

December 8, 2015

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 – Vice Chair
Thomas H. Bruguire, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Tim Padalino, Director of Planning and Zoning
Maureen Kelly, Director of Tourism & Economic Development

Absent: None

I. Call to Order

Mr. Saunders 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. Bruguire led the pledge of Allegiance

II. Consent Agenda

Ms. Brennan noted a minor correction to be made to page 35 of the November 12, 2015 draft minutes and Ms. McGarry noted that correction would be made.

Mr. Hale asked for further explanation of the budget amendment item related to the paving at the Martin's Store tower site. He inquired as to ATT's contribution which Staff noted to be \$6,000. Ms. McCann noted that the purchase order had been issued; however an invoice had not yet been received. She added that it should be approximately \$11,000 and Mr. Carter noted these funds had been budgeted in this fiscal year's budget. He added that this should address the erosion issue at the site and it would be paved not tarred and graveled. It was noted that any surplus funds related to this would remain in the budget.

Mr. Hale then moved to approve the consent agenda and Ms. Brennan 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 – **R2015-95** Minutes for Approval

RESOLUTION R2015-95
NELSON COUNTY BOARD OF SUPERVISORS

December 8, 2015

**APPROVAL OF MEETING MINUTES
(November 12, 2015)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **November 12, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2015-96** COR Refunds

**RESOLUTION R2015-96
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>
\$84.57	2012 PP Tax & License Fee	Rachel V McNeal 110 Rhue Hollow LN Roseland, VA 22967-2316
\$324.45	2013-2015 PP Tax & License Fees	Mindy L. Evans 118 Turtle Creek Rd. Apt.4 Charlottesville, VA 22901-6761

C. Resolution – **R2015-97** FY16 Budget Amendment

**RESOLUTION R2015-97
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET
NELSON COUNTY, VA
December 8, 2015**

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)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$1,243.00	3-100-009999-0001	4-100-022010-5419
\$6,000.00	3-100-009999-0001	4-100-091050-7160
<u>\$338,889.00</u>	3-100-009999-0001	4-100-093100-9206
\$346,132.00		

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II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$25,000.00	4-100-999000-9905	4-100-093100-9203

III. Appropriation of Funds (School Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$100,000.00	3-205-002404-4070	4-205-064600-8000
\$25,000.00	3-205-004105-0001	4-205-064600-8000
<u>\$338,889.00</u>	3-205-004105-0001	4-205-066100-9305
\$463,889.00		

III. Public Comments and Presentations

A. Public Comments

1. Joanna Salidas, President of Friends of Nelson

Ms. Salidas noted that the Friends of Nelson wished to protect citizens' property rights and that flooding and the other potential impacts of development was a concern. She added that the Friends of Nelson felt that the Floodplain Ordinance should be updated for three reasons:

1. Critical facilities should be defined and should be prohibited in Special Flood Hazard Areas (SFHAs). She added that the County's SFHAs contained many high risk hazard areas.
2. Federal Law granted localities the authority for regulating flood plains and updating the Floodplain Ordinance would reduce the County's liability.
3. Members of the National Flood Insurance Program could take advantage of the Community Ratings System and could be eligible to receive discounted premiums of 10%-15%.

Ms. Salidas then noted that they had a petition containing 466 signatures put together to show the broad community support for updating the Floodplain Ordinance with higher standards.

2. Ernie Reed, Faber

Mr. Reed noted that he was presenting a petition to the Board containing 302 signatures asking the Board to consider passing a resolution asking Federal agencies to do a programmatic environmental impact statement (PEIS). He added that FERC was analyzing three pipelines separate from one another and he thought the only way to assess these, was to evaluate them through one programmatic environmental impact statement. He added that this was the only way to gauge the full impact of these projects, FERC was not obligated to analyze these relative to each other, and this was only undertaken when there was overwhelming support to do so. Mr. Reed then noted that other localities had adopted resolutions endorsing this and legislators had advocated for this. Mr. Reed noted that 28 Nelson County Businesses supported this effort. In conclusion, he asked the Board to

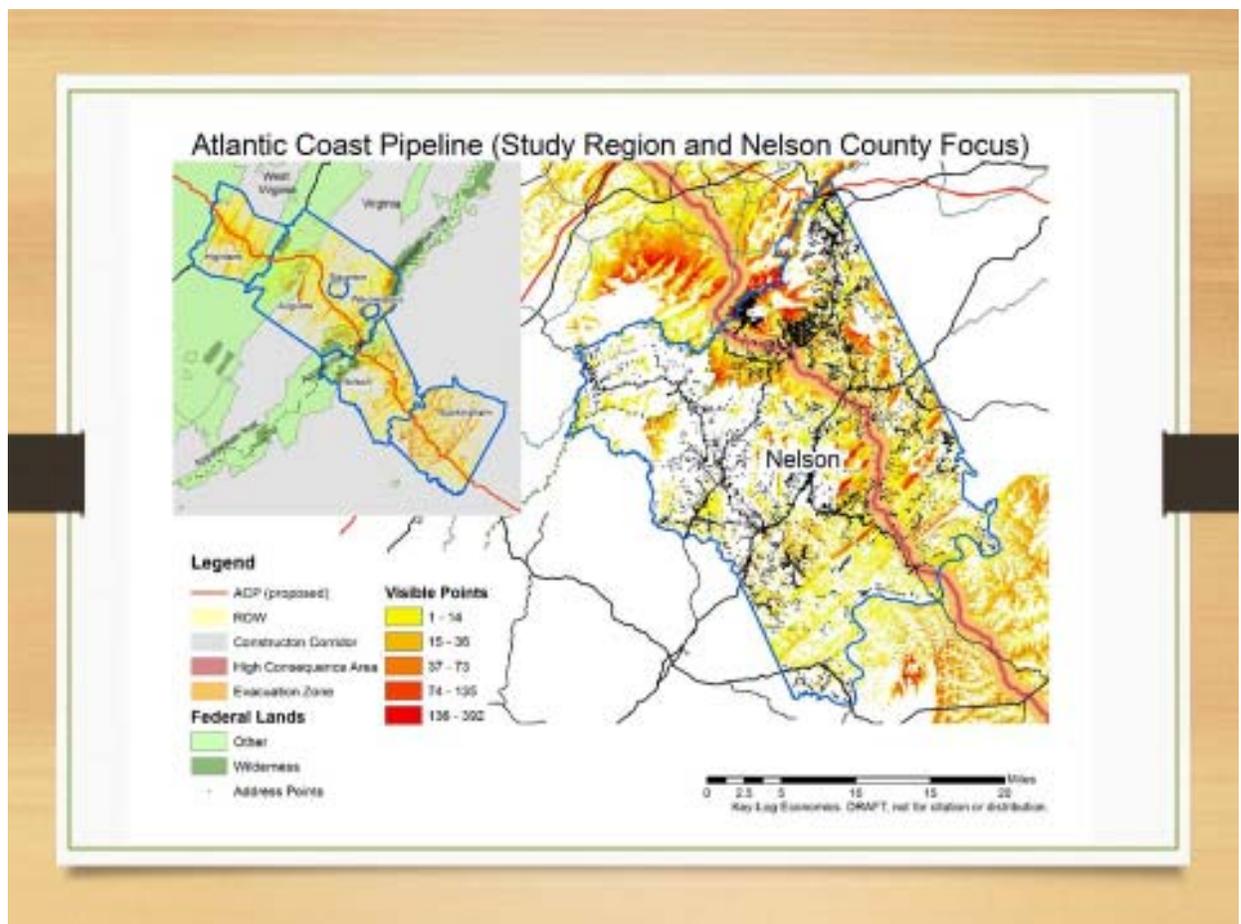
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consider passing a resolution asking FERC to consider a PEIS for the Atlantic Coast Pipeline.

B. Presentation – Potential Economic Effect of the ACP, Key-Log Economics, LLC

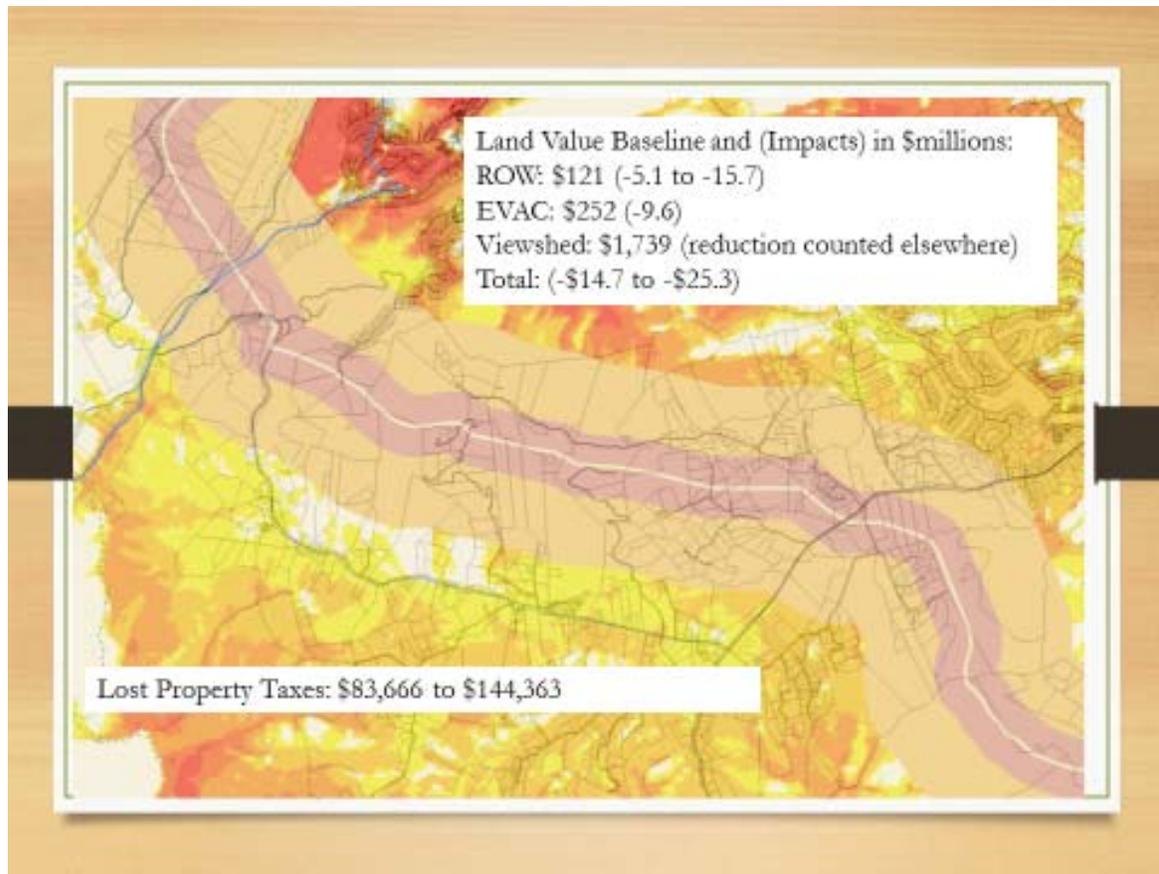
Mr. Spencer Phillips of Key-Log Economics, LLC introduced himself and noted that Dominion had said that the Environmental Impact Statement could only address tangible economic analysis. He noted that his focus was considering the other costs. He then gave the following PowerPoint presentation:

Mr. Phillips noted that the study overview considered: ecosystem services, which meant natural benefits, property values, and economic opportunity/sustainability.

