

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
March 12, 2013

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

- I. Call to Order**
 - A. Moment of Silence
 - B. Pledge of Allegiance

- II. Consent Agenda**
 - A. Resolution – **R2013-12** FY12-13 Budget Amendment
 - B. Resolution – **R2013-13** COR Refunds
 - C. Resolution – **R2013-14** Minutes for Approval
 - D. Resolution – **R2013-15** FY13-14 Local Government Challenge Grant
 - E. Resolution – **R2013-16** Support of Rail Preservation Application

- III. Public Comments and Presentations**
 - A. Public Comments
 - B. Presentation – USDA-RUS Broadband Funding Opportunities (R. Jenkins)
 - C. VDOT Report

- IV. New Business/ Unfinished Business**
 - A. Debt Refinancing with VRA
 - B. FY13-14 General Fund Budget

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

- VI. Recess and Reconvene for Evening Session**

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

II. Public Comments

III. Public Hearings & 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)

IV. Other Business (As May Be Presented)

V. Adjournment

**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>
\$ 39,046.00	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
<u>\$ 323.00</u>	4-100-999000-9901	4-100-013020-2006
\$ 1,985.00		
\$ 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
<u>\$ 1,510.00</u>	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
<u>\$ 1,407.00</u>	4-100-999000-9901	4-100-022010-2006
\$ 8,704.00		
\$ 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
<u>\$ 2,171.00</u>	4-100-091030-5616	4-100-031020-7015
\$ 21,938.00		
<u>\$ 1,169.00</u>	4-100-999000-9901	4-100-032010-2006
\$ 1,169.00		
\$ 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
<u>\$ 369.00</u>	4-100-999000-9901	4-100-032030-2006
\$ 2,141.00		
\$ 2,576.00	4-100-091030-5616	4-100-034010-1001
\$ 1,500.00	4-100-999000-9905	4-100-034010-1001
<u>\$ 946.00</u>	4-100-999000-9901	4-100-034010-2006
\$ 5,022.00		
\$ 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

Adopted: March 12, 2013

Attest: _____
Clerk, Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. The **General Fund Appropriation** reflects a request for appropriation of an additional **\$39,046** for distribution of Fire Funds. Fiscal Year 2011-2012 funds had been held for use as funding for the radio project. Recently, the Board approved distribution of funds to the agencies rather than utilizing for the project. The appropriation request represents distribution of last year's funds.
- II A. The **Transfer of Funds (FY13 Employee Salary/Benefit Adjustment)** includes the allocation of FY13 salary and benefit adjustments from the Employee Benefits line item (4-100-091030-5616) to the appropriate departmental salary/benefit line items. Adjustments totaling **\$75,640** reflect the approved 6% salary increase for employees offset by a 5% reduction in employer VRS expense. Also included is a **Transfer from General Fund Contingency** of **\$43,962** relative to payment of the employee bonus in December and payment of the employee share of Group Life insurance effective August 1, 2012.
- II B. The **Transfer of Funds from General Fund Contingency** includes **\$7,500** for a one-time payment to Commonwealth Public Broadcasting Corporation for irrevocable assignment of lease to county for Hightop Tower. Also included is a request for transfer from Contingency in the amount of **\$10,000** for euthanizing expense (Animal Control). The remaining balance in the General Fund Contingency after all requested transfers (inclusive of Bonus and Group Life adjustments) will be \$1,240,171.

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

Approved: March 12, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

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

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

February 11, 2013

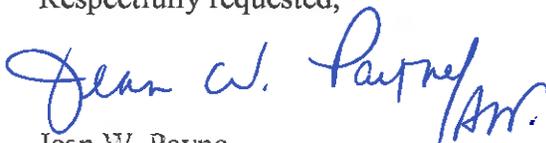
Mr. Thomas Bruguiera, Chairman
Nelson County Board of Supervisors
P. O. Box 336
Lovington, VA 22949

Re: Thomas, Thomas William
Thomas, Mary Frances Brown
556 Pendleton Drive
Amherst, VA 24521

This letter shall serve as written request that a refund of \$369.23 be issued to the above referenced taxpayers. 2012 personal property taxes and vehicle license fees were billed and paid on vehicles garaged in Amherst County.

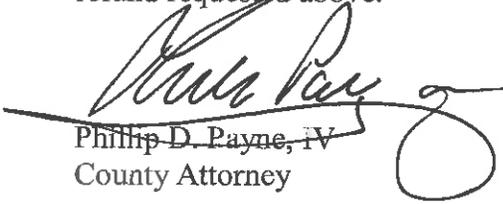
Supporting data is available in this office for your review.

Respectfully requested,



Jean W. Payne
Commissioner of Revenue

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



Phillip D. Payne, IV
County Attorney

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

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

March 1, 2013

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

Dear Tommy,

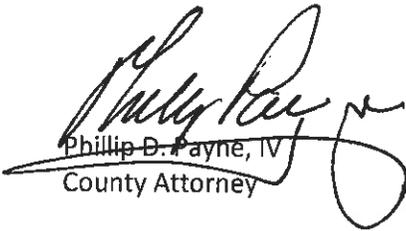
This letter shall serve as a written request that a refund of \$537.05 be issued to Mr. & Mrs. Robert W. Corey, 5512 Country Creek Court, Glen Allen, Va. 23059. This is due to the wrong square footage on his house.

Sincerely,



Jean W. Payne
Commissioner of the Revenue

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



Phillip D. Payne, IV
County Attorney

RESOLUTION R2013-14
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.

Approved: March 12, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

January 24, 2013

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 7:00 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. Bruguiera, 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
Jackie Britt, General Registrar
Debra K. McCann, Director of Finance and Human Resources

Absent: None

I. Call to Order

Mr. Bruguiera called the meeting to order at 7:15 pm, with all Supervisors present to establish a quorum.

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

II. Public Comments

Mr. Bruguiera opened the floor for public comments and the following person was recognized:

1. Bob Carter, President of Nelson County Historical Society

Mr. Carter distributed and read aloud a letter from the Historical Society regarding the Historic Courthouse Exhibit to be placed in the new entryway as follows:

Dear Mr. Carter:

At your invitation last spring the Board of the Nelson County Historical Society appointed three Historical Society members to serve on a working group to advise the County on consultant selection and development of a professionally designed exhibit on the history and evolution of the Nelson County Courthouse and courthouse complex. Our Society has greatly appreciated the opportunity to contribute our knowledge and expertise to this important educational project.

January 24, 2013

Please be assured that the Nelson County Historical Society Board is very satisfied with the text, illustrations, and overall design of the exhibit panels and banners, as proposed. We eagerly await the installation of the exhibit in its final form. It has been a pleasure to collaborate with the working group and Thayer Design's Paula and Mark Waller from the start to this final phase of the project. The Wallers have shown great initiative and exceptional diligence both in designing the exhibit and in responding to the contributions of the working group. They are creating an exhibit for the people of Nelson County that will be a valuable educational asset to the new judicial center for many years to come. We therefore concur in the finding of the Virginia Department of Historic Resources and the Federal Communication Commission that the County has satisfied the conditions of Stipulation I.A of the Memorandum of Agreement executed for the above referenced project in December 2010.

Mr. Carter then noted the presence of Mr. McGinnis, a member of the exhibit committee and Historical Society and he added that Samantha Embrey could not be present whose father and grandfather were both Clerks of the Court.

III. Public Hearings & Presentations

- A. Proposed Relocation of the Office of the General Registrar** from its current location at 63 Court Street, Lovingson, VA (lower level of the old Health Department building) to the Daniel Rutherford Law Office located at 571 Front Street, Lovingson, VA 22949.

Mr. Bruguire noted that the purpose of the public hearing was to take public comment on the proposed relocation of the Registrar's office to the Daniel Rutherford Law Office located at 571 Front Street in Lovingson. Mr. Carter noted that depending on what was decided, staff was ready to move forward with a lease.

Mr. Bruguire then opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed. Mrs. Britt in attendance then reiterated her stand on the move.

Mr. Saunders then moved to relocate the office of the General Registrar to the Daniel Rutherford law offices building on 571 Front Street in Lovingson and Mr. Harvey seconded the motion.

The Board discussed the possible length of the lease and Mr. Carter noted that Mr. Rutherford was open to a year or longer and that staff would work this out and bring it back to the Board. Mr. Saunders added that he had proposed a one year lease with an increase thereafter of 3% or a fixed lease for three years.

Mr. Hale then noted that the Courthouse complex had suitable space; which was more than adequate to meet the Registrar's needs at no additional cost to taxpayers and that kept the office within the administrative complex. He added that he had heard from one

January 24, 2013

constituent that supported keeping the office on grounds and was opposed to moving it to a location where the County would pay rent.

Mr. Bruguire indicated that the move was going to be temporary and was a good move in the interim until space could be built on grounds. He added that he did not anticipate it being for more than 3 years. Ms. Brennan then noted she was more in favor of leasing the Rutherford space on a yearly basis.

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

B. Presentation – Region Ten 2013 Legislative Priorities (Patricia Hughes)

Ms. Patricia Hughes, the Nelson County Region Ten Board member introduced herself and spoke about Plan C and Medicaid expansion. She explained the purpose of Plan C and noted that they expected a \$1.5 Million dollar shortfall. She added that there would be a \$500,000 shortfall locally and that this was federally mandated. Ms. Hughes then noted that 481 Nelson County residents were served by Region Ten in 2012 and that for every dollar spent, seven dollars were saved; making it a great benefit to the County.

Robert Johnson, Executive Director of Region Ten elaborated on the Medicaid Expansion and noted that Ms. Hughes was very dedicated and did a great job.

Mr. Johnson noted that part C. involved the Governor appropriating \$3 Million dollars this year to provide funding for 0-3 year olds with developmental delays. He noted that an additional \$5 Million dollars was needed to make up the shortfall. He added that the Governor also requested \$470,000 for discharge assistance for the mentally ill. He added that Region Ten had eleven of these people that they were able to discharge and this funding was important to them.

Mr. Johnson then further discussed the Medicaid Expansion noting that 1 out of 4 people did not have insurance and were self pay. He noted that generally, they pay 1/4 of their costs. He noted that there were 30,000 citizens in the Region who would be eligible for Medicaid and 3,700 would have mental health disorders. He noted that there was a large untapped population who needed services and the expansion would allow people to get these services. Mr. Johnson reported that On October 12, 2012 Region Ten had 347 clients and 207 were uninsured.

Mr. Johnson noted that the Governor opposed this but was less so if the Feds were more flexible with State needs. He noted that he supports a population of dual eligibles with Medicaid and Medicare. He added that the Governor wanted the system to have these in a pilot program and that Region Ten would be in this pilot program. He noted that this would be a cost containment measure and they would do a survey to see how many were in the catchment area. He noted that he was excited about this because of the 100% match for the first three years; however it was decreasing thereafter. He added that jobs would be created over the next ten years and better care would be provided.

January 24, 2013

Mr. Johnson then introduced the New Director of the Nelson County Counseling Office, Francee Laverty. Ms. Laverty noted that she started in December and was a Nelson County resident. She stated that the priority at the Counseling Center was working with adults with mental illness or intellectual disability. She then went on to describe the Horizon Clubhouse activities and noted the programs with help at home so members could stay in their home community. She added that every person had a case manager, both adults and children. She then described the therapists on staff and the school therapists on site indicating a partnership with the schools and the community.

Ms. Laverty then introduced Angela, a Horizon House member who described enjoying use of the clubhouse and the people there. She noted that she has made friends there, the Staff was awesome and that they did different activities during the day. She also noted that she enjoyed the animals there, such as the hamster. She noted she has more to talk about with her family now.

Ms. Laverty then introduced another Horizon House member, who noted that she enjoyed going to the clubhouse to crochet or knit and enjoyed the people there. She added that the Staff was very willing and able to help; it was a nice place to go to and she looked forward to it.

Ms. Laverty noted that there were several artists at the clubhouse and that their works were displayed at the courthouse. She added that they have had a grant to do adaptive skiing at Wintergreen and had a Walking to Wellness initiative and they were walking daily at 12:30 pm.

Ms. Brennan then inquired as to Region Ten's relationship with ARC of the Piedmont and Ms. Laverty noted that she could not fully describe this but would follow up on it.

Mr. Johnson offered that the ARC was a strong partner and that they had a monthly meeting with the Executive Director to partner on services. He noted that their future would be tied up with health homes to provide more physical care to consumers. He then noted that CIT training was coming their way to work with police officers to work with the mentally ill.

Mr. Johnson then noted his appreciation for the support from the Board and the County and asked for continued support and advocacy for their programs.

C. Presentation – Thayer Design, Inc. Historic Courthouse Exhibit

Mr. Carter introduced Marc and Paula Waller of Thayer Design. Mr. Waller noted that they have been an Amherst County business since 1975 and that their specialty was exhibit and display design. He noted that they have a lot of displays around the state and that they have enjoyed being a part of this project; which was just about ready to go to production.

January 24, 2013

Mr. Waller described how the proposed banners would look in the entryway and that the panels would run along the 25 foot wall that was opposite the entry. He noted that they would show the Board the preliminary layouts of panels which would be five feet long, three feet wide, and framed on the vertical left and right with stained hardwood. He added that the medium was a plastic direct printed with UV. Mr. Waller then noted a simple scale model of the courthouse square that would be displayed that showed the evolution of the additions over the years; which would be color coded.

Ms. Waller then described each of the panels and briefly noted the theme of each as follows:

Panel 1: A New Courthouse for a New County which described the formation of Nelson County from Amherst County and the donation of the land by James Loving for the first courthouse. This panel also described elements of design used in the first courthouse and contained some related photographs.

Panel 2: The Jeffersonian Jail, CA. 1824 which described Thomas Jefferson's involvement with the Jefferson Jail located on the courthouse grounds. This panel also contains some related photographs of the jail and its design.

