

August 9, 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: Allen M. Hale, East District Supervisor – Chair
Thomas H. Bruguiera, 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
Susan Rorrer, Director of Information Systems
Phillip D. Payne, IV, County Attorney

Absent: Constance Brennan, Central District Supervisor

I. Call to Order

Mr. Hale called the meeting to order at 2:05 PM, with four (4) Supervisors present to establish a quorum and Ms. Brennan being absent.

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

II. Consent Agenda

Mr. Hale noted the items included on the consent agenda and Mr. Bruguiera asked for an explanation regarding the funds transfer for the Schools on the proposed budget amendment. Mr. Carter explained that these were previously authorized funds to be used for remedying the School's Civil Rights compliance issues. He added that these funds were unused in the past fiscal year and were being rolled forward to this fiscal year. He added that a letter had been provided in July that outlined what the funds would be used for including roof replacement at Tye River Elementary School. He reiterated that staff was moving forward with the Board's previous approval and this was not new money.

Mr. Saunders then moved to approve the consent agenda and Mr. Bruguiera seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2016-50** Minutes for Approval

RESOLUTION R2016-50
NELSON COUNTY BOARD OF SUPERVISORS

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**APPROVAL OF MEETING MINUTES
(June 14, 2016 and July 12, 2016)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **June 14, 2016 and July 12, 2016** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2016-51** FY17 Budget Amendment

**RESOLUTION R2016-51
AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET
NELSON COUNTY, VA
August 9, 2016**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2016-2017 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$598.00	3-100-009999-0001	4-100-022010-5419
\$1,267.00	3-100-003303-0008	4-100-031020-7046
\$141.00	3-100-009999-0001	4-100-031020-7046
\$258,386.00	3-100-009999-0001	4-100-093100-9206
\$260,392.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$5,500.00	4-100-999000-9901	4-100-032020-5647

III. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$258,386.00	3-205-004105-0001	4-205-066100-9305

IV. Appropriation of Funds (CDBG Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$50,422.00	3-503-003201-0013	4-503-094720-9114

III. Public Comments and Presentations

A. Public Comments

1. Vickie Wheaton, Faber

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Ms. Wheaton distributed a folder of information for the Board and noted she wished to speak to an item on the agenda – the proposed Floodplain Ordinance. She added that she had given the Board information on the flooding in West Virginia and Maryland and noted that fewer than 2% of the insured had flood insurance and West Virginia has seen a 71% increase in precipitation. She then referenced the upcoming Historical Society presentation on Hurricane Camille that would focus on the Davis Creek area. She noted that Debbie Harvey would introduce a new video of eight (8) people living there who would tell their stories and Tiffany Spencer would narrate a slide show of the damage in that area. Ms. Wheaton then noted she wanted to protect flood plains in the future and she implored the Board to hold the public hearing on the subject; adding that she supported the Planning Commission's recommendation. She added that adoption of the proposed ordinance could favorably affect flood insurance rates for Nelson County Residents.

B. Presentation – Jerry Gress, Interim Commonwealth Attorney

Mr. Gress addressed the Board regarding his office and noted his appreciation of the Board's support. He reported that the Victim/Witness Advocate position was now full time and he thanked the Board for funding their travel to a conference in Virginia Beach. Mr. Gress then noted that the office workload had increased over the past few months and that they had five (5) jury trials between now and the end of October which; was a significant burden on staff. He added that his office had a good relationship with the Sheriff's Office. Mr. Gress then noted that in the next budget year, he would ask for a supplemental salary increase for the Assistant Commonwealth Attorney and he would also be asking for his part-time secretary to be made full time in order to handle the workload.

C. Presentation - Rockfish Valley Area Plan Update

Presenting on the Rockfish Valley Area Plan were Tim Padalino and Wood Hudson and Nick Morrison of the Thomas Jefferson Planning District Commission (TJPDC). Mr. Padalino noted that they had been working on this project for eight (8) months and a lot of work had been done. He added that he had been selective on what was provided up front and in the presentation in order to allow time for questions etc. from the Board. He noted that his staff report had included hyperlinks where they could download all of the project documents.

Mr. Padalino noted that the project had initially begun in 2014, and was reinitiated in 2016. He noted that the Rockfish Valley Area Plan was a joint long-range planning effort between Nelson County and the TJPDC and had been broken into two phases. He noted that Phase I concentrated on an analysis of current conditions in the project study area; reviewing and summarizing existing plans and previous studies; and soliciting feedback from the community on their visions for the future of the Rockfish Valley. He noted that Phase II would focus on developing recommendations and strategies, based on findings from Phase I. He added that the project aimed to identify the community's concerns, desires, and priorities and help facilitate short- and long-term goal implementation that struck a balance between future growth and rural preservation.

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Mr. Padalino noted that the existing plans summarized included: the Comprehensive Plan, Green Infrastructure Plan, Rockfish River TMDL Implementation Plan, 2013 Virginia Outdoors Plan, Economic Development Strategies, the Rural Long Range Transportation Plan, and the 151 Transportation Corridor Study.

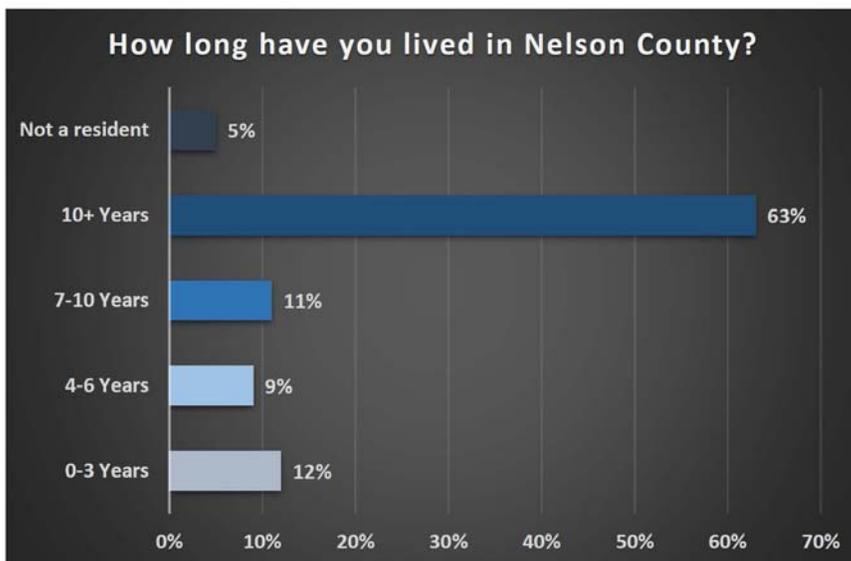
Mr. Padalino then introduced Nick Morrison to discuss the public engagement piece of the project.

Mr. Morrison reported that 125 people attended the June 28th public meeting. He noted that they had five (5) staffed stations on planning topics and public comments were collected by way of interactive maps, posters, and comment cards. He noted the meeting format included a brief presentation on the plan intro, preliminary survey results, and analysis of the study area. Mr. Morrison added the five (5) plan topics were: Agriculture, Community, Economy, Natural Resources, and Transportation. He noted that Natural Resources was highly important and that the attendees liked the interactive approach of the meeting.

Mr. Morrison then related that the survey had 431 total responses with 234 written comments. He noted that the survey was initiated on May 23rd and it was closed on July 15th. He added that it was made available on SurveyMonkey and in hard copy with surveys being distributed to sixteen (16) churches throughout the study area. Mr. Morrison then showed a graphic of where the survey respondents lived by zip code that depicted the following: 6-15 were in 22938, 16-43 were in 22967, 44-82 were in 22920, and 83-218 were in 22958. He then showed a word cloud graphic representing recurring themes gotten from comments on the survey. He noted the top ten words in order were: development, businesses, traffic, beauty, rural, store, natural, growth, tourism, and local.