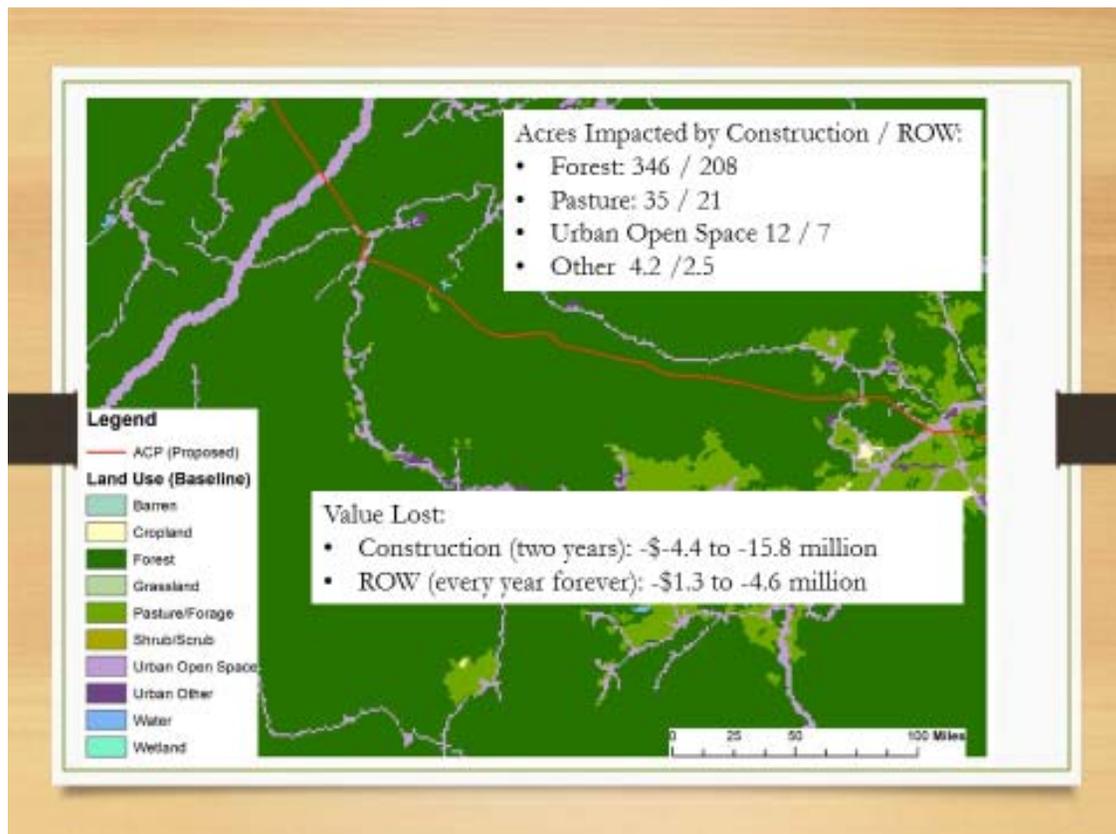


Mr. Phillips showed a map that depicted the ACP proposed route, right of ways, construction corridor, high consequence areas, and evacuation zones. He noted that the evacuation area was 1.3 miles from the pipeline.

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Mr. Phillips noted that this slide was based on information from realtors.





In the slide above, Mr. Phillips showed the annual ecosystem service costs (average loss), in the right of way annually for: aesthetic value, air quality, biological control, climate regulation, erosion control, protection from extreme events, food production, pollination, raw materials, recreation, soil formation, waste treatment, water supply, and water flows.

- ### Economic Development Forgone
- Considering just Recreation and Tourism (and a 20% fall-off)
 - -\$18.5 mm revenue
 - -163 jobs
 - -\$3.2 mm payroll
 - -\$0.8 mm state tax revenue
 - -\$0.5 mm local tax revenue

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Mr. Phillips noted that it was hard to analyze the effect of the Atlantic Coast Pipeline, because there were no other pipelines of this size to compare it to. He noted for this slide; Wintergreen had indicated a drop off of 20% in visitation, so he had used a 10% decline.



Economic Development Forgone

- If slower growth in retirees and/or entrepreneurs
 - Reduced non-labor income
 - Reduce proprietors' and wage & salary income
 - Fewer jobs
 - ...each year

Mr. Phillips noted that retirement income was the fastest growing in the county and there could be an effect should slower growth in either retirees or entrepreneurs occur in the county due to the pipeline.

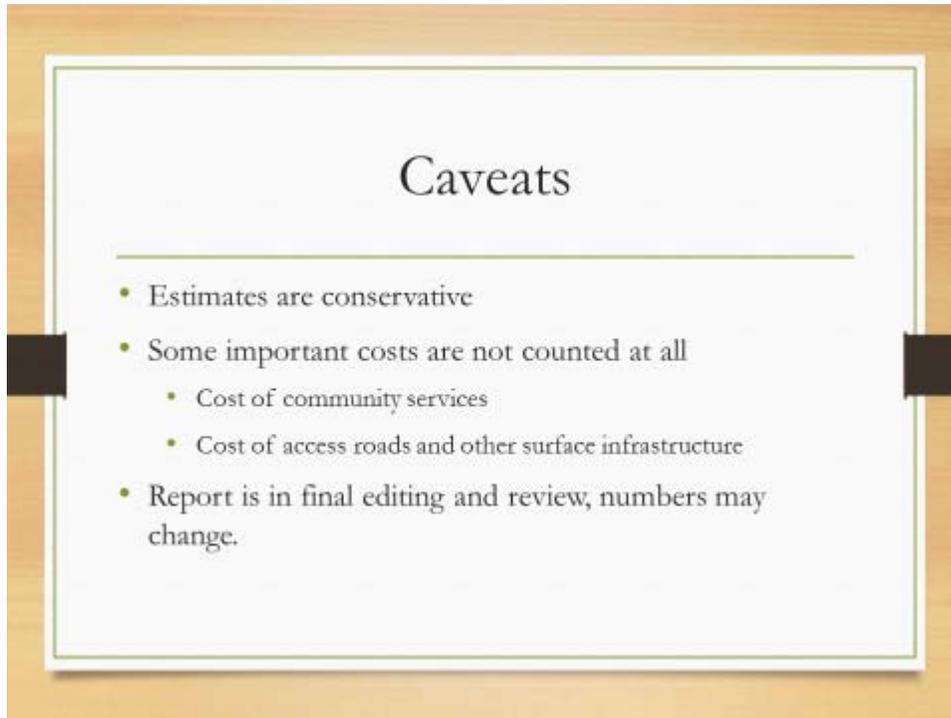


Summing it Up (or Down)

- One-time costs
 - Property Value: -\$14.7 mm to -\$19.0 mm
 - Ecosystem Services: -\$4.6 mm to -\$15.8 mm
- Recurring costs (annual)
 - Property Tax Revenue: -\$84,000 to -144,000
 - Ecosystem Services: -\$1.3 mm to -\$4.6 mm
 - Recreation / Tourism: -\$18.5 mm expenditures, -\$3.2 mm payroll

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Mr. Phillips summarized the one-time costs and recurring costs that were analyzed and presented in the slide above.



Mr. Phillips noted that the summary of costs used conservative estimates and he noted that six out of ten people surveyed would not buy a property with the pipeline. He noted that the costs of community services would go up and these were not accounted for in the study. He added that the final editing of the study was being done and it would be made available.

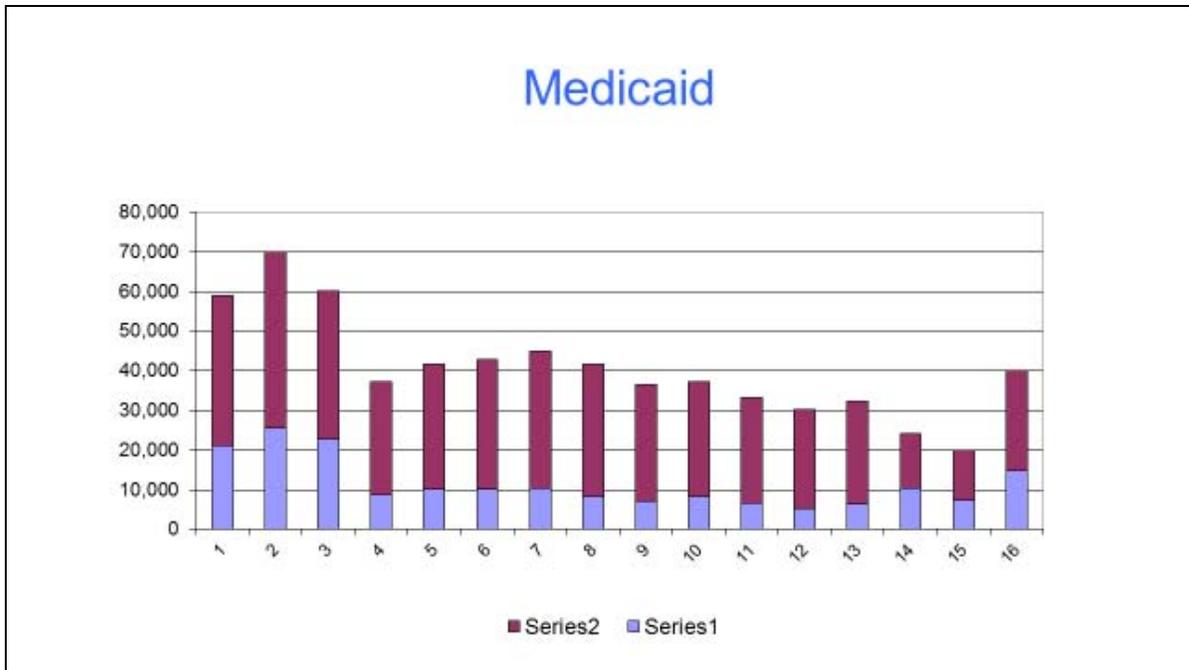
C. Presentation – JAUNT Annual Report & 5-Year Financial Plan

Mr. Brad Sheffield, JAUNT Executive Director addressed the Board and noted that Nelson Board representative, Ms. Dee Dee Greene was present as was Fran Hooper of Albemarle and Fran Davis, JAUNT's Assistant Executive Director.

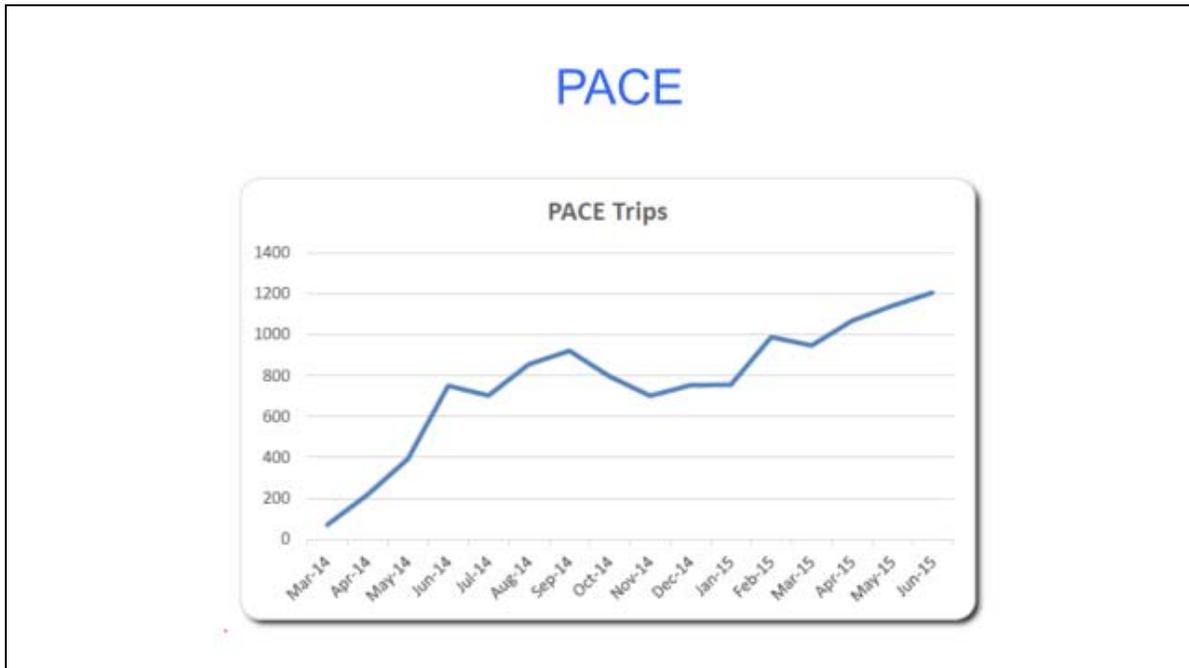
He noted that it was their 40th year and that they had 120 employees. Mr. Sheffield then gave the following report:

He noted that ridership was climbing back up because of agency services which related to Medicaid payments.

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He further explained that agency passengers helped to subsidize public riders. He reiterated that in 2015, this was going back up; however he was cautious about where that was headed.



