

AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
September 26, 2013

**THE REGULAR MEETING CONVENES AT 7:00 P.M. IN THE
GENERAL DISTRICT COURTROOM OF THE COURTHOUSE, LOVINGSTON**

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

- II. Public Comments**

- III. Public Hearings**
 - A. Town of Bedford's request to withdraw as a member of the Region 2000 Services Authority, which operates the regional landfill for Counties of Appomattox, Nelson and Campbell and the Cities of Lynchburg, in addition to the Town of Bedford. **(R2013-64)**

- IV. New/Unfinished Business**
 - A. Endorsement of VDOT Route 151 Corridor Study **(R2013-65)**
 - B. Proposed Property Acquisition for the Blue Ridge Tunnel Project **(R2013-66)**
 - C. Rescheduling of November Meeting due to VACO Conference

- V. Other Business (As May Be Presented)**
 - A. 2013 October Retreat Outline

- VI. Adjournment**

RESOLUTION R2013-64
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR TOWN OF BEDFORD WITHDRAWAL
FROM REGION 2000 SERVICES AUTHORITY AND AUTHORITY TO
EXECUTE MODIFIED AUTHORITY AGREEMENT

WHEREAS, Nelson County is a member of the Region 2000 Services Authority (the “Authority”), which operates the regional landfill in Campbell County for Campbell County, Nelson County, Appomattox County, the City of Lynchburg and the City of Bedford; and

WHEREAS, the City of Bedford has agreed with Bedford County that the City of Bedford will revert to a town effective July 1, 2013, at which point Bedford County will allow the Town of Bedford to use the Bedford County landfill at no charge; and

WHEREAS, the City of Bedford has requested that the Region 2000 Services Authority and the other member jurisdictions allow the Town of Bedford to withdraw from the Authority effective July 1, 2013 or at such time as the last member jurisdiction and the State Corporation approve such withdrawal in return for the Town of Bedford making a payment of \$50,000 to the Authority in FY 14 and another payment of \$50,000 to the Authority in FY 15 to offset the costs to the remaining jurisdictions associated with the withdrawal.

NOW THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors, following a public hearing as required by Sections 15.2-5104 and 5112 of the Code of Virginia, that the Nelson County Board of Supervisors authorizes the withdrawal of the Town of Bedford from the Region 2000 Services Authority, and authorizes the County Administrator to execute an Agreement to that effect as presented with this Resolution, subject to approval of the Agreement as to form by the city/county attorney.

Adopted: _____, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2013 among the **REGION 2000 SERVICES AUTHORITY** (the “Authority”); **THE COUNTY OF APPOMATTOX, VIRGINIA** (“Appomattox County”); **CAMPBELL COUNTY, VIRGINIA** (“Campbell County”); **NELSON COUNTY, VIRGINIA** (“Nelson County”); **THE TOWN OF BEDFORD, VIRGINIA** (“Town of Bedford”) and **THE CITY OF LYNCHBURG, VIRGINIA** (“the City of Lynchburg”), collectively the “Member Jurisdictions.”

WHEREAS, the Member Jurisdictions formed the Region 2000 Services Authority by entering into a Member Use Agreement dated January 31, 2008, which was amended on June 20, 2008, the purpose of which was to operate a regional landfill for the Member Jurisdictions pursuant to Section 15.2-5100 et. seq. of the Code of Virginia; and

WHEREAS, Section 15.2-5112 of the Code of Virginia states that any locality may withdraw from a regional authority upon unanimous consent of the remaining members of the authority following a public hearing; and

WHEREAS, Bedford City has requested that it (and/or the Town of Bedford) be allowed to withdraw as a member of the Authority due to the fact that as of July 1, 2013 it is reverting to town status, and the agreement between Bedford County is that Bedford City is that the Town of Bedford will be allowed to use the Bedford County landfill, since the residents of the Town will be paying County taxes; and

WHEREAS, Bedford City/Town has proposed to the remaining Member Jurisdictions and the Authority to make a payment to the Authority to offset a portion of the income that the Authority will lose due to the Town of Bedford no longer being a member of the Authority, which proposal has been accepted by the Authority, which recommends that the Member Jurisdictions accept the proposal.

