

April 12, 2016

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston Virginia.

Present: Constance Brennan, Central District Supervisor
Allen M. Hale, East District Supervisor – Chair
Thomas H. Bruguere, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor – Vice Chair
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. Hale called the meeting to order at 2:00 PM, with all Supervisors present to establish a quorum.

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

Mr. Hale then asked Mr. David Thompson, Building Official, to introduce his department's new employee James Allen. Mr. Thompson then introduced James Allen and noted he had assumed the Assistant Building Official post on January 11, 2016. He noted that he was previously employed as the operations manager at River Ridge Mall, was a graduate from Liberty University with a degree in aeronautics, is a Gladstone resident, and member of the Gladstone Fire and Rescue services.

II. Recognition of the Dedicated Service of Recent Retirees from County Employment

Mr. Hale then presented recognition plaques to the following former employees:

- William McDonald -Deputy Sheriff from March 16, 1992 to September 30, 2015
- William David Brooks - Deputy Sheriff from February 16, 1990 to December 31, 2008 and Sheriff (retired as) January 1, 2008 to December 31, 2015
- Jean Payne - Deputy Commissioner of Revenue from March 17, 1980 to June 30, 1991, Commissioner of Revenue (retired as) from July 1, 1991 to December 31, 2015

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- Vasco Wright - Deputy Sheriff from November 1, 1991 to December 31, 2015
- Lucy Hargrove-Hudson - Public Safety Dispatcher – Sheriff's Office from October 1, 1986 to January 31, 2016

Mr. Harvey then presented the following recognition plaque:

- Elsie Nappier - Administrative Assistant – Sheriff's Office from April 1, 1969 to January 31, 2016

The Board then commended these employees for their dedicated service and group and individual photos were taken.

III. Resolution Commending the Public Service of the Late Henry Conner (R2016-18)

Ms. Brennan moved to approve resolution **R2016-18**, Resolution Recognizing the Community Service of the Late Henry Conner and Mr. Bruguiere seconded the motion.

There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the resolution was read aloud by the Chair.

Mr. Harvey then noted that he thought Mr. Conner had been appointed by the judge to sit on the Board of Supervisors at some point and he would like this added to the resolution. Supervisors agreed and resolved by consensus to have staff make this change and the following resolution was adopted:

**RESOLUTION R2016-18
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION RECOGNIZING THE COMMUNITY SERVICE OF
THE LATE HENRY CONNER**

WHEREAS, Mr. Henry Conner, longtime Nelson County community servant and former Nelson County Schools Superintendent has recently passed; and

WHEREAS, Mr. Conner's outstanding leadership and extensive commitment to the school children of Nelson County and all of its citizens was evident not only through his sixteen (16) years of service as School Superintendent but also through his public service as a volunteer for more than twenty (20) years with the Nelson County Rescue Squad in Faber; running thousands of calls; and

WHEREAS, Mr. Conner also served as a charter member of the Emergency Services Council and was a certified CPR and EMT instructor, was a past president of the Nelson County Chamber of Commerce, was Chairman of the Nelson County Men's Club for twenty (20) years, was an active member of Rock Spring United Methodist Church, and was an appointed Board of Supervisors member from April 1997 through December 1997;

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NOW, THEREFORE, BE IT RESOLVED, that we, the Nelson County Board of Supervisors wish to hereby recognize and commend the late Henry Conner for his many years of public service and community activism that served to greatly enhance the Nelson County Community.

Mr. Hale then commented that he had met Mr. Conner when he was a Daily Progress Reporter and Mr. Conner was the Assistant School Superintendent in Culpeper. Mr. Harvey noted that he recalled a time when Mr. Conner visited a School Board member working in his fields and he proceeded to get on the tractor with him to have a conversation.=

IV. Consent Agenda

Ms. Brennan noted that she would like to present a resolution for consideration under new business. There was some brief discussion regarding meeting protocol and rules of order on additions to the agenda and Supervisors agreed by consensus that a vote was not needed and additions could be made by consensus of the Board.

Mr. Saunders then moved to approve the consent agenda and Mr. Bruguere 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 – **R2016-19** Minutes for Approval

**RESOLUTION R2016-19
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(March 8, 2016)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **March 8, 2016** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2016-20** FY16 Budget Amendment

**RESOLUTION R2016-20
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET
NELSON COUNTY, VA
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BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2015-2016 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

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<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$13,032.00	3-100-002404-0017	4-100-021060-7040
<u>\$621.00</u>	3-100-009999-0001	4-100-022010-5419
\$13,653.00		

C. Resolution – **R2016-21** COR Refunds

RESOLUTION R2016-21
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>
\$187.69	2013-2014 PP Tax & License Fee	Michelle R. Gilland P.O. Box 73 Batesville, VA 22924
\$104.27	2015 PP Tax & License Fee	Janie Groah 9664 Crabtree Falls Hwy Tyro, VA 22976
\$37.71	2015 PP Tax	Isaias Ruiz-Castillo P.O. Box 282 Batesville, VA 22924

D. Resolution – **R2016-22** April is Child Abuse Prevention Month

RESOLUTION R2016-22
NELSON COUNTY BOARD OF SUPERVISORS
APRIL IS CHILD ABUSE PREVENTION MONTH

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

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WHEREAS, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors do hereby recognize April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and neglect and strengthening the communities in which we live.

E. Resolution – **R2016-23** April is Fair Housing Month

**RESOLUTION R2016-23
NELSON COUNTY BOARD OF SUPERVISORS
APRIL 2016 IS FAIR HOUSING MONTH**

WHEREAS, April is Fair Housing Month and marks the 48th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and

WHEREAS, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness); and

WHEREAS, the Fair Housing Act supports equal housing opportunity throughout the United States; and

WHEREAS, fair housing creates healthy communities, and housing discrimination harms us all;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year.

F. Resolution – **R2016-24** April 16th is Healthcare Decision Day

**RESOLUTION R2016-24
NELSON COUNTY BOARD OF SUPERVISORS
APRIL 16TH IS HEALTHCARE DECISIONS DAY**

WHEREAS, *Healthcare Decisions Day* is designed to raise public awareness of the need to plan ahead for health care decisions related to end of life care and medical decision-making

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whenever people are unable to speak for themselves and to encourage the specific use of Advance Directives to communicate these important health care decisions; and

WHEREAS, it is important for all individuals 18 and older to exercise their right to have their voices heard during the point in their life when they may not be able to express those wishes for their families and caregivers; and

WHEREAS, it is estimated that only about 20 percent of people in Virginia have executed an Advance Directive; and

WHEREAS, it is likely that a significant reason for these low percentages is that there is both a lack of knowledge and considerable confusion in the public about Advance Directives; and

WHEREAS, one of the principal goals of *Healthcare Decisions Day* is to encourage healthcare providers and community leaders to participate in a State-wide effort to provide clear and consistent information to the public about advance directives, as well as to encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of citizens with advance directives; and

WHEREAS, JABA, University of Virginia Health System, Sentara Martha Jefferson Hospital, Hospice of the Piedmont, and other organizations throughout this community have endorsed this event and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and

WHEREAS, as a result of April 16th being nationally recognized as *Healthcare Decisions Day* more citizens will have conversations about their health care decisions; more citizens will execute Advance Directives to make their wishes known; and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient;

NOW, THEREFORE BE IT RESOLVED, the Nelson County Board of Supervisors do hereby recognize April 16, 2016, as *Healthcare Decisions Day* in Nelson County, and call this observance to the attention of all its citizens.

V. Public Comments and Presentations

A. Public Comments

1. Diana Tyler and Larry Tyler, Faber Road

The Tylers noted that they were concerned about the fenced in and out laws of the County. Mr. Tyler noted that they had their neighbor's cattle running through their property and the neighbor was not concerned. He advised that Albemarle County had a fenced in law and he would like to see this for Nelson County and asked how they could begin the process of having this looked into.

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Mr. Hale advised that there was a process where Counties could adopt a fenced in law and he acknowledged that Nelson County's law was fence out. He added that it was a matter that had been previously discussed and it would be again.

The Tylers noted that their neighbor thought this was funny and he questioned what their community could do. He added that he had ten (10) neighbors with the same problem and they had all spoken to the cattle owner to no avail.

Mr. Hale then advised that they had brought this to the Board's attention and they would discuss it.

2. Eleanor Amidon, Tan Bark Dr. Afton

Ms. Amidon noted she was concerned about the 45 mph speed limit on Tan Bark Drive. She noted this was a residential neighborhood that had young children walking on roads, people walked dogs and also jogged. She added that people driving on the road routinely exceeded the speed limit. She then advised that they had provided written comments about this to Rick Youngblood of VDOT in 2013 at a public meeting on the Route 151 Corridor and never heard back. She added that at the meeting they had spoken about there being a rise in the road by Greenberry and VDOT re-grading the road. She noted that this would not be necessary if the speed limit was lowered to 35 mph and she hoped something could be done.