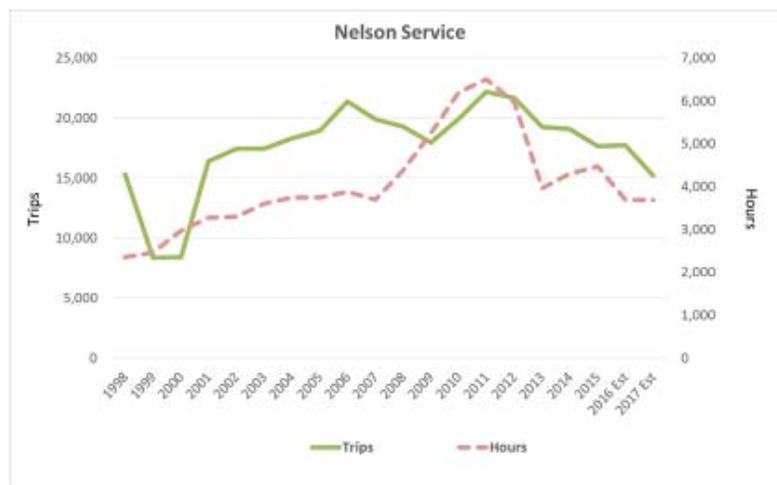
Mr. Sheffield noted that PACE was leading the improvement in agency ridership. He noted that more of the elderly were aging in place and went to the PACE center in Charlottesville.

Nelson Service Summary

Nelson County	FY13	FY14	FY15	Change%
Public Service				
Piney River Route	3,029	3,488	2,845	-18%
Lovingsston Route	4,359	3,518	2,287	-35%
Wintergreen Route	2,616	3,145	6,412	104%
Midday to Ch'ville	1,372	1,420	1,476	4%
Intracounty & Misc.	4,337	4,083	3,062	-25%
Total Public	15,713	15,654	16,082	3%
Agency	3,531	2,440	3,686	51%
Total	19,244	18,094	19,768	9%

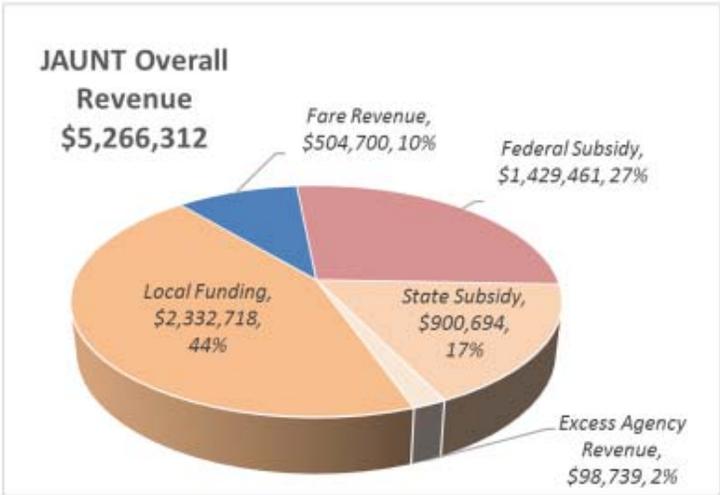
Mr. Sheffield noted that there had been a decline in Nelson services in the last three years; however fiscal year 2015 was more consistent with the last ten years. He noted that with regards to intracounty services, this had declined over a ten year period and he has recommended reducing this. He added that this should make ridership level off and the number of riders per hour improve.

Nelson Service Trend



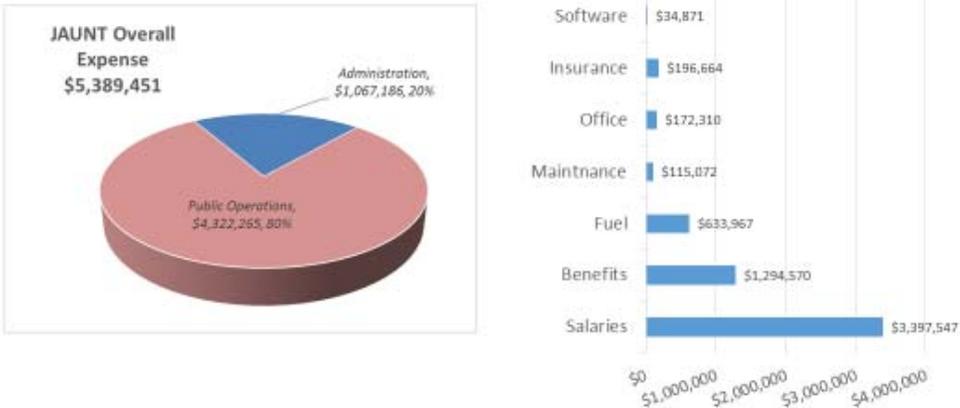
Mr. Sheffield noted that the green line was ridership and the dashed line was hours. He noted that they were trying to maximize the hours of service being paid for and they were keeping the hours fairly level to improve reliability.

JAUNT's Overall Financials: Public Revenues

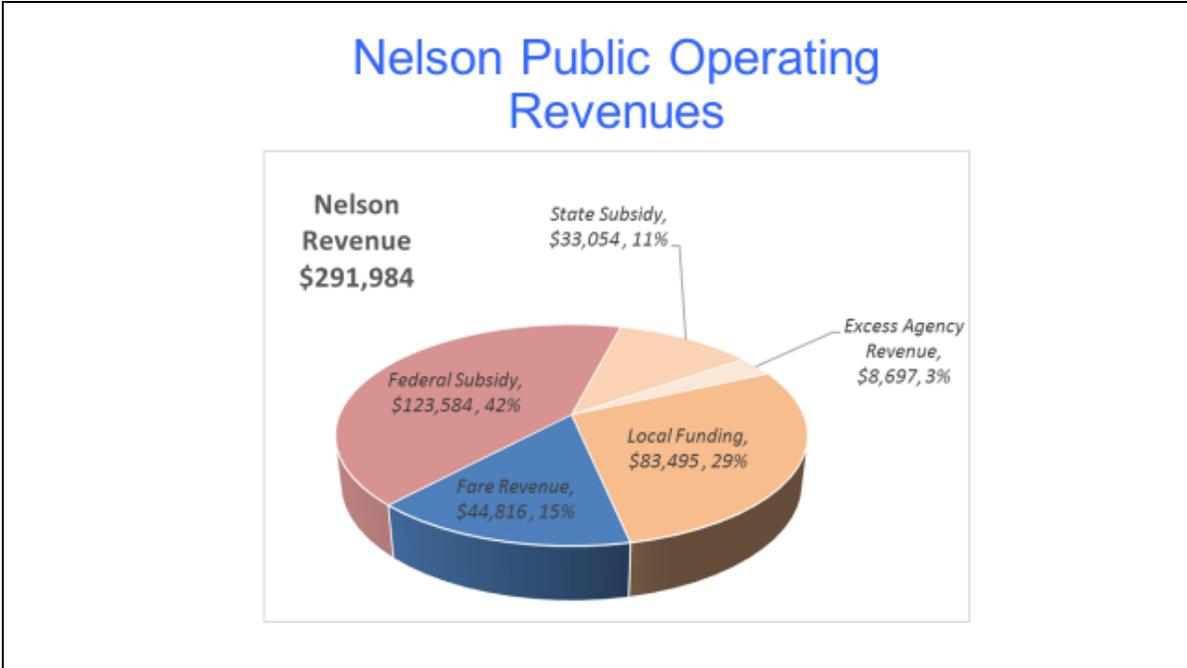


Mr. Sheffield noted that the Federal Subsidy was a dollar for dollar grant in Nelson County.

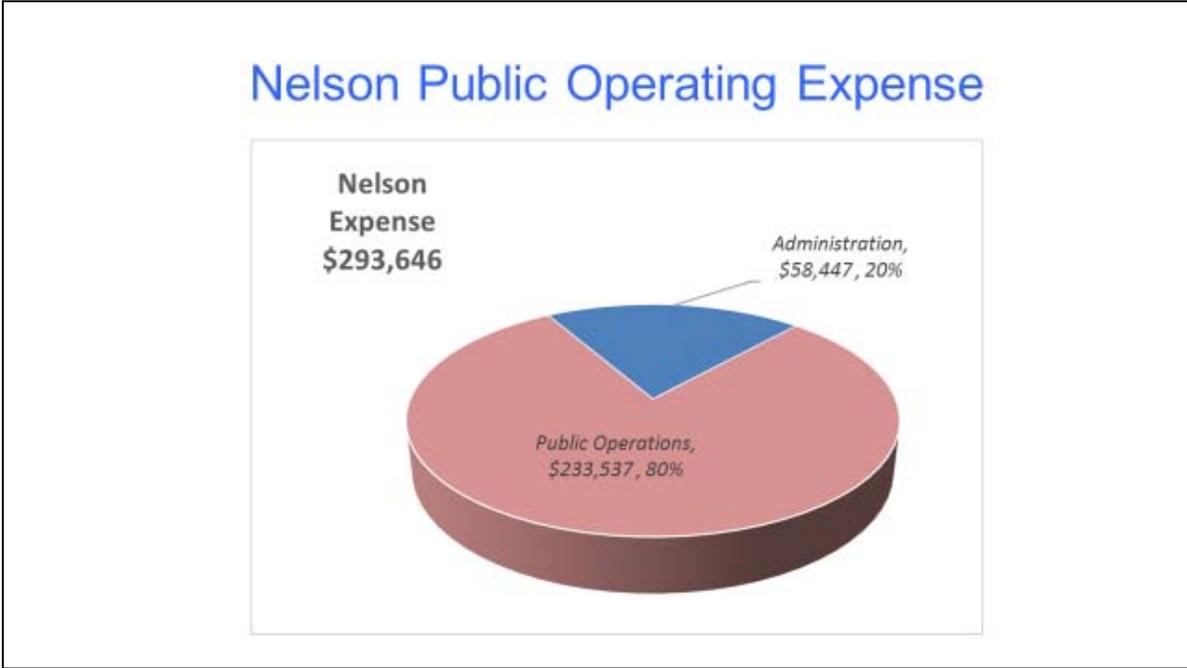
JAUNT's Overall Financials: Public Expenses



Mr. Sheffield noted that the Administration category included vehicle insurance of \$196,000 and scheduling software that technically should be considered operating expenses; however they had to be counted as administrative.



Mr. Sheffield noted that the more Excess Agency Revenue, the less local funding required.



Mr. Sheffield noted that they had tapped into reserves to balance this out with less revenues.

Mr. Sheffield then reported that they had hit their 8 million trip mark with the 8 millionth rider being a Nelson resident, Suzy Foster. He added that Donna Shaunesey had retired after thirty years of service to Jaunt.

FY16 and Beyond.....

- **Stabilize hours of service**
- **Midday service** (*grant for one day of service will expire by the end of June*)
 - Approx. \$8,500 in FY17
- **Continue to increase level of Agency services**

Mr. Sheffield concluded by noting the above goals in fiscal year 2016 and beyond.

Following the presentation, Mr. Hale inquired as to what was driving the doubling of the Wintergreen route and Mr. Sheffield advised that was from when Wintergreen took the route back over from individuals that were doing it.

Mr. Hale noted that at the Thomas Jefferson Planning Commission meeting, they had announced that in Albemarle, JAUNT was getting some new buses and was matching more federal dollars. Mr. Sheffield confirmed this and noted that the run would have 3 stops from Route 29 North to Downtown.

D. Presentation - Community Criminal Justice Board- Crime/Incarceration Trends

Mr. Neal Goodloe addressed the Board and noted that he was the Community Criminal Justice Board (CCJB) Planner and he planned to report statistics to the Board annually.

Mr. Goodloe then noted the member jurisdictions of the CCJB as follows:

**CCJB Member Jurisdictions
(and affiliated jails)**

- Nelson County (ACRJ)
- Albemarle County (ACRJ)
- City of Charlottesville (ACRJ)
- Greene County (CVRJ)
- Fluvanna County (CVRJ)
- Madison County (CVRJ)
- Orange County (CVRJ)
- Louisa County (CVRJ)
- Goochland County (Henrico)

He added that Nelson was in a different judicial circuit and that felony probation was provided out of Lynchburg so there was an overlap in services etc.

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Demographics of CCJB Jurisdictions

2014 Demographics	VIRGINIA	Albemarle Co	Fluvanna Co	Goochland Co	Greene Co	Louisa Co	Madison Co	Nelson Co	Orange Co	Charlottesville
Total Pop	8,326,289	104,489	26,092	21,936	19,031	34,348	13,157	14,850	35,026	45,593
Age Under 18	22.4%	21.0%	21.2%	19.1%	24.3%	21.0%	21.0%	18.8%	21.9%	15.6%
18 and Older	77.6%	79.0%	78.8%	80.9%	75.7%	79.0%	79.0%	81.2%	78.1%	84.4%
Female	50.8%	52.2%	54.3%	50.6%	50.4%	50.6%	51.4%	51.4%	51.0%	51.7%
Male	49.2%	47.8%	45.7%	49.4%	49.6%	49.4%	48.6%	48.6%	49.0%	48.3%
White	71.9%	83.7%	82.6%	80.1%	90.0%	81.1%	88.6%	85.5%	84.0%	71.5%
Black	20.6%	10.5%	16.2%	18.2%	7.8%	17.7%	10.5%	13.3%	14.1%	20.3%
Other Race	7.6%	5.7%	1.2%	1.7%	2.2%	1.2%	0.9%	1.2%	1.9%	8.2%
Hispanic (of any race)	8.9%	5.7%	3.2%	2.4%	5.0%	2.5%	2.1%	3.5%	4.3%	4.9%

Mr. Goodloe noted the County's demographics and that localities would have certain expenditures regardless of size.

