

March 12, 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: Constance Brennan, Central District Supervisor - Vice Chair
Thomas H. Bruguire, Jr. West District Supervisor- 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
Tim Padalino, Director of Planning and Zoning
Theresa Brooks, Animal Control Supervisor

Absent: None

I. Call to Order

Mr. Bruguire called the meeting to order at 2:05 pm, with all Supervisors present to establish a quorum.

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

Mr. Carter then noted that Staff would like to introduce some new employees to the Board.

Ms. Theresa Brooks introduced Kevin Wright, a new Animal Control Officer who thanked the Board for the opportunity.

Mr. Carter then introduced Grant Massie, the new Recycling Coordinator who would also be doing some planning and grant work as well.

Ms. McCann then introduced Lisa Gilmore, a new Part Time Tourism Assistant who was from Faber and would be in the Tourism office on weekends.

II. Consent Agenda

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

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A. Resolution – **R2013-12** FY12-13 Budget Amendment

**RESOLUTION R2013-12
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2012-2013 BUDGET
NELSON COUNTY, VA
March 12, 2013**

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

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

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
<u>\$ 39,046.00</u>	3-100-009999-0001	4-100-032020-5648

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

A. **General Fund (FY13 Employee Salary/Benefit Adjustment including Bonus)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 15,560.00	4-100-091030-5616	4-100-012010-1001
\$ 1,500.00	4-100-999000-9905	4-100-012010-1001
\$ 1,221.00	4-100-091030-5616	4-100-012010-2001
\$ 722.00	4-100-091030-5616	4-100 012010-2005
<u>\$ 1,477.00</u>	4-100-999000-9901	4-100-012010-2006
\$ 20,480.00		
\$ 2,716.00	4-100-091030-5616	4-100-012090-1001
\$ 2,000.00	4-100-999000-9905	4-100-012090-1001
\$ 849.00	4-100-091030-5616	4-100-012090-2001
<u>\$ 1,083.00</u>	4-100-999000-9901	4-100-012090-2006
\$ 6,648.00		
\$ 4,007.00	4-100-091030-5616	4-100-012150-1001
\$ 1,500.00	4-100-999000-9905	4-100-012150-1001
\$ 481.00	4-100-091030-5616	4-100-012150-2001
\$ 1,609.00	4-100-091030-5616	4-100-012150-2005
<u>\$ 983.00</u>	4-100-999000-9901	4-100-012150-2006
\$ 8,580.00		
\$ 796.00	4-100-091030-5616	4-100-012180-1001
\$ 500.00	4-100-999000-9905	4-100-012180-1001
\$ 232.00	4-100-091030-5616	4-100-012180-2001
<u>\$ 296.00</u>	4-100-999000-9901	4-100-012180-2006
\$ 1,824.00		

General Fund (Salary/Benefit Transfer) Continued

\$ 510.00	4-100-091030-5616	4-100-013020-1001
\$ 800.00	4-100-999000-9905	4-100-013020-1001
\$ 106.00	4-100-091030-5616	4-100-013020-1003
\$ 246.00	4-100-091030-5616	4-100-013020-2001
\$ 323.00	4-100-999000-9901	4-100-013020-2006
<u>\$ 1,985.00</u>		
\$ 3,455.00	4-100-091030-5616	4-100-021060-1001
\$ 2,000.00	4-100-999000-9905	4-100-021060-1001
\$ 2,348.00	4-100-091030-5616	4-100-021060-2001
\$ 1,510.00	4-100-999000-9901	4-100-021060-2006
<u>\$9,313.00</u>		
\$ 3,533.00	4-100-091030-5616	4-100-022010-1001
\$ 1,500.00	4-100-999000-9905	4-100-022010-1001
\$ 1,242.00	4-100-091030-5616	4-100-022010-1006
\$ 1,022.00	4-100-091030-5616	4-100-022010-2001
\$ 1,407.00	4-100-999000-9901	4-100-022010-2006
<u>\$ 8,704.00</u>		
\$ 3,466.00	4-100-091030-5616	4-100-031020-1001
\$ 5,000.00	4-100-999000-9905	4-100-031020-1001
\$ 2,387.00	4-100-091030-5616	4-100-031020-1004
\$ 3,428.00	4-100-091030-5616	4-100-031020-2001
\$ 5,486.00	4-100-999000-9901	4-100-031020-2006
\$ 2,171.00	4-100-091030-5616	4-100-031020-7015
<u>\$ 21,938.00</u>		
\$ 1,169.00	4-100-999000-9901	4-100-032010-2006
<u>\$ 1,169.00</u>		
\$ 991.00	4-100-091030-5616	4-100-032030-1001
\$ 500.00	4-100-999000-9905	4-100-032030-1001
\$ 281.00	4-100-091030-5616	4-100-032030-2001
\$ 369.00	4-100-999000-9901	4-100-032030-2006
<u>\$ 2,141.00</u>		
\$ 2,576.00	4-100-091030-5616	4-100-034010-1001
\$ 1,500.00	4-100-999000-9905	4-100-034010-1001
\$ 946.00	4-100-999000-9901	4-100-034010-2006
<u>\$ 5,022.00</u>		

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\$ 1,708.00	4-100-091030-5616	4-100-042030-1001
\$ 3,000.00	4-100-999000-9905	4-100-042030-1001
\$ 760.00	4-100-091030-5616	4-100-042030-2001
<u>\$ 888.00</u>	4-100-999000-9901	4-100-042030-2006
\$ 6,356.00		

General Fund (Salary/Benefit Transfer) Continued

\$ 3,919.00	4-100-091030-5616	4-100-043020-1001
\$ 2,000.00	4-100-999000-9905	4-100-043020-1001
\$ 6,015.00	4-100-091030-5616	4-100-043020-2005
<u>\$ 1,151.00</u>	4-100-999000-9901	4-100-043020-2006
\$ 13,085.00		

\$ 1,622.00	4-100-091030-5616	4-100-071020-1001
\$ 1,000.00	4-100-999000-9905	4-100-071020-1001
\$ 469.00	4-100-091030-5616	4-100-071020-2001
<u>\$ 599.00</u>	4-100-999000-9901	4-100-071020-2006
\$ 3,690.00		

\$ 455.00	4-100-091030-5616	4-100-081010-1001
\$ 1,000.00	4-100-999000-9905	4-100-081010-1001
\$ 414.00	4-100-091030-5616	4-100-081010-2001
<u>\$ 777.00</u>	4-100-999000-9901	4-100-081010-2006
\$ 2,646.00		

\$ 2,764.00	4-100-091030-5616	4-100-081020-1001
\$ 1,000.00	4-100-999000-9905	4-100-081020-1001
\$ 900.00	4-100-091030-5616	4-100-081020-1003
\$ 659.00	4-100-091030-5616	4-100-081020-2001
<u>\$ 698.00</u>	4-100-999000-9901	4-100-081020-2006
\$ 6,021.00		

\$ 128,915.00 Total Employee Salary/Benefit Transfer

B. General Fund (Other Transfers from Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 7,500.00	4-100-999000-9905	4-100-032030-8002
<u>\$ 10,000.00</u>	4-100-999000-9901	4-100-035010-3002

\$ 17,500.00 Total Other Transfers from Contingency

Total Transfers \$ 146,415.00

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B. Resolution – **R2013-13** COR Refunds

**RESOLUTION R2013-13
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 369.23	2012 PP Tax & Vehicle License Fees	Thomas W & Mary F.B. Thomas 556 Pendleton Drive Amherst, VA 24521
\$ 537.05	Real Estate Taxes	Mr. & Mrs. Robert W. Corey 5512 Country Creek Court Glen Allen, VA 23059
\$ 91.44	2011 PP Tax & Vehicle License Fee	Elizabeth L. Dodd and Angelina C. Dodd 1725 Afton Mtn. Rd. Afton, VA 22920

C. Resolution – **R2013-14** Minutes for Approval

**RESOLUTION R2013-14
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(January 24, 2013, February 12, 2013, & February 28, 2013)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **January 24, 2013, February 12, 2013, and February 28, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

D. Resolution – **R2013-15** FY13-14 Local Government Challenge Grant

**RESOLUTION R2013-15
NELSON COUNTY BOARD OF SUPERVISORS
2013-2014 LOCAL GOVERNMENT CHALLENGE GRANT**

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BE IT RESOLVED, By the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute and submit an application for 2013-2014 Local Government Challenge Grant funding to the Virginia Commission of the Arts.

BE IT FURTHER RESOLVED, said application is to include a local match of \$5,000.00 to be confirmed upon formal adoption of Nelson County's Fiscal Year 2013-2014 Budget by the Board of Supervisors.

E. Resolution – **R2013-16** Support of Rail Preservation Application

**RESOLUTION R2013-16
NELSON COUNTY BOARD OF SUPERVISORS
SUPPORT OF RAIL PRESERVATION GRANT APPLICATION
BUCKINGHAM BRANCH RAILROAD**

WHEREAS, Buckingham Branch Railroad Company desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the North Mountain Subdivision Rail Improvements project, which will replace approximately 12,000 linear feet of curve worn rail between Milepost 194 and 209; and

WHEREAS, Buckingham Branch Railroad Company estimates that this project will cost \$ 800,000; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, Buckingham Branch Railroad Company is an important element of the Nelson County transportation system; and

WHEREAS, Buckingham Branch Railroad Company is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the County of Nelson supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided;

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the North Mountain Subdivision Rail Improvements project proposed by Buckingham Branch Railroad Company for inclusion in the projects funded in the Rail Preservation Program.

III. Public Comments and Presentations

A. Public Comments

1. Glenda Cahoon, VTA Representative

Ms. Cahoon distributed and read aloud a prepared statement by Kenneth White, VTA President 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.

