.90 in FY14, Sewer $29.60, and the grinder pump fee would be $9.00. Mr. Saunders then pointed out that the NCSA grinder pump fee was $25.25 per pump per month.

In response to questions, staff noted that the grinder pump cores were being repaired and that charges per pump varied. It was noted that the actual cost of a new one was $2,500 depending on the wiring and that core repair could cost up to $500.

Mr. Harvey suggested that the County needed to investigate why there were more grinder pump repair/replacements being done in this system as compared to the others.

Staff then noted that the Wintergreen system rates were listed separately in the analysis.

Mr. Harvey then noted that the PRIII system was done in 2006-2009 and he would like for staff to check notes to see if those people were promised that the NCSA would not take over the system.

Mr. Carter then briefly noted that the history of phase III was that the Board set a goal of expanding the system and then secured grant funding for the project. He noted that the County had spent only just over $1 million in a $5 million dollar project. He added that the current rates did not cover the cost of debt service on the $1 million and was only covering operations.

Mr. Hale then reiterated that the County's rates should be raised to be more in line with the NCSA rates. Mr. Carter noted that staff could research the minutes to see if these customers were promised that the County would not turn the system over; however he was sure that the County did not promise not to raise rates.

Mr. Carter then advised the Board that they would have to hold a public hearing in order to change these and would have to do each year's increase one at a time. He added that affordability for customers was a consideration as 60%-70% of customers met the LMI threshold of 51%.

Mr. Hale then moved that staff advertise for public hearing the FY14 rate increases as presented (Water=$29.90, Sewer=$29.60, Grinder Pump=$9), with the public hearing to be held at 7pm on June 11, 2013.

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

Mr. Carter noted his appreciation for Linda Staton's work on this; noting it's concise and detailed nature. Mr. Hale agreed that a thorough analysis had been done.

In response to questions, Ms. Staton noted that the percentage of delinquent accounts was 5% or less and Mr. Carter then noted that Ms. Staton also kept up with this and had a lot of support from the Treasurer's Office in collecting on overdue accounts.

E. School Division CIP Considerations

Mr. Carter noted that internal discussions between offices warranted bringing back the smaller cost CIP items for the Board's consideration. He noted the following list and the recent input from Dr. Collins on priories: the NCHS Asbestos floor, NCHS resurfacing of the track, and gym floor replacement at TRES. Mr. Carter noted that the TRES gym floor had not been previously discussed in open session. Mr. Carter noted that this list was in addition to the bleacher replacement project that was already in process. He also noted that the cost of the recommended School Safety Improvements was still to be determined and reported back at a later date.

School Division CIP Priority Considerations

1. School Safety Improvements	TBD
2. NCHS -Asbestos Floor Removal	$52,470
3. TRES-Replacement of 4 Flat Roofs	$57,090
4. NCHS- Sign	$27,000
5. NCHS -Resurfacing of Tennis Courts	$20,160
6. NCHS -Resurfacing of Track	$38,128
7. TRES- School Gym Floor Replacement	$75,000
8. Sedans for Student Transport	$25,000
9. Cameras for Buses	$10,000
10. Genie Lift	$ 8,500
11. Outdoor Bleachers (NMS)	$15,000
Total Excluding Item #1	$328,348

Mr. Carter then noted that the Schools had time to replace floors over the summer and Members then discussed whether or not they should do the asbestos floor now or not and the disposal methods that would be involved. Mr. Harvey suggested that they bid out the asbestos floor to see what the actual costs to do this would be.

Members then agreed by consensus to not provide funding for #4 the NCHS sign.

Mr. Hale then suggested that the Board provide a flat amount of funding and then they can decide what to spend it on and if the Board definitely did not want it spent on something in particular, this could be noted. He then suggested funding the top three needs for a list price of $165,598.

Members then discussed providing funding of $150,000 for 3 things. Mr. Harvey noted that he liked the idea of doing this and then having the actual quotes brought back to the Board. Mr. Carter then suggested that the Board could give approval for funding of a not to exceed amount of $165,000 with the expectation that the first priorities be done.

Following brief discussion, Members agreed by consensus on funding four items- #2, #5, #6, and #7 for a not to exceed amount of $185,000. It was noted that the schools should bring back a budget amendment request once they had the actual cost numbers. Mr. Harvey suggested that the Board send them the money in advance and then get reconciliation once the actual costs were obtained and Mr. Hale disagreed.

Mr. Hale then moved that the Board of Supervisors advise the School Board to pursue projects #2, #5, #6, and #7 for a not to exceed funding amount of $185,000. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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

Mr. Carter reported that rework of the bronze seal was unacceptable and staff has now decided on the final rework of it inclusive of removal of the soapstone. He added that the concrete subcontractor did a diamond cut around the seal and re-poured the concrete that day.

1) Courthouse Addition – 90% retainage being remitted to Blair Const., which is working to complete final project punch list items.

2) Law Office Retaining Wall: V-ditch rework pending completion/VDOT acceptance.

Mr. Carter noted that VDOT was looking at another culvert near the cooling tower that was stopped up last week and was impacting a neighbor. Mr. Harvey noted that he thought that the water was flowing down from the private drive after the state maintenance ended. Mr. Saunders noted that he thought that the low spot was caused by stone washing out near the house.

3) Jefferson Building: Staff working towards issuance of request for sealed bids.

Mr. Carter noted that the goal of staff was to advertise for bids by the following Friday.

4) Magistrate's Building: Lynchburg Restoration completing door and window installations. Price Masonry Contractors Inc. will then complete interior re-plastering.

B. Broadband Project: NCBA rate revisions public hearing on 5-23. BRIW in process with marketing and subscription work. Staff completing project close out requirements with NTIA.

C. 2012 Radio Project (Narrow banding): In process.

D. Lovingston Health Care Center: JABA staff completing further evaluation of facility; discussions with County staff and BOS to follow.

E. VRA Refinancing's (Courthouse & Literary Loan): In process – close June 2013.

Mr. Carter reported that the larger refinancing was at a rate of 2.4% and the other was under 2%. He then noted that it was now past the deadline to change the term and that there was not as much savings to be had between the terms as originally reported.

F. 2014 General Reassessment: Wampler-Eanes to report to BOS in June or July.

G. Stormwater Program (Local): Projects submittals provided to/approved by VA-DCR. Full report and formal approval considerations to BOS in September 2013.

Mr. Carter added that formal action was needed by December at the latest.

H. Trail Projects: BRRT – in process**. BRT – Project awarded $749,149 by CTB.**

Mr. Carter reported that the BRT project award by the CTB was subject to formal approval by the CTB at their June meeting.

Mr. Hale then noted that while not final, the award reflected the efforts over many years of staff and that he thought that taking CTB members to the tunnel had made the difference. It was noted that the grant was comprised of the Lynchburg District's allocation and an at large member's allocation that was added in to make the full request. Mr. Carter noted that this would be funding for Phase I which would be the Eastern portal in Nelson County. He added that when completed, it would be possible to walk on the new trail with the live line protected by fencing, parking, and access to the first 700 feet of the tunnel. Mr. Carter noted that staff was waiting for the new appraisal on the Tyler property and would then have to negotiate with him for the property. Mr. Carter concluded by noting that hiring Woolpert had also been of great benefit to the project.

I. Route 151 Corridor Study: In process; next public meeting May 2013.

J. FY 13-14 Budget: Public hearing on 5-23. Budget approval - June 11, 2013.

K. Emergency Services: School Division assessment report on RRES completed/distributed. TRES table top exercise scheduled for 5-15 at 3 p.m.

L. Other – BOS Questions, comments, directives.

2. Board Reports

Mr. Harvey reported that former School Board member Mick Seale had recently passed away. He noted that he may have served two 2 terms back when the School Board was appointed by a three member panel committee. Ms. Brennan added that his daughter was the dentist at the BRMC dental clinic.

Ms. Brennan noted that she attended meetings with the Crisis Intervention Team, the Department of Social Services Board, the Route 151 project team, and a new organization called Community Investment Collaborative. She noted that the latter wanted to do a brief presentation to the Board and was setting up classes for entrepreneurs. She noted that if the courses were completed, the business would be eligible for $5,000 in microenterprise loans and could get up to $35,000. She added that they worked with Nora Gillespie of the Central Virginia Small Business Association.

Ms. Brennan then reported that Curtis Sheets of WPOA got an award for excellence and for being EMS Administrator of the Year. She noted this was a regional award given by the TJEMS Council.

Mr. Hale reported that the TJPDC passed their budget at the last meeting including funding for a grant writer who was currently employed by Fluvanna County. He added that the County could get assistance from her in writing grants.

Mr. Hale then noted that the Board could appoint anyone it wants to the TJPDC Foundation and it would not have to be him or Tim Padalino.

Mr. Hale reported that he had spoken to Debbie Harvey, Gary Wood's wife, and she noted that she would run for the School Board in the East District, as the incumbent was not running and the seat was open.

Mr. Hale then noted that the Tunnel Foundation would meet the week of the 21st.

Mr. Bruguiere reported that at the next EMS Council meeting, the search and rescue folks would attend and the last search issues would be brought forward. Mr. Harvey noted that the Sheriff's Dept. was in charge of searches and that Jaime Miller was also actively involved.

Mr. Harvey then inquired as to when the new radios were going to be in use and Mr. Carter noted he would have to check with Susan Rorrer.

Mr. Saunders had no report.

B. Appointments

There were no appointments considered by the Board.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

Ms. Brennan asked if the County was offering early retirement incentives and Ms. McCann noted that there was no current program in place and the County was still paying debt on the last round.

Ms. Brennan then inquired about County Raises and Mr. Harvey noted 3% and that the intention was for the schools to do what the County did and it now looked like they were not doing that. Mr. Hale noted that the TJPDC was doing 2% and that was the average around the region. Ms. McCann then noted that the majority of bordering localities were providing a raise of 3%. Mr. Carter then noted that it looked like the Schools were providing instructional increases of 5% - 10%.

Mr. Hale then directed that the Parks and Recreation Department prepare a plan for the Sturt property and to add this to the punch list.

Mr. Saunders noted that Members had previously discussed moving the Board meetings to the new General District Courtroom and he would like to get a price to remove the Judge's bench to see what it would look like. Ms. Brennan noted that she would like to work with Mr. Saunders and Mr. Truslow on this.

Mr. Bruguiere noted that the largest number of complaints he gets about Route 151 was bicycles riding side by side. He then asked if staff would speak to the Sheriff's Dept. about enforcement.

VI. Recess and Reconvene for Evening Session

At 5:00 pm, Mr. Hale moved to continue the meeting until 7:00 pm. There was no second and 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. Bruguiere called the meeting to order at 7:00 PM with four Supervisors present to establish a quorum and Mr. Harvey arriving shortly thereafter.

II. Public Comments

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

III. Public Hearings

A. **Rezoning Application 2013-002, A. Thiebolt:** Application to rezone a parcel of land identified as Tax Map # 62-A-15e from Residential to, R-2 to Agricultural, A-1.

Mr. Padalino noted that Mr. Thiebolt had submitted a rezoning application to rezone a parcel of land identified as Tax Map # 62-A-15e from Residential R-2 to Agricultural, A-1. He then showed a vicinity map of the properties near Schuyler Village. He noted that the parcel to be rezoned was 4.6 acres in size and was currently zoned R-2.

Mr. Padalino then noted that the online GIS system showed adjoining property as B-1 when in actuality it should be R-2 also. He noted that staff would get that fixed through Timmons. Mr. Padalino then showed the floodplain overlay of the property, which showed the property to be in the FEMA 100 year floodplain. Additionally, he showed photos of the existing dam and smokestack.

Mr. Padalino then noted that approval of the rezoning request would be a down zoning which allowed for by right energy production by a hydroelectric company and was the purpose of the request.

Mr. Bruguiere then asked that if when it was an operating plant, was it zoned R-2 at the time and Mr. Padalino indicated that it was; however it had been dormant for two years which made it a nonconforming use at the time.

Mr. Thiebolt, the applicant, addressed the Board and noted that it had been in and out of use throughout the years. He noted that in the 1970s, the plant did operate while it was zoned R-2 and that it was curious that it was ever given this designation.

Mr. Carter noted that the property going to A-1 made the most sense and that he thought it could go forward without any issues. Mr. Padalino added that the adjacent parcel to the east was also down zoned from R-2 to A-1. Mr. Hale also noted that rezoning the parcel made for a contiguous area of A-1 zoned parcels.

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

Mr. Hale then moved that the Board accept the recommendation of staff and the Planning Commission to rezone tax map parcel #62-A-15E from R-2 to A-1.

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

In response to questions, Mr. Thiebolt noted that a French company was purchasing the property from him and that they had every intent of putting in a hydroelectric operation that would produce 400 Kilowatts of power.

IV. Other Business (As May Be Presented)

There was no Other Business introduce d by staff.

Introduced: Woods Mill Wayside Building

Mr. Hale reintroduced this subject for the Board's consideration and noted that there was a portable toilet there that was handicapped accessible. He noted having received a quote for delivering and installing a concrete building there to serve this purpose of $14,000. He added that VDOT would do the site work and it would be located to the Northeast when you pulled in, with trees on both sides and a walkway to it. He added that the building was a prefabricated building.

Mr. Carter inquired as to who would maintain the building and Mr. Hale supposed the County would hire Bell to pump it and staff would likely have to clean and stock it. He noted that Bell may be willing to do it and he would contact him to see what it may cost for him to maintain it. He added that he thought the cost may be less in terms of the pumping since it had a 1,500 gallon tank that would be buried underneath the building. He added that there would be no lighting associated with the building.

Mr. Harvey commented that the Hurricane Camille plaque at the Wayside meant a lot to the County. Ms. Brennan added that she would like to see a boat ramp located there somewhere in the middle of the river there.

Mr. Saunders noted that he would like to know how often the tank would need to be pumped and the cost and he would like to know more about the potential odors associated with the building. Mr. Hale noted that the tank was enclosed so it should not be very odiferous. He added that it did not require water and was very much like an outhouse. Mr. Hale then advised the Board that he would get more information for the Board's re-consideration of this subject in the near future.

V. Adjournment

At 7:20 PM, Ms. Brennan moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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)

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

II. Transfer of Funds (General Fund)

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

III. Transfer of Funds (Debt Service Fund)

Amount	Credit Account (-)	Debit Account (+)
$ 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
$ 292,968.00		

IV. Appropriation of Funds (Debt Service Fund)

Amount	Revenue Account	Expenditure Account
$ 39,150.00	3-108-009999-0001	4-108-093100-9106

Adopted: June 11, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

I. The **General Fund Appropriation** reflects a request by the Sheriff's Dept. for appropriation of an additional **$5,240** in part-time speed enforcement wages. It is anticipated that the court fine receipts will exceed the amount budgeted by at least $5,240 and can be used for this expense. Also included is a request by the Treasurer for **$14,059** to pay DMV stop fees to the state. This expense is offset by collection of these fees from delinquent taxpayers at the time the DMV stop is removed.

II. The **General Fund Transfers** includes a request for transfer from General Fund Contingency for County Attorney fees **($32,500)**. A request for transfer from General Fund Contingency is also requested for regional jail expense **($71,520)**. The balance in Contingency after these requests will be $923,986.

