

February 9, 2016

Virginia:

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

Present: Constance Brennan, Central District Supervisor
Allen M. Hale, East District Supervisor – Vice Chair
Thomas H. Bruguiera, 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
Phillip D. Payne, IV, County Attorney

Absent: None

I. Call to Order

Mr. Hale called the meeting to order at 2:00 PM, with all Supervisors present to establish a quorum.

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

II. Ring Presentation – Nelson Senior FFA National 3rd Place Forestry Team

Mr. Hale presented rings to Brandy Campbell, Noah Fitzgerald, Colin Morris, Phillip Saunders, and Senior Advisor Ed McCann. Following the presentation, Phillip Saunders noted their appreciation to the Board for their continued support and the team distributed Louisville Slugger keychains to Supervisors and Staff. Phillip Saunders noted that these represented the Board being the key to their success. Mr. McCann then also thanked the Board for their support and reported that the team had been one point out of second place and Phillip Saunders had been nationally recognized as the second place individual in the Forestry Career Development Event and was a tenth of a point from first place.

III. Consent Agenda

Mr. Hale noted the consent agenda items for consideration and Ms. Brennan offered a correction to the spelling of a public speaker's name in the draft minutes presented; which was acknowledged by Ms. McGarry.

Mr. Hale then noted that the 2016 Big Read during the month of March at the Jefferson Madison Regional Library was "The Heart is a Lonely Hunter" by Carson McCullers.

February 9, 2016

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

A. Resolution – **R2016-05** Minutes for Approval

RESOLUTION R2016-05
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(January 12, 2016)

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

B. Resolution – **R2016-06** FY16 Budget Amendment

RESOLUTION R2016-06
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET
NELSON COUNTY, VA
February 9, 2016

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2015-2016 Budget be hereby amended as follows:

I. Transfer of Funds (General Fund)

A. General Fund (FY16 Employee Salary/Benefit Adjustment)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$6,667.00	4-100-091030-5616	4-100-012010-1001
\$397.00	4-100-091030-5616	4-100-012010-1002
\$801.00	4-100-091030-5616	4-100-012010-2002
\$702.00	4-100-091030-5616	4-100-012010-2005
\$77.00	4-100-091030-5616	4-100-012010-2006
<u>\$318.00</u>	4-100-091030-5616	4-100-012010-2008
\$8,962.00		
\$1,914.00	4-100-091030-5616	4-100-012090-1001
\$10,981.00	4-100-091030-5616	4-100-012090-2005
\$4.00	4-100-091030-5616	4-100-012090-2006
\$113.00	4-100-091030-5616	4-100-012090-2009
<u>\$2,313.00</u>	4-100-091030-5616	4-100-012090-2013
\$15,325.00		

February 9, 2016

\$4,268.00	4-100-091030-5616	4-100-012150-1001
\$831.00	4-100-091030-5616	4-100-012150-2001
\$384.00	4-100-091030-5616	4-100-012150-2002
<u>\$53.00</u>	4-100-091030-5616	4-100-012150-2006
\$5,536.00		

\$1,366.00	4-100-091030-5616	4-100-012180-1001
\$53.00	4-100-091030-5616	4-100-012180-2001
\$169.00	4-100-091030-5616	4-100-012180-2002
<u>\$15.00</u>	4-100-091030-5616	4-100-012180-2006
\$1,603.00		

\$1,482.00	4-100-091030-5616	4-100-013020-1001
\$330.00	4-100-091030-5616	4-100-013020-1003
\$263.00	4-100-091030-5616	4-100-013020-2001
\$184.00	4-100-091030-5616	4-100-013020-2002
<u>\$19.00</u>	4-100-091030-5616	4-100-013020-2006
\$2,278.00		

\$6,332.00	4-100-091030-5616	4-100-021060-1001
\$325.00	4-100-091030-5616	4-100-021060-1003
\$593.00	4-100-091030-5616	4-100-021060-2001
\$780.00	4-100-091030-5616	4-100-021060-2002
\$76.00	4-100-091030-5616	4-100-021060-2006
<u>\$90.00</u>	4-100-091030-5616	4-100-021060-2009
\$8,196.00		

\$6,636.00	4-100-091030-5616	4-100-022010-1001
\$511.00	4-100-091030-5616	4-100-022010-1003
\$640.00	4-100-091030-5616	4-100-022010-1006
\$205.00	4-100-091030-5616	4-100-022010-2001
\$818.00	4-100-091030-5616	4-100-022010-2002
<u>\$79.00</u>	4-100-091030-5616	4-100-022010-2006
\$8,889.00		

\$1,361.00	4-100-091030-5616	4-100-031020-1001
\$644.00	4-100-091030-5616	4-100-031020-1005
\$2,589.00	4-100-091030-5616	4-100-031020-1006
\$616.00	4-100-091030-5616	4-100-031020-1009
\$5,416.00	4-100-091030-5616	4-100-031020-2002
\$924.00	4-100-091030-5616	4-100-031020-2005
\$473.00	4-100-091030-5616	4-100-031020-2006
<u>\$3,910.00</u>	4-100-091030-5616	4-100-031020-7015
\$15,933.00		

February 9, 2016

\$8,248.00	4-100-091030-5616	4-100-032010-1001
\$3,955.00	4-100-091030-5616	4-100-032010-2002
\$100.00	4-100-091030-5616	4-100-032010-2006
\$20.00	4-100-091030-5616	4-100-032010-2009
<u>\$403.00</u>	4-100-091030-5616	4-100-032010-2013
\$12,726.00		

\$1,704.00	4-100-091030-5616	4-100-032030-1001
\$177.00	4-100-091030-5616	4-100-032030-2001
\$209.00	4-100-091030-5616	4-100-032030-2002
<u>\$357.00</u>	4-100-091030-5616	4-100-032030-2006
\$2,447.00		

\$2,016.00	4-100-091030-5616	4-100-035010-1001
\$965.00	4-100-091030-5616	4-100-035010-1003
\$228.00	4-100-091030-5616	4-100-035010-2001
\$24.00	4-100-091030-5616	4-100-035010-2006
<u>\$248.00</u>	4-100-091030-5616	4-100-035010-2013
\$3,481.00		

\$2,471.00	4-100-091030-5616	4-100-042030-1001
\$6,898.00	4-100-091030-5616	4-100-042030-1003
\$1,534.00	4-100-091030-5616	4-100-042030-1005
\$508.00	4-100-091030-5616	4-100-042030-2002
<u>\$50.00</u>	4-100-091030-5616	4-100-042030-2006
\$11,461.00		

\$5,999.00	4-100-091030-5616	4-100-043020-1001
\$1,000.00	4-100-091030-5616	4-100-043020-1002
\$740.00	4-100-091030-5616	4-100-043020-2002
<u>\$69.00</u>	4-100-091030-5616	4-100-043020-2006
\$7,808.00		

\$2,760.00	4-100-091030-5616	4-100-071020-1001
\$579.00	4-100-091030-5616	4-100-071020-2001
\$340.00	4-100-091030-5616	4-100-071020-2002
<u>\$37.00</u>	4-100-091030-5616	4-100-071020-2006
\$3,716.00		

\$2,665.00	4-100-091030-5616	4-100-081010-1001
\$4.00	4-100-091030-5616	4-100-081010-2001
\$334.00	4-100-091030-5616	4-100-081010-2002
<u>\$37.00</u>	4-100-091030-5616	4-100-081010-2006
\$3,040.00		

February 9, 2016

\$3,201.00	4-100-091030-5616	4-100-081020-1001
\$1,732.00	4-100-091030-5616	4-100-081020-1003
\$266.00	4-100-091030-5616	4-100-081020-2001
\$398.00	4-100-091030-5616	4-100-081020-2002
\$1,014.00	4-100-091030-5616	4-100-081020-2005
<u>\$44.00</u>	4-100-091030-5616	4-100-081020-2006
\$6,655.00		

\$118,056.00 Total Employee Salary/Benefit Transfer

B. General Fund (Other Transfers from Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$2,500.00	4-100-999000-9905	4-100-021020-3012
\$5,000.00	4-100-999000-9905	4-100-091030-5659
<u>\$34,850.00</u>	4-100-999000-9901	4-100-032030-3005

\$42,350.00 Total Other Transfers from Contingency

Total Transfers \$160,406.00

C. Resolution – **R2016-07** Jefferson Madison Regional Library-“The Big Read” 2016

**RESOLUTION R2016-07
NELSON COUNTY BOARD OF SUPERVISORS
JEFFERSON-MADISON REGIONAL LIBRARY’S THE BIG READ 2016
“THE HEART IS A LONELY HUNTER” BY CARSON MCCULLERS**

WHEREAS, The Big Read is designed to restore reading to the center of American culture and provides our citizens with the opportunity to read and discuss a single book within our community; and

WHEREAS, the Jefferson-Madison Regional Library invites all book lovers to participate in the Big Read that will be held throughout March 2016. The Library's goal is to encourage all residents of Central Virginia to read and discuss “The Heart is a Lonely Hunter” by Carson McCullers; and

WHEREAS, the novel tells a dramatic story of poverty and racism in a 1930s Georgia mill town, and explores themes such as isolation and deaf culture; and

WHEREAS, the Big Read is an initiative of the National Endowment for the Arts in partnership with Arts Midwest; and is supported by the Art and Jane Hess Fund of the Library Endowment;

NOW, THEREFORE, be it resolved by the Nelson County Board of Supervisors, that The Big Read be observed during March 2016 and all residents are encouraged to read “The Heart is a Lonely Hunter” by Carson McCullers during this time.