2. David Park, Arrington

Mr. Park expressed concern regarding the decline in adult league softball teams participating in the Recreation Department's summer softball league. He noted that several years ago there were nine teams and last year they could not even have a season. He asked the Board to help find a way to get the league rejuvenated again as softball was a great sport and benefitted the community.

3. Clay Stewart, SCS Arrington

Mr. Stewart noted he wanted to give the Board an Afton Broadband update. He noted that they have begun installations off of the Rt. 151 fiber connection and was working with Monroe Institute, Blue Dog and some homes. He added that SCS was moving forward and they were waiting to complete tower leases in order to expand in other areas. He noted that he was concerned that his market was shrinking due to delays in finalizing the tower lease contracts; however he did have a 30% success rate from the sales calls that were made; which he noted was good.

B. Presentation – USDA-RUS Broadband Funding Opportunities (R. Jenkins)

SAC introduced Richard Jenkins from the United States Department of Agriculture's Rural Utilities Service to make a presentation to the Board on rural broadband funding opportunities.

Mr. Jenkins then presented a Power Point presentation as follows:

Telecommunications History

- In the 1930's, the Rural Electrification Administration (REA) made financing available for electric cooperatives and other entities to bring electricity to rural communities that might otherwise not receive it
- In 1949, the REA received authority to finance telephone service in recognition of its importance to rural communities
- Funding was provided for basic telephone service to ensure that rural residents and businesses received the same type of services as urban areas

- Starting in 1995, all telecommunications networks financed were required to be broadband-capable.

RD Telecommunications Program Loan and Grant Programs

- **Telecommunications Infrastructure Loan Program:** Loans to improve and build telecommunications service in rural communities (<5,000 population)
 - Newly expanded funding for E911 Service
- **Rural Broadband Loan Program (Farm Bill):** Loans to build and upgrade broadband services in rural high cost areas (<20,000 population)
- **Community Connect Grant Program:** Grants for broadband service providers and others who offer broadband services in rural and remote areas (<20,000 population)
- **Distance Learning/Telemedicine Loan and Grant Program:** Loans and grants for providing Distance Learning and Telemedicine services to rural residents and anchor institutions
- **Public TV Grants:** grants for rural public TV stations for the digital TV transition

Telecommunications Program Organization

- Telecommunications Program Staff:
 - National Office staff:
 - Leadership
 - Loan and business specialists
 - Electronics engineers
 - Field staff - General Field Representatives (GFRs)
- Rural Development State Office Staff:
 - Broadband Coordinators in RD state offices

RUS Telecommunications Program

Program Level Funding			
	2012 Budget	2012 Available Funding*	2012 Obligations
Infrastructure Loans	\$690 million	\$690 million	\$79.7 million
Broadband Loans	\$169 million	\$736 million	\$68.9 million
Distance Learning and Telemedicine Grants	\$15 million	\$16.1 million	\$15.6 million

Community Connect Grants	\$10.4 million	\$14.2 million	\$5.5 million
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*Available funding includes authorized budget and amounts carried over from the previous fiscal year.

NOTE: The Federal Government is under a Continuing Resolution for FY 2013 funding.

Investment for Broadband in Rural Areas

- Current RD Telecom Program – Loan Portfolio: **\$5.2 billion**
 - Approximately \$4.7 billion principal outstanding for Telecom Infrastructure Loan and Farm Bill Broadband Loan Program borrowers
 - Approximately \$.5 billion principal outstanding for loans under the Broadband Initiatives Program (American Recovery and Reinvestment Act of 2009)
- RD Telecom also manages **\$2.5 billion** in grant funds

RUS Telecom Program FY 2013 Program Status

- **Loan Programs: Telecom Infrastructure Program:**
 - RUS accepts applications for the Telecom Infrastructure Loan Program on a continual basis.
 - **All infrastructure financed must be broadband capable.**
 - Applications are accepted year-round; there is no application deadline
- **Broadband Initiatives Program (BIP) Under the Recovery Act:**
 - \$3.5 billion in loans and grants was awarded in FY 2010 (a one-time program; no funds are available today).
 - Broadband projects funded under this program are now being built, in 45 states and one US territory.
- **Broadband Loan Program:**
 - RUS accepts applications for the Broadband Loan Program on a continual basis.
 - **All infrastructure financed must be broadband capable.**
 - Applications are accepted year-round; there is no application deadline
- **Grant Programs (Distance Learning and Telemedicine; Community Connect)**
 - Application windows for FY2013 have not yet been announced
 - Funding availability is usually announced in March/April, with a 60-day application window

Substantially Underserved Trust Areas (SUTA) Provision in the 2008 Farm Bill

- The 2008 Farm Bill contained the SUTA provision that applies to the Rural Development Utilities Programs' water, electric and telecommunications infrastructure programs.
- In Telecom, the SUTA provision applies to the Telecom Infrastructure Loan Program, the Distance Learning and Telemedicine Program and the Farm Bill Broadband Loan Program.
- The provision enables the Secretary of Agriculture to make loans as low as 2% and extended repayment terms; grant waivers of non-duplication restrictions; matching fund or credit support requirements; and highest funding priority.

The Community Connect Grant Program

- A nationally competitive grant program to provide broadband service to the most rural and economically challenged communities
- Since inception, the program has provided 229 grants and invested \$122 million
- Communities of 20,000 population or less
- Information is available on the website at:
http://www.rurdev.usda.gov/utp_commconnect.html
- RUS published a proposed rule in the *Federal Register* on November 16, 2012, which proposed a number of changes to the current regulation.
- Comments closed on January 15, 2013, and staff is currently reviewing comments and preparing the Final Rule:
- Matching Fund Simplification
 - Old rule: provide matching funds equal to at least 15% of the grant amount requested, to be used for eligible grant purposes
 - New proposed rule: provide matching funds equal to at least 15% of the grant amount requested, which must be in the form of cash, to be used to fund operations of the project
- Scoring Simplification
 - Old rule: applications scored and ranked based on three criteria (1) rurality, (2) economic need, and (3) benefits
 - New proposed rule: applications scored based on the community connectivity benefits of the project to the proposed service area

The Community Connect Grant Program Eligible Applicants

- An incorporated organization,
- An Indian Tribe or tribal organization, as defined in 25 U.S.C. 450b(b) and (c),
- A state or local unit of government, or
- A cooperative, private corporation or limited liability
- A company organized on a for-profit or not-for-profit basis.
- Individuals and Partnerships are not eligible.
- Applicants must have the legal capacity and authority to apply for funding and enter into a contract with RUS.

The Community Connect Grant Program Eligible Grant Purposes

Grant funds may be used to finance:

- The construction, acquisition, or leasing of facilities, including spectrum, to deploy Broadband Transmission Service to all participating Critical Community Facilities and to offer such services to residential and business customers in the community.
- The improvement, expansion, construction, or acquisition of a Community Center that furnishes free access to broadband Internet service. These costs cannot exceed the greater of 5% of the grant amount or \$100,000.
- End-User Equipment needed to carry out the Project
- Operating expenses incurred in providing Broadband Services to Critical Community Facilities for 2 years of operation and in providing training and instruction. These costs cannot exceed \$250,000.
- The purchase of land, buildings, or building construction needed to carry out the Project

The Community Connect Grant Program Program Requirements

- Can serve only one community that is **currently unserved by broadband**
- 20,000 population or less
- Minimum grant of \$50,000, maximum grant of \$1,500,000
- 15% minimum required matching contribution
- Project must include a Community Center with 10 computers for public use (at no charge for two years)
- Free service to Critical Facilities (such as fire station, city hall, police station, etc.) must be provided for two years
- Must offer basic broadband service to residential and business customers within the proposed service area
- Annual competitive grant application process announced through a Notice of Funds Availability published in the *Federal Register*

The Community Connect Grant Program Scoring

- Up to 100 points are available. These points are broken into 3 Scoring Components:
 - Rurality (up to 40 points are available)
 - Economic Need (up to 30 points are available)
 - Community Benefits (up to 30 points are available)

The Community Connect Grant Program Project Timeframe

- Grant funding is available for 3 years
- Applications should propose to use all grant funding and provide all matching contributions within 3 years.

The Distance Learning and Telemedicine (DLT) Grant Program Definitions and Purpose

- DLT Grants are not just a way to obtain educational technology or medical equipment. **The focus is on using the unique capabilities of telecommunications to connect rural areas to each other and to the world, thus overcoming the effects of remoteness and low population density.**

Distance learning means a curriculum delivered via telecommunications and stresses the connection of students and teachers at remote sites.

Telemedicine means the delivery of health care from medical professionals at one site to patients at other sites via telecommunications. Telemedicine shows benefit to rural residents either in reduced travel or access to services.

DLT Grant Program Eligible Applicants

- Corporation or a partnership; tribal nation or organization a state or local unit of government; a consortium; or other legal entity. For or not-for profit able to contract with the US Government. No individuals or sole-proprietorships.
- Operate a rural community facility or deliver DLT services to entities that operate a rural community facility or to residents of rural areas at rates calculated to ensure that the benefit of the financial assistance passes through to such entities or to residents of rural areas.

The DLT Grant Program Eligible Equipment

- This list is not exhaustive and does not convey automatic eligibility. To be eligible in full, items must be primarily for DLT eligible purposes.
 - Audio and video equipment
 - Computer hardware and software
 - Computer network components
 - Terminal equipment
 - Data terminal equipment
 - Interactive audio/video equipment
 - OEM or OEM-authorized warranties on eligible equipment up to the 3-year life of the grant
 - Inside wiring
- Grant funds cannot be used to purchase:
 - Salaries and benefits
 - Administrative expenses (overhead)
 - Telecommunications transmission equipment
 - Recurring costs, including telecommunications
 - Medical equipment
 - Equipment owned by telecom provider (LECs, CLECs, etc.)