III. The **Transfer of Funds (Debt Service Fund)** includes a transfer between Courthouse Debt line items to allow for previously allocated pre-payment and reserve amounts to be transferred to the Courthouse Project Fund. As the budgeted pre-payment was not utilized due to the refinancing, these funds are available to offset the reduced amount of principal proceeds in the Courthouse Project Fund that were to be utilized to pay the construction retainage.

IV. The **Debt Service Fund Appropriation** includes the appropriation of the FY12 set aside of debt service reserve funds related to the Courthouse Project. This amount is being requested for the purpose of transfer to the Courthouse Project Fund.

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.

Approved: June 11, 2013

Attest:_____, Clerk
Nelson County Board of Supervisors

JAUNT, Inc.
104 Keystone Place
Charlottesville, VA 22902-6200

RECEIVED

MAY - 9 2013

COUNTY ADMINISTRATOR'S OFFICE

To: Charlottesville City Manager
County Administrators of Albemarle, Louisa, Fluvanna, and Nelson Counties

From: Donna Shaunesey, Executive Director

Date: May 6, 2013

Re: JAUNT stockholders' meeting and appointment of proxies

JAUNT will hold its annual stockholders' meeting to formally approve appointment of Board members on Wednesday, July 10th, 2013 at 9:45 AM in the JAUNT Conference Room. The proxy-holders in each locality should attend this very brief meeting to ensure that there is a quorum to vote your shares.

We will need new proxies from Fluvanna, Charlottesville and Nelson since the previous proxy agreements have expired. Albemarle and Louisa have valid proxies for this upcoming meeting.

Your proxy may be the County Administrator or one of your appointed Board members. Also, you may appoint the proxy for only this meeting, or, to simplify matters, for the length of his/her term of office (if a Board member).

Enclosed is a form to be returned to JAUNT officially designating the proxy. Also enclosed is a list of JAUNT Board members with their terms of office.

Thank you for your assistance with this procedure. Please let me know if you have any questions.

Enclosures

PROXY

The undersigned hereby appoints _____ with power of substitution, proxy to act and vote all shares of the undersigned at the annual meeting of the shareholders of JAUNT, Inc., a Virginia Public Service Corporation, on Wednesday, the 10th of July, 2013 and at any adjournments thereof, upon the election of directors, and, in his or her discretion, upon such other matters as may properly come before such meetings.

This proxy shall be valid until _____.

City or County of

_____

By: _____

Title: _____

Date: _____

JAUNT, Inc.
BOARD OF DIRECTORS
2012-2013

NAME	LOCALITY REPRESENTED (Term Ends)	BUSINESS ADDRESS PHONE E-MAIL	HOME ADDRESS PHONE
Juandiego Wade	Albemarle (9-30-14)	Career Center Coordinator Albemarle County Department of Social Services 1600 5th St, Suite A, Cville 22902 972-4010 jwade@albemarle.org	909 St. Charles Ave Charlottesville 22901 (434) 293-7432, c882-2187
Clifford R. Buys	Albemarle (9-30-14)		250 Pantops Mountain Road, Apt. 5209 Charlottesville, VA 22911 972-2444
J. Raymond Heron	Charlottesville (10-1-2013)	P.O. Box 7151 Charlottesville, VA 22906 cell 962-5643 jrheron@cstone.net	2228 Banbury Street Charlottesville 22901 Voice mail 980-4961
Raymond E. East	Albemarle (9/30/13)	earleast@aol.com	3340 Rosedell Lane Charlottesville, VA 22903 244-5860 fax 244-0450
Katherine B. Pickett	Charlottesville (10/1/14)	kittypick@aol.com	1600 Gordon Ave, Rm 34, C'ville 22903 293-3573
David C. Feisner	Fluvanna (6/30/15)	anfeis@firstva.com	P.O. Box 66 Palmyra, VA 22963 591-0126
Janice Jackson	Nelson (9/30/13)	jjacksonconsult@earthlink.net	P.O. Box 56 Shipman, VA 22971 263-4116
Willie Gentry	Louisa (12/31/15)	LCBS_CD@louisa.org	15543 Cross County Rd Mineral 23117 (540) 894-4751,c894-6437

Philip R. Jones	Charlottesville (10/1/12)	msgphil44@comcast.net	1011 Forest Hills Ave Charlottesville 22903 295-3883, c962-1528
Fran Hooper	Albemarle (9/30/13)	Fhoops@aol.com	5577 Windward Cove Road, P.O. Box 124 Covesville, 22931 979-1932, c 202-309-5690
Mercedes Sotura	Nelson 9/30/2015	msotura@hotmail.com	34 Pleasant View Lane, Afton, 22920 540-456-8631
John Jones	Charlottesville	Transit Manager, 1545 Avon St Extended, Charlottesville, VA 22902 970-3840 Jonesjo@charlottesville.org	
Pat Thomas	Fluvanna 6/30/13	Charlottesville Plant Manager VA Industries for the Blind 1102 Monticello Rd Charlottesville VA 434-422-3015 Pat.thomas@dbvi.virginia.gov	17 Hardwood Road Palmyra, VA 22963 Cell 434-444-1224

1 Vacancy (Louisa)

NON-VOTING BOARD PARTICIPANTS

Kathy Leidich		Program Administrator VDRPT 600 E. Main St. Suite 2102 Richmond 23219 804/225-4069 Fax: 804/786-7286 Kathleen.Leidich@drpt.virginia.gov	
Steve Williams		Thomas Jefferson Planning District Commission P.O. Box 1505 Ch'ville 22902 434/979-7310	
Karl Carter	Buckingham	Assistant County Administrator/ Finance Manager P.O. Box 252 Buckingham, VA 23921-0252 434-969-4242 kcarter@buckinghamcounty.virginia.gov	

FY12-13 JAUNT OFFICERS AND COMMITTEE ASSIGNMENTS

President	J. Raymond Heron
Vice President	Cliff Buys
Secretary	David C. Feisner
Treasurer	Fran Hooper

The Executive Committee consists of the four officers plus Katherine Pickett

Finance Committee

Fran Hooper, Chair
Clifford Buys
Juandiego Wade
Lance Stewart
Willie Gentry

Succession Committee

Juan Wade
Phil Jones
Ray Heron
Mercedes Sotura
Kitty Pickett
Clifford Buys

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:

Fund	**Budget**
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.

Adopted: June 11, 2013 **Attest:_____, Clerk**
Nelson County Board of Supervisors

FY14 GENERAL FUND EXPENDITURE SYNOPSIS - Presented for Adoption 6/11/2013

Expenditure by Dept.	FY 12-13 Amended Budget	FY 13-14 Proposed Budget	Increase/Decrease	% Change
Board of Supervisors	$133,459.00	$118,940.00	-$14,519.00	-10.88%
County Administrator	$323,772.00	$321,619.00	-$2,153.00	-0.66%
County Attorney	$75,000.00	$85,000.00	$10,000.00	13.33%
Commissioner Of The Revenue	$242,389.00	$243,550.00	$1,161.00	0.48%
Reassessment	$270,088.00	$98,577.00	-$171,511.00	-63.50%
Board of Equalization	$1,905.00	$20,510.00	$18,605.00	976.64%
Treasurer	$311,100.00	$312,783.00	$1,683.00	0.54%
Finance & Accounting	$236,000.00	$234,195.00	-$1,805.00	-0.76%
Technology	$203,873.00	$213,892.00	$10,019.00	4.91%
Land Use Panel	$8,312.00	$9,312.00	$1,000.00	12.03%
Board of Elections	$45,894.00	$31,784.00	-$14,110.00	-30.74%
Registrar	$90,579.00	$86,393.00	-$4,186.00	-4.62%
Circuit Court	$29,550.00	$29,550.00	$0.00	0.00%
General District Court	$6,313.00	$6,328.00	$15.00	0.24%
Nelson VJCCCA	$41,785.00	$41,785.00	$0.00	0.00%
J & D District Court	$5,916.00	$6,253.00	$337.00	5.70%
Clerk of Circuit Court	$334,290.00	$334,102.00	-$188.00	-0.06%
Magistrate	$840.00	$840.00	$0.00	0.00%
Commonwealth Attorney	$332,462.00	$332,298.00	-$164.00	-0.05%
Sheriff	$1,437,034.00	$1,545,058.00	$108,024.00	7.52%
Emergency Services	$372,092.00	$357,412.00	-$14,680.00	-3.95%
Emergency Services Council	$608,082.00	$615,446.00	$7,364.00	1.21%
E-911 Program	$307,730.00	$314,717.00	$6,987.00	2.27%
Forest Fire Service	$20,338.00	$20,337.00	-$1.00	0.00%
Paid EMS	$685,429.00	$711,175.00	$25,746.00	3.76%
Regional Jail	$541,731.00	$623,591.00	$81,860.00	15.11%
Building Inspector	$216,790.00	$215,973.00	-$817.00	-0.38%
Animal Control	$137,234.00	$158,534.00	$21,300.00	15.52%
Medical Examiner	$160.00	$160.00	$0.00	0.00%
Waste Management	$1,023,779.00	$1,012,101.00	-$11,678.00	-1.14%
Buildings and Grounds	$694,575.00	$694,949.00	$374.00	0.05%
Motor Pool	$220,500.00	$343,000.00	$122,500.00	55.56%
Local Health Department	$309,262.00	$244,301.00	-$64,961.00	-21.01%
Mental Health	$72,078.00	$92,586.00	$20,508.00	28.45%
Community College	$3,050.00	$2,717.00	-$333.00	-10.92%
Parks and Recreation	$206,706.00	$206,239.00	-$467.00	-0.23%
Planning	$225,079.00	$155,582.00	-$69,497.00	-30.88%
Community Development	$292,360.00	$290,708.00	-$1,652.00	-0.57%
Soil & Water Conserv. Board	$25,500.00	$31,500.00	$6,000.00	23.53%
Litter Control	$7,597.00	$6,000.00	-$1,597.00	-21.02%
VPI & SU Extension Service	$47,976.00	$49,846.00	$1,870.00	3.90%
Non-Departmental	$1,396,370.00	$2,220,672.00	$824,302.00	59.03%
Capital Outlay	$2,929,500.00	$2,090,000.00	-$839,500.00	-28.66%
General Fund Refunds	$24,000.00	$30,000.00	$6,000.00	25.00%
Transfers	$19,721,402.00	$19,862,504.00	$141,102.00	0.72%
Contingency from recurring revenue	$634,980.00	$582,674.00	-$52,306.00	-8.24%
Contingency from non-recurring revenue	$605,196.00	$977,476.00	$372,280.00	61.51%
TOTAL EXPENDITURE BUDGET	**$35,460,057.00**	**$35,982,969.00**	**$522,912.00**	**1.47%**
TOTAL EXPENDITURE PROJECTED FY12-13	**$33,239,802.00**	**$35,982,969.00**	**$2,743,167.00**	**8.25%**

FY14 GENERAL FUND REVENUE SYNOPSIS - Presented for Adoption June 11, 2013

Revenues	FY 12-13 Amended Budget	FY 13-14 Proposed Budget	Increase/Decrease	% Change

Real Estate Taxes	$17,024,104.00	$17,229,876.00	$205,772.00	1.21%
Public Service Tax	$595,000.00	$660,296.00	$65,296.00	10.97%
Personal Property Taxes	$4,019,582.00	$4,239,501.00	$219,919.00	5.47%
Machinery and Tools Tax	$4,500.00	$5,500.00	$1,000.00	22.22%
Late Tax Penalty	$130,000.00	$150,000.00	$20,000.00	15.38%
Late Tax Interest	$130,000.00	$140,000.00	$10,000.00	7.69%
Local Sales & Use Taxes	$1,034,128.00	$1,059,005.00	$24,877.00	2.41%
Utility Taxes	$460,711.00	$460,711.00	$0.00	0.00%
Business Licenses	$30,000.00	$30,000.00	$0.00	0.00%
Utility Franchise Tax	$102,115.00	$101,000.00	-$1,115.00	-1.09%
Motor Vehicle Licenses	$686,625.00	$691,720.00	$5,095.00	0.74%
Bank Franchise Tax	$60,000.00	$60,000.00	$0.00	0.00%
Recordation Taxes	$202,450.00	$200,000.00	-$2,450.00	-1.21%
Meals & Lodging Taxes	$1,159,237.00	$1,270,000.00	$110,763.00	9.55%
Dog Licenses	$8,000.00	$8,000.00	$0.00	0.00%
Permit Fees	$185,150.00	$140,950.00	-$44,200.00	-23.87%
Court Fines & Forfeitures	$251,600.00	$366,618.00	$115,018.00	45.71%
Interest on Investments	$100,000.00	$115,000.00	$15,000.00	15.00%
Rental Income & Sale of Property	$4,500.00	$1,017.00	-$3,483.00	-77.40%
Court Costs	$21,000.00	$19,700.00	-$1,300.00	-6.19%
Commonwealth Attorney Fees	$500.00	$650.00	$150.00	30.00%
Landfill Fees	$165,000.00	$150,000.00	-$15,000.00	-9.09%
Recreation Fees	$49,350.00	$48,800.00	-$550.00	-1.11%
Sale of Literature	$1,000.00	$1,000.00	$0.00	0.00%
Expenditure Refunds	$15,000.00	$15,000.00	$0.00	0.00%
Miscellaneous	$10,410.00	$15,800.00	$5,390.00	51.78%
Recovered Costs	$760,763.00	$577,611.00	-$183,152.00	-24.07%
Total Local Sources	**$27,210,725.00**	**$27,757,755.00**	**$547,030.00**	**2.01%**
Total Local Sources Projected FY 12-13	**$27,470,027.00**	**$27,757,755.00**	**$287,728.00**	**1.05%**
Non-Categorical State Aid	$656,964.00	$659,397.00	$2,433.00	0.37%
Shared Expenses Comp Board.	$1,314,997.00	$1,390,212.00	$75,215.00	5.72%
Public Assistance	$781,868.00	$783,208.00	$1,340.00	0.17%
Other Categorical Aid	$225,059.00	$922,027.00	$696,968.00	309.68%
Total Commonwealth	**$2,978,888.00**	**$3,754,844.00**	**$775,956.00**	**26.05%**
Total Commonwealth Projected FY 12-13	**$2,942,792.00**	**$3,754,844.00**	**$812,052.00**	**27.59%**
Payment In lieu of Taxes	$44,864.00	$44,864.00	$0.00	0.00%
Categorical Aid Federal	$825,542.00	$778,030.00	-$47,512.00	-5.76%
Total Federal	**$870,406.00**	**$822,894.00**	**-$47,512.00**	**-5.46%**
Total Federal Projected FY 12-13	**$1,877,076.00**	**$822,894.00**	**-$1,054,182.00**	**-56.16%**
Non-Revenue Receipts (Bond Proceeds)	$1,800,000.00	$900,000.00	-$900,000.00	-50.00%
Transfers From Other Funds	$0.00	$180,000.00	$180,000.00	100.00%
Total Other Financing Sources	**$1,800,000.00**	**$1,080,000.00**	**-$720,000.00**	**-40.00%**
Total Other Financing Projected FY 12-13	**$1,401,619.00**	**$1,080,000.00**	**-$321,619.00**	**-22.95%**
Prior Year Balances	**$2,600,038.00**	**$2,567,476.00**	**-$32,562.00**	**-1.25%**
Year Ending Balance Projected FY 12-13	**$1,576,883.00**	**$2,567,476.00**	**$990,593.00**	**62.82%**
TOTAL REVENUE	**$35,460,057.00**	**$35,982,969.00**	**$522,912.00**	**1.47%**
TOTAL REVENUE PROJECTED FY 12-13	**$35,268,397.00**	**$35,982,969.00**	**$714,572.00**	**2.03%**