Mr. Morrison then noted some of the questions and results as follows:

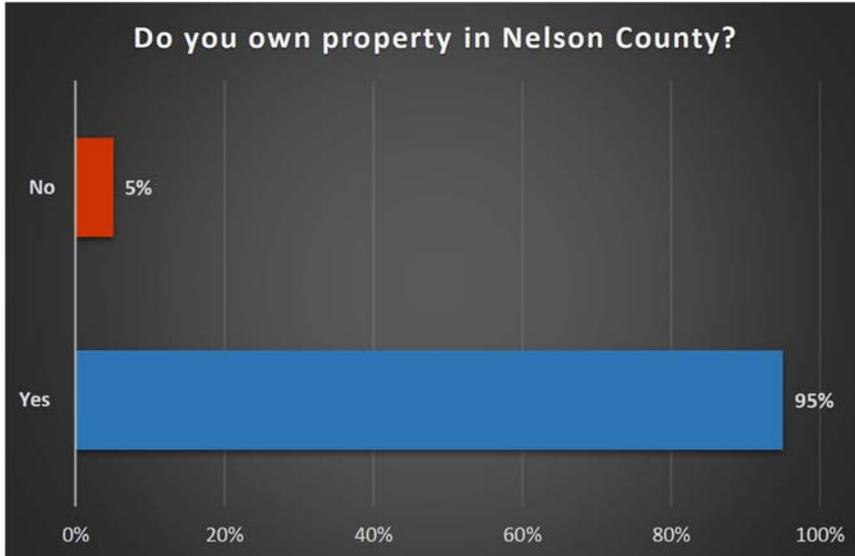
Q1:



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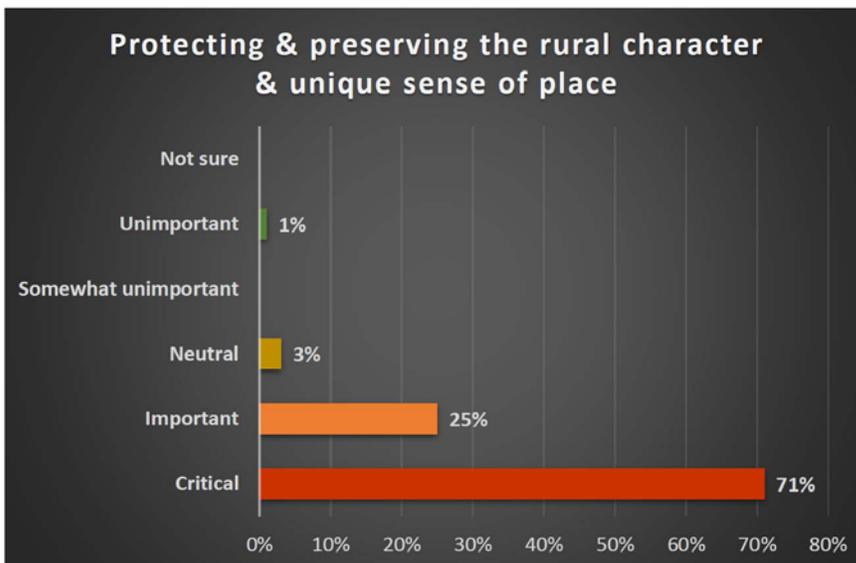
(Q1): 63% have lived in Nelson County for 10+ years. Only 5% were not County residents.

Q3:



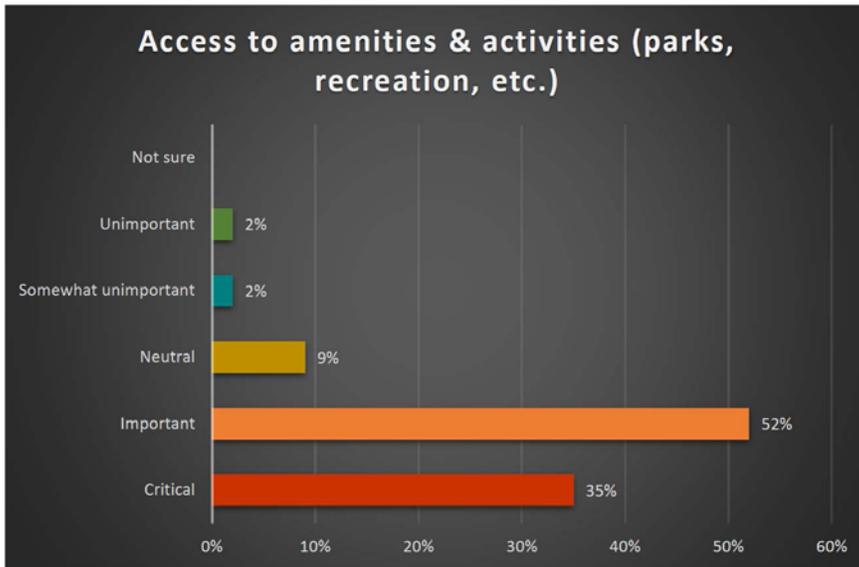
(Q3): 95% own property in Nelson County.

Q5:



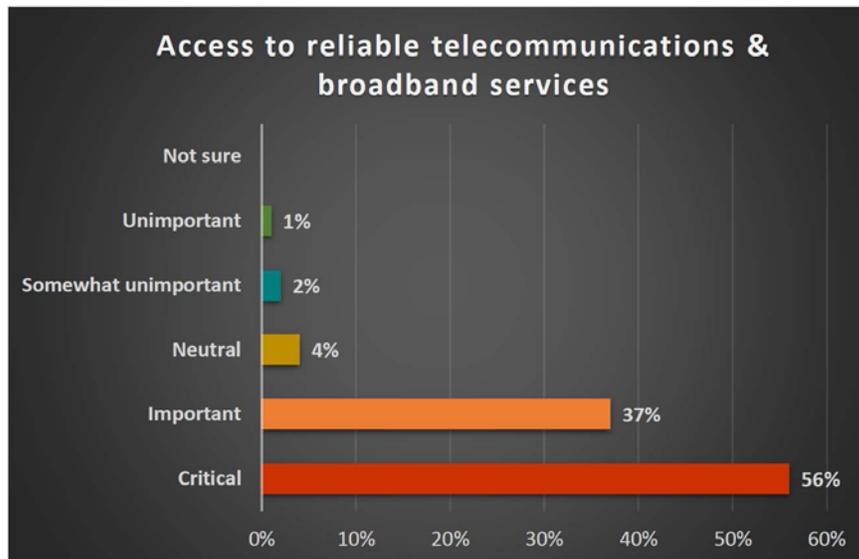
(Q5): 96% said it is important to protect and preserve the Rockfish Valley's rural character and unique sense of place. 71% said it is critically important.

Q6:



(Q6): 87% said access to recreational amenities (such as parks) is important. 35% said it is critically important.

Q7:



(Q7): 93% said access to reliable telecommunications and broadband service is important. 56% said it is critically important.

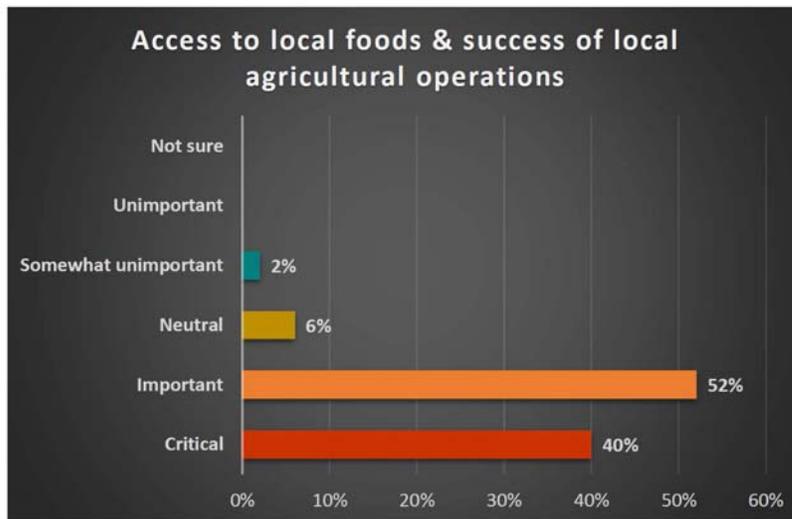
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Q8:



(Q8): 96% said safe/reasonable levels of traffic and congestion on roads is important. 58% said it is critically important.

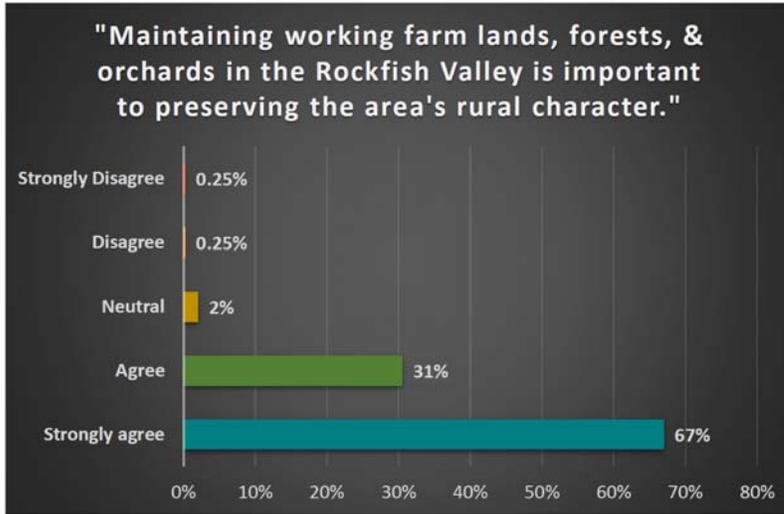
Q21:



(Q21): 92% give importance to access to local foods and the success of local farms and local farmers.