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- Duplication of facilities
- Costs incurred before the application deadline

The DLT Grant Program Scoring

- Scoring: 220 Points possible in 8 scoring categories:
 1. Rurality (population density) – 45 points
 2. National School Lunch Program (economic need) – 35 points
 3. Leveraging (matching funds) – 35 points
 4. USDA-designated Empowerment Zones – 10 points
 5. Additional National School Lunch Program – 10 points
 6. Need for Services and Project Benefits – 45 points
 7. Innovativeness – 15 points
 8. Cost Effectiveness – 35 points

The DLT Grant Program Typical Projects

- Video-conferencing is the most common for distance learning
- Telemedicine:
 - Visiting nurse links from patient homes to health professionals elsewhere
 - Tele-radiology
 - Tele-dentistry
 - Tele-pharmacy
 - Virtual ICU

Changes to the Program:

- RUS will be proposing changes to the DLT Grant Program regulation in the near future
- Proposed regulation will be posted in the Federal Register along with requests for comment
- Goal is to modernize the program and streamline and improve the application process
- Soliciting input on improvements to the program – please give us your comments!
- At the Telecom Program website, you can sign up for email updates and be notified when the regulation is posted as well as notifications of funding availability
- <http://www.rurdev.usda.gov/RUSTelecomPrograms.html>

The Telecommunications Infrastructure Loan Program

- Since 1949, the Telecommunications Infrastructure Loan Program has provided financing for new and improved telecommunications infrastructure in rural communities of 5,000 or less.
- Applications are accepted year-round.

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- Interest rates are set at current U.S. Treasury rates, depending on loan maturity at the time of each advance.
- Term of loan is based on life of facilities financed.
- Guaranteed loans from the Federal Financing Bank (FFB) and Hardship loans at a fixed 5% rate of interest may also be available.
- All infrastructure financed must be broadband capable.

The Telecommunications Infrastructure Loan Program Eligible Applicants

- Rural utilities
- Municipalities
- Commercial corporations
- Limited Liability Companies
- Public Utility Districts
- Indian tribes
- Cooperative, nonprofit, limited-dividend or mutual associations

The Telecommunications Infrastructure Loan Program Eligible Loan Purposes

- Loan funds may be used to finance telecommunications services in rural areas for:
 - new construction;
 - improvements;
 - expansions;
 - acquisitions (with restrictions); and
 - refinancing (with restrictions)

The Farm Bill Broadband Loan Program

- This program is designed to provide loans for funding, on a technology neutral basis, for the costs of construction, improvement and acquisition of facilities and equipment to provide broadband service to eligible rural communities.
- The program's goal is to ensure that rural consumers benefit from the same quality and range of telecommunications services that are available in urban and suburban communities.
- Created under the 2002 Farm Bill and reauthorized under the 2008 Farm Bill.

The Broadband Loan Program Eligible Applicants

- Corporations
- Limited Liability Companies
- Cooperative or Mutual Organizations
- Indian Tribes
- Public Body

The Broadband Loan Program Program Requirements

- Serving rural communities of 20,000 or less not in urbanized areas
- 25% of proposed service area is underserved (max. one provider)
- Service area cannot overlap an existing borrower
- \$100 million maximum loan
- Term of loan is based on life of facilities financed
- One year principal deferment
- 10% minimum matching equity investment from borrower required
- All construction must be completed within 3 years from the date when funds are made available
- Minimum funded speed of 5 Mbps (up+down)

The Broadband Loan Program Eligible Purposes

Loan funds may be used to finance telecommunications services in rural areas for:

- New Construction
- Improvements
- Expansion
- Acquisitions (with restrictions)
- Refinancing (with restrictions)

The Broadband Loan Program Definitions in the Revised Regulation

Broadband Service

- The amount of bandwidth being delivered to the household that will be used to determine service area eligibility
- 3 Mbps (up+down)

Construction Broadband Lending Speed

- The amount of bandwidth that the funded facilities must be capable of delivering to every household
- 5 Mbps (up+down)

The Broadband Loan Program Definitions in the Revised Regulation

Incumbent Service Provider (per service area):

1. Offers terrestrial broadband service
2. 5% of the households subscribe to broadband service
3. Files a public notice response

Underserved area or household:

An area or household that is not offered broadband service or is offered broadband service by only one incumbent service provider

The Broadband Loan Program Eligible Service Area

- Service area is completely rural
- 25% of household are underserved households
- Less than 3 incumbent service providers
- Does not overlap current Telecommunications Program borrowers or grantees
- Does not overlap a pending Telecommunications Program application

Broadband Initiatives Program

- RUS received funding under the American Recovery and Reinvestment Act of 2009 (ARRA) for broadband infrastructure in rural communities (this was a one-time program). This program is the Broadband Initiatives Program (BIP).
- RUS provided loans and grants for broadband infrastructure projects as well as Technical Assistance grants.
 - 63% of Technical Assistance grants were awarded to tribes
- RUS is managing the rollout of 259 active infrastructure projects, \$3.2 billion in loan/grant funds.
- The majority of BIP projects are on track with comprehensive financial and operational oversight from RUS.
- \$2 billion of projects is under contract. Reimbursements are lagging behind but at \$1.1 billion to date.
- Twenty-seven projects are fully complete and 39 are substantially complete.
- Field staff is monitoring progress and compliance.

The Telecommunications Program Success Stories

- Coconino Community College in Arizona received a grant in 2011 to fund distance learning services between the college and rural locations so that students don't have to travel from remote locations to the Flagstaff campus.
- The Warm Springs Tribe of Oregon received a Community Connect grant in 2002 to bring broadband service to parts of the reservation. In 2010, the tribe received a BIP award that will finance broadband service to other parts of the reservation and increase economic opportunity for the tribe.
- Dakota Central Communications Cooperative (Daktel) has used RUS funding to cover a 4,000 square mile region with a fiber-to-the-home broadband network that is providing the following benefits:
 - Several hospitals and schools are providing distance learning and telemedicine services.
 - The staff at Arrowwood National Wildlife Refuge use Daktel's fiber network to track species, report data and preserve natural resources.
 - The Anne Carlsen Center in Jamestown, ND are now offering services for children with disabilities virtually over a fiber connection.
 - J&M Printing in Fargo, ND has expanded as a result of higher bandwidth availability.

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- Express Tech is a computer sales and repair business in James, ND, uses fiber to run multiple diagnostic reports on several computers at once.
- Bobcat Company, in Gwinner, ND, North Dakota's largest manufacturer, uses Daktel's fiber network to link to other company locations around the world.

Contact Information

Telecommunications Program

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Mr. Jenkins noted to the Board that all loans have been for DSL capable projects and the nearest borrower to Nelson County was in West Virginia.

Mr. Jenkins emphasized the Distance Learning/Telemedicine Loan and Grant Program and noted that most County Governments were more interested in the grants versus the loans.

He noted that he is a General Field Representative (GFR) and covers WV, VA and NC. He added that he was also an engineer.

Mr. Jenkins noted that funding availability may change under Sequester and a Continuing Resolution. He noted that they did not obligate available funding last fiscal year due to the BIP and BTOP programs. He reported that RUS had less than a 1% default rate so they should not have money taken away.

Mr. Jenkins then noted that the Telecomm Infrastructure Program could be used for 3G or 4G telecommunications options and they had to work with the locality and local provider on this. He then noted that there was no more BIP money available, and that

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they were providing servicing only now. He added that the closest BIP project was in Allegheny County, Virginia.

Mr. Jenkins then explained that the Broadband Loan Program was proforma based and applicants had to prove they could pay back the loan. He noted that with the grants, the application window was in late spring and that the Community Connect Grant application period was opening soon. He then advised the Board that a 15% match was required now for operational stability and these may be reserved funds. He noted the scoring guidelines again and the term of the loans.

In response to questions, Mr. Jenkins noted that they were operating under the 2008 Farm Bill now and that the same level of funding should be maintained in the new bill.

Mr. Jenkins then confirmed that there was no BIP program money left and that in terms of funding areas - applicants could apply for more than one community and could lump non-contiguous areas together into the loan or grant.

Mr. Harvey and Mr. Bruguere both indicated that these programs were great opportunities and that getting grants to help fund the County's broadband network expansion would be good.

Mr. Jenkins noted that the interest rate was around 2.25% now and has been 2%-2.4% in the last year. He added that if inflation kicked in, then recipients could choose not to advance any more funds to avoid higher interest costs.

Mr. Carter reported that staff had been talking with Mr. Jenkins about these programs and had offered comments on the proposed program rule changes. He then added that staff would turn its attention to these opportunities and operation of the network. He added that the County was not in a position to apply this spring necessarily; however he wanted Mr. Jenkins to come to inform the Board of these opportunities.

Mr. Jenkins then commented that completion of the loan application could be brutal and it was a very thorough process. He added that grant applications were easier because they were less structured and the funding agency only had to make sure the funds were not used improperly.

Mr. Jenkins then reported that there was \$14.5 million dollars available nationwide for these programs; however they may have some rescissions at end of the year and it may become \$18-\$19 million dollars.

It was then noted that the applicant could be either the NCBA or the County; however Mr. Carter noted that he was not sure if it would be like a school loan where the County was morally obligated but not financially obligated if the NCBA got the loan.

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Mr. Jenkins then advised the Board and staff that they would see an upswing in grant eligible communities now and the best chance for obtaining a grant was showing economic need.

Mr. Carter noted that the County had initially applied for BIP funds but was not eligible and wanted to get to the BTOP program regardless, which was all grant. Mr. Jenkins added that the BTOP program was for middle mile projects and BIP was mostly for last mile projects. Mr. Carter added that staff recognized the best route was BTOP and not BIP since at the time the County wanted a grant and not a loan.

Members and staff then thanked Mr. Jenkins for his very informative presentation.