NOW THEREFORE, for the consideration stated herein, the parties agree as follows:

1. Withdrawal of Bedford City/Town of Bedford.

The parties agree that the Town of Bedford shall no longer be a member of the Region 2000 Services Authority after July 1, 2013 or the date on which the final Member Jurisdiction approves this Agreement and the State Corporation Commission approves the withdrawal, whichever is later.

2. Payment by Bedford City/Town of Bedford.

In return for allowing the Town of Bedford to withdraw as a member of the Authority, the Town of Bedford agrees to make a payment to the Authority of \$50,000 per year for two years, for a total payment of \$100,000. The first payment shall be made by September 1, 2013, and the second payment by September 1, 2014.

3. Effect of Withdrawal.

Other than the payment provided in Section 2, following the date of withdrawal the Town of Bedford shall have no obligation under the Member Use Agreement, with the exception that the Town of Bedford will continue to be responsible for the closure and post-closure costs, as well as financial assurance to the Virginia Department of Environmental Quality, for the portion of municipal solid waste that the City of Bedford has deposited in the Authority's landfills.

WHEREFORE, the parties evidence their intent to be bound by their duly authorized signatures below.

REGION 2000 SERVICES AUTHORITY

By: _____

Approved as to form:

City Attorney

CITY OF LYNCHBURG

By: _____

Approved as to form:

City Attorney

COUNTY OF NELSON

By: _____

Approved as to form:

County Attorney

COUNTY OF APPOMATTOX

By: _____

Approved as to form:

County Attorney

COUNTY OF AMHERST

By: _____

Approved as to form:

County Attorney

COUNTY OF CAMPBELL

By: _____

Approved as to form:

County Attorney

**PUBLIC HEARING NOTICE
NELSON COUNTY BOARD OF SUPERVISORS
TOWN OF BEDFORD'S REQUEST TO WITHDRAW MEMBERSHIP
FROM REGION 2000 SERVICES AUTHORITY**

Notice is hereby given that the Nelson County Board of Supervisors will hold a public hearing on Thursday, September 26, 2013 at 7:00 pm in the General District Courtroom of the Courthouse in Lovingston. The purpose of the public hearing is to receive public input pursuant to Sections 15.2-5104 and 15.2-5112 of the Code of Virginia regarding the Town of Bedford's request to withdraw as a member of the Region 2000 Services Authority, which operates the regional landfill for Counties of Appomattox, Nelson and Campbell and the Cities of Lynchburg, in addition to the Town of Bedford, and the approval of an agreement allowing such withdrawal. Such request is made due to Bedford City's reversion to town status, which was effective July 1, 2013.

BY THE AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS

§ 15.2-5104. Advertisement of ordinance, agreement or resolution and notice of hearing.

The governing body of each participating locality shall cause to be advertised at least one time in a newspaper of general circulation in such locality a copy of the ordinance, agreement or resolution creating an authority, or a descriptive summary of the ordinance, agreement or resolution and a reference to the place within the locality where a copy of the ordinance, agreement or resolution can be obtained, and notice of the day, not less than thirty days after publication of the advertisement, on which a public hearing will be held on the ordinance, agreement or resolution.

(Code 1950, § 15-764.5; 1950, p. 1315; 1962, c. 623, § 15.1-1243; 1972, c. 370; 1983, c. 80; 1997, c. [587](#).)

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§ 15.2-5112. Joinder of another locality or authority; withdrawal from authority.

A. Any locality may become a member of any existing authority, and any locality which is a member of an existing authority may withdraw therefrom upon unanimous consent of the remaining members of the authority in accordance with this section. However, no locality may withdraw from any authority that has outstanding bonds without the unanimous consent of all the holders of such bonds unless all such bonds have been paid or cashed or United States government obligations have been deposited for their payment.