Panel 3: 19th Century Prosperity & Progress which described the early evolution of the courthouse square, described the importance of Court Day and the maintenance of the County's land records after Sheridan's Raid during the Civil War.

Panel 4: 20th Century Transformation which described further additions to the courthouse made in the 1900s and included various pictures taken at the courthouse square.

Panel 5: A Preservation Success Story which described the construction of the new courthouse wing relative to the historic courthouse and related photos. Included are quotes from stakeholders as to why the courthouse is a preservation success story.

Mrs. Waller then noted that the design process has been a great collaboration among many people. She then noted that they were scheduled for completion and installation in early March. She added that the committee was doing final revisions in layouts and would have one more proofing session prior to production with a one day installation.

Mr. Hale, a committee member, noted what a terrific job they had done and he noted that final committee member comments were due the following day. He then noted that they had put it all together very well so the Board could see it.

There were no further questions from the Board and Mr. Bruguiera thanked them for the great work they have done.

IV. New/Unfinished Business

A. Approval of Minutes (R2013-05)

January 24, 2013

Mr. Hale moved to approve Resolution **R2012-05** Approval of Minutes and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION-R2013-05
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(December 11, 2012 and December 20, 2012)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **December 11, 2012 and December 20, 2012** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Radio Project Staff Report-Final Motorola Contract Design Review and Project Budget

This item was considered following consideration of item C.

Mr. Carter noted that Staff was presenting a summary of expenses and funding for the radio project as follows:

RADIO COMMUNICATIONS PROJECT

PROJECT BUDGET AMOUNT: \$ 2,900,000.00

Original Contract Amounts:

Motorola Contract	\$ 2,599,074.00
RCC Contract	\$ 104,645.00
Licensing	

Total: \$ 2,703,719.00

Proposed Contract Changes:

Changes to Project Scope and Equipment	\$50,815.51
Additional Subscriber Units and Chargers	\$80,195.07
Addition of Wintergreen Fire and Rescue Channel	\$130,627.46
Addition of Equipment for NCSA (no cost to County)	(\$40,526.44)

Total: \$261,638.04

TOTAL PROJECT EXPENSES AS OF JANUARY 23, 2013: \$ 2,965,357.04

Additional Funding Sources:

Four For life 2012 Funding	\$ 16,790.00
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Four For life 2013 Funding (estimated)	\$ 16,970.00
Fire Program 2012 Funding	\$ 39,235.00
Fire Program 2013 Funding (estimated)	\$ 39,235.00
Total:	<u>\$ 112,230.00</u>
TOTAL AVAILABLE FUNDING:	\$ 3,012,230.00
TOTAL PROJECT EXPENSES TO DATE:	\$ 2,965,357.04
BALANCE:	<u>\$ 46,872.96</u>

Mr. Carter noted that the project has gone through an extensive contract design review (CDR) with all parties to confirm how many of each unit was needed. He noted that some changes were incorporated to enable Wintergreen to be a part of the system. He added that he wanted to get support to sign off on the CDR and move forward. He noted that staff was concerned that the numbers would not work however they were in the black and additional funding did not appear to be necessary. He noted that the funding for the project came from VRA, County, and State funding through the four for life and fire programs.

Mr. Harvey then noted that he did not think that the use of state funding for this was going to fly with the EMS Council.

Mr. Carter noted that this project summary did not factor in any contingency and that use of the four for life and fire funds had not been reported to the Agencies; however it was discussed with the Board as part of the process. He added that the money would be used to purchase equipment for the agencies that they would not then have to spend money on.

Ms. McCann noted that the fire fund had changed the level of accountability for what has to be submitted and Mr. Harvey indicated that they were meeting this requirement every year. Ms. McCann explained that they would have to send in bank statements and would have to provide a lot more information than in the past.

Mr. Carter then followed up by noting that staff was proposing to use these monies for only two years. He added that the County had part of FY11 monies in hand that had to be used by the end of the year.

Mr. Harvey then inquired as to how much of the Wintergreen property tax revenue had come in since their tax status had changed and Mr. Carter noted he would have to check and report back.

Mr. Harvey then noted that the additional Wintergreen cost was \$130,000 and that he considered this a wash as he supposed more than this in taxes has come in. Mr. Carter noted that he thought the taxes were billed at \$165,000 for the year but that he was unsure if this had been collected.

Mr. Harvey then clarified that the Fire Program Funding came to the EMS Council and was split between agencies and Ms. McCann confirmed that the Four for life funding was Rescue money and the Fire Program was fire.

Mr. Hale indicated that he would rather not divert these funds to the radio project even though the agencies benefit from it. Mr. Harvey noted that the old system would work but was illegal.

It was then noted that the County would have to make up the funding difference of \$65,357 now and Ms. Rorrer noted that the narrow banding had to be done by October and that the County's radio project should be done in April.

C. VRA 2013 Spring Pooled Financing Application – Refinancing Courthouse Debt

This item was considered prior to the consideration of item B.

Mr. Carter noted that the Board had asked staff to take a look again at refinancing the Courthouse debt and he noted that Paul Jacobsen and VRA were helping this along. He noted that the original terms with RD were \$7,500,000 at an interest rate of 4.13%.

Mr. Carter then deferred to Ms. McCann to present the following refinancing scenarios for consideration.

Courthouse Refinancing Considerations (VRA)

Option 1- 20 Year Term, estimated interest rate 2.43%

Year	RD Loan	Prepayment	Total RD	VRA-Estimated	Annual Savings
FY11	\$ 78,611.00		\$ 78,611.00	20 Yr Term	
FY12	\$ 564,555.00	\$ 253,818.00	\$ 818,373.00		
FY13	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00		
FY14	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 219,733.08	\$ 425,584.92
FY15	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 431,921.31	\$ 213,396.69
FY16	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 430,137.06	\$ 215,180.94
FY17	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 427,919.71	\$ 217,398.29
FY18	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 430,160.91	\$ 215,157.09
FY19	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 431,855.83	\$ 213,462.17
FY20	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 428,001.80	\$ 217,316.20
FY21	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 428,455.40	\$ 216,862.60
FY22	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 428,131.65	\$ 217,186.35
FY23	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 427,096.80	\$ 218,221.20
FY24	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 430,305.10	\$ 215,012.90

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FY25	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 427,871.55	\$ 217,446.45
FY26	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 425,011.85	\$ 220,306.15
FY27	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 426,735.30	\$ 218,582.70
FY28	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 427,803.15	\$ 217,514.85
FY29	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 428,178.90	\$ 217,139.10
FY30	\$ 391,500.00		\$ 391,500.00	\$ 428,048.05	
FY31				\$ 427,637.10	
FY32				\$ 426,812.45	
FY33				\$ 425,604.90	
Term Totals	\$ 7,690,166.00	\$ 4,568,724.00	\$ 12,258,890.00	\$ 8,357,421.90	\$ 3,901,468.10

Option 2- 15 Year Term, estimated interest rate 2.14%

Year	RD Loan	Prepayment	Total RD	VRA-Estimated	Annual Savings
FY11	\$ 78,611.00		\$ 78,611.00	15 Yr Term	
FY12	\$ 564,555.00	\$ 253,818.00	\$ 818,373.00		
FY13	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00		
FY14	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 246,409.21	\$ 398,908.79
FY15	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 540,181.65	\$ 105,136.35
FY16	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 537,636.90	\$ 107,681.10
FY17	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 539,454.10	\$ 105,863.90
FY18	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 535,509.50	\$ 109,808.50
FY19	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 535,830.33	\$ 109,487.67
FY20	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 535,352.96	\$ 109,965.04
FY21	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 533,874.71	\$ 111,443.29
FY22	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 536,279.71	\$ 109,038.29
FY23	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 532,666.06	\$ 112,651.94
FY24	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 533,037.96	\$ 112,280.04
FY25	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 532,510.86	\$ 112,807.14
FY26	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 536,256.93	\$ 109,061.07
FY27	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 534,367.33	\$ 110,950.67
FY28	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ 531,643.88	\$ 113,674.12
FY29	\$ 391,500.00	\$ 253,818.00	\$ 645,318.00	\$ -	\$ 645,318.00
FY30	\$ 391,500.00		\$ 391,500.00	\$ -	\$ 391,500.00
Term Totals	\$ 7,690,166.00	\$ 4,568,724.00	\$ 12,258,890.00	\$ 7,741,012.09	\$ 4,517,877.91

Ms. McCann then reviewed both options and noted the annual savings and total savings for each. She then noted the following relative to each option:

Both options for refinancing of the Courthouse debt assume a borrowed amount of \$6,705,000. The original RD borrowed principal was \$7,500,000 at an interest rate of 4.13%. The savings could increase should the borrowed principal be less than noted. The prepayment of principal in FY13 could reduce the amount to be borrowed by \$253,818. The County could elect to skip the prepayment in FY13 and utilize the funds in another manner.

Annually, the Option 1 refinancing could generate about \$200,000 in savings per year for 16 years. The savings over the term of the loan would be approximately 3.9 million. This assumes an interest rate of 2.43% which could vary when the bonds are actually sold. This option does extend the term 3 years beyond the current anticipated payoff in FY30.

Annually, Option 2 would generate savings of about \$110,000 per year for 14 years and additional savings in the first year and the last 2 years. The savings over the term of the loan as compared to the RD financing would be 4.5 million. This assumes an interest rate of 2.14%. Option 2 provides \$616,410 more in savings over Option 1. This option also provides for the loan to be paid off 2 years sooner (FY28) than the current anticipated payoff in FY30.

The RD financing does offer the flexibility to eliminate the pre-payment in any year to provide cash flow and pay only the base debt service of \$391,500. The RD annual debt service is \$40,222 less per year than Option 1 and \$147,630 less than the estimated annual VRA debt in Option 2. The RD requirement to hold a 10% deposit reserve is excluded from consideration in these examples. The total set aside required is \$391,500. These funds are restricted (unspendable) until such time as the debt is paid.

Mr. Carter added that the Option 1 scenario showed the blending of RD debt and use of a part of the double payment for financing. He added that the County would have to blend in about \$40,000 of the \$253,000 to make the payments. He noted that the savings were free to be used for something else as they would only be using part of the double payment and would still retain a shorter term with the added benefit of throwing off some funds for use elsewhere.

Ms. McCann then noted that the money was in the budget for this fiscal year's prepayment and if the County made this, the amount borrowed would be less and the savings would be increased. Mr. Carter then added that the Board could defer this and put the funds in the budget next year for something else.

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Mr. Carter then noted that staff was in the position to move forward with the VRA application and the deadline was February 1st. He added that the Board would need to consider this that night or continue to next week.

The Board asked staff for its term recommendation and Mr. Carter noted that while he liked to pay debt off quickly, he liked the 20 year term because it saved about the same amount of money and there was more money to reallocate. Ms. McCann elaborated and noted that with the 20 year term, the term was extended by 3 years beyond the current plan and with a 15 year term, the debt was paid off sooner. Mr. Carter added that while staff was not ready with the FY14 budget yet, this would increase the Board's ability next year.

Mr. Carter noted that the VRA Bonds would price in May and the rate could change; however internal VRA analysis showed it would not go up more than 20-30 basis points or .2 to .3 percent.

Mr. Harvey noted that he agreed with refinancing and would like to see the debt gone as soon as possible. Mr. Carter then noted that with a VRA financing the debt could not be prepaid.

Ms. Brennan noted that it would be nice to be able to use the excess funds under the 20 year term for capital projects that have been pushed off.

Mr. Paul Jacobsen, Bond Counsel noted that the County has been building a debt service reserve of approximately \$50,000 that would come back to the County.

Mr. Jacobsen then noted that which term was chosen was a matter of flexibility and that the County would only lose \$36,000 of flexibility of RD commitment in the 20 year option and \$140,000 in the 15 year option.

Mr. Hale then noted that if they went the 15 year route, they would still be reducing their annual payments and he thought they should do that.

Mr. Hale then moved that the Board authorize staff to pursue the refinancing of the courthouse debt with VRA, using Option 2, a 15year term at 2.14% and Mr. Harvey seconded the motion.

Ms. Brennan noted she thought they should go with a 20 year term to free up more money to be used elsewhere.

Mr. Saunders noted he thought it was a tossup and could envision needing the money for something else in the next couple of years; however he was waiting to hear the recommendation.

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Ms. McCann reiterated that the consideration was paying the debt off more quickly and saving money or having more cash available on an annual basis that could be used in the budget.

Mr. Carter then reported that the School's request would be over a million dollars and if the Board had six hundred to seven hundred thousand dollars, it would get them closer if they did a term of 20 years. He added that unless taxes were raised or revenues bumped up, there was not anything else to give the Board more ability. He noted that he would like to go with 15 years but he thought that 20 years may be best.

Mr. Saunders noted that he did not want to have to raise taxes next year and Mr. Carter noted the increase in the Jail budget for next year and Members noted the over a million dollar request coming from the Schools. Mr. Carter noted that he preferred the shorter term but recommended 20 years for the flexibility. He added that the shorter term would save more; however the money was cheap over the 20 years. Mr. Saunders then noted he would favor a 20 year term.

There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Ms. Brennan and Mr. Saunders voting No.

Mr. Jacobsen noted that he believed the County could submit its application and if the Board wanted to change the term it would not be a problem; however they would need to know in April. He reiterated that they had the February deadline to get the application in and could revisit it.

Mr. Carter then asked the Board if they wanted to defer the prepayment for this fiscal year and the Board agreed by consensus to go ahead and make the prepayment as budgeted.