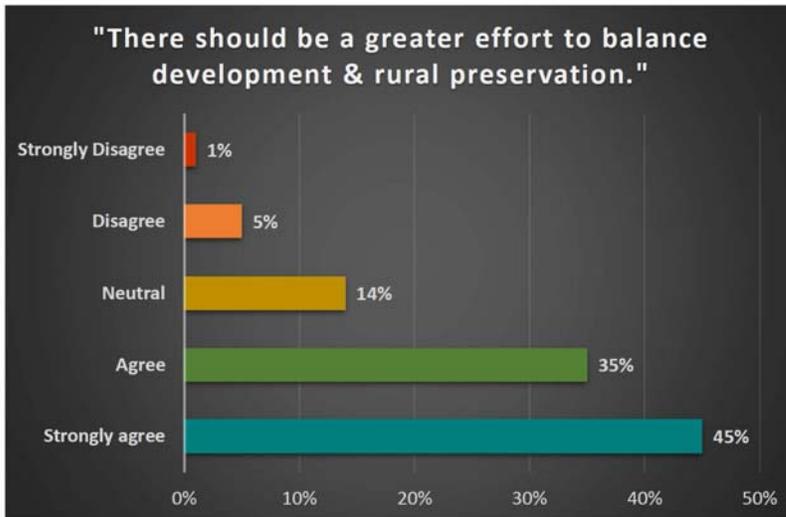
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Q22:



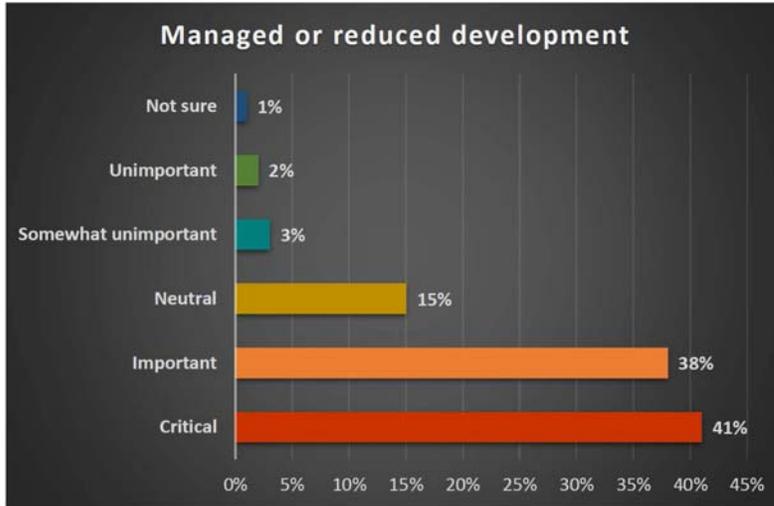
(Q22): 98% agreed that, "Maintaining working farm lands, forests, and orchards in the Rockfish Valley is important to preserving the area's rural character."

Q23:



(Q23): 80% agreed that, "There should be a greater effort to balance development and rural preservation."

Q11:



(Q11): 79% said managed or reduced development is important.

Mr. Morrison then summarized the responses related to Economic Development as follows:

- Regarding economic vitality (including job creation and job growth): 51% said this is important, while 48% felt this is unimportant or felt neutral.
- Regarding access to employment opportunities in Nelson County: 49% said this is important, while 50% felt this is unimportant or felt neutral.
- Regarding increased or continued development: 31% said this is important, 42% said this is unimportant, and 26% felt neutral.

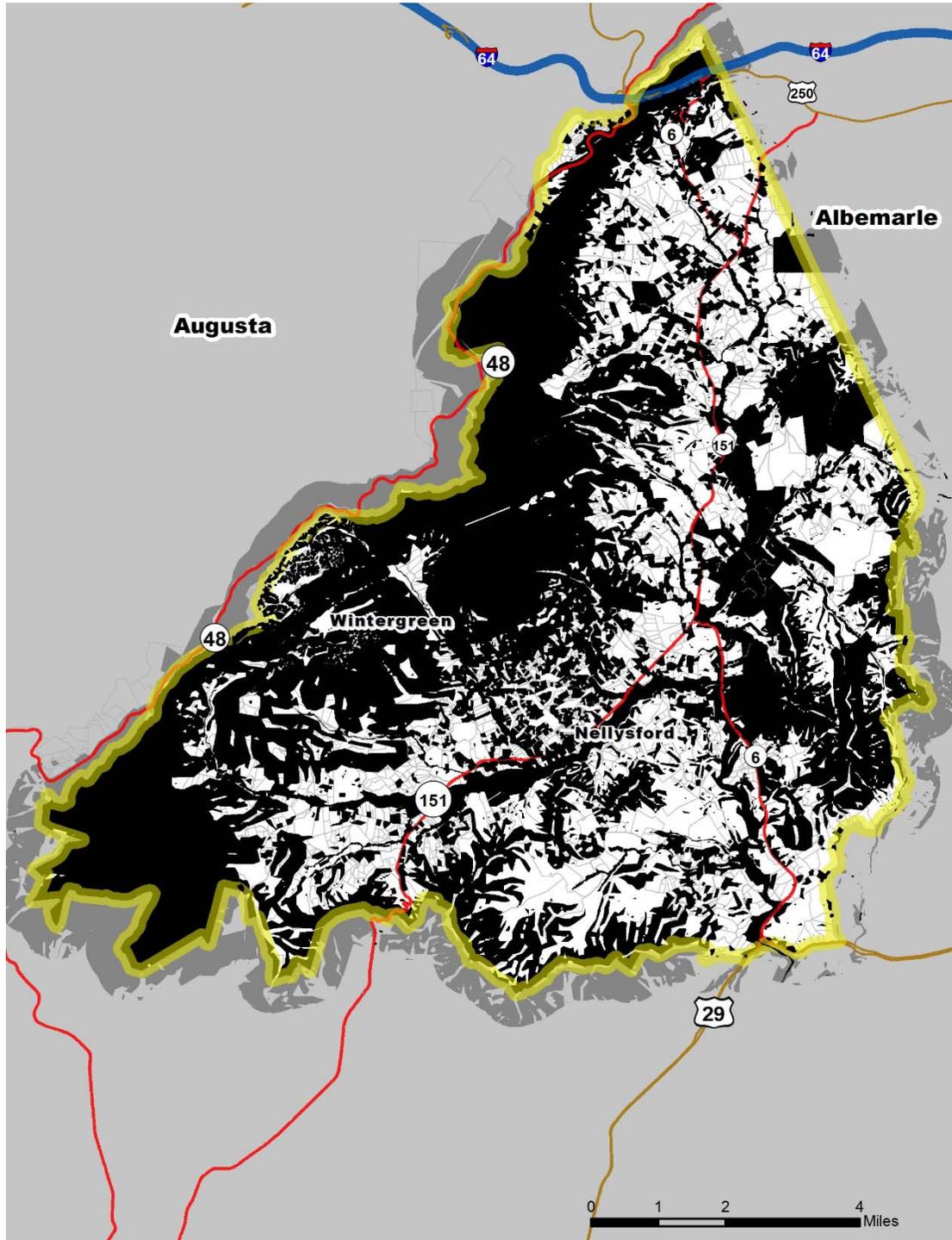
Mr. Padalino then reviewed maps of the County showing the various zoning classifications. He noted that an analysis of the zoning map and land use could provide more detailed information than just how the property was zoned.

Mr. Padalino then showed the Zoning Districts in the Study Area, noting that there was only one C-1 Conservation District and only one RPC Residential Planned Community District (Wintergreen). He noted that Residential R-1 was evenly distributed along highways and Avon Road. B-1 Business District and SE-1 Service Enterprise Districts were more towards Nellysford and Beech Grove, with a couple in Afton and Reeds Gap. He noted that there were M-1 and M-2 Limited Industrial zoned areas in Afton and at the intersection of Spruce Creek and Glenthorne. He noted that the FP Floodplain Overlay District followed the north and south forks of the Rockfish River and its tributaries, USFS Forest Service and NPS National Park Service lands were along the Blue Ridge Trail and the Appalachian Trail. He then noted the locations of Ag Forestal Districts, Conservation Easements, and Rural Historic Districts on the County map.

Mr. Padalino then described how they determined at a high level how much land was still developable. He noted they developed a methodology and began with land that restricted or prohibited development such as Wetlands, 100 year floodplain, Conservation Easements, Ag

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Forestral Districts, Public Lands, Steep Slopes at or greater than 25%, and Parcels 5 acres or less currently containing a structure. (Could be a family division). He noted that the remaining property in white on the map shown below could be further developed; however they wanted feedback on this and then they would come up with a more fine-grained analysis.



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Mr. Padalino noted that as far as Asset Inventory & Asset Maps, assets would be identified and they would be used for developing community and economic development goals. He advised that the asset inventory would specify and map all of the Rockfish Valley's most valuable physical resources, features, and amenities and would focus on Green Infrastructure Assets (natural resources); Cultural & Historical Assets (community amenities); Infrastructure Assets (public services); and Intangible Assets. He noted that a copy of the Asset Inventory would be available on the project webpage when it was completed at: <http://www.nelsoncounty-va.gov/departments/planning-zoning/rockfish-valley-area-plan/>

Next, a summary of the SWOT (Strength, Weakness, Opportunities, and Threats) Analysis was presented and it was noted this was based on community engagement and the existing Comprehensive Plan.