DEBT SERVICE FUND

EXPENDITURE SYNOPSIS - Presented for Adoption 6/11/2013

Expenditure by Dept.	FY 12-13 Amended Budget	FY 13-14 Proposed Budget	Increase/Decrease	% Change
Transfers				
Transfer to Piney River W&S	$0.00	$0.00	$0.00	0.00%
Total Transfers	**$0.00**	**$0.00**	**$0.00**	**0.00%**
County Debt Service				
Trustee Fees	$1,000.00	$1,500.00	$500.00	50.00%
Principal IBM AS400	$0.00	$0.00	$0.00	0.00%
Principal (Judicial Center)	$335,943.00	$320,000.00	-$15,943.00	-4.75%
Principal (Conv. Centers)	$275,000.00	$280,000.00	$5,000.00	1.82%
Principal (Radio Project)	$0.00	$125,000.00	$125,000.00	100.00%
Interest IBM AS400	$0.00	$0.00	$0.00	0.00%
Interest (Judicial Center)	$309,375.00	$221,382.00	-$87,993.00	-28.44%
Interest (Conv. Centers)	$61,348.00	$48,545.00	-$12,803.00	-20.87%
Interest (Radio Project)	$64,246.00	$69,841.00	$5,595.00	8.71%
Debt Service Reserve (Judicial Ctr)	$39,150.00	$0.00	-$39,150.00	0.00%
Total County Debt Service	**$1,086,062.00**	**$1,066,268.00**	**-$20,294.00**	-1.82%
County Debt for Schools				
Trustee Fees	$4,750.00	$4,750.00	$0.00	0.00%
Principal Capital Leases	$0.00	$0.00	$0.00	0.00%
Principal VRA (Ref Lit Loan)	$250,000.00	$255,000.00	$5,000.00	2.00%
Principal VPSA Bonds	$865,000.00	$705,000.00	-$160,000.00	-18.50%
Principal VRS Financing	$47,513.00	$50,739.00	$3,226.00	6.79%
Principal Lease Rev. 2001A	$0.00	$0.00	$0.00	0.00%
Principal Lease Rev. 2002 (2012)	$440,000.00	$465,000.00	$25,000.00	5.68%
Interest Capital Leases	$0.00	$0.00	$0.00	0.00%
Interest VRA (Ref Lit Loan)	$70,000.00	$35,783.00	-$34,217.00	-48.88%
Interest VPSA Bonds	$514,557.00	$473,608.00	-$40,949.00	-7.96%
Interest VRS Refinancing	$22,955.00	$19,729.00	-$3,226.00	-14.05%
Interest Lease Rev. 2001A	$0.00	$0.00	$0.00	0.00%
Interest Lease Rev. 2002 (2012)	$241,420.00	$255,131.00	$13,711.00	5.68%
Total County Debt for Schools	**$2,456,195.00**	**$2,264,740.00**	**-$191,455.00**	-7.79%
Total Debt Service	**$3,542,257.00**	**$3,331,008.00**	**-$211,249.00**	-5.96%

REVENUE SYNOPSIS -Presented for Adoption 6/11/2013

Revenues	FY 12-13 Amended Budget	FY 13-14 Proposed Budget	Increase/Decrease	% Change
Transfers from General Fund	$3,542,257.00	$3,331,008.00	-$211,249.00	-5.96%
Transfers from Capital Fund	$0.00	$0.00	$0.00	0.00%
Total Transfers	**$3,542,257.00**	**$3,331,008.00**	**-$211,249.00**	**-5.96%**
Year Ending Balance	**$0.00**	**$0.00**	**$0.00**	**0.00%**
Total	**$3,542,257.00**	**$3,331,008.00**	**-$211,249.00**	**-5.96%**

CAPITAL FUND

EXPENDITURE SYNOPSIS- Presented for Adoption 6/11/2013

	FY 12-13	FY 13-14		
Expenditure by Dept.	**Amended Budget**	**Proposed Budget**	**Increase/Decrease**	**% Change**
Capital Projects				
Transfer to Debt Service	$0.00	$0.00	$0.00	0.00%
Transfer to Piney River 3	$0.00	$0.00	$0.00	0.00%
Transfer to General Fund	$0.00	$180,000.00	$180,000.00	100.00%
Capital Reserve (School)	$300,500.00	$300,500.00	$0.00	0.00%
Capital Reserve (Buses)	$180,000.00	$0.00	-$180,000.00	-100.00%
Capital Reserve (Unallocated)	$1,017,375.00	$1,017,475.00	$100.00	100.00%
Arbitrage Rebate	$0.00	$0.00	$0.00	0.00%
Total	**$1,497,875.00**	**$1,497,975.00**	**$100.00**	**0.01%**

REVENUE SYNOPSIS -Presented for Adoption 6/11/2013

	FY 12-13	FY 13-14		
Revenues	**Amended Budget**	**Proposed Budget**	**Increase/Decrease**	**% Change**
Capital Projects				
Interest on Investments	$75.00	$75.00	$0.00	0.00%
Bond Proceeds	$0.00	$0.00	$0.00	0.00%
VPSA Refunding Proceeds	$0.00	$0.00	$0.00	0.00%
Transfer from General Fund	$0.00	$0.00	$0.00	0.00%
Year Ending Balance	$1,497,800.00	$1,497,900.00	$100.00	0.01%
Total	**$1,497,875.00**	**$1,497,975.00**	**$100.00**	**0.01%**

PINEY RIVER WATER/SEWER FUND

EXPENDITURE SYNOPSIS - Presented for Adoption 6/11/2013

	FY 12-13	FY 13-14		
Expenditure by Dept.	**Amended Budget**	**Proposed Budget**	**Increase/Decrease**	**% Change**
New Connection Installation	$24,000.00	$30,000.00	$6,000.00	25.00%
Maintenance and Repairs	$30,000.00	$37,621.00	$7,621.00	25.40%
Legal Services	$300.00	$420.00	$120.00	40.00%
Electrical Services	$6,557.00	$7,200.00	$643.00	9.81%
Billing/Postal Services	$6,339.00	$6,400.00	$61.00	0.96%
Meter Reading Service	$0.00	$0.00	$0.00	0.00%
Water and Sewer	$53,194.00	$37,000.00	-$16,194.00	-30.44%
Telecommunications	$650.00	$700.00	$50.00	7.69%
Permit Fees	$2,500.00	$300.00	-$2,200.00	-88.00%
Maintenance Supplies	$15,500.00	$25,000.00	$9,500.00	61.29%
Refunds	$250.00	$250.00	$0.00	0.00%
Debt Service	$69,379.00	$69,379.00	$0.00	0.00%
Total	**$208,669.00**	**$214,270.00**	**$5,601.00**	**2.68%**

REVENUE SYNOPSIS -Presented for Adoption 6/11/2013

	FY 12-13	FY 13-14		
Revenues	**Amended Budget**	**Proposed Budget**	**Increase/Decrease**	**% Change**
Piney River Water/Sewer				
Fees for Water/Sewer	$100,000.00	$110,270.00	$10,270.00	10.27%
Connection/Installation Fees	$27,700.00	$42,000.00	$14,300.00	51.62%
Transfer from Debt Service Fund	$0.00	$0.00	$0.00	0.00%
Transfer from General Fund	$45,000.00	$50,000.00	$5,000.00	11.11%
Year Ending Balance	$35,969.00	$12,000.00	-$23,969.00	-66.64%
Total	**$208,669.00**	**$214,270.00**	**$5,601.00**	**2.68%**

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

EXPENDITURE SYNOPSIS -Presented for Adoption 6/11/2013

		FY 12-13		FY 13-14		
Expenditure by Dept.		**Amended Budget**		**Proposed Budget**	**Increase/Decrease**	**% Change**
CDBG Projects						
Dental Health Care Planning		$0.00		$0.00	$0.00	0.00%
Dental Center		$657,008.00		$9,000.00	-$648,008.00	-98.63%
Broadband		$27,000.00		$2,700.00	-$24,300.00	-90.00%
Total		**$684,008.00**		**$11,700.00**	**-$672,308.00**	**-98.29%**

REVENUE SYNOPSIS -Presented for Adoption 6/11/2013

		FY 12-13		FY 13-14		
Revenues		**Amended Budget**		**Proposed Budget**	**Increase/Decrease**	**% Change**
CDBG Projects						
Dental Health Care Planning		$0.00		$0.00	$0.00	0.00%
Dental Center		$657,008.00		$9,000.00	-$648,008.00	-98.63%
Broadband		$27,000.00		$2,700.00	-$24,300.00	-90.00%
Total		**$684,008.00**		**$11,700.00**	**-$672,308.00**	**-98.29%**

COURTHOUSE PROJECT FUND

EXPENDITURE SYNOPSIS -Proposed

	FY 12-13	FY 13-14		
Expenditure by Dept.	**Amended Budget**	**Proposed Budget**	**Increase/Decrease**	**% Change**
Courthouse Project				
Architectural	$26,500.00	$0.00	-$26,500.00	-100.00%
Other Professional Services	$0.00	$0.00	$0.00	0.00%
Construction	$712,326.00	$240,000.00	-$472,326.00	-66.31%
Insurance	$0.00	$0.00	$0.00	0.00%
Furnishings (Signs/Display)	$55,000.00	$0.00	-$55,000.00	-100.00%
IT/E911 Equipment & Installation	$0.00	$0.00	$0.00	0.00%
Retaining Wall	$60,000.00	$0.00	-$60,000.00	-100.00%
Transfer to General Fund	$0.00	$0.00	$0.00	0.00%
Contingency	$0.00	$50,000.00	$50,000.00	100.00%
Total	**$853,826.00**	**$290,000.00**	**-$563,826.00**	-66.04%

REVENUE SYNOPSIS -Presented for Adoption 6/11/2013

	FY 12-13	FY 13-14		
Revenues	**Amended Budget**	**Proposed Budget**	**Increase/Decrease**	**% Change**
Courthouse Project				
Bond Proceeds	$387,137.00	$0.00	-$387,137.00	-100.00%
General Fund Transfer	$0.00	$0.00	$0.00	0.00%
Year Ending Balance	$466,689.00	$290,000.00	-$176,689.00	-37.86%
Total	**$853,826.00**	**$290,000.00**	**-$563,826.00**	-66.04%

BROADBAND PROJECT FUND

EXPENDITURE SYNOPSIS -Presented for Adoption (BBA) 6/27/2013

		FY 12-13		FY 13-14			
Expenditure by Dept.		**Amended Budget**		**Proposed Budget**	**Increase/Decrease**		**% Change**
Broadband Project							
Professional Services		$8,703.00		$0.00	-$8,703.00		-100.00%
Engineering Services		$10,000.00		$0.00	-$10,000.00		-100.00%
Construction		$997,478.00		$0.00	-$997,478.00		-100.00%
Project Inspection		$4,000.00		$0.00	-$4,000.00		-100.00%
Equipment		$187,285.00		$0.00	-$187,285.00		-100.00%
Land, Right-of-way, etc.		$0.00		$0.00	$0.00		0.00%
Contingency		$170,722.00		$0.00	-$170,722.00		-100.00%
Network Operations							
Network Operator		$48,600.00		$81,600.00	$33,000.00		67.90%
OSP Maintenance		$7,400.00		$7,400.00	$0.00		0.00%
Professional Services		$45,000.00		$10,000.00	-$35,000.00		-77.78%
Internet Backhaul Fees		$0.00		$0.00	$0.00		0.00%
Insurance		$2,500.00		$2,500.00	$0.00		0.00%
Utilities including locates		$6,050.00		$10,000.00	$3,950.00		65.29%
Equipment		$0.00		$15,000.00	$15,000.00		100.00%
Installations		$0.00		$90,000.00	$90,000.00		100.00%
Service Contracts		$0.00		$5,000.00	$5,000.00		100.00%
Tower Lease		$0.00		$3,075.00	$3,075.00		100.00%
Total		**$1,487,738.00**		**$224,575.00**	**-$1,263,163.00**		-84.90%

REVENUE SYNOPSIS -Presented for Adoption (BBA) 6/27/2013

		FY 12-13		FY 13-14			
Revenues		**Amended Budget**		**Proposed Budget**	**Increase/Decrease**		**% Change**
Broadband Project							
BTOP Award (NTIA)		$671,255.00		$0.00	-$671,255.00		-100.00%
CDBG Fund Transfer		$27,000.00		$0.00	-$27,000.00		-100.00%
General Fund Transfer		$689,897.00		$0.00	-$689,897.00		-100.00%
Year Ending Balance		$0.00		$0.00	$0.00		-100.00%
Network Operations							
Transfer from General Fund		$50,000.00		$123,335.00	$73,335.00		146.67%
Network Access Charges		$28,800.00		$75,440.00	$46,640.00		161.94%
Fiber Leases		$0.00		$0.00	$0.00		-100.00%
Tower Leases		$2,100.00		$12,300.00	$10,200.00		485.71%
Installation Reimbursement		$0.00		$13,500.00	$13,500.00		100.00%
Year Ending Balance		$18,686.00		$0.00	-$18,686.00		-100.00%
Total		**$1,487,738.00**		**$224,575.00**	**-$1,263,163.00**		-84.90%

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:

Fund	**Revenue(s) (All Sources)**	**Expenditure(s) (All Departments)**
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.

Adopted: June 11, 2013

Attest:_____, Clerk
Nelson County Board of Supervisors

June 6, 2013

To: Board of Supervisors
From: S. Carter
Re: County Administrator's Report (June 11, 2013 Meeting)

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.

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.

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.