Violent Index Crime Rate by Jurisdiction (per 100,000 residents) CY10 - CY14

Albemarle Co	Violent Index Crime Rate	128.0	105.2	97.9	122.3	90.9	-29.0%
Fluvanna Co	Violent Index Crime Rate	73.8	50.0	65.4	80.8	76.7	3.9%
Goochland Co	Violent Index Crime Rate	96.5	149.0	74.9	18.5	127.6	32.2%
Greene Co	Violent Index Crime Rate	271.1	144.8	101.3	85.1	110.3	-59.3%
Louisa Co	Violent Index Crime Rate	129.2	95.8	128.5	129.6	195.1	51.0%
Madison Co	Violent Index Crime Rate	75.2	113.8	83.3	90.9	76.0	1.1%
Nelson Co	Violent Index Crime Rate	66.7	39.9	101.3	108.2	60.6	-9.1%
Orange Co	Violent Index Crime Rate	80.5	73.7	90.6	57.7	114.2	41.9%
Charlottesville	Violent Index Crime Rate	447.7	421.7	450.3	475.8	418.9	-6.4%
VIRGINIA	Violent Index Crime Rate	212.8	197.0	189.9	195.3	195.7	-8.0%

Mr. Goodloe noted that smaller localities tended to have more volatile numbers; and small increases could significantly impact the crime rates.

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Property Index Crime Rate by Jurisdiction (per 100,000 Residents) CY10 - CY14

Albemarle Co	Property Index Crime Rate	1,794.6	1,638.8	1,441.5	1,600.0	1,522.6	-15.2%
Fluvanna Co	Property Index Crime Rate	1,017.3	815.1	792.9	773.8	839.3	-17.5%
Goochland Co	Property Index Crime Rate	836.1	991.7	983.7	772.2	706.6	-15.5%
Greene Co	Property Index Crime Rate	1,306.9	1,378.0	1,333.2	1,435.9	1,166.5	-10.7%
Louisa Co	Property Index Crime Rate	967.6	1,089.8	1,428.7	1,673.3	1,714.8	77.2%
Madison Co	Property Index Crime Rate	789.5	902.9	1,143.2	886.4	775.3	-1.8%
Nelson Co	Property Index Crime Rate	1,461.7	1,331.0	1,654.0	1,325.3	1,212.1	-17.1%
Orange Co	Property Index Crime Rate	1,010.6	1,108.9	1,093.5	1,170.4	1,176.3	16.4%
Charlottesville	Property Index Crime Rate	3,882.4	3,369.3	3,420.8	3,316.9	2,976.3	-23.3%
VIRGINIA	Property Index Crime Rate	2,307.0	2,234.3	2,143.3	2,039.4	1,912.4	-17.1%

Mr. Goodloe noted that property crime numbers were less volatile and there were more committed than violent crimes. He noted that they looked at trend lines from year to year and there was a hump from 2010-2014 for Nelson that was shared with a couple of other counties. He noted that these statistics were derived from reported crime through the LIDS system.

Drug Arrest Rate by Jurisdiction (per 100,000 residents) CY10 - CY14

Albemarle Co	Drug Arrest Rate	331.4	295.5	191.0	212.6	333.4	0.6%
Fluvanna Co	Drug Arrest Rate	142.4	166.1	126.9	113.2	138.1	-3.0%
Goochland Co	Drug Arrest Rate	179.9	187.0	155.0	203.4	160.3	-10.9%
Greene Co	Drug Arrest Rate	209.2	187.0	209.8	258.6	230.8	10.3%
Louisa Co	Drug Arrest Rate	292.3	289.0	254.2	276.7	303.0	3.7%
Madison Co	Drug Arrest Rate	127.8	145.6	213.3	187.4	195.9	53.3%
Nelson Co	Drug Arrest Rate	222.4	198.6	217.1	262.4	246.1	10.7%
Orange Co	Drug Arrest Rate	408.1	227.5	291.9	271.5	411.7	0.9%
Charlottesville	Drug Arrest Rate	599.9	662.0	630.0	459.6	550.5	-8.2%
VIRGINIA	Drug Arrest Rate	492.6	515.5	532.6	550.3	514.2	4.4%

Mr. Goodloe noted that actual arrest statistics were impacted by a number of things and had significant volatility. He noted that they were hearing that heroin use was on the rise in Central Virginia; however there were no hard numbers to back this up. He added that they

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would be looking at this in the upcoming year and that pain medications were gateway drugs to heroin use.

Domestic Violence Victimization Rate by Jurisdiction (per 1,000 Residents) CY10 - 14

Albemarle Co	Domestic Violence Victimization Ra	5.0	5.5	5.4	5.0	5.0	0.0%
Fluvanna Co	Domestic Violence Victimization Ra	4.1	5.2	5.2	4.0	4.9	19.5%
Goochland Co	Domestic Violence Victimization Ra	2.0	3.0	2.5	2.0	3.1	55.0%
Greene Co	Domestic Violence Victimization Ra	7.5	7.5	8.0	7.0	5.0	-33.3%
Louisa Co	Domestic Violence Victimization Ra	5.8	5.6	5.3	5.7	5.8	0.0%
Madison Co	Domestic Violence Victimization Ra	6.7	7.0	5.8	6.8	4.7	-29.9%
Nelson Co	Domestic Violence Victimization Ra	4.7	4.9	5.8	4.4	4.1	-12.8%
Orange Co	Domestic Violence Victimization Ra	2.5	2.2	2.5	2.2	3.0	20.0%
Charlottesville	Domestic Violence Victimization Ra	8.3	9.3	8.1	7.2	7.1	-14.5%
VIRGINIA	Domestic Violence Victimization Ra	6.6	6.5	6.2	5.9	5.8	-12.1%

Mr. Goodloe noted that these rates were also fairly volatile and they were looked at over a 5 year span and compared to surrounding counties.

ACRJ Population Trends (End of Month Averages FY08 – FY15)

FY	Sentenced Pending							Total Jail	
	Pretrial	Charges	LR Felons	Misdemeanants	Ordinance	Total LR	Federal	SR Felons	Population
FY2008	155.1	132.5	44.4	43.3	1.5	376.8	12.0	135.3	524.1
FY2009	169.9	129.8	46.7	51.0	2.6	399.9	13.8	124.9	538.6
FY2010	178.6	132.2	45.5	52.0	4.0	412.2	12.4	118.7	543.4
FY2011	165.5	106.8	57.9	57.6	3.8	391.7	14.7	135.5	541.9
FY2012	153.3	96.8	46.4	59.6	7.7	363.9	9.9	140.8	514.6
FY2013	141.0	81.6	37.0	43.6	5.6	308.8	9.3	111.9	430.0
FY2014	177.1	56.9	47.3	49.5	2.6	333.4	7.6	68.7	409.7
FY2015	182.9	69.9	40.2	47.8	3.1	343.9	11.3	99.0	454.1

CVRJ Population Trends (End of Month Averages FY08 – FY15)

FY	Pretrial	Sentenced Pending					Total Jail			
		Charges	LR Felons	Misdemeanants	Ordinance	Total LR	Federal	SR Felons	Population	
FY2008		63.3	62.4	29.9	42.2	0.0	197.8	144.0	42.9	384.7
FY2009		76.4	61.4	28.3	53.4	0.0	219.5	101.9	58.1	379.4
FY2010		61.4	58.1	31.3	60.1	0.0	210.9	91.1	70.9	372.9
FY2011		68.9	56.9	35.5	50.3	0.0	211.7	90.7	55.9	358.2
FY2012		72.8	56.6	38.2	51.4	0.0	219.0	85.8	77.0	381.9
FY2013		82.8	53.8	41.5	40.9	0.0	219.2	79.5	72.3	371.0
FY2014		106.0	38.0	34.0	40.5	0.0	219.0	70.7	80.3	370.0
FY2015		121.8	46.3	28.5	37.0	0.0	233.5	63.7	91.8	389.0

Mr. Goodloe noted that they were engaging in groundbreaking evidence based things and have implemented a risk and needs assessment of the jail. He noted that they looked at who was being admitted and 48% of intakes were of individuals who were at low risk to recidivate. He noted that almost half fit that description. He noted the good news was that they had the shortest length of stay. Mr. Goodloe noted that fiscal year 2010 was a high water mark and then there had been five years of decline; with a significant reversal in 2015. He noted this was not impacted by crime rates, but rather by increases in law enforcement efficiency in clearing cases by arrest.

He then advised that Nelson-specific data was not included in the packet; however the Nelson FY15 average daily population (ADP) was the first year to be under 30 at 27, since 2008. He also advised that ACRJ was bringing the number of state responsible felons down significantly but the number was rising at CVRJ.

ACRJ Cost by Jurisdiction (FY16)

- Nelson - \$645,636
- Charlottesville - \$4,804,978
- Albemarle - \$3,587,234

- Total ACRJ Operating Expenses: \$14,476,503 (FY14)

Mr. Goodloe noted that these costs were a reflection of an average of three to six bed days; and their goal was to reduce ADP; but not at the risk of public safety.

What is Known?

- The ACRJ inmate population is trending back up again, after falling five years straight.
- From FY14 to FY15, the inmate population grew from 410 to 454, an increase of nearly 10%.
- The jump can be largely attributable to an increase in pretrial holds and state-responsible inmates held locally.
- This is despite the fact that the number of bed days consumed by probation violators fell from 40,747 to 15,060, a bed day savings of 25,687 year over year.
- Average Length of Stay (ALOS) for those incarcerated for a probation violation dropped 61%.
- A recent study of ACRJ's inmate risk profile for FY14 and FY15 showed that 48% of inmates at booking were at low actuarial risk to recidivate. Low-risk inmates were found to have the shortest length of stay, however, when compared to medium- and high-risk inmates.

Mr. Goodloe noted that they were creating alternatives to incarceration to differentially punishing probation violations and have reduced bed days by over 25,000. He added he was not sure this was durable but it was encouraging.

What is Currently Unknown?

- What is the actuarial risk/needs profile at ACRJ, by jurisdiction? Do they differ?
- What is the median length of stay, by crime severity and recidivism risk level per jurisdiction (are the “right” inmates being held)?
- What percentage of bed days are consumed by pretrial inmates unable to make the cash/surety bond set, per jurisdiction?
- What percentage of bed days are consumed by probation violators, per jurisdiction?
- What percentage of the jail population is suffering from mental illness? Are they getting appropriate treatment?
- What is the recidivism rate for former inmates, by jurisdiction? What impacts this recidivism rate, and how can it be lowered?
- What are the primary criminogenic treatment needs of inmates, and how can they best be met? What percentage are getting treatment now?

Mr. Goodloe noted he did not know where the service gaps were in Nelson County and he needed to find that out as well as how well programs were providing that service.

How Can the Criminal Justice Planner Help?

- Work with ACRJ to provide member counties with relevant data.
- Provide research on proven correctional practices that have safely reduced the inmate population elsewhere.
- Write grants to support evidence-based programming (both at the jail and in the community).
- Serve on all Reentry Councils in the CCJB to coordinate inmates' successful return to their communities.
- Assist ACRJ in gaining a detailed understanding of the inmate risk/needs profile, and plan for programming accordingly as a function of length of stay.
- Supply member jurisdictions with the latest in crime trends.
- Provide subject matter expertise where helpful to improve public safety and reduce cost.

Following Mr. Goodloe's presentation, Ms. Brennan asked if he had spoken to the Department of Social Services on the re-entry program. Mr. Goodloe advised that they had not received a grant for this; it was a very competitive process and Nelson was not large enough to compete. He added that he has been talking to reentry councils to try to link all of the services available to those coming out; so they can be successful.