Strengths were: Environmental Resources, Charming Rural Character, Scenic Vistas, Local Agriculture, Community Pride & Involvement, Relatively High Household Income, Economic Engine, and Proximity to Public Lands (added by staff).

Weaknesses were: Inadequate Growth Management, Lack of Transportation Options, Limited Access to Nature, Non-Diversified Economic Base.

It was noted that successful communities identified these to find ways to overcome them.

Opportunities were: Broadband/Fiber Services, Local Business Succeed and Expand, Agribusiness and Agritourism, Increased Access to Trails and Parks (added by staff).

Staff noted that Broadband/Fiber Services was both a strength and an opportunity and that some saw Agribusiness & Agritourism as a threat; however most saw it as an opportunity.

Threats were: Atlantic Coast Pipeline (ACP), Diminished Scenic Resources, Unplanned Development, and Aging Population.

Staff noted that recommendations would not be developed for the ACP and that an Aging Population was only a threat if the County was not preparing for it.

Mr. Padalino then noted from that analysis, the following list of short term action items was generated:

Action:	Description:	Deliverable:
Comprehensive Plan	Update the Plan to establish a holistic and up-to-date growth management strategy.	Comp Plan Update
Aging Population	Develop strategies for embracing the County's aging population.	Comp Plan Update
Asset-Based Development Strategy	Develop an asset-based development strategy to maximize and synchronize economic development priorities and community development goals.	Comp Plan Update

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Parks and Recreation	Conduct an assessment of opportunities for parks and recreation facilities in the Rockfish Valley.	Comp Plan Update
Code Audit	Evaluate effectiveness of ordinances at preserving rural character and protecting scenic vistas.	Report Document
Traffic Counts	Coordinate with VDOT to conduct additional traffic counts on weekends and peak season.	New Data

Mr. Padalino then noted the ongoing tasks as follows: finalize asset inventory & maps and SWOT Analysis, complete analysis of zoning permit actions 2002-2016, finalize business clusters analysis and Tax revenue assessment and revise and finalize land use analysis.

The next steps were noted to be: Finalize Developable Lands Map, Complete Code Audit & Ordinance Review, Conduct public meeting #2 (“listening session”), Prioritize (draft) Strategic Recommendations & Toolkit of Action Items, and Create final Area Plan report.

The floor was then opened for questions and the Board and Staff had the following discussion:

In response to questions, Mr. Padalino noted that they were trying to hit their marks by the end of the calendar year.

Mr. Saunders then asked what percentage of those surveyed were of the aging population and Mr. Morrison noted that metric was not included in the survey. Mr. Padalino added that the public meeting attendees consisted mostly of adults and young adults and consisted of a wide range of ages.

Mr. Harvey noted he did not think they had gotten a representative survey of the Rockfish Valley and Mr. Hale noted that the results reflected the views of the people who had an active interest in it and those that did not have an interest would not participate. Mr. Harvey stated that those surveyed were made up of groups that were for or against something and if the ACP was not an issue, they would not have gotten any information.

Mr. Carter then asked about the survey data that showed an indifference to economic development and questioned why that was. Mr. Padalino noted that they only had zip codes as a way to guess where respondents lived and Mr. Carter wondered if those in the Wintergreen community were not as worried about economic development as the other areas.

Mr. Carter then asked if Mr. Padalino could speak to the “lack of diversified economy” listed in the SWOT analysis. It was noted by the presenters that they looked at comments in the survey and took a quick look at the Comprehensive Plan. They noted that the survey comments were broken down into several categories: ACP, Dollar General Store,

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Environmental, and Agritourism. It was noted that the data could have limitations, however the hope was that it would provide a snapshot of trends in the community. They noted that some of the comments indicated that the heavy brewery industry was a recurring theme and questioned whether or not that was helpful or harmful to the community.

Mr. Padalino noted that all of the survey questions were geared to the study area and a couple were countywide. He noted that the “lack of diversity” was related to the study area but also could be related to countywide as there were other opportunities across the county to build a diverse local economy. He noted this seemed to be a concern but not a problem or that a solution needed to come from within the study area. He added that the survey was limited and it was among many items to be considered. He then noted that he heard Mr. Harvey’s concerns about who was there and who was being represented and he reiterated that they had distributed paper copies of the survey to sixteen (16) churches in the study area and noted that Maureen Kelly’s staff had also delivered it to public areas and they had tried to get the widest audience possible.

Mr. Harvey stated that he thought it was misleading to say this was how the Rockfish Valley felt. Mr. Morrison noted that the survey deadline had been extended to provide for a wider outreach effort. He noted there were certain limitations and they tried to incorporate that into the summary; however there may be an over or under represented population in the survey results.

Mr. Wood Hudson of the TJPDC noted that since the results were now in the public record, it would attract more of those who were interested and would provide more avenues of engagement going forward. Mr. Morrison added that there was a push on their part to engage the community so they could have something that was useful; which was the goal. He added that they wanted feedback to further develop and tweak the data that had been collected.

Mr. Bruguiere asked if they would go through each parcel in the County in Phase 2 of the project and Mr. Padalino noted this had been done and they had been specifically labeled as one of 30-40 categories.

Mr. Saunders noted his agreement with Mr. Harvey in that the two main issues affecting the county had generated public interest in the surveys. Mr. Hale then noted the representation of people that valued the traditional and rural character of the County was both from those that have been here and those that have come here.

Mr. Harvey then questioned how those in the Rockfish Valley valued agritourism when family farms there had been run out of business. Mr. Hale noted that he hoped the outcome would be the possibility of preserving the features of the County that drew them here and that were enjoyed. He added that the County did have a traffic problem on Route 151 and he was not sure what the solution to that was. He noted that the businesses there had created visitors and jobs and this was not all a bad thing. He concluded by noting he was looking forward to what came next.

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D. VDOT Report

Mr. Robert Brown of VDOT reported that on Monday the 18th, they would start mowing Route 29, would start the construction project on Route 640, Wheelers Cove Rd., and would continue performing maintenance activities and patching roads as well as addressing citizens' concerns.

Supervisors discussed the following VDOT concerns:

Mr. Saunders:

Mr. Saunders related that the mowing done in Arrington was horrendous as the grass was pushed down and not cut. Mr. Brown noted he would speak to that mowing group about it and Mr. Saunders noted that generally the whole area was affected.

Mr. Saunders asked if trash pick-up on Route 29 would be done prior to LOCKN. Mr. Brown advised that the number of offenders was down in Rustburg and the crews were smaller; however they would work towards completing that.

Mr. Saunders reported that the Welcome to Nelson sign was covered by trees coming into the County from the North.

Mr. Bruguere:

Mr. Bruguere advised that trees on the south side of Route 29 needed trimming. He added that kudzu was covering up the guardrail on Route 56 heading east out of Massies Mill and Tye River.

Mr. Hale:

Mr. Hale thanked VDOT for their work after the recent heavy rains. Mr. Brown noted they had been working on that and it had taken them away from other things.

Mr. Hale noted that on Route 639, there had been four (4) chevron signs knocked down by plowing etc. and these needed to be put back up.

Mr. Hale noted a spot south of Route 617, where a car went into Dutch Creek and Mr. Brown noted this should have been repaired.

Mr. Harvey:

Mr. Harvey noted that on Route 29, the sides were up higher than the pavement and it pushed the water to the center of the road. Mr. Brown noted that this was an area of concern that was not given as much attention as it should get. He added that the high shoulders needed to be clipped and this was a common problem of trapping water on the side of the pavement. He noted that working on this was a time and resource factor. It was then noted

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that VDOT would need to do massive ditching and shoulder operations in all of their counties at some point and it was hoped it will be statewide.

IV. New Business/ Unfinished Business

A. Commissioner of Revenue Refunds – Request for Change in Processing (R2016-52)

Mr. Hale introduced the item and said the request made sense to him. Mr. Carter explained that the Commissioner of Revenue had proposed an expedited refund process as opposed to the current process of the Commissioner and the County Attorney certifying the refund and it coming to the Board for approval. He noted that in the proposal, these would still be certified by both the Commissioner and County Attorney; however, once certified these would go directly to the Treasurer for payment up to a designated amount. He added that this process was authorized by the Code of Virginia up to a maximum refund of \$2,500. He noted if the Board was amenable to this change, they could set the amount and would see fewer refunds; however they could still ask the Commissioner to report on these.

Mr. Bruguiere noted he had spoken with the Commissioner and it made sense to him to shorten the timeframe in which the refunds were processed. He then asked if they could still do all of the refunds associated with real estate and Mr. Carter noted this would be a blanket authorization; however she could report on the tax categories. It was noted that most refunds were related to Personal Property.

Mr. Bruguiere then moved to approve resolution **R2016-52**, Authorization for Change in Commissioner of Revenue Refund Processing and inserting the maximum amount of \$2,500. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2016-52
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR CHANGE IN COMMISSIONER OF REVENUE REFUND
PROCESSING

BE IT RESOLVED, that pursuant to §58.1-3981, of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors hereby authorizes the Treasurer to approve and issue any refund up to \$2,500.00 as a result of an erroneous assessment; and

BE IT FURTHER RESOLVED that pursuant to §58.1-3981, of the Code of Virginia 1950 as amended, said refund shall be predicated upon certification of the Commissioner of Revenue with the consent of the County Attorney.