IV. Public Comments and Presentations

A. Public Comments

1. Charlie Wineberg, Ennis Mountain Rd., Afton

Mr. Wineberg first commended VDOT on the great job they did clearing his road. He then noted the Board’s wish contained in the Retreat minutes that more citizens would provide them input on the Route 151 Corridor and he noted he would oblige them. Lastly he noted his primary comments pertained to there being no alternatives to shooting a dog if it is menacing you on your property. He noted the County did not have any leash laws and citizens could be menaced on their own property if there was no law. He then advised of a person he knew of on Old Stoney Creek who could not go outside because he was afraid of the neighbor’s dog. He then noted that if one protects them self on their property by shooting the dog, they could be charged with animal cruelty. He added that the state laws did not side with the victims of animal aggression unless actually attacked and damaged by the dog. He then encouraged the Board to explore and enact an aggressive animal ordinance.

2. Eleanor Amidon, Afton

Ms. Amidon noted that she had found a paper entitled “NEPA and Independent Regulatory Agencies” and she read the following: “The National Environmental Policy Act of 1969 is the primary instrument for federal agencies to consider environmental impacts caused by the decisions that they make pursuant to their statutory authority. NEPA requires all agencies to “stop, look, and listen” prior to taking significant actions that could affect the human environment. She noted that Section 101(b) states “that it is the continuing responsibility of the federal government to use all practicable means, consistent with other essential considerations of national policy” to avoid environmental degradation, preserve historic, cultural, and natural resources and “promote the widest range of beneficial uses of the environment without undesirable and unintentional consequences.” Also, NEPA created the Council on Environmental Quality (CEQ), a division of the Executive Office of the President which coordinates the environmental efforts of federal agencies and other White House offices in the development of environmental policies and initiatives. NEPA assigns CEQ the task of overseeing the environmental impact assessment process of federal agencies ensuring that agencies meet their obligations under the Act. Further, CEQ mediates disputes from time to time between agencies regarding the adequacy of assessments of environmental impact.”

Ms. Amidon noted that an interesting thing stated in the paper was that FERC was involved in a lawsuit where the final rule required public utilities to have on file open access nondiscriminatory tariffs that contained minimum terms and conditions of non-discriminatory service. She noted that in this case, FERC had initially concluded that no Environmental Assessment (EA) or Environmental Impact Statement (EIS) was necessary

February 9, 2016

because it was Categorically Excluded. She noted that FERC eventually acquiesced to the commenters and EPA and prepared an EIS. She noted that she was bringing this to the Board's attention because there were a lot of gray areas when something reasonable was requested from FERC and they say no. She added that they did not have to take no for an answer and they could request the programmatic environmental impact statement be done over and over because they may acquiesce and do the right thing. She then implored the Board to support the Programmatic Environmental Impact Statement needed with all agencies they could think of.

3. Shelby Bruguere, Nellysford

Ms. Bruguere noted she wanted to make the Board aware of a couple of issues pertaining to items on the agenda. She noted the resolution authorizing a public hearing for amendments to the Zoning Ordinance for Bed & Breakfasts and Wayside Stands and Farmer's Markets. She advised that Harley Joseph of VDOT would like to come to the March 8th Board meeting to speak with the Board on these items and entrance requirements. She added that she thought it would be beneficial for the Board to hear what he had to say before making a decision on these and he wanted to employ continuity between Nelson and other surrounding counties. She then noted that in Albemarle County, the first thing done by each applicant was to include with their application, a letter from VDOT that the entrance has been approved. She noted that doing this would save time, money and energy and would take a lot off of the Planning and Zoning Director's plate.

Ms. Bruguere then noted that she had just found out about a Bed & Breakfast, Limited Residential Lodging Act that had just passed the House that allowed people by right to do an Air B&B in any zone. She noted the vote was 75-22 and it was on the way to the Senate. She added that if passed, it would invalidate a large portion of the proposed Bed & Breakfast Ordinance.

B. VDOT Report

Mr. Don Austin of VDOT reported the following:

- HB2 submittals have been scored and it appeared from the ratings and funding projections that two projects in Nelson would make the list. He noted these were the Colleen access management improvements and the right turn lane at Rte. 664 going up to Wintergreen. He added that the HSIP application was pulled because it was fully funded with other funds now. Mr. Austin noted that next the scoring would be validated and funding the projects would be looked at in the next few months.
- Updating the Secondary Six Year Plan (SSYP) would be upcoming and there was no other funding than usual. He then provided the list of 2015 priorities for the Rural Rustic program and noted that the first two had been completed. He noted that they had started on Wheelers Cove and it would be done over the summer. He then advised the Board that they could shift, add, or delete after that listing and any changes should be submitted to VDOT in March. Mr. Austin then advised that he

February 9, 2016

could get the Board information on roads that were not on the list if needed and that a minimum traffic county of fifty (50) vehicles per day would be necessary for the road to be eligible. He further clarified that they could start at #4 on the list to make changes since there was no funding placed on those. He noted that #6, Greenfield Road or Drive in Norwood was added last year because of its high maintenance issues.

Ms. Brennan then inquired as to which part of Wheelers Cove Road was referred to and Mr. Austin noted it was the upper or north end.

Supervisors then briefly discussed the great job that VDOT had done in plowing the roads in the last snowstorm and Mr. Harvey noted that the biggest help was that people stayed off of the roads so VDOT could work.

C. Presentation – FY15 Audit Report - Robinson, Farmer, Cox Associates

Mr. David Foley, of Robinson, Farmer, Cox, Associates addressed the Board and noted he was the Audit Manager for FY15 Audit of the County. He first thanked Debbie McCann and County staff for their excellent work and preparation for them for the audit. He noted it took a lot of advance work to prepare for the audit and the County did an excellent job in that and also during the field work when they were on site.

Mr. Foley explained that there were three (3) main pieces of the audit; the audited financial statements, the County's internal controls, and the County's compliance on major federal grant programs. He added that there were three (3) different reports communicating these audit results. He noted the first was the Independent Auditors Report which talked about the responsibility of the Auditors and how the audit is performed in accordance with Generally Accepted Accounting Principles (GAAP). He noted that their opinion on the financial statements was issued and the County received the cleanest one that could be given.

Mr. Foley then noted that the other two (2) were located in the compliance section. He noted the first of these was the report that covered Internal Controls; which he noted was clean as well with no deficiencies or material weakness. He reported that the third was located on page 122 and was the compliance report on major federal programs. He added that there were many different compliance requirements with federal grants and this report was also clean with no deficiencies or material weakness.

Mr. Foley then reported that there were no other items to be noted in their management letter and that they had issued a communication letter that was standard, with no issues dealing with management; where these would have to be disclosed if they existed. He noted there were also no uncorrected misstatements and it was a very clean audit.

Supervisors had no questions for Mr. Foley and Mr. Carter then thanked the RFCA team. He added that the County had a strong relationship with them and they have always provided staff with assistance throughout the year. He stated that they were the best independent accounting staff in the state for local governments.

February 9, 2016

Mr. Foley added that yes they did the annual field work; however they served as the County's auditors year round and were always available to help.

D. Presentation – Piedmont Virginia Community College, CY15 Annual Report

Mr. Hale announced that Dr. Frank Friedman, Piedmont Virginia Community College (PVCC) President would report to the Board and he then recognized Mr. Tom Proulx in attendance as the Nelson representative on the PVCC Board.

Dr. Friedman noted that Mr. Proulx was in his first term on the Board and hopefully would be with them for many years to come as he was a very active Board member.

Dr. Friedman then noted that enrollment was stable overall and also for Nelson County. He reported that the County had 275 enrolled; which was 4% of total enrollment. He added that 179 of these were taking at least one course online. He also reported that 47 students at Nelson County High School were taking dual enrollment courses. Dr. Friedman then noted that 7 of this year's High School graduates this May would also earn an Associate's Degree through the Early College Program at the same time as earning their High School Diploma.

Dr. Friedman then went on to report that their major emphasis right now was getting people to work and getting them the skills needed to get jobs. He noted that they had received a \$2 million dollar federal grant to work with low income people to get them into the education and training that led to jobs. He added that this was also an emphasis of the Governor as demonstrated by him budgeting the planning money for their next building on campus; the Advanced Technology Center. He noted that this building would expand these shorter term programs. Dr. Friedman stated that in the next year, they would plan the building and this would fiscally impact Nelson County since the seven localities served by the College would have to foot the site development costs for new buildings; which was spread over 4 years. He noted that in the past, localities contributed \$5,500 per year for this. He added that one year from now, they would request our share of the site development costs; which was proportional to enrollment. Dr. Friedman noted that the most recent science building cost \$9 million dollars and the new building was about double that. He assured the Board that they would try to keep costs to localities low.