3. Paul Cangialosi, Gladstone

Mr. Cangialosi related a 2014 incident with the former Sheriff's Department and he noted that he thought the County needed to build a more professional department with less turnover. He added that he thought the new Sheriff was interested in doing that and was trying to establish a baseline of integrity and professionalism. He then encouraged the Board to be supportive of these efforts.

4. Allan Jamison, CASA

Mr. Jamison thanked the Board for passing the consent agenda resolution and he noted that the County had eighty-seven (87) reported cases of abused and neglected children in the last year. He reported that there were four (4) CASA workers in the area and he thanked Ms. Brennan in advance for coming out to the CASA event on Thursday at the Library.

B. Presentation – Use of Vacancy Savings and Turnover Funds (Sheriff D. Hill)

Sheriff Hill distributed prepared information to Supervisors. He then noted that he has had departmental turnover due to retirees and just turnover within the department and he now had two (2) Full time positions and one (1) Part time position still open; which was down from six (6). He then introduced Captain New who was the Supervisor over field investigations.

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Sheriff Hill then explained the information he had provided to the Board, noting that in 2015, \$90,351 in salary supplements was provided to the Sheriff's Office for a total of \$7,279.25 per month. He then noted the 2016 vacant positions listed and stated that when vacancies in the department occurred, these monies rolled back into the General Fund. He further stated that for that month, the department had savings \$1,622.00 and they had Compensation Board savings as well during that month. He then stated that the department had an accrual of these funds of approximately \$19,432 in the month of January. He then reported that he had implemented changes within the Compensation Board because of the vacancies and these funds that were saved could only be used for certain things. He noted that he had twice requested that \$10,000 come back to the County and that he had submitted reimbursement for \$5,100 for gas and that \$2,523 could be requested in May as well. Sheriff Hill then stated he was asking if he could use these funds to add a vehicle to the fleet. He added that he was analyzing the use of the fleet and vehicle mileage and he noted it was hard to hire people within the pay allowable.

Sheriff Hill then addressed the matter of Turnover Funds. He noted that there had been staffing fluctuations from January to February and he had put people into State positions which had saved the County money. He added that he had used some of these funds to give people raises; noting that some had gotten raises on paper but not in their take home pay. Sheriff Hill then reported that his revamping of everything had saved \$3,200 each month for a total of \$39,000 for the year. He noted he would like to make a Part Time position Full Time and would like to send someone to the drug task force to represent Nelson County.

Mr. Harvey then questioned what funds would be used to purchase a car and Sheriff Hill stated that Vacancy Savings would be used. He added that these were idle funds sitting at the state level not used for positions. Mr. Harvey then advised that in the past, Asset Forfeiture funds had been used for this and Mr. Carter noted that staff had advised them that it could be done that way. He added that staff had not yet seen the Sheriff's proposal and therefore had no ability to comment on it.

Mr. Hale then advised Sheriff Hill that the Board was currently in the budget process and the Board was not able to analyze the information provided for its budgetary impact. Mr. Hale then clarified with Sheriff Hill that these were one time savings that he would like to use to purchase a vehicle. Mr. Hale then advised that the Board would have the Finance Office go over the figures provided by him and report on their findings during the budget process. Mr. Carter then advised that staff would be ready to report back on it during the next budget work session.

Sheriff Hill then referred to his position and the salary as shown for December 2015 and January 2016 and stated that the Compensation Board representative had told him that his salary had been cut. Sheriff Hill then asked the Board to look at a Memorandum dated April 16, 2012 and 2013 explaining what the salary supplements were used for. Sheriff Hill then referenced his time of employment with the School system and claimed he was not a new employee. He also stated that he would like to retain the former Sheriff's salary supplement.

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Mr. Bruguere stated that the Finance Department needed to look at the figures provided; however if the funds were truly unencumbered, he thought they should supplement the vehicles. Mr. Saunders agreed that they would look at the proposal.

Mr. Hale then noted that he had the opportunity to speak with the Fluvanna Sheriff about hiring challenges and he noted that they could not compete with adjoining localities in terms of salaries. He noted that Nelson also provided a quality of life that could attract people as much as pay. Sheriff Hill agreed that Nelson was a great place to live and he was trying to recruit locals and minorities; however he was limited in the salary he could offer; which made Nelson a stepping stone for many.

C. VDOT Report

Mr. Austin reported that he would check the speed limit posted on Tan Bark Drive for Ms. Amidon. Mr. Harvey noted he thought the speed limit may not be posted and if not it would be 55 mph. Mr. Austin noted that a speed study would have to be done before it could be changed.

Mr. Austin noted that the Secondary Six Year Plan was originally scheduled for that evening; however, there was an issue with the public hearing notices. He added that the budget funds were not yet available from the VDOT central office. He then noted that the Rural Rustic priority list was what staff intended to move forward with. Mr. Saunders then reiterated that he would like one more mile on Cedar Creek done and Mr. Austin noted this was priority #4 on the list. Mr. Austin added that priorities #1 and #2 were started and should stay where they were in the order since they had started some preliminary engineering and environmental work on those.

Mr. Hale noted he was reluctant to change anything scheduled for funding and Mr. Austin agreed. He added that if they desired, they could look at rearranging priorities below #3 on the list and no changes were made by the Board.

VDOT issues:

Mr. Austin reported that there were Safety Improvement funds to be used in the County for trench widening at Tan Yard Road. He noted that there was not quite enough funds to do it; however they may get more funds in July. Mr. Bruguere reiterated that there was more traffic there because of the convenience center. Mr. Austin noted that he could give the Board the cost in the near future and it would become part of the county-wide plan. He added he hoped to have the estimate at the May meeting.

Mr. Hale then noted that the County had been asked by the State if the Route numbers could be changed for the ends of Dutch Creek that were abandoned; in order to avoid confusion. He noted that he did not like to see Route numbers changed and Mr. Austin advised that they could request that it be left as is. Supervisors then agreed by consensus to request that the State leave the Dutch Creek Route numbers as is.

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Mr. Austin then reported a request for guardrail at Front St and Route 56.

Mr. Bruguere reported a problem on Campbell's Mountain Road of tractor trailers coming from the other side. He asked if some signs could be put up there because GPS systems were telling drivers they could go that way as a short cut to North Carolina. Mr. Austin noted he was not sure if there was a sign there stating the route was not recommended for trucks; but he would verify that. Mr. Bruguere noted that this was becoming more frequent and Mr. Austin noted if there was not a sign already there he would get something in place. Mr. Bruguere suggested that the signs be placed near Lyndhurst so the trucks could turn around before going too far.

Mr. Saunders noted that he had noticed Route 29 being cleaned up and he noted they were doing a great job. Mr. Austin noted they were pulling crews out of Rustburg and working four (4) tens instead of four (4) eights.

Ms. Brennan suggested that the yellow flashing arrow at the Food Lion intersection needed to have a sign saying what it meant. Mr. Austin then advised that he thought the flashing yellow arrow was going to be removed so he would check on that. He added that if not, he would check on adding the sign.

Ms. Brennan then advised that there was a smashed guardrail at the end of Buck Creek at Route 29. Mr. Austin supposed this was being looked at for repair and noted that if it were, it would be marked with an X.

Ms. Brennan inquired if the passing lanes on Route 6 had been checked on and Mr. Austin noted this had not yet been done.

Ms. Brennan asked about whether or not VDOT handled school bus stop sign removals and Mr. Austin advised that they had to ask the School Transportation Department whether or not they were still needed. He noted that VDOT only reviewed signs for removal at the Board's request.

VI. New Business/ Unfinished Business

A. Proposed Amendments to County Code, Appendix A – Zoning “Roadside Stands and Farmers Markets” (O2016-01)

Mr. Padalino noted the review process for the proposed amendments and added that proposed language from Harley Joseph of VDOT had been included. He then noted that the change to the Service Enterprise District was discovered after the fact and the recommendation was for these to be by right in SE-1; so the special use language would be removed. Mr. Padalino then noted that a terminology change had been made to remove the word farming and instead use the term agricultural operations.

Mr. Harvey asked how the setbacks for roadside stand in a Service Enterprise District were affected and Mr. Padalino noted that these would still have to be met if having a permanent structure; however he noted that most roadside stands were temporary.

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Mr. Hale asked if a roadside stand was on the farm, was this by right and Mr. Padalino noted that this would simply be a farm and these amendments were not related; they only related to off-farm sales.

There being no further questions by the Board, Ms. Brennan moved to approve Ordinance **O2016-01**, Amendment of the Code of Nelson County, Virginia, Appendix A Zoning, Article 2 Definitions, Article 4 Agricultural District (A-1), Article 8 Business District (B-1), and Article 8B Service Enterprise District (SE-1) "Roadside Stands" and "Farmers Markets" and Mr. Bruguere seconded the motion.