B. The governing body of any locality wishing to withdraw from an existing authority shall signify its desire by resolution or ordinance.

C. The governing body of any locality wishing to become a member of an existing authority and the governing bodies of the political subdivisions then members of the authority shall by concurrent resolutions or ordinances or by agreement provide for the joinder of such locality. The resolutions, ordinances or agreement creating the expanded authority shall specify the number and terms of office of members of the board of the expanded authority which are to be appointed by each of the participating political subdivisions, and the names, addresses and terms of office of initial appointments to board membership. Upon the date of issuance of the certificate by the State Corporation Commission as provided in this section, the terms of office of the board members of the existing authority shall terminate and the appointments made in the resolutions, ordinances or agreement creating the expanded authority shall become effective.

D. If the authority by resolution expresses its consent to withdrawal or joinder of a locality, the governing body of such locality and the governing bodies of the political subdivisions then members of the authority shall advertise the ordinance, resolution or agreement and hold a public hearing in accordance with § [15.2-5104](#).

Upon adoption or approval of the ordinance, resolution or agreement, the governing body seeking to withdraw or join the authority shall file either an application to withdraw from or an application to become a member of the authority, whichever applies, with the State Corporation Commission. A joinder application shall set forth all of the information required in the case of original incorporation and shall be accompanied by certified copies of the resolutions, ordinances or agreement described in subsection B. Joinder and withdrawal applications shall be executed by the proper officers of the withdrawing or incoming locality under its official seal, and shall be joined in by the proper officers of the governing board of the authority, and in the case of a locality seeking to become a member of the authority also by the proper officers of each of the political subdivisions that are then members of the authority, pursuant to resolutions by the governing bodies of such political subdivisions.

E. If the State Corporation Commission finds that the application conforms to law it shall approve the application. When all proper fees and charges have been paid, it shall file the approved application and issue to the applicant a certificate of withdrawal or a certificate of joinder, whichever applies, attached to a copy of the approved application. The withdrawal or joinder shall become effective upon the issuing of such certificate.

F. Any authority may join an existing authority if the joinder is approved by concurrent ordinances or resolutions of the localities which created the joining authority, notwithstanding any contrary provisions of § [15.2-5150](#). However, if the localities, at the time of the creation of an authority, state that the authority is created with the intention of joining an existing authority, such concurrent ordinances or resolutions shall not be necessary. The provisions of this section pertaining to a locality becoming a member or withdrawing from an authority shall also apply, mutatis mutandis, to an authority becoming a member or withdrawing.

(Code 1950, § 15-764.10; 1950, p. 1316; 1960, c. 313; 1962, c. 623, § 15.1-1248; 1968, c. 355; 1973, c. 478; 1993, cc. 670, 690; 1995, cc. [414](#), [415](#), [634](#); 1997, c. [587](#).)

**RESOLUTION R2013-65
NELSON COUNTY BOARD OF SUPERVISORS
ENDORSEMENT OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION
2013 ROUTE 151 CORRIDOR STUDY**

WHEREAS, the Virginia Department of Transportation (VDOT) has completed a comprehensive study of the Route 151 Corridor in Nelson County; and

WHEREAS, the study was presented to the public and to the Nelson County Board of Supervisors on September 10, 2013 by VDOT staff who suggested that the study be endorsed by the Board as a working document,

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors do hereby endorse the 2013 VDOT Route 151 Corridor Study and will endeavor to utilize the study as a working tool in its ongoing transportation considerations.

Approved: September 26, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

23 September, 2013

To: Board of Supervisors
From: S. Carter
Re: Property Acquisition for Blue Ridge Tunnel Project (Tyler Properties)

The September 26th regular session meeting agenda includes approval consideration for the purchase of property and an easement from Bruce and Lynn Tyler. These acquisitions (as described herein and on the attached plat) are necessary in order to enable the County to proceed with Phase 1 of the Blue Ridge Tunnel Project, which entails the construction of the eastern (Nelson side) trail and parking area and work to the first bulk head within the Tunnel. Phase 1 also encompasses additional investigatory work related to the overall rehabilitation of the Tunnel (i.e. the extensive brick masonry lining for a distance of 1,500 feet (approximate) on the western side of the Tunnel).