V. Other Business (As May Be Presented)

Introduced: JABA Board of Directors Appointment

Ms. Brennan distributed an application submitted by Ms. Diane Harvey for the JABA Board and noted that she would like to move to recommend her for appointment. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Introduced: Blue Ridge Crozet Tunnel Application

Mr. Carter noted that staff was submitting the tunnel application for funding and had asked surrounding localities for support. He added that the City of Waynesboro had indicated that they would like to be a co-sponsor of the application. He noted that he had indicated to them that if they did this that nothing would change with the application and the co-sponsorship would be in name only to enhance the application. He added that he

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then thought this may empower them unnecessarily and he wanted to get the Board's direction.

Mr. Hale noted he did not see a problem with it and that it may improve the chances for funding. Mr. Carter confirmed that it was clear that Nelson County was the entity that would manage and expend the money and agreed that it could be helpful.

Mr. Carter then reported that the County had gotten a resolution of support from Albemarle, but not from Augusta because of philosophical differences. He noted that the Augusta Board thought the money should not be spent on projects like this.

Mr. Hale then noted that the Foundation intended to ask for funds from them for the project.

Following discussion, the Board agreed that their consensus was that they favored permitting the City of Waynesboro to be a co-applicant on the application. It was then noted that Bud Carter was working on negotiations with the property owner.

Introduced: School Division CIP Priorities

Mr. Carter distributed a handout of the School CIP program and noted that in a meeting with Dr. Collins and Ms. Irvin that the security analysis had come into play and that Ms. Irvin had noted the School Board priorities. He added that they wanted to wait to see what comes out of the security evaluation first but that this would be their first priority.

He added that their other priorities were listed in an e-mail and that it was noted that the Honeywell study was being done, with the premise being that the savings pay for the capital costs.

Members then agreed by consensus to schedule this topic for the next meeting

It was noted that there may be some federal and state monies for security items coming forward. Mr. Carter then noted that the security analysis would start at Rockfish Elementary and the Paulsens would meet with all relevant parties and would do a table top exercise.

Introduced: Legislative Issues

Mr. Hale noted that he had spoken to David Blount about transportation funding issues and noted he was stunned by the Governor's recommendations to the General Assembly to do away with the gasoline tax and replace it with an increase in sales tax. He then questioned if it was worth the Board sending the legislators a letter on this.

He then noted that research shows that there has been no increase in 24 years and it was based on the gallon and there was no relationship to the cost of infrastructure or the cost of gas. He added that he did not think replacing it with sales tax was the answer and it

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also removed it from a separate stream of revenue for transportation funding and put it in the General Fund. He noted an increased tax on diesel was proposed also. He then distributed a handout from ITEP on the subject. Mr. Hale reported that David Blount said that there were a lot of proposals on this and it was likely to come out as the Governor has proposed. He added that if this was done, the State would lose revenue from those that traveled through Virginia.

Members then briefly discussed the state of the transportation system in Virginia and that it needed to be adequately funded. Instituting tolls and indexing the tax rate were suggested means of addressing this. Mr. Hale concluded by suggesting the Members call the legislators on this.

Introduced: Website Grade

Ms. Brennan thanked Ms. McCann and staff for the update to the website on the County's financial information so the County would not get a D grade again; which she noted was not related to its financial situation at all.

Introduced: Jefferson Building

Mr. Saunders noted that the work in the Jefferson Building was finished and that Mr. Parr was pleased about the brick in there. He then asked if the Board wanted to get a price from them to continue with the next phase.

Mr. Hale agreed that it looked good and that they thought the interior walls could be used. He noted that he thought it would be worthwhile to get a price to clean up the rest of the walls in there. The Board then agreed by consensus to get a price quote.

Introduced: Buddy Moore Resolution

Mr. Saunders inquired about a Resolution honoring Buddy Moore and Mr. Harvey noted that staff needed some more history for this.

Introduced: Magistrates Building

Mr. Saunders noted that he would soon have two prices for restoring the windows and doors in the Magistrates Building.

Introduced: Courthouse Concrete

Mr. Harvey asked about an area at the new front steps with old concrete and Mr. Saunders noted that he was upset about the concrete being poured in the cold weather and the contractor not using appropriate blankets. He added that it had been exposed to the elements as well and that it would be tested in seven days. Mr. Saunders then noted that he did not think it would last.

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Mr. Bruguire noted that they could have poured the concrete during the nice weekend weather prior to the cold and Mr. Saunders described having noticed tire tracks up on the curb by the dispatch center door that looked terrible. Mr. Hale inquired as to who was responsible to oversee this and Mr. Saunders reported that F&R was there but that Blair was responsible. Mr. Carter agreed and noted that the General Contractor should have a supervisor on site.

Members briefly discussed the weather forecast for the next week showing some warmer temperatures and it was noted that there was a lot of rain that would affect the concrete as well.

Mr. Hale suggested it would be worth Mr. Carter calling Blair to tell them to keep an eye on this and to not pour concrete if the conditions were not good. Mr. Saunders then noted that concrete took seven days to cure. They then discussed that calcium chloride in ice treatments would tear up the concrete; however new chemicals did not have this and were better. Members then suggested that staff find out what was used on the Courthouse walkways etc.

VI. Adjournment

At 9:08 pm, Mr. Harvey moved to adjourn and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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

Absent: None

I. Call to Order

Mr. Bruguiera called the meeting to order at 2:30 pm, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Mr. Saunders asked to discuss item D. separately. He noted that the Criswell lease agreement said sixty days notice was required; however since he had patients booked through November, he would like to give him until August 15, 2013 to move out. The Board agreed by consensus that this would be okay. Mr. Saunders noted that he had been practicing there for fifty-five years. Mr. Carter suggested that the County should proceed with establishing this date but go ahead and give him the notice, with which the Board agreed.

Mr. Saunders then asked to discuss item F. and asked for background on this since he was not on the Board when it began.

Mr. Hale then explained that the property was located on Little Joe's Creek near Fairmont Church in Shipman. He noted that the County was approached about two years ago through Sturt's attorney about him being interested in deeding this land to the County for recreational purposes as stated in the deed. He added that at that time the Board had expressed interest in this and had followed up. Mr. Hale noted that Mr. Sturt did not need tax benefits at the time, put this deed of gift in his will, and has now died and the

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property was to be conveyed to the County. It was noted that the deed was included in the package and Mr. Hale stated that it was around 344 acres valued at about \$1.5 Million. He then noted that the deed of gift stated that:

“WHEREAS, Grantor wishes to give the below-described property to Grantee for the purposes of recreation and conservation,

WHEREAS, the Comprehensive Plan for Nelson County, adopted October 8, 2002, includes the following goals: and, Recognize that the natural environment is an important facet of our quality of life and efforts should be made to support and enhance that environment; Protect the county's scenic resources as essential to the County's rural character, economic strength and quality of life; Promote a diversity of recreational opportunities for Nelson's citizens and for those who visit the county as tourists; Maintain the rural character of Nelson County;

WHEREAS, Grantee is willing to accept such gift with restrictions;

NOW, THEREFORE, for and in consideration of the foregoing, Grantor does hereby give, grant, and convey with General Warranty and English Covenants of Title unto Grantee the following described property:

All those two certain tracts or parcels of land lying in the Lovingston Magisterial District of Nelson County, Virginia, containing 344.5 acres, more or less, this being a conveyance by the boundary and not by the acre. BEING the same property conveyed to Grantor by deed dated October 3, 1989 and recorded in Deed Book 279 at page 190 in the Office of the Clerk for the Circuit Court of Nelson County, Virginia.

PROVIDED HOWEVER, that such property shall be used only for public recreation and for the conservation of natural resources, and further provided that such limitation shall not prohibit improvements to the property in connection with these uses, including but not limited to recreational facilities and parking, trails, water impoundment, and timber management, all of which shall be a covenant binding upon and running with the land.”

Mr. Hale then noted it was a generous gift to the County and that the Board had sent a letter of appreciation when he was alive for this gift. He added that it provided long term opportunities for the County and the Board needed to discuss later how to take advantage of this.

Mr. Hale added that Mr. Sturt was a native of Virginia, was very successful in his business career, accumulated great wealth, and had retired to California. He noted that this was not the only gift he made in Virginia.

Mr. Saunders then asked what the obligation and liability was associated with the land and Ms. Brennan noted that this was to be discussed. Mr. Hale noted that most of it had been in pines and Mr. Bruguere suggested the Board discuss this at another time but that

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it should not remain idle and should be used. Mr. Harvey added that if the Board chose, it could sit and the County did not have to spend any money on it.

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

A. Resolution – **R2013-06** FY12-13 Budget Amendment

**RESOLUTION R2013-06
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2011-2012 BUDGET
NELSON COUNTY, VA
February 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>
\$ 15,000.00	3-100-001401-0001	4-100-031020-1009

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

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 12,038.00	4-100-999000-9905	4-100-081010-1001
\$ 1,763.00	4-100-999000-9905	4-100-081010-2001
<u>\$ 13,801.00</u>		

B. Resolution – **R2013-07** COR Refunds

**RESOLUTION R2013-07
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>
\$ 154.68	PP Tax Relief	Caudel A. Campbell and Virginia C. Campbell

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1506 Woodson Road
Lowesville, VA 22951

C. Resolution – **R2013-08** Minutes for Approval

**RESOLUTION-R2013-08
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(January 8, 2013)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **January 8, 2013** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

D. Resolution – **R2013-09** Authorization to Give Notice to Tennant (Dr. Criswell)

**RESOLUTION-R2013-09
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO GIVE NOTICE TO TENNANT OF FORMER HEALTH
DEPARTMENT BUILDING**

RESOLVED, by the Nelson County Board of Supervisors that pursuant to the Lease Agreement dated August 21, 2003, the County Administrator, Stephen A. Carter is hereby authorized to give notice of lease termination on August 15, 2013 to the County's tenant, Dr. George Criswell DDS, Lessee of a portion of the former Health Department building.

E. Resolution – **R2013-10** Extension and Amendment of APCo Service Contracts

**RESOLUTION-R2013-10
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO EXECUTE EXTENSION OF APCO SERVICE
CONTRACTS**

RESOLVED, by the Nelson County Board of Supervisors that pursuant to the recommendation of the VML/VACo/APCo Steering Committee, the County Administrator, Stephen A. Carter is hereby authorized to execute an extended contract between Public Authority customers and APCo for the purchase of electricity (including street lighting) to serve governmental facilities retroactive to July 1, 2012 and for an eighteen (18) month term ending December 31, 2013.

F. Resolution – **R2013-11** Acceptance of Conveyance (Sturt Property)

RESOLUTION-R2013-11
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
D.W. AND J.S. STURT REVOCABLE TRUST

RESOLVED, by the Nelson County Board of Supervisors that the County Administrator, Stephen A. Carter is hereby authorized to accept the conveyance of property from D.W. and J.S. Sturt Revocable Trust via Deed of Gift dated January 22, 2013 on behalf of the Nelson County Board of Supervisors; the conveyed property being approximately 344.5 acres, more or less, in the Lovingson Magisterial District. This being the same property conveyed to the Grantor by deed dated October 3, 1989 and recorded in Deed book 279 at page 190 in the Nelson County Circuit Court Clerk's Office.

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.

B. Presentation – Robinson, Farmer, Cox Associates: FY12 CAFR (D. Foley)

Mr. Carter introduced Mr. David Foley, of Robinson, Farmer, Cox Associates and Mr. Foley noted that he was the Audit Manager for the County's audit this year for the fiscal year ending June 30, 2012. He then thanked staff for their help in completing the audit; noting that it took a lot of advance preparation to get ready for the audit and staff did an excellent job in pulling the information timely.

Mr. Foley then referred to page 1 of the financial report; which was the Independent Auditor's report where they issued an opinion on the County's financial statements. He noted that the County had earned the cleanest opinion possible of Unqualified.

Mr. Foley then noted that they have issued reports on the County's internal controls and compliance with major federal programs. He added that these were in the back of the audit and were clean as well with no material deficiency or instances of material weakness.

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Mr. Foley then noted that Page 3 began the Management Discussion and Analysis which gave a narrative overview written by management that covered the County's activities.

He then referred to Page 14; which was the listing of Governmental funds including a Balance Sheet. He noted that at the end of the year, the County had a general fund balance of \$19.7 million and the total fund balance was \$22.1 million.

He then noted that Page 16, Exhibit 5 showed the County's revenue and expenses during the year and the associated change in the fund balance. He added that the fund balance had increased during the year to \$3.6 million and was now \$1.1 million; indicating a good year for the County and was a positive thing.

The Board then thanked Mr. Foley and Ms. Brennan suggested that the audit be posted on the website with the Management Discussion and Analysis statement excerpted out. She then suggested that RFCA update the Table of Contents for correct pagination.

Mr. Harvey then thanked County staff for being headed in the right direction and Mr. Carter thanked Mr. Foley and noted that Ms. McCann and the Treasurer's staff were the exemplary ones working on the audit.

C. Presentation - CIT Broadband Initiatives and Franklin County Wireless Broadband Project (S. Terry)

Mr. Carter introduced Ms. Sandie Terry who noted her background and what CIT does for the State of Virginia. She noted that CIT was a nonprofit operating arm of the Commonwealth's Economic Development Office that had five service lines with Broadband being one of these. She then noted that Karen Jackson was in charge of Broadband and that she has worked directly for her since July.

Ms. Terry then noted that CIT was awarded money to collect broadband data and compile this into a mapping database. She noted that Virginia was collecting twice the data as other states and had built the broadband map at no cost to taxpayers. She then noted that that they were awarded \$8 million for data collection, capacity building, ecommerce, and emedicine. She noted that they also had a technical assistance project; which was why she was in attendance. She then noted that she was working on a guide for communities on broadband implementation.

Ms. Terry then noted that the primary reason for the invitation to speak to the Board was to discuss Franklin County. She noted that she was the IT Director there for 10 years and had 721 square miles and the County facilities were spread out. She noted that some had internet and some had none and she added that she did not have broadband internet at home either; which made it hard to do her job.