Ms. Brennan then thanked Mr. Bruguere for the work put into the amendments. Mr. Bruguere noted that he had gotten a call from the work group just prior to the meeting wanting to see a Farmers Market in A-1 by right. He noted that he saw the point; however the one in Nellysford was still a business and was more than a farm stand because of the other vendors. He added that if the only one in the County had to move; they would have guidelines to go by. Mr. Harvey then advised that the Farmers Market land was owned by the Wintergreen Property Owners Association (WPOA).

Mr. Hale reiterated Ms. Brennan's comments and noted he thought they got the best results when interested parties were included in the process of making changes.

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

ORDINANCE O2016-01
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA, APPENDIX A
ZONING, ARTICLE 2 DEFINITIONS, ARTICLE 4 AGRICULTURAL DISTRICT
(A-1), ARTICLE 8 BUSINESS DISTRICT (B-1), AND ARTICLE 8B SERVICE
ENTERPRISE DISTRICT (SE-1) "ROADSIDE STANDS" AND "FARMERS
MARKETS"

BE IT ORDAINED, by the Nelson County Board of Supervisors that Appendix A Zoning, Article 2, Definitions, Article 4 Agricultural District (A-1), Article 8: Business District (B-1), Article 8B: Service Enterprise District (SE-1) be amended to revise the definitions, application requirements, and regulations for "off-farm agricultural retail sales" land uses, including Roadside Stands and Farmers Markets as follows:

Article 2: Definitions

Remove the following definition:

Wayside stand, roadside stand, wayside market: Any structure or land used for the sale of agriculture or horticultural produce; livestock, or merchandise produced by the owner or his family on their farm.

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Add the following definitions:

Farmers Market: Any structure, assembly of structures, or land used by multiple vendors for the off-farm sale or resale of agricultural and/or horticultural products, goods, and services, including value-added agricultural or horticultural products. Farmers Markets may include the sale or resale of accessory products, including arts, crafts, and/or farm-related merchandise, as long as the majority of products being offered for sale are, in the aggregate, comprised of agricultural or horticultural products.

Roadside Stand: Any use of land, vehicle(s), equipment, or facility(s) used by a single vendor for the off-farm sale or resale of agricultural and/or horticultural products, goods, and services, including value-added agricultural or horticultural products. Roadside Stands may include the sale or resale of accessory products, including arts, crafts, and/or farm-related merchandise, as long as the majority of products being offered for sale are, in the aggregate, comprised of agricultural or horticultural products. The majority of products being offered for sale by the Roadside Stand operator must have been cultivated, produced, processed, or created on an agricultural operation owned or controlled by the operator or operator's family. Roadside Stands shall not be located within Virginia Department of Transportation right-of-way.

Roadside Stand, Class A: A Roadside Stand which accesses a Local or Secondary road, or other road which is not functionally classified (as defined by the Virginia Department of Transportation).

Roadside Stand, Class B: A Roadside Stand which accesses a Minor Collector, Major Collector, Minor Arterial, Principal Arterial, or other road which is functionally classified (as defined by the Virginia Department of Transportation), or located within three-hundred (300) feet of an intersection with any such road.

Article 4: Agricultural District (A-1)

Revise the following provision in Section 4-11 "Administrative Approvals:"

The Zoning Administrator may administratively approve a zoning permit for the following uses, provided they are in compliance with the provisions of this Article.

4-11-2 Roadside Stand, Class A, which provides one (1) year of approval. An approved Class A Roadside Stand may be renewed annually; no renewal fee or site plan resubmission shall be required with any request for annual renewal unless the layout, configuration, operation, vehicular ingress/egress, and/or scale is substantially modified.

No Class A Roadside Stand permit may be approved or renewed unless the Planning and Zoning Director reviews and approves the following operational details regarding the safety and appropriateness of the proposed Roadside Stand:

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- (i) Signed affidavit declaring that the majority of products offered for sale at the Roadside Stand are cultivated, produced, processed, or created on an agricultural operation owned or controlled by the operator or operator's family.
- (ii) Location and type of proposed Roadside Stand equipment or facility:
 - a. All Roadside Stand structures or facilities must be located outside of VDOT right-of-way
 - b. All permanent Roadside Stand structures must comply with the required front yard setback areas of the applicable zoning district
- (iii) Location and details of proposed signage:
 - a. Maximum of one sign allowed, which may be double-sided
 - b. Maximum of twelve (12) square feet of signage
 - c. Must be located outside of VDOT right-of-way
- (iv) Sketch site plan, including accurate locations and dimensions of:
 - a. property boundaries and right-of-way
 - b. proposed location of Roadside Stand equipment and/or facility(s)
 - c. proposed signage
 - d. proposed layout and provisions for safe vehicular ingress, egress, and parking
 - e. lighting plan and lighting details (for any Roadside Stand request involving any proposed operation(s) after daylight hours)
- (v) Review comments from Virginia Department of Transportation:
 - a. VDOT review comments must include a formal "recommendation for approval" by VDOT before a Class A Roadside Stand permit can be approved by the Zoning Administrator

Add the following provisions to Section 4-1-a "Uses – Permitted by Special Use Permit only:"

*4-1-47a Roadside Stand, Class B

*4-1-48a Farmers Market

Article 8: Business District (B-1)

Add the following provisions to Section 8-1 "Uses – Permitted by right:"

8-1-25 Roadside Stand, Class A and B

8-1-26 Farmers Market

Article 8A: Business District (B-2)

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Add the following provisions to Section 8A-1 “Uses – Permitted by right:”

8A-1-15 Roadside Stand, Class A and B

8A-1-16 Farmers Market

Article 8B: Service Enterprise District (SE-1)

Add the following provisions to Section 8B-1 “Uses – Permitted by right:”

8B-1-4 ~~Farming~~ Agricultural Operations

8B-1-25 Roadside Stand, Class A and B

8B-1-26 Farmers Market

Delete the following provisions of Section 8B-1-a “Uses – Permitted by Special Use Permit Only:”

*8B-1-10a Wayside Stands

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

*Note: These Section numbers were amended administratively on April 28, 2016 to reflect the correct numbering sequence.

B. Proposed Amendment to County Code, Appendix A – Zoning,
“Bed & Breakfast Uses” **(O2016-02)**

Mr. Padalino noted the review process that had been undertaken and the changes to Class A and B Bed and Breakfast definitions that had been incorporated.

Mr. Harvey then questioned the campground definition and Mr. Padalino noted that campgrounds had been provided for and defined; however, this was a new definition that was more simplified. He then read aloud the current definition and noted that the new definition included motor homes or RVs and used the term transient (less than 30 days) which was compatible with tax laws. In response to questions, Mr. Padalino advised that none of this applied to storage sheds; which the Building Code Official would have to weigh in on. He then added that the old definition referred to paying or non-paying guests and he was not sure why.

Mr. Hale inquired as to the changes in Home Occupations Classes and Mr. Padalino noted that it was most important and had stayed the same except for the removal of the language related to the renting of homes to tourists. He noted that otherwise, it was the same. He then added that Class A and B mirrored the same concept as home occupation; where in Class A, the owner lived on premise and in Class B the owner did not live on premise and could rent rooms to more guests.

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Ms. Brennan then moved to approve Ordinance **O2016-02** Amendment of the Code of Nelson County, Virginia, Appendix A Zoning, Article 2 Definitions, Article 4 Agricultural District (A-1), Article 5 Residential District (R-1), Article 6 Residential District (R-2), Article 7 Residential Planned Community District (RPC), Article 8 Business District (B-1), Article 8A Business District (B-2), and Article 8B Service Enterprise District (SE-1) “Bed and Breakfast” Uses.

Mr. Bruguiere seconded the motion and there being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Harvey voting No and the following Ordinance was adopted:

ORDINANCE O2016-02
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA, APPENDIX A
ZONING, ARTICLE 2 DEFINITIONS, ARTICLE 4 AGRICULTURAL DISTRICT
(A-1), ARTICLE 5 RESIDENTIAL DISTRICT (R-1), ARTICLE 6 RESIDENTIAL
DISTRICT (R-2) ARTICLE 7 RESIDENTIAL PLANNED COMMUNITY DISTRICT
(RPC), ARTICLE 8 BUSINESS DISTRICT (B-1), ARTICLE 8A BUSINESS
DISTRICT (B-2) , AND ARTICLE 8B SERVICE ENTERPRISE DISTRICT (SE-1)
“BED AND BREAKFAST” USES

BE IT ORDAINED, by the Nelson County Board of Supervisors that Appendix A Zoning, Article 2, Definitions, Article 4 Agricultural District (A-1), Article 5 Residential District (R-1), Article 6 Residential District (R-2), Article 7 Residential Planned Community District (RPC), Article 8: Business District (B-1), Article 8A Business District (B-2), and Article 8B Service Enterprise District (SE-1) be amended to revise the definitions, application requirements, and regulations for “Bed and Breakfast” Uses as follows:

Article 2: Definitions

Remove the following definitions:

Boardinghouse, tourist home: A building arranged or used for lodging, with or without meals, for compensation by more than five (5) and not more than fourteen (14) persons and open to transients. A boardinghouse or tourist home shall not be deemed a home occupation.