B. Draft Ordinance Amendment – CH 9, Article 5 Addition to Greenfield Ag Forestal District (R2016-53)

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Mr. Padalino noted that the application was made by Mr. Marc Chanin who already had other parcels in the existing Greenfield Ag forestal district. He noted the parcels to be added were Tax Parcels: #13-10-1 (2.43 acres) and #13-10-3 (11.45 acres) for a total of 13.88 acres and all were zoned Agricultural A-1. He then showed the vicinity of these parcels to the existing AFD on a map. He stated that the application was ready to go to public hearing as recommended by the Advisory Committee and Planning Commission.

It was noted that this subject was introduced to determine if the Board wanted to hold a public hearing as required by law. Mr. Hale then noted the proposed resolution to authorize a public hearing on the matter and added that it made sense to him as the parcels were surrounded by the Ag Forestal District.

Mr. Harvey then moved to approve resolution **R2016-53** and Mr. Bruguieri seconded the motion. Mr. Bruguieri then stated that he thought the minimum acreage should be five (5) acres in order to comport to the minimum acreage for Land Use taxation. Mr. Saunders then noted that these parcels were not guaranteed Land Use taxation status.

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

RESOLUTION R2016-53
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 9 “PLANNING AND DEVELOPMENT,” ARTICLE V,
“AGRICULTURAL AND FORESTAL DISTRICTS”
EXPANSION OF THE GREENFIELD
AGRICULTURAL AND FORESTAL DISTRICT

BE IT RESOLVED, that pursuant to §15.2-4303 - §15.2-4309 §15.2-1427, and §15.2-2204, of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on September 13, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 9 “Planning and Development”, Article V, “Agricultural and Forestal Districts” to expand the existing Greenfield Agricultural and Forestal District.

C. Draft Zoning Ordinance Amendment – Article 24 Temporary
Events, Festival Grounds, Out-of-Doors Accessory Uses (**R2016-
54**)

Mr. Hale introduced the item and noted he was looking forward to some action. Mr. Padalino noted working on this had been a lengthy process and a Zoning Ordinance update had become necessary due to the increase in special events in number and scale. He added that from 2006 – 2012, the average number of SEPs issued each year was 14 and in 2015,

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the Planning & Zoning Department coordinated and approved more than double that figure. He noted that a significant increase in the number of approved SEPs began in 2013 and in addition to this increase in the total number of events, the Planning & Zoning Department also began reviewing and approving Special Event Permits for a notably larger-scale event (Lockn Festival “mass gathering”) in 2013. He added that through the first 7 months of 2016, the Planning & Zoning Department had processed twenty-one (21) SEP applications.

Mr. Padalino then noted the following:

Currently, Special Event Permits were issued administratively for “temporary events not otherwise a permitted use.” These approval(s) of commercial activities at properties not zoned for commercial activities – which have been increasing in number and scale over the previous several years – raised concerns about “de facto rezonings” and the protection of property rights for nearby landowners in A-1 and R-1 zoning districts.

Currently, the Special Events Permits section of the ordinance contained no review criteria for making an administrative decision (approval or denial). This left the Zoning Administrator with almost no foundation for making legally defensible decisions. He then referenced Z.O. 4-11-3, and noted this had become overly simple and inadequate with respect to the number and type of special events occurring in the County.

Mr. Padalino then discussed the benefits of a successful text amendment process as follows, noting it would:

- benefit local businesses by exempting a large variety of activities from permit requirements;
- benefit event promoters and members of the public by establishing a permitting process that was clear, consistent, and transparent;
- benefit County staff by establishing a clear and consistent application and review process; and
- benefit everyone by ensuring a balance of property rights Countywide:
 - property rights to utilize land for commercial enterprise and economic vitality
 - property rights to enjoy stable sense of place, rural community character, and a comfortable quality of life

Mr. Padalino noted that the proposed language had gone through a rigorous review process by both the Planning Commission and the Advisory Committee and also by staff.

He noted that the new scheme proposed three (3) categories of temporary events with categories 1 and 2 being administratively approved and category 3 – events of 10,000 or more being administratively approved; however it would require a Special Use Permit approved by the Board prior to the issuance of the temporary event permit.

Mr. Bruguere inquired about nonprofit events and Mr. Padalino noted that non-profits were exempt from getting a permit for events of up to 500 people and over that, they would become a category 1 event. Mr. Bruguere then stated he thought the nonprofits and businesses should be treated the same.

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Mr. Harvey noted that he disagreed with not having a cap to the number of permitted events one could have, noting that if the same event was held numerous times on the same parcel, it was not temporary. Mr. Padalino noted his agreement to a degree but noted that when this point of view was discussed within the Work Group, it was not supported. Mr. Harvey then noted that within the Work Group the foxes were making the rules. Mr. Padalino then noted that the Board had the authority and the wisdom to accommodate changes and he suggested that they hold the public hearing and let everyone provide their input.

Mr. Hale added that this issue was dealt with in detail. He prefaced it by saying that those most affected by this in terms of activities also expressed their feeling it would be in their best interest to not cause difficulty in the community; therefore they did not want to limit the number of events. He added that he did not think the lack of specifying the number of allowed events would be a negative thing and throughout the proposed Ordinance, the Planning and Zoning Director had the latitude to determine adverse effects of the event in question. Mr. Hale then noted those factors to be considered in the Ordinance as follows:

Specifically, the following factors shall be considered when determining whether a Temporary Event Permit will be issued:

1. The completeness of the Temporary Event Permit application as specified in Section 24-3-D;
2. If and how the proposed event would alter the character of the area or circumvent the ordinance;
3. The relationship between the proposed event and the permitted primary use(s) of the property;
4. If and how the proposed event would result in undue interference with other planned activities in the County;
5. The schedules of churches, schools, governmental operations, and similar public and quasi-public entities;
6. The availability and provision of necessary resources such as transportation infrastructure, law enforcement, emergency services, parking, and similar considerations;
7. The location and operation(s) of other permitted Temporary Events during the same time period as the proposed event; and
8. Compliance with the requirements of other agencies and departments; and
9. The prior history of compliance by the applicant or landowner with this article, the zoning ordinance, and applicable conditions. Prior or existing non-compliance may be grounds for the denial of a permit.

Mr. Hale added that with all of that stated, he thought it meant that the Planning and Zoning Director had the authority to regulate and control these events.

Mr. Padalino reiterated that there was extensive discussion on this within the Work Group. He noted that most event folks felt that the vast majority were doing things the right way and

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were self-policing; however they did recognize that bad apples could come in. He noted the extensive language included.

Mr. Harvey reiterated his thought that if one continued to do something it was no longer temporary but rather was permanent. He added that the Community Center definition was hand written for one organization. Mr. Padalino disagreed advising that Fleetwood Community Center wanted to do more in the way of activities and signage etc. He reiterated that the best way to handle it was to have a public hearing and get the public's insights on this. Mr. Harvey stated the public would not come out unless they were personally affected by the proposed Ordinance. Mr. Padalino stated he did not disagree; however he thought there were people that were concerned about this and the Board would get a wide range of opinions on this.

Mr. Hale advised that the Board's present task was not to finalize the Ordinance language, but to advertise it for public hearing. He added that he was reluctant to pass more rules and regulations; however what the County currently had was not adequate. He added that a significant factor was to determine the difference in magnitude of the event and what its true costs were. He supposed that if in practice, the Ordinance did not solve everything, and did not work, they could go back and change it. He then noted that the people who participated in the Work Group were not there to protect their own interests; but were fair and reasonable.

Mr. Bruguere inquired as to what the red text of the document represented and Mr. Padalino noted it reflected changes after the Board's referral to the Planning Commission and included changes made by the Planning Commission, the Work Group, and staff.

Mr. Saunders then noted that the Board would not have to act following the public hearing, they still had the option to work on it further.

Mr. Bruguere then moved to approve resolution **R2016-54**, Authorization for Public Hearing, Amendment of the Code of Nelson County, Virginia Appendix A Zoning Ordinance, Article 24 Temporary Events, Festival Grounds, and Out-of-Doors Accessory Uses and Mr. Saunders seconded the motion. Mr. Hale noted that after the public hearing, the Board could dive in and make any necessary changes. He then added that the public hearing would be held on September 13, 2016 at 7pm. Mr. Bruguere inquired as to when this would go into effect after it was enacted and Mr. Carter advised immediately unless another date was set by the Board.

There being no further discussion, Supervisors voted (3-0-1) to approve the motion with Mr. Harvey abstaining and the following resolution was adopted:

RESOLUTION R2016-54
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA

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**APPENDIX A ZONING ORDINANCE, ARTICLE 24 TEMPORARY EVENTS,
FESTIVAL GROUNDS, AND OUT-OF-DOORS ACCESSORY USES**

BE IT RESOLVED, that pursuant to §15.2-1427, and §15.2-2204, of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on September 13, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Appendix A, Zoning Ordinance, Article 24 Temporary Events, Festival Grounds, and Out-of-Door Accessory Uses.