Mr. Hale then opened the floor for questions from Supervisors.

Mr. Hale asked if the site for the new building had been selected yet and Dr. Friedman noted it had. He added that it was to go before the science building on the same side of the road as they were trying to keep the campus central by infilling.

Ms. Brennan inquired if they were still working to help train healthcare providers and Dr. Friedman noted they were. He added that they had another grant they were working on strictly for health careers. He noted that there were 180 people in entry level health careers,

February 9, 2016

including CNA, Pharmacy Tech, sterilization of instruments and rooms etc. He noted this would be for short term programs that would serve that population.

V. New Business/ Unfinished Business

A. Petition of Circuit Court for Writ of Election – Commonwealth Attorney Seat (R2016-08)

Mr. Hale noted that Anthony Martin, Commonwealth Attorney, had resigned as of March 1st and the petition of the Circuit Court for Writ of Election was needed for a special election to be held. He added that the proposed resolution called for it to be held with the November general election.

Mr. Bruguere asked if the Circuit Court Judge would appoint someone in the interim and it was noted that the Assistant Commonwealth Attorney, Jerry Gress had already been appointed as such.

Ms. Brennan noted the Code Section referenced applied to localities with a population threshold of less than 15,000 and she questioned its applicability since Nelson's population just exceeded 15,000. Mr. Carter noted that the recommendation was to go with a November 8th date to avoid any additional expense. He added that the population issue had been internally discussed; however Weldon Cooper's recent data showed Nelson at a population below 15,000 versus the older census data that showed it being over 15,000.

There being no further questions, Mr. Bruguere moved to approve resolution **R2016-08**, Petition of Circuit Court for Writ of Election, Commonwealth Attorney Seat and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2016-08
NELSON COUNTY BOARD OF SUPERVISORS
PETITION OF CIRCUIT COURT FOR WRIT OF ELECTION
COMMONWEALTH ATTORNEY SEAT**

WHEREAS, the serving Commonwealth's Attorney, Anthony Martin, has submitted his resignation effective March 1, 2016; and

WHEREAS, the next regularly scheduled election for the office of Commonwealth's Attorney is in 2019; and

WHEREAS, a special election to fill a vacancy in any constitutional office shall be held promptly pursuant to Virginia Code § 24.2-682; and,

WHEREAS, Virginia Code § 24.2-228.1 directs that the governing body of the county in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy.

February 9, 2016

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney be and hereby is directed to petition the Circuit Court of Nelson County requesting the issuance of a Writ of Special Election for Tuesday, November 8, 2016, to fill the unexpired term of the Commonwealth's Attorney's current term of office.

B. Proposed Amendments to County Code, Appendix A - Zoning "Bed & Breakfast" Uses (**R2016-09** Authorization for Public Hearing)

Mr. Padalino noted that it was possible these amendments could become moot based on General Assembly action. He added that direction to preempt the regulation was unwise and he noted that what had been crafted would be effective and an improvement over the current ordinance. He noted that he could only speak to what had been done to date and to the content of what had been forwarded to them from the Planning Commission.

Mr. Padalino noted that the existing Zoning Ordinance provisions for permitting and regulating "transient lodging" uses were problematic in multiple ways: they were unclear and somewhat contradictory; and they did not reflect or account for the current variety of lodging types that existed in Nelson County. After conferring on this matter multiple times over the course of 2015, County staff determined that the Planning Commission (PC) and Board of Supervisors should formally conduct a policy review of the existing provisions in the Zoning Ordinance in order to identify possible amendments. He noted that County staff believed a text amendment process could result in the following beneficial outcomes: it would ensure that provisions and regulations were appropriate for and reflective of the current economy, would ensure that provisions and regulations were clear, consistent, and reasonable, would minimize the amount of time and effort required of staff for interpreting and explaining the provisions and regulations which were contradictory, outdated, and otherwise insufficient, and would simplify and clarify the issues of property rights and permitting processes for local residents and businesses.

He then noted that the following steps had been taken in the review process:

August 11, 2015: BOS refers amendments to PC via BOS Resolution R2015-66

August 26: PC formally receives referred amendments and begins review

September 23 and October 28: PC continues review, proposes various modifications, and directs staff to advertise for a public hearing

November 18: PC conducts public hearing and requests three (3) month extension from BOS for continued review(s) prior to making recommendation to BOS

December 8: BOS grants requested three (3) month extension

December 16: PC continues review inclusive of additional proposed modifications

January 27, 2016: PC continues review and votes to formally recommend 12/28 draft of amendments

Mr. Padalino then advised that the following amendments were proposed. He noted that the definitions were amended to eliminate contradictions and to introduce new ones to represent what was currently occurring in the county.

Article 2: Definitions

Delete the following:

Boardinghouse, tourist home:

Tourist home:

Add the following:

Bed and Breakfast, Class A: A use composed of transient lodging provided by the resident occupants of a dwelling that is conducted within said dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than five (5) guest rooms in the aggregate, and having not more than twelve (12) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the class A bed and breakfast, provided that the dining and meeting rooms are accessory to the class A bed and breakfast use.

Bed and Breakfast, Class B: A use composed of transient lodging provided within a single family dwelling and/or one or more structures that are clearly subordinate and incidental to the single family dwelling, having not more than eight (8) guest rooms in the aggregate, and having not more than twenty-four (24) transient lodgers in the aggregate, and which also may include rooms for dining and for meetings for use by transient lodging guests of the bed and breakfast provided that the dining and meeting rooms are accessory to the bed and breakfast use.

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

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

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

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

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

Amend the following:

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

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

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

Home Occupation, class A: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and not more than one (1) person is employed, other than members of the family residing on the premises, such as the tailoring of garments, the preparation of food products for sale, and similar activities, beauty parlors, professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling or accessory building by the occupant.

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

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

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

Article 4: Agricultural District A-1

Amend as follows:

Section 4-1 Uses – Permitted by right.

4-1-3 Boardinghouse

4-1-30 Bed and Breakfast, Class A

4-1-31 Bed and Breakfast, Class B

4-1-32 Vacation House

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

4-1-10a Campground

Article 5: Residential District R-1

Amend as follows:

Section 5-1 Uses – Permitted by-right:

5-1-17 Bed and Breakfast, Class A

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

5-1-19 Vacation House, if the subject property contains more than one zoning classification with a majority portion of the subject property zoned Agricultural A-1.

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

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

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

Article 6: Residential District R-2

Amend as follows:

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

6-1-3a Boardinghouse

6-1-4a Bed and Breakfast, Class A

6-1-5a Vacation House

Article 7: Residential Planned Community District RPC

Amend as follows:

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

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

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

Article 8: Business District B-1

Amend as follows:

Section 8-1 Uses – Permitted by right:

8-1-25 Bed and Breakfast, Class A, if the subject property contains an existing non-conforming dwelling or has an approved Special Use Permit for dwelling units pursuant to 8-1-10a

8-1-26 Bed and Breakfast, Class B, if the subject property contains an existing non-conforming dwelling or has an approved Special Use Permit for dwelling units pursuant to 8-1-10a

February 9, 2016

8-1-27 Vacation House, if the subject property contains an existing non-conforming dwelling or has an approved Special Use Permit for dwelling units pursuant to 8-1-10a
Section 8-1-a Uses – Permitted by Special Use Permit only:
8-1-13a Campground

Article 8A: Business District B-2

Amend as follows:

Section 8A-1-a Uses – Permitted by Special Use Permit only:
8A-1-15 Hotel

Article 8B: Service Enterprise District SE-1

Amend as follows:

Section 8B-1 Uses – Permitted by right.

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

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

8B-1-14a Campground

The Board then had the following questions:

Mr. Bruguiere asked if a residence was changed to a vacation house, would they be subject to providing a site plan. Mr. Padalino noted that existing structures would not be subject to site plan requirements.

Mr. Hale then reiterated that the Board was not acting upon these proposed amendments; rather the consideration was authorizing a public hearing. He added that Supervisors could seek further clarification between now and the public hearing should it be authorized.

Mr. Hale then asked if the Home Occupation Classes changed. Mr. Padalino noted it would change and the phrase “rental of rooms to tourists” would be stricken. He added that the Class A and B were created to be cleaner and more clear. He also noted that the definition of Home Occupation removed B&B to a separate category and Mr. Hale clarified that there would now not be a Home Occupation where rooms were rented.

Ms. Brennan then asked if Mr. Padalino knew where the associated legislation was in the General Assembly and Mr. Padalino noted he was not tracking it. Ms. Brennan supposed they would know by the next meeting and Mr. Carter noted he had made note to check it and that staff did oppose the proposed legislation because it would take away lodging taxes.

Mr. Bruguiere noted he posed his first question because in the Vacation House definition, it referred to a site development plan. Mr. Padalino noted that he and the Planning Commission discussed this and thought it not necessary to call it out in the definition. He noted this was covered in Article 13 in the current ordinance and was recommended by the

February 9, 2016

Planning Commission. He added that it could be stricken and it would not do any harm; however they were reluctant to do so because they thought someone could build a large house that would be like a hotel to circumvent the ordinance. Mr. Bruguieri noted that if there was an existing structure, a site plan should not be needed and Mr. Padalino suggested that this could be clarified as only needed for new construction.