She then noted that the Office of Telework and Broadband Assistance was created in 2006 and in 2007 the Broadband Roundtable was created. She noted that out of that came

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several deliverables: a recommendation to form a Broadband Advisory Council for Virginia and the Broadband Tool kit; a methodology to resolve broadband issues.

She added that this led to them assessing where the service providers were in Franklin County and identifying unserved areas. She reported that they had sixteen fire and rescue agencies and had a cable franchise at the County Seat. She added that DSL was only available in the town of Rocky Mount and did not build out in the directions they needed.

Ms. Terry noted that they then looked at public safety towers to solve their radio problem and then wanted to leverage these. She noted that they issued an RFP to find a partner and the foundation was they were given free access to their entire infrastructure. She clarified that they did not have fiber but had towers so they leveraged those in order to build a wireless network to serve the County and citizens. She noted that they then established the number of potential customers at each tower site and determined the value of that site. She noted that the value was then turned into internet service to County Facilities and this was the basis of the partnership.

Ms. Terry then noted that they were able to build a fiber Wide Area Network (WAN) quickly and allowed the service provider to expedite growth and build a redundant network for very little capital. She noted that they used \$50,000 in Homeland Security grant funds to pay for receivers etc. for the fire/rescue agencies and invested \$83,000 out of the County's General Fund for equipment and receivers etc. She stated that they paid their service provider for five (5) years of service up front that provided them with the capital funding to go on commercial towers within the system. She added that the service provider has continued to grow and become more robust.

Ms. Terry added that the best thing a County could do was to create an environment that fostered expansions and upgrades by making permitting easy and the rates conducive to growth. She added that it was a business case, costs needed to be low, and not a lot of inhibitors preventing build out. Additionally, she noted that there had to be enough demand for the product. She then emphasized the importance of having a workforce that understood how to leverage broadband to attract companies and that the role of local government was educating the citizenry on how broadband could improve their business.

Ms. Terry then referred to an Economic Development Survey done in October that reported that if the unemployed had a broadband connection and there were home businesses that they could do, they could be taken off of assistance and placed into a home based business.

In response to questions, Ms. Terry noted that they had only one service provider that they partnered with. Ms. Brennan then clarified that they did eventually get fiber to connect major complexes within a mile in town and Ms. Terry confirmed this and noted that they wanted to own the fiber locally. She noted that their service provider had a head-end in Salem and there were three large providers there for redundancy. She noted that they shoot wirelessly from there into Franklin County.

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Ms. Brennan then confirmed that you can connect a wireless signal to fiber for distribution and Ms. Terry suggested that the County could shoot bandwidth point to point from Martin's Store to the Tower at Wintergreen in order to provide them with services.

Ms. Rorrer then noted that the County was at Wintergreen with a microwave link now and Mr. Carter noted that when they had discussed this with SCS, Mr. Stewart noted he could locate on Devil's Knob and then he could deploy point to point to Wintergreen.

Mr. Harvey supposed that there may be an agreement with WPOA and Wintergreen for WCC to be the only service provider there. He added that WCC may have a monopoly there because they were the only one who had the fiber but they may not be the only one that could provide services there.

In conclusion, Ms. Terry wanted the Board to know about First Net, which she described as the Federal Government starting discussions regarding a national first responders network based on LTE - 4G wireless technology. She added that they would be naming an organization in every state to represent the state and would take an inventory of vertical assets. She noted to the Board that she hoped the County's towers would accommodate five providers. She noted that Firstnet was coming and its goals were to consider any towers for the provision of broadband to unserved and underserved areas. She added that if the County had towers in unserved areas and was going to partner with a wireless provider, they should reserve space on each for Firstnet.

D. VDOT Report

Mr. Rick Youngblood the District Planning Manager from the Lynchburg District Office addressed the Board and noted that MAP-21 became prominent and as a result, the Federal Highway Administration sent down a functional class update. He noted that many characteristics were evaluated and they were asked to go back and update these characteristics. He noted that there were ten (10) roads in the County going through a functional class change and were going down a level.

Mr. Youngblood then noted that they had two consultants that went through the class changes based on MAP-21 guidance and then they came to the District level to review functional classes. He added that most were due to traffic volume generation that declined and tripped the class reduction.

Mr. Youngblood then noted that VDOT was not asking for a resolution and it was just a courtesy to allow the Board to make comments. He suggested that they look at the roads as submitted. He noted for example that Route 6 going up Afton Mountain was downgraded because of lower traffic volume as was Route 535. He then noted that the ten locations went from minor collectors to local roads because of declining traffic volumes in these cases. He noted that they should look at the information and justification or rationale for the Routes that should not be downgraded.

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Mr. Bruguere noted that this meant less money would be spent in this area and Mr. Youngblood agreed and noted that he had requested guidance on these impacts. Mr. Bruguere noted he thought it curious how the population was going up yet traffic was decreasing and Mr. Youngblood noted this was why they wanted local review.

Mr. Padalino commented that the roads seemed to be clustered in certain areas.

Mr. Youngblood then reported on the Route 151 Corridor Study; noting that VDOT was able to hire HNTB for consulting. He noted that they had done a lot of data collection etc. and that VDOT has provided them with past studies. He added that Route 151 has been a hot topic and its economic impact was growing substantially. He noted that they would be looking at safety aspects as opposed to only operational aspects during the review. He added that they had fourteen (14) intersections being looked at and would take the compilation of studies and reinforce the 2001 study to be a one stop document.

Mr. Youngblood then noted the dates of the field visits to be February 21st and 22nd and that they had Sheriff's Office involvement on the review team to look at these intersections. He noted that they would be meeting at RVCC at 9:00 am and the next project team meeting was February 28th from 1:00 to 3:00 pm at RVCC. Mr. Youngblood then reported that the big public information meeting was set for March 14th from 6:00 pm to 8:00 pm and would be advertised. He noted that they would present the data collected from the field visits then. He noted that they were getting positive feedback from the area.

Mr. Bruguere asked Mr. Youngblood to send the invitations to the entire Board so all knew what was going on.

Mr. Hale then asked if staff could check with Mr. Austin on the status of VDOT being able to do the site work for the Woods Mill Wayside concrete building.

Mr. Bruguere asked that VDOT take care of its ditches and culverts which was causing problems during heavy rains. He noted that the mud on Bradley Lane was terrible. He also noted the letter from Ms. Pope regarding the paving of Carter Hill Road and noted that at one time it was on the Secondary Six Year Plan and he asked staff to contact Don Austin about this.

Mr. Saunders noted that VDOT employees told him that they were not allowed to clean ditches in the winter.

Mr. Harvey and Ms. Brennan had no VDOT issues to be sent to Mr. Austin.

IV. New Business/ Unfinished Business

A. School Division CIP Priorities

Mr. Carter noted that the Board had asked that this be brought back for consideration and the ability to fund any of these included.

Mr. Carter then noted an email from Shannon Irvin noting that student security was their main priority; however others were noted to be: the outdoor bleachers, the asbestos tile removal at NCHS, and finishing the roof replacements at NCHS as well as the other items listed in the CIP.

Mr. Carter noted that the last page included the current status of the Board's financial ability to fund these projects as follows:

Capital Fund:	
Unallocated	\$ 1,017,375.00
Reserve-School Buses	\$ 180,000.00
Reserve-Tye River Elem (Bldg. Envelope)	\$ 300,500.00
	\$ 1,497,875.00
Courthouse Project Fund:	
Estimated balance after completion of project & Jefferson Building	\$ 600,000.00
General Fund Contingency:	
From Non-recurring revenue sources	\$ 642,495.00
From Recurring revenue sources	\$ 664,142.00
	\$ 1,306,637.00
Total Funding	\$ 3,404,512.00

Mr. Carter noted that the majority of these funds were nonrecurring and had been shown to the Board during the budget sessions the previous year; however he wanted to be sure the Board was aware of these balances. He noted that any monies could be transferred over to the Capital Fund to be used and that if it says recurring then it would be considered nonrecurring if used next year.

Mr. Harvey indicated that he and Mr. Hale should review this and come back with recommendations; however the ball field lights and bleachers needed to be done now or it would be too late for this year. He then asked if the Board could give the go ahead for these. Mr. Carter noted that in the School's CIP listing there were 2 sets of bleachers included: indoor and outdoor. The Board then agreed by consensus to do only the outside bleachers and the ball field lights.

Mr. Harvey then moved to authorize the schools to replace the visitors' bleachers at the football field and to do baseball and softball field lights. Mr. Saunders seconded the motion and Ms. Brennan clarified that they were not doing the gym bleachers. Mr. Carter then asked to what extent on the outdoor bleachers and Mr. Harvey noted that he and Mr. Saunders would work with them on this. In terms of how many bleachers, Mr. Harvey noted that they would replace what was there or would have them come back with a plan.

Ms. McCann then asked about replacing the asbestos tile and Ms. Brennan asked if they would be getting this bid out. Ms. McCann noted that they wanted to do this as soon as schools were out. It was noted that firmer dollar amounts were also needed. Mr. Carter then supposed they would need forty-five days to bid this out and Mr. Bruguere noted that an estimate of \$52,000 for this was listed.

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

Members then discussed that there was time to consider approval of the tile replacement and a few of the other smaller items on the list at the next regular meeting on February 28th.

It was noted that there were some smaller security related items on the list and members asked when the security study would be done. Mr. Carter then noted that a Task Force was appointed by the School Board to work with the Paulsens to do situation assessments at each of the schools and this may take 60-90 plus days to complete. He then noted that the State may be getting involved in this and was mentioned by the Paulsens at the meeting at Rockfish that week. He noted the participants and stated that he had asked Dr. Collins about Board representation and he had responded that initially, they would do this internally and then it would be turned over to the Task Force.

B. Proposed Amendments to the Subdivision Ordinance

Mr. Carter noted he would defer to Mr. Padalino and Phil Payne in presenting again the amendments sent forth by the Planning Commission some time ago. He noted that Mr. Padalino's Memo summarized the major changes.

Mr. Padalino then reviewed the summarized changes as follows:

- Generally giving more ministerial authority to the Agent (amended to be defined as "Planning & Zoning Director of Nelson County") and in some cases the Planning Commission – to administer and enforce the Ordinance. This would reduce the involvement of the Governing Body for several responsibilities, For Example:
 - The Agent would administer all bonding requirements.
 - The Planning Commission would authorize all exceptions
- Providing Clearer requirements for how the Ordinance shall be administered and enforced:
 - The administrative procedures for Platting appeals, approval, and disapproval would be revised.

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- The Agent's "Additional Authority" to "establish reasonable administrative procedures....necessary for the proper administration of the Ordinance" would be stricken.

In addition, the proposed amendments also include the following revisions:

- Requiring a Maintenance Agreement for approved Dry Hydrants.
- Establishing a section for Access Management which is intended to provide local oversight of traffic safety issues. There are three brief components to this proposed new section:
 1. Requiring entrances to public streets to be constructed in accordance with VDOT standards.
 2. Providing authority to the Agent and/or Planning Commission to require a shared driveway when subdivisions have three or more lots and are adjacent to a public road (instead of each lot having separate entrances onto the public road). Such shared driveways "may" be required but are not automatically required.
 3. Requiring provisions for service drives when access is from a multi-lane divided highway.
- Increasing from 30 to 45 the number of days an applicant must submit a preliminary plat to the Agent prior to the public hearing.

He noted that the amendments were meant to give more administrative control over procedures and clarify these.

Mr. Carter noted that in staff discussions, it was decided it was best to start from the Planning Commission recommendation phase and Mr. Hale inquired if this would have to go back to the Planning Commission. Mr. Carter noted that it would not if they accepted these recommended changes.

Mr. Payne advised that the Planning Commission's recommendations did not have to be accepted in total. He noted that some years ago when they had taken steps to move the Board out of the approval process, one thing that was not done was to take the Board out of administrative steps. He noted that it was discussed internally and it was his position to clean this up further in order to get them out of administrative steps that by statute could be done by the Planning Commission or the Board's agent.

He noted that there was also discussion to remove the Planning Commission from the review process for subdivisions of eleven (11) lots or larger because the approval of a plat was ministerial. He added that there were provisions for exceptions that the Planning Commission could have this authority.

Mr. Payne suggested that the Board (step 1) endorse a public hearing on the amendments that take the Board out of the administrative details and as for the other things like road

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management, these could be deleted from the amendment and then if the Board wanted to take the Planning Commission out of reviewing subdivisions with over eleven (11) lots, it would be a referral to the Planning Commission (step 2). He noted that it was hard to do as a whole package and recommended that they do it in pieces to get there.

Ms. Brennan agreed it made sense to separate these out and Mr. Bruguere clarified they were primarily giving the okay for these to go to public hearing and Mr. Carter confirmed this.

Mr. Harvey then moved to send this to public hearing in March and Ms. Brennan seconded the motion.

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

Mr. Hale asked if the alternative waste water system language could be added after the after public hearing and Mr. Payne advised that there was no rule for what was a substantial change requiring re-referral or a modification. He added that if the subject was addressed by the Planning Commission, then the Board could do something with the language.

Ms. Brennan then indicated that the Planning Commission may take up the topic of alternative sewer systems.

C. Maintenance of Residential Solid Waste Collection Site Decals

Mr. Carter noted that staff wanted to get input on continuing these, abandoning these or issuing them one more time and as needed.

He noted that the current stickers were issued in 2011 for two years and staff was deciding what to do. He added that the new Recycling Coordinator, Grant Massie has polled the site attendants and they have said that if they did not know someone, they stopped them to see their driver's license. He noted that it cost \$2,500 to issue the decals and he thought they should be abandoned or made permanent. He then noted that they had been fairly effective.