C. 2012 Radio Project (Narrow banding): In process.

D. Lovingston 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. Other – BOS Questions, comments, directives.

June 11, 2013

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	**Term Expiring**	**Term & Limit Y/N**	**Incumbent**	**Re-appointment**	**Applicant (Order of Pref.)**
JABA Board of Directors			**Constance Brennan**	**Y - Email**	
Piedmont Workforce Network Board	**6/30/2013**	**3 Years/No limit**	**James S. Turpin**	**Y - Verbal**	
PWN Business Representative					
Jefferson Area Disabilities Services Board	**6/30/2013**	**3 Years/No limit**	**Jason Hatfield**	**TBD**	
NC Library Advisory Committee - South District	**6/30/2013**	**4 Years/No limit**	**Jean B. Holliday**	**TBD**	
NC Social Services Board - North District	**6/30/2013**	**4 Years/ 2 Term Limit**	**Donald Gray (T2)**	**Y-Verbal**	
Region Ten Community Services Board	**6/30/2013**	**3 Years/3 Term Limit**	**Patricia Hughes (T1)**	**Y-Verbal**	
(2) Existing Vacancies:					
Board/Commission	**Terms Expired**	**Term & Limit Y/N**	**Number of Vacancies**		
Keep Nelson Beautiful Council	**12/31/2011**	**2 Years/No Limit**	**4 Vacancies**	**N/A**	**Elwood Waterfield**
			Gail Roussos	**TBD**	
			Roger Nelson	**TBD**	
			Anne Colgate	**TBD**	
JABA Advisory Council	**12/31/2012**	**2 Year/No Limit**	**Mary Lee Embrey**	**N**	**No Applications Received**

From: Heather Foor
To: Candy McGarry
Subject: FW: Nelson County LWIB
Date: Wednesday, May 15, 2013 1:59:54 PM
Attachments: 0594_001.pdf

Candy, We have reached out to Jim Turpin and he is interested in being re-appointed for another 3 year term (July 1, 2013 to June 30, 2016). Can you please add this re-appointment to your next available BOS agenda. Since we have this original nomination form on file, we will just need a copy of your minutes or something from your office that shows when the re-appointment took place. Please let me know if you have any questions. Thanks.
Heather Foor

Heather Foor
Program Manager
Piedmont Workforce Network
2211 Hydraulic Rd., Suite 104
Charlottesville, VA 22901
(434) 979-5610
hfoor@centralvirginia.org

From: Candy McGarry [mailto:CMcGarry@nelsoncounty.org]
Sent: Wednesday, December 15, 2010 12:25 PM
To: Heather Foor
Subject: RE: Nelson County LWIB

Heather, the completed nomination form is attached. Please let me know if I need to do anything else, thanks! Hope you have a wonderful holiday season!

Candy

From: Heather Foor [mailto:heather@tjped.com]
Sent: Wednesday, December 15, 2010 12:05 PM
To: Candy McGarry
Subject: Re: Nelson County LWIB

Thanks. 12/14/2010 to 6/30/2013

From: Candy McGarry <CMcGarry@nelsoncounty.org>
To: Heather Foor
Sent: Wed Dec 15 08:57:19 2010
Subject: Nelson County LWIB

Hey Heather, how are you? The Board approved Mr. Turpin's appointment to the LWIB last night and I will email you the completed nomination form in a few minutes. What should I put in item 24

for term of appointment? It seems like a silly question, but would it be from 12/14/10 to 12/14/13 or from 6/30/10 to 6/30/13 ?

Thanks for your help!

Candy

Candy McGarry
Nelson Co. Admin. Assistant/Deputy Clerk
ph(434) 263-7002
fax (434) 263-7004

VIRGINIA WORKFORCE COUNCIL

workforce development
economic development
lifelong learning
technology

Commonwealth of Virginia
Workforce Investment Act

NOMINATION FORM A
Local Workforce Investment Board

1-Name (*First, MI, Last*): James S. Turpin

2-LWIA #: 6

3-Date: 12/14/10

4-Street Address: 37 Proffit Lane

5-City: Lovingston

6-County: Nelson

7-State Virginia

8-ZIP 22949

9-Home Phone (*include area code*): (434) 964-6124

10-Work Phone (*include area code*): (434) 964-6124

11-FAX

12-E-Mail: turkop@atl.net

13-Nominee Characteristics

Gender: Male ☑ Female ☐

Race:

White	☑	Black	☐
Hispanic	☐	Amer. Indian	☐
Native Alaskan	☐	Asian	☐
Pacific Islander	☐	Other	☐

14-Recommended for (*see section number*)

- **16**-Community-Based Organization (CBO) ☐
- **17**-Private Sector (Business) ☑
- **18**-Education ☐
- **19**-Economic Development ☐
- **20**-Organized Labor ☐
- **21**-One-Stop Partner ☐
- **22**-Other ☐

15-LWIA Name: Piedmont Workforce Network

16-CBO Representative

Title _____ *Organization* _____

17-Private Sector (Business) Representative

Title: General Manager

Business: Democracy Vineyards

Type of Business: Vineyard/Farm Winery

	Yes	No
Minority-Owned Business	☐	☐
Female-Owned Business	☑	☐

Urban ☐ Suburban ☐ Rural ☑

Number of Employees 3

18-Education Representative

Title _____

Institution _____

Local Ed. ☐ Post-Secondary ☐ Voc. Ed. ☐

19-Economic Development Representative

Title _____

20-Organized Labor Representative

Title _____

Affiliation _____

21-One-Stop Partner Representative

Title _____

Partner/Entity _____

23-Nominator

I hereby recommend the above-named person for membership on the Local Workforce Investment Board.

Constance Brennan 12/14/10

Signature *Date*

Constance Brennan, Chair

Printed/Typed Name & Title of Nominator

Nelson County Board of Supervisors

Nominator Organization

(434) 263-4690 (434) 263-7004

Phone *FAX*

cbrennan@nelsoncounty.org

E-Mail

22-Other Representative

Title _____

Agency _____

24-Action by Chief Local Elected Official

Subject to certification required by Section 117 of the Workforce Investment Act of 1998 and Policy 99-2 of the Virginia Workforce Council, the person nominated herein has been duly appointed to the Local Workforce Investment Board by the Chief Elected Officials.

Term of Appointment: From 12/14/10 To 6/30/13

Constance Brennan 12/14/10

Signature of Chief Local Elected Official *Date*

Policy 99-2 rev. January 2008 id VEC

PIEDMONT WORKFORCE NETWORK BOARD

2 members: 1 Business and 1 Government

Government Representative:	Term:
Larry D. Saunders Nelson County Board of Supervisors 1610 Wilson Hill Rd Arrington, VA 22922 larrya5819@aol.com W (434) 263-4201 H (434) 263-4976 Fax: (434) 263-8632	January 1, 2013 – December 31, 2013

Business Representative:	
James S. Turpin Democracy Vineyard 37 Proffit LN Lovingston, VA 22949 H (434) 964-6124 turkop@att.net	December 14, 2010-June 30, 2013 (Unexpired Term beginning 7/1/2010)

Established: by the Workforce Investment Act, December 31, 2000 and Policy 99-2 of the Virginia Employment Commission.

Authority: Code of Virginia, Section 9-329.1(H), P.L. 105-220, Workforce Investment Act, Section 117 20 CFR Parts 661.300 through 661.340; Part 667.200, Federal Register, Volume 64, No. 37/February 25, 1999: U.S. Department of Labor, Planning Guidance and Instructions for Submission of the Strategic Five-Year Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act; Notice. Executive Order Number 10(98), Office of the Governor: The Virginia Strategy: Prosperity Into the New Century

Composition: In accordance with Policy 99-2 of the Virginia Employment Commission and based upon the respective populations of each County and City in Area VI as approved by the Piedmont Workforce Council.

Term of Office: 3 years; No Term Limits July 1 – June 30

Summary of Duties:

The Virginia Workforce Council establishes the vision and goals for the statewide workforce investment system. The Council's vision and goals will be directed towards ensuring that Virginia remains prepared to meet the employment challenges of the twenty-first century. Local boards are a part of a statewide system, and are expected to carry out strategies and policies that build on state investments. The WIBs set policy for the local workforce investment area and are the strategic leaders in addressing workforce development issues in their local areas, including but not limited to the Workforce Investment Act (WIA).

Meetings:
Meetings are held at least quarterly at the Best Western Hotel in Ruckersville, Virginia at 3pm – meeting schedule is posted at http://www.tjped.com/about-the-partnership/pwn/meeting-schedule/ . Members serve on a volunteer basis without pay.

JEFFERSON AREA DISABILITY SERVICES BOARD

2 members, 1 Citizen and 1 Government Representative

Government Representative:

Joe Bolling
Nelson County School Board
P.O. Box 276
Lovingston, VA 22949
(434) 263-7112

Appointed January 2013

Citizen Representative:

Term: July 1st – June 30th

Mr. Jason Hatfield
310 Pine Ridge Rd
Faber, VA 22938
H: (434) 263-5621
Solace20@yahoo.com

July 1, 2010 – June 30, 2013 (T1)

Note: Government Representative serves according to their tenure in office unless replaced by the Board. Citizen Representative Term is 3 years beginning on July 1st.

Summary of Duties: To provide input to State agencies on service needs and priorities of persons with physical and sensory disabilities, to provide information and resource referral to local governments regarding the Americans with Disabilities Act, and to provide such other assistance and advice to local governments as may be requested. Member jurisdictions include Albemarle, Fluvanna, Greene, Louisa and Nelson Counties.

Meetings: Meets at 3pm on the third Monday of alternate months at the Independence Resource Center on Cherry Avenue in Charlottesville. Members serve on a volunteer basis.

NELSON COUNTY LIBRARY ADVISORY COMMITTEE

NAME, ADDRESS & PHONE	TERM :4 Years, July-June
Ellen Bouton – **North District** 9994 Rockfish Valley Highway Afton, VA 22920 (540) 456-6746	July 1, 2010 – June 30, 2014
Jane Strauss- **Central District** 112 River View Lane Faber, VA 22938 (434) 263-8294 msjane@ntelos.net	July 1, 2011 - June 30, 2015
Nancy K. Kritzer- **East District** 5018 Stagebridge Rd. Shipman, VA 22971	October 11, 2010 - June 30, 2014
Jean B. Holliday- **South District** 24 Kingswood Ln Arrington, VA 22922 (434) 263-5266	June 30, 2009 – July 1, 2013
Audrey D. Evans – **West District** 1184 Dickie Rd. Roseland, VA 22967 (434) 277-5814 bossmare@ceva.net	July 1, 2012 - June 30, 2016 (Appointed 2-12-13)

Membership: 5 Members by Election District.

Term(s) of Office: Regular Terms are 4 years July – June, with no term limits. Membership is voluntary.

Summary of Duties: To serve in an advisory capacity to the Jefferson Madison Regional Library Nelson member of the Board, the JMRL Librarian, and the Nelson Librarian.

Meetings: Monthly on the 3rd Monday from 4-6 PM at the Nelson Memorial Library. Members serve on a voluntary basis.

NELSON COUNTY SOCIAL SERVICES BOARD

NAME, ADDRESS & PHONE	TERM (July – June) 4 Years, **2 Term Limit**
Joan Giles – **West District** 719 Cow Hollow Road Roseland, VA 22967 (434) 277-9266 Jgiles1242@gmail.com	July 1, 2010 – June 30, 2014 **(Reg. Term 1)**
Pauline Page – **East District** 134 Miles LN Faber, VA 22938 434-263-8223 nomondays@aol.com	July 1, 2010 – June 30, 2014 **(Reg. Term 1)**
Joe Dan Johnson – **BOS Liaison** 91 Rainbow Drive Arrington, VA 22922 (434) 263-6972 johnjoedan@earthlink.net	January 1, 2011- December 31, 2011
Donald Gray – **North District** 1188 Afton Mtn. Rd. Afton, VA 22920 540-456-6016	July 1, 2009 – June 30, 2013 **(Reg. Term 1)** (Effective October 1, 2009)
Joseph B. Williamson – **South District** 115 Phoenix Rd. Arrington, VA 22922 (434) 263-8874 jwilliamson@nelson.k12.va.us	July 1, 2011 – June 30, 2015 **(Reg. Term 1)**
Clifford Savell – **Central District** 14 Crystal Lane Faber, VA 22938 434-361-0165 funex@falafeldog.com	July 1, 2012 – June 30, 2016 **(Reg. Term 1)**

Authority: Established by the Code of Virginia §63.2-300 et seq.

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. **2 term limit**

Summary of Duties: To provide, either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all child welfare services herein described when such services are not available through other agencies serving residents in the locality such as: Protecting the welfare of all children including handicapped, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation or

delinquency of children; preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving these problems and preventing the break up of the family where preventing the removal of a child is desirable and possible;

NELSON COUNTY SOCIAL SERVICES BOARD

Summary of Duties Cont'd:

Restoring to their families children who have been removed by providing services to the families and children; placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate; and assuring adequate care of children away from their homes in cases where they cannot be returned home or placed for adoption.

The local board is also authorized and, as may be provided by regulations of the Board, shall provide rehabilitation and other services to help individuals attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

Meetings: Regular meetings are held monthly on the third Tuesday of each month at 1:00 PM at the Dept. of Social Services building in Lovingston. Members are compensated $75 per meeting plus mileage paid at the existing State mileage rate.

REGION TEN COMMUNITY SERVICES BOARD

NAME, ADDRESS & PHONE	TERM :3 Years , July-June
Patricia Hughes 23 Camping Ridge Nellysford, VA 22958 (434) 981-5532 Tricia047@gmail.com	July 1, 2010 – June 30, 2013 (Unexp.Term) Appointed 10-11-11
Michael W. Kelley 134 Saddle Ridge Lane Nellysford, VA 22958	July 1, 2012 – June 30, 2015 (T3)

Established by the Code of Virginia §37.2-500 et seq.

Membership: 2 local members, with 9-15 total members as apportioned on the basis of population not less than 1 member per subdivision. Members serve on a voluntary basis. 14 members (4 City appointees, 4 Albemarle County appointees, 1 each from Fluvanna and Greene Counties, 2 each from Louisa and Nelson Counties)

Term: 3 years with a 3 consecutive term limit.

Summary of Duties: To Act as a direct agent of the Region Ten member localities in the establishment and operation of community mental health, mental retardation, and substance abuse programs as provided for in the Code of Virginia §37.2-500 et seq. as amended. Reviews and evaluates public mental health, mental retardation and substance abuse services and facilities available to serve the community and such private services and facilities as receive funds through the Board. Submits governing bodies of regions the programs of community mental health, mental retardation and substance abuse services and facilities. Within amounts appropriated, executes programs and services and enters into contracts for rendition of services and facilities. Makes rules and regulations concerning rendition or operation of services and facilities under its directions or supervision.

Meetings: Second Monday of every month. **Place:** Region Ten, 502 Old Lynchburg Road Charlottesville VA.

Contact**:** Region Ten Community Services Board at 434-972-1800

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

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, Randy Hamilton, 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.