There being no further questions from the Board, Ms. Brennan moved to approve resolution **R2016-09**, Authorization for public hearing to amend the Code of Nelson County, Virginia Appendix A, Zoning Ordinance, Article 2-Definitions, Article 4 (A1), Article 5 (R1), Article 6 (R2), Article 7 (RPC), Article 8 (B1), Article 8A (B2), and Article 8B (SE1) to include “Bed and Breakfast Uses”.

Mr. Saunders seconded the motion and the Board had the following discussion:

Mr. Hale advised that the motion included holding the public hearing at the March 8th meeting at 7:00 PM to consider the matter. Mr. Harvey noted he did not see the need to rush on this or do anything until the State acted. He added it should be tabled until the Board knew what the State was doing. Ms. Brennan reiterated that the Board did not have to presently vote on it and Mr. Carter noted he would have to look to see if the proposed legislation encompassed everything there. He added that they may need to make changes to reflect the state code after the public hearing.

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

RESOLUTION R2016-09
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA
APPENDIX A, ZONING ORDINANCE, ARTICLE 2- DEFINITIONS, ARTICLE 4-
A-1, ARTICLE 5- R-1, ARTICLE 6-R-2, ARTICLE 7- RPC, ARTICLE 8- B-1,
ARTICLE 8A-B2, AND ARTICLE 8B-SE1 TO INCLUDE
“BED & BREAKFAST USES”

WHEREAS, the Planning Commission has completed its review, held a public hearing, and has made its recommendation to the Board of Supervisors regarding proposed amendments to the Code of Nelson County, Appendix A, Zoning Ordinance, to include “Bed and Breakfast Uses”,

NOW THEREFORE BE IT RESOLVED, that pursuant to §15.2-1427, §15.2-2204, and §15.2-2285 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Tuesday, March 8, 2016 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an ordinance proposed for passage to amend Appendix A, Zoning Ordinance, Articles 2, 4, 5, 6, 7, 8, 8A, and 8B to include items regarding “Bed and Breakfast Uses”.

February 9, 2016

C. Proposed Amendments to County Code, Appendix A – Zoning
“Wayside Stands and Farmers Markets” (R2016-10 Authorization for
Public Hearing)

Mr. Padalino noted that the Planning Commission and Board of Supervisors have undertaken a policy review of the Zoning Ordinance provisions for the retail sale of agricultural products at locations “off the farm.” He noted that this effort included the production of proposed text amendments, which were originally drafted to substantially revise and improve the existing “wayside stand” provision by creating new definitions and new application procedures; and establish a “farmers market” definition and corresponding land use regulations.

He noted that those proposed amendments were reviewed at a public hearing conducted by the Planning Commission on July 14, and at a public hearing conducted by the Board on October 13. He added that at the November 12 Board meeting, the Board directed Supervisor Bruguiera to convene a citizen’s working group to review the most recent version of the proposed amendments (dated November 5th), and to identify recommendations for improving those proposed text amendments. He noted that the citizen’s working group met on November 19, December 15, January 27, and February 5 and came up with the following recommendations:

Farmers Market:

Mr. Padalino noted that the proposed modifications to the amendments for “Farmers Market,” as proposed by the citizen’s working group, were intended to accomplish the following:

More flexibility: Create more economic opportunity for Farmers Market vendors by allowing a wider variety of products and items to be offered for sale, and by eliminating the requirement that the items being sold are principally cultivated, produced, processed, or created on the vendor’s farm.

Better balance: Create more flexibility for Farmers Market vendors, and establish an appropriate balance between:

- o Protecting the authenticity of what a Farmers Market is intended to be; and
- o Providing more economic opportunity for agricultural products to be made available to consumers, regardless of the origin of those ag products

Mr. Padalino added that this allowed the Nellysford Farmer’s Cooperative to have a producer only requirement; however this was decided on their own.

Mr. Padalino then noted that the proposed amendments would also modify the “wayside stand” provisions as follows:

February 9, 2016

- Bring clarity and consistency to the current provision (§4-11-2), which is extremely vague and which currently lacks any clear methods or criteria for applying for, reviewing, approving, or denying these types of administrative permits.
- Create two separate categories or classes for the “wayside stand” land use, determined by the type of road it would be located on or accessed from.

- o This would allow for proposed wayside stands to be applied for, reviewed, and approved more easily (administratively) if they are located on smaller roads; and

- o This would require applicants to go through the Special Use Permit process if a wayside stand is proposed for a location associated with greater potential risk(s) to public health, safety, and welfare (such as a location on roads with higher traffic counts, higher rates of speed, or other transportation factors which inherently create more concerns regarding public safety and land use changes).

- Eliminate the “temporary” nature of wayside stands (and specifically eliminate the proposed limitation to 5 consecutive days), and would instead allow for a wayside stand to be operated for any duration or frequency throughout any given week, month, or year.
- Eliminate the requirement that all products offered for sale must have been produced by the seller; and allow for the sale of products obtained from other producers.
- Provide for the operation of class A and class B wayside stands as a by-right use in all three business districts (B-1, B-2, and SE-1); currently, wayside stands are only permissible in Agricultural (A-1) District.

Mr. Padalino then noted that the citizen’s working group recommended the **newly proposed modifications** as follows:

Article 2: Definitions

Remove the following definition:

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

Add the following definitions:

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

February 9, 2016

merchandise, as long as the majority of products being offered for sale are, in the aggregate, comprised of agricultural or horticultural products.

Wayside Stand: Any use of land, vehicle(s), equipment, or facility(s) used by a single vendor for the off-farm sale or resale of agricultural and/or horticultural products, goods, and services, including value-added agricultural or horticultural products. Wayside Stands may include the sale or resale of accessory products, including arts, crafts, and/or farm-related merchandise, as long as the majority of products being offered for sale are, in the aggregate, comprised of agricultural or horticultural products. The majority of products being offered for sale by the Wayside Stand operator must have been cultivated, produced, processed, or created on an agricultural operation owned or controlled by the operator or operator's family. Wayside stands are a temporary (non-permanent) land use.

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

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

Article 4: Agricultural District (A-1)

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

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

4-11-2 Wayside Stands. Wayside Stand, Class A, which provides one (1) year of approval. An approved Class A Wayside Stand may be renewed annually; no renewal fee or site plan resubmission shall be required with any request for annual renewal unless the layout, configuration, operation, vehicular ingress/egress, and/or scale is substantially modified. No Class A Wayside Stand permit may be approved or renewed unless the Planning and Zoning Director reviews and approves the following operational details regarding the safety and appropriateness of the proposed Wayside Stand:

(i) Signed affidavit declaring that the majority of products offered for sale at the Wayside Stand are cultivated, produced, processed, or created on an agricultural operation owned or controlled by the operator or operator's family.

Delete: (ii) Proposed frequency and duration of Wayside Stand operations, which must be compliant with the following restrictions:

- a. may not exceed 5 consecutive days
- b. limited to a weekly maximum of 5 days per week total

Add: (ii) Location and type of proposed Wayside Stand equipment or facility:

- a. All Wayside Stand structures or facilities must be located outside of VDOT right-of-way
- b. All permanent Wayside Stand structures must comply with the required front yard setback areas of the applicable zoning district

(iii) Location and details of proposed signage:

- a. Maximum of one sign allowed, which may be double-sided
- b. Maximum of twelve (12) square feet of signage

(iv) Sketch site plan, including accurate locations and dimensions of:

- a. property boundaries and right-of-way
- b. proposed location of Wayside Stand equipment and/or facility(s)
- c. proposed signage
- d. proposed layout and provisions for safe vehicular ingress, egress, and parking
- e. lighting plan and lighting details (for any Wayside Stand request involving any proposed operation(s) after daylight hours)

(v) Review comments from Virginia Department of Transportation:

- a. VDOT review comments must include a formal “recommendation for approval” by VDOT before a Class A Wayside Stand permit can be approved by the Zoning Administrator

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

4-1-46a Wayside Stand, Class B

4-1-47a Farmers Market

Article 8: Business District (B-1)

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

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

8-1-26 Farmers Market

Article 8A: Business District (B-2)

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

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

8A-1-16 Farmers Market

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

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

February 9, 2016

8B-1-4 Farming Agricultural Operations
8B-1-25 Wayside Stand, Class A and B
8B-1-26 Farmers Market

Supervisors discussed the Wayside Stand classifications and Mr. Harvey noted he was not sure it made sense. Mr. Hale noted he thought it was appropriate to look at these when they were on a primary state highway. Mr. Padalino clarified that Special Use Permits were not required on secondary roads as they were not classified per VDOT. Mr. Padalino then noted the VDOT definitions of classified and non-classified noting that Minor and Major Collectors and Arterials would be functionally classified and Local and Secondary Roads were not classified. He noted that he could get more information on this if the Board deemed it important. He added that most busy roads would require an SUP because of the extra safety concerns.