**D. Draft Zoning Ordinance Amendment – Article 10 General
Floodplain (R2016-55)**

Mr. Padalino noted that the Floodplain was an overlay district and not a base district. He noted that the proposed amendment would modify language in the Ordinance; however it would not modify the maps done by FEMA. He added that the boundaries were unaffected by the proposed changes.

Mr. Padalino noted that the Planning Commission had reviewed the proposed amendments that were referred to them by the Board of Supervisors on December 8, 2015; and had reviewed additional materials provided by Mr. Charles Kline, (former) Floodplain Planner for Virginia Department of Conservation and Recreation (VA DCR). He noted that the Planning Commission review process also included assistance from Mr. Charley Banks, National Floodplain Insurance Program Coordinator for VA DCR, and also from Mr. Phillip D. Payne, County Attorney for Nelson County. He noted that based on their extensive review process, the Planning Commission conducted a public hearing on June 22nd for the version of the proposed text amendments dated May 26th, after the hearing was conducted, the PC further reviewed and discussed the amendments and made one additional modification (to add a definition of “Variance”), before voting on July 27th to formally recommend to the Board the version of proposed amendments dated July 14th.

Mr. Padalino noted that in the work sessions with DCR and Flood Insurance Director, Charlie Banks, they looked at higher standards and he noted it was a lengthy review. He noted that they updated the language to be compliant with minimum requirements of the model Flood Plain Ordinance; which comprised the bulk of the new language summarized as follows:

- (1) separated and “untangle” the SUP and Variance procedures and standards, which are not reflective of the model ordinance, and which create difficulty in administration and interpretation;
- (2) eliminated the automatic requirement for “all uses, activities, and development within any floodplain district” to require a Special Use Permit, and would instead only require an administrative zoning permit (if applicable); and

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- (3) prohibited the issuance of administrative zoning permits in connection with certain high-risk uses, activities, structures, and development subject to “higher standards” – but would not explicitly or entirely prohibit the issuance of Variances for such uses, activities, or development (if applicable); and
- (4) established a new definition for “Variance” that would create the possibility of “relief from floodplain management regulations,” if the petitioner can demonstrate that their project would comply with the existing standards and criteria contained in the floodplain ordinance (specifically: Z.O. 10-22).

Mr. Padalino then noted that six (6) proposed higher standards had been encouraged by FEMA and DCR. He noted that he would eliminate one higher standard, the requirement that all uses and activities in a floodplain require BZA approval. He noted this was not found in the model ordinance and he recommended eliminating it and replacing it with a Special Use Permit (SUP) process. He added that BZA approval would be retained for high risk and high hazard uses and this would separate SUP from Variance language which was currently linked together. He further explained that he would eliminate the SUP language pertaining to Floodplains and would require updating the “variance” definition to the model ordinance. He noted that the higher standards would prohibit issuance of a permit but not a variance. He added that he thought this to be a perfect balance between relaxing regulations for the average property owner and having strict regulations for high risk scenarios. He noted that adopting the amendments would position the County to score well in the Community Rating System; which could mean future savings on Flood Insurance premiums.

Mr. Bruguire then questioned the increase in the elevation requirement from 12 inches to 18 inches including a basement, and asked how one would elevate a basement. Before Mr. Padalino could respond, Mr. Hale noted that the Board was looking at scheduling a public hearing on the proposed amendments and would have the opportunity to make changes thereafter.

Mr. Saunders noted he had issue with the use of the word prohibited so frequently and Mr. Padalino explained that it was used a lot pertaining to high risk activities. He then further noted that a person could seek a variance if they had proof that their activity would not affect the floodplain.

Mr. Saunders then questioned whether or not the items in IV (9) pertained to things above or below ground and Mr. Padalino noted that no distinction was made regarding above or below ground storage tanks. Mr. Saunders noted that they would then be prohibited. Mr. Padalino noted he understood his concern and noted that it would be unwise to universally prohibit these and was why a person could go to the BZA for a variance. Mr. Saunders noted that he was concerned about existing businesses currently in the floodplain. Mr. Padalino advised that they had issued a permit for replacement tanks for the existing one. Mr. Saunders then noted he did not like the Ordinance Amendment because it was prohibitive beyond the State regulations and he thought it was being done to prevent the Atlantic Coast Pipeline from coming in. Mr. Padalino noted the new language would actually make it easier

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for the average person by eliminating the SUP and site plan process for everything but high risk activities.

Mr. Harvey then inquired as to how often someone wanted to build in a flood hazard area; aside from barns etc. Mr. Padalino advised that he had spoken to churches etc. that wanted to do additions and have had to alter their plans because of the floodplain. He added that it was necessary to have it, administer it, and enforce it to get floodplain insurance. Mr. Harvey asked how many citizens had floodplain insurance and Mr. Padalino and Mr. Carter were both unsure.

Mr. Carter then asked Mr. Padalino to explain the process for a variance for a high risk area and Mr. Padalino noted one would submit a variance request in the Planning and Zoning office and then the BZA would consider it. He noted that the next recourse after the BZA would be the Circuit Court. Mr. Carter noted that Section 10.22 was vague with respect to the prohibitions in Section 10.15. He explained that if it said the activity was prohibited in Section 10.15, it was not referenced as being eligible for a variance request further in that section. Mr. Padalino noted he did not have a thoughtful answer on that particular item and he reiterated the process of applying for a variance.

Mr. Harvey stated that there were different categories noted and he thought a floodway was where the main drainage would be. Mr. Padalino confirmed that a floodway was more restrictive and that would be continued in the new Ordinance language. Mr. Padalino added that there was a difference; however there was no floodway map. Mr. Carter supposed that this was shown within the floodplain area. Mr. Hale noted that had always been the case that the floodway was the main channel and the hazard area was where there may be overflow beyond that but it was not at a great depth or speed.

Mr. Harvey and Mr. Hale noted that in order challenge a floodplain designation, one had to provide a flood elevation certificate which was expensive to get.

Mr. Harvey then noted that he needed to digest the proposed ordinance and he recommended that they set the public hearing for a few months away. The Board agreed by consensus with Mr. Hale noting this would be tabled for now and taken under advisement, especially considering Ms. Brennan was absent and had a strong opinion on it.

E. Draft Ordinance Amendment – Unclaimed Personal Property Held
By the Sheriff (**R2016-56**)

Mr. Phil Payne, County Attorney noted that this had stemmed from the fact that the Sheriff's Department ended up with stuff that it could not allocate to the proper owner. He noted that the State had a statute that allowed for a local Ordinance to enable them to dispose of unclaimed property. He added that the draft ordinance mimicked the State Ordinance verbatim and having this would clean up their procedures.

Mr. Hale then noted the resolution authorizing a public hearing on the matter.

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Mr. Harvey then questioned the need for the sections regarding disposition of bicycles and firearms and Mr. Payne advised that the Board could adopt subparagraph (A) only; the others were optional. He advised that this did give the Sheriff a few more ways to dispose of the property. Mr. Carter further explained that the State Code authorizing section was more authority than what was being authorized in the Ordinance and the County's primary concern was disposal and not licensing.

Mr. Payne clarified that the notice requirement was relevant if the bicycle, moped etc. turned into the Sheriff's Department happened to be licensed. He added that he liked to use State statute language whenever possible

Mr. Bruguere than asked if the Sheriff could sell confiscated firearms and Mr. Payne advised that he may elect to destroy unclaimed firearms or use them; however they were typically destroyed.

Mr. Saunders asked if the owner had the right to get back their firearms that were recovered from a theft and Mr. Payne answered in the affirmative if the owner was known.

Sheriff Hill in attendance, noted that they had been logging information from cases and there were some items that have been in storage for years and they needed to dispose of those things. He noted that sometimes these items were unclaimed property. He then advised that after a case has concluded, owners should be notified to pick up their evidence.

Mr. Bruguere then moved to approve resolution **R2016-56** Authorization For Public Hearing, Amendment of the Code of Nelson County, Virginia Unclaimed Personal Property Held by the Sheriff and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2016-56
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
UNCLAIMED PERSONAL PROPERTY HELD BY THE SHERRIF

BE IT RESOLVED, that pursuant to §15.2-1427, and §15.2-2204, of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on September 13, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingsston, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend the Code of Nelson County to provide for disposition of unclaimed personal property held by the Sheriff.

Mr. Bruguere then inquired of the Sheriff if they had any vehicles to get rid of and Sheriff Hill advised he did not know of any right now.

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Mr. Saunders then asked why the Department's activities were no longer posted in the newspaper and Sheriff Hill noted they had stopped doing this during the transition and have started to put more on Facebook. He noted this could be resumed if they thought it would be beneficial to the public.

- F. Closed Session as permitted by Virginia Code § 2.2-3711(A)(3), a matter involving the disposition of publicly held real property (Old Lovington Healthcare Center) because discussion in an open meeting would adversely affect the County's bargaining position.

