

May 14, 2013

Virginia:

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

Present: Thomas H. Bruguiera, Jr. West District Supervisor- Chair
Constance Brennan, Central District Supervisor - Vice Chair
Larry D. Saunders, South District Supervisor
Allen M. Hale, East District Supervisor
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Linda Staton, Finance Technician

Absent: None

I. Call to Order

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

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

II. Consent Agenda

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

- A. Resolution – **R2013- 29** COR Refunds

**RESOLUTION R2013-29
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

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

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\$ 1,714.20 Disabled Veteran (Spouse) Exemption Eva J. Maki
P.O. Box 343
Nellysford, VA 22958

\$ 3,177.45 Disabled Veteran Exemption Andrew J. Puttagio
1767 Dickie Rd.
Roseland, VA 22967

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

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

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

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

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

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

I. Appropriation of Funds (General Fund)

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

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 169,470.00	4-100-999000-9905	4-100-093100-9114

III. Transfer of Funds (Capital Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$ 250,000.00	4-110-999000-9903	4-110-093100-9114

IV. Appropriation of Funds (Broadband Project Fund)

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

III. Public Comments and Presentations

A. Public Comments

1. Glenda Cahoon, VTA

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

B. VDOT Report

Mr. Don Austin, Maintenance Supervisor reported the following:

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

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

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

He reiterated that a turn lane at Rockfish Valley Hwy at Rt. 6 and Rt. 638 at Anderson's Store in Afton had been programmed at a cost of \$1,500,000. He noted that similarly, a turn lane at Rt.

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

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

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

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

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

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

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

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

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

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

IV. New Business/ Unfinished Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Nelson Rescue Squad, Station II Modifications & MOU (R2013-33)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Members then discussed each individually as follows:

SUP:

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

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

Rezoning:

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

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

Variance:

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

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

Appeal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. School Division CIP Considerations

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

School Division CIP Priority Considerations

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

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

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

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

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

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

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

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. Other – BOS Questions, comments, directives.

2. Board Reports

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

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

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

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

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

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

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

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

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

Mr. Saunders had no report.

B. Appointments

There were no appointments considered by the Board.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

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

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

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

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

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

VI. Recess and Reconvene for Evening Session

At 5:00 pm, Mr. Hale moved to continue the meeting until 7:00 pm. There was no second and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Bruguire called the meeting to order at 7:00 PM with four Supervisors present to establish a quorum and Mr. Harvey arriving shortly thereafter.

II. Public Comments

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

III. Public Hearings

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

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

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

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

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

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

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

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

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

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

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

IV. Other Business (As May Be Presented)

There was no Other Business introduced by staff.

Introduced: Woods Mill Wayside Building

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

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

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

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

V. Adjournment

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