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Mr. Bruguieri asked how many days were required to be served of a six month sentence and Mr. Goodloe noted for a misdemeanor, they got a 1 for 1 day credit for good behavior. He added that if jailed on a state charge, the state says they must serve at least 85% of the sentence. He noted that the state was no longer coming to get their inmates at local jails if they were serving less than two years. He added that the state responsible inmates were in local jails with a \$12 per day per diem that did not cover their costs. Mr. Bruguieri then asked what it would take to move them to a state facility. Mr. Goodloe noted that most states were experiencing a decrease in state populations and if that continued more bed space would be available to take them. He added that he did not have a lot of confidence in that happening. He advised that there was more legislation being passed that made more state issues a local responsible issue; there was a shifting of responsibility.

Mr. Carter noted that in his tenure on the Regional Jail Board, they pushed the state to take them. Mr. Bruguieri noted he thought there should be an over-abundance of state beds; however Mr. Neal noted that they were at or over capacity. He noted that Mecklenburg Jail had closed when a couple of new ones were opened.

E. VDOT Report

Mr. Don Austin reported the following:

The median had been cut down at the Route 29 and Route 56 west intersection in Colleen and the sight distance was better. He noted they were looking into a similar request made for the intersection at Tye River.

The speed study results for Nellysford were back and the speed would be retained as is. He noted that Mr. Carter would distribute this report to the Board.

The speed study results for Route 56 going to High Peak Lane were back and the speed there would be retained as well.

Lodebar Estates and Cedar Creek Rural Rustic projects were complete. He noted they would do Wheelers Cover Road and Wright's Lane next summer. He noted that in January and February, they would look at revising the six year plan. He would send out the list and there was no projected increase in funding.

Mr. Bruguieri had no VDOT issues to report.

Ms. Brennan reported the following VDOT issues:

- On Buck Creek Lane, pot holes kept popping up where the pavement ended and gravel started. Mr. Austin noted he could put it on the unpaved road list and they would look at it for patching.
- On Twin Popular Road, between Route 29 and Old Roberts Mountain Road, Ms. Brennan asked VDOT to look at the roadside mowing there. Mr. Austin noted they had done regular mowing there but they may also do some boom-ax work since it was on a slope.
- There were bad potholes on Adial Road near Tiffany Lane.

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- Asked if VDOT was looking at a Beech Grove Road to Nellysford speed limit study and Mr. Austin reported this was still under advisement. Ms. Brennan commented she did not see how the speed limit could be 35 mph in Shipman and 45 mph in Nellysford where more people were pulling out etc.
- On Route 6, coming towards Route 29, there was a passing zone; however it was very narrow there and seemed dangerous since you were passing around an inside curve. Mr. Austin noted some passing zone criteria had changed and they would review all passing zones on Rt. 151 to Route 29.

Mr. Hale reported the following VDOT issues:

- Got a nice note from Ligmincha Institute on their road being fixed. He then inquired as to where the Drumheller's Hollow Bridge was on the replacement schedule. Mr. Austin noted he would check as he was not sure it was on the schedule.
- On Route 639, the pavement on the road sides was starting to break off. He noted this was where spot leveling was done and the edges were breaking off and the road needed rock on the shoulder.
- Noted that Mr. Carter had been charged with finding out who to talk to at the Calohill Shopping Center on who was responsible for fixing that road. Mr. Harvey noted he thought Doug Long was responsible. Mr. Carter noted he has contacted him and he said he was not responsible. Mr. Hale noted it needed to be maintained on a regular basis. Mr. Austin noted they needed to repave down at the bottom of the hill. Mr. Carter noted he was pursuing this and all of the property owners had been identified, yet no one was willing to take responsibility

Mr. Harvey reported the following VDOT issues:

- Thanked Mr. Austin for work done on Durrett Town and Batesville Roads. He added that they had done a good job on the paving at the school entrance. He added that Pounding Branch Road continued to be a problem.
- Noted there was a tree just before Goodloe Lane that was at a 45 degree angle to the road, the roots were exposed, and he thought the tree would come down. Mr. Austin noted he would look at it.
- Inquired as to what had happened to the Nelson and Albemarle jurisdictions working together on the intersection of Route 151 and Route 250. He then suggested making two lanes there by paving the shoulder. Mr. Austin noted they were working on that.
- Inquired as to when VDOT would talk to the Avon landowners and Mr. Austin noted this would be soon. He then asked about them using a retaining wall instead of taking more of the American Native Mission's land to level that area out and Mr. Austin noted doing that was usually more expensive.

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In response to questions, Mr. Austin noted that Rich Toms was the new Superintendent at the Bryant Shed and Mr. Harvey noted that he has been very responsive.

Mr. Saunders reported the following VDOT issues:

- People were happy with the Cedar Creek Road paving.
- Noted people had called him about potholes on Norwood Rd. to Route 60.
- Noted he had gotten compliments from citizens on the median being shaved off at the intersection of Route 56 west and Route 29.
- Noted that even though there had been no recommendation to change the speed limit in Shipman near the trash site; VDOT had fixed the no passing zone.

Mr. Bernie McGinnis was then recognized by Mr. Saunders and he noted that there were no signs about Lovingson coming from Lynchburg, like there were coming from Charlottesville. Mr. Austin noted he would check on this.

1. Beautification Project, Intersection of US Business 29 and Route 56 East.

Ms. Karla Murray introduced herself to the Board and noted that she was involved in the Naturalist Program and Gardening. She noted that when coming into Lovingson, she has always noticed the area in question at the intersection of US Business 29 and Route 56 east. She noted that the Dogwood trees there were suffering from Anthracnose and the Crepe Myrtle was going up the telephone lines. She added that these trees had been planted forty (40) years ago by a Girl Scout troop and she wanted to figure out how the area could be revitalized.

Ms. Murray then noted she was working with Jeff Kessler of VDOT on the project, she has drawn up several plans, and would like to garner the Board's support. She added that if she got the Board's support, then she thought that Mr. Carter and Mr. Kessler would meet on final arrangements.

Mr. Saunders then asked if the plan had been approved by VDOT and Mr. Michael LaChance of Virginia Cooperative Extension addressed the Board.

Mr. LaChance noted that the existing trees were in poor shape and this was a great opportunity to show what native plants were suitable to be planted around power lines. He noted that he was helping Ms. Murray and their first step was to speak with Mr. Carter and VDOT, and then to approach the Board with the scope of the project. He added that the first phase was to plant eight or nine trees followed by shrubs and maybe add some sign-age. He noted that Mr. Carter had stated that he did not want an increase in maintenance responsibilities for the County and he had agreed.

Mr. Austin then noted that Jeff Kessler of VDOT has been working with Ms. Murray and Mr. LaChance on this. He noted that VDOT did have permit requirements and roadside management requirements and that Mr. Kessler was involved with permitting and another person had roadside management oversight.

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He noted that initially, the County would have to be the permittee; however they had another program where a group could be the permittee with a letter of endorsement from the County. He added that he did not think there could be any signage and Ms. Murray noted they were planning a "Lovingston" sign; which Mr. Austin supposed may be allowed. Mr. Austin noted that the permit holder was the responsible party and there may be bonds that would be required if an individual was the permittee. Mr. Austin then noted that VDOT had no issues with the project; however he would discourage placing a bench there. Ms. Murray explained that the bench was meant for a person who was pruning there to sit down.

Ms. Esther Larkin, representing the Garden Club, added that they would help with purchasing the trees; however they were not committing to maintenance.

Mr. Harvey questioned how traffic control would be handled while doing this and Mr. Austin advised that if they did not block the lane, they could probably provide a "road work ahead" sign. He added that these details would be part of the permitting process.

Mr. Hale noted he liked the idea and he thought the hurdles involved could be overcome. Mr. Bruguere added that the County did not have the maintenance staff to take this over and someone else needed to step forward on this.

Mr. Bernie McGinnis was recognized by the Chair and he noted he was behind the project 100% in order to make the County seat more pleasant to look at. He added he wanted to make this more attractive to visitors.

Mr. Saunders noted he was in favor of it, but wanted to work out the details. Mr. Austin noted that he could work with Jeff Kessler and Mr. Carter to tie down all of the loose ends. He suggested that the Board endorse the project and have staff work out the details.

Mr. Bruguere inquired about the signs all around Lynchburg and Mr. Austin noted these were sponsorship signs with a minimum donation of \$5,000 for maintenance and installation. It was noted that the Amherst County Garden Club maintained the circle area in Amherst.

Mr. Hale then moved that the Nelson County Board of Supervisors endorse the concept of improving the triangle and for County staff to work with VDOT on the best route.

Ms. Brennan seconded the motion and Mr. Bruguere added the importance of coming up with the responsible parties on this. Ms. Murray noted that once it was done, there would be less maintenance than there was now.

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

IV. New Business/ Unfinished Business (As May Be Presented)

Introduced: Referral of Amendments to Floodplain Ordinance

Mr. Hale noted that he had been absent at the October meeting when the Board addressed special use permits for development in floodplains. He noted he had reviewed the

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information provided by Mr. Padalino and the Department of Conservation and Recreation's (DCR) review of the Ordinance for higher standards and he thought it should be referred to the Planning Commission. He added that special use permits related to the floodplain were currently reviewed by the Board of Zoning Appeals and he thought this should be done by the Board of Supervisors. He further noted that he thought it would be appropriate for the Planning Commission to review the standards recommended by DCR and report back; although not all recommendations would necessarily be followed. He noted he thought this was an important area to look at; however having worked with flood elevation certifications; he was not at all interested in increasing the requirements for those. He concluded by noting he was interested in looking at higher standards for critical facilities and hazardous materials and he understood the Board voted 3-1 that nothing be done with the ordinance.

Ms. Brennan noted she felt the same as before; the Board should have the Planning Commission look at it and she agreed with Mr. Hale that maybe not all proposed changes would be implemented. She added that she thought this would protect citizens from another huge flood.

Mr. Hale reiterated that the special use permits coming to the Board was the most important issue to him. He then read aloud the special use permit requirements that Mr. Padalino had noted in his staff report and recommended that the Board of Zoning Appeals be replaced by the Board of Supervisors.

Mr. Bruguiere noted that he thought only variances should go to the BZA. Mr. Carter noted that he thought that the change was made in 2012, when the ordinance was last updated, to have special use permits go to the BZA. Mr. Harvey noted he did not know of any of those that had gone to the BZA.

Mr. Hale read aloud the current regulation and noted he saw no harm in sending it to the Planning Commission for their review and recommendation. He then moved that the Nelson County Board of Supervisors refer the question of floodplains and special use permits therein to the Planning Commission and Ms. Brennan seconded the motion.

Mr. Harvey noted he would like to get that clarified and Mr. Carter noted that in section 10-22 it was stated that variances and special use permits shall be issued by the BZA. He added that when staff spoke to DCR about updating the ordinance, they noted that the majority of local ordinances had the BZA serving in this capacity.

Mr. Hale noted that DCR had recommended that localities update their floodplain ordinances, the Planning Commission should discuss it, and then the Board did not have to do anything if they did not want to. Mr. Harvey noted he thought this was a policy decision and it did not have to go to the Planning Commission. Mr. Hale then reiterated what the staff report said and Mr. Carter reiterated that when this was looked at previously with staff and DCR, the whole ordinance was looked at for overall revisions. He added it was last updated in 2012 and that the work has been done and the proposed ordinance was as stringent as anyone's in the state; however it could be stronger. Mr. Hale noted that he was in favor of the changes because of the Community Rating System savings that could be achieved.

There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Bruguiere and Mr. Harvey voting No. Mr. Saunders noted that he thought the Board looked at it pretty well previously, but he voted Yes.

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Mr. Harvey noted that he would like to see a report from Mr. Payne on when the special use permit requirements changed.

Mr. Carter asked for clarification on whether or not the vote was for the Planning Commission to undertake a complete review of the proposed ordinance or just the special use permit revisions. Ms. McGarry reread the motion and it was determined that the review would be of all of the proposed ordinance amendments inclusive of the special use permit language.

Introduced: North District Service Authority Appointment

Mr. Hale requested that Ms. McGarry advertise for a North District Service Authority Board member.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Construction is in process. The second monthly project progress meeting was conducted on 11-25. No items of concern to the County were presented. Change Orders that have been presently authorized are expense neutral, as credits (savings) to the County were either equal or exceeded to increases in project costs. Jamerson-Lewis's first pay request (\$408,760.10) has been received and is being paid with 12-8-15 disbursements. The project is on schedule.

Mr. Carter noted that the financing on the project had closed and approximately \$4 Million was now available.