C. VDOT Report

Mr. Don Austin reported the following:

Mr. Austin noted that the General Assembly had passed a new transportation bill that was not yet signed by the Governor. He added that there was something in it regarding unpaved roads with a per day vehicle threshold of 200-1500 vehicles. He noted that VDOT had identified one such road so far and he thought it was Route 613, Lodebar Estates that had a traffic count of over 200 vehicles per day. He noted that if these funds became available, the County would need to get qualifying roads on the Six Year Plan.

Mr. Austin reported that at the Woods Mill Bridge, the southbound lane would be closed for repairs and there would be a short detour there. He added that this would be a longer term project and he would let Mr. Carter know just how long.

Mr. Austin then noted that their staff was looking at project selection for the use of federal funds and was reviewing two intersections: Rt. 635 and Rt.151 at old RRES School and the intersection off of Rt. 151 and Anderson's Store. He noted that they may have to use Highway Safety Improvement Funds which required a 10% match. Members then discussed prioritizing the two intersections as follows:

#1 priority: Rt.635 at Old Rockfish Elementary School

#2 priority: Rt.6 at Anderson's Store on Route 151.

Mr. Austin reported that federal money would be available in October and that they could move on this and begin preliminary hearings; he added that Randy Hamilton was starting to work on this.

Mr. Harvey then asked if VDOT would clean the roadsides again after tree trimming and that they needed to look at the right of ways as their Contractor did not do clean up.

Ms. Brennan noted that Adial Road gets covered in red mud when it rains. It was discussed that it was likely coming off of a dirt road there; possibly a private driveway or maybe Sugar Hill Rd.

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Mr. Bruguire noted that on Rt. 680, Tan Yard Rd., towards the convenience center, there was a farm there with all red mud and because there are no ditches along the road it spills into the road. He added that down near new the new bridge, the ditches were full of logs etc. and maintenance needed to check on this.

Mr. Saunders inquired as to how to get inmates to clean up the sides of the roads in Nelson. Mr. Austin noted that State Corrections in Rustburg provided crews to them but that the travel time to Nelson County was prohibitive and expensive. He noted that they had a regular crew in Amherst because their Sheriff's Dept. brought people out there since they have a jail. Mr. Austin then noted that the County would need to have the manpower to supervise them as well. Mr. Carter added that the logistics of doing this has prohibited using Regional Jail inmates thus far and Nelson no longer had its own jail.

Road Re-Classifications:

Mr. Rick Youngblood, Lynchburg District Planning Manager, then addressed the Board regarding County Road Re-Classifications and introduced his colleague, David Cook.

Mr. Youngblood noted that the Federal Highway Administration had done a functional class map update and the County was being asked to review these changes. He noted that there were ten (10) locations being downgraded and there were no upgrades.

Mr. Youngblood noted that of these ten, a major possible impact would be the downgrading of Route 6 based on traffic volume in the northern portion of the County. He added that Route 635 was going from a major to a minor collector.

Mr. Youngblood then explained that they would receive comments and then would perform the average daily traffic (ADT) verification. He added that this was an opportunity for the County to provide comments on these downgrades.

It was then noted that the traffic volume on Cold Creek, Route 635 has only dropped 100 vehicles; and that they were looking to see if there was any reason for this or if there was any development etc. that would warrant keeping its designation. It was discussed that this Route was not Cold Creek and Mr. Youngblood would verify the route name.

He then noted that the Functional Classifications were more of an impact to urban areas. He added that the only impact may be Route 6, which was going from designation as an arterial to a collector and that presently, there was an \$8,000 payment differential between roads designated as arterial versus collector.

Members and staff discussed having the Board Members look at the routes in each of their districts and provide comments to VDOT through Mr. Carter or Tim Padalino; then VDOT would forward these to the state.

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Mr. Carter suggested that he would have Mr. Padalino and Mr. Massie look at this and provide feedback to the Board.

Mr. Bruguiere noted that he objected to downgrading anything.

Route 151 Corridor Study:

Mr. Harvey noted that he was happy with how the R. 151 Corridor Study was going, and that VDOT had already made some improvements.

Mr. Bruguiere noted that he thought that Route 6 at Martin's Store was a problem.

Mr. Youngblood noted that the discussion had regarding growth expansions along the corridor had been very helpful. He added that even though this was on a ten year review cycle, the County could petition VDOT if it wanted a classification changed anytime. He added that MAP-21 was removing urban and rural classes in every state.

Mr. Youngblood then noted that a Rt. 151 Study public information meeting would be held from 6-8pm at Rockfish Valley Community Center on that Thursday night and they were expecting several hundred people. He reported that the working group had done two days of field visits and that Mr. Harvey had provided additional information since then. He noted that on the field visits, they had twelve people there at any one time at the intersections. He reported that there were short term items identified that would make turning movements safer and that they had gotten a good response from emails and the website; which was a good indication of interest in the meeting Thursday night. He added that Delegate Bell had sent a support letter regarding the issues with truck traffic on Rt. 29 and Rt.64 in Albemarle; which has been identified as affecting Nelson County. Mr. Youngblood indicated that he was pleased with the level of active participation in the process. He then noted that Mr. Padalino had put up flyers advertising the meeting along the corridor and that VDOT had advertised it in the News and Advance and Nelson County Times.

Commonwealth Transportation Board (CTB) Meeting:

Mr. Youngblood reported that the CTB would be meeting in Lynchburg and touring the district next week. He noted that they were limited on time but were looking at the Blue Ridge Tunnel for an enhancement funding project and the Rt.151 corridor study to point out the needs of the area. He noted that Mark Peake was the County's CTB representative. Mr. Youngblood then reiterated that the meeting was to be held on Wednesday at CVCC at 9 or 10 am and it was an open meeting. He added that County Administrator's were invited to speak to CTB members on Tuesday night before the meeting.

IV. New Business/ Unfinished Business

A. Debt Refinancing with VRA

Mr. Carter noted that staff was working through the VRA application for refinancing of the courthouse debt and literary loan fund debt and that the County needed to get the Rural Development (RD) loan closed out and this has been uncertain due to the County holding retainage from Blair Construction Co. He noted that staff worked out a solution with RD which was to prepay the balance outstanding; which was Blair retainage and it would clear the loan; however the County would have to pay that retainage now.

Mr. Carter then noted that this called into question, the double payment of the courthouse debt; with the consideration being either making the payment or not. Mr. Carter then reviewed the following handout on the subject:

Considerations for Use of Pre-Payment Funds

Currently, the county has a balance of \$387,136 in Rural Development funding for the Courthouse Project. This represents the retainage due to Blair construction upon final satisfactory completion. In order to close out the Rural Development loan prior to refinancing without full satisfactory project completion, the county will not be able to draw the remaining funds which reduces the amount of the loan (\$7.5 million less the \$387,136). Upon satisfactory completion, the county will then have to fund the retainage payment to Blair Construction.

Staff recommends that in lieu of making the \$253,000 pre-payment budgeted in FY13, that these funds be allocated towards payment of retainage to Blair Construction. Additionally, the required Rural Development reserve that has been set aside for two years (\$78,300) can be utilized for this expense. This leaves a balance of \$55,836 that could come out of the remaining balance in the Courthouse Project Fund.

The examples below show the Balance in the Courthouse Project Fund assuming the full amount of proceeds were drawn down. The difference in the final Courthouse Project Fund balance is \$253,000 which reflects the two considerations for allocation of the budgeted pre-payment funds (now in Debt Service Fund).

EXAMPLE 1

Pre-payment allocated to Courthouse Project Fund (Blair Construction)

Balance Courthouse Project Fund	\$600,000.00
Reduction in Loan Proceeds	-\$387,136.00
Transfer from Debt Service Fund:	
Pre-payment	
Allocation	\$253,000.00
Debt Service Reserve	\$78,300.00
	<hr/>
Balance Courthouse Project Fund	<hr/> <hr/> \$544,164.00

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EXAMPLE 2

Pre-payment allocated to RD Loan prior to Refinance	
Balance Courthouse Project Fund	\$600,000.00
Reduction in Loan Proceeds	-\$387,136.00
Transfer from Debt Service Fund:	
Debt Service Reserve	\$78,300.00
	<hr/>
Balance Courthouse Project Fund	\$291,164.00
	<hr/> <hr/>

Mr. Carter noted that in Example 1, the prepayment was retained and if not made, the County would have a balance of \$544,000 in the Courthouse Project Fund. In Example 2, if the prepayment was made, the County would have a balance of \$291,164 in the Courthouse Project Fund.

Mr. Carter then noted that staff needed the Board's direction and this consideration could be deferred since VRA closing was not until May. He reminded the Board that they had previously decided to make the payment; however staff had used this to make the situation with RD work. He added that this now had to be used for payment of the held retainage to Blair.

Ms. Brennan suggested that the Board defer this.

Ms. McCann explained that if the Rural Development funds were not drawn down, then RD did not consider these funds borrowed. Therefore, the County has effectively borrowed less money but still has to pay Blair the held retainage that was now not coming out of RD loan funds. She added that staff was suggesting that this be paid with the prepayment funds and the accumulated debt service reserve. It was noted that staff did not realize the County would not be able to draw down all of the RD funds at the time the original decision was made by the Board to make the prepayment.

Mr. Carter clarified that the \$253,000 prepayment was used to pay RD, then RD paid it back to the County and it was now a local responsibility to pay Blair the retainage.

Mr. Harvey then moved that the County not do the prepayment of the RD loan; not doing the double payment and holding onto its assets.

Mr. Hale added that this was not lengthening the term of the loan from 15 years.

Mr. Saunders then seconded the motion.

Mr. Carter then noted that the refinancing term was 15 years and was not extended. He added that the County had wrapped in the literary loan and was maintaining its end term date of 2019.