Mr. Bruguere moved that that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (3) disposition of publicly held real property (Old Lovington Healthcare Center) because discussion in an open meeting would adversely affect the County's bargaining position.

Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the Board entered into closed session.

The Board then conducted the closed session and upon its conclusion, Mr. Harvey moved to reconvene in public session and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the Board reconvened in public session.

Upon reconvening in public session, Mr. Saunders moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

Mr. Bruguere then moved to approve resolution **R2016-58** Authorization for Public Hearing, Disposition of Public Property Lovington Healthcare Center Building and Mr. Harvey seconded the motion.

It was noted that the public hearing would be set for the September 13, 2016 Board meeting.

Mr. Hale then noted that the Board was encouraging people to come and comment on the ultimate use and disposition of the property. He added that they wanted public input on what to do with the former Lovington Healthcare Center which was now owned by the County. He added that the public hearing would also give them the ability to sell it if they so decided.

Mr. Bruguere noted he had spoken to Paul Truslow regarding the problem with the alarms going off and he asked if this had been addressed. Mr. Carter noted he was not sure it had

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been and he noted that Mr. Truslow had said that they go off regularly. He added he was not sure if they were still on; but that he thought the generator was.

Mr. Saunders then asked if the County was keeping the utilities going and Mr. Carter noted that the electricity, water and sewer were on; but he was not sure if the air conditioning was running or not.

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

**RESOLUTION R2016-58
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
DISPOSITION OF PUBLIC PROPERTY
LOVINGSTON HEALTHCARE CENTER BUILDING**

BE IT RESOLVED, that pursuant to §15.2-1800 and §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on September 13, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on the proposed disposition of County Property located at 393 Front Street, Lovingston, Virginia 22949, Tax Map #58-A-38a and known as the former Lovingston Healthcare Center.

G. Introduced: Motorola Radio System Tower Upgrade Proposal

Mr. Carter asked if an update on the status of the Motorola proposal for the radio system could be discussed and the Board agreed.

Mr. Carter then distributed coverage maps showing coverage with and without the use of the Rockfish Tower site.

Mr. Carter then advised that staff had gotten a preliminary estimate for the tower at \$698,000, the new estimate was roughly \$648,000 and was predicated on acceptance by September 16, 2016. He noted that the reduction was roughly \$50,000 and there was the potential to have Black and Veach evaluate it for a fee. He noted this new price included \$50,000 for overall county coverage testing and staff had discussed only testing the tower coverage area. He added that there was the potential to reduce it down a little bit more if the overall coverage testing was not done.

Mr. Carter then advised that financially, if the Board agreed to proceed, the County's fund balance overall would be roughly \$20 Million. He noted that the Courthouse project had reduced the fund balance by about \$3 Million; however it was still a strong fund balance and was not an issue for staff.

Ms. Rorrer noted that the primary question was whether or not to conduct the county-wide coverage test with the new site in service to develop a baseline. She added that coverage

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testing was pricey and it took up a lot of staff time. She questioned if it would be worthwhile or not or did they just want to test the enhanced coverage area. She added that she would ask Black and Veach to provide a cost to evaluate the Motorola proposal. She then noted that she had asked Motorola to provide a grid map of the guaranteed coverage areas after the new site and the coverage was greatly improved on the coverage maps. She noted that the mobile talk in and out was nearly perfect and the portable talk out map was good. She added that the portable in the field map had the greatest reduction in coverage; however a lot of problem-area in Afton was addressed but it was not perfect. She noted that there were very few gaps in coverage along the Route 151 area now. She concluded by reiterating that Motorola required a signed contract and purchase order by September 16, 2016 in order to get the incentive pricing.

Mr. Carter then advised that Motorola's proposal offered a lease purchase financing option and that VML financing was also an option; however the preference of staff was to pay for it outright. He added that staff was open to the Board's direction on this.

Mr. Hale noted that the proposal dealt only with the Rockfish area and did not address other dead areas and it did not even address all of the issues there. Mr. Harvey noted that this was with a hand-held portable radio. It was noted that they would be putting equipment on one tower that was already there and Ms. Rorrer added that they would be doing work related to grounding, power, generator, UPS etc.

Mr. Carter then advised the Board that he asked questions regarding the mobile units; noting that if the mobile units in vehicles worked throughout the county and the mobile to mobiles worked, why they needed to do the upgrade as long as someone could talk to dispatch. He noted that the concern was that volunteers wanted to keep up with things in route and the added effectiveness of the pagers. Mr. Carter noted that Steve Garner of Motorola said the County would have to look at its standard operations to see if enhancements there would eliminate the need for this.

Mr. Harvey then noted that this was the only part of the county (besides Montebello) working against the green bank or Quiet Zone. He added that the reduced power on the Sugarloaf tower site was causing the problem in conjunction with narrow-banding.

Ms. Rorrer noted that Motorola used a conservative ERP in its coverage maps and it could be higher. She added that they did not anticipate a problem with the Quiet Zone with this tower.

Mr. Bruguiere noted that once Dispatch got through to crew halls and mobiles, he had a hard time justifying the expense to just talk mobile to mobile. It was noted that one could talk within a mile with mobiles. Mr. Harvey noted that this enhancement was assisting more with portables and there were very few with mobiles going out. Ms. Rorrer noted that this had an impact on law enforcement when they were in the field and away from the car. Mr. Carter supposed that this could be addressed procedurally; if they called for backup before leaving the vehicle.

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Mr. Harvey noted that this would complete the radio project and most ambulances came through the valley in order to get to the hospitals in the region.

Mr. Carter advised that the County could get input from Black & Veach given that the next Board meeting was prior to the September 16th deadline if the Board desired. Ms. Rorrer suggested that the County could proceed, intending to sign and then the Board could decide for sure in September.

Mr. Hale supposed that the Sheriff's Department would be in many other areas of the County where there was no communication. Mr. Saunders stated that he did not like the price tag; however it could mean saving a life. He added it was a tough decision; however if it saved one life it would be worth it even though it was expensive. Mr. Harvey then noted the amount of traffic in the valley that was supporting the rest of the county.

Mr. Hale noted that unless staff believed there was a more cost effective way of attacking the problem; he was not sure what else could be done. Mr. Carter and Ms. Rorrer noted that Bear Den Mountain had been evaluated; however the best site was at Rockfish given that the County already owned the facility and it just had to be brought up to public safety standards.

Mr. Harvey then moved to authorize staff to continue to negotiate a contract with Motorola and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: The project is proceeding very well with no reported issues or concerns. Mr. Jim Vernon of Architectural Partners completed a site visit on 8-2 and reported a similar status to County staff. A copy of AP's Field Report #10 was emailed to the Board on 7-25. Change Orders to date total \$23,362 increasing the original construction contract amount of \$4,879,900 to \$4,899,447 (.004%). The next project progress meeting is on 8-10 At 1 p.m.

Mr. Saunders noted that a decision was needed on the Courtroom floor as the Judge did not want to use heart pine due to anticipated poor acoustics. Mr. Saunders and Mr. Hale both indicated they would like to go with the heart pine and Mr. Harvey noted he would go with whatever was the original flooring. It was noted that it was thought that the original flooring was the pine and Supervisors agreed by consensus to go with that.

2. Broadband: A) Expansion Project – Phase 1 is complete with new connections either installed or in process. Phase 2 (just north of Routes 6 and 151 to County line with Albemarle County) has had conduit installed with vaults and fiber installation to be completed by 8-12. Phase 3 (Route 6 & 151 to Saddleback Lane) will commence construction within the ensuing ten business days (thanks to Supervisor Harvey's efforts to secure easements agreements from adjacent properties) and will likely be completed by not

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later than the end of August. Current new jobs credited to the project total 35, which exceeds the 21 total required by the CDBG grant.

Mr. Carter advised that Phase 2 may be completed by the following Friday and Mr. Harvey reported that he had gotten all but five (5) easements on Phase 3; however he noted they may not be needed. He added that there was a fifty (50) foot right of way there and this was in the property deeds. He added that many along the route had already signed up to say that they wanted service.

B) Broadband Planning Project – County staff are working with Design Nine to confirm completion of all project objectives. Once done, a meeting with the NCBA will be scheduled.

C) CVEC RFI: The regional electric cooperative has issued a Request for Information solicitation for provision of broadband services to its 38,000 subscribers using the Cooperative's pole infrastructure. County staff with input from Design Nine is discussing the potential for a limited response from the Nelson County/NCBA (TBD).

Mr. Carter noted staff would talk to CVEC Thursday or Friday and may propose an in county project. He added he was unsure if it would go anywhere; however staff would see what NCBA could do. He added that the RFI was for fiber only.

3. BR Tunnel Project: Woolpert, Inc. (G. Harnish) has submitted the project plans and project manual to VDOT for review and comment. These submittals significantly encompass the information VDOT requires to approve the project for competitive bidding albeit following the required reviewed of (the) Federal Highway Administration (the source of VDOT's TAP grant funding). Another step prior to bid issuance is a new project agreement with VDOT, which is pending receipt.