Mr. Padalino was asked if he was able to not require an engineer to do the site plans for these and he noted that the working group looked at this in detail and he noted that for a Class A Wayside Stand, a sketch site plan was sufficient and a site plan done by an engineer was not needed. He advised that a Class B Wayside Stand did have that requirement as well as others. Mr. Bruguiera stated that he thought if the sight distance was appropriate then a gravel entrance done without an engineer should be acceptable. He added that they needed to get away from VDOT and use some of their rules and regulations as a wayside stand should not get that much traffic.

Mr. Hale clarified that they were discussing Class B wayside stands which did require a Special Use Permit. He noted that these were on an interstate or state primary highway and would be the same thing. He then asked if VDOT required this review on a commercial entrance. Mr. Padalino advised that it was not clear, however VDOT had required an entrance plan on a project last year. Mr. Bruguiera noted he did not see the difference between those selling on the Artisans Trail and those selling at wayside stands. Mr. Padalino noted he thought this was a good question and the Artisan Trail uses were treated as Home Occupations and these Wayside Stands were typically not.

Mr. Hale noted he was happy with the Farmers Market definition and he suggested they wait to see what VDOT had to say about entrances before acting on Wayside Stands. Mr. Bruguiera noted there was no push for these amendments as no one else had a Farmer's Market yet.

Mr. Carter then advised that per the County Attorney, Phil Payne, a public hearing was not required on this as one had already been conducted. He noted subsequent action included finalizing the language and drafting the ordinance.

Mr. Bruguiera again suggested that this matter be deferred until they heard from VDOT on the entrance requirements. He then asked for the Board's consensus to defer action on these recommendations, noting that he thought they were fairly sound and addressed issues that were lacking in the current ordinance.

February 9, 2016

Ms. Brennan then inquired of Mr. Padalino if there was a VDOT list of functional classifications. Mr. Padalino advised there was no list; however he could provide a map that showed which roads were functionally classified. Mr. Harvey noted this was based on traffic and if the traffic count was high, it would likely be a better road and everyone would want to be on a busy road for sales. Mr. Padalino noted he thought the process of analyzing this matter was good, the recommendations were solid and much less restrictive than originally introduced. Mr. Harvey then noted that staff has been trying to change the ordinance to suit specific conditions and he thought that weakened the ordinance. He added that they were accommodating ordinance violations by changing the rules and enforcement was greatly lacking.

Ms. Brennan noted she would like a better definition of site plan and what required a site plan. Mr. Hale countered that it was clear in the ordinance. Mr. Harvey added that they have had many problems with hand drawn site plans or sketches. He noted that he was all for the amendments; however he thought they were reactionary instead of being classified as planning. Mr. Padalino noted that it was an attempt to get ahead of it now since these issues had popped up in the last year.

Mr. Harvey then questioned whether or not the resident on Route 6 that puts out produce for sale, is a wayside stand and Mr. Bruguiera noted that there were different traffic patterns on Route 151 from Brent's Mountain to Route 250 and from Route 151 going south. Mr. Saunders then supposed it would be difficult to get the language perfect and Supervisors agreed by consensus to delay action until the next meeting. Supervisors then directed staff to invite Harley Joseph, the VDOT person who offered to come and speak to the entrance issues, to come and address the Board at the meeting.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: No major project issues to report. A change order was approved (\$6,960) to address several wastewater discharge lines and a sewer manhole that were located in the trench excavated for installation of the footer(s)/foundation for the small expansion of the Courthouse on the north side of the Clerk's office. County staff are coordinating with a vendor on state contracts to provide for total equipping (audio, video, recording, etc.) of the Circuit Courtroom. A contract has not yet been issued for this service but at a minimum the potential solution is in place and moving forward. The project is slightly behind schedule but Jamerson-Lewis staff anticipates getting back on schedule as the end of winter nears.

Mr. Carter referred to the noted meetings with the furniture vendor and Architectural Partners on finishes etc. and noted that the outcome of those meetings would be the creation of a board that would show colors etc. He added that the second meeting was because Judge Garrett could not meet during the first time slot.

February 9, 2016

Mr. Hale then asked what the anticipated expense was for the courtroom Audio/Visual equipment and Mr. Carter reported it was currently in the \$90,000 to \$100,000 range. He added that staff along with Judge Garrett was trying to decide what was wanted and required. He noted that to date, staff has been trying to get specifications and cannot seem to make it work. He added that staff has identified a state contract vendor who said they could do all of the work and they were proceeding on that. He noted that Judge Garrett was looking at other courtrooms he works in to see what was needed. Mr. Harvey noted it would be less expensive to do it now rather than upgrade five years down the road. Mr. Saunders advised that they were also looking at installing the infrastructure for things that could be added later. Mr. Carter noted the smart podium as an example of this.

2. Broadband: County staff (Department of Economic Development & Tourism, Maureen Kelley and Lisa Shannon with input from Administration, Finance & HR and Information Systems) have developed and are implementing a marketing plan/program for the local Broadband Network. The outline of the plan is attached hereto.

Phase 1 (Rt. 6/151 to Rt. 1511664) of the CDBG/County funded Fiber Network Expansion Project is in process with approximately 2 of 5.2 miles of conduit installed. The project's contractor, Computer Cabling & Technology Services, Inc., has indicated that Phase 1 may be completed by the end of February and that Phases 2 and 3, which are pending initiation, will be completed in April (these projections are, of course, dependent on weather and field conditions, as the project progresses). The Broadband Strategic Planning Project is also in process.

Blacksburg based Design Nine (Dr. Andrew Cohill) is the project's consulting firm. The initiative is multi-faceted, has an approximate 6 month schedule with a primary component being a network expansion and related financing plan.

Mr. Carter reported on the issue of the conduit being placed on a private property owner's property and the corrections that were done. He reported that fiber cuts had happened and hopefully that was over with. He reiterated that an outcome of the broadband planning process may be to put out an RFP for outside plant service as that has been a constant headache for staff and they were continuously dealing with issues. Mr. Harvey noted there was more to it than met the eye and Mr. Carter agreed and noted that in the area where there have been cuts, Verizon had two cables and it was very tight within the VDOT right of way. He noted that Wintergreen was not happy with the outages.

Mr. Hale then reported that he had met with Joe Lee McClellan prior to the snow storm; who had explained to him what they were doing and said that there was a stretch where he wanted to let the NCBA use his conduit and in exchange NCBA would let him use ours. Mr. Hale inquired if that was possible and Mr. Carter noted that staff had discussed that and the potential for Nelson Cable to pull fiber through the NCBA conduit. He noted that the issue was that the lateral extensions were owned by the NCBA and NCBA wanted NCC to use the County's network to serve their customers and not incur the capital costs. Mr. Hale noted that they should be open to discussing it and clearly seeing what he had in mind. Mr. Carter advised he would be happy to meet with them to discuss it. He added that Shentel had gotten

February 9, 2016

a contract with Amherst Schools and wanted to use the County's conduit to pull fiber through to get to their head end over on Route 64. He noted this needed to be evaluated and staff was open to these discussions if it would be advantageous to the network.

Mr. Carter then reported that Design Nine may come up in a couple of weeks and Mr. Hale noted he would like to participate in the meeting. He reported that staff has been providing them with GIS information etc. and the County was in really good hands. He noted that Mr. Cohill has been in business for 30 plus years and was a nationally recognized expert.

3. BR Tunnel: Work is continuing on completing by early May, 2016 all VDOT required submittals to enable a funding decision to then be made on allocating additional state funding for the overall completion of the project. If this effort is successful the project's Phase 2 (Tunnel Rehabilitation) and Phase 3 (Western Trail and Parking Area) would be consolidated into a single construction project that would likely be publicly bid in late 2016 or early 2017. It is noted that the project's consulting engineer, Woolpert, Inc., advised County staff on 2-4 of a change in the firm's project team. Woolpert's principal in charge of the project has assured County staff that the firm is committed to the project's successful completion, including meeting VDOT and DCR deadlines to meet requirements for funding currently in place and/or to secure the additional funding necessary to complete the project (as noted herein). VDOT staff (Lynchburg District) have been advised of the change in Woolpert's project team and have already provided assistance to enable the new project team to acclimate to the project as quickly as possible, as have County staff.

Mr. Carter advised that Mr. Pack was at the interviews for the project, was enthusiastic, and would come have a meeting with staff and the committee. He assured the Board that staff would stay in contact with them to move the project along.

4. Lovingson Health Care Center: A meeting with Harrisonburg based Valley Care Management is pending. County staff provided a response on 1-18 to initial question VCM had for discussion at the proposed meeting and have followed up with VCM again, as of 2-3, on scheduling the meeting but the company has not, to date, responded.

5. Radio Project (Also see Dept. of Information Systems Report): Documentation close out of the Radio Communications Project is pending but nearing completion. Evaluation of Digital Vehicular Repeaters for Rockfish, Montebello and Wintergreen is pending completion. Analysis of the ability to utilize Bear Den Mountain (located in Albemarle County) is in process. County staff are working with Augusta County staff on Augusta's requested use of Nelson's public safety tower located at Devils Knob; a final agreement is pending.

Mr. Carter noted that staff was moving things to closure and he hoped to report project close out next meeting.