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Mr. Hale then asked for clarification on the total savings over the term and Ms. McCann noted that if the County paid the prepayment, the annual debt service was less because of having paid down the principle; so the County would be netting \$181,700 savings over the loan. Mr. Carter advised that the Board would consider the resolution authorizing the VRA refinancing at the next meeting. Ms. McCann then advised the Board that retainage of \$387,153 was held back for Blair Construction.

Following this brief discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Hale voting No.

B. FY13-14 General Fund Budget

Mr. Carter noted that the primary purpose that day was to introduce the budget and to schedule a work session. He noted that the budget was balanced and there were some new things in it as directed by the Board. He added that staff had left the major decisions such as school funding and capital improvements for the Board to make. He noted that there were no major deficits and that the contingencies were healthy. Mr. Carter then reported that staff would be meeting with Shannon Irvin to look at the School and County budgets and come up with priorities to bring back to both Boards.

Ms. McCann then noted that the Board had been provided with a set of spreadsheets of revenues and expenditures along with a letter size document that was the line item expenditure budget. She added that the Spreadsheets were more consolidated and the letter sized document provided the detail.

Ms. McCann then reviewed the following budget overview document with the Board:

March 12, 2013-FY14 General Fund Budget Overview

REVENUES

- 1) **Real Estate tax** projection for FY14 assumes the tax rate for 2014 will be equalized. Although we have no firm real estate values, it is likely that the equalized tax rate will reflect a substantial increase.
- 2) FY13 **Real Estate tax** collections exceeded the budget projection by \$205,772 primarily due to more than anticipated delinquent and pre-payments of taxes. The FY13 projection was also utilized for FY14.
- 3) **Personal Property tax** projection for FY14 assumed a 1% growth in values for an overall budget increase of \$215,919.
- 4) The **Meals tax** reflects approximately a 15% budgetary increase (\$110,763). The FY14 projection reflects a 4% increase over the anticipated actual for FY13.
- 5) The **Building Permit** revenue is anticipated to be \$30,000 less than budgeted in FY13. Receipts as of 12/31/12 were 43% less than receipts as of the same date one year ago.
- 6) **EMS Revenue Recovery** receipts are expected to decline by approximately 30% (\$200,000) from the FY13 budget. A budgetary shortfall is also anticipated in

FY13. We have asked the billing company to investigate the reduction in collections even with the rate increase that went into effect in April, 2012.

- 7) **State Compensation Board** receipts are expected to increase by \$80,339 in FY14 due to a 3% increase in Compensation Board salaries and the elimination of reductions in aid to localities.
- 8) The budget utilizes **carryover** of the unexpended FY13 contingency anticipated to be \$1,240,176. Other anticipated carryover is also utilized to cover \$410,000 of capital expense (ambulances & solid waste truck).
- 9) Overall, revenues (excluding variable grants and carryover funds) are expected to increase by \$458,924 in FY14.

EXPENDITURES

Departmental Operations

- 1) **Departmental Operations** reflects an overall decrease of \$38,273. There is currently no compensation increase for county employees.
- 2) The **E911** budget reflects an increase of \$63,187 for additional maintenance contracts and equipment replacement.
- 3) The **Paid EMS** budget reflects an increase of \$25,746 primarily due to an increased estimate for mileage reimbursement relative to agency vehicle rotation.
- 4) The cost for the **Regional Jail** is expected to increase by \$82,220.
- 5) The **Animal Control** budget is expected to increase by \$20,645 primarily due to vet euthanizing expense and increased training expense for 2 new employees.
- 6) The **Motor Pool** budget is expected to increase by \$122,500 primarily due to the purchase of 5 new vehicles (Sheriff, Animal Control, and Motor Pool).
- 7) **New positions** are included in Planning (Planner to begin 1/1/2014) and in Building Inspections (Building Inspector/Storm Water Inspector to begin 4/1/2014).
- 8) The **Debt Service** expenditure reflects a decrease of \$176,821 primarily due to refinancing.
- 9) The **Reassessment** expense in FY14 is expected to decline by \$171,511.

Capital Outlay, Agencies, Schools & Contingency

- 1) Generally, **agencies** are level funded.
- 2) **Capital Outlay** includes \$90,000 for replacement of the 2nd solid waste truck and \$320,000 for purchase of 2 ambulances to be used in the vehicle rotation.
- 3) **Schools** requested a local contribution increase of \$1,379,093, but is currently reflected with level funding. Meeting with School staff is scheduled for Friday, 3/15.
- 4) The budget also contains a \$1,240,176 **contingency** from non-recurring funds (carryover of unexpended FY13 contingency).
- 5) Additionally, the presented budget reflects \$1,375,828 in revenue that is currently unallocated in the expenditure budget.

Revenues:

In discussing the revenue overview, Ms. McCann confirmed that the June 2013 tax collection would be affected by the reassessment and the real estate tax rate set by the Board. She reiterated that the revenues used in the budget assumed tax rate equalization; such that if the real estate values went down substantially, the tax rate would go up substantially. Ms. McCann also confirmed she did use the actual real estate tax projection in FY13 for FY14. (Revenues, item 2)

Revenue item 5 – Building Permits, Mr. Harvey noted that the Wintergreen review Board was seeing more activity now in new construction.

Revenue item 6- EMS Revenue Recovery, Mr. Bruguiere advised the Board that the EMS council had noted that there were many non transports occurring. Ms. McCann noted that the billing company was seeing a movement to more Medicare or Medicaid calls than private pay. Mr. Carter noted that staff was looking into billing company options such as the ones in Charlottesville and Augusta County.

Revenue item 7- State Compensation Board, Ms. McCann noted that the constitutional offices salaries already exceeded this because of the Board's salary supplements and according to the supplement policy there was no obligation to raise them above their Compensation Board salary. She added that the Board could leave salaries as they were and would gain the additional revenue from state; which was for them to discuss and decide.

Revenue item 8-Carryover, Ms. McCann noted that these funds were carried forward as a contingency and that \$410,000 was used on the expenditure side for a solid waste truck and ambulances.

Mr. Harvey then suggested that they wait another year to purchase the solid waste truck and then keep the old one as a spare. He added that a five year rotation was good with upgrading a spare. Mr. Harvey then noted that Rockfish Valley Fire Department may have extra equipment etc. to offset the ambulance costs. Mr. Carter noted that these items were budgeted per the Board's direction but could be discussed as they went through the budget.

Expenditures:

Expenditure item 5-Animal Control, Mr. Carter noted that the County could revert to having employees perform euthanasia but they had not done this because of the consent order which was over now. He added that the County was not euthanizing a lot of animals because of its relationship with Almost Home. It was noted that they were really only euthanizing those that had no future prospects of adoption. Mr. Carter then reported that that state Veterinarian responsible for the consent order had made a surprise inspection and the County received outstanding remarks from him.

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Expenditure item 6-Motor Pool, Ms. McCann reiterated that this included 3 new Sheriff's vehicles, an Animal Control truck, and a vehicle to be placed in the motor pool for general county staff use.

Expenditure item 7-New Positions Mr. Carter noted that the County may or may not need the Stormwater Management position. He noted that the intent was to contract with TJSWCD for almost all aspects of the Stormwater Management program and he would report up. It was noted that the need for this may also depend on workload.

Ms. McCann then took the opportunity to advise the Board that the Affordable Healthcare Act required the provision of health insurance to anyone who worked 30 hours per week. She noted that currently health insurance was provided to full-time employees that worked a minimum of 40 hours per week. She added that the Board would need to decide the positions that were to be maintained at less than 30 hours and ones that would be allowed to go over. It was noted that this could affect the Part-Time Security positions, Part-Time Animal Control Officers, Part-Time Dispatchers, Part-Time Convenience Center Attendants, and the Part-Time Recycling Coordinator that typically worked less than 30 hours.

Capital Outlay:

Capital Outlay item 2- Ms. McCann noted that these costs were for equipped Mercedes ambulances.

Schools and Agencies:

Mr. Harvey then inquired as to what the state was doing with school employee pay and Mr. Carter explained that they were providing a 2% raise for SOQ positions; however the School Division's proposal was multifaceted and included incentive pay etc. He added that staff has asked them to provide what a 1% salary increase would cost. Mr. Harvey then inquired as to how many positions were paid for by the County only and Mr. Carter noted that this could be obtained from the Department of Education website. He added that the state was contributing approximately \$60,000 for the raise.

Mr. Carter noted that he would get specific school priorities and would bring them back. Mr. Harvey noted that in the school's compensation plan, some would get \$6,000-\$7,000 per year raises. Mr. Bruguire noted that they had raised the incoming teacher's salary a lot more again; saying they have to compete for good teachers. Mr. Carter noted that the starting teacher salary in Nelson was in the top 20 in the state now even before the proposed scale adjustment.

Ms. McCann then reported that the increase to teachers' pay was separate and that the school division had proposed a 3% raise for other employees. She noted that the School Division had an actual 11.3% increase in their Health Insurance costs versus the budgeted 10%; which would cost an additional \$400,000 in order to pick this up so that employees would not have to pay more. She added that the County had a 4% increase; of which

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those employees on family and dual plans would pay some of the increase whereas individual plan holders would not.

Mr. Hale noted that the School Board has asked for an enormous, unsustainable increase over the previous year and it was disturbing that there were not more students. He added that there were unallocated funds in the budget, but that if the Board was faced with equalizing the tax rate then it would shift the burden so that most citizens would pay more than in the past and only some would pay less. He noted that this was a problem to address now even though they were to decide the tax rate next year.

Mr. Hale then noted that when it came to Agency funding, the same approach was used every year. It was noted that the Board should look at these individually and some may be increased and some decreased.

Ms. Brennan noted that school expenditures would always go up due to increases out of their control. In terms of funding Agencies, she suggested that they set up an agency score card to see if they were doing what the County thinks is a priority. She added that the budget request forms that were returned were very difficult to make sense of and she was not sure what the County was getting for the money.

Mr. Harvey noted that the Board has been very generous to the school system and he believed it has gotten better; with graduation rates up and improved scores.