The County has been awarded \$749,149 from VDOT's Transportation Alternatives Program with which to complete Phase 1 of the BRT Project. The funding will be available to initiate Phase 1 following final VDOT and Federal Highway Administration review of the construction drawings and specifications for completion of Phase 1. This review is in process and is projected to be completed within the ensuing 6 – 8 weeks (per S. White, P.E., of the Lynchburg District Office). Once approval to proceed is received, which is expected, the project can be advertised for receipt of bids and, thereafter, move to construction and completion of Phase 1 (and, if VDOT approval, which has been requested but is pending, is received to include Phase 2 as an "Add Alternative" to the bid document for Phase 1 and funding is available then the project will also move towards completion of Phase 2, to the extent funding is available). **In summary, VDOT funding to begin Phase 1 of the overall project (3 phases are planned) is in place but the acquisition of property from B. and L. Tyler is necessary to enable the western trail to be constructed.**

How is the acquisition from the Tyler's proposed to be completed? The County has secured a \$100,000 grant from VA DCR (this includes a 20% in-kind match, \$25,000, from the County, which will be facilitated by the appraised value of the Tunnel i.e. no actual cash from the County to match the DCR grant funding). The DCR grant requires completion of an appraisal by the County, which must also be reviewed and certified by DCR's (nationally recognized) real estate (appraiser) consultant. The required appraisal has been completed, submitted to DCR, reviewed by the Department's consultant, minor comments received and provided to the County's appraiser to incorporate the DCR expert's comments, then returned to DCR for final review and approval. The follow up steps are in process with incorporation of DCR comments to be completed the week of 9-23 and returned to DCR for final approval. Thereafter, the County can proceed with use of the DCR grant funding to acquire property and an easement from the Tyler's.

What were the appraisal results? The appraisal resulted in a value of \$46,000 for Tax Map 3-A-24 (a .67 acre parcel on which the Tyler's former home was located) and \$55,000 for an easement through Tax Map 3-A-24A (on which is located Mr. Tyler's law office). The collective value is \$101,000, which will enable the County to fully utilize the \$100,000 DCR grant. However, the Tyler's asking price is \$150,000 and they've proposed conveying additional land to the County. (Please see the attached Plat by T. Shumate) What the Tyler's have proposed is the County's acquisition of Tax Map 3-A-24 and a division of Tax Map 3-A-24A into two equal .933 acre parcels, one of which the County would acquire in addition to the .67 acre TM 3-A-24 parcel. The newly divided half of TM 3-A-24A the County would acquire would be combined with TM 3-A-24 to create a 1.603 acre parcel. Additionally, the County would also acquire an easement from the Tyler's through the entire TM 3-A-24A in order to comply with DCR's grant requirements (although the entire easement through TM 3-A-24A would not be necessary

following the purchase by the County of ½ of TM 3-A-24A, nevertheless, to satisfy DCR's requirements, the easement through the entire TM3-A-24A would be acquired and maintained by the County).

How would the property and easement acquisitions be obtained by the County? These acquisitions would be done in two transactions. First, the County would purchase TM3-A-24 (.67 acre former home site) for \$46,000 and an easement through all of the current TM3-A-24A (current law office location) for \$55,000 with these purchases based upon the DCR approved appraisal(s). Secondly, the County after closing on the first transaction would proceed to purchase one-half of TM3-A-24A (see attached Shumate Plat) for \$49,000 (not based upon an appraised value, rather to satisfy the Tyler's \$150,000 asking price for the overall purchases from them). As noted, in the second transaction, the easement acquired in the first purchase would remain in the second purchase (even though the County has now purchased ½ of the Tyler's law office parcel), this to satisfy DCR.