Adopted: _____, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

Secondary System
Nelson County
Construction Program
Estimated Allocations

Fund	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	Total
CTB Formula - Unpaved State	$0	$0	$0	$0	$0	$0	$0
Formula Secondary State	$0	$0	$0	$115,108	$142,053	$170,358	$427,519
Secondary Unpaved Roads	$0	$0	$0	$108,489	$133,885	$160,562	$402,936
TeleFee	$44,250	$46,166	$46,166	$46,166	$46,166	$46,166	$275,080
Residue Parcel	$0	$0	$0	$0	$0	$0	$0
Total	$44,250	$46,166	$46,166	$269,763	$322,104	$377,086	$1,105,535

Board Approval Date:

Director of Program Management Date

County Administrator Date

DRAFT

District: Lynchburg

County: Nelson County

Board Approval Date: 2014-15 through 2018-19

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date		Traffic Count Scope of Work FHWA # Comments
0006	RIVER ROAD	*PE*	$250,000	580
73096	0006062282	*RW*	$50,000	Safety
WORK/TASK ORDER	RTE 6 - INSTALL SIGNS/FLASHING LIGHTS AT RTE 634	*CN*	$100,000	13021
STP		*Total*	**$400,000**	REGULAR CONSTRUCTION
Minimum Plan	0.152 MILE SOUTH OF RTE 634			
0001.01	0.226 MILE NORTH OF RTE 634	6/11/2013		
	0.4			
0006	ROCKFISH VALLEY HIGHWAY	*PE*	$200,000	7200
-13725	0006062762	*RW*	$300,000	Safety
RAAP CONTRACT	RTE 6/151 - CONSTRUCT LEFT TURN LANE AT RTE 638	*CN*	$1,000,000	13021
		Total	**$1,500,000**	REGULAR CONSTRUCTION
Minimum Plan	0.200 MILE SOUTH OF RTE 638			
0001.02	0.200 MILE NORTH OF RTE 638			
	0.4			
0151	ROCKFISH VALLEY HIGHWAY	*PE*	$300,000	7200
-13726	0151062763	*RW*	$300,000	Safety
RAAP CONTRACT	RTE 6/151 - CONSTRUCT LEFT TURN LANE AT RTE 635	*CN*	$900,000	13021
		Total	**$1,500,000**	REGULAR CONSTRUCTION
Minimum Plan	0.200 MILE SOUTH OF RTE 635 WEST			
0001.03	0.200 MILE NORTH OF RTE 635 WEST			
	0.4			
0681	PIGEON HILL ROAD	*PE*	$16,918	110
73122	0681062P01	*RW*	$200	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 681 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE)	*CN*	$187,880	16005
		Total	**$204,998**	UNPAVED CONSTRUCTION CONSTRUCTION COMPLETE
S	0.100 MILE NORTH OF RTE 366			
NO PLAN,SECONDARY	RTE 769	6/4/2012		
0002.01	0.5			
0641	EADES LANE	*PE*	$6,780	60
73119	0641062P01	*RW*	$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 641 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE)	*CN*	$67,006	16005
		Total	**$73,786**	UNPAVED CONSTRUCTION CONSTRUCTION COMPLETE
S	0.200 MILE EAST OF RTE 29			
NO PLAN,SECONDARY	0.440 MILE EAST OF RTE 29	6/4/2012		
0002.02	0.2			
0726	DONAHUE LANE	*PE*	$12,295	80
73121	0726062P01	*RW*	$0	Resurfacing
STATE FORCES/HIRED EQUIPMENT	RTE 726 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE)	*CN*	$145,557	16005
		Total	**$157,852**	UNPAVED CONSTRUCTION CONSTRUCTION COMPLETE
S	RTE 151			
NO PLAN,SECONDARY	DEAD END	7/23/2012		
0002.03	0.6			

DRAFT

District: Lynchburg
County: Nelson County
Board Approval Date: 2014-15 through 2018-19

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost Ad Date	Traffic Count Scope of Work FHWA # Comments
0662 73115 STATE FORCES/HIRED EQUIPMENT S NO PLAN,SECONDARY 0002.04	S POWELLS ISLAND 0662062P01 RTE 662 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE) RTE 739 0.640 MILE NORTH OF ROUTE 739 0.6	*PE* $15,000 *RW* $0 *CN* $175,597 *Total* **$190,597** 6/15/2013	60 Resurfacing 16005 UNPAVED CONSTRUCTION
4005 100010 S 0006.01	1204005 COUNTYWIDE ENGINEERING & SURVEY VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	*PE* $0 *RW* $0 *CN* $0 *Total* **$0**	0 Preliminary Engineering 16015 MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK
4008 100319 S 0006.02	1204008 COUNTYWIDE RIGHT OF WAY ENGR. VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	*PE* $0 *RW* $0 *CN* $0 *Total* **$0**	0 Right of Way 16016 USE WHEN IMPRACTICAL TO OPEN A PROJECT: ATTORNEY FEES AND ACQUISITION COST
4007 99836 S 0006.03	1204007 COUNTYWIDE TRAFFIC SERVICES VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	*PE* $0 *RW* $0 *CN* $0 *Total* **$0**	0 Safety 16021 TRAFFIC SERVICES INCLUDE SECONDARY SPEED ZONES, SPEED STUDIES, OTHER NEW SECONDARY SIGNS
4003 99998 S 0006.04	1204003 COUNTYWIDE RURAL ADDITIONS VARIOUS LOCATIONS IN COUNTY VARIOUS LOCATIONS IN COUNTY	*PE* $0 *RW* $0 *CN* $0 *Total* **$0**	0 Reconstruction w/o Added Capacity 16004 RURAL ADDITIONS - SECTION 33.1-72.1. ROLLOVER OF FUNDS CAN BE FOR FIVE YEARS

DRAFT

PUBLIC HEARING NOTICE
NELSON COUNTY BOARD OF SUPERVISORS
SECONDARY SIX-YEAR R0AD PLAN
AND CONSTRUCTION PRIORITY LIST
FOR NELSON COUNTY

The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board Room of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia at 7:00 pm on Tuesday, June 11, 2013. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2014 through 2019 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2014. Copies of the proposed Plan and Budget may be reviewed at the Nelson County Administrator's Office located at 84 Courthouse Square, Lovingston, VA 22949.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP) and are programmed based on Commonwealth Transportation Board (CTB) priorities. Only Telefee Funds are available for distribution and there are no Unpaved Road Funds.

Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at (434) 947-2167 or the Nelson County Administrator's Office at (434) 263-7000.

By Authority of the Nelson County Board of Supervisors

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§ 33.1-23.1. Allocation of funds among highway systems.

A. The Commonwealth Transportation Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the interstate system of highways, the primary system of state highways, the secondary system of state highways and for city and town street maintenance payments made pursuant to § 33.1-41.1 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.1-23.5:1.

B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection A, the Commonwealth Transportation Board shall allocate an amount determined by the Board, not to exceed $500 million in any given year, as follows: 25 percent to bridge reconstruction and rehabilitation; 25 percent to advancing high priority projects statewide; 25 percent to reconstructing deteriorated interstate and primary system pavements determined to have a Combined Condition Index of less than 60; 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); five percent to paving unpaved roads carrying more than 200 vehicles per day; and five percent to smart roadway technology, provided that, at the discretion of the Commonwealth Transportation Board, such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations and provided that such allocations shall cease beginning July 1, 2020. After such allocations are made, the Board may allocate each year up to 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that, in the Board's determination, will result in mitigation of highway congestion. After the foregoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the interstate system, among the several highway systems for construction first pursuant to §§ 33.1-23.1:1 and 33.1-23.1:2 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the primary system of state highways, including the arterial network, and in addition, an amount shall be allocated to the primary system as interstate matching funds as provided in subsection B of § 33.1-23.2.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to urban highways for state aid pursuant to § 33.1-44.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the secondary system of state highways.

C. In addition, the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

D. Notwithstanding the foregoing provisions of this section, the General Assembly may, through the general appropriations act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

E. As used in this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department of Transportation as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion,

increase safety, create jobs, or increase economic development.

"Smart roadway technology" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

(1977, c. 578; 1979, c. 84; 1985, c. 42; 1986, c. 572; 2006, c. 937; 2007, c. 305; 2012, cc. 729, 733.)

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§ 33.1-23.1:1. Unpaved secondary road fund created; allocations.

A. Before funds are allocated for distribution for highway construction pursuant to § 33.1-23.1 B 1, B 2, and B 3, a fund shall be established for the paving of nonsurface treated secondary roads which carry fifty vehicles or more per day. Such fund shall contain 5.67 percent of the total funds available for highway construction under § 33.1-23.1 B 1, B 2, and B 3.

B. Such funds shall be distributed to counties in the secondary system based on the ratio of nonsurface treated roads in each county carrying fifty vehicles or more per day to the total number of such nonsurface treated roads in the Commonwealth.

C. The governing body of any county may have funds allocated to the county under this section added to the county's secondary system construction funds allocated pursuant to § 33.1-23.4. For each $250,000 or portion thereof added to secondary construction funds under this provision, the amount of the county's nonsurface treated roads used to distribute funds under this section in subsequent years shall be reduced by one mile or proportional part of one mile.

(1979, c. 84; 1985, c. 42.)

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§ 33.1-23.4. Allocation of construction funds within secondary system.

A. Such funds as are allocated to the secondary system of state highways pursuant to subdivision B 3 of § 33.1-23.1 shall be apportioned among the several counties in the secondary system by the Commonwealth Transportation Board so that each such county shall be allocated a share of such funds equal to the proportion that such county bears to the Commonwealth as a whole in terms of area and population with population being weighted 80 percent, and area being weighted 20 percent. For the purpose of this section, "area" means the total land area of a county reduced by the area of any military reservations and state or national parks or forests within its boundaries and such other similar areas and facilities of five square miles in area or more, as may be determined by the Commonwealth Transportation Board.

For the purposes of this section, the term "population" shall mean either population according to the latest United States census or the latest population estimate of the Center for Public Service of the University of Virginia, whichever is more recent.

If so requested in a resolution adopted by the local governing body, funds allocated to any county under this section may be used to support primary highway system construction projects within the county.

Before allocating funds under the foregoing provisions of this section, the Board may provide for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from accidents, severe weather conditions, acts of God or vandalism.

B. Notwithstanding other provisions of this section, not more than one-third of the annual secondary system highway funds apportioned to a county under this section may be used to reimburse the county for (i) debt service for bonds or (ii) eligible project costs incurred on approved projects included in the county's Secondary Six-Year Plan and the county's capital improvement program. Such funds may also be used by the county for debt service for bonds issued for, or eligible project costs incurred or to be incurred on, approved projects included, at the time such bonds are issued or such costs are incurred or are to be incurred, in the Six-Year Improvement Program of the Commonwealth Transportation Board and the county's capital improvement program. Any such funds so apportioned to and received by such county, or any portion thereof, may be deposited in a special fund that shall be established separate and apart from any other funds, general or special.

When a county presents a resolution requesting that a portion of its annual secondary construction allocation be set aside for reimbursement for, or payment of, debt service under this section for a specific eligible project, the Commonwealth Transportation Board shall, subject to appropriation and allocation, set aside no more than one-third of the anticipated annual allocation of secondary system construction funding to the county for such purpose, provided such funds have not been previously committed for projects contained in the county's Secondary Six-Year Plan.

The setting aside and use of funds under this section for reimbursement for, or payment of, debt service shall be subject to such terms and conditions as may be prescribed by the Commissioner of Highways.

The provisions of this section shall not constitute a debt or obligation of the Commonwealth Transportation Board or the Commonwealth of Virginia.

C. In counties having elected to manage the construction program for the secondary system of state highways within the county, in accordance with § 33.1-84.1, payment of funds from the allocation of secondary construction funds for the county may be made in equal amounts, one in each quarter of the fiscal year, and shall be reduced by the amount of federal-aid construction funds credited to each county, which will be reimbursed as qualifying expenditures occur and by the amount of funds forecast by the Department of Transportation and by the Department of Rail and Public Transportation to be expended for any construction project or projects or county-wide activities on behalf of the county or other financial obligations. Those counties that decide to take over the responsibility for the secondary construction program shall notify the Commonwealth Transportation Board by July 1 for

implementation the following year. Implementation shall take place as specified in the agreement referenced in § 33.1-84.1.

D. The chief administrative officer of counties receiving funds under subsection C of this section shall make annual reports of expenditures to the Department of Transportation in such form as the Commonwealth Transportation Board shall prescribe, accounting for all construction expenditures made from quarterly payments. Such reports shall be included in the scope of the annual audit of each county conducted by independent certified public accountants.

(1977, c. 578; 1978, c. 145; 1985, c. 42; 2003, c. 887; 2004, c. 791; 2007, c. 153.)

DEPARTMENT OF
PLANNING & ZONING

PLANNING COMMISSION
BOARD OF ZONING APPEALS

To: Chairman and Members, Nelson County Board of Supervisors

From: Tim Padalino | Director | Department of Planning & Zoning

Date: June 7, 2013

Subject: Staff Report for Special Use Permit Application #2013-002 (NCCDF)

Introduction

The Department of Planning & Zoning received a Special Use Permit (SUP) application on April 19, 2013 from Nelson County Community Development Foundation (NCCDF). This SUP application seeks approval for the construction of two multifamily housing units on 11.7 acres of property, to be owned and maintained by NCCDF. This application has been submitted pursuant to Article 4, Section 1-26a of the Nelson County Zoning Ordinance.

Property Information

The subject property is located in the Shipman area on Tax Map Parcel #68-A-57 (Figure 1). The entrance to the property is on the west side of Oak Ridge Road, approximately ¼ of a mile south of Route 56 (James River Road). The property is accessed and served by Buena Vista Drive (private) (Figure 5). This 11.7-acre property is currently zoned Agricultural (A-1), with some portions of the property zoned Residential (R-1) (Figure 2). The subject property is owned by the applicant (NCCDF). Please see the attached Project Narrative and 2006 Memorandum of Understanding between NCCDF and Nelson County, which details the property's recent history and future intent.

A duplex currently exists on this property (Figure 6), representing Phase 1 of a multi-phased housing development concept that NCCDF established several years ago (Figure 3). NCCDF initially intended to build three additional duplexes on this property. However, such a plan would not be compliant with the Zoning Ordinance density requirements. Specifically, duplexes require 4 acres per duplex, and this property cannot accommodate three additional duplexes (which would require a total of 12 additional acres).

As such, the applicant changed the development concept to become 2 multifamily units (which have 3 dwelling units each, for a total of 6 dwelling units). This approach would maximize the total number of dwelling units on the property. This approach, shown in the Minor Site Plan (Figure 4), is relatively attractive because the density requirements are more favorable for multifamily units (or "triplexes") than for duplexes (per Section 4-10 of the Zoning Ordinance).

To be more clear, the density requirements specified in Section 4-10 ("Multifamily dwellings") allows for a total of 6 multifamily dwelling units on just 5 acres of land (if constructed as two multifamily structures or "triplexes"). In contrast, if the applicant desires to build 3 duplexes to

achieve the same total of 6 dwelling units, that would require 12 acres of land using the density requirements specified in Section 4-2-1a and utilizing the Ordinance definitions of "dwelling unit" and "dwelling, two-family detached."

Notes from Site Plan Review Committee meeting

The Site Plan Review Committee convened on May 8th to discuss the SUP application.

Representing VDOT, Mr. Jeff Kessler requested that the Site Plan be revised to show the new, fully-constructed, approved entrance (as opposed to simply showing the "existing gravel entrance").

Mr. David Thompson, Nelson County Building Official, was not present at the meeting but provided written comments. He provided a summary list of functional agency approvals that would be required as part of the permitting process. These include an approved Erosion and Sediment Control Plan, as well as a VSMP Stormwater Permit (from DCR).

Mrs. Alyson Sappington, Thomas Jefferson Soil & Water Conservation District (TJSWCD), was also not present but provided me with comments on May 6th. She noted that, "the determination for both E&SC & VSMP land disturbance would be cumulative square footage inclusive of Phase I." This means that the total area of disturbance, as calculated for this Minor Site Plan, must also calculate the area of disturbance that occurred for the Phase I duplex development (built in 2012). She also indicated that, "[Mr.] Jim Taggart (project engineer) can contact me directly to discuss the Erosion and Sediment Control Plan for the Shipman Apartments project."