Tourist home: See Boardinghouse.

Add the following definitions:

Bed and Breakfast, Class A: A use composed of transient lodging provided by the resident occupants of a dwelling that is conducted within said dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than six (6) guest rooms in the aggregate, and having not more than twelve (12) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the class A

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bed and breakfast, provided that the dining and meeting rooms are accessory to the class A bed and breakfast use.

Bed and Breakfast, Class B: A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than ten (10) guest rooms in the aggregate, and having not more than twenty-four (24) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use.

Boardinghouse: A use composed of a single building in which more than one room is arranged or used for lodging by occupants who lodge for thirty (30) consecutive days or longer, with or without meals, for compensation. A boardinghouse may be occupied by the owner or operator, but may not be operated on the same parcel as a bed and breakfast.

Tent: A structure or enclosure, constructed of pliable material, which is supported by poles or other easily removed or disassembled structural apparatus.

Transient: A guest or boarder; one who stays for less than thirty (30) days and whose permanent address for legal purposes is not the lodging or dwelling unit occupied by that guest or boarder.

Transient lodging: Lodging in which the temporary occupant lodges in overnight accommodations for less than thirty (30) consecutive days.

Vacation House: A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.

Amend the following:

Campground: Any place used for transient camping where compensation is expected in order to stay in a tent, travel trailer, or motor home. Campgrounds require the provision of potable water and sanitary facilities.

Dwelling: Any building which is designed for residential purposes (except boardinghouses, dormitories, hotels, and motels).

Dwelling, single-family detached: A building arranged or designed to contain one (1) dwelling unit.

Home Occupation, class A: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than one (1) person is employed, other than members of the family residing on the

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premises, such as the tailoring of garments, the preparation of food products for sale, and similar activities, beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Home Occupation, class B: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than four (4) persons are employed, other than members of the family residing on the premises, such as the tailoring of garments, the preparation of food products for sale, and similar activities, beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

Hotel: Any hotel, inn, hostelry, motel, or other place used for overnight lodging which is rented by the room to transients, is not a residence, and where the renting of the structure is the primary use of the property.

Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreational, and vacation uses. The term "travel trailer" does not include mobile homes or manufactured homes.

Article 4: Agricultural District A-1

Section 4-1 Uses – Permitted by right.

- 4-1-3 Boardinghouse
- 4-1-30 Bed and Breakfast, Class A
- 4-1-31 Bed and Breakfast, Class B
- 4-1-32 Vacation House

Section 4-1-a Uses – Permitted by Special Use Permit only:

- 4-1-10a Campground

Article 5: Residential District R-1

Section 5-1 Uses – Permitted by-right:

- 5-1-17 Bed and Breakfast, Class A
- 5-1-18 Bed and Breakfast, Class B, the subject property contains more than one zoning classification with a majority portion of the subject property zoned Agricultural A-1
- 5-1-19 Vacation House, if the subject property contains more than one zoning classification with a majority portion of the subject property zoned Agricultural A-1

Section 5-1-a Uses – Permitted by Special Use Permit only:

- 5-1-4a Bed and Breakfast, Class B, if the provisions in 5-1-18 do not apply to the subject property

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5-1-5a Vacation House, if the provisions contained in 5-1-19 do not apply to the subject property

Article 6: Residential District R-2

Section 6-1-a Uses – Permitted by Special Use Permit only:

- 6-1-3a Boardinghouse
- 6-1-4a Bed and Breakfast, Class A
- 6-1-5a Vacation House

Article 7: Residential Planned Community District RPC

Section 7-5-2 Single-Family Residential Sector - SR

In Single-Family Residential Sectors, the following uses will be permitted:

1. Single-family detached dwellings.
2. Single-family attached dwellings.
3. Other uses as permitted in Residential Districts R-1 and in Section 7-5-1(b); except that Vacation House shall be a permissible by-right use in the SR Sector of the RPC District and shall not require a Special Use Permit.

Article 8: Business District B-1

Section 8-1 Uses – Permitted by right:

- *8-1-27 Bed and Breakfast, Class A, if the subject property contains an existing non-conforming dwelling or has an approved Special Use Permit for dwelling units pursuant to 8-1-10a
- *8-1-28 Bed and Breakfast, Class B, if the subject property contains an existing non-conforming dwelling or has an approved Special Use Permit for dwelling units pursuant to 8-1-10a
- *8-1-29 Vacation House, if the subject property contains an existing non-conforming dwelling or has an approved Special Use Permit for dwelling units pursuant to 8-1-10a

Section 8-1-a Uses – Permitted by Special Use Permit only:

- 8-1-13a Campground

Article 8A: Business District B-2

Section 8A-1-a Uses – Permitted by Special Use Permit only:

- *8A-1-7a Hotel

Article 8B: Service Enterprise District SE-1

Section 8B-1 Uses – Permitted by right.

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8B-1-3 Boardinghouse, vacation house, Class A bed and breakfast, Class B bed and breakfast, churches, church adjunctive graveyards, libraries, schools, hospitals, clinics, parks, playgrounds, post offices, fire department, and rescue squad facilities

*Section 8B-1-a Uses – Permitted by Special Use Permit only:
8B-1-14a Campground*

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

*Note: These Section numbers were amended administratively on April 28, 2016 to reflect the correct numbering sequence.

Mr. Bruguere stated he was unsure about the inclusion of primitive tent camping in the campground definition; however it could be revisited at a later date.

C. Establishment of 2016 Tax Rates (**R2016-25**)

Mr. Hale noted that the proposed tax rates were unchanged from the current year at \$.72 for Real Estate, \$3.45 for Tangible Personal Property, \$1.25 for Machinery and Tools Tax, and \$0.72 for Mobile Home Tax.

Mr. Bruguere then moved to approve resolution **R2016-25**, Establishment of 2016 Tax Rates and Mr. Saunders seconded the motion.

Mr. Hale noted that these rates had previously been discussed in budget workshops and the Board was working to be sure that expenditures did not exceed the revenue anticipated with those rates.

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 R2016-25
NELSON COUNTY BOARD OF SUPERVISORS
ESTABLISHMENT OF 2016 TAX RATES**

RESOLVED, by the Nelson County Board of Supervisors, pursuant to and in accordance with Section 58.1-3001 of the Code of Virginia, 1950, that the tax rate of levy applicable to all property subject to local taxation, inclusive of public service corporation property, shall remain as currently effective until otherwise re-established by said Board of Supervisors and is levied per \$100 of assessed value as follows:

Real Property Tax	\$0.72
Tangible Personal Property	\$3.45
Machinery & Tools Tax	\$1.25

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Mobile Home Tax

\$0.72

D. Establishment of 2016 Personal Property Tax Relief (**R2016-26**)

Ms. McCann noted that the resolution contained the same rate of tax relief that was currently in place and was based on information that the values were not going to change significantly received from the Commissioner of Revenue's office. She then noted the rules for relief as stated in the resolution.

Mr. Carter added that personal property tax relief was enacted during the Gilmore administration and its intent was to go to 100% to eliminate the tax altogether. He noted that the State had come up with a distribution formula and for Nelson the relief amount was \$1.7 million. He added that the problem with this was that the amount was static and it resulted in a decline in relief. He noted that this had not been changed since it was implemented by the state and as values went up, the amount of relief was lower. Ms. McCann added that the tax rate increase had also lowered the amount of relief to be distributed.

Mr. Bruguere then moved to approve resolution **R2016-26**, 2016 Personal Property Tax Relief and Ms. Brennan seconded the motion.

Mr. Hale inquired what would happen if this were not adopted by the Board and Mr. Carter noted it was mandatory and they would be in violation of the law.

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 R2016-26
NELSON COUNTY BOARD OF SUPERVISORS
2016 PERSONAL PROPERTY TAX RELIEF

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3524 has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

WHEREAS, the Nelson County Board of Supervisors has adopted an Ordinance for Implementation of the Personal Property Tax Relief Act, Chapter 11, Article X, of the County Code of Nelson County, which specifies that the rate for allocation of relief among taxpayers be established annually by resolution as part of the adopted budget for the County.

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors does hereby authorize tax year 2016 personal property tax relief rates for qualifying vehicles as follows:

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- Qualified vehicles with an assessed value of \$1,000 or less will be eligible for 100% tax relief;
- Qualified vehicles with an assessed value of \$1,001 to \$20,000 will be eligible for **39%** tax relief;
- Qualified vehicles with an assessed value of \$20,001 or more shall be eligible to receive **39%** tax relief only on the first \$20,000 of assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicle, farm use vehicle, motor homes, etc.) will not be eligible for any form of tax relief under this program.

