

January 10, 2017

Virginia:

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

Present: Allen M. Hale, East District Supervisor – Chair
Constance Brennan, Central District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor – Vice Chair
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Tim Padalino, Director of Planning and Zoning
Phillip D. Payne, IV, County Attorney

Absent: None

I. Call to Order

Mr. Hale called the meeting to order at 2:08 PM, with all Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Ms. Brennan led the pledge of Allegiance

II. Reorganization of the Board

Mr. Hale turned the meeting over to Mr. Carter for the conduct of the Board's annual reorganization as is required by law.

- A. Election of Chair

Mr. Carter opened the floor for nominations and Ms. Brennan nominated Mr. Harvey. Mr. Saunders seconded the nomination and there being no others, the nominations were closed.

Supervisors then voted (4-0-1) by roll call vote to approve the nomination with Mr. Harvey abstaining and Mr. Harvey was duly elected as Chair for 2017.

- B. Election and Appointment of Vice-Chair

Nominations were taken for Vice Chair and Mr. Hale nominated Mr. Bruguiera. Ms. Brennan seconded the nomination and there being no others, the nominations were closed.

January 10, 2017

Supervisors then voted (5-0) by roll call vote to approve the nomination and Mr. Bruguere was duly elected Vice Chair for 2017.

C. Resolution- **R2017-01** Annual Meeting of the Board

Mr. Hale moved to approve resolution **R2017-01** and noted that the resolution laid out the schedule of meetings which would be conducted during Calendar Year 2017. He added these would be held in the General District Courtroom located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. He added that the resolution also denoted some appointments for the calendar year 2017 and that Mr. Padalino would remain on the TJPDC Board until a replacement could be found. He advised that he and Ms. Brennan had switched their duties for the Piedmont Workforce Network Board and the Department of Social Services Board respectively.

Ms. Brennan seconded the motion and 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 R2017-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 10, 2017

WHEREAS, pursuant to the applicable provisions of §15.2-1416 of the Code of VA and Chapter 2, Article 2 of the Code of the County of Nelson, VA, the Nelson County Board of Supervisors conducts an annual organizational meeting at the Board's first meeting in January of each year; and,

WHEREAS, matters to be determined by the Board of Supervisors in addition to the appointment of a Chairman and Vice-Chairman include the establishment of a schedule of regular and, as applicable, special meetings, the establishment of rules of order, the establishment of (a) meeting agenda(s), and the establishment of Board appointments, including a Clerk and Deputy Clerk to the Board of Supervisors, a Zoning Administrator and a Hazardous Material Coordinator.

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors as follows:

Regular meetings of the Board of Supervisors shall be conducted during Calendar Year 2017 in the General District Courtroom located in the Nelson County Courthouse in Lovingston, VA on the second Tuesday of each month, beginning at 2:00 p.m., and reconvening thereafter at 7:00 p.m. Should the regular meetings fall on any legal holiday, the meeting

January 10, 2017

shall be held on the next following regular business day, without action of any kind by the Board; unless otherwise cancelled. Should the Chairman or Vice Chairman (if the Chairman is unable to act) find and declare that weather or other conditions are such that it is hazardous for members to attend regular meetings; the meeting(s) will be continued on the following Tuesday. Such finding shall be communicated to the members, staff, and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting(s) and no further advertisement is required.

Special meetings of the Board of Supervisors may be convened from time to time, as determined by the Board of Supervisors in accordance with the applicable provisions of the Code of VA and the Code of the County of Nelson, VA.

In accordance with the Code of the County of Nelson, VA, Robert's Rules of Order, shall be observed as the rules for conducting the business of the Board of Supervisors and the agenda for all meetings of the Board of Supervisors shall be established by the Clerk of the Board in consultation with the Chairman.

Board of Supervisors appointments for Calendar Year 2017 shall be as follows:

Thomas Jefferson Planning District Commission:	Larry Saunders
Thomas Jefferson Planning District Commission:	Tim Padalino
Director of Emergency Services:	Thomas D. Harvey
Emergency Services Coordinator:	Jaime O. Miller
Piedmont Workforce Network Council:	Constance Brennan
Clerk to the Nelson County Board of Supervisors:	Stephen A. Carter
Deputy Clerk to the Nelson County Board of Supervisors:	Candice W. McGarry
Zoning Administrator:	Tim Padalino
Hazardous Materials Coordinator:	Jaime O. Miller
Thomas Jefferson EMS Council:	Jaime O. Miller
Nelson County EMS Council:	Thomas D. Harvey
Thomas Jefferson Community Criminal Justice Board:	Constance Brennan
Nelson County Social Services Board:	Allen M. Hale
Nelson County Planning Commission:	Thomas H. Bruguiera, Jr.
Jefferson Area Disabilities Services Board:	Kelly Hughes

III. Consent Agenda

Mr. Hale moved to approve the consent agenda which included minutes for approval and a budget amendment. Ms. Brennan seconded the motion and 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 – **R2017-02** Minutes for Approval

January 10, 2017

**RESOLUTION R2017-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(December 13, 2016)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **December 13, 2016** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2017-03** FY17 Budget Amendment

**RESOLUTION R2017-03
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET
NELSON COUNTY, VA
January 10, 2017**

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

I. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$15,000.00	4-100-999000-9905	4-100-043020-3007

IV. Public Comments and Presentations

A. Public Comments

1. Victoria Jenkins, Afton

Ms. Jenkins noted that she was going to speak about the reuse shed at Rockfish and petition to keep it open. She thanked the Board for listening and acting on solutions.