Per Mrs. Sappington's comments, the following thresholds apply regarding the total cumulative area of disturbance for all phases: 10,000 SF (or more) of site disturbance would automatically enact the requirement for an Erosion & Sediment Control Plan; and 1 acre (or more) of site disturbance would automatically establish the requirement for a "VSMP" stormwater permit (as a function of the new state-mandated Virginia Stormwater Management Program).

Regarding power supply utility easements, the applicant indicated that NCCDF is working with Mr. Adam Ayers of AEP to serve the proposed multifamily units. There is an existing pole-mounted transformer close to the location of "Prop. Triplex No. 2-1" which will be used for extending the necessary power lines (and associated utility easements) to the proposed triplexes.

Staff Recommendation & Planning Commission Review and Public Hearing

As the designated housing authority for Nelson County, NCCDF has submitted an acceptable application (and accompanying Minor Site Plan) for a project that would benefit Nelson County through the development of affordable rental housing units. The applicant's proposed use is consistent with several goals and objectives identified in the Comprehensive Plan. With those factors in mind, County staff recommended that this application receive recommendation for approval by the Planning Commission. The Planning Commission voted unanimously at the May 22nd public hearing to recommend approval of this application by the Board of Supervisors.

The County has fulfilled the requirements to publicly advertise this process and to notify the adjacent landowners. Please contact me with any questions or comments regarding this Special Use Permit #2013-002 application. Thank you.

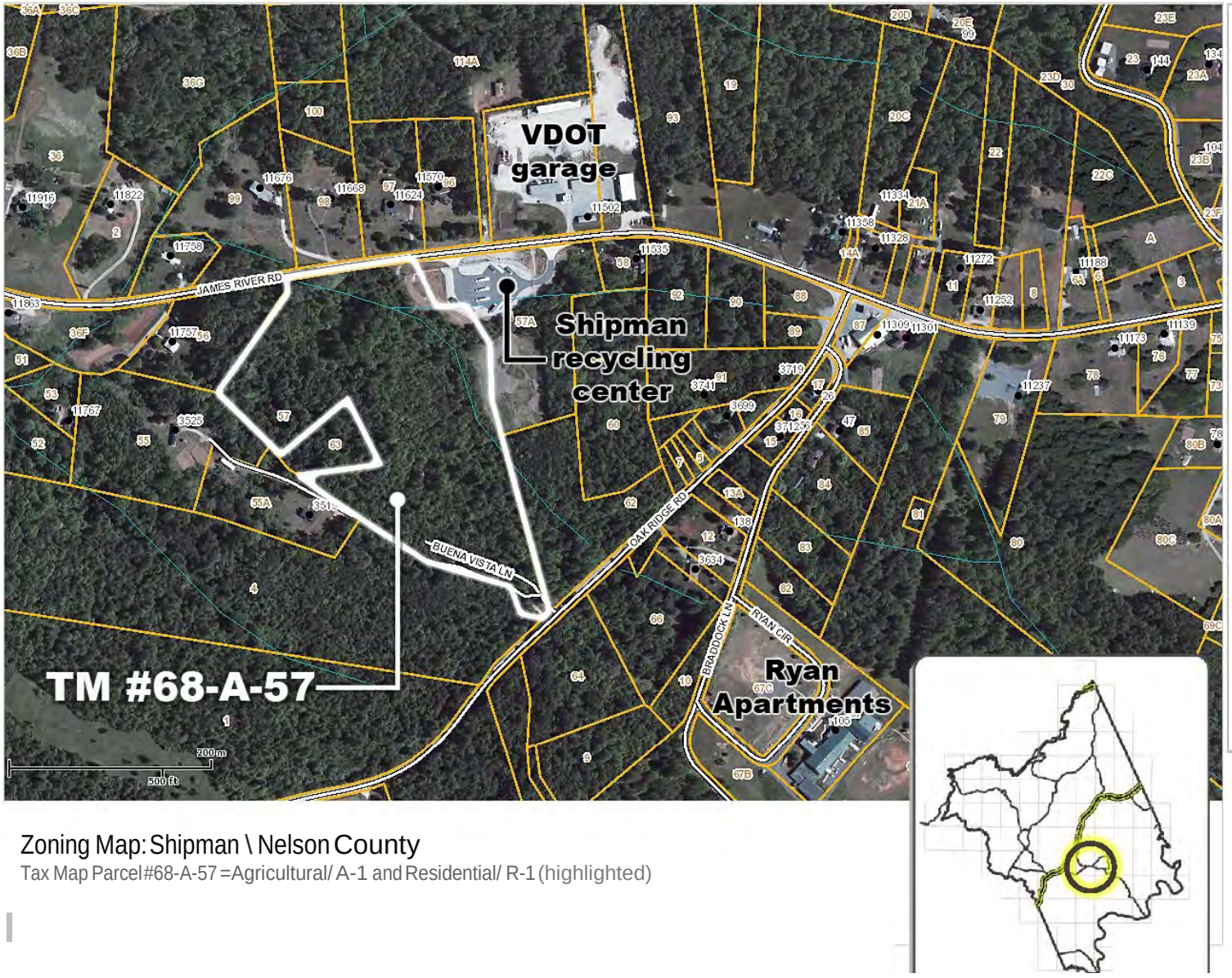
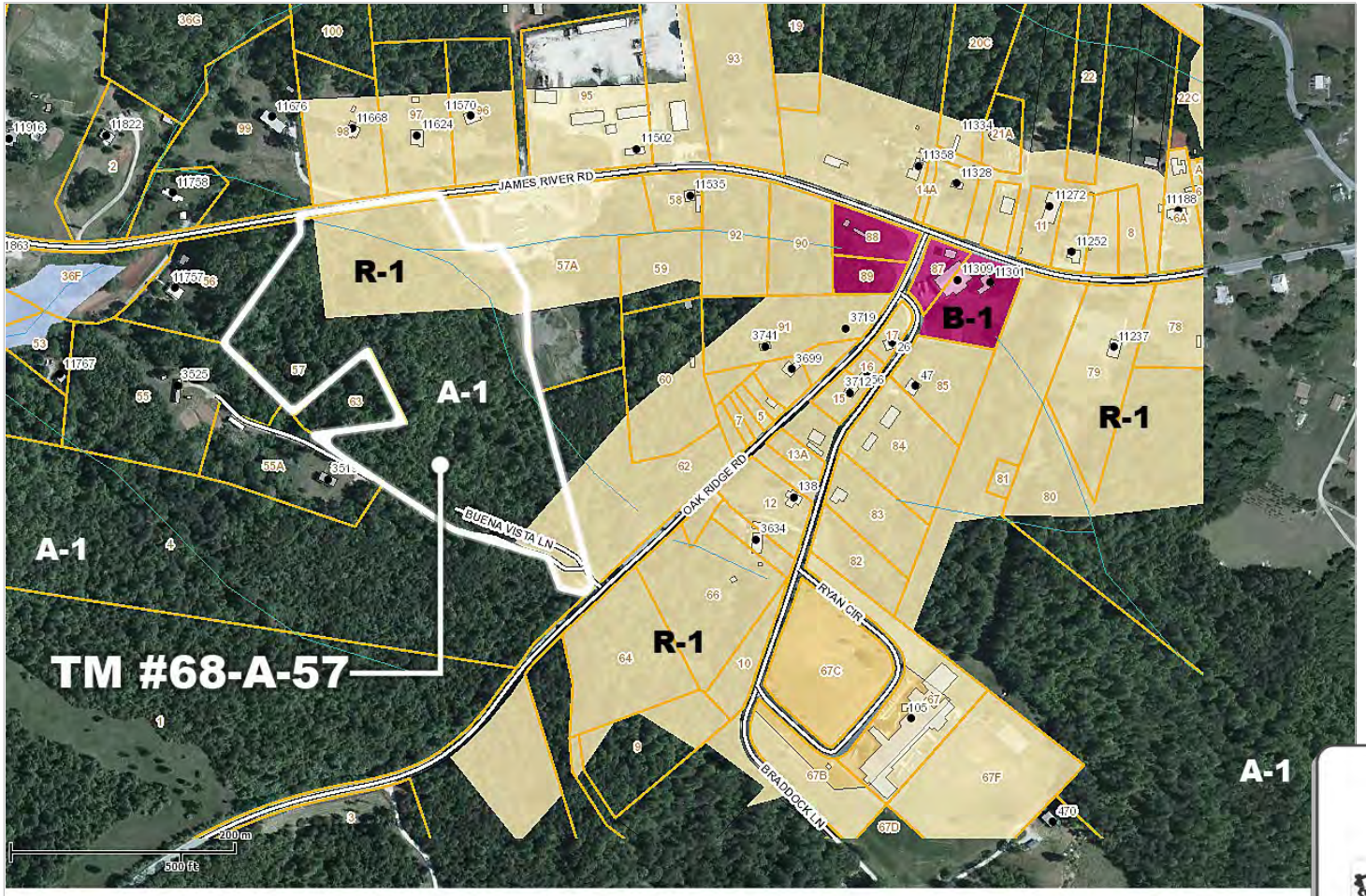


Figure 1. This aerial image of tax map parcel #68-A-57 (highlighted) shows the subject property in relationship to the village of Shipman.

The inset vicinity map identifies the approximate location of the property relative to the rest of Nelson County.

Zoning Map: Shipman \ Nelson County

Tax Map Parcel #68-A-57 = Agricultural/ A-1 and Residential/ R-1 (highlighted)



Zoning Map: Shipman \ Nelson County

Tax Map Parcel #68-A-57 = Agricultural / A-1 and Residential / R-1 (highlighted)

A-1 = Agricultural District
R-1 = Residential District

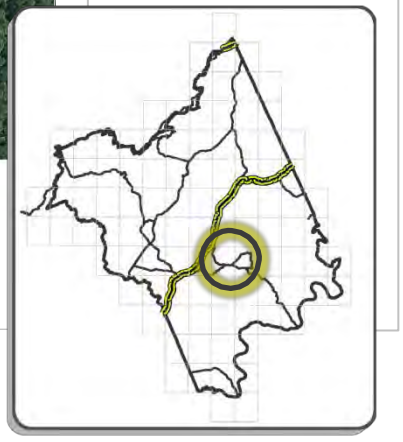


Figure 2. This depiction of the Nelson County Zoning Map (#68) shows Shipman's land use patterns, with the R-1 district located along Routes 56 and 650, and with the B-1 district located around the intersection of those two roads (on the south side of Route 56 only). The subject property itself is mostly zoned A-1, with portions of the property zoned R-1 near James River Road and Oak Ridge Road.

Figure 3·Previous concept sketch for NCCDF "Shipman Apartments Project."

Figure 4· Minor Site Plan for SUP #2013-002, showing R-1 zoning in yellow.

Figure 5. Subject property's existing low-volume commercial entrance onto Route 650 / Oak Ridge Road (looking northeast towards Route 56 / James River Road).

Figure 6. Existing NCCDF-owned duplex, with Buena Vista Drive (private) continuing to the left towards the site of proposed Phase 2 and Phase 3 multifamily dwellings.

IJ ORIGINAL

Special Use Permit No. 2013-002

TO THE ZONING ADMINISTRATOR:

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

O Rezoning from to _____
Fd" Special Use Permit
O Site Plan- Preliminary (Optional)
O Site Plan- Final
O Amend text of Zoning Ordinance

O Subdivision – Regular Preliminary
O Subdivision- Regular Final
O Site Plan - Minor
O Site Plan - Major
O Other- _____

Pursuant to Article _4_____, Section _____4-10_____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____,Subsection _____of the Nelson County Subdivision Ordinance.

Reason(s) for request: Construction of Multifamily Housing Units (2) on 11.7 acres of property zoned A-1. to be owned and maintained by Nelson County Community Development Foundation.

2. Applicant(s) and Property Owner(s): (Please print names of applicants and property owners and indicate applicable title. If applicant is not the property owner, show relationship, i.e. lessee, contract purchaser, etc.)

lB"'Applicant l:91>roperty Owner Name: Nelson County Community Development Foundation
Address: P.O. Box 57, Lovingston ,VA 22949-0057
Tel. No.: 263-8074 Cell No. _____ E-mail addr. gknccdf@aol.com
Relationship (if applicable): _____

3. Location and Characteristics of Property:
   a. Address of property including specific location, route numbers, street names, direction (NSEW), Magisterial District, etc.: Buena Vista Drive, off SR 650, Oak Ridge Road mile West of the intersection with SR 56 East. Current unit is 46 and 52 Buena Vista Drive, Shipman, VA 22971.
   Official tax map number:.....:T M 6=8.....:-A ---"5:.....:7 _____
   b. Acreage of property1.17:... _____
   c. Present use: Duplex Rental Unit owned and maintained by NCCDF
   d. Present zoning classification: A- _____
   e. Zoning classification of surrounding properties:...:A:.-:1.;R -1:..... _____

4. Names of Adjacent Property Owners:...:S:...:e.:.e.=a:..;tt::a:..=c h.:.ed————————————————————

5. **Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: _____

Signature: _____

Signature: _____

Signature: _____

6. **Additional information:** _____

_____

_____

_____

_____

_____

7. **Please note:** In the event of cancellation or postponement **at your request** after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement. The fee will be based on the actual cost of the ad, and will not apply in cases of Planning Commission or Board of Supervisor deferments.

**************TO BE COMPLETED BY PLANNING & ZONING OFFICE*****************

Completed application and fee($!I/S.00) received on 0ft1LL Jq,, 613

Hearing Notice published on _____

Planning Commission action: Dat;:}iHearing: _____

Recommendation: _____

_____

Board of Supervisor action: Date of Hearing: _____ Date of Decision: _____

Action: _____

_____

NELSON COUNTY
COMMUNITY DEVELOPMENT FOUNDATION
POST OFFICE BOX 57
LOVINGSTON, VA 22949
(434) 263-8074

SHIPMAN APARTMENTS- SPECIAL USE REQEST
PROJECT NARRATIVE:

In 2006, the County of Nelson and Nelson County Community Development Foundation partnered to purchase 16.7 acres adjacent toRt. 56, James River Road, in Shipman, across the road from the VDOT maintenance facility. The county was looking for appropriate areas to develop a solid waste collection and recycling facility to serve the southern end of the county. Because the county only needed five acres to develop its facility, NCCDF was approached about the possibility of partnering with the county to purchase the property, with the additional 11.7 acres to be developed by NCCDF as affordable housing for low and moderate income families in Nelson County.

Nelson County and NCCDF signed a Memorandum of Understanding in 2006 outlining this partnership, which included a pledge by the County and NCCDF to cooperatively seek funding for the housing development. (Copy of MOU attached) The county applied for and received a $3,000 Planning Grant for NCCDF from the Department of Housing and Community Development to do market studies and preliminary engineering.

The project initially envisioned a shared entrance to the property off Rt. 56, and a connection to the county water system, which would have allowed for a larger project with R-2 zoning. The economic collapse in 2007 – 2008 forced a rethinking of the project scope based on available financing and grant sources. It was also determined that a shared entrance off Rt. 56 was unfeasible because of cost and topography issues.