Mr. Carter advised that he was checking on this and he would update the Board accordingly. He added that staff was waiting for VDOT approvals and a new contract from them.

4. Region 2000 Service(s) Authority: The Authority's strategic planning project is in process. The Board is reminded of the need for representatives (up to 15) from Nelson County to serve on the initiative's focus group.

Mr. Carter advised that the Focus Group work was to be scheduled for some time in September and he asked each Supervisor to recruit a person. Ms. McGarry noted that she could send out information to the Board regarding the Focus Group to enable them to speak to people about this.

5. Radio Project: Motorola, Inc. staff are in process with a revised proposal to provide for the installation and networking of equipment on the County's communications tower located at the RVFD. The proposal may be received prior to 8-9 and, if so, staff will endeavor to introduce it to the Board on that date for possible approval consideration.

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6. Tire Amnesty: The County completed a second tire amnesty program on July 16 and 23. A total of 23.65 tons was processed (recycled) during the event.

7. Emergency Services: Nelson County hosted a regional tabletop exercise on 8-3 at the RVFD. A total of 103 persons participated in the exercise, including representatives from VDEM, VDH, TJEMS, Albemarle, Augusta and Nelson counties, Waynesboro, etc. VDEM staff who worked with County staff noted that this exercise was highly successful with a participation rate that far exceeded expectations. An additional benefit of the exercise was the determination by Albemarle and Augusta counties staff of communications equipment each locality has that will, following deployment, facilitate regional emergency communications. Much credit to Jaime Miller who was instrumental in the success of the exercise.

8. 2016 Lockn' Festival: County staff are coordinating the annual approval process for issuance of the Temporary Event Permit for the 2016 Festival. A kick-off meeting is scheduled for August 18 at 10 a.m. at the Oak Ridge Carriage House.

Mr. Carter noted he has encouraged VDOT to expedite their review and Ms. Kelly has reached out to the Health Department so that the County permit could be finalized.

9. Maintenance Facility: Work is in process on the complete residing and insulation of the building and is expected to be finished on 8-5. Next steps include finishing the roof installation (this entails connecting the installed roof to the new siding), installation of HVAC and re-installation of electrical service. Overall completion is 30 to 60 days.

10. 2018 General Reassessment: The RFP solicitation was sent to the NC Times for advertisement in the newspaper's 8-4 edition, posted to the County's web site and forwarded to four assessor firms. A 60 day period is anticipated for selection of an assessor.

11. Personnel: Anna Bell has been employed as a part-time ACO Shelter Attendant, starting work on 7-21. Advertisements have been placed for the full time Animal Control Officer Information Systems Specialist positions.

12. VDOT - Smart Scale (Formerly HB 2) Program: County staff met on 6-8 with Rick Youngblood of VDOT to discuss potential applications to the Department's Smart Scale Program for 2016. The projects recommended by Rick and subsequently presented to TJPDC staff to assist the County with the application process include: a) Intersection improvements at Route 6 (River Rd) and Route 151 (RV Hwy) at Martin's Store substation area b) Access management and intersection improvements for Route 29 corridor in Colleen and, 3) (possible): Intersection improvements at Route 6 (River Rd) and Route 29 (TN Hwy) at Woods Mill area. Next steps will address the application process with TJPEC.

13. Added: School Division Internet Service

Mr. Carter reported that the County was wrangling with Shentel in order to get the School Division Internet service in place. He noted that according to Mr. Payne's advice and Dr. Comer's blessing he had held the position that the County had to have a signed agreement in

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place. He noted that the County had gotten their agreement revisions, which Mr. Payne was reviewing and would send back to them. He added that he was not trying to hold the schools up; however the County had learned its lesson on allowing service provision without a signed agreement.

2. Board Reports

Mr. Harvey had no report.

Mr. Saunders reported attending the TJPDC meeting and noted they were in good stead.

Mr. Bruguier reported attending the Planning Commission Meeting and he noted that the Commissioners were bothered by an application to replace a 90 ft. tower with a 130 ft. tower on property next to Davis Creek because the current one was dropping calls. He noted that they had suggested that they use two poles which did not make any sense to him.

Mr. Hale reported attending a Blue Ridge Tunnel Foundation meeting and he noted that they would be relocating the fence and doing prep work on the ground there. He also noted that they would advertise for more tours in the fall on second Saturdays of the months of September, October, and November at 9am and 2pm. He added that the NPR story and interviews with him and Mr. Carter on the tunnel had been released and it could be accessed on the WMRA.org website.

B. Appointments

Ms. McGarry noted that there were no new applications for the Board of Building Appeals or the Nelson County Service Authority seats and Mr. Saunders noted he had finally spoken to Mr. Sherwood who he had heard was having health issues and confirmed that he was able and wanted to serve on the Service Authority.

Mr. Saunders then moved to recommend appointment of Mr. Gary Sherwood for the South District Service Authority seat and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

C. Correspondence

1. Central VA Economic Dev. Partnership – Go Virginia Initiative (R2016-57)

Mr. Hale noted the letter from the Central Virginia Economic Development Partnership requesting a resolution be adopted supporting them to be the lead coordinating entity for the Go VA initiative. He noted that they had the concurrence of the TJPDC and the Rappahannock Regional Commission etc. Mr. Saunders noted that Mr. Boyles had indicated his support.

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Mr. Bruguiere then moved to approve resolution **R2016-57** and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2016-57
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION OF SUPPORT FOR
VIRGINIA INITIATIVE FOR GROWTH & OPPORTUNITY - GO VIRGINIA

WHEREAS, the Virginia Initiative for Growth and Opportunity (GO Virginia) was initiated to encourage collaboration on private-sector growth and job creation by business, education, and government in each region; and

WHEREAS, the GO Virginia coalition's work is guided by three main points: (1) Virginia urgently needs strong private-sector growth; (2) Growth in Virginia's diverse regions requires collaboration; and (3) State government must be a catalyst and partner; and

WHEREAS, GO Virginia supports a voluntary, incentive-based approach as the best way to encourage regional cooperation on private-sector growth; and

WHEREAS, the General Assembly has approved \$35.95 million for GO! Grants, enacted legislation effective on July 1, 2016 and directed that guidelines be developed to implement the legislation by October 15, 2016; and

WHEREAS, as a regional economic development organization, the Central Virginia Partnership for Economic Development's main focus – fostering collaboration to promote economic growth and job creation in the region – aligns exactly with the GO Virginia initiative; and

WHEREAS, the Partnership has led a successful collaboration of public, private and educational stakeholders for two decades and is uniquely positioned to foster the regional cooperation required to successfully execute GO Virginia; and

WHEREAS, the Nelson County agrees that the success and sustainability of Virginia's economic future depends on strong private-sector growth and supports state policies that encourage business, education, and local government to work together to create jobs and achieve shared economic development goals; and

WHEREAS, it is anticipated that Planning Districts 9 and 10 will be combined to serve as a single region for the GO Virginia program and both Planning District Commission Directors have agreed to be integrally involved in supporting the Partnership in this endeavor;

NOW, THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors supports the GO Virginia initiative to strengthen Virginia's economy in each region and, in the event that Planning Districts 9 and 10 are combined to serve as one of the defined regions for implementation of GO Virginia, supports the Central Virginia Partnership for Economic Development as the lead organization for GO Virginia in our region.

August 9, 2016

2. Nelson County High School FFA Funding Request

Mr. Carter noted that in addition to the High School FFA funding request of \$2,000, a second request had been received from the Middle School FFA also requesting \$2,000 for travel expenses to the National Convention.

Mr. Harvey moved to approve the Junior FFA and the Senior FFA requests and Mr. Bruguire seconded the motion. Mr. Hale clarified that this would be for \$2,000 for each and he noted the Board was always proud of the FFA's performance at Nationals.

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

Introduced: Executive Mansion Request for Holiday Tree Ornament

Mr. Hale noted having received a letter from the Executive Mansion requesting a Holiday Tree Ornament from each locality in Virginia. Mr. Carter noted that the County was in process with that and had participated in providing an ornament last year.

D. Directives

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

Mr. Bruguire noted that he had provided a price for the Piney River fire truck to Ms. McCann for \$166,000 and he asked if the Board needed to approve it. Mr. Harvey noted it had gone through the EMS Council and he thought the Board just needed to authorize Piney River to order the truck.

Mr. Carter then noted that there was money in the budget for emergency vehicles; however staff was unsure of the order between Rockfish and Piney River. Mr. Harvey noted that Rockfish went first and then Piney River was the current year. He stated funding would be provided of 80% of \$166,000.

Staff noted that the Board could authorize Piney River to proceed and an appropriation of funds would be brought back at a later date.

Mr. Bruguire then moved that Piney River Volunteer Fire Department be authorized to order the truck with the Board covering 80% of the cost of \$166,000. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

VI. Adjournment – No Evening Session

At 5:50 PM, Mr. Saunders moved to adjourn and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.