BE IT FINALLY RESOLVED that the personal property tax relief rates for qualifying vehicles hereby established shall be effective January 1, 2016 through December 31, 2017.

E. Introduced – Resolution requesting that FERC require a Programmatic Environmental Impact Statement for the Atlantic Coast Pipeline.

Ms. Brennan introduced this item and Mr. Saunders reiterated his previous inquiry regarding if any items to be added to the agenda should first be approved by the Board. Mr. Carter noted that this depended on how formal the Board’s process was and in the past it has been customary for the Board to add items as needed.

Ms. Brennan noted that this particular resolution was introduced at a Budget Work Session and Mr. Carter confirmed it had been previously recommended and discussed; however it had not been voted upon.

Ms. Brennan further explained that the resolution asked FERC to look at all of the proposed pipelines in aggregate as well as individually in order to get a better overall picture.

Mr. Saunders then noted that the FERC Chair had already turned this down; however the Board could still vote on it. Mr. Hale also noted that he thought the concept had been turned down. Mr. Carter advised that he had reviewed the letters from FERC to the State Senators, and Senator Kaine’s letter said that FERC would look at the cumulative effect of all of the pipelines; but not by PEIS, and the one to Goodlatte had advised that they would not do a PEIS.

Ms. Brennan then noted that it had been requested by many and that FERC could change their mind. She then moved to approve resolution **R2016-27**, Resolution petitioning the Federal Energy Regulatory Commission to Complete a Programmatic Environmental Impact Statement (PEIS) for the Atlantic Coast Pipeline and there was no second.

Mr. Harvey noted it was hard to vote on something he had not yet seen even though Ms. Brennan had given it to him the day before. Ms. Brennan noted that it was important to look at the combined impact on water issues and she noted it was currently a free for all and no criteria had been established for these pipelines. She added that water was important to the County. Mr. Harvey questioned whether or not the resolutions had any effect and Ms. Brennan noted this was uncertain however, it was an expression of concern about the health

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and welfare of the community. Mr. Saunders then advised that this analysis had already been covered in their permits and the resolution would have no effect. He added that the request had already been turned down and that FERC would not look at it.

Ms. Brennan then noted that Dominion had been fined and taken to court over things and that the resolution asked them to pay attention to things that mattered so that they were aware that the Board and Community cared. Mr. Saunders noted that the pipeline would be highly regulated and Ms. Brennan noted that the resolution asked them to pay attention to water in particular.

Mr. Harvey noted he would like more time to consider it and when asked, Ms. Brennan stated she did not want to withdraw her motion.

Mr. Hale noted he did not think it did any harm to express their opinion on this and that was all it was. He noted that the Board had previously passed resolutions regarding the ACP for various reasons and to request that FERC look at the four proposed pipeline projects in Virginia together made sense. He added that he thought there ought to be an overall examination of the impact of the projects. He noted that he was also aware that they did not have any decision making power in the process and that FERC was not likely to do it; however it did not mean that the Board should not state its opinion on the matter. Mr. Hale then noted that the Keystone Pipeline had a huge oil spill, pipelines did present environmental hazards, and they should be carefully regulated.

Ms. Brennan further explained that the resolution asked FERC to look at the pipelines together and in so doing; they may decide that all of them were not needed. She added that she was concerned that FERC was not looking at the whole picture.

Mr. Bruguere noted that pipelines were safer than transporting the natural gas by rail and or in trucks and they were far more likely to be in an accident on Route 151. He added that he thought via pipeline was the best way to transport these resources. Ms. Brennan then countered that natural gas was not transported by rail or trucks as it would have to be liquefied.

There being no further discussion, Mr. Hale called for the vote and Supervisors voted (2-3) by roll call vote to not approve the motion with Mr. Hale and Ms. Brennan voting Yes, and Mr. Harvey, Mr. Bruguere, and Mr. Saunders voting No. The following resolution was not approved:

DISAPPROVED 4/12/16

DRAFT RESOLUTION R2016-27

NELSON COUNTY BOARD OF SUPERVISORS

RESOLUTION PETITIONING THE FEDERAL ENERGY REGULATORY COMMISSION TO COMPLETE A PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (PEIS) FOR THE ATLANTIC COAST PIPELINE

WHEREAS, under the National Energy Policy Act (NEPA), federal agencies can prepare a programmatic EIS for a series of anticipated projects in a specific region with similar

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environmental impacts, and then rely on the analysis in the PEIS in subsequent project-specific EISs prepared for particular projects; and

WHEREAS, the Atlantic Coast Pipeline (ACP), the Mountain Valley Pipeline, the WB Express, and the Appalachian Connector are all similar projects proposed for the Central Blue Ridge and Appalachian Mountain Region of Virginia, for similar purposes, and in the same general time period; and

WHEREAS, a federal agency's use of a PEIS does not substitute for a site-specific EIS for particular projects, but would allow the ACP EIS to promote more uniform analysis for all stakeholders involved and avoid unnecessary duplication and delay in the agency's environmental review; and

WHEREAS we are deeply concerned that construction of the proposed Atlantic Coast Pipeline will negatively impact the environment and economy of Nelson County and the larger region; and

WHEREAS FERC's current intention to perform a project specific EIS solely for the Atlantic Coast Pipeline will not adequately address essential questions regarding the impact of, need for, and alternatives to the ACP; and

WHEREAS, a programmatic Environmental Impact Statement would result in greater protection of our most valuable resources.

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that in consideration of the points made above, the Nelson County Board of Supervisors respectfully requests that:

1. FERC complete a programmatic Environmental Impact Statement for the Atlantic Coast Pipeline and similar projects as named above; and
2. That the PEIS include the following parameters:

Baseline Conditions – Overview of the natural resources, scenic view sheds, and historic resource conditions, with particular attention on waterways and water supplies;

Regional Need for Additional Pipeline Capacity – To guide project-specific pipeline project review by FERC and the Forest Service;

Uniform Pipeline Route and Watercourse Crossing Criteria – Based on regionally-specific criteria related to impacts on drinking water supplies, develop uniform criteria for environmental assessment of pipeline crossings over watercourses.

AND BE IT FURTHER RESOLVED that the Nelson County Board of Supervisors directs

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the Clerk of the Nelson County Board of Supervisors to send a copy of this resolution to: Governor of Virginia Terry McAuliffe, Virginia Senator Creigh Deeds, Virginia Delegate Richard Bell, Virginia Delegate Matthew Farris, US Senator Mark Warner, US Senator Tim Kaine, US Congressman Robert Hurt, Thomas Speaks, Jr., Forest District Supervisor, and Shawn Garvin, Regional administrator, Environmental Protection Agency, and the Federal Energy Regulatory Commission (FERC).

F. Status of Courthouse Project and Tour by Jim Vernon

Mr. Vernon addressed the Board and noted that Jamerson Lewis was the project Contractor, William Cook was the Project Manager, and Paul Whitney was the Site Superintendent. He noted that they were working with four older buildings and there was a lot to uncover and discover. He noted that the project team was having monthly owner's review meetings with many staff included. He added that this number of staff was unusual; however it has been very positive and it kept everyone informed. He then thanked the County for committing its resources and introduced Mr. Whitney. Mr. Vernon then noted that Ms. Smythers and Judge Garrett had also been very involved in the process and that everyone has been exceptionally patient while the work was going on. He added that they were getting past the worst of it now as the work had been demolition and underground work for the past two months. He advised that the footings and foundations were done, the underground utilities were run, and connections were made to the cooling tower. He added that framing in the courtroom floor had been done as well as new runs of ductwork, sprinkler lines, and fiber optic cabling. Mr. Vernon then reported that in the last month, the new addition was going up on the north side and south side of the complex and one could now see where the new waiting room was located between the buildings. Mr. Vernon then advised that February 19, 2017 was the new completion date. He added that there had been a net of \$19,547 in change orders so far; which was .4% of the original contract cost. He noted that they did not think there would be any more surprises except for possibly in the basement area.

Mr. Bruguiere asked about the structural sagging in the 1810 courthouse and Mr. Vernon noted that there was both water and old termite damage there. He added that Mr. Thompson had recommended that they use concrete beams to hold up the floor. He noted there was some moisture damage in the brickwork and they had put in steel galvanized lintels.

Ms. Brennan asked if they had found any mold and Mr. Vernon advised they had not. He added that they had removed bathroom fixtures with very little behind them. Mr. Vernon then advised that there had been some unforeseen asbestos material around piping; however that was to be expected. He added that they had found an unrecorded manhole out in the yard that had to be taken care of and they had reconnected lines to get it back to sanitary sewer.

Supervisors and staff then took a tour of the project areas at 4:00 PM.