2. Broadband: A) Local Innovation Grant Project: Construction of Phase 1 (Rt. 151/6 at Martins Store to Rt. 151/664 Intersection) is scheduled, per CCTS, to start on 12-8 with an estimated 8 – 10 week completion schedule. Phase 2 and 3 to follow thereafter. VA-DHCD's first project compliance visit is scheduled for 12-15. County staff received on 11-16 a significant records request, per the VA-FOIA. The records request has been prepared pending payment by the requesting party of the County's advance determination, per Code of VA allowances. **B) Broadband Strategic Planning Project:** County staff completed a conference call with Blacksburg based Design Nine, Inc. on 11-23 to discuss the company's interest in working with Nelson County and NCBA on a comprehensive broadband planning initiative (long range planning, assessment of current operations, etc.). Design Nine's services proposal was subsequently received on 12-7 and is being reviewed for content and approval by County staff. The company will be retained using Louisa County's previous procurement of Design Nine for a similar undertaking, which included cooperative procurement provisions enabling Nelson County/NCBA to directly retain Design Nine (a nationally recognized broadband consultant). Design Nine's services proposal is \$32,500 versus the \$50,000 budgeted for this initiative.

A) Mr. Carter noted that an Advance Determination had been paid that day and staff would now process the FOIA request.

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3. BR Tunnel: The current project focus includes 1) obtaining VDOT approval to put Phase 2 (Tunnel Rehab & Bulkhead Removal) out to bid (in early 2016) and 2) securing final grant agreement from VA-DCR for Recreational Trails Program funding that will be used to complete Phase 2. A contract addendum with Woolpert to facilitate completion of Phase 2 is pending. County and City of Waynesboro staffs have been working with their respective Commonwealth Transportation Board members in an effort to insure the respective CTB members are sufficiently apprised of the joint Phase 3 TAP grant application to VDOT. A possible CTB (entire Board) tour of the Tunnel may be conducted in mid-2016. County staff is also reviewing the potential to apply for \$50,000 in funding from the national Rails to Trails Conservancy entity.

4. Lovingson Health Care Center: A proposal (or final response) from a Harrisonburg based company is pending receipt. Piedmont Housing Alliance staff reiterated PHA's interest in working with the County on re-use of the property (senior housing) should the assisted living facility outcome not be achieved. And, Region Ten CSB has also previously submitted a proposal for its ownership and operation of the LHCC.

Mr. Carter noted that the moving date was now February or March 2016 and could be later than that. He noted that the Harrisonburg Company had retained an architectural consultant and was assessing the feasibility of purchasing and expanding the building. He noted they had asked for floorplans and setback information as well as have toured the building. He added that it was probable that the company would expand the building to make it financially viable.

Ms. Brennan reported that the Committee was waiting to hear from the Harrisonburg Company. Mr. Saunders asked if the committee was going to make a suggestion to the Board on what to do if the building was not sold and Ms. Brennan noted that if they could not find any use for the building, then their work was done.

Mr. Carter noted that there had been outreach through the committee, staff or others and it had gotten to the point where this was the one option left or there would be some other alternative use of the building.

Mr. Hale noted that the Nursing Home provided a valuable service to the County and he wanted to do what they could to provide an incentive for a similar use if necessary. Mr. Carter noted that all prospects had intimated that they may need a partnership with the County to apply for grant funds etc. Mr. Harvey noted that there was no Medicaid availability, so any facility would essentially be private pay. Mr. Carter clarified that Medicaid funding was available for assisted living, just not for a nursing home.

5. Radio Project: County staff are working with Motorola, RCC and Clear Communications staffs to complete a) close out of the overall radio project, which is in operation, and, b) to define provision of additional services to assist the County with enhancing network coverage areas (specifically the Rockfish Valley/151 Corridor to Nellysford) and for the County's acquisition of additional equipment that will also enhance localized coverage (see S. Rorrer report).

Mr. Carter reiterated that staff was cognizant of the need to move this along.

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6. CDBG Grant Application for Sewer Line Extension: Per input received from VA-DHCD, County staff has scheduled the two public meetings/hearings required for grant eligibility and pre-contract requirements should the County's grant application be funded by the Department. The first of the two public sessions was conducted on 12-7 in the second floor meeting room in the Courthouse. The second public session is scheduled for 12-8 during the Board of Supervisors evening meeting. County staff are presently endeavoring to have project related questions addressed by DHCD staff with responses currently pending receipt. The requested grant award is \$250,000 with a 25% local match (\$62,500) which Wild Wolf Brewery has committed to provide. A final decision date on the grant by DHCD has not been established.

Mr. Carter noted that Board should have the public hearing; and noted that there would be additional work the County would have to do according to DHCD; who has now answered staffs' questions. He noted that the County would have to survey residents along the route and if they were low to moderate income and wanted to connect; the budget may have to be amended to allow for up to \$15,000 per household per connection.

Mr. Carter noted that if all of the work was done, the prospect for success was there. He added that DHCD has had inquiries on the project as has the County.

Mr. Saunders asked if anyone along the route could connect and Mr. Carter noted that the force main was 2.5 inches and was sized for access and use by businesses and residences along the way to Wild Wolf Brewery, but not beyond.

Mr. Harvey noted that Aqua Virginia was in control of connections and fees and who could connect. Mr. Carter noted that citizens would not be required to connect; however the project budget may be amended to include funds for LMI connections.

Mr. Hale inquired about the first public meeting held and Mr. Carter advised that it was held on November 30, 2015 and was conducted by staff as was allowed by DHCD.

Mr. Hale asked if this was a public utility that people could connect to and it was noted that it was a private utility.

Ms. Brennan confirmed with Mr. Carter that the Board did not have to make any decisions that night.

Mr. Bruguere noted that the purpose of the project was to help Wild Wolf Brewery and anyone who wanted to hook up because the septic systems in that area were not great. Mr. Carter added that the purpose was to retain 46 jobs and create 5 new ones. He added that more questions had arisen and it had taken DHCD a month to get back to staff. He advised that only low to moderate income households could use grant monies for connection and they were not required to do it.

Mr. Harvey noted that rates had skyrocketed and people there were unhappy. Mr. Carter noted that to date Aqua Virginia had sized the main extension to Wild Wolf to enable connections along the route. He noted he did not know beyond that because he was unsure of their permitted capacity. He noted that whenever they hit 80% of their permitted capacity, they had to have a plan. He added that the main was smaller by design because if it were too big, they would have to flush it out.

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7. Nelson County Public Schools (Office of Civil Rights Follow-Up): County staff are processing the funding approvals made by the Board at the November 12th meeting.

8. FY 14-15 Audit Report (CAFR): RFC has submitted the draft report, which is being reviewed by staff.

Mr. Carter noted there were no concerns presented by the Auditors and the Departmental budgets were due back to the Finance Department by January 6th.

9. VDOT HB2 Applications: A final decision on the County's three HB2 project applications is pending (early to mid-2016).

10. Board Retreat: The Board's retreat is scheduled for 12-15 at Veritas Winery (8:30 a.m. to 3-4 p.m.). Mr. Chip Boyle, Executive Director of TJPDC will serve as facilitator. The 12-8 agenda includes continuation of the meeting to provide for the Board's retreat.

Mr. Carter noted he would send out the scope to the Board by Friday.

11. Department Reports: Included with the BOS agenda for the 11-12 meeting.

2. Board Reports

Supervisors reported the following:

Ms. Brennan:

- Attended the Senior Center luncheon.
- Attended Social Services Board meeting; they are fully staffed now.
- Met with Lindsay Dornier of Bold Rock, who noted they will be offering other events etc.
- Attended Nelson County Community Development Fund dinner.
- Attended TJPDC Legislative Forum; discussed the proposed Go Virginia Program; which would increase regional cooperation. She added that regional cooperation did not mean contiguous regions.
- Attended JABA Business Development Meeting - historically has looked at raising funds to give back to JABA to provide services.

Mr. Bruguere:

- Attended a Farmers Market Committee meeting; and would attend another meeting on December 15th. He reported they were adding language to allow the resale of products and to allow for crafters. He noted that the existing Coop could restrict things. He noted it was a work in progress especially on wayside stands. He added he

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did not think site plans should be required for seasonal things. He reported that Jim Saunders, Maureen, Tim, and a woman from the Crozet Market (Lawes) was on the Committee.

Mr. Saunders noted that the Planning Commission had suggested these things and they were haggled over a lot.

- Attended Farm Bureau State Convention and noted that the Governor spoke.

Mr. Hale:

- Reported on the Blue Ridge Tunnel Project and noted that the Foundation had acquired the second book on the tunnel. He added it was available at the Economic Development Office and the County Administrator's Office for a donation that would support the Foundation. He noted that the book covered the whole railroad project and contained many pictures. Mr. Hale then reported that the Foundation now had \$28,000 from book sales, being the licensee at festivals, and donations. He then advised that the County was having issues with the fence being opened up and he was meeting with Evergreen Fence Company to discuss relocating the chain link fence to go around the purchased property. He noted that the Foundation may cover the cost of doing this. He noted that the fence was 140 ft. of vinyl black fence that would be pulled up and placed around the property and another 360 ft. would be added. He then asked if the fence should be the same as the existing and it was noted there may be a height requirement from CSX. He added that Mr. Wayne Nolde had suggested that it be kept the same and this would delineate the lay down area for Phase 2.

Mr. Bruguiere inquired as to whether or not this would keep people out and it was noted that there were people going through the fence all of the time even though the County had cameras there etc. It was noted that the no trespassing signs were there for liability purposes but did not keep people out.

- Reported that at the Sturt Property, a strategic plan was being developed and Martha Warring was on the committee and was working on it.
- Reported that the TJPDC has done a corridor study and has rated the safety of the bike route.

Mr. Harvey:

- Advised that the County had a lot of people getting ready to retire: Jean Payne, David Brooks, and Elsie Nappier to name a few. He added that Ms. Nappier has been with the Sheriff's Department for 47 years and the Board needed to recognize them.

Supervisors and Staff briefly discussed how and when to recognize these retirees and Mr. Carter suggested that the Board could approve something at the retreat possibly and no action was taken.

- Reported that he had not attended the last Service Authority meeting; however he understood that Eddie Rothgeb was at the meeting and seemed to be doing well.

Mr. Saunders:

- Mr. Saunders recognized the job that Rachel Smith had done on the story on the Moore's and the pipeline. He noted that he had met with them and Dominion on it and Dominion would be using a directional bore there so that no right of way would be visible and their water quality would be maintained.

B. Appointments

Ms. McGarry noted the following information to the Board and advised that even though Mr. Moyer was recently appointed to fill the vacancy left by Kim Cash, he needed to be reappointed as her term expired in November 2015. She advised that he had recently had some health issues; however he felt that he would be able to continue to serve on the BZA. She noted that these seats had been advertised on the County's website.

<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>				
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>
Board of Zoning Appeals	11/10/2015	5 Years/No Limit	Ronald Moyer	Y- Email
JABA Council on Aging	12/31/2015	2 Years/No Limit	David Holub	No Response Yet
			Pamela Baldwin	Y- Email
T.J. Water Resources Protection Foundation	12/31/2015	4 Years/No Limit	Andy Wright	Y-Email

Board of Zoning Appeals: Mr. Bruguiere moved to recommend reappointment of Mr. Ronald Moyer to the Board of Zoning Appeals and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

JABA Council on Aging: Ms. McGarry noted not having heard back from Mr. Holub regarding his reappointment and Ms. Brennan noted he was present and could speak to this. Mr. Holub noted that it was his understanding that the Council had another person in mind to serve and that he preferred for that person to be appointed. He added that he would be open to reappointment if the aforementioned person was not interested.

Ms. Brennan then moved to reappoint Pamela Baldwin and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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T.J. Water Resources Protection Foundation: The function of this Board was briefly discussed as being an arm of the TJPDC that administered their conservation easement program. Ms. Brennan then moved to reappoint Andy Wright and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

1. NCHS Senior FFA, Request for Rings-Forestry Team

Mr. Saunders noted the FFA request for rings at a cost of \$1,100 to commemorate their third place finish at the National Convention. It was noted that rings had been previously given for State and National Championships.

Mr. Harvey then moved to approve the request and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

2. Planning Commission, Request for Extension – “Bed & Breakfast and “Transient Lodging Uses”

Mr. Saunders noted the request from the Planning Commission for an extension to review the proposed amendments related to Bed & Breakfasts.