NCCDF then redesigned the project, and created a new entrance to the property off Rt. 650, Oak Ridge Road, with a paved commercial entrance to VDOT standards and a new private driveway (Nelson County contributed $5,000 towards the cost of paving the commercial entrance due to the MOU agreement to assist NCCDF in the development of an entrance to its property). The development model now includes: Phase 1 - a two-family dwelling (two bedrooms each) constructed by right in 2011 and currently leased to disabled LMI tenants, Phase 2 - a proposed multifamily unit containing three rental units (two bedrooms each) to be constructed in 2013, and Phase 3 - a proposed multifamily unit containing three rental units (two bedrooms each) for future construction. Each of the units is served by permitted private wells and septic systems designed by an AOSE.

NCCDF is requesting a Special Use Permit to Construct Multifamily Housing in an A-1 zone, under Article 4, Section 4-10, of the Nelson County Zoning Ordinance. There is sufficient acreage to meet the density requirements, AOSE - identified drainfields for all the units, sufficient water for private wells, and a VDOT entrance designed to meet the traffic created by the proposed units. Environmental reviews with no findings have been completed on the entire property.

Units in the development are all handicapped-accessible, featuring entrance ramps, wide interior doors, accessible cabinetry and bathrooms. Units are framed with 2 x 6 walls with cellulose insulation, haveR-56 insulation in the attic spaces and feature conditioned crawlspaces, all designed to keep the units affordable by lowering utility costs.

In its project development, NCCDF disturbs only as much land as is necessary to locate house sites, driveways and septic fields, leaving as much natural vegetation as possible for screening. Additional landscaping and plantings will be done around the units. NCCDF will maintain the grounds, driveways and units as owner and manager, and the property will not be subdivided.

MEMORANDUM OF UNDERSTANDING

Whereas, the County of Nelson (the County) and the Nelson County Community Development Foundation (NCCDF), propose to **jointly purchase** the property recorded as Instrument #030000612 and #040003881 of the Circuit Court Clerk's Office ofNelson County, totaling 16.7 acres, being located on the south side of State Route 56 East in Shipman, VA, and

Whereas, the County ofNelson agrees to purchase five acres, more or less, of the above-described property, for the price of$50,000.00, or a 29.412 percent interest, and

Whereas, NCCDF agrees to purchase 11.7 acres, more or less, of the above-described property, for the price of$120,000, or a 70.588 percent interest, and

Whereas, the County of Nelson plans to construct a fenced and staffed solid waste collection facility to serve county residents, and

Whereas, NCCDF plans to construct affordable rental housing to serve Low-Moderate Income residents ofNelson County,

Now therefore, the County ofNelson and NCCDF agree to purchase the above-described property with the following stipulations:

- the County shall work with the surveyor and civil engineer to determine the most appropriate location, comprising five acres, more or less, immediately adjacent to State Route 56, James River Road, in Shipman, VA, for the solid waste collection facility. Said design shall include a commercial entrance or entrances to VDOT standards and approval, the location of which, after consultation, shall be mutually-approved by both purchasers. The portion of the County's five acres not developed as the solid waste collection facility shall be maintained by the County as a natural buffer that shall reasonably conceal the facility from the adjoining property being purchased by NCCDF. All costs related to the work described above shall be the responsibility of the County of Nelson.
- Upon determination of the location of the solid waste facility and the boundaries of the County's five acres, more or less, a Deed of Partition shall be executed between the County and NCCDF and recorded with the Circuit Court Clerk's Office ofNelson County, based on the agreements above. Legal costs shall be borne by the County and NCCDF on a pro-rated basis.
- All costs associated with the development of the 11.7 acres purchased by NCCDF shall be the responsibility ofNCCDF.
- The County and NCCDF agree to work together to pursue planning grants and other grant funding, including possible CDBG funding, to realize their mutual and separate development goals for this property.

Witness the following signatures and seals:

L – t£:L,

County ofNelson

Date: 28 SEPTEMBER, 2006

Nelson County Community Development Foundation

Date: 9/28/2006

NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
PROPOSED AMENDMENT TO APPENDIX A OF THE CODE OF NELSON COUNTY, VIRGINIA -ZONING CHAPTER 20, COMMUNICATION TOWERS, TO INCLUDE SECTION 20-18 CLASS IV PERSONAL WIRELESS SERVICES

Pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors will hold a public hearing on June 11, 2013 at 7:00 p.m., or as soon as possible thereafter, in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Appendix A - Zoning Ordinance, Chapter 20, Communication Towers, to add Section 20-18, Class IV, Personal Wireless Services including the establishment of the following sections: Definitions, Design Standards, Application and Approval Procedures, Fee Schedule for Certain Class IV Facilities, Compliance, and appeal procedures to follow in the event of an application denial.

The full text of the proposed Ordinance is available for public inspection in the office of the County Administrator, 84 Courthouse Square, Lovingston VA 22949, at the Office of Planning and Zoning, 80 Front Street, Lovingston VA 22949, or on the County's website at http://www.nelsoncounty-va.gov.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS

ORDINANCE O2013-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT TO THE CODE OF NELSON COUNTY, VIRGINIA
APPENDIX A-ZONING CHAPTER 20, COMMUNICATION TOWERS,
TO INCLUDE SECTION 20-18 CLASS IV PERSONAL WIRELESS SERVICES

BE IT HEREBY ORDAINED, that Pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors does hereby amend the Code of Nelson County, Virginia, Appendix A – Zoning, Chapter 20, Communication Towers as follows:

20-18-1 Definitions.

Antenna array: An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

Class IV Personal Wireless Service Facility ("Class IV Facility "): A personal wireless service facility that:

(i) is located within an existing structure but which may include a self-contained ground equipment shelter not exceeding one hundred fifty (150) square feet that is not within the building, or, a whip antenna that satisfies the requirements of Section 20-18-2; or

(ii) consists of one or more antennas, other than a microwave dish, attached to an existing structure and are flush mounted to the structure, together with associated personal wireless service equipment; or

(iii) consists of a single attachment pole attached to an existing structure the total height of which, together with a grounding rod, shall not exceed twenty (20) feet above the top of the structure. An attachment pole may be guyed to increase its stability; or

(iv) is located within or camouflaged by an addition to an existing structure determined by the Planning and Zoning Director to be in character with the structure and the surrounding district; or

(v) is a co-location that does not result in a substantial increase in the size of an existing Communication Tower; or

(vi) is the replacement of equipment that does not result in a substantial increase in the size of an existing Communication Tower; or

(vii) is the replacement of a wooden monopole with a metal monopole that does not exceed a maximum base diameter of thirty (30) inches and a maximum diameter at the top of eighteen (18) inches; or

(viii) is the placement of a freestanding monopole forty (40) feet or less in height.

Alternate Proposed Definition:

(viii) is the placement of a freestanding monopole forty (40) feet or less in height in the following districts: Conservation C-1, Agricultural A-1, Service Enterprise SE-1, Business B-1, Business B-2, Limited Industrial M-1, and Industrial M-2.

Existing structure: For the purposes of this subsection 20-18, a lawfully constructed or established structure, but excluding (i) existing Communication Towers approved under this ordinance or by special use permit before the effective date of this subsection and (ii) flagpoles.

Personal wireless services: Commercial mobile services, unlicensed wireless services, common wireless exchange access services, and for the purposes of this chapter, unlicensed wireless broadband internet access.

Substantial increase in the size of an existing Communication Tower:

(i) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(ii) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(iii) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(iv) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Unlicensed Wireless Service: The offering of telecommunication services using duly authorized devices which do not require individual licenses from the Federal Communications Commission, but does not mean the provision of direct-to-home satellite services. This service is sometimes referred to "License-Exempt". Users of the license-exempt bands do not have exclusive use of the spectrum and are subject to interference.

20-18-2 Design Standards.

1.*General Design.* The Class N Facility shall be designed, installed, and maintained as follows: (i) guy wires shall not be permitted except with attachment poles; (ii) outdoor lighting for the Facility shall be permitted only during maintenance periods; (iii) any equipment cabinet not located within the existing structure shall be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation approved by the Planning and Zoning Director; (iv) in connection with an existing structure or monopole, a grounding rod, whose height shall not exceed two feet and whose width shall not exceed one inch in diameter at the base and tapering to a point, may be installed at the top of the structure and (v) a whip antenna less than six (6) inches in diameter may exceed the height of the existing structure or monopole.

2. *Antennas and associated equipment, existing structure exterior.* Equipment shall be attached to the exterior of an existing structure only as follows: (i) the total number of arrays of antennas attached to the existing structure shall not exceed three (3), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches; (ii) no antenna shall project from the structure beyond the minimum required by the mounting equipment, and in no case shall any point on the face of an antenna project more than twelve (12) inches from the existing structure; and (iii) each antenna and associated equipment shall be a color that matches the existing structure. For purposes of this section, all types of antennas and dishes regardless of their use shall be counted toward the limit of three arrays. These standards shall not apply to antennas and associated equipment that are located entirely within an existing structure.

3. *Antennas and associated equipment, attachment pole.* An attachment pole (i) shall not exceed three inches in diameter; (ii) shall be grayish-brown in color unless a different color is either approved or required by the Planning and Zoning Director; (iii) the antennas, supporting brackets, and all other equipment attached to the attachment pole shall be a color that closely matches that of the attachment pole; and (iv) the total number of antennas shall not exceed three (3), and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches.

4. *Ground equipment shelter, fencing.* Any equipment cabinet not located within an existing building shall be fenced only with the approval of the agent upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife and (ii) would not be detrimental to the character of the area.

5. *Class IV Monopole.* A freestanding Class IV monopole (i) shall be constructed of either wood, metal, or concrete; (ii) shall have a diameter of no more than eighteen (18) inches; (iii) shall be grayish-brown in color unless a different color is either approved or required by the Planning and Zoning Director; (iv) the antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole; (v) the total number of arrays of antennas attached to the monopole shall not exceed three (3) and each antenna proposed to be attached under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand one hundred fifty two (1152) square inches. For purposes of this section, all types of antennas and dishes, regardless of their use, shall be counted toward the limit of three arrays.

20-18-3 Application and Approval Procedure.

A. No application is required for Class IV Facilities listed in subsections (i) and (ii) of the definition.

B. Class IV Facilities listed in subsections (iii) and (iv) of the definition require application to the Planning and Zoning Director containing the following information:

1. A completed application form, signed by the parcel owner, the parcel owner's agent or the contract purchaser, and the proposed facility's owner. If the owner's agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shal1 also submit the owner's written consent to the application.

2. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as wel1 as all ground equipment, shall be identified by owner, type and size.

3. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment. The method(s) by which the antennas wil1 be attached to the mounting structure shall be depicted.

4. Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample may be requested for each color.

C. Class IV Facilities listed in subsections (v) through (viii) of the definition require application to the Planning and Zoning Director containing the fol1owing information:

1. The information required in the preceding subsection B.

2. A scaled plan depicting fal1 area: The minimum distance from the tower's base to the property line shall be: (i) wood poles-I 00% of tower height; (ii) metal monopole- 110% of tower height; and (iii) lattice tower-25% of tower height. The fall area for a metal monopole and lattice tower may be modified by the Planning and Zoning Director upon written certification by a licensed professional engineer that the tower is designed with the number of proposed and future antennas to col1apse within the boundary lines of the subject property.

3. All existing and proposed setbacks, parking, fencing, and landscaping.

20-18-4 Fee Schedule for certain Class IV Facilities.

(a) Class IV Facilities listed in subsections (iii) and (iv) of the definition, each application: Twenty Dollars ($20.00).

(b) Class IV Facilities listed in subsections (v) through (viii) of the definition, each application: One Hundred Dol1ars ($ 100.00).

20-1 8-5 Compliance.

Any Class IV facility regulated by this Section 20-18, and not otherwise in compliance with the other provisions of the tower ordinance shall be registered and otherwise brought into compliance with this Section 20-18 within ninety (90) days of enactment.

20-18-6 Denial of application, appeal.

If the Planning and Zoning Director should deny an application, the denial shall be in writing, shall identify the requirements which were not satisfied and shall inform the applicant what must be done to satisfy each requirement. The applicant may appeal a denial to the Board of Supervisors. An appeal shall be in writing and be filed in the office of the clerk of the Board of Supervisors within ten (0) calendar days after the date of denial by the Planning and Zoning Director.

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

Adopted: _____, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

RESOLUTION-R2013-32
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING TO AMEND APPENDIX A OF THE CODE OF NELSON COUNTY, VIRGINIA -ZONING CHAPTER 20, COMMUNICATION TOWERS, TO INCLUDE SECTION 20-18 CLASS IV PERSONAL WIRELESS SERVICES

BE IT RESOLVED, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on June 11, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Appendix A - Zoning Ordinance, Chapter 20, Communication Towers, to add Section 20-18, Class IV, Personal Wireless Services.

Approved: May 14, 2013

Attest:_____, Clerk
Nelson County Board of Supervisors

LECLAIR YAN

TO: Tim Padalino, Nelson County Zoning Director; Stephen Carter, Nelson County Administrator

FROM: Lori H. Schweller, Esq.

CC: Melissa Thompson, Nelson County Planning and Zoning;
Catherine Faulkner, Verizon Wireless; Stephen Waller, GDNSites; Julian Pedini, NB&C

DATE: June 6, 2013

RE: Proposed Amendment to Chapter 20, Communication Towers, Nelson County Zoning Ordinance, dated April 4, 2013 (the "amendment")

The amendment proposes a new category of Class IV Personal Wireless Service Facilities ("Class IV Facility") that could be approved by the Zoning Administrator without require public hearings or Board of Supervisors approval.

Pursuant to the proposed amendment, Class IV Facilities within or attached to existing structures (excluding Communications Towers and flagpoles) are by-right and do not require an application to the Planning & Zoning Department.

Class IV Facilities consisting of a pole [or other addition] attached to an existing structure, a co-location not resulting in a **substantial increase** to an existing Communication Tower, replacement of equipment not resulting **in substantial increase** to an existing Communication Tower, replacement of a wooden monopole with a metal monopole (presumably of the same height), or new monopole no taller than 40' may be submitted by application, to be approved by the Planning and Zoning Director.

The definition of "substantial increase" is adopted from the FCC's *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.*

Verizon Wireless supports the amendment; my questions and comments are primarily seeking clarification for our better understanding of the described Class IV categories.

Questions and comments:

- What is the definition of "equipment" in 20-18-1(vi) – does this refer to ground equipment or to antennas and cables on the monopole (or both)?

- The distinction between Class IV Facility types (i) and (iv) appears to be that type (iv) involves an addition to a structure. It is not clear what would constitute an addition. It might be helpful to include examples, such as a cupola or steeple, if that is the type of addition intended.

MEMORANDUM

- The amendment should include a definition of collocation for clarity. The *Nationwide Programmatic Agreement* provides a definition of collocation: "the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes." Note that when older lattice towers built for wireless telecommunications or electric power are too weak to hold new antennas, one strategy is to insert a pole through the center and mount the antennas on the pole, which sticks up above the height of the existing lattice tower. This type of mount should be treated the same as any collocation, which is type (v).

- Does replacement of a wooden monopole referred to in 20-18-1(vii) mean a replacement with a metal monopole of the same height? If that's the case, then replacement of a wooden monopole with a metal pole taller than the existing wooden monopole would go through the process for Class II or III towers, as applicable, correct?