VII. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

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Mr. Carter reported the following:

1. Courthouse Project Phase II: A project meeting was conducted on April 6. William Cook, Project Manager, of Jamerson-Lewis provided an extensive overview of current and ensuing project activities. The meeting included a review of project change orders approved or pending approval. To date total change orders, including credits, are approximately \$11,320 with a \$2,966 CO pending approval. Work towards the construction of the building expansion on the north side of the Courthouse (facing the parking lot and adjacent to the Clerk's office) continues to make good progress. J-L's project schedule anticipates turnover of Phase 1 (the second floor 1940's area, inclusive of the building expansion) on 7-13. This will result in the relocation to this area of County Administration, Finance and HR and Information Services. No major concerns or issues to report.

The Board will conduct a tour of the project on 4-12 (approximately 4 p.m.), inclusive of representatives of Architectural Partners and Jamerson-Lewis Construction.

2. Broadband: Phase 1 of the network expansion project is still in process with approximately 60% (3.1 of 5.1 miles) completed. Phases 2 and 3 will follow the completion of Phase 1. CCTS, the project contractor, has submitted plans to VDOT for right of way permits for Phase 2 and 3. A walk through of the Phase 2 and 3 areas with VDOT, County and CCTS staff is required and VDOT staff have submitted comments on the Phase 2 and 3 plans. CCTS has also advised of their intent to complete the project by May 30th. This is definitely possible but also may be somewhat ambitious. CCTS and County staff are also coordinating with the representatives of the Horizons Village Subdivision to enable extension of the network into the subdivision (21 initial new connections). County staff will also meet on 4-12 with Zenith Quest to discuss connecting the new business to the network and to provide for inclusion of a possible 30 jobs that can be reported to VA-DHCD as project outcomes.

Mr. Carter noted that Phase 1 was from Martin's Store to Route 664 and that CCTS had been restricted timewise by VDOT to working from 9am to 3:30 pm.

The Broadband Strategic Planning Project is also in progress. A progress meeting with the project consultant, Design Nine was conducted on 4-8 (including Messrs. Hale and Strong of the NCBA). The meeting entailed discussion of a proposed new rate schedule that primarily involved establishment of a monthly service fee for network customers ((\$25) to provide for a more reliable revenue base for the network's operation and, secondly, moving to a small monthly fee for Internet Service Providers ISPs) rather than a per circuit fee, as a means to attract additional ISPs using the network. Additional discussion focused on the network build out plan (fiber and wireless), a ten year pro forma financial plan (that requires updating) that "could" provide long term financial sustainability, and a network expansion strategy that would be based on neighborhood, subdivision or roadway location take rates (level of interest) of new customers. Additional discussion pertained staffing and the consideration that network operation services not be contracted with a company that also is a network ISP.

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3. BR Tunnel Project: The project's engineering consultant, Woolpert, Inc., is working to complete all submittals necessary for VDOT to establish project as authorized for construction bidding. This work encompasses both Phase 2 (Tunnel Rehabilitation) and Phase 3 (Western Trail and Parking Area). Woolpert has established a 4-30 deadline for completion of the submittal requirements, which will also be provided to VA-DCR for grant confirmation purposes. A decision from VDOT is pending on the additional funding necessary to complete Phase 3. However, this decision is anticipated to be made in early May (but a decision date is not confirmed). The County will host the members of the Commonwealth Transportation Board for a tour of the Tunnel Project on May 17th at 1 p.m. This visit could be a prelude to a final funding decision on Phase 3! Additionally, through Chairman Hale's efforts the "Tunnel Foundation" continues to raise funding through book sales and guided group tours of Phase 1. Messrs. Hale and Saunders have also been working on re-use of the land purchased for the eastern trail, both for the ensuing construction and, thereafter, to take better advantage of this area.

4. Lovingson Health Care Center: Medical Facilities of America has advised that its attorneys are completing the deed documents necessary to convey the property to the County. County Attorney Payne is also facilitating. As to a prospective acquisition and future use of the facility, there has been no change in status. Ms. Brennan did directly contract Valley Care Management on the company's stated interest in the property. A principal with VCM advised Ms. Brennan that the company has been working on another project start up and pledged to follow up with the County (as they have done so for several months) as immediately as possible. In addition to VCM, Piedmont Housing Alliance and Region Ten continue to be the other interested parties in the property. Region Ten staff have recently made inquiry on the County's status in making a decision and were advised that a decision continues to be pending.

5. Radio Project: Motorola is completing its review of the ability to use a VA State Police tower located on Bear Den Mountain in Albemarle County as a location for the County's radio network to address communication deficiencies along the Rt. 151 Corridor. Motorola's preliminary input is the addition of the County's radio equipment will result in interference with the VSP's radio communications. An alternative that Motorola is also evaluating is the use of the County's tower at the Rockfish Valley Fire Department. Additionally, Black and Veatch (formerly RCC) has obtained a frequency for the use of the vehicle DVRS equipment proposed by Motorola as an enhancement to the Radio System. Motorola is evaluating the sufficiency of the frequency to perform well with the company's DVRS equipment (Digital Vehicle Repeater System). County staff have stressed to Motorola and B&V the importance of completing these subjects as immediately as possible.

6. Region 2000 Service(s) Authority: The Authority convened a special meeting in Rustburg on 3-28 to provide for the conduct of a public hearing that is required to enable the Authority to consider acceptance of an unsolicited design build proposal for the construction/installation of a gas collection system at Livestock Road Landfill in Campbell County. During the meeting the Authority also discussed a draft "Property Value Protection Plan" that, if implemented, could provide up to \$50,000 in funding to eligible property owners whose homes are located within a defined area of the Livestock Road Landfill. The

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Authority also discussed the addition of a Citizen Representative to regularly meet and participate in Authority meetings. Lastly, the Authority received on 3-28 an opinion from its attorney on payment of Excess Revenues, as established in the Member Use Agreement. The attorney's opinion was the payment of excess revenues would pertain, subject to an annual vote of the Authority, to all of the landfill areas directly purchased by the Authority (from Lynchburg and Campbell). This opinion was the first time any of the member jurisdictions realized the extensiveness of the Excess Revenue provision(s), as previously the understanding was that Excess Revenues only pertained (with respect to Campbell County) to the Cell 3 area the Authority purchased and not to Cells 4 and 5, which the Authority will construct.

The Authority has also established a work group with representation from each member locality (C. McGarry represents Nelson) to review the Authority's long term operational options (i.e. regional landfill, regional transfer station, waste to energy, recycling and composting, etc.). The work group has just recently begun to meet and will report its initial recommendations on an overall scope, use of outside consultants and a cost estimate to the Authority on 3-27.

Mr. Carter noted that the cell expansion between cells 4 & 5 called cell 3 would give the landfill the capacity to last to 2027. He added that the Authority had approved \$1.2 Million for a new gas collection system even though they were not required by law to install it and were below the threshold to have to do so. He noted that the sale of collected gas may be an option.

Mr. Carter also noted that he had suggested to the Region 2000 Director that the proposed Property Value Protection plan policy should pertain to those whose homes were there before the landfill was constructed. He added that there was a large citizen group that attended the meetings and they had heard from them that their realtor told them that the landfill would not be open again.

Mr. Carter then advised that Nelson was a small player with less than 10% of the total tonnage at about 9,000 Tons per year. He noted that none of these things were affecting Nelson financially as the tipping fee would be the same as last year. He added that he did not want to incur extra costs to the extent that the tipping fee went up or they had to keep paying out the excess revenues.

7. Maintenance: Nelson Memorial Library - installation of new siding to the western wall of the Nelson Memorial Library has been completed with painting of the siding the next step. Maintenance staff are also working to address accessibility concerns identified by staff of Jefferson Madison Regional Library. These include restrooms, parking, service counter and entryway. **New Maintenance Facility** – Architectural Partners has completed specifications for overall modifications to the facility. Next steps include soliciting proposals from construction companies, conduct of a non-mandatory pre-bid meeting and receipt of bids, all to be completed by 4-29. Acceptance of the low bid proposal will also entail, via contract, the establishment of a construction completion schedule.

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8. Personnel: As the Board was advised at the budget work session on 4-7, Theresa Brooks has resigned her position as Animal Control Supervisor to accept a security position with the Sheriff's Department. Also, Ms. Stephanie Campbell has accepted employment in the position of Animal Control Officer and began work on 4-4. Stephanie is a native of Nelson County and a graduate of WVU.

9. Department Reports: Included with the BOS agenda for the 4-12-16 meeting.

Following Mr. Carter's report, Supervisors and staff agreed to schedule the next budget work session prior to the dinner break. Mr. Hale noted that the big decisions were the Schools and Compensation.

Mr. Carter then added that external agencies also needed to be considered. Mr. Hale then mentioned that he thought the JAUNT budget questions had been resolved; however he could not find an explanation of the Library request in the binder. He then suggested that the next meeting be on the Agencies and that they work through the binder. He added that they could schedule visits by them at that point. Mr. Carter advised that the Library had requested to continue the phase-in of their 3 year pay plan, to add staffing, and to increase their hours of operation.