Mr. Harvey noted that the situation was under control and there was no need to continue this and Mr. Hale noted that half of the citizens did not have these on their vehicles anyway.

Mr. Carter noted that Grant Massie recommended giving it a year to see how it was going without decals and then reconsider issuing them if it was not working.

Mr. Bruguere and Mr. Saunders noted that they thought they should get rid of them and Ms. Brennan agreed; noting she thought that they should go with the recommendation of Mr. Massie and the attendants.

The Board then agreed by consensus to not reissue the residential solid waste collection site decals.

D. Discussion of Amendments to Chapter 3, Animals of the Code of Nelson County – Dogs Running at Large

Ms. Theresa Brooks, Animal Control Supervisor addressed the Board and noted that the County did not have a dogs running at large ordinance however, dogs were not allowed to run at large not displaying their tags.

She noted that there have been some problems in the County that were more of a nuisance nature. She noted that dogs attacking livestock cases would go to the judge for consideration. She added that there were not a large amount of bite cases but they did deal with nuisance problems daily especially with elderly people. She noted that dogs were going onto others property and chasing chickens and other pets; however, they had not had any calls as far as dogs tearing into trash.

She noted the recent case of a goat attack that was dismissed in court due to there not being enough information.

Ms. Brooks then noted that there was a constant issue of nuisance; where owners were not keeping their dogs on their property; however there was nothing the ACOs could do about that at this point besides counseling the dog owner.

Ms. Brooks then noted that the Albemarle Code stated that running at large was strictly prohibited whereas Amherst County had a section related to public nuisances and she read this aloud. She noted that these infractions were subject to a fine and noted these. She then suggested that they start with giving warnings and then institute fines thereafter.

Mr. Hale asked if she could find out how many people were fined in Amherst and the number of occasions where ACOs were able to successfully enforce the ordinance she read. Ms. Brooks noted that she would talk to Amherst about this.

Mr. Hale indicated he was concerned about enforcement of the ordinance. Ms. Brennan noted that the Wintergreen law was not working too well over there per her constituents and it was not being enforced there as it should. Mr. Carter noted that when this was enacted, the Wintergreen Police said that they would enforce this.

Ms. Brennan indicated her concern with issuing a warning after the first bite and then a fine after the second bite and wanted to see something preventative in place to deter these things from happening.

Ms. Brooks noted that when this happened, the dog would be confined for ten (10) days.

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Mr. Carter noted that the majority of input from smaller groups has been fear to be out walking etc. and being attacked; rather than dogs getting in trash. He noted that he thought that the Amherst Ordinance would be tough to enforce.

Ms. Brooks then noted that when talking about bites, you were getting into the dangerous dog or vicious dog statutes and that State law says if caught in the act or have reason to believe it has bitten someone, it is a dangerous dog. Mr. Harvey noted that unless a person witnesses the act, this would be hard to prove. Mr. Carter noted that the County did have things in place to address these things.

Ms. Brooks then noted that the issue was with educating people and prohibiting dogs running at large at all would cause hardship for the current staff in the county.

Mr. Bruguere noted that he liked the nuisance provisions of Amherst County but that he thought if a fine was involved it would get people to be responsible for their pets.

Mr. Hale asked what they had to do if they had a nuisance complaint and Ms. Brooks noted that the owner was unknown a lot of times so they set traps. She noted that if the owner was known, they go to them to provide counsel.

Mr. Harvey noted that a lot of the times the gripe was between owners and not the animals. Ms. Brooks agreed and noted that there was currently nothing in place for the court cases that get dismissed that the owners had to keep their dogs confined. She added that she did not think this was an issue with specific breeds of dogs.

Ms. Brennan noted that she would like to see a fine for first time offenses by nuisance animals.

Mr. Bruguere suggested that the Board take this up again after getting information from Amherst on how this was working for them.

Ms. Brooks then noted that anyone could look up their annual report on VDACS to see any of the County's activity including bites on www.VDACS.va.gov.

Mr. Carter noted that this was an annual report showing the disposition of each animal. He added that in 2011, they handled over 700 animals and in 2012 over 800. It was noted that the majority of them were adopted out to Almost Home and less than 30% were euthanized.

Mr. Hale then added that Almost Home was happy with working with Ms. Brooks and that theirs was a key relationship.

Ms. Brooks noted that her goal was to allow people to keep their animals and Almost Home has helped with that in assisting with owner expenses. She noted that they let Almost Home decide at times if an animal is adoptable or not. She noted that this was the case with two dogs that were owner surrendered after a bite and held for 10 days. She

noted that this was a case where the animals misbehaved in a pack and when separated, they were fine and Almost Home adopted them out to New Jersey.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter reported the following:

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

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

Mr. Carter added that Blair would install CO2 sensors to make the HVAC system work more efficiently; which would cost less than \$3,500. He then emphasized that the concrete work was the priority.

2) Courthouse Display: Complete and installed within 30 days.

3) Courthouse Signage: Complete other than minor punch list items (in process).

4) Courthouse Retaining Wall (Law Office): Complete. Drainage installation being reviewed per VDOT comment.

Mr. Carter added that VDOT was coming back to confirm the grade %, which should be .5% and they think a low spot does not meet this. He noted that Butch Cook from Nolen Frisa indicated that it was at a 2.5% slope – five times what was required

6) Jefferson Building: Lynchburg Restoration has completed interior outside wall work. Proposal on balance of building interior is pending receipt.

7) Magistrate's Building: Door and windows pending completion. Price Masonry Contractors Inc. will then complete interior re-plastering.

B. Broadband Project: Massies Mille Tower installation in process (late February/early March 13 completion). Extension request to NTIA submitted (to 9-13). Tower lease agreements with SCS are in process. Staff & BRIW working on rate revisions.

Mr. Carter added that the extension request was based on FCC approval timeframes and not the weather.

C. 2012 Radio Project (Narrow banding): BOS has approved the project's Contract Design Review (CDR). Project comment is pending from the National Radio Astronomy Observatory ('quiet zone'). The FCC has granted the County a narrow banding compliance waiver until 11-30-13. Project completion projected at September 2013.

D. Lovington Health Care Center: Howard & Assoc.'s final report has been received and conference call conducted with consultant, JABA and County staff. JABA input received (attached). Meeting to discuss next steps to be scheduled.

Mr. Carter noted that he thought that Evelyn Howard should come and report to the Board as staff was not sure it would work and wanted Ms. Howard to provide input to the Board to determine next steps. He noted that JABA wanted to bring in an architect to look at expansion of the building in order to allow for Alzheimer's care there.

Ms. Brennan confirmed they were planning a walk through; however she had not heard when it would be.

Mr. Carter then noted that the report had stated that it was necessary to get clients from other counties and Wintergreen to make it feasible. He noted that he was doubtful that Wintergreen clients would use this facility over the one at Old Trail in Crozet. He then noted that there was a lot more work to be done in order to decide what to do with the property.

E. 2013 Courthouse Refunding: Pooled financing application submitted to VRA on 2-8.

F. 2014 General Reassessment: In process.

Mr. Carter noted he would ask them to report in March to the Board. He added that the Commissioner of Revenue had been pleased with their work thus far.

G. Stormwater Program (Local): The project is in process.

Mr. Carter added that Tim Padalino and David Thompson were actively involved in this and that a DCR grant was funding the administrative details.

H. Trail Projects: BRRT in design phase. BRT – funding application submitted to VDOT. Tunnel tour with VA-CTB members planned for 3-13. NPS Rivers, Trails and Conservation Assistance project in process. Grant application to FHA for Paul S. Sarbanes Transit in Parks grant funding pending final decision.

Mr. Carter noted that Emily Harper was now managing the Blue Ridge Railway Trail grant since Mr. Boger's retirement and that a tour of the Blue Ridge Tunnel with the CTB would be scheduled in March or April. He added that Waynesboro was the co-applicant for the MAP-21 grant; they were getting excited, and had asked about extending the trail head into the city.

I. Route 151 Corridor Study: Kick off meeting with VDOT conducted on 1-10.

J. FY 13-14 Budget: In development. Submittal to the Board projected for 3-12-13.

K. Emergency Services: School Division and Disaster Dynamic staff proceeding with an initial assessment meeting at RRES on 2-11 and proceeding with more in depth review thereafter, including use of a project Task Force.

Mr. Carter added that Jaime Miller had been briefed on this and was impressed with what had been done so far; however he had not yet heard from Dr. Collins..

L. Personnel: New employees include: Mr. Grant Massie on 1-29 (SW & Recycling Coordinator) and Mr. Shawn Wood on 2-5 (Public Safety Dispatcher).

Mr. Carter added that Mr. Massie was retired from Amherst County and had worked with Region 2000. He noted that he is a Planner and would work out of The Planning and Zoning Office and would provide some assistance there.

M. Other: a) Smoke Free Campus is in review; b) updated financial information placed on County website; c) K. White affidavit placed in BOS in-boxes; d) Reverse E-911 messaging to cell phone numbers in review; e) Per Treasurer's Office, \$74,355.30 in RE taxes billed to WG Resort based on \$12,385,650 assessment with \$10,802 pending payment (Note: Per discussion with Comm. of Revenue the assessment is incomplete and a supplemental tax bill is to be issued)

2. Board Reports

Mr. Harvey had no report.

Ms. Brennan reported that Members may hear this from citizens that Social Security checks would no longer to be sent in paper form and recipients must have a bank account or they will get a debit card.

Mr. Hale reported attending the TJPDC meeting; where the ride share program was discussed.

Mr. Saunders reported that employees have pointed out issues of trim coming off and benches in the courtroom coming unglued in the new judicial wing.

Mr. Saunders reported that he had obtained a quote from Lynchburg Restoration to remove the plaster from the interior walls of the Jefferson Building for \$10,175.00. He noted that the work done before cost \$8.50 per square foot and at this price, the cost per square foot was \$5.80.

Mr. Saunders then noted that they would potentially leave these walls exposed. Mr. Hale added that they had done a very good job and had determined that the walls were in better shape than anticipated and for future use; consistency with this would be a good idea. Ms. Brennan then agreed it was in keeping with historic preservation. Mr. Hale noted that if they did not remove it, they were going to have to put in a metal stud wall and sheetrock to cover it.

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Mr. Hale then moved to authorize staff to enter into an agreement with Lynchburg Restoration to complete the removal of plaster on the interior walls as proposed and Ms. Brennan seconded the motion.

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

B. Appointments

Ms. McGarry noted having submitted a revised appointment sheet to reflect having received an application for the Ag Forestal District Committee from Chapin Wilson, Jr. She then noted that an application had been received from Audrey D. Evans for the Library Advisory Council representing the West District.

Mr. Hale then moved to appoint Chapin Wilson, Jr. to the Ag Forestal District Advisory Committee and Ms. Brennan 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 Audrey Evans to the Library Advisory Council representing the West District and Mr. Hale seconded the motion.

Following brief review of Ms. Evans's application Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

Mr. Harvey noted that his experience with the new GIS was terrible and he was unable to do anything with it. Mr. Hale noted that he had had positive experience with it so far and liked it better and it had more features. Members briefly discussed whether or not the public would be able to navigate the new website.

Ms. Brennan thanked Ms. McCann and Ms. Kelley for updating the County's website for budget information.

Ms. Brennan asked that all new staff be introduced at the first March meeting.

Ms. Brennan reported that she was off of the VACo Board of Directors and the County's new representative was Mozell Booker from Fluvanna Co.

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Ms. Brennan noted that she and Mr. Harvey were hosting another town meeting the following night.

Mr. Hale suggested that the Board direct the Planning Commission to look at the Zoning Ordinance to add "bonafide caretaker" as a residential use in an M2 District as it exists in the current M1 Zone and would be appropriate for M2.

Mr. Carter suggested that this be done by motion and Mr. Hale moved that the Board request that the Planning Commission review the Industrial District M2 for inclusion of residential use for bonafide caretakers as in M1, see M1 section (18-2-1).

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

Mr. Hale then noted that there was confusion with respect to cabins in the A1 District and it needed to be resolved. He noted that a rustic cabin was allowed according to the Zoning Ordinance and it was in possible conflict with the Building Code. He then read the definition of a rustic cabin and noted that the Building Official has indicated that the public thinks this allows them to choose whether or not to provide the items listed in the definition of a rustic cabin, while the Building Code requires these things for a dwelling unit or requires a modification granted by the Building Official. He added that this needed to be sorted out.

Members briefly discussed this and Mr. Padalino added that from David Thompson's perspective, if someone sleeps under that roof once then it becomes regulated as a residential structure. He added that there was a disconnect between Planning and Zoning and the Building Department on this since Planning and Zoning does the land use regulation first and then when cleared by Zoning they go to the Building Department for their permitting.

It was noted that Staff would look into this and come back with some recommendations. Mr. Padalino added that it was more related to accessory structures and the terminology oftentimes gets confused. He confirmed that on their side, the Zoning Ordinance did appear to give the applicant a choice in things they do not really have a choice in when it comes to the Building Code.

Mr. Saunders then asked what was to be done with the soapstone plaque that the Judges had presented to the Board as Paul Truslow needed direction.

It was suggested that Blair needed to be consulted to see about available structural bracing. Mr. Harvey suggested that a case could be built under it and it was decided that staff would come up with something by the next meeting.

Mr. Saunders then suggested that a Board meeting be held in the General District Courtroom. He added that he had spoken with Paul Truslow and he had indicated that he thought someone could make some seating that would work to be used temporarily

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during Board meetings and then the current Board Room space could be used for office space. He added that Judge Serkes wanted more of the public to see the courtroom and he would like to get quotes on this.

Members then briefly discussed the seating at the tables and whether or not staff would be included or be seated off to the side.