What is necessary to complete the purchases? In order to complete the acquisitions from the Tyler's the Board's approval is necessary for provision of \$50,000 in funding from Nelson County. This local funding (\$50,000) would be added to the \$100,000 DCR grant to complete the overall purchases from the Tyler's. The local funding can be either an appropriation from the General Fund or a transfer from the FY 13-14 Budget (\$1,357,981 in unobligated funding is available within the FY13-14 Budget's Contingency Department account).

As noted herein, the property acquisitions from the Tyler's are necessary in order to provide for Phase 1 of the project to be initiated and, of course, for the long term use of the Tunnel Project as a local/regional recreation trail and tourist attraction once the overall rehabilitation of the Tunnel and the construction of the trails on either side of it are completed.

The combined grant funding from VDOT and DCR that would be committed to Phase 1 is \$849,149. The funding commitment from the County, if approved, is \$50,000.

The total projected (estimate by Woolpert, Inc.) cost for Phase 1 -3 is \$2,582,304 (Phase 1 at \$749,149, Phase 2 at \$405,994 and Phase 3 at \$1,427,161).

Recommendation: The project has been in process since 2001. With the approval of the \$749,149 TAP grant funding by VDOT for Phase 1, the Tunnel Project has the very real ability to proceed to completion. There is much regional and state support for the project. Waynesboro City has become a project partner and has indicated an intent to work more closely with Nelson County towards additional funding for the project, including a possible trail connection into the City. The Claudius Crozet Blue Ridge Tunnel Foundation (established by the County) is very active with regional membership and has very strong support for the Tunnel Project. Momentum is building? **However, the Project cannot begin or be completed without the additional \$50,000 in funding from the County.**

Staff recommends that the Board approve the \$50,000 in additional funding necessary for the property acquisitions from the Tyler's. A resolution authorizing this funding is included in the agenda documents for the 9-26 meeting.

BOTH LOTS TO BE SERVED BY SEPTIC TANK W/DRAIN FIELD AND PRIVATE WELL LOCATED ON OR NEAR THE EAST END OF THE OFFICE LOT.



TM3 PAR'S 24, (A-1 ZONE) & 24A, (B-1 ZONE).

A = 200.45'
 $\Delta = 13^{\circ}13'11''$
 R = 868.76'
 T = 100.67'
 Lc = 200.00'
 N69°33'54"E

A = 286.06'
 $\Delta = 18^{\circ}51'57''$
 R = 868.76'
 T = 144.34'
 Lc = 284.77'
 N84°35'10"E

L. KEAN & LUCY IVEY
 TM3-A-23, DB218-676

NEW "C & O SECTION"
 1.603 A HOUSE LOT

TM3-24,
 BRUCE K. &
 LYNN A. TYLER
 0.67 ACRES
 DB161-529

0.933 A PORTION OF
 TM3-24A, BRUCE K. &
 LYNN A. TYLER
 1.866 ACRES
 DB778-6

THOMAS & JACKIE BROKAMP
 TM3-A-25, 26, 26A, 27B & 27C
 DB263-448.

NEW
 "LAW OFFICE" LOT
 0.933 A REMAINDER
 OF TM3-24A

A = 205.69'
 $\Delta = 16^{\circ}23'48''$
 R = 718.76'
 T = 103.55'
 Lc = 204.99'
 S75°34'41"W

N82°07'24"E
 Lc = 261.44'
 T = 131.03'
 R = 1882.65'
 $\Delta = 7^{\circ}57'46''$
A = 261.65'

A = 298.34'
 $\Delta = 9^{\circ}04'47''$
 R = 1882.65'
 T = 149.48'
 Lc = 298.03'

'G' - 'H'	'A' - 'B'
A = 245.34'	61.00'
$\Delta = 16^{\circ}10'51''$	N77°19'58"E
R = 868.76'	N85°55'50"W
T = 123.49'	Lc = 397.60'
Lc = 244.53'	T = 207.59'
S77°53'26"E	R = 690.34'
	$\Delta = 33^{\circ}28'24''$
	A = 403.31'
	128.14'
	S69°11'38"E
	1.42'
	S01°51'00"W