6. CDBG Grant Application for Sewer Line Extension: See attached report.

February 9, 2016

Mr. Carter noted that the proposed project had become much more complicated than ever anticipated. He reported that staff meet with Aqua Virginia who provided answers to the follow up questions. He also noted that VDOT had introduced another consideration that the project could not just serve one customer if it were in the VDOT right of way and they would not issue a permit to just serve Wild Wolf. He added that Aqua Virginia would not facilitate the bid process and this would fall to the County as well as doing a preliminary engineering report.

Mr. Carter then advised that he had related all of this to Mary Wolf and she understood. He added that staff still wanted to speak with DHCD staff to see if the County would have to regroup and if they were amenable to a major budget revision to address these things.

Ms. Brennan asked if the Service Authority was involved at all and Mr. Carter noted they were not. He added that the for DHCD grant purposes, the service had to remain in effect for twenty years and Aqua Virginia's agreement allowed for this as long as Wild Wolf did not violate their loading regulations.

Ms. Brennan then asked if Wild Wolf could revisit the pump and haul solution and Mr. Carter noted that Ms. Wolf was working on an alternate solution.

Mr. Carter then reiterated that the proposed project was much more complex now than originally thought and this was related to Ms. Wolf. He added that he did not tell her that the County would not do it; however he cautioned her that it was highly complicated. He noted that staff needed to talk to DHCD to see if they had set aside funding for the project already and if so, where did things go from here.

Mr. Bruguiere noted that he would think Aqua Virginia would seek more business to make more money and Mr. Harvey noted they could only serve within their approved service area. Mr. Carter advised that Aqua Virginia said that they could serve Wild Wolf.

Mr. Saunders noted he was not sure he was in favor of continuing to look at this if it would only serve Wild Wolf.

Mr. Harvey noted his concern regarding the project if another draught in the area occurred because it would affect their discharge ability. Mr. Carter noted that this concern was raised with Aqua Virginia and they said it would not be an issue for them. He added that he thought there was a closer sewer system in Cedar Meadows that perhaps Ms. Wolf could tap into.

Mr. Hale noted that he has been opposed to the proposed project from the beginning, he thought it was doubtful that the CDBG grant funds would come through, and they should back out now and quit. Ms. Brennan noted her agreement and that the County had made an effort to help, however she thought they should not proceed.

Mr. Bruguiere noted he had been in favor of the project because his philosophy was that it would help a business and potentially other citizens there with contaminated wells. He

February 9, 2016

noted he thought this would have been a good opportunity; however it had gotten too complicated now with the requirements.

Mr. Carter assured the Board that there would be a 25% local match and the project was going to get more expensive.

Ms. Brennan inquired again about the possibility of a pump and haul solution and Mr. Carter noted that the Virginia Department of Health was not amenable to that as a long term solution. Mr. Harvey supposed they would reconsider if the sewer line extension solution did not work. Mr. Carter noted that an issue with that solution was that the County would have to be the permit holder and accept the liability and the Board had previously not wanted to do that.

Ms. Brennan noted that she would like to see what the other options were before making a decision on the CDBG option. Mr. Saunders agreed; however he noted he thought the grant application as it was should be abandoned.

Mr. Carter then recommended keeping the grant option on the table until staff was able to confer with DHCD. Mr. Hale disagreed noting that he thought the problem was the owner's responsibility and Ms. Brennan noted she thought they should try to help a business.

Following discussion, no action was taken by the Board.

7. FY 16-17 Budget: In process. A specific date for submitting the draft budget to the Board has not been presently determined.

8. Auction of Surplus Property: The auction of surplus property resulting from the current Courthouse Project was completed on January 30th and resulted in \$10,833.62 in net proceeds to the County.

Mr. Hale asked about the refurbishing of the Calohill building and Mr. Carter reported that Paul Truslow wanted to replace the siding around it and he was working on how to do that; including getting specifications from Architectural Partners to get quotes. He added that the roofing contractor quoted it and was high. He noted that the siding was rusted around the bottom and the insulation had deteriorated. Mr. Saunders noted that staff was checking on the cost to raise the door so the bucket truck could get inside and he had offered to help Mr. Truslow with this. Mr. Carter noted that staff was not stuck; however was getting mired down by procurement policies and rules. Ms. Brennan asked about the cost of doing all of that and Mr. Carter noted it was in the \$40,000 range. He added that he was not sure if local contractors did that kind of work and that no one else had responded to Mr. Truslow's inquiry. Mr. Carter noted that for work up to \$50,000, staff could get quotes. In response to questions, he noted there was no hazardous materials there.

9. Employee Recognition: Staff are endeavoring to provide for recognition by the Board of

February 9, 2016

Supervisors of recent retirees with long term tenures with Nelson County. An engraved plaque is proposed with a presentation ceremony to be conducted at either the March or April, 2016 regular (day) session.

Mr. Carter asked for direction from the Board on this and noted he was thinking about one standard plaque. Mr. Hale noted he had received a functional plaque with a clock in it from the Service Authority and added he thought for under ten years of service a paper recognition was appropriate and anything above that should be more substantial.

The Board and staff agreed that Mr. Carter and Mr. Hale would confer on this and there may be as many as eight retirees. Mr. Hale questioned whether or not these were retirees or not re-hires in the Sheriff's Department and it was noted that some did retire and some were not re-employed. Mr. Hale then clarified that this would be honoring retirees and not those who left positions for other reasons.

10. Department Reports: Included with the BOS agenda for the 1-12-16 meeting.
Attachments

2. Board Reports

Mr. Saunders reported the following:

- Attended a Courthouse Progress meeting.
- Attended a TJPDC meeting. Mr. Hale noted a bonus of being on the TJPDC Board was the opportunity to talk with other County Supervisors.
- Suggested that the Board take a tour of the courthouse renovations, possibly at the April meeting.

Ms. Brennan reported the following:

- Attended Department of Social Services Board meeting- fully staffed and moving along there.
- Attended Community Criminal Justice Board meeting and heard a review of the retreat there. Noted they were looking at grants and projects they could do and were working closely with the Jail Superintendent to gather data.
- Attended Crisis Intervention Team meeting and noted there would be a big meeting at PVCC for everyone in March including a person who specializes in communicating with body language. She added this was for public defender type folks.
- Attended Pipeline meetings in Lexington on the Mountain Valley Pipeline.

February 9, 2016

- Inquired about the LOCKN dates changing and Mr. Carter noted he had heard this; however had not seen it in writing. He noted it may be at the end of August before Labor Day but he did not know why for sure.

Mr. Harvey reported he did not go to the Service Authority meeting. Mr. Hale asked Mr. Robert McSwain in attendance if there was anything to report from there and he noted the Auditors reported that they had a good audit report.

Mr. Bruguiere reported that he attended the Planning Commission meeting and they would meet again on Special Events before the next regular meeting. He added that they had asked Maureen Kelley to get input from those affected on what they needed in the ordinance. He referenced the Hodsons, Devil's Backbone and LOCKN.

Mr. Hale reported the following:

- Attended a Blue Ridge Tunnel Foundation meeting, where they gave the approval to relocate the fence at the parking area for \$11,000. He added that they had over \$30,000 and now was a good opportunity to do it. He then noted that he would work with Paul Truslow on this and they were also working with Parks and Recreation, who would advertise some tours to visit the tunnel; with the first one being on April 9th.
- Is working with Emily Harper and Doug Coleman to come up with a strategic plan for the Sturt Property. He added that money was there if they could figure out how to use it.

B. Appointments

Ms. McGarry noted the following three Board vacancies; noting there were no interested applicants for the North District Seat on the Service Authority or the JABA Council on Aging and these would continue to be advertised. She advised that an application had been received from Gary W. Strong for the Central Seat of the Broadband Authority and he appeared to be well qualified. She stated that Mr. Strong was retired and was a Nellysford resident who had earned both a Bachelor's and Master's Degree in Electrical Engineering and a joint Doctorate Degree in Computer and Communication Sciences & Anthropology. Supervisors noted his volunteerism as well.

<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>	<u>Applicant (Order of Pref.)</u>
Nelson County Broadband Authority - Central	6/30/2017	4 Years/No Limit	Alan Patrick	N-Resigned	Gary W. Strong
Nelson County Service Authority - North	6/30/2018	4 Years/No Limit	Thomas Harvey	N	None
JABA Council on Aging	12/31/2015	2 Years/No Limit	David Holub	N	None

Ms. Brennan then moved to appoint Mr. Gary Strong for the Central District seat of the Broadband Authority and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

C. Correspondence

Mr. Hale noted receipt of a letter on the 100th Anniversary of the National Park Service and their plan to invite young people. He added that the County could have Parks and Recreation sign on to the website and set something up.

Mr. Bruguiere noted the thank you letter from Ted Hughes on the \$5,000 donation for the Blue Ridge Trail caboose restoration.