Mr. Bruguere noted he would like for staff to work on a way for all offices, such as: Tourism, Commissioner of Revenue, Circuit Court Clerk's Office and Planning and Zoning, to talk to each other and then have a station at Planning and Zoning where citizens could pull all of the property information up from one location. He added that he wanted to make working with County records more seamless for citizens so that they would not have to go from office to office. Members noted that this information was readily accessible from their computers or the Clerk's Office for real estate information etc; however Mr. Bruguere would like to see this collaborated on by staff.

VI. Recess and Reconvene for Evening Session

At 6:40 pm, Mr. Harvey moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Bruguere called the meeting to order at 7:03 pm, with all Supervisors present to establish a quorum.

II. Public Comments

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

III. Public Hearings & Presentations

A. Public Hearing – Application to amend Rezoning Application # 2000-005, L. Saunders, Tax Map # 76-11-1 to include Articles 9-1-2, 9-1-7a, 9-1-8, 9-1-11, 9-1-12, 9-1-20, 9-1-21 and 9-1-28.

Mr. Padalino noted that the subject property was identified as tax map parcel #76-11-1 and was located in the West District of Nelson County along the southbound lanes of U.S. Route 29. He added that it was a 21.75-acre property which was currently zoned Industrial (M-2) Conditional. He then noted that the application was technically an amendment to rezoning application #2000-005 to rezone a parcel zoned M2 conditional.

He noted that the list of allowable uses was to be expanded to include the following eight (8) uses by right:

- 9-1-2: automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, or battery manufacturing
- 9-1-7a: manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, straw, textiles, tobacco, wood, yarn, and paint
- 9-1-8: manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas
- 9-1-11: coal and wood yards, lumberyards, feed and seed stores
- 9-1-12: contractors' equipment storage yard or plant, or rental of equipment commonly used by contractors
- 9-1-20: veterinary or dog or cat hospital, kennels
- 9-1-21: wholesale business, storage warehouse
- 9-1-28: communication towers subject to Article 20, Communication Tower Ordinance

Mr. Padalino noted that this was nothing out of the ordinary or of high impact. He added that the Planning Commission had requested that battery manufacturing be stricken from the allowable uses due to its potential environmental impacts.

Mr. Padalino then explained that the rezoning was precipitated by the applicant's placement of a temporary structure on the property and he was now going through the process. He added that the structure was placed there before getting a permit because it needed to be moved from BRMC property.

Mr. Padalino then noted that they were not fully going from M1 to M2; however the applicant would have all M1 uses and the expanded list of M2 uses would be allowed.

Mr. Hale reiterated that it was not technically a rezoning; however Mr. Carter noted that legally it should be considered as one.

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

Mr. Harvey then questioned what a designation of M2 would allow him to do and why not rezone to that.

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Mr. Hale then moved that the rezoning request be granted and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion; with Mr. Saunders abstaining.

Mr. Saunders then noted that Mr. Boger had suggested that the M2 uses be amended to include office space and Mr. Padalino noted that M2 did have an allowance for an office associated with the industrial business.

Mr. Hale then moved that the Board send that to the Planning Commission also to consider the use of an Office on an M2 parcel along with the residential use for caretakers.

Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion; with Mr. Saunders abstaining.

IV. Other Business (As May Be Presented)

Introduced: Sturt Property Use

Mr. Hale inquired if it would be appropriate for Recreation to take the lead on this and staff agreed it would. Mr. Saunders then noted that the State of Virginia was looking for plots like this for quail etc. and that he would bring the information in. Mr. Hale noted that a lot of it was open with young pines; however they could burn off small circles for food plots.

V. Adjournment

At 7:15 pm, Ms. Brennan moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote approve the motion and the meeting adjourned.

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Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 7:00 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. Bruguere, Jr. West District Supervisor- Chair
Larry D. Saunders, South 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

Absent: Allen M. Hale, East District Supervisor

I. Call to Order

Mr. Bruguere called the meeting to order at 7:00 pm, with four Supervisors present to establish a quorum and Mr. Hale being absent.

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

II. Public Comments

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

III. Proclamation – P2013-01 JMRL The Big Read March 2013

Ms. Brennan moved to approve proclamation **P2013-01** Proclaiming March 2013 The Big Read, Honoring the Novel *The Joy Luck Club* by Amy Tan. Mr. Harvey seconded the motion.

Ms. Brennan then read aloud the proclamation and Ms. Ellen Bouton of the Library Advisory Committee was present to accept the proclamation.

There being no further discussion, Supervisors then voted unanimously (4-0) by roll call vote to approve the motion and the following proclamation was adopted:

PROCLAMATION P2013-01
NELSON COUNTY BOARD OF SUPERVISORS
PROCLAIMING MARCH 2013 THE BIG READ, HONORING THE NOVEL
THE JOY LUCK CLUB BY AMY TAN

February 28, 2013

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

WHEREAS, the Jefferson-Madison Regional Library invites all book lovers to participate in The Big Read that will be held throughout March 2013. The Library's goal is to encourage all residents of Central Virginia to read and discuss *The Joy Luck Club* by Amy Tan; and

WHEREAS, *The Joy Luck Club* the novel tells the story of new waves of immigrants who are changing and enriching America and have mother-daughter conflicts; and

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

NOW, THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors do hereby proclaim The Big Read during March 2013 and encourage all residents to read *The Joy Luck Club* during this time.

Ms. Bouton then thanked the Board on behalf of citizens and the library for their support.

IV. New/Unfinished Business

A. School Division CIP – Additional Considerations

Mr. Carter noted that at the February 12th meeting, the Board reviewed the School Division CIP and had given some approvals which were being worked on. He added that they had indicated for Staff to bring it back for consideration that night. Mr. Carter then recommended that this discussion be tabled until the Board considered the FY14 Budget; which was to be introduced around March 12, 2013.

The Board then agreed by consensus to table this discussion.

Mr. Carter then reported that he had met with Dr. Collins and there was a concern that there was not sufficient electric service currently to support lighting at the ball fields and that they were talking to CVEC about this. He added that they have gotten bleacher information and there was some concern regarding structural aspects of the retaining wall behind them. He noted that he has reached out to Mosely Architects in case they were needed for electrical or engineering services.

Mr. Bruguere agreed that they would likely need electrical upgrades for the ball field lights and Mr. Harvey and Mr. Saunders noted that the circuit would need to be able to handle 80% capacity.

Mr. Carter noted that he and Dr. Collins had discussed allowing for enough electrical capacity for a concession stand upgrade. He added that Mosely architects were familiar

with the school site from working on the recreation project proposal. Mr. Saunders noted that he had some names if they needed architectural or engineering services that may be more reasonable.

Mr. Harvey noted that Dr. Collins needed to know that the Board would be 100% behind the security needs at the schools.

Ms. Brennan then inquired as to the deadline for the asbestos tile removal noted in the school's letter and Mr. Carter noted that he would have to ask about that. It was noted that this may be a regulatory deadline or may be self imposed and he would have to check.

V. Other Business (As May Be Presented)

Introduced: Massies Mill Recreation Center

Mr. Bruguire noted that the Board needed to think about what to do with the old Massie's Mill School building. Mr. Carter suggested that this could be part of the Board's budget deliberations. Mr. Bruguire then noted that the same went for the Health Department building. He added that he had spoken to George Krieger of NCCDF about rehabilitating the Massie's Mill school building and he had not gotten back to him. Mr. Carter noted that Mr. Truslow had reported that the sand used in the mortar there was deteriorating and was not correctable.

Introduced: Broadband Project

Ms. Brennan inquired as to Staff's awareness of the FirstNet program as reported in the NACo newsletter and Mr. Carter noted staff was aware of it but that there was nothing yet to report.

Ms. Brennan then directed staff to provide the Board a list of all of the operational vendors associated with the Broadband Project and their function.

Introduced: Heritage Center Deed

Mr. Saunders reported that the Heritage Center deed had come back with comments and that clarification was needed. Mr. Carter noted that he had spoken to Phil Payne about it.

Introduced: Jefferson Building and Magistrates Office

Mr. Carter noted that staff was proceeding with the work on the Jefferson Building and the Magistrates Office; however he noted that on the Jefferson Building; the work could not be started until the end of March and finished at the end of April.

He then noted that on the Magistrates Building, Randy Parr of Lynchburg Restoration had noted that if the work was awarded to him, he could start on April 22nd and finish in

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May. He added that he had issued the contract to them and want to be sure the Board was comfortable with that timeframe.

Mr. Saunders advised that he thought one of his key people was out for a period of time and he thought that Mr. Parr was leaving himself some leeway. He added that he would like to push him some more on that.

Mr. Saunders then noted that the Magistrates Office quotes were very close and the pricing was less than \$500 apart. He noted that one vendor would make new doors and windows and one would restore the old ones.

Mr. Saunders then noted that he would talk to Mr. Parr of Lynchburg Restoration to see if he could get started sooner.

VI. Adjournment

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

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

BE IT RESOLVED, By the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute and submit an application for 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.

Adopted: March 12, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

2012-2013 Local Government Challenge Grant

2. Applicant local government name, address, & zip

Nelson County
 P. O. Box 336
 Lovingston, Virginia 22949

3. Telephone, email, URL

Telephone: 434-263-7000
 Email: scarter@nelsoncounty.org
 URL: www.nelsoncounty-va.gov

4. Federal Employer ID number:

54-6001441

5. Contact Person:

Stephen A. Carter, County Administrator
 (434) 263-7000, scarter@nelsoncounty.org

6. Amount of Virginia Commission for the arts assistance requested for fiscal 2013-2014.

\$5,000.00

7. Proposed local government arts appropriation for fiscal year 2013-2014.

\$5,000.00

8. Local independent arts organizations to receive Commission grant money sub-grant.

Organization	Mailing Address/Contact Person	Proposed VCA Grant Share
Wintergreen Performing Arts, Inc.	c/o Mary Jo Russell 342 Hunters Point Nellysford, VA 22958	\$5,000.00

9. What is the process for awarding the above grants?

The County of Nelson, Board of Supervisors, reviews and approves funding. The approval is based on the demonstrated ability of the organization to deliver programs that will positively impact the quality of life and enhance education in the County.

Roger D. Collins, Superintendent, Nelson County Schools has assigned Elizabeth Tabony, Gifted Resource teacher, to evaluate school needs from available independent Virginia arts organizations, as defined by VCA Challenge Grant, paragraph 8.

10. Attach a copy of the list of your current board members:

County of Nelson Board of Supervisors:

Allen M. Hale – East District
3130 Laurel Rd.
Shipman, VA 22971
W (434) 263-8671
super@buteobooks.com

Constance Brennan – Central District
524 Buck Creek Lane
Faber, VA 22938
H (434) 263-4690
connie@cstone.net

Thomas D. Harvey – North District
10921 Rockfish Valley Hwy
Afton, VA 22920
W (540) 456-6379
Harvey1@ntelos.net

Thomas H. Bruguiera, Jr. – West District
187 Jack's Hill Rd.
Roseland, VA 22967
W (434) 277-5516
H (434) 277-8609
orchards187@gmail.com

Larry D. Saunders – South District
1610 Wilson Hill Rd
Arrington, VA 22922
W (434) 263-4201
H (434) 263-4976
larrya5819@aol.com

11. Attach a brief description of the arts organization proposed to receive assistance through Nelson County's Local Government Challenge Grant in 2013-2014:

Wintergreen Performing Arts, Inc. is a not-for-profit corporation established to enhance the quality of life in the communities of Central Virginia, by providing cultural education and promoting an understanding and appreciation of, as well as participation in, the performing arts.

Wintergreen Performing Arts, Inc. offers three programs to fulfill the above Mission Statement:

1. The Performance Series concerts are held during the year at or near Wintergreen Resort, attracting visitors to the area, as well as serving the local community.
2. The Wintergreen Summer Music Festival features the Wintergreen Festival Orchestra, under the direction of Dr. Larry Allen Smith. The month-long festival offers more than 200 events including symphonic and chamber concerts, dance and vocal concerts, daily lectures, plays, and art exhibits. A nationally acclaimed Performance Academy, which draws top music and vocal students from around the country, is run concurrently with the Music Festival.
3. The local Education Mission is accomplished in partnership with the Nelson County Public Schools, sponsoring workshops and concerts for kindergarten students through the twelfth grade. Many of the artists presented during the past school year were selected from the Tour Directory of the Virginia Commission for the Arts. VCA Local Challenge Grant funds are spent entirely within Nelson County for the benefit of Nelson County school children.

**CERTIFICATION OF ASSURANCES AND GRANT CONDITIONS 2013-2014 FOR
LOCAL GOVERNMENT GRANTEEES
OF THE VIRGINIA COMMISSION FOR THE ARTS (COMMISSION)**

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant.
- maintain accounting records which are supported by source documentation.
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes.
- maintain procedures ensuring timely disbursement of funds.
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make substantial changes in budget, schedule, program, personnel. The requested changes must be approved in advance by the Commission. NOTE: If any project receiving grant support from the Commission has actual income in excess of expenses, the grantee must use these funds for other arts activities and the Commission must approve the organization's use of any of these excess funds up to the amount of the grant.

Each Commission grantee will comply with these federal statutes and regulations:

Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any

continued on next page (signature required)

DESCRIPTION

The Commission will match, up to \$5,000, subject to funds available, tax monies given by independent town, city, and county governments to arts organizations in their jurisdictions. The money, which does not include school arts budgets or arts programming by parks and recreation departments, may be granted either by a local arts commission/council or directly by the governing board.

DEADLINE

All applications must be received in the Commission office no later than 5:00 p.m., **April 1, 2013 (receipt deadline, not a postmark deadline)**. The Commission does not accept application materials via fax or email.

ELIGIBILITY & CRITERIA

Independent city, town, or county governments in Virginia are eligible to apply. Eligible activities are grants to independent arts organizations for arts activities in the locality.