Supervisors then agreed to meet the following Tuesday at 4pm in the Old Board Room to primarily work on agency budget requests and the remainder of the agenda was considered during the evening session.

2. Board Reports

Mr. Hale and Ms. Brennan had no report.

Mr. Saunders reported attending Courthouse progress meetings, a Blue Ridge Tunnel meeting, and a tour of the Community Development Foundation housing project.

Mr. Bruguiere noted attendance of the Planning Commission meeting and he noted that he would like to see the Tower Ordinance exclude the length of lightning rods from the overall tower height.

Mr. Harvey reported that the Service Authority has been working on connection fees and he noted that reducing the fees for commercial and residential uses affected the County and not the Authority. He added that he thought the Board needed to endorse the reductions. Mr. Carter noted that the connection fees from Lovingson to Colleen came back to the County because the lines going down Route 29 and the sewer plant were included in the debt.

Mr. Harvey then advised that the Service Authority could do this without a public hearing and when they did the budget in July; however, he reiterated he would like the Board's endorsement on this. He further advised that there had been no connection in the last five (5) years that would affect the Service Authority and it would have no effect on Wintergreen.

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Mr. Bruguere noted that the Mexican Restaurant in Lovington paid \$32,000 in connection fees related to their sprinkler system that would come back to the County. Mr. Harvey supposed that the pipe must provide a certain amount of water per minute and Mr. Carter also supposed that was why they needed a larger connection. Mr. Bruguere noted that they had to pay for infrastructure as well as the connection and Mr. Harvey noted that the Service Authority had to provide a four (4) inch service to that line. Mr. Hale then noted he was in favor of equalizing the connection fees between the Service Authority and the County and Mr. Harvey noted this would be for the Piney River connection fees.

Mr. Carter advised that it was not very often that the connection fees were paid back to the County and the restaurant was an exception. He noted that the County was paying the debt on that system and the problem was that the debt would run forever because it would take so long for those fees to repay it. He added that the real issue was that the fees were a deterrent to progress and the Board should consider requiring property within 500 feet of the Phase 3 line in Piney River to connect, which would generate \$300 per connection. He noted that the mandatory connection distance should be the same or the fees should be addressed. He explained that the County's rates for Piney River Phase 3 were equal to the Service Authority at the time it was built; however they had since changed theirs and the cost was \$2,000 each. Mr. Carter noted he had no objection to lowering those fees as people were paying those connection fees and the full cost of installation.

Mr. Harvey then noted that the fire hydrant fee would never go away, because it would take a subsidy from the County to make it work; especially at Wintergreen. Mr. Carter then advised that in looking at their audit, the Service Authority could be self-supporting. Mr. Harvey then added that they were maxed out on bonds.

Mr. Hale then advised that the Board needed to make a decision on this and staff had been directed to settle the issue. Mr. Carter advised that it was a matter for the Service Authority to vote on and it was not a Board decision; however they wanted the Board's consent. Mr. Saunders noted he would like to see a proposal to give to them addressing the issue of mandatory connections for homes within 300 feet vs within 1,000 feet.

Supervisors agreed by consensus that the Board would bring back suggestions for their consideration. Mr. Carter advised that the Board could be shown the existing rates and connections fees as well.

B. Appointments

Ms. McGarry noted there were no appointments to be considered by the Board and there was a remaining vacancy on the JABA Council on Aging, with no interest. She further advised that no applications had been received for the North District seat on the Service Authority and Mr. Harvey advised staff to remove this from the list.

C. Correspondence

1. Friends of Nelson – Request FERC to Conduct PEIS, Atlantic Coast Pipeline

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Mr. Hale noted the correspondence from Friends of Nelson requesting that the Board adopt a resolution requesting that FERC conduct a programmatic environmental impact statement and he advised that the matter had been considered and acted upon earlier in the meeting.

Mr. Hale also noted a letter of thanks from Ms. Carolyn Albritton for the Board's resolution commending her that was adopted in October 2015.

D. Directives

Mr. Harvey, Ms. Brennan, and Mr. Bruguere had no Directives.

Mr. Saunders noted he had an issue to discuss regarding the Gladstone Senior Center. He noted that they had five (5) people at their last meeting, the President wanted give up their post, and they wanted to know what should be done with the organization's remaining funds. Mr. Harvey advised that typically, these funds would be donated to a like organization and Mr. Saunders noted it was approximately \$5,000.

Mr. Carter noted he had spoken to Ms. Lyle; who advised him that she was retiring and she had concerns about the organization. He concurred with Mr. Harvey that their funding could go to a similar organization. He added that they were struggling to keep the building heated during the winter, had other expenses, and there was dissension among their membership. He further speculated that if CSX was informed that the Senior Center was out of the building, it would likely be demolished. Mr. Bruguere then advised that he thought Fleetwood had written into their bylaws where their funds would go in this situation.

Mr. Hale then noted that it was their decision to continue or not and the Board could decide to continue to fund them or not; otherwise, there was not much they could do.

Following discussion, no action was taken by the Board on the matter.

Mr. Hale then noted that the EDA was in charge of Calohill Drive and he directed that staff and Ms. Kelley advised the EDA that it was their responsibility to collect the road maintenance fees from the users of the road and have it fixed. He added that the County funded them \$5,000 per year and they ought to be charged with collecting the money. He added that if they needed funds to improve the road, they should come and ask for it.

VIII. Recess and Reconvene Until 7:00 PM for the Evening Session

At 5:30 pm, Mr. Bruguere moved to adjourn and 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

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Mr. Hale called the meeting to order at 7pm with four (4) Supervisors present to establish a quorum and Ms. Brennan being absent.

II. Public Comments

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

III. Public Hearings

- A. **Class C Communications Tower Permit #2016-01 (CV821 – Greenfield – 5029 Rockfish Valley Hwy)** Proposed Equipment upgrades at an existing communication facility involving equipment replacement and additions and increased tower height.

Prior to the individual public hearings, Mr. Padalino provided a joint summary of both of the tower applications (#2016-01 and #2016-02) given that they were from the same company, both were existing towers, and both sought to include new equipment.

#2016-01:

Mr. Padalino noted that this tower was in the Greenfield area of the North District near Stonegate Lane. He showed its location on a map and noted it was an existing tower site. He added that it was zoned A-1 and he then showed a satellite map of the site and a photo of the existing tower traveling north. Mr. Padalino then noted that the application proposed to add ten (10) feet of additional tower for a total height of 132 ft. He noted that Class C tower permitting required a balloon test for photo simulations showing the new equipment. He then showed the site plan sheet and noted that the Planning Commission had reviewed this; was not required to hold a public hearing, and had recommended approval of additional space up to a 130 ft. tower. It was noted that the application was for a total of 132 ft. or 10% and this would not be substantial per Phil Payne. It was then noted that Ntelos had revised their request down to 130 ft. and the Board could consider both options.

Mr. Bruguiere advised that the Planning Commission had recommended that the antenna be dropped down to 120 feet.

Mr. Saunders asked if there was any opposition at the Planning Commission and Mr. Bruguiere noted there was not and the extra antenna was generating the extra footage. Mr. Padalino noted that the same discussion had taken place at the Planning Commission and he recommended allowing 130 ft.

The applicant's representative, Ms. Jessie Wilmer then addressed the Board as follows:

Ms. Wilmer noted that Ntelos initially built these sites in 2009 and they were upgrading their equipment for LTE. She noted that when these were approved, the original antennas

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were six (6) feet and now they were ten (10) feet for LTE. She added that the requirement of flush-mounting them meant they could not put them behind and they had to put radio-heads below. She added that they were only given 10ft and Verizon Wireless was coming in right below them; so they had to go higher. Ms. Wilmer explained that they were not proposing to extend the tower itself rather they would pipe-mount the antennas just above the tower and would not exceed 130 ft. She noted that they would have a 1 inch diameter lightning rod on top that would be barely visible. She noted that if they could not extend higher, it was okay and they would put the lightning rod even with the antennas. Ms. Wilmer added that the microwave dish was to provide Ethernet to the other tower site in question that night and Mr. Carter advised they could possibly get fiber from the county network.

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

Mr. Saunders stated that the lightening rod was not visible, it was for protection, and he would like to see it approved. Mr. Bruguere questioned why the lightning rod was included in the overall tower height. Mr. Padalino confirmed that it was counted in the overall height of the tower and Mr. Harvey asked if those counted on the height limitation for buildings. Mr. Padalino noted he was uncertain of that.

Mr. Saunders then moved to approve application #2016-01 with the additional 2 feet for the lightning rod and Mr. Bruguere seconded the motion.