Mr. Carter then reported on the Region 2000 Service Authority; noting that a citizen group was being very proactive about the odors at the landfill. He noted that the Authority had just approved an odor abatement system there and were working on advertising for a long term gas management system that would further help the situation. He then explained that the landfill was way below the regulatory threshold to do this and they were not required to do it; however it was being driven by the citizens there. Mr. Carter then noted the County's opposition to payment of the host fee to Campbell County when it could be used to pay for those improvements. He added that his position was that the Member Use Agreement needed to be amended to provide for payment of the host fee and if this were done, Nelson Could veto it. He then noted that at the last meeting, the Authority Board had voted 3-1, with Nelson dissenting, to include this in the financial policy. Mr. Carter reiterated that a Citizen group and the Campbell Board of Supervisors were getting more involved. He reported that the consultant's report stated in its conclusions that when they went off site, the gases were measured at less than normal thresholds for the average person to be able to smell them. He added that the Campbell Administrator stated that their citizens were highly

February 9, 2016

above average. Mr. Carter then noted that he had questioned the odors coming from the cattle market, which was dismissed.

D. Directives

Mr. Bruguere and Mr. Harvey had no directives.

Ms. Brennan:

Ms. Brennan inquired as to how many Larkin property acres the County was trying to get. Mr. Carter noted it would be up to the Board; however the east side was approximately 667 acres and there were 300 plus acres on the west side. He noted there was an additional 50 acres on the southwest side of the High School area. He added that he would focus on the parcels from Lovington to the High School which was collectively about 1,000 acres.

Ms. Brennan noted it would be good to have another Wintergreen 2x2.

Ms. Brennan then thanked the 151 Group that picked up trash on Route 151.

Ms. Brennan inquired about the hazardous waste disposal date coming up in April and asked if staff could put this on the website. Mr. Carter noted it could be posted there and he noted the process of obtaining a voucher to be used on the disposal date.

Mr. Saunders:

Mr. Saunders pointed out that on the General Fund reports it appeared that the County has paid the County Attorney over half of the amount budgeted for the year.

Mr. Saunders noted he still took issue with the Residential Water and Wastewater connection fees; and he distributed a comparison of Nelson's with other localities. He added he was getting the rates on larger connections from the Service Authority. He reiterated that he thought Nelson's were too high and the Board should have a say so on these. Mr. Harvey and Mr. Carter noted that the County only had authority on the Lovington line and Piney River. Mr. Carter noted that the lowest metered connections were \$2,000 for water and sewer. Mr. Harvey then suggested that if a comparison was to be made then all of the customer base information should be considered. Mr. Bruguere noted he agreed they were out of line.

Mr. Carter then noted that the intent of the connection fee reimbursement to the County was to cover their debt. Mr. Harvey noted that the fees were tied to the debt issuances and were what was needed. Mr. Carter added that the Service Authority kept all fees except for the Lovington system.

Mr. Saunders noted that he thought that if they had lower fees, they would have more customers and more revenue. Mr. Harvey noted that the Board's hands were tied and they were trying to cover the costs of the expansions. Mr. Carter added that they had not covered one year's worth of debt service in connection fees returned to the County.

February 9, 2016

Mr. Bruguere noted that these costs did not include installation costs.

Mr. Hale noted that this issue was not that different than some of the Broadband issues and it was a question of how much the County wanted to subsidize a utility. Mr. Carter noted that the goal of the Broadband Authority was to be self-supporting and Mr. Hale noted that was also the goal of the Service Authority. He added that the connection fees that were kept every year were not that significant.

Mr. Saunders reiterated that he thought in order to get growth, the fees needed to be lowered. Ms. Brennan suggested that it was worth speaking to Maureen Kelley about.

Mr. Saunders noted he had been asked by an Amherst resident why the walking trail had not been extended west. Mr. Carter noted that in 1998, the Martins owned the 8 mile easement and it was the only thing the County had been able to purchase to date. He added that the County's goal was to find an outlet on the east side. He also noted that the deterrent to expand west was that the railroad easements were privately owned.

Mr. Hale:

Mr. Hale directed staff to call Josh McVey of 1562 Afton Mountain Rd. regarding fiber expansion at 804-869-2889. He then noted that he would like to see continued marketing efforts of the network. Mr. Carter advised that the marketing plan was in the packet and consisted of advertising in the NC Times, Blue Ridge Life etc.

Mr. Hale stated he wanted to see about establishing a solid waste committee to look at the solid waste situation and he would be willing to be on it. He noted that he had heard concerns regarding questions on how to deal with products that they had not gotten answers to. He added that there had been the recurring request from the Planning Department to have more staff and he added that it may behoove the County to have a full time Solid Waste and Recycling Coordinator and move all of Mr. Massie's hours to Planning and Zoning and look at the Solid Waste Ordinance. Mr. Bruguere indicated he could work on it in a couple of months.

Mr. Carter noted it would be helpful for staff to understand the issues and then they could be addressed. Mr. Harvey stated that this may just need to be a one on one conversation and Ms. Brennan stated that she thought there was a need for a committee to look at the issues and then they may decide there is no need for it. Mr. Carter noted his agreement with Mr. Harvey and reiterated that if they were made aware of the issues, then they could be addressed. Mr. Hale then noted that he had asked innumerable times what was done with fluorescent tubes and had not gotten a clear answer. Mr. Carter noted the answer was that residents, not businesses, could throw them away at the collection site and all of the attendants had been trained on that and it had been addressed months ago. Mr. Hale then noted that the County needed to improve efforts with respect to recycling.

Supervisors agreed that the Solid Waste Committee would be Mr. Hale and Mr. Bruguere.

February 9, 2016

Supervisors inquired about the progress on doing a truck tire amnesty day and Staff noted it had not been done because the Board directed not to do it yet.

Ms. Brennan's inquiry regarding the April hazardous waste disposal day was included under her directives.

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

At 5:20 PM, Mr. Harvey moved to continue the meeting until 7:00 PM and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

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

II. Public Comments

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

III. Public Hearings

A. Public Hearing – Special Use Permit #2015-18 – “Banquet Hall” / Mr. Armand Thieblot: Consideration of a Special Use Permit application made pursuant to Zoning Ordinance §4-1-4a (“banquet hall”). Specifically, the applicant wishes to “allow for subdivision of property to be used as a banquet hall”. The subject property is located in Schuyler at 1981 Salem Road; it is further identified as Tax Map Parcel #61-A-23 and is zoned Agricultural (A-1).

Mr. Padalino noted that the application was for a Special Use Permit made pursuant to Zoning Ordinance §4-1-4a (“banquet hall”). The requested SUP would allow for the renovation of an existing Quonset hut and its reuse as a space for educational exhibits, private events, and administrative facilities for a small number of staff. He added that the requested banquet hall use would be seasonal; it would not be continuously operated year-round. He then noted that the Minor Site Plan was prepared by Mr. Chris Sonne, PE, LEED AP, which portrayed the proposed configuration of all the site features, and which distinguished the existing site features and improvements from the proposed (additional) improvements.

Mr. Padalino then noted the location on a County map and its location within the Schuyler area; noting that the property was an approximately 440-acre parcel in Schuyler with frontage on Salem Road and also along the Rockfish River. He noted it

was further identified as Tax Map Parcel #61-A-23, which was zoned Agricultural (A-1) and which also contained General Floodplain overlay district (FP) in certain locations. Additionally, he noted the property was the site of an abandoned soapstone quarry and also a residential dwelling; and the property owner had declared the intent to formally divide a new 40-acre property for the “Quarry Gardens” (banquet hall and arboretum) out of the existing parcel of record. He added that currently, a large portion of the 440-acre parcel was held in a conservation easement.

Mr. Padalino read aloud the current definition of “banquet hall” as follows: “A facility for hosting public and/or private events, including, but not limited to, weddings, receptions, social events or parties, and/or workshops, which is used as a venue for social, cultural, recreational, and/or educational activities. Banquet halls do not include lodging accommodations”.

Mr. Padalino reiterated that they would renovate the existing Quonset hut for seasonal use from April through November and they estimated 1,000 visitors annually. Mr. Padalino explained that the Special Use Permit was initiated partly to remedy their non-compliance with the Zoning Ordinance since some of the site improvements were completed in 2015 without County review or approval. He noted that the applicants had been cooperative since they were notified of this. Mr. Padalino noted that they needed a Certificate of Occupancy for the Quonset hut and the land disturbance.

Mr. Padalino then noted the Site Plan Review comments from the staff report as follows:

VDOT: Mr. Jeff Kessler, Virginia Department of Transportation representative, provided written review comments on December 16th. Mr. Kessler’s initial review comments include the following:

– “Based on the size of the existing buildings (3,550 Sq. Ft.) and the proposed 20 parking spaces and one bus, an entrance design meeting VDOT’s Moderate Volume Commercial Entrance requirements will be needed. The Engineer, Chris Sonne, P.E., has presented such an entrance design, which he will need to verify [the following]:

- o that it will accommodate the turning movements for a bus as the design vehicle [and]

- o the location of the entrance must meet the minimum sight distance requirements (both stopping and intersection) for the existing speed limit. In this case, a 55 mph design speed for an unposted (statutory) speed limit. The measured intersection sight distance provided on plan sheet C2 does not [meet] the minimum requirements for this design speed, and no stopping sight distance was provided. If the applicant feels the actual travel speeds at the entrance are less than 55 mph, a speed study that is signed and sealed by a Professional Engineer may be considered to justify a lower design speed.”