APPLICATIONS ARE EVALUATED ON THE BASIS OF:

- Artistic quality of the organizations supported by the city/county/town
- Clearly defined policies and procedures for awarding local funds to arts organizations
- Degree of involvement of artists and arts organizations in the local process of awarding grants
- Responsiveness to community needs
- Evidence of local government support of the arts

APPLICATION REVIEW & PAYMENT PROCEDURE

Completed applications must be received by the Commission on or before April 1, 2013. The Commission staff reviews each application for completeness and eligibility and makes recommendations on the levels of funding. The Commission reviews the staff recommendations and takes final action on the applications.

After the Commission has awarded the grants, each local government must confirm in writing to the Commission that its governing board has appropriated the matching funds. The Commission will pay the grant in full after receiving this confirmation.

APPLICATION SUBMISSION CHECKLIST

A complete application must contain ONE (1) collated set of the following items:

- A completed Local Government Challenge Grant on 8.5" x 11" pages typed on one side.
- Signed Certification of Assurances Form (one page, both sides, sign on back).

Applicants should read the [2013-2014 Online Guidelines for Funding](#), Certification of Assurance and Grant Conditions to ensure compliance with all of the conditions. **The grant deadline is April 1, 2013.** The Virginia Commission will not accept any application materials via fax or email. For assistance or more information, contact the Commission office. The Commission staff is available for consultation on applications and to review drafts of applications.

Mail application to:

Virginia Commission for the Arts
 1001 East Broad Street, Suite 330
 Richmond, VA 23219
 804.225.3132 (Voice/TDD)
www.arts.virginia.gov

Please Note New Address

DIRECTIONS

Provide all the information requested below in the order listed and send it to the Commission at the mailing address above.

1. Type **"2013-2014 Local Government Challenge Grant"** at the head of the page. Provide the information requested below on no more than TWO (2) 8.5" x 11" white pages and the attachments. (Use 12 point type or larger)
2. **Applicant local government name, address, zip code.**
3. **Telephone, email, URL.**
4. **Federal Employer ID Number.** The Federal Employer ID number is assigned to your city / county by the federal government as your Federal Employers' Identification number. This number must be included in your application. Payments cannot be made without this number.
5. **Contact Person.** The name, telephone number and e-mail address of the person to be contacted for more information about this application.
6. **Amount of Virginia Commission for the Arts assistance requested for fiscal year 2013-2014.**
7. **Proposed local government arts appropriation for fiscal year 2013-2014.** Applicant governments must match the amount requested from the Commission on at least a dollar-for-dollar basis with local government funds; federal funds may not be included. A local government that has not approved its budget by the grant deadline may apply conditionally. After the grant has been approved, any change in the allocation of funds subgranted to local arts organizations must be approved by the Commission.
8. **Sub-grants** (grants made by the local government) of any Commission funds from the Local Government Challenge grant program may only go to independent Virginia arts organizations for arts activities in the locality. Virginia arts organizations are defined as those organizations whose primary purpose is the arts (production, presentation or support of dance, literary arts, media arts, music, theater, or visual or related arts), that are incorporated in Virginia, and have their headquarters and home seasons, or activities equivalent to a home season, in the state. Units of government and educational institutions cannot be considered arts organizations.

 Using the following format, list which local independent arts organizations will receive the Commission grant money subgrant. (After the Commission grant has been approved, any changes in the allocation of sub-grants to local arts organizations must be approved by the Commission.)

Organization	Mailing Address/Contact Person	Proposed VCA Grant Share
_____	_____	_____

9. **What is the process for awarding the above grants?** Who is involved in making these decisions? What criteria are sought in evaluating applicants?
10. **Attach a copy of the list of your current board/council members,** if a board/council is involved in making funding decisions.
11. **Attach a brief description of the arts organization(s)** proposed to receive Commission assistance through the Local Government Challenge Grant in 2013-2014.

CERTIFICATION OF ASSURANCES AND GRANT CONDITIONS 2013-2014 FOR LOCAL GOVERNMENT GRANTEEES OF THE VIRGINIA COMMISSION FOR THE ARTS (COMMISSION)

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant.
- maintain accounting records which are supported by source documentation.
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes.
- maintain procedures ensuring timely disbursement of funds.
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make substantial changes in budget, schedule, program, personnel. The requested changes must be approved in advance by the Commission. **NOTE:** If any project receiving grant support from the Commission has actual income in excess of expenses, the grantee must use these funds for other arts activities and the Commission must approve the organization's use of any of these excess funds up to the amount of the grant.

Each Commission grantee will comply with these federal statutes and regulations:

- Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any structural modifications to facilities necessary for accessibility; a list of the persons with disabilities and/or organizations consulted; and the name and signature of the person responsible for the organization's compliance efforts. ("ADA Coordinator")

No final report is required for the Local Government Challenge Grant. Each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds. The Commission will pay the grant in full after receiving this confirmation.

In **all** published material (printed programs, news releases, web news, email alerts, advertisements, flyers, etc.) and announcements regarding the particular activity or activities supported, acknowledgment of the Commission must be made. A suggested phrase is "(organization or activity) is partially supported by funding from the Virginia Commission for the Arts and the National Endowment for the Arts."

This form must be signed by an individual duly authorized by the governing body of the locality to act on its behalf and submitted with every grant application made to the Commission. The signature of the individual indicates the locality's compliance with all of the grant conditions listed above.

The undersigned certifies to the best of his/her knowledge that:

- the information in this application and its attachments is true and correct;
- the filing of this application has been duly authorized by the governing body of the applicant organization;
- the applicant organization agrees to comply with all grant conditions cited above.

The undersigned further certifies that he or she has the legal authority to obligate the applicant locality.

Typed Name of Authorizing Official _____ Title _____

Signature of Authorizing Official _____ Date _____

Applicant Locality Name _____

Applicant/Organization Name: _____ FORM BCKFDR\8891 (Updated 12/20/01)

**NATIONAL STANDARD FOR ARTS INFORMATION EXCHANGE
RACIAL/ETHNICITY DATA COLLECTION FORM**

Individual Applicants:

Individuals should circle **any combination** of the characteristics listed below that apply:

- A: Asian**
- B: Black/African American**
- H: Hispanic/Latino**
- N: American Indian/Alaskan Native**
- P: Native Hawaiian/Pacific Islander**
- W: White**

Organizational/Institutional Applicants

(e.g. school, arts group):

Using the characteristics listed below, circle the predominant group of which the staff or board or membership (not audience) is composed. Organizations should choose the **one** code that best represents 50 percent or more of its staff or board or membership. If none of these conditions apply to the organization, classify the organization "99."

- A: 50% or more Asian**
- B: 50% or more Black/African American**
- H: 50% or more Hispanic/Latino**
- N: 50% or more American Indian/Alaskan Native**
- P: 50% or more Native Hawaiian/Pacific Islander**
- W: 50% or more White**
- 99: No single group** listed above represents 50% or more of staff or board or membership

For Both Individual & Organizational Applicants:

Using the characteristics listed below, indicate if the majority of the grant activities are intended to involve or act as a clear expression or representation of the cultural traditions of one particular group, or deliver services to a designated population listed below, choose that group's code from the list. If the project or activity does not emphasize the culture or traditions of one group, please circle "99." If you seek or receive general operating support or support for administrative or artistic expenses for many projects and activities and cannot select one group, please circle "99."

- A: Asian individuals**
- B: Black/African American individuals**
- H: Hispanic/Latino individuals**
- N: American Indian/Alaskan Native individuals**
- P: Native Hawaiian/Pacific Islander individuals**
- W: White individuals**
- 99: No single group**

NOTE: Generally, an activity can be considered "a clear expression or representation of the cultural traditions of one particular group" if it is:

(1) A project in which the intent is to communicate the culture or traditions of a particular race. For example, performances by an African dance company would be coded as "Black/African American."

and/or

(2) Projects which are usually understood to be reflective of the culture or traditions of a particular race. For example, Kabuki theatre is performed in many localities, and by many Asian and non-Asian groups. All of these performances would be coded as "Asian" because regardless of who produces the work, the type of theatre itself is widely understood to be an expression of Japanese culture.

This information will be used as part of a data collection project which documents state arts agency grant-making activities nationwide. This information will be used to determine national trends in grant-making and will not be considered during the grant-making process.

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.

Adopted: March 12, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors



RECEIVED

BUCKINGHAM BRANCH RAILROAD COMPANY

MAR - 5 2013

P.O. Box 336 – 1063 Main Street – Dillwyn, VA 23936
Phone 434-983-3300 (ext. 228)
Fax 434-983-3270

COUNTY ADMINISTRATOR'S
OFFICE

Nelson County Government Offices
Attn: County Administrator
P.O. Box 336
Lovingsston, VA 22949

February 27, 2013

Dear County Administrator,

Buckingham Branch Railroad leased 200 miles of track from CSX and commenced operations December 20, 2004. This operating lease was for track from Clifton Forge, VA to Richmond, VA, including 9.9 miles known as the Orange Branch.

We are requesting a resolution from the County of Nelson supporting Buckingham Branch Railroad's request for funds from the Virginia Department of Rail and Public Transportation Rail Preservation Fund. Buckingham Branch Railroad Company will provide the local matching funds and is not requesting funds from your locality.

Buckingham Branch Railroad Company has applied for a four year project to replace up to 12,000 linear feet of curve worn rail with 115 pound or heavier new or AREMA Class 1 relay rail. The project cost will include welding rail joints and other track materials directly associated with the project. Installation of the rail will be at various curved track locations between Railroad milepost 194 and 209. These milepost locations are between Ivy in Albemarle County and Waynesboro, Va.

The total budget for the curve rail improvements is \$800,000. The funding is requested to be distributed over four years. The project will focus on curved track within the specified milepost limits in most need of replacement. Funds requested may be distributed over one or more counties and municipalities.

A sample resolution is included and should be sent to Mr. Claude Morris at the address shown in the letterhead.

Buckingham Branch Railroad sincerely appreciates the support that you have given us during our years of operation in your locality. We look forward to continuing to serve your community in the future.

If you have questions or comments, please feel free to contact me at our Dillwyn office, extension 228.

Sincerely,

Claude Morris, Project Manager

SAFETY=SECURITY=SERVICE

Support of Rail Preservation Application

Buckingham Branch Railroad Company

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.

Date Adopted: _____

By: _____

Title: _____

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	<u>\$78,300.00</u>
Balance Courthouse Project Fund	<u><u>\$544,164.00</u></u>

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	<u>\$78,300.00</u>
Balance Courthouse Project Fund	<u><u>\$291,164.00</u></u>

Note: Difference in 15 year annual debt service will be approximately \$31,050 less if the pre-payment is made. Total savings over term is approximately \$434,700 at a cost of \$253,000. Net savings is \$181,700.

8 March, 2013

To: Board of Supervisors
 From: S. Carter
 Re: County Administrator's Report (March 12, 2013 Meeting)

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

- 1) **Courthouse Addition** – Blair Construction working to complete punch list.
- 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, VDOT is requiring rework of a section of the v-ditch and drop inlet. Next steps are in review.
- 6) **Jefferson Building:** Lynchburg Restoration has completed interior outside wall work. Next work elements being developed.
- 7) **Magistrate's Building:** Door and windows pending completion. Price Masonry Contractors Inc. will then complete interior re-plastering.

B. Broadband Project: Massies Mille Tower installation is complete except for micro wave equipment installation (in process and complete within 2 weeks). Extension request to NTIA approved to 6-30-13. Tower lease agreements with SCS are in process. NCBA rate revisions in process. BRIW beginning marketing and subscription work.

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

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

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

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

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

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

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.

March 12, 2013

(1) New Vacancies/Expiring Seats & New Applicants :					
Board/Commission	Term Expiring	Term & Limit Y/N	Incumbent	Re-appointment	Applicant (Order of Pref.)
MACAA Board of Directors	12/31/2014	5 Year Term/N	Pete Perdue	N- Resigning	Dian McNaught
Economic Development Authority	6/30/2016	4 Years/ No Ilmit	1 Vacancy		Carlton Ballowe
(2) Existing Vacancies:					
Board/Commission	Terms Expired	Term & Limit Y/N	Number of Vacancies		
Keep Nelson Beautiful Council	12/31/2011	2 Years/No Limit	4 Vacancies Gail Roussos Roger Nelson Anne Colgate	N/A TBD TBD TBD	Elwood Waterfield
JABA Advisory Council	12/31/2012	2 Year/No Limit	Mary Lee Embrey	N	No Applications Received

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingson, VA 22949

or fax to (434) 263-7004

Date 2-26-2013

Mr. Mrs. Ms.

Name: R. Carlton Ballowe

List a maximum of three (3) Boards on which you are interested in serving.

1. Planning Commission
2. Economic Development Authority
3. Service Authority

Home Address: 19218 Thomas Nelson Hwy

Faber VA 22938

Occupation: Contractor/Consultant Employed by: Self

Home Phone No.: 434-263-6285 Business Phone No.: 434-996-7796

Fax No.: None E-Mail Address: catbalu1@aol.com

Do you live in Nelson County? Yes No

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

I've been involved in economic development for most of my career. As CEO of a company involved in the construction of infrastructure such as roads, bridges, dams, airports, utilities, water and wastewater treatment facilities, I gained a lot of experience and a lot of insight into the mind-set that forms the foundation of economic development.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

In the position mentioned above, I worked with everyone from the most inflexible federal bureaucracy to the guy who just wanted to get his site prepared for his shopping center.

I came to appreciate the perspectives that all of the players brought to the team.

Please use this space for any additional information you would like to provide:

My success as a CEO was the result of team building. Whether it's within the company to make it profitable, or within the more diverse members of the construction team not under your direct control, success is dependent on everyone feeling they are part of a team with shared goals.