Mr. Hale moved to approve an additional three month extension from December 4, 2015 to allow the Planning Commission to continue to refine their recommendations on Bed and Breakfast uses. Mr. Harvey seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

3. Thomas Guthrie – Nuisance Dog Ordinance

Mr. Saunders noted the correspondence and proposed ordinance language from Mr. Guthrie relating to nuisance dogs. Mr. Hale questioned how one would prove a certain dog was menacing a person and it was acknowledged that the proposed ordinance would be difficult to enforce. Supervisors then agreed by consensus to take this under advisement.

D. Directives

Directives were considered during the evening session.

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

At 5:10 PM, Mr. Harvey moved to continue the meeting until 7PM and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

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**EVENING SESSION
7:00 P.M. – NELSON COUNTY COURTHOUSE**

I. Call to Order

Mr. Saunders called the meeting to order at 7:00 PM, with all Supervisors present to establish a quorum.

II. Public Comments

1. Joe Lee McClellan, Lovingson

Mr. McClellan noted that he did not think people should be required to hook onto the proposed sewer line in Nellysford if their septic system failed; they should have a choice. He then noted he was in support of the sewer line and thought the County should help businesses.

III. Public Hearings

A. Public Hearing – Special Use Permit #2015-15 “Dwelling”/Michael Tapager: Application made pursuant to Zoning Ordinance, Section 8-1-10a to re-establish the use of a residential dwelling within the upper stories of an existing building in the Lovingson Historic District. The subject property is at 622 Front Street, is identified at Tax Map #58B-3-2 and is zoned Business B-1.

Mr. Padalino noted that the requested special use permit application #2015-15 by Michael Tapager was pursuant to Zoning Ordinance, Section 8-1-10a to re-establish the use of a residential dwelling within the upper stories of an existing building in the Lovingson Historic District. He noted that the subject property is at 622 Front Street, is identified at Tax Map #58B-3-2 and is zoned Business B-1. He further noted that the request was to reinstate a use that was traditional and customary at that location. He further advised that a SUP was necessary to have a dwelling there as it was B-1. He added that no one has lived there for a couple of years and the grandfathered use had lapsed.

Ms. Brennan asked how long the SUP was good for if it was granted and no one lived there for a while. Mr. Padalino noted that the use would have to be established within twelve months per the ordinance or he would have to request an extension. Otherwise, the special use permit would last forever.

Mr. Harvey noted that the property was one building; but functioned as two buildings. He added that there had only been a residence on the upper part and this would be in character with the town of Lovingson.

Mr. Padalino noted that the Planning Commission held their public hearing and voted to recommend approval to the Board. He also noted a letter of support provided from a neighbor. It was noted that the property was for sale and Mr. Padalino noted that the SUP would stay with the property.

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Ms. Brennan then inquired if the upstairs portion of the building could be used for a business by right and Mr. Padalino noted it could. He then noted there were entrances on the side of the building and at the back of the building to the upper floors.

There being no other questions from Supervisors, the public hearing was opened and the following persons were recognized:

1. Joe Lee McClellan, Lovingson

Mr. McClellan noted he had no objection to granting the SUP and he noted there had always been someone living upstairs in the building.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Hale then moved to approve special use permit application #2015-15, to re-establish the use of a residential dwelling within the upper stories of an existing building in the Lovingson Historic District. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

**B. Public Hearing – County of Nelson Grant Application
DHCD/CDBG Funding:**

The County of Nelson seeks citizen input on its proposed grant application to the Department of Housing and Community Development for Community Development Block Grant funding through its Community Economic Development grant program; specifically the Nelson County-Wild Wolf Infrastructure Project. The County proposes to utilize \$250,000 in available funds for a Community Economic Development Project that will install approximately 2200 feet of HDPE sewer force main from the Aqua Virginia pump station on State Route 151 to 2461 Rockfish Valley Hwy (Wild Wolf Brewing Company) ending with a coated manhole. Wild Wolf will then provide the connections and pump station from their property to the coated manhole.

Mr. Carter noted that this was the second of two public hearings required by DHCD to establish eligibility to receive CDBG funding.

He then explained that this issue went back to when Wild Wolf Brewing Company was addressing its waste water compliance with the Health Department. He noted that the initial suggestion of putting in an extensive drain-field was cost prohibitive for the business (a couple million dollars) and the County offered to assist by inquiring with DHCD about the use of grant funds to extend the sewer main line from the pump station down to the Brewery.

He then explained that at a previous meeting, the Board authorized staff to pursue a grant application for this; it was an economic development project and met the National Objective of assisting Low to Moderate Income beneficiaries. He added that it would help to retain forty-six (46) jobs and would create five (5) new jobs.

Mr. Carter then noted that as defined by DHCD, Low to Moderate Income status was determined based upon the US Department of Housing and Urban Development's (HUD) Section 8 Income Limits for both household size and income. He noted that Nelson County was part of the Charlottesville Metropolitan Statistical Area (MSA) and in 2015, LMI was

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\$46,100 for a one person household. He added that the table showed LMI income levels for a range from a household of one up to a household of 8.

Mr. Carter then advised that a preliminary letter of interest was submitted to DHCD and the County received a response from them to proceed with the public hearings and then they would consider whether or not to award a grant.

Mr. Carter then noted that the sewer main would be a private system to benefit Wild Wolf Brewing Company, however the County would have to survey all residents in the project area to see if anyone had an interest in connecting to the system. He noted this would not be mandatory and the interested residents would have to complete a survey to determine if they were LMI; the County would amend the submitted budget to allow for up to \$15,000 per LMI connection. Mr. Carter then noted that this particular grant had a \$700,000 maximum and costs to date were shown at \$250,000 with a local match of \$62,500 to be paid by the business.

Mr. Carter further noted that if the grant were approved by DHCD, the County would need to enter into an agreement with Aqua Virginia to guarantee the County access to the system for twenty (20) years. Mr. Carter reiterated that no one would be mandated to connect; however voluntary non-LMI connections would be at the citizen's expense. He added should LMI residents choose not to connect during the initial grant period, they would have to pay for a later connection.

Mr. Carter then noted that in terms of Aqua Virginia's capacity, presently their flow in summer was 12,000 to 15,000 gallons per day and they were licensed for 65,000 gallons per day. He noted that they would only be at 32.5% of their permitted capacity with an additional 5,000 gallons used per day by Wild Wolf Brewery.

Mr. Carter noted that the County would have to do additional work before the grant would go forward. He added that Ms. Wolf was present, had committed to paying the local match, and would have to commit to the job retention and creation through an agreement. He noted that the outcomes would be audited and the objectives would be well documented.

Mr. Carter then concluded by reiterating that the purpose of the public hearing was to complete a second public hearing to establish eligibility; however the County had been given the green light to apply and once rework of the application was done, DHCD would evaluate it and make a final decision.

Mr. Saunders then opened the floor for questions from Supervisors as follows:

Ms. Brennan clarified with Mr. Carter that anyone who wanted to connect could do so and this applied to businesses and homeowners. Mr. Carter confirmed this and noted that if the connections were after the grant project, they would deal with Aqua Virginia to connect and not the County. He noted that he did not know if there would be any accessibility fees charged and he was not aware of a monthly availability fee. He added that the County had a mandatory connection requirement for those within 1,000 feet of its line; however if you had a working system, the County could not require a connection. He clarified that if the septic system failed, then the County's ordinance mandated a connection. He noted that Aqua Virginia did not have these provisions.

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Mr. Hale asked if there was a 25% match for any LMI connections and Mr. Carter noted there probably was and that would have to be addressed. He added that once this was determined, it could potentially come back to the Board to consider. He noted that Wild Wolf Brewing Company was to pay the local match as the project was originally conceived. He noted that they would have additional costs that were not part of the grant project, such as the cost to connect to the system - from the main termination point at the property line to the business.

Mr. Harvey then questioned the twenty-year agreement with Aqua Virginia; asking what the County's obligation was if Wild Wolf Brewing Company went out of business in five years. Mr. Carter noted that this would have to be addressed and noted that if the business changed hands, the County would have to provide in the agreement that connections be served for twenty (20) years. Mr. Carter added that DHCD has received concerns that the project was conceived to benefit other businesses and he noted that the only objective in pursuing the project was to ensure Wild Wolf Brewing Company stayed in the county, retained the current jobs, and created new ones.

Mr. Harvey then questioned how Aqua Virginia could only be at 35% capacity when they have barely skated through with the dry summers. Mr. Saunders noted this was more a question of how they could meet their discharge limitations because the creek has been low. He noted this did not affect their capacity. Mr. Carter noted that if that did happen, DEQ would send them a notice of violation and they would have to address it. He added that he had not gotten into that level of discussion on the issue since that would be incumbent upon Aqua Virginia. He then reiterated that there was more work to do; the Board did not need to endorse the project again and no further action was required; unless additional grant match was a consideration.

Mr. Harvey noted he thought the Board only voted to have staff check into applying for the grant and did not endorse the project. Mr. Carter noted his understanding was the Board had endorsed the project; however it could be revisited. Mr. Hale noted that the minutes from that meeting had been sent out to Supervisors.

Mr. Saunders then reiterated that no action was to be taken and the purpose that night was to hold the second public hearing; the question of the Board's endorsement or not could be clarified at a later date. Mr. Carter reiterated that the first public hearing had been held on Monday, November 30th and was properly advertised.

Mr. Hale noted that it was in the June 9, 2015 minutes for the meeting at which this was first considered that were provided to the Board by Ms. McGarry, and he read the following motion: "Mr. Bruguire noted he thought staff should start the process and he then moved that staff start the process of applying for the DHCD grant through the initial phases."

Mr. Carter then noted that the Board could always reject a contract from DHCD for the project. Mr. Harvey questioned the process of having public hearings if the project has already been approved. Mr. Carter then explained that this DHCD grant had open submission provisions and staff went forward with the preliminary application in their automated system. He noted that following that, DHCD notified the County that they had reviewed it and advised the staff to conduct the two public hearings. He added that if awarded, there would be more requirements to be met in order to get under contract.

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Mr. Saunders then invited Ms. Wolf of Wild Wolf Brewing Company to speak.

Ms. Wolf noted how important the project was to them. She noted that putting in a 15,000 gallon per day drain-field was not feasible or reasonable for them. She added that the sewer main extension could potentially be a great service to those along the way and it allowed them to keep their forty-six (46) employees there and continue to grow as a business.

Mr. Saunders then opened the public hearing and the following persons were recognized:

1. Alan Patrick, Nellysford

Mr. Patrick noted he was troubled by the public information process and was disappointed that the detailed information was not made available sooner. He noted he thought it was a business owner's responsibility to be sure that they could fulfill its requirements and it was the County's responsibility also. He noted that he was concerned that the County would be using grant money to support questionable judgment or decisions. He also noted that the concern of availability in Nellysford raised questions of mandatory connections for failures and he questioned if open lots would have to connect when they were developed. He added that the problems with the limited availability of water that comes out of the system was not a new problem and that water had been diverted to support Wintergreen and as a result the rivers and streams were trickles. Mr. Patrick then questioned whether or not cattle farmers would have to connect their waterers to provide water for their cattle. Mr. Patrick also questioned how the Board could vote on something without having all of the information and without allowing the local community to have input. He added that the over-development in Nellysford has been a problem and he was concerned that tabled development projects would go ahead if the project was done. He then noted he hoped the Board would delay or oppose this and not go forward. In conclusion, he asked the Board to take the time to think about growth as it projects out. He noted his concern that the Nellysford community would grow beyond what could be supported and what was wanted by the local residents. In conclusion, he requested the Board vote against the project.

2. Kevin Blackburn, Business Owner in Nellysford

Mr. Blackburn noted he understood the concerns and the benefits of the project. He noted he has been a public servant in the past and growth was inevitable in any municipality and it was incumbent upon its leaders to plan for growth down the road. He noted that he had selected his business's location because of the growth there, the existing business infrastructure, and the influx of traffic along Route 151. He noted that their plan for growth in ten (10) years was to add five (5) employees and they would add to the tax base. He noted that bringing the sewer line down to Wild Wolf Brewery, a secure system that was proven, could only be beneficial to increasing the safety of existing water. He added that the project would protect the existing ground water there and that Aqua Virginia would bear the responsibility of permitting requirements. He concluded by noting that he would like to see this go forward to help Wild Wolf Brewery grow; which would in turn help them.

3. Julia Rogers, Business Owner in Nellysford (Neighbor to Wild Wolf Brewery)

Ms. Rogers noted that she had been surprised when she bought her property in Nellysford that she was not required to have a septic system. She noted she had put in a proper system then and if she had the opportunity to connect to Aqua Virginia or a similar entity, it would

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have saved her \$5,000 to \$6,000. She noted she thought the project was a benefit for the future and to Wild Wolf Brewery. She added that there were always concerns about growth and how to manage it; however it would come and the important thing was how it was managed.