- The definition of Class IV Facility type (i) refers to a ground equipment *shelter,* and 20-18-2(1)(iii) refer to an equipment *cabinet.* The language in subsection (iii) of the definition of "substantial increase in the size of an existing Communication Tower" refers to both shelters and cabinets as different things. However, Section 20-18-2(4) refers to both shelter and cabinet. We suggest that the Ordinance should be clear that both shelters and cabinets are permitted as long as they are screened in accordance with the Ordinance provisions.

- In Section 20-18-2(5), a freestanding monopole is required to have a maximum diameter of 18"; this may be a typo and may intend to be 18" at the top and 30" at the bottom (consistent with earlier provisions). The diameter of a pole limits its height and its strength and, therefore, limits the number of antenna arrays it can hold. Is this section intended to address type (viii) poles 40' or less?

- The difference between application materials required for types (iii) and (iv) versus types (v) through (viii) is that the latter must include a plan showing a fall zone, setbacks, parking, fencing, and landscaping. Why is a plan with fall zone, etc. required for types (v) {adding antennas), (vi) (replacing equipment), and (vii) (replacing a wooden pole with a metal pole) [of same height] unless there is not already a plan on file for the Tower? Since these modifications would not increase the height of a pole, it is not clear why the application materials are different from other Class IV Facility types.

- Section 20-18-6 has a typo (ten (10) calendar days).

Thank you for including Verizon Wireless in your discussion of the amendment. We are happy to contribute to the discussions in any way that would be helpful to the County.

Debbie Bowling

From: Steve Carter
Sent: Friday, June 07, 2013 11:09 AM
To: 'Phillip Payne'
Cc: Tim Padalino; Debbie Bowling
Subject: FW: Nelson County Zoning Ordinance - Article 20 Communication Tower Ordinance (addtion of Class IV Personal Wireless Services section)

Phil - FYI

Debbie,

FYI. Please include the below email in the 6-11 BOS agenda package within the information for the Communications Tower ordinance/public hearing docs.

SAC

Stephen A. Carter
Nelson County Administrator
P. O. Box 136
84 Courthouse Square
Lovingston, VA 22949
Ph. (434) 263-7001
Fx. (434) 263-7004

From: Schweller, Lori H. [mailto:Lori.Schweller@leclairryan.com]
Sent: Friday, June 07, 2013 9:18 AM
To: Schweller, Lori H.; Steve Carter; Tim Padalino
Cc: Melissa Thompson; Faulkner, Catherine; Stephen Waller; Julian Pedini; Long, Valerie; Nathan Holland
Subject: RE: Nelson County Zoning Ordinance - Article 20 Communication Tower Ordinance (addtion of Class IV Personal Wireless Services section)

Steve and Tim,

One of Verizon Wireless' zoning consultants made a great point after I'd already sent you the memorandum via email below: most monopoles in Nelson County were designed as treetop poles, not designed to be extendable. Therefore, the ability to extend pursuant to the Middle Class Tax Relief Act isn't as useful as it might be in jurisdictions with taller towers. What would be more useful would be the ability to replace a treetop pole (whether wood or metal) with a new brown metal pole that does not result in a substantial increase in the Communication Tower. Whereas Type (vi) allows replacement of equipment (presumably not including the monopole itself) and Type (vii) allows monopole replacements (presumably no taller than the replaced wooden pole), we suggest a type that would allow replacement of an existing monopole with one that does not result in a substantial increase.

Thank you,

Lori

Lori H. Schweller
Attorney at Law
LECLAIRRYAN
123 East Main Street, Eighth Floor
Charlottesville, Virginia 22902

(434) 245-3448 Direct
(434) 296-0905 Fax
(804) 248-8700 Mobile
Lori.Schweller@leclairryan.com
http://www.leclairryan.com

Please consider the environment before printing this email.

From: Schweller, Lori H.
Sent: Thursday, June 06, 2013 6:06 PM
To: 'Steve Carter'; 'tpadalino@nelsoncounty.org'
Cc: 'Melissa Thompson'; 'Faulkner, Catherine'; Stephen Waller; 'Julian Pedini'; Long, Valerie
Subject: RE: Nelson County Zoning Ordinance - Article 20 Communication Tower Ordinance (addtion of Class IV Personal Wireless Services section)

Dear Steve and Tim,

Attached are comments regarding the proposed Communication Tower Ordinance Amendment you so kindly sent us to review. Please let me know if you have any questions. I will attend the Board meeting next Tuesday so will be available to address any questions the Supervisors may have as well.

Thank you,
Lori

Lori H. Schweller
Attorney at Law
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Charlottesville, Virginia 22902
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Lori.Schweller@leclairryan.com
http://www.leclairryan.com

Please consider the environment before printing this email.

From: Steve Carter [mailto:SCarter@nelsoncounty.org]
Sent: Tuesday, May 28, 2013 1:52 PM
To: Schweller, Lori H.; Long, Valerie
Subject: Nelson County Zoning Ordinance - Article 20 Communication Tower Ordinance (addtion of Class IV Personal Wireless Services section)

Good afternoon,

I'm forwarding the attached addition to the County's tower ordinance, which provides for Class IV Personal Wireless Services (or, perhaps distinguishes WISP installations from the tower ordinance's current provisions). This new section, which was drafted by the County Attorney, Phillip Payne, is scheduled for public hearing (Board of Supervisors) on June 11 at 7 p.m.

If you will be so kind, Mr. Payne and I agreed that sharing this information with each of you for review and comment(s) prior to the public hearing would be very helpful to the County. Please don't hesitate to share any comment, guidance or input you may have on the information provided hereinabove.

With regard to a more complete revision (rewrite) of the County's tower ordinance, this is in process but not at a point of being ready for distribution for comment(s). We would be happy and very appreciative to be able to share this information with you too once it is completed.

Thank you for your consideration.

Steve

Stephen A. Carter
Nelson County Administrator
P. O. Box 136
84 Courthouse Square
Lovingston, VA 22949
Ph. (434) 263-7001
Fx. (434) 263-7004

From: copier@nelsoncounty.org [mailto:copier@nelsoncounty.org]
Sent: Tuesday, May 28, 2013 1:37 PM
To: Steve Carter
Subject: Message from KMBT_C552

* This e-mail may contain confidential or privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail with a copy to emailadministrator@leclairryan.com and delete this e-mail and all copies and attachments. IRS Circular 230 Notice: Unless specifically stated otherwise, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
PROPOSED 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 RENACT SECTION 12-153 BASE SERVICE FEES AND
SECTION 12-169 GRINDER PUMP FEES

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 will hold a public hearing on June 11, 2013 at 7:00 p.m., or as soon as possible thereafter, in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia. The purpose of said public hearing is to receive public input on an ordinance proposed for passage to amend Chapter 12, Utilities, Article III, Water and Wastewater, Division Ten, Schedules of Rates, Fees, and Other Charges. Specific changes are proposed for section 12-153, Base Service Fees for water and sewer, with no proposed 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

	Current Rate	Proposed Rate
Minimum usage—Up to 4,000 gal Per month	$26.00 Water/$25.74 Sewer	$29.90 Water/$29.60 Sewer
Cost per 1,000 gallons, exceeding 4,000	$6.10 Water/$6.85 Sewer	$6.10 Water/$6.85 Sewer

Section 12-169 Grinder Pump Fees

Current Rate	Proposed Rate
$4.50	$9.00

The full text of the proposed Ordinance is available for public inspection in the office of the County Administrator, 84 Courthouse Square, Lovingston VA 22949, or on the County's website at http://www.nelsoncounty-va.gov.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS

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.

Adopted: _____, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

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§ 15.2-2122. Localities authorized to establish, etc., sewage disposal system; incidental powers.

For the purpose of providing relief from pollution, and for the improvement of conditions affecting the public health, and in addition to other powers conferred by law, any locality shall have power and authority to:

1. Establish, construct, improve, enlarge, operate and maintain a sewage disposal system with all the necessary sewers, conduits, pipelines, pumping and ventilating stations, treatment plants and works, and other plants, structures, boats, conveyances and other real and personal property necessary for the operation of such system, subject to the approvals required by § 62.1-44.19.

2. Acquire as permitted by § 15.2-1800, real estate, or rights or easements therein, necessary or convenient for the establishment, enlargement, maintenance or operation of such sewage disposal system and the property, in whole or in part, of any private or public service corporation operating a sewage disposal system or chartered for the purpose of acquiring or operating such a system, including its lands, plants, works, buildings, machinery, pipes, mains and all appurtenances thereto and its contracts, easements, rights and franchises, including its franchise to be a corporation, and have the right to dispose of property so acquired no longer necessary for the use of such system. However, any locality condemning property hereunder shall rest under obligation to furnish sewage service, at appropriate rates, to the customers of any corporation whose property is condemned.

3. Borrow money for the purpose of establishing, constructing, improving and enlarging the sewage disposal system and to issue bonds therefor in the name of the locality.

4. Accept gifts or grants of real or personal property, money, material, labor or supplies for the establishment and operation of such sewage disposal system and make and perform such agreements or contracts as may be necessary or convenient in connection with the procuring or acceptance of such gifts or grants.

5. Enter on any lands, waters and premises for the purpose of making surveys, borings, soundings and examinations for constructing and operating the sewage disposal system, and for the prevention of pollution.

6. Enter into contracts with the United States of America, or any department or agency thereof, or any person, firm or corporation, or the governing body of any other locality, providing for or relating to the treatment and disposal of sewage and industrial wastes.

7. Fix, charge and collect fees or other charges for the use and services of the sewage disposal system; and, except in counties which are not otherwise authorized, require the connection of premises with facilities provided for sewage disposal services. Water and sewer connection fees established by any locality shall be fair and reasonable. Such fees shall be reviewed by the locality periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

8. Finance in whole or in part the cost of establishing, constructing, improving or enlarging the sewage disposal systems authorized to be established, constructed, improved or enlarged by this section, in advance of putting such systems in operation.

9. Fix, charge and collect fees and other charges for the use and services of sanitary, combined and storm water sewers operated and maintained by any locality. Such fees and charges may be fixed and collected in accordance with and subject to the provisions of § 15.2-2119.

10. Establish standards for the use and services of sanitary, combined and stormwater sewer systems, treatment works and appurtenances operated and maintained by any locality, including but not limited to implementation of applicable pretreatment requirements pursuant to the State Water Control Law (§ 62.1-44.2 et seq.) and the federal Clean Water Act (33 U.S.C. § 1251 et seq.). Such sewer use standards may be implemented by ordinance, regulation, permit or contract of the locality or of the wastewater authority or sanitation district, where applicable, and violations thereof may be enforced by the same subject to the following conditions and limitations:

a. No order assessing a civil penalty for a violation shall be issued until after the user has been provided an opportunity for a hearing, except with the consent of the user. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, on any authorized representative of the user at least 30 days prior to the hearing. The notice shall specify the time and place for the hearing, facts and legal requirements related to the alleged violation, and the amount of any proposed penalty. At the hearing the user may present evidence including witnesses regarding the occurrence of the alleged violation and the amount of the penalty, and the user may examine any witnesses for the locality. A verbatim record of the hearing shall be made. Within 30 days after the conclusion of the hearing, the locality shall make findings of fact and conclusions of law and issue the order.

b. No order issued by the locality shall assess civil penalties in excess of the maximum amounts established in subdivision (8a) of § 62.1-44.15, except with the consent of the user. The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm or facility damage, the compliance history of the user, any economic benefit realized from the noncompliance, and the ability of the user to pay the penalty, provided, however, that in accordance with subdivision 10 d, a locality may establish a uniform schedule of civil penalties for specified types of violations. In addition to civil penalties, the order may include a monetary assessment for actual damages to sewers, treatment works and appurtenances and for costs, attorney fees and other expenses resulting from the violation. Civil penalties in excess of the maximum amounts established in subdivision (8a) of § 62.1-44.15 may be imposed only by a court in amounts determined in its discretion but not to exceed the maximum amounts established in § 62.1-44.32.

c. Any order issued by the locality, whether or not such order assesses a civil penalty, shall inform the user of his right to seek reconsideration or review within the locality, if authorized, and of his right to judicial review of any final order by appeal to circuit court on the record of proceedings before the locality. To commence an appeal, the user shall file a petition in circuit court within 30 days of the date of the order, and failure to do so shall constitute a waiver of the right to appeal. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support such findings.

d. In addition, a locality may, by ordinance, establish a uniform schedule of civil penalties for violations of fats, oils, and grease standards; infiltration and inflow standards; and other specified provisions of any ordinance (other than industrial pretreatment requirements of the State Water Control Law (§ 62.1-44.2 et seq.) or federal Clean Water Act (33 U.S.C. § 1251 et seq.). The schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than $100 for the initial summons, not more than $150 for each additional summons and not more than a total amount of $3,000 for a series of specified violations arising from the same operative set of facts. The locality may issue a civil summons ticket for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any such trial, the locality shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator. An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding, and no civil action authorized by this section shall proceed while a criminal action is pending.

e. This subdivision shall neither preclude a locality from proceeding directly in circuit court to compel compliance with its sewer use standards or seek civil penalties for violation of the same nor be interpreted as limiting any otherwise applicable legal remedies or sanctions. Each day during which a violation is found to have existed shall constitute a separate violation, and any civil penalties imposed under this subdivision shall be applied to the purpose of abating, preventing or mitigating environmental pollution.

f. For purposes of enforcement of standards established under this subdivision, "locality" shall mean the locality's director of public utilities or other designee of the locality with responsibility for administering and enforcing sewer use standards or, in the case of a wastewater authority or sanitation district, its chief executive.

(Code 1950, § 15-739.1; 1950, p. 1610; 1954, c. 332; 1962, c. 623, § 15.1-320; 1979, c. 181; 1991, c. 194; 1997, cc. 12, 587; 2010, c. 198.)

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§ 15.2-2143. Water supplies and facilities.

Every locality may provide and operate within or outside its boundaries water supplies and water production, preparation, distribution and transmission systems, facilities and appurtenances for the purpose of furnishing water for the use of its inhabitants; or may contract with others for such purposes and services. Fees and charges for the services of such systems shall be fair and reasonable and payable as directed by the locality. Except in counties which are not otherwise authorized, a locality may require the connection of premises with facilities provided for furnishing water; charge and collect compensation for water thus furnished; and may provide penalties for the unauthorized use thereof.

No locality, after July 1, 1976, shall construct, provide or operate outside its boundaries any water supply system prior to obtaining the consent of the locality in which the system is to be located. No consent shall be required for the operation of any such water supply system in existence on July 1, 1976, in the process of construction or for which the site has been purchased, or for its orderly expansion.

In any case in which the approval by such locality's governing body is withheld, the party seeking such approval may petition for the convening of a special court, pursuant to §§ 15.2-2135 through 15.2-2141.

Notwithstanding any provision of law to the contrary, any town with a population between 11,000 and 14,000, with the concurrence of the affected county, which provides and operates outside its boundaries any such water supply system may provide water supplies to industrial and commercial users outside its boundaries and collect such compensation therefor as may be contracted for between the town and such user. Such town shall not thereby be obligated to provide water supplies to any other users outside its boundaries.

(Code 1950, § 15-77.39; 1958, c. 328; 1962, c. 623, § 15.1-875; 1975, c. 573; 1976, c. 69; 1997, c. 587; 1998, cc. 224, 328.)

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