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

NELSON COUNTY ECONOMIC DEVELOPMENT AUTHORITY

NAME, ADDRESS & PHONE

TERM

Mark B. Robinette
P.O. Box 135
Roseland, VA 22967
434-277-9251 (H)
mrobinette@co.bedford.va.us

July 1, 2011 -June 30, 2015
(Appointed 2-14-12)

John Bruguiera
8063 Rockfish Valley Hwy
Afton, VA 22920
434-277-5516 (W)
540-456-6778 (H)
THB@Ceva.net

July 1, 2011 -June 30, 2015

J. Bennett Saunders (Resigned)
540 Harewood Lane
Roseland, VA 22967
434-277-5199 (H)
434-277-5455 (W)
434-941-8199 (cell)
Bennett@saundersbrothers.com

July 1, 2012 –June 30, 2016

Emily H. Pelton
1488 Afton Mountain Rd.
Afton, VA 22920
434-531-7754 (Cell)
540-456-8000 Ext.103 (W)
Emily@veritaswines.com

July 1, 2012 –June 30, 2016

Gregory J. Kelly
602 Wills Lane
Lovingson, VA 22949
434-263-8336
gkelly@forcvec.com

July 1, 2005 – June 30, 2013

Natt A. Hall, Jr.
P.O. Box 745
Nellysford, VA 22958
434-361-1780

July 1, 2010 – June 30, 2014

J. Alphonso Taylor
288 Village Rd.
Shipman, VA 22971
434-263-5894 (H)
434-263-6195 (W)

July 1, 2010 – June 30, 2014

Authority: **Established pursuant to the Code of Virginia §15.2-4903 et seq.**

Membership: Consists of seven (7) County Resident members

Term: 4 years, July – June (Staggered) with **no term limits.**

Summary of Duties: To administer the provisions of Virginia State Code §15.2-4905

Meetings: Meets on the 1st Thursday of each month. Members are compensated \$75 per meeting plus mileage.

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Stephen A. Carter, Clerk of Board
Post Office Box 336
Lovingston, VA 22949

or fax to (434) 263-7004

Date 3/1/13

Mr. _____ Mrs. _____ Ms. K

Name: DIAN McNAUGHT

List a maximum of three (3) Boards on which you are interested in serving.

- 1. MACAA to replace Rev. Perdue
- 2. _____
- 3. _____

Home Address:

13721 PATRICK Henry Hwy Roseland 22967

Occupation: Retired Employed by: Self employed sales/marketing

Home Phone No. 434 277 8579 Business Phone No.: _____

Fax No.: _____ E-Mail Address: DCKGLOBAL@YAHOO.COM

Do you live in Nelson County? Yes No _____

Are you currently a member of a County Board, Commission, Committee or Authority? Yes No _____

If yes, list the Board(s):

Treasurer TRIAD - member Senior Advisory Committee

What talent(s) and/or experience can you bring to the Board(s)?

Headed Bethlehem Um Outreach 4 years
Elected Social Action champion Um Women on
District level

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

Having 10 District churches in the same areas
MACAA - I can be a catalyst for volunteers
and programs between the churches & MACAA.

Please use this space for any additional information you would like to provide:

A resume or separate sheet with additional information may be included.

ATTENDANCE REQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes No

MONTICELLO AREA COMMUNITY ACTION AGENCY -MACAA
BOARD OF DIRECTORS

1 GOVERNMENT REPRESENTATIVE MEMBER

MEMBER

TERM EXPIRATION

Mr. Peter Perdue
608 Twin Ridge Lane
Afton, VA 22920
(540) 456-4885
pperdue@bpl.coop

December 31, 2014

Term(s) of Office: 5 years: January 1 – December 31

Summary of Duties: To serve as an advisor representing the interests of Nelson County in furthering MACAA's mission of eradicating poverty and improving the lives of people living in the served communities.

Meetings: Meets at least once every three (3) months on the last Tuesday of the month unless otherwise scheduled by the Board. Meetings are held at the MACAA offices: 1025 Park Street, Charlottesville VA 22901

Please publish February 28th and March 7th 2013 in Nelson County Times.

**NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS
PROPOSED AMENDMENTS TO APPENDIX B, OF THE CODE OF THE COUNTY OF
NELSON 1989 GENERALLY RELATING TO SUBDIVISIONS**

Pursuant to §15.2-1427 of the Code of Virginia, 1950 as Amended, the Nelson County Board of Supervisors will conduct a public hearing on March 12, 2013 at 7:00 p.m. in the Board of Supervisors Room in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on proposed amendments to Appendix B of the Code of the County of Nelson 1989 generally relating to subdivisions. A synopsis of the proposed amendments is as follows:

Section 2, Definition: revising the following definitions:

- Agent to read the Planning and Zoning Director.
- Performance Bond/Guarantee-deleting Governing Body and inserting Agent or Planning Commission
- Zoning Administrator: The Planning and Zoning Director for Nelson County

Section 3, Administration:

3-1, Responsibility of Administration and Enforcement. 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:

- 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 Consulting Governmental Agencies and Departments: This section will be deleted.

3-5 Additional Authority: This section will be deleted.

3-11 Appeals:

C. The existing wording in this section will be deleted, The existing wording in item will become C with the following inserted at the beginning: Disapproval-.

D. This section revised to read: 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 may petition the Circuit Court of Nelson County to decide whether the plat should or should not be approved.

E The current item E was merged into item D above.

F. This item is to be deleted.

4-1 General.

B. The following words are to be deleted: Governing Body from this section and Planning Commission inserted in their place.

4-2 Improvements-General Requirements.

B. Bonding requirements. The words Governing Body are replaced with Agent in this section.

C. Completion Dates for Bonded Improvements. The words Governing Body are replaced with either Planning Commission or Agent in this section.

D. Partial Release of Bond. The words Governing Body are replaced by with Agent in this section.

E. Final Complete Release of Bond. The words Governing Body are replaced with Agent in this section.

F. Completion and Acceptance of Bonded Improvements. The words Governing Body are replaced with Agent in this section.

4-4 Water and Sewer.

G. Alternative Waste Treatment Systems. Replace Governing Body with Agent

4-5 Fire Protection.

A. Dry Hydrants. Insert the following at the end of this item: 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. Entrance to Public Road. This section is deleted and replaced with:

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-laned 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. Changed thirty (30) to forty-five (45) in this section.

5-5 Final Plat.

C (11). Signature Spaces: "Approval Recommended" for the Chairman of the Planning Commission and "Approved" for the Governing Body or Agent is replaced with "Approved" by the Agent.

E. Recording of Final Plat. "Governing Body" is replaced with Planning Commission.

7. Enforcement

7-1 Exception. "Governing Body" is replaced with "Planning Commission".

A full copy of the proposed Ordinance Amendment is available for review in the Planning and Zoning Office, 80 Front Street, Lovingston, Virginia, in the County Administrator's Office 84 Courthouse Sq, Lovingston, VA, and on the County's website: www.nelsoncounty-va.org Telephone inquiries may also be directed to the Planning and Zoning Office, 434 263-7090, or toll free at 888-662-9400, selections 4 and 1.

BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS



To: Nelson County Board of Supervisors
From: Tim Padalino, Planning & Zoning Director, County of Nelson *TMP 2/6/2013*
Subject: **Summary of Proposed Amendments – Subdivision Ordinance**

This summary identifies proposed amendments to the Subdivision Ordinance of Nelson County as contained in a January 26, 2012 draft document. That draft proposed several amendments, which are described below:

- Generally giving more ministerial authority to the Agent (amended to be defined as “Planning & Zoning Director of Nelson County”) -- and in some cases the Planning Commission -- to administer and enforce the Ordinance. This would reduce the involvement of the Governing Body for several responsibilities. For example:
 - The Agent would administer all bonding requirements. *(Section 4-2 / pp. 4-5)*
 - The Planning Commission would authorize all exceptions *(7-1 / p. 7)*
- Providing clearer requirements for how the Ordinance shall be administered and enforced:
 - The administrative procedures for Platting appeals, approval, and disapproval would be revised. *(3-11 / pp. 2-3)*
 - The Agent’s “Additional Authority” to “establish reasonable administrative procedures ... necessary for the proper administration of this Ordinance” would be struck. *(3-5 / p. 2)*

In addition, the proposed amendments also include the following revisions:

- Requiring a Maintenance Agreement for approved Dry Hydrants. *(4-5 / p. 6)*
- Establishing a section for Access Management which is intended to provide local oversight of traffic safety issues. *(4-6 / pp. 6-7)* There are three brief components to this proposed new section:
 1. Requiring entrances to public streets to be constructed in accordance with VDOT standards.
 2. Providing authority to the Agent and/or Planning Commission to require a shared driveway when subdivisions have three or more lots and are adjacent to a public road (instead of each lot having separate entrances onto the public road). Such shared driveways “may” be required but are not automatically required.
 3. Requiring provisions for service drives when access is from a multi-lane divided highway.
- Increasing from 30 to 45 the number of days an applicant must submit a preliminary plat to the Agent prior to the public hearing. *(5-1 / p. 7)*

These proposed amendments were initially recommended by Mr. Phil Payne, County Attorney, in late 2010. These amendments were then considered by the Planning Commission (PC) at a public hearing on March 28th, 2012. The PC then revisited the proposed amendments during their May 23rd meeting, and voted to forward these proposed amendments to the Board of Supervisors for review.

Thank you very much for your review of the proposed amendments to the Subdivision Ordinance. Please contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Tim Padalino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tim Padalino
Director of Planning & Zoning | County of Nelson
tpadalino@nelsoncounty.org
434-263-7090

ORDINANCE NUMBER O2013-02
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 ~~Governing Body~~ **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 administration and enforcement of the provisions of this ordinance shall be vested in the Governing Body unless herein delegated to the Agent. The Agent, when so acting, shall be considered an extension of the Governing Body. Unless otherwise provided hereinafter, preliminary and final plats shall be submitted to the Agent and reviewed by the Commission and Agent at a public hearing. The Commission shall, by resolution, approve or disapprove the preliminary and final plat. When a subdivision plat is reviewed the entity reviewing such plat shall comply with the provisions of this ordinance and those set forth in the Virginia Code, 1950 as amended. 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:~~

- 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.

~~*Consulting Governmental Agencies and Departments. In the performance of their duties the Governing Body, the Commission or the Agent may request opinions or decisions in writing from various departments or agencies of the Commonwealth of Virginia, or other departments of the Nelson County government. Such department or agency includes, but is not limited to, the Virginia Department of Transportation, the Virginia Department of Health and the State Water Control Board. Reserved for future use.*~~

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

~~*Additional Authority. In addition to exercising such other authority as the Governing Body might delegate, the Agent may establish reasonable administrative procedures deemed necessary for the proper administration of this Ordinance. Reserved for future use.*~~

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

~~C. If the Planning Commission or Agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval, the subdivider, after 10 days' written notice to the Commission, or Agent, may~~

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

~~DC. *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 - Preliminary Plat.* If the Commission or Agent fails to approve or disapprove a preliminary plat within sixty (60) days after it is officially submitted for approval, the developer/subdivider, after ten (10) days written notice to the entity failing to act may petition the Circuit Court of Nelson County to hear the matter.~~

~~Failure to Act – Final Plat. If the Agent or the Commission fails to act on a final 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 Governing Body fails to act within sixty days of the date of recommendation by the Commission, the developer/subdivider, after ten(10)days written notice to the entity Planning Commission or Agent failing to act may petition the Circuit Court of Nelson County to hear the matter. decide whether the plat should or should not be approved.~~

~~E. *Disapproval* - A developer/subdivider may, within sixty (60) days of the written disapproval of a preliminary plat from either the Commission or Agent, or the written disapproval of a final plat from either the Agent or Governing Body, appeal to the Nelson County Circuit Court if the developer/subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary, or capricious.~~

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 resubdivison shall conform to the provisions of this Ordinance and any other applicable local ordinances. If, in the opinion of the ~~Governing Body (after recommendation by the Commission)~~ Planning Commission total compliance is impractical, the ~~Governing Body~~ 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 ~~Governing Body~~ 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 ~~Governing Body~~ 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 the ~~Governing Body~~ Agent that the construction costs of improvements have been paid to the person constructing such improvements.
- (2) Furnish to the ~~Governing Body~~ Agent a certified check in the amount of the estimated cost of construction; or a bond, with surety satisfactory to the ~~Governing Body~~ 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 ~~Governing Body~~ Agent a bank or savings and loan association's letter of credit on certain designated funds satisfactory to the ~~Governing Body~~ 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 ~~Governing Body~~ 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 ~~Governing Body~~ Agent, the ~~Governing Body~~ 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 ~~Governing Body~~ 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 **Governing Body 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 **Governing Body 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 **Governing Body Agent** and request the final complete release of any bond or other performance guarantee. The **Governing Body 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 **Governing Body 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 **Governing Body Agent** may be accepted by the **Governing Body 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

1) Where an alternative waste treatment system is to be used, the developer/subdivider shall provide to the ~~governing body~~ **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.

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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, any one 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. ~~This section deleted *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. 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-laned 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 ~~thirty (30)~~ **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 ~~thirty (30)~~ **forty-five (45)** days prior to the public hearing.

5-5 Final Plat.

C (11). Signature spaces for ~~"Approval Recommended" for the Chairman of the Planning Commission and "Approved" for the Governing Body or Agent.~~ **"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 ~~Governing Body.~~ **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 ~~Governing Body~~ **Planning Commission** may authorize an exception if, in the judgment of the ~~Governing Body~~ **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 ~~Governing Body~~ **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~~ upon adoption .

ADOPTED:

CERTIFIED: _____
Clerk Nelson County Board of Supervisors