February 9, 2016

Mr. Kessler also wrote that, as part of the site plan review which follows, he will provide more detailed comments regarding the design of the commercial entrance, VDOT Plan Notes, and VDOT's signature block and disclaimer.

Nelson County Building Official: Mr. David Thompson provided written review comments on December 9th. Because this project has already been partially constructed (including site preparation and grading as well as construction of some site features), Mr. Thompson noted the following requirements:

- “A Nelson County Land Disturbing Activity Permit application and permit issuance is required prior to development.”
- “An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction.”

And because this project involves the proposed reuse of an existing structure, inclusive of what the Building Official deems a “change in use,” Mr. Thompson noted the following:

- “Nelson County Building permits are required to authorize construction and a change of use for facilities, structures, and buildings regulated by the Uniform Statewide Building Code (USBC), unless specifically exempted.”
- “Existing agricultural buildings – No change of occupancy shall be made in any structure when the current USBC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation, or sanitation.
- “A certificate of occupancy from the Nelson County Inspections Department is required for a use other than agricultural.”

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District noted in writing on December 4th that a full Erosion & Sediment Control Plan is required. She also provided the following details:

- The E&SC Plan must include documentation of the total disturbed area (including previous areas of site disturbance as well as proposed / requested future areas of site disturbance). If the total disturbed area is over 1 acre, the applicants will need to apply for a Virginia Stormwater Management Program Permit.

o Note: On December 7th, the applicant stated in writing that the total area of disturbance does not exceed the one acre threshold, and as such the project is not subject to VSMP regulations.

- Because the construction of this project was started prior to obtaining County approval, Mrs. Sappington noted that “the E&SC controls are probably irrelevant at this point,” but also emphasized that “the stormwater computations for both E&SC & VSMP will need to include all previously disturbed areas.”

February 9, 2016

VDH: Mr. Tom Eick of the Nelson County Health Department attended the meeting and has since been in communication with the co-applicants. His main points of discussion/review were:

1.) The provision of drinking water (the applicants stated their intention to provide bottled water in lieu of installing and permitting a public well) and 2.) The proper disposal of waste. Regarding the latter issue, both the applicant and property owner state that the site is entirely Un-suitable for private septic systems: the entire site contains no sufficient soils, as the former quarry only has bedrock under the surface. Therefore, the applicants wish to install a permanent structure next to the existing building containing two bathrooms (one handicap accessible) which would be pumped out periodically. The co-applicants and VDH continue to coordinate on this proposed alternative solution for waste disposal.

Mr. Padalino added that the Health Department was working with the applicants on the two (2) issues raised: providing drinking water in bottles and proper disposal of waste. He noted that there were no soils on site, just bedrock so as a result, they were working with VDH on a privy permit. He added that there was an existing one for Wintergreen Adaptive Sports so this has been done in the County.

Mr. Padalino showed pictures of the quarry and then discussed the Department's review of Section 12-3-2 evaluation criteria. He noted that the review had determined that there would be no change to the character of the location, the project would be in harmony with the district and would not harm neighbors, if a privy permit were obtained and coordination continued with VDOT that the proposed facility would be adequately served by essential services and it would not result in the destruction of a feature of ecological or scenic importance, but rather would reuse and celebrate the old quarries and provide wildlife habitats.

Mr. Padalino noted therefore, the opinion of Staff was that the requested Special Use Permit, as detailed in the application materials for SUP #2015-18, seemed to be acceptable relative to all four evaluation criteria (above) – conditional upon the following:

- Appropriate resolution of issues related to safe and proper disposal of waste, which is an issue most directly managed by the Department of Health; and
- Appropriate resolution of issues related to commercial entrance location and design, which is an issue most directly managed by VDOT and typically resolved during final site plan process

Mr. Padalino added that if the applicants eventually obtained SUP approval from the Board, the issue of the commercial entrance would still need to be resolved and approved by VDOT for site plan approval, which was required before the applicants could obtain approvals from Building Inspections, including a change in Use Permit and Certificate of Occupancy.

He then noted in conclusion that the Planning Commission conducted a properly-advertised public hearing on January 27th and one member of the audience, a resident of Schuyler,

February 9, 2016

spoke in favor of the proposed project. He added that the Planning Commission then voted 5-0 to recommend approval of SUP #2015-18 to the Board of Supervisors.

Mr. Thieblot, the applicant was then invited to address the Board. He gave a PowerPoint slide show and narrated as follows:

Mr. Thieblot noted that “Banquet Hall” was the closest definition they could come up with. He explained that they had purchased the property in 1991 and had since added to it. He noted that they were separating out the 40 acres for the Quarry Garden project. Mr. Thieblot noted that the quarries were operated from 1955 to 1975 and had become the town dump thereafter. He noted that they had built roads around them for access and had begun cleaning them up, so they were more attractive now. He added that in 2013, they took a trip to Canada to some Gardens that were formerly an old cement quarry; however the gardens hid the quarry there. Mr. Thieblot noted that Land Planning and Design had done a master plan for them and they would use the old quarry access road into a parking area and then the walk was about 1 mile from the parking area around the North and South quarries and back.

Mr. Thieblot then noted that the acidity of the soil on site was high because of the soapstone dust content. He added that they had hired the services of a naturalist/geologist/botanist that did a survey of the area to establish native plant species. He noted that they had found 245 different ones that were cataloged. He further explained that their plan was that in Eco zones found they would intensify what was already there and in the Conservation Zones they would augment with native species introduced from surrounding areas. He added that they had already planted 10,000 plants and would put in 50,000 to 100,000 in the next year. He noted that many species of dragonflies and caterpillars were found as well as various bugs, leaches, and butterflies. He added that they found a smooth green snake; which was the only one recorded in Nelson County. Additionally, they came up with fourteen Eco zones and seven conservation areas that differed in geology and understrata.

Mr. Thieblot noted that they would have displays about soapstone throughout the project along with viewing platforms on the walking paths, natural rock staircases, and they had already installed two bridges on the paths. He noted that they intended to repurpose the Quonset hut as an administrative building and educational area with a gift shop; with the privy being outside of there with a covered walkway to it.

In conclusion, he noted they have a website and would be opening April 2017.

Supervisors had no questions and Mr. Hale opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Ms. Brennan noted her excitement about the project and that it was a wonderful addition for Nelson County.

February 9, 2016

Mr. Harvey then moved to approve SUP #2015-18 and Ms. Brennan seconded the motion.

Mr. Hale added that he had visited the property, there were many quarries in the county and he thought it was a great idea to turn what was a dump into an attractive feature. He added that Schuyler had struggled over the years and he thought this was a great thing.

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

IV.Presentation - American Cancer Society, Available Patient Services & NC Relay for Life (S. Blauch, Community Manager)

Ms. Susanna Blauch of the American Cancer Society addressed the Board and noted that the American Cancer Society was able to save lives. She noted that their programs and services were free of charge. She added that there had been a 20% decrease in the cancer death rate since 1991; she added that was 500 people per day.

Ms. Blauch noted that the organization helped people get well and stay well through offering the following programs:

- Information: An 800 hotline that people can call for information 24 hours a day, seven days a week.
- Clinical Trials Matching Service: Available through the hotline where patients can be matched with clinical trials even if they are out of area.
- Transportation: The “Road to Recovery Program” which provides free rides to and from cancer treatment.
- Lodging: The Hope Lodge program provides free overnight lodging throughout the U.S. and although there were not any in Virginia, they partnered with several hotels. She added that there were eighteen locations near hospitals that were free of charge or were available at very reduced rates.
- Appearance: The Look Good Feel Better program offers programs that help patients manage appearance related side effects in order to restore confidence.

Ms. Blauch further noted that the American Cancer Society is the second largest funder of cancer research behind the US Government, providing \$6 Million in research grants in Virginia with half at UVA. She noted that citizens could fight back through participating in the American Cancer Society Can network that works with legislators to increase funding and smoke free laws etc., and by participating in Relay for Life. She noted that this would be held on June 4th in Nelson County at the High School and that survivors would be honored and a reception held.

In conclusion, Ms. Blauch noted that roughly 5,000 in 15,000 people or one third, will be diagnosed with cancer in their lifetime. She encouraged all to reach out if they knew

February 9, 2016

someone who needed their services and she invited the Board to join Relay for Life in Nelson County.

Mr. Hale then reconfirmed the Nelson Relay for Life date as Saturday, June 4, 2016 and Ms. Blauch noted that this event would be marked by purple bows which represented the color of all cancers.

V. Other Business (As May Be Presented)

Introduced: Early College Program

Mr. Bruguiere referenced the information presented by Dr. Friedman of PVCC that there were seven (7) kids graduating from Nelson in spring with an Associate's Degree. He noted he would like for Mr. Carter to speak to Dr. Comer about tracking where these kids went after graduation as he would like to see what they did. Mr. Harvey commented that it saved the parents the money for two years of college.

VI. Adjournment

At 7:45 PM, Mr. Bruguiere moved to adjourn and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.