PLAT SHOWING REVISION OF TM 3 PAR'S 24 & 24A

**AFTON DEPOT AREA,
 BRUCE K. & LYNN A. TYLER LAND,
 TM 3 PAR'S 24 & 24A**

ROCKFISH DIST., NELSON COUNTY, VIRGINIA

SCALE 1" = 100'

AUG. 20, 2009

TOM SHUMATE SURVEYOR, INC.

WAYNESBORO, VIRGINIA (540) 9422990

"BRUCE TYLER 09 After 5-22-09 Crash"

RESOLUTION R2013-66
NELSON COUNTY BOARD OF SUPERVISORS
BLUE RIDGE TUNNEL PROJECT
PROPERTY ACQUISITION AND AUTHORIZATION TO EXECUTE
ASSOCIATED CONTRACTS, DEED OF CONVEYANCE, AND TO AMEND
THE FISCAL YEAR 2013-2014 BUDGET

WHEREAS, the Nelson County Blue Ridge Tunnel Project requires the acquisition of property to establish the Eastern Portal trailhead and parking area, and

WHEREAS, Nelson County is the recipient of a Department of Conservation and Recreation (DCR) grant that provides \$100,000 in funding of the \$150,000 required for property acquisition; and

WHEREAS, Nelson County is also the recipient of a Federal Highway Administration Grant through the Virginia Department of Transportation that provides approximately \$749,000 in funding for Phase I construction of the Blue Ridge Tunnel Project; inclusive of the Eastern Portal parking area, trail head and trail up to the first bulkhead within the tunnel; and

WHEREAS, Nelson County is in the process of finalizing the property acquisition contracts in order to facilitate acquisition of the property necessary to proceed to project construction,

NOW THEREFORE BE IT RESOLVED, the Nelson County Board of Supervisors do hereby approve the additional \$50,000 of funding needed for property acquisition to establish the Eastern Portal trailhead and parking area; thereby facilitating project construction of Phase I and additionally authorizes the appropriation of these funds via amendment of the FY13-14 budget;

BE IT FURTHER RESOLVED, that the Nelson County Board of Supervisors do hereby authorize the County Administrator to execute finalized property acquisition documents inclusive of purchase agreements and deed of conveyance in order to begin Phase I of the Blue Ridge Tunnel project construction.

Approved: September 26, 2013

Attest: _____, Clerk
Nelson County Board of Supervisors

24 September, 2013

To: Board of Supervisors
From: S. Carter
Re: October Retreat – Proposed Outline for Consideration

The following outline is submitted for the Board's consideration regarding conduct of a retreat during the month of October 2013.

I. Meeting Date(s): October 17 and 18 (Thursday and Friday)

I. Meeting Times:

- A. October 17 – 9:30 a.m. to 4:30 p.m.
- B. October 18 - 10:00 a.m. to 2:00 p.m.

III. Meeting Location

- A. October 17 - General District Court (Alternate - Former Board Room)
- B. October 18 – General District Court (Alternate – Former Board Room)

IV. Agenda

A. October 17

- 1. County Departments – 9:30 a.m. to 12:30 p.m.
- 2. Lunch – 12:30 – 1:00 p.m.
- 3. Constitutional Officers – 1:00 p.m. – 2:30 p.m.
- 4. Reassessment Report – 2:30 – 3:00 p.m.
- 5. Board Discussion – 3:00 – 4:00 p.m.
- 6. Adjourn/Continue Meeting to October 18th

B. October 18

- 1. School Board (Joint Meeting) 10:00 a.m. to 12:00 p.m.
- 2. Lunch – 12:00 p.m. to 12:30 p.m.
- 3. Goals, Objective, Priorities – 12:30 p.m. to 2:00 p.m.

V. Adjourn