Mr. Bruguiere then noted that surrounding areas had lower paid teachers whose scores were better. Mr. Harvey then noted that he thought there was too much emphasis on SOL scores and students were not necessarily learning anything.

Following discussion, Supervisors agreed by consensus to hold a budget work session on March 21st at 3pm in the Board of Supervisors room of the Courthouse.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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

- 1) Courthouse Addition - Blair Construction working to complete punch list.

Mr. Carter noted that the concrete work should be finished that day per Jason Richardson. He added that they needed to verify the punch list and accept the work or not. He added that the County had been getting calls from sub-contractors wanting payment.

Mr. Carter then confirmed that the tunnel leak had been reported to Blair and Mr. Saunders indicated that he was not sure this could be fixed.

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In response to questions about the landscaping, Mr. Carter noted that the County had the plants and would complete this. He noted that the soil has been sampled and the intent was to fix the problem themselves. It was suggested that the rocks needed to be removed before fixing the grass and using sod on the entire grounds was also proposed to be done as soon as possible; especially in front of the building entryway.

Mr. Hale then inquired if the County could settle up on the retainage with Blair and then take on the left over projects. It was noted that this could be done and Mr. Saunders suggested that staff should get prices so it would be known how much to back out of the retainage.

- 2) Courthouse Display: Installation scheduled for 3-14 (one day completion EST.).
- 3) Courthouse Signage: 98% complete; minor punch list and a few signs pending.
- 4) Courthouse Retaining Wall (Law Office): Complete. However, VOOT is requiring rework of a section of the v-ditch and drop inlet. Next steps are in review.

Mr. Carter reported that staff had a conference call with Nolen Frisa on this and discussed that VDOT has noted a high spot in the ditch line and has sent drawings wanting the County to cut out 60 feet of road to a 2 inch slope.

Following discussion, Members suggested that the Board look at abandoning this road and Mr. Harvey suggested paving it once that occurred.

Mr. Hale noted that there has been a substantial problem with the drop inlet and flooding there and suggested that the County should not comply with these demands. Mr. Carter then noted that compliance was incumbent upon the contractor because VDOT held the Contractor's bond. Mr. Saunders noted that the owner could cut off the bond and Mr. Carter indicated that this had been discussed. He then added that the County was working with Mr. Liggett at VDOT and that the County had substantially improved their right of way.

Mr. Harvey then noted that it would be relevant to get rid of the water coming off of the hill before it got to the drop inlet in order to solve this issue.

- 5) Jefferson Building: Lynchburg Restoration has completed interior outside wall work. Next work elements being developed.
- 6) Magistrate's Building: Door and windows pending completion. Price Masonry Contractors Inc. will then complete interior re-plastering.

Mr. Carter noted that the Building Committee met to discuss next steps.

B. Broadband Project: Massies Mille Tower installation is complete except for micro wave equipment installation (in process and complete within 2 weeks). Extension request

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to NTIA approved to 6-30-13. Tower lease agreements with SCS are in process. NCBA rate revisions are in process. BRIW beginning marketing and subscription work.

Mr. Carter reported that the County needed to resolve the interference issue between licensed and unlicensed spectrum users. He added that the County was not trying to hold up SCS but needed to resolve this particular issue before entering into a tower lease agreement with them or anyone. He noted that he, Phil Payne and Susan Rorrer were working on this.

Mr. Carter then confirmed that the microwave dish was being installed at the Massies Mill tower and that there would not be a building installed there since there would be no fiber connectivity to this tower.

Mr. Carter noted that there were not any providers on the Martin's Store tower yet; however there would be once the lease with SCS was in place.

Mr. Harvey then noted that RVFD wanted a wired connection and Mr. Carter added that the BRIW rates have been established and were conducive to providing services.

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

D. Lovington Health Care Center: JABA staff completing further evaluation of facility. Meeting with County representatives pending to discuss next steps.

Mr. Carter noted that the scheduled meeting for the previous Wednesday was probably not held because of the snow storm. Ms. Brennan indicated that the meeting was rescheduled for March 14th and that she and Mr. Carter were not invited for the walk through because JABA did not want to alarm anyone with a large group walking through the premises. It was noted that Ms. Brennan and Mr. Carter would participate in a discussion following the walk through.

E. Refinancing of 2013 Courthouse & 1999 Literary Fund Obligations: In process.

F. 2014 General Reassessment: In process (Wampler-Eanes to report in April 2013).

Mr. Carter noted that the Assessors were about 44% done and would possibly report in April or at a time nearer completion.

G. Stormwater Program (Local): The project is in process (report to BOS TBD).

Mr. Carter reported that David Thompson and Tim Padalino were working with the consultant on this and a Plan was to be submitted to DCR for approval. He added that a concern was that the costs were greater than the revenues projected for the number of projects for a 5-10 year period.

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Mr. Carter then reported that the strategy was for TJSWCD to do most of this related work. Mr. Harvey suggested that they may want a local person involved and Mr. Carter noted that they would need someone more technical. Mr. Hale then suggested that staff analyze the cost effectiveness of each option. Mr. Harvey noted that these regulations made things ten times more complicated and technical than before.

H. Trail Projects: BRRT - in process. BRT - decision on funding applications (2) pending.

Mr. Carter reported that invitations were being extended to CTB members to come visit the tunnel while they were in the area either on the 26th or 27th. Members briefly discussed the other inserts to be included with the invitation.

Mr. Hale noted that he would find out the status of the Tyler property from Bud Carter and Mr. Carter reported that DCR finally gave approval of the use of shotcrete to repair the brickwork inside the tunnel.

I. Route 151 Corridor Study: In process.

J. FY 13-14 Budget: Draft submittal to BOS on 3-12. Work sessions to be scheduled.

K. Emergency Services: School Division assessment in process.

L. Groundwater Monitoring Program: 2012 Annual Report submitted to DEQ. No constituents exceeded groundwater protection standards for 2nd consecutive year. If 2013 test results continue this trend then County can petition DEQ to begin program closeout.

Mr. Carter noted that this monitoring cost the County between \$55,000 and \$100,000 per year. He added that Draper Aden Associates has done a good job but the EPA and DEQ kept lowering the parameter thresholds that have to be tested for. He noted that luckily none of the recent reductions would affect the County. In response to questions, Mr. Carter noted that there were two closed cells on the site, that one was under regulation now, and there was a system of 10-12 monitoring wells around that one.

M. Introduced:

Mr. Carter reported that Scott Leake from Congressman Hurt's Office called about the Board attending a luncheon the Congressman was hosting district-wide and wanted the Board's RSVP. He noted that the closest location was Charlottesville on the 26th and Rustburg on the 27th. Mr. Hale then noted he would send the RSVP.

2. Board Reports

Mr. Saunders had no report.

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Mr. Harvey reported that the town hall meeting was poorly attended and that most of the discussion was to do with the Route 151 Corridor Study. He added that some broadband was discussed.

Ms. Brennan reported the following:

1. Conducted the town hall meeting with Mr. Harvey.
2. Attended DSS Board meeting with nothing new to report other than successful adoptions had been done in the last year.
3. Attended VDOT field visits for the Route 151 Corridor study, spending 6 hours one day and 3 hours the next day. She also reported attending a project team meeting.
4. Attended Dental Advisory Meeting and reported that the free clinic was closing because it has been absorbed by the BRMC dental clinic. She reported that a celebration honoring Dr. Sherwood was to be held.
5. Attended Crisis Intervention Team (CIT) meeting; where cases were presented for team review.

Mr. Hale reported the following:

1. Attended NCSA meeting and reported that the Wintergreen water leakage problem was found to be due to old plumbing and fixtures there.
2. Did not attend last TJPDC meeting; however on April 4th the PDC would conduct its meeting; possibly at Veritas Winery and the Board was invited to attend including a meal. He added that it was the PDC's 40th anniversary and they were floating to each member locality for conduct of a meeting.

Mr. Bruguere inquired if the County had received any letters from the EMS Council and Mr. Carter indicated he had not. Mr. Bruguere noted that they should have submitted a request for the County's help in paying for all inspections; which had not been put into the agencies expense reports. He added that the squads wanted the inspectors to come and inspect them all at once. Mr. Harvey then advised that the Council needed to put a proposal together for the Board's consideration. Mr. Bruguere indicated that Council President, Eddie Embrey, was supposed to have written a letter on this.

B. Appointments

Ms. McGarry reported that an application had been received from Dian McNaught to serve on the MACAA Board of Directors replacing Pete Purdue and that an application from Carlton Ballowe had been received to serve on the EDA, filling the vacant seat previously held by Bennett Saunders.

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Ms. Brennan then moved to appoint Dian McNaught to the MACAA Board of Directors and Mr. Harvey seconded the motion.

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

Ms. Brennan then moved to appoint Carlton Ballowe to the EDA and Mr. Hale seconded the motion.

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

C. Correspondence - None

D. Directives

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

Ms. Brennan had the following directives:

1. Have Ms. Brooks send information on the Amherst Ordinance concerning dogs running at large.
2. Have Phil Payne provide input on the County having a smoke free campus.

Members suggested that staff send out a memo or survey to employees on how this problem can be addressed.

3. Noted that Doug Coleman at the Nature Foundation has offered help with native landscaping at the Courthouse.

Mr. Carter noted that he had thought about having the Master Gardeners adopt the project and Mr. Harvey directed that this be pulled from Blair's punch list.

4. Directed that staff report back on using the Reverse E-911 system to call cell phones. Mr. Carter noted that he thought it could be done and staff just needed to get cost information.

5. Directed that Mr. Carter report back on the deadline for the asbestos tile removal at the High School.

6. Have staff resend the list of Broadband operational vendors to the Board.

7. Directed staff to move forward with coordinating a Board meeting in the General District courtroom.

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8. Directed staff to look at another way to do reassessments; possibly in-house.
9. Directed staff to have the outside of the old jail cleaned up.