Ms. Rogers noted there would be other properties along the route where septic systems have failed and they would be thankful for the project. She acknowledged that there were many questions to be answered but she did not think that should stop the process.

4. Donna Small, Nellysford

Ms. Small noted she was opposed to the project for the following reasons:

She noted that she called Aqua Virginia and they said they would own the sewer line and she did not think grant money should go to a private company. She then noted that an investment group owned land in the path of the proposed sewer line; and when she asked Aqua Virginia if they could connect to the line, they stated that anyone could hook up as long as they paid for the connection and monthly fees. She then noted that other Aqua Virginia customers, such as those in Fluvanna County, had very high rates and that was something to look into.

5. Todd Rath, Nelson County Business Owner

Mr. Rath noted that Nelson County should use the grant funds because if they did not; then someone else would. He noted that as a county, a decision needed to be made as to where business was wanted. He added that the businesses needed love and support from the County and that Tourism and Agriculture paid the bills in the County. He concluded by noting he supported the project but thought it should be monitored so that if it were successful; it could be used again to bring in other businesses that supported the local economy.

6. Denver Riggleman, Nelson County Business Owner

Mr. Riggleman noted he supported Ms. Wolf and her business however he did not want to alienate anyone. He noted that he was proud of what has been done with the Board and the Planning Commission and he believed that Wild Wolf Brewing Company needed their help. He noted that traffic on Route 151 was exploding, and they needed to grow, however they had nowhere else to grow, and needed help with where to go in the future. He also noted that guidance was needed on infrastructure. He reiterated that businesses were nervous about alienating citizens and the County needed to find a balance so that business owners felt they were welcome in the County also. He advised to keep the teamwork going and he noted he supported the project.

7. Linda Russel, Nellysford

Ms. Russell noted that she had submitted a list of questions to County staff last week and she appreciated getting the answers. She noted that she was not present to take a position and that it was unfortunate the detailed information was not available ahead of time for those that wanted to make a comment; and she suggested the Board should consider the following questions:

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- Was the County in competition with somebody else in the state or was the grant guaranteed if the County applied? If the grant were received, would it reduce the County's chances of getting CDBG grant funds in the future?
- Would the County be setting a precedent with this proposal and were there other businesses in the County that have over expanded and are looking for increased infrastructure support from the County and would they be asked to assist them?
- Is Wild Wolf Brewery currently in the Wintergreen Valley Utility Service Area? She noted that Aqua Virginia had to supply a Service Area to the SCC which she is in as are two vacant lots on both sides of Route 151. She noted that the area between the shopping center and Wild Wolf were not in the currently defined area. She then asked if Wild Wolf was not, how then would they get to be in it?
- If the County does not support the request, how many jobs would not be retained given that the inference was all or nothing? She added she thought if this weren't approved, there would be a cut back in jobs but there would still be a viable business there.
- Why does the proposal ask for \$250,000, which she understands must be matched by the County, and will be paid by Wild Wolf, when the cost is \$350,000? What happens to the extra money?

Ms. Russel noted for information purposes, that currently Aqua Virginia had a capacity of 65,000 gallons per day but only had a discharge permit for 40,000 gallons per day and that was based on the water flow of Allen's Creek and the Rockfish River; so if the creek went dry, the discharge permit would change and be reduced. She noted that was the difference between discharge permitting and capacity. She added that if they had a permit of 40,000 gallons per day and were only using 15,000 gallons per day, there was still plenty of room to add this extension.

She then noted that who was to be hooked up would be determined by the sizing of the pipe installed and that was a question that needed to be answered.

8. Joe Lee McClellan, Lovingson

Mr. McClellan encouraged everyone to have a meal at Wild Wolf Brewery and noted it was an asset to the community. He noted he supported the project and would also like to see sidewalks and a sewer line go up to the old Rhodes Farm entrance. He added that progress could not be stopped but it would have to be managed.

9. William Smith, Faber

Mr. Smith noted he supported public water; however he was bothered by a private company benefiting from this. He noted that Aqua Virginia had been in front of the SCC three times that year. He noted his understanding that this would help low to moderate income people; however some of Aqua Virginia's service areas had seen 200% increases in the last ten years in their bills; which did not help LMI residents. He noted that if the need was there, then the County should take the lead and work with the Service Authority on a solution.

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There being no other persons wishing to be recognized, Mr. Saunders closed the public hearing.

In response to some of the questions raised, Mr. Carter noted that this was a competitive grant program that was annually funded at about \$14 Million to \$15 Million statewide. He added that not all of that was allocated to this particular program. He also noted that it was not an automatic award and the application would be reviewed by DHCD and the Governor's office.

Mr. Carter then noted that staff would have to explore the Utility Area as pointed out by Linda Russell. He added that Aqua Virginia may have to seek expansion of that. He also stated that Ms. Russell had more specific information on their facility's capacity and licensing for treatment which provided good clarification.

Mr. Saunders then noted that there was currently no Service Authority infrastructure in that area so the extension would have to be on the Aqua Virginia system. He noted he was not necessarily in favor of that; however there was not a choice in this instance.

Mr. Harvey stated that he disagreed with the comments that growth could not be stopped. He noted that Nellysford was in a sensitive area; where the wells were 10-20 feet deep and were hand dug. He added that the flood plain came up almost to the highway on Rt.151 and if these lines were put in, it created the potential for every homeowner there to sell their property for commercial use. He added that they had to take into account the people that have lived there for years. He noted that some businesses in the area were no different from residences; however if they started running water and sewer, businesses would come. He further stated that they had to start looking at the locals and consider whether or not the changes were going to impact them so that they no longer wanted to live in the area.

Mr. Harvey noted he did want to see growth in the County; however he thought there were other areas it could happen in; Colleen for example. He noted that he felt strongly that they had negatively impacted the Nellysford residents there now and businesses were closing in on everyone there. He then stated that with regards to Aqua Virginia; they should ask their current subscribers; who were not happy with them. He added that the valley system was sold because drastic expansion was needed and the sellers could not develop their two parcels without the line expanding down to Wild Wolf Brewery. He concluded by stating he did not want to do anything that would leave the County holding the bag.

Mr. Bruguiere noted that he shared some of Mr. Harvey's concerns but also felt an obligation to everyone in Nellysford. He noted that sewer problems have been there and the septic systems have contaminated the more shallow wells there. He added that the whole purpose of the grant was to help an existing business and those along the sewer line; and the intent was to help everyone. He noted that it was a grant and was also taxpayer money. He echoed Mr. Carter's comments that it was a competitive process and was not guaranteed; and that he felt they were obligated to try to help them out and he was in favor of it.

Mr. Hale then noted it was his understanding that the grant did not provide water service; and was strictly sewer.

Mr. Harvey then noted that the Service Authority would not run sewer lines without a water line. Ms. Brennan then questioned whether or not Aqua Virginia could run a water line with

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the sewer line and Mr. Carter noted they probably could; however the objective was to address Wild Wolf's need with wastewater capacity. It was noted that the proposed size of the pipe was 2.5 inches which would accommodate anyone along the 2,200 foot path. He added that it seemed reasonable to put a water pipe in at the same time. Ms. Brennan noted she was concerned that the pipe was correctly sized for the needs of the community and that Aqua Virginia was permitted enough to serve everyone. She added that she expected to get answers to the questions raised.

Mr. Harvey noted that a 2.5 inch small force main was enough. Mr. Saunders explained that the Wintergreen mains were 2 inches and if they were too big, they would not work. He added that the majority were in the 2-2.25 inch range. He further explained that grinder pumps grind the solids and liquid comes out. He noted that the gravity line at the Nellysford shopping center was one of last lines his company put in and he was very familiar with the system there. He added that underneath the shopping center was all river-jack and the water table was only a couple of feet down. He added that the development behind the shopping center was put in by him. He noted that there has never been a public system there; it has always been private, and there was no way to control a private company's rates unless the SCC came in. Mr. Saunders then noted he was in favor of businesses. Mr. Harvey added that private companies had to go through the SCC to set/change their rates.

Mr. Saunders then advised the public that no action was going to be taken, it was only an informational meeting to get input to establish eligibility, and he did not know if the project would be approved. Mr. Carter added that it would take at least sixty (60) days to conduct income surveys along the route and it could take DHCD ninety (90) days or longer to make a decision. He then noted that it was only within the last thirty (30) days, that DHCD had said it was okay for the County to begin the final eligibility process. Mr. Carter noted that the first public hearing was not project specific but was about CDBG funds and to take public comment on past use of funds by the County.

Mr. Harvey then stated that he thought the project could have an effect on other CDBG projects. Mr. Carter disagreed and noted that every project was evaluated on its own merits. He added that the County had at least five or more of these since he has worked here and the applications were compared against others.

Mr. Hale noted that the Board had heard a lot of opinions on this and questions were raised that they would like to have answers to also. He added that there were still gray areas and questions would be discussed further in a public forum in the future.

Mr. Saunders and members of the Board thanked the public for their attendance and comments.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board; however Board Directives were given as follows:

Mr. Harvey and Mr. Saunders had no Directives.

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Mr. Hale:

Mr. Hale questioned the new business license issued for the Inn at Blue Mountain Brewery and Mr. Carter noted the owners were moving and turning their former home into a bed and breakfast. He noted he would have to check to see if a special use permit was required.

Mr. Hale then inquired as to whether or not the County was still receiving litter control funds and Mr. Carter confirmed it was. Mr. Hale then inquired as to whether or not the County could help a landowner clean up their property that was used for a dump on Green Creek Road. He added he would like to suggest that if they cleaned it up, those funds could be used to defray their tipping fee costs at the transfer station. He noted that it was a benefit to all when people cleaned up their properties and he would like to explore this. Mr. Carter advised that using the litter control funds for that may depend on the grant criteria and he noted he would need the name of the property owner and the location.

Mr. Bruguere then noted he wanted to have another tire amnesty day to include large truck tires. Mr. Carter advised that it was hard for County staff to handle the larger tires which was why they were not included in the first amnesty. Mr. Bruguere noted it cost \$1,800 to do the last one and even if this one cost \$2,500 it needed to be done. Mr. Harvey noted that the larger truck tires tended to be commercial tires and Mr. Carter noted that the amnesty had been limited to residential use tires. He noted that the tires were recycled with a company outside of Lynchburg. Mr. Hale stated that if these were cleaned up it was better, period.

Mr. Bruguere then moved to have another tire amnesty day in January to accommodate larger truck tires up to 25 inches.

Mr. Harvey noted this could cost up to \$8 per tire and companies would have hundreds of them laying around to get rid of. It was noted that the County had limited the number per household last time. Mr. Bruguere suggested that the litter control grant money be used for this if it was eligible. Mr. Carter reiterated that staff would get overwhelmed with those tires and that those that had many laying around could be reported to DEQ for having an illegal junk pile. Mr. Hale noted he was in favor of this but not for large truck tires. Mr. Carter confirmed that out of county trash was prohibited at the transfer station.

At the Chairs request, Ms. McGarry re-read the motion on the floor and it was clarified that this was for Nelson County residents only and that out of county trash was prohibited at the transfer station.

There was no second of the motion and Mr. Saunders called for the vote. Supervisors voted (4-1) by roll call vote to disapprove the motion with Mr. Bruguere voting Yes.

Supervisors and staff briefly discussed the logistics of having a large truck tire amnesty day and even though the matter had been decided at present, they agreed by consensus to look into doing this in the future. Mr. Carter advised he would look into this to see what could be done.

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Ms. Brennan:

Ms. Brennan noted that she was disappointed that the School Resource Officer was not introduced earlier. Mr. Carter apologized and noted that it was the understanding of staff that Captain Ron Robertson would be there to make the introduction and he had not attended the afternoon session.

Ms. Brennan noted that she would like to see the Board request FERC to require a Programmatic Environmental Impact Statement for the Atlantic Coast Pipeline and that she would like to discuss this at the retreat.

Ms. Brennan noted she would like a time-line or chart for the Blue Ridge Tunnel progress. Mr. Saunders and Mr. Hale noted they would look into it.

V. Adjourn and Continue Until 8:30 am December 15, 2015 for the Board of Supervisors Retreat – Veritas Winery

At 8:50 PM, Mr. Hale moved to adjourn and continue the meeting until 8:30 am, December 15, 2015 for the Board of Supervisors retreat at Veritas Winery and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.