Mr. Hale noted that for clarification, the antenna on the ground shown in the photos provided would not be used.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

- B. **Class C Communications Tower Permit #2016-02 (CV822 – Lodebar – 622 Hearthstone Ln)** Proposed equipment upgrades at an existing communication facility involving equipment replacement and additions and increased tower height due to a proposed 5.3' tall lightning rod.

#2016-02:

Mr. Padalino reported that this application was from the same company for the same equipment, but on a different site. He noted that the site parcel was owned by WPOA and was zoned RPC. He showed the existing site on the map; noting it was near Crawford's Knob and was situated densely within the tree canopy. He added that this tower had a microwave dish that talked to the tower in the first application. He noted the tower was well concealed and photo simulations were shown with the antenna upgrades. He also showed the site plan sheet and noted that the application was reviewed by the Planning Commission, a public hearing by them was not required, and they recommended approval of the application.

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Ms. Wilmer of Ntelos addressed the Board and noted that the tower was originally approved at 130 feet and they were not proposing to extend the height; rather they were adding a microwave dish that would talk back to the other site as noted by Mr. Padalino.

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

Mr. Harvey then inquired as to any required distance restrictions between towers and it was noted that the old ordinance did contain a provision that they be a minimum of two (2) miles apart. Mr. Padalino added that these were probably close to being within two miles of each other and it was possible this could have been approved as an exception. Mr. Hale noted that these likely met the ordinance requirements since there was a lot of opposition to the first tower going in.

Mr. Hale then asked how Ntelos was making the applications if the towers were owned by someone else and it was then noted that “authorized agents” could make the applications and in this case, they had been authorized by WPOA.

Mr. Bruguiere then moved to approve Tower Permit #2016-02 and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

C. Consideration of Proposed Amendments to Zoning Ordinance Article 18, Limited Industrial (M-1) District:
Section 18-3 “Uses – Permitted by Special Use Permit Only”

Mr. Padalino noted that this item had been referred to the Planning Commission by the Board in response to correspondence from Heather Goodwin. He added that any amendment would be applicable county-wide for all M-1 property.

Mr. Padalino then noted that the existing uses in Article 18 (Limited Industrial District M-1) primarily pertained to indoor industrial uses and he noted the following Statement of Intent:

“This district is intended to provide for and encourage limited industries to locate and/or expand in order to foster development of the local economy. These industries are generally light industrial which are office oriented or oriented toward the manufacturing, processing, assembly, warehousing and/or distributing of goods and materials which are dependent upon previously prepared raw materials refined or processed elsewhere. It is expected that uses in this district are to be operated from within a building.”

Mr. Padalino then noted the Board of Supervisors referred language and then the Planning Commission recommended language as follows:

Referred Language:

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Amend Article 18 (“Limited Industrial District M-1”), Section 18-3 (“Uses – Permitted by Special Use Permit only.”) as follows:

18-3-1: Any by-right use or permissible accessory use requiring outside storage or displays

18-3-10: Reserved for future use Contractors’ equipment storage yard

Planning Commission Recommendation:

Amend Article 18 (“Limited Industrial District M-1”), Section 18-3 (“Uses – Permitted by Special Use Permit only.”) as follows:

18-3-1: Any by-right use or permissible accessory use requiring outside storage or displays

18-3-10: Reserved for future use Contractors’ outside equipment yard, which may include storage of materials

Mr. Padalino then explained that they took the clause from M2 and tweaked it to include uses outdoors. He further explained that currently, if the use was outside, an SUP was required.

Mr. Bruguere then noted he could not recall Linda Russel's objection to this and Mr. Padalino noted that it was because the language referenced a non-existent subsection, so she refrained from voting since they had not tackled that issue.

Mr. Hale noted it was hard to understand what was changed from the existing; and Mr. Bruguere explained that storing anything outside was not a by-right use; an SUP was required. He added that if the operation were small, it should be allowed by-right to have equipment outside.

Mr. Saunders asked if the business were in M-2, would they have to store equipment inside and Mr. Padalino noted that in M-2 it was permissible by-right. Only in M-1, was it not. Mr. Carter reiterated that this was the distinction between M-1 and M-2.

Mr. Hale then noted that the problem was in the way the statement of intent provided that expected uses must operate from within a building. He suggested that the reference to that be stricken; however as long as it was in there, an SUP would be required to have outside storage. Mr. Saunders noted that this affected many contractors and Mr. Carter noted that this only pertained in M-1 and there was not much land with this designation in the County.

Mr. Padalino then showed the very limited areas of M-1 designated parcels. It was noted that with the exception of the industrial park, these were sprinkled throughout the county. He noted that the Planning Commission was saying these should be handled on a case by case basis by having an SUP process.

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

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Mr. Hale then noted that this item was sent to the Planning Commission with the request that it be a by-right use. He added that the Planning Commission has come back with a recommendation and the Board could either defer its vote until a future meeting or take immediate action.

Mr. Bruguire noted that this change was addressing one case and their equipment was small. He added that there was logging equipment out on Route 151 in A-1 and he saw no difference.

Mr. Hale then questioned the rule for this in A-1 and Mr. Padalino noted that would be considered a Home Occupation not having to do with agriculture. Mr. Hale then added that he was not sure about proceeding as it was reactive to a particular case.

Mr. Bruguire stated that if the operation were manufacturing, it would take place inside; however at some point; they would have the need for outside uses.

Mr. Harvey expressed his opinion that the problem had nothing to do with outside storage; rather it had to do with lies and fraud to begin with. He stated that the business in question, was located on M-1 zoned property where a tremendous sized barn was built with no inspections, was now an office that also had bedrooms, and was a business. He added he was not in favor of taking the approach of fixing it. He reiterated that the fact that this was done on M-1 zoned land was the only reason this issue was coming up. He noted that the business had a septic system and well that was never approved and per the Health Department, nothing could be done.

Mr. Carter then noted that the party in question was subject to enforcement proceedings. Mr. Hale noted that was another subject than what the Board was currently considering. Mr. Harvey reiterated that the proposed amendment was not the answer and Mr. Hale suggested that the amendment say it was permitted by right in order to fix the problem.

Mr. Harvey noted that there was no equipment stored outside; the party in question had piles of soil and asphalt stored outside. Mr. Padalino then noted that these would be the materials referred to in the proposed amendment language.

Mr. Carter then noted that the business in question was in violation for building inspections violations related to where they signed an affidavit saying the building they built would be an agriculture building and then also for zoning violations. Mr. Harvey reiterated that the building started out as a barn and was now a commercial operation; he added that in approving these amendments, the County would be rewarding these people by making the ordinance fit them. Mr. Carter noted that the County was told the business would be shut down in September 2015.

Mr. Bruguire then suggested that the Board postpone these changes until enforcement was complete. Mr. Carter then added that if these amendments were passed it would fix the party's problem. Mr. Padalino further noted that it would allow him another avenue to come into compliance by getting a SUP.

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Mr. Harvey reiterated that they were operating a business out of the building with no inspections and Mr. Bruguere questioned if he would need to get permitted through the Health Department. Mr. Carter advised that the matter may need to be sent to the Charlottesville office as the local office typically says nothing can be done.

Mr. Saunders then asked if the County could pursue this legally and Mr. Carter noted that was in process.

Mr. Harvey reiterated that the amendment was intended to address this one issue and he did not agree with it.

Mr. Carter noted that if the amendments were approved as presented, the business would have to come to the Board for a Special Use Permit and they could decide on it. Mr. Padalino added that they would have to prepare a site plan for review; and it would not give them a clean slate but would give them a chance to go through the proper process. Mr. Harvey questioned if that would work since it was an existing building and Mr. Payne noted that everyone would not be grandfathered in and they were subject to coming into compliance.

Mr. Padalino noted that if the issue were put on hold; it complicated next steps for staff. Mr. Harvey reiterated his position that the Board should not be doing amendments for any one person; they should fit for everyone. Mr. Padalino noted that the one instance presented the issue and the Board thought it made sense to look at it.

Mr. Hale then noted that he did think that businesses in M-1 should have the outside storage use available to them. Mr. Bruguere added that he thought that all uses should be by-right in M-1. Mr. Carter then noted that the current businesses use was not allowed in M-1; so the amendment would not automatically fix their problem. Mr. Hale noted that there was no time limit to decide and he has heard from some constituents that it should involve an SUP process.

Following discussion, Supervisors agreed by Consensus to defer action and Mr. Padalino would proceed with code enforcement. It was noted that if the Board intended to revisit this issue the following month; the enforcement could wait. It was then reiterated that the amendment was currently tabled and therefore the County would proceed with enforcement actions.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjourn and Continue Until _____, 2016 at _____ in the General District Courtroom for the Conduct of a FY16-17 Budget Work Session.

At 8:20 PM, Mr. Harvey moved to adjourn and continue the meeting until Tuesday, April 19, 2016 at 4:00 PM in the Old Board of Supervisors Room. Mr. Saunders seconded the

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motion and there being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.