Mr. Bruguere reported that the Massies Mill Recreation Center kitchen items were no longer there and that the building was empty now. He supposed that the furnace may be newer than the one at Fleetwood and may be salvageable.

Mr. Carter noted that staff was developing a capital improvements plan and was considering adding an impoundment lot and warehouse for the County there. Members discussed this briefly noting that security would be a major issue there as it would be in such a secluded area; however the Board did need to decide what to do with the property.

Mr. Bruguere then noted that the old Piney River property; the wetlands at Jenny's Creek, had some out of service NCSA vehicles on it. Mr. Hale indicated that he would check on this and it was noted that the pump station there was in use now.

VI. Recess and Reconvene for Evening Session

At 5:30 pm, Mr. Harvey moved to adjourn and reconvene at 7:00 pm and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

At 7:00 pm, Mr. Bruguere called the meeting to order with four Supervisors present to establish a quorum and Mr. Hale joining the meeting shortly thereafter.

II. Public Comments

1. Jace Goodling, Afton

Mr. Goodling noted that he was a homebuilder in the County and a member of the Nelson County Homebuilders Association. Mr. Goodling noted to the Board that he and the Homebuilders Association had expressed concerns regarding the Building Inspections Department since 2006 and he was again expressing concerns regarding the Department's leadership. He specifically questioned the handling of a personnel matter by Mr. Thompson and Mr. Carter involving conflict of interest within the Department. He added that he thought that keeping the current leadership in place has had a crippling affect on builders for some time and he asked the Board to take action to address this.

2. Sean Wright, Schuyler VA

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Mr. Wright spoke in support of Mr. Goodling's comments; adding that he thought that Mr. Thompson was complicit in the personnel matter concerning conflict of interest within the department.

3. Josh Lanahan, Advanced Concrete Foundations

Mr. Lanahan spoke in support of Mr. Goodling's and Mr. Wright's comments adding that he thought that Mr. Thompson had not acted fairly in several instances on jobs that he was involved with. He noted that he felt Mr. Thompson's actions were vindictive and that he was difficult to work with. He then asked the Board to look into this.

Mr. Bruguere noted that the Board would take these comments under advisement.

4. Morris Foster, Shipman VA

Mr. Foster's comments were heard following the conduct of the public hearing, item III A.

1. Mr. Foster questioned why he was now in the East District and no longer in the South District. He supposed that this was done to put them in the East District for a certain purpose. Mr. Foster then expressed concern that his neighbors would not come to meetings because they did not feel it would do any good.

Mr. Hale explained that after the census, the County was required by law to make things as close as possible to one man one vote and to equalize the districts; the lines had to be moved.

2. Mr. Foster questioned how the County could take the Old Ryan School when it did not belong to them. He described the history of the school and how Thomas Ryan had given land to the County to build the school. He added that he had been trying to research this for some time; having to go to Amherst County to look at their records.

Members then clarified with Mr. Foster, which building he was speaking about and Mr. Carter explained that the property had been sent to Schrader's office on the tax sale list due to the taxes being delinquent for some time. Mr. Foster noted that he had heard it would be auctioned off.

Mr. Hale indicated that he would look this up to see if ownership could be determined and Mr. Foster noted it belonged to the people of Shipman.

Mr. Carter then explained that no one seemed to own the property and that was the problem. He added that it had been given to a set of Trustees and all of them were long deceased. He noted that while it was on the delinquent rolls, it was not coming up for tax sale anytime soon.

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Mr. Harvey then noted that Harry Harris had dug into this deeply and that the property had to be identified to be sure it existed and that there was another step with paperwork before the County could sell it. He noted that the County placed ads in the paper when ownership was unknown on these properties so that rightful owners could come forward.

Mr. Hale again offered to help Mr. Foster in researching this and Mr. Harvey noted that he did not want to see this property auctioned off due to its historical value.

Mr. Foster noted that he had cleaned up the property over the years and that at one point someone was going to help him get a grant for a Boys and Girls club there.

Mr. Harvey then inquired about the shape of the building and Mr. Foster noted that the basement floor was not stable to walk on.

Members then inquired as to whether or not the Massies Mill Recreation Center monies had been turned over to the Millennium Group and Mr. Carter indicated he would follow up on this to see.

Mr. Harvey then asked that this tax sale be put on hold with Shrader for now. Mr. Hale then supposed that someone could always pay the taxes on it and Mr. Harvey advised that being a relative of a Trustee did not mean the property was automatically passed down to them.

III. Public Hearings & Presentations

A. Public Hearing – Consideration of amendments to Sections 2; 3-1; 3-4; 3-5; 3-11; 4-1; 4-2; 4-4; 4-5; 4-6; 5-1; 5-5; and 7-1 of Appendix B, of the Code of the County of Nelson, 1989, generally relating to Subdivisions. **(O2013-02)**

Mr. Padalino noted that at the February Board meeting, the proposed amendments had been reviewed in detail. He then summarized the proposed amendments by noting that they would delegate some activities related to subdivisions to the Agent or Planning Commission, added access management, and changed the timing of submissions to the Planning Commission for review.

Mr. Padalino then noted that these amendments were reviewed by the Planning Commission; a public hearing was held by them and the amendments were recommended for Board approval. He added that in February, the Board moved to hold its public hearing.

Mr. Hale then questioned the subject of alternative waste treatment systems, section 4-4E of the Ordinance and noted that there was nothing in the Ordinance addressing the maintenance of one of these.

Mr. Bruguere then noted that he thought that the Health Department would be responsible for having it fixed if it failed and Mr. Padalino suggested that it would be

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them or possibly DEQ. Mr. Carter added that he would have to study this further as to what the Health Department required; but supposed that since it would be permitted by them it would be subject to their enforcement if discovered.

Ms. Brennan noted that she was concerned about large alternate waste treatment systems because local governments in other jurisdictions have been stuck with dealing with these.

Mr. Padalino and Mr. Harvey both noted that the proposed amendments were not changing much on this subject.

Mr. Saunders indicated he had no comments on the proposed amendments and thought they were fine.

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

Mr. Hale then began discussion of whether or not the Board, as the Governing Body, wanted to stay out of the appeal process for plats that were disapproved.

Mr. Harvey supposed that if the sub-divider were asking for clarification of the law, that the Court should do it since the Board did not have the ability to determine if the disapproval was arbitrary or capricious. He then supposed it could be appealed to the Board and the citizen always had the option to go to court.

Mr. Carter advised that there were similar provisions in the State Code on this but the timelines may be different.

Mr. Padalino noted that if it was a Planning Commission or Staff decision, then it could be appealed to the Board.

Mr. Carter noted that the reviews, approvals or disapprovals should be done straight by the book and Mr. Hale added that this was assuming that the requirements were perfectly clear and the Ordinance interpretation was always consistent.

Mr. Carter then noted that he thought that appeals should be to the Court; which may deter the Planning Commission from being arbitrary or capricious.

Mr. Harvey added that if the plat met the requirements of the Ordinance, this should not happen very often and Mr. Carter noted that the intent was to expedite the dispute to a decision. He added that if done right, any issues should be troubleshot by Mr. Padalino and the Planning Department.

Mr. Harvey then noted that if the applicant presented the plat on a timely basis then the issues could be worked out. He added that this procedure was subject to change if it did not work out in practice.

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Mr. Padalino and Mr. Carter both confirmed that the preliminary plat requirement was not being eliminated.

Ms. Brennan then moved to approve Ordinance **O2013-02**, Amendments to Sections 2; 3-1; 3-4; 3-5; 3-11; 4-1; 4-2; 4-4; 4-5; 4-6; 5-1; 5-5; and 7-1 of Appendix B, of the Code of the County of Nelson, 1989, generally relating to Subdivisions.

There was no second and there being no further discussion; Mr. Bruguere called for the vote. Supervisors then voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

**ORDINANCE NUMBER 02013-02
AN ORDINANCE TO AMEND APPENDIX B
§§2; 3-1; 3-4; 3-5; 3-11; 4-1; 4-2; 4-4; 4-5; 4-6; 5-1; 5-5; AND 7-1
OF THE CODE OF NELSON COUNTY, 1989, AS AMENDED RELATING
GENERALLY TO SUBDIVISIONS**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON:

1. That §§2; 3-1; 3-4; 3-5; 3-11; 4-1; 4-2; 4-4; 4-5; 4-6; 5-1; 5-5; AND 7-1 of the Code of the County of Nelson be, and the same hereby is, amended as follows:

Section 2, Definitions:

The following definitions are amended to read as:

Agent: The Planning and Zoning Director for Nelson County.

Performance Bond/Guarantee: A bond, escrow, letter of credit, cash deposit, or other performance guarantee approved by the Agent or Planning Commission, in the amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period of time.

Zoning Administrator: The Planning and Zoning Director for Nelson County.

Section 3, Administration:

3-1, Responsibility of Administration and Enforcement. This section is revised to read:

The Planning and Zoning Director is hereby designated as the Agent of the Governing Body for the purposes of administering and enforcing this ordinance. The Agent shall have the following powers and duties:

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A. To administer and enforce this ordinance and, in so doing, to make all determinations and findings and impose all requirements; except that the Agent shall have no authority to modify, vary or waive, nor accept substitution for, any requirement of this ordinance unless expressly provided.

B. To approve all plats, unless the plat is referred to the Planning Commission.

C. To interpret this Ordinance, and to request opinions or decisions, either verbal or written, from the Site Review Committee, or Departments of the County, from other officials and departments of the Commonwealth of Virginia, and from other qualified persons as may from time to time be retained.

D. To consult with and advise the Planning Commission on matters contained in this Ordinance.

E. To establish procedures to govern the administration of this Ordinance which are deemed by the Agent to be necessary for its proper administration including, but not limited to, delegating one or more duties set forth in this Ordinance. The procedures shall be consistent with this Ordinance and Article 5, Chapter 22 of Title 15.2 of the Code of Virginia.

F. To enforce the provisions of this Ordinance by injunction or other legal process.

3-4 This section is deleted.

Reserved for future use.

3-5 *Additional Authority*: This section is deleted.

Reserved for future use.

3-11 *Appeals*: The following sections are revised to read as follows:

C. Disapproval - If the Planning Commission or Agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the Nelson County Circuit Court and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the Circuit Court within 60 days of the written disapproval by the Commission or other Agent.

D. Failure to Act - If the Agent or the Commission fails to act on a plat within sixty (60) days after it is officially submitted for approval, or within forty-five (45) days after it has been officially resubmitted after a previous disapproval or within thirty-five (35) days of receipt of any agency response pursuant to Section 15.2-2259 B of the Code of Virginia, the developer/subdivider, after ten(10) days written notice to the Planning Commission or

Agent failing may petition the Circuit Court of Nelson County to decide whether the plat should or should not be approved.

4-1 *General*. This section is revised to read as follows:

A. *Substandard Subdivisions*. An existing subdivision which is not in conformity with this ordinance may be resubdivided and redeveloped (in whole or in part) by the owner of any group of contiguous lots. Every such resubdivision shall conform to the provisions of this Ordinance and any other applicable local ordinances. If, in the opinion of the Planning Commission total compliance is impractical, the Planning Commission may approve a resubdivision which is not in compliance with the provisions of this Ordinance if such resubdivision will conform more closely to the existing local ordinances than does the substandard subdivision. Any exception so authorized shall be set forth in a written statement by the Planning Commission detailing the reason for the exception and filed as an addendum with the final plat.

4-2 Improvements-General Requirements.

B. *Bonding requirements*. The Agent shall require the bonding of all private streets and all improvements to be dedicated to public use. The developer/subdivider shall, prior to recordation of the final plat, comply with any bonding requirement by one of the following procedures:

(1) Provide certification, supported by documentation, to Agent that the construction costs of improvements have been paid to the person constructing such improvements.

(2) Furnish to the Agent a certified check in the amount of the estimated cost of construction; or a bond, with surety satisfactory to Agent, in an amount sufficient for and conditioned upon the construction of such improvements; or a contract for the construction of such improvements with the contractor's bond, with surety.

(3) Furnish to the Agent a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the Agent as to the bank or savings and loan association, the amount of credit and the form thereof.

The amount of such certified check, cash escrow, bond or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities.

C. *Completion Dates for Bonded Improvements*. The developer/subdivider shall set a date, subject to the approval of the Agent, for the completion of the improvements bonded herein. If the improvements are not completed by this completion date, and no

new completion date has been approved by the Planning Commission, the Agent may proceed with the completion of the improvements by calling the bond due.

D. Partial Release of Bond. After the completion of at least thirty percent (30%) of the improvements required to be constructed under a bond or other performance guarantee described in subsection 4-2 B., the developer /subdivider may give written notice of partial completion to the Agent and request a partial release of such bond or performance guarantee. A partial release shall be granted within thirty (30) days after receipt of such notice unless prior to the expiration of the thirty (30) day period the Agent has notified the developer/subdivider in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by an applicable state agency. The Agent shall not be required to execute more than three (3) periodic partial releases in any twelve (12) month period nor be required to make periodic partial releases which in a cumulative amount equals more than eighty percent (80%) of the original amount for which the bond performance guarantee was taken.

E. Final Complete Release of Bond. After the completion of all improvements required by this Ordinance to be constructed under a bond or other performance guarantee described in subsection 4-2 B., the developer/subdivider shall give written notice of completion to the Agent and request the final complete release of any bond or other performance guarantee. The Agent shall within thirty (30) days after receipt of such documentation accept the improvements or notify the developer/subdivider, in writing of specific defects or deficiencies in construction and of suggested corrective measures, or of nonreceipt of approval by applicable state agency. If no action is taken by the Agent within thirty (30) days the request shall be deemed approved and accepted, and final complete release of the bond or other performance guarantee granted to the developer /subdivider.

F. Completion and Acceptance of Bonded Improvements.

(1) For the purposes of subsections 4-2 D. and 4-2 E., a certificate of partial or final completion of such improvements from either a duly licensed professional engineer or land surveyor, as defined in and limited to Title 54.1 of the Virginia Code, or from a department or agency designated by the Agent may be accepted by the Agent without further inspection of such improvements.

(2) For the purpose of final release the term "acceptance" is deemed to mean: when said improvement is accepted by the County or accepted by and taken over for operation and maintenance by a state agency, local government department or agency, or other public authority which is responsible for the operation and maintenance of such improvement upon acceptance.

4-4 Water and Sewer.

G. Alternative Waste Treatment Systems. Replace governing body with Agent

I) Where an alternative waste treatment system is to be used, the developer/subdivider shall provide to the Agent documented proof that the soils and parent materials are satisfactory to the Virginia Department of Health, and shall obtain approval of the alternative waste treatment system from the appropriate state agency, including the Virginia Department of Environmental Quality and the Virginia Department of Health. Such documented proof and approval shall be filed as an addendum with the final subdivision plat. 02008-09

H. 2) In all zoning districts, the reserve area for an alternative waste treatment system shall be sufficient to accommodate a minimum of one hundred 100% percent of the capacity of the primary area

4-5 Fire Protection.

A. *Dry Hydrants.* Where public water is not available and the subdivision contains fifteen (15) or more lots, anyone of which is five (5) acres or less in area, the developer/subdivider shall provide both a dry hydrant with a natural or man-made water source meeting the specifications contained in the National Fire Code for the subdivision density and an all-weather access road to the same. A Maintenance agreement shall be submitted detailing how the dry hydrants will be maintained by the property owners and/or developer.

4-6 Streets.

I. Reserved

I. *Access Management*

- (1) Entrance to Public Road. Any entrance from a subdivision street onto a public street or onto a street which the developer/subdivider plans to dedicate for public use, shall be constructed in accordance with VDOT standards.
- (2) Residential Entrance to Public Road. Whenever a proposed subdivision has three or more lots adjacent to a public road, except for a multi-lane divided highway, the approving agent and/or Planning Commission may require a shared driveway between the lots instead of each lot having its own separate entrance.
- (3) Service Drives. Whenever a proposed subdivision contains or is adjacent to a multi-lane divided highway, provisions shall be made for a service drive approximately parallel to such highway to serve the lots adjacent thereto. The area between the service drive and the divided highway right-of-way shall be sufficient to provide for scenic planting and screening, except where impractical by reason of topography.

5. Platting

5-1 General Requirements.

Approval Required. Except as provided in subsection 3-2 (A), any developer/subdivider desiring to subdivide a tract of land situated within Nelson County shall cause a preliminary plat of the proposed subdivision to be made and shall submit the same for approval pursuant to the terms of this Ordinance. The preliminary plat must be submitted to the Agent's office at least forty-five (45) days prior to the public hearing. After approval of the preliminary plat the developer/subdivider shall cause a final plat of the proposed subdivision to be made in accordance with the requirements of this Ordinance and shall submit the same for review forty-five (45) days prior to the public hearing.

5-5 Final Plat.

C (II). Signature spaces for "Approved" by the Agent

E. Recording of Final Plat. Approval of the final plat shall be void unless the approved plat is presented for recordation in the Clerk's Office for the Circuit Court of Nelson County within six (6) months after approval. No subdivision plat shall be recorded by the Clerk of the Circuit Court for Nelson County until it has been submitted to and been approved by the Agent or the Planning Commission.

7. Enforcement

7-1 Exception. If the subdivider can show that a provision of this Ordinance would cause unnecessary hardship if strictly enforced (because of topographical or other condition peculiar to the site) the Planning Commission may authorize an exception if, in the judgment of the *Planning Commission*, an exception may be made without destroying the intent of such provision. Any exception so authorized shall be set forth in a written statement by the Planning Commission detailing the reason for the exception and filed as an addendum with the final plat.

2. That this Ordinance shall become effective on March 12, 2013.

Mr. Harvey then noted he wanted to ensure that the Planning Department still saw the preliminary plats prior to the final one.

IV. Other Business (As May Be Presented)

Introduced: TJPDC Report

Mr. Hale asked Mr. Padalino to report on the TJPDC meeting and he noted that at the March 7th meeting, regional housing needs were discussed including doing a survey. He added that they presented a Consolidated Plan and looked at the Town of Columbia

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Revitalization Plan. Mr. Hale then asked if this could be distributed to the Board electronically.

Mr. Padalino then reiterated that the PDC would be holding its meeting in the county the evening of April 4, 2013.

Introduced: County Flag

Ms. Brennan distributed two County flag options for the Board's review as directed by members previously.

Members discussed the gold color and determined it to be okay as more of a yellow than gold.

Mr. Bruguiera and Mr. Saunders both indicated that they preferred the vertical design and Mr. Harvey noted he would defer to Ms. Brennan's preference but added that he thought the County ought to have one.

Mr. Hale suggested that the Board look at the new courthouse display that would be installed for inspiration. Mr. Harvey suggested that the Board pick a design first and then be consistent with the colors (gold/yellow).

Ms. Brennan then moved that the County adopt the vertical version of the flag design for the County flag and Mr. Harvey seconded the motion.

Ms. Brennan assured the Board she would work on the consistency of the colors. Mr. Hale noted that he would like to see the boundary of the County next to the James River be denoted in blue and Members agreed by consensus to add this to the design.

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

V. Adjournment

At 7:55 pm, Mr. Hale moved to adjourn and continue the meeting until 3:00 pm on Thursday the 21st for a budget work session. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously by voice vote to approve the motion.

Staff noted that members would receive a meeting reminder.