She distributed and read aloud the following talking points:

“Today, I am speaking about the Re-Use shed at Rockfish, and about the petition to keep it open. I also wanted to let you know about my recent conversations with staff members at Faber, Shipman, and Massies Mill.

January 10, 2017

Before I start I would like to say, thank you to the Board Members for listening to, and acting on the suggestions from the community. The shed is still closed after a month, there are still issues to solve, but I'm hopeful that the Board will carry this plan out, and that a citizens group will be formed to help get it open again.

Currently the petition sits at 595 signatures. It was only active on Dec. 3rd and the 17th. During the two weeks in between those dates, it was on the counter top at Trager Brothers Coffee and at Treasure Chest. It was never canvassed throughout the county and no signatures were actively gathered since the board announced the shed was to re-open.

As I said in my recent letter to the editor; "I think the petition helped bring attention to the fact that all 4 Re-Use Sheds are about community, and a beloved part of Nelson County's Recycling Program".

I traveled around to the other 3 sites and spoke to all the attendants on duty. It was interesting to hear their stories and to see the wide variety of items in their sheds that would have been prohibited at the Rockfish shed.

Each of the attendants works solo, except for weekends at Rockfish. They seem to set their own rules and regs because there is very little supervision. One attendant said they had not seen their supervisor for several months.

So, I asked some questions:

- Do you think the sheds would function better if the rules were clear and enforced?
- Why, after many years, did the Rockfish shed get closed? What happened recently?
- Are the rules and regs about the shed written into your job description?

I got a clear picture from the staff that they felt unsupported and underpaid. There was also a recent letter sent out that threatened their job if they were caught in the shed. That has led to feelings of apathy, indifference, and a lack of interest for maintaining the sheds. They don't bother to tell people what they can or can't recycle because there is no back up, or no recourse. They do not want to deal with the public if the rules are unclear or have to confront someone who is not recycling.

I have witnessed many times at Rockfish, and now at the other sites, that some people still don't recycle at all. They drive up to the compactors and dump everything in, including cardboard, paper, plastic, and cans, even though the recycling bins are just steps away. The shed issues now seem like small potatoes compared to the volume of stuff that could be recycled, and is not being recycled.

All 4 recycling sites are amazing. They were very expensive to build and they take up a huge portion of the budget I think they all deserve to function well, to the best of their ability, including the Re-Use sheds. I think it's time to look at the whole system and to

January 10, 2017

educate the public and the staff for better, cost effective, economical, recycling. These are not just trash dumping sites. They were designed for recycling. Let's support that.”

2. Ernie Reed, Central District-Rainbow Ridge Rd.

Mr. Reed noted that FERC had released the Draft EIS and there was a ninety (90) day comment period ending April 6th. He noted he was requesting that the Board weigh in on the Draft EIS and create a response to it. He added that he worked with many groups who had submitted comments that were contained within the draft. He stated that there were many impacts and it would seem appropriate for the Board to submit comments on their behalf on those things. Mr. Reed advised that he would volunteer his services to assist with that in any way possible. He then noted that in relation to the Mountain Valley Pipeline, the Boards of Montgomery and Craig Counties submitted extensive comments on that. He then asked the Board to look kindly on his request and take advantage of his services.

3. Randy Rodgers, JABA

Mr. Rodgers advised that he was reporting on work recently done in Nelson County related to open enrollment for Medicare Part D-prescriptions. He noted that he was the Manager of insurance counseling and helped citizens with Medicare. He noted that he helped people look at their plans because they changed every year even though they may have the same plan name. He noted that if people did nothing, the plans rolled over and the subscriber got the revised plan whether or not it met their needs and he helped people find the best matched plan for them.

Mr. Rodgers then noted that he helped sixty-five (65) individuals in Nelson and saved them \$51,267 through medications and insurance plans. He then noted his concern about Nelson County residents because 28.9% were on Medicare; which was higher than the national average. Mr. Rodgers noted that JABA brought counselors to Nelson and held appointments free of charge. He noted this was done through a federally funded program that covered 45% of the costs to provide the services with other grants providing the rest. Mr. Rodgers then advised that JABA had helped 983 different people in Nelson last year and he noted that they were there to help and he encouraged them to ask for help if needed.

Mr. Hale then noted that he had not availed himself of this service and he did not understand a notice he had gotten saying what would be deducted for part D coming up. He noted this was a substantial increase and the explanation had to do with the State of Virginia. Mr. Rodgers explained that in order for them to have an increase, they had to have it approved by the Insurance Bureau of Virginia. He added that they would change the premium and the cost of drugs and it was not always transparent.

Mr. Rodgers also noted that JABA had conducted the counseling sessions out of Blue Ridge Medical Center, the Nelson Center, and RVCC at various times and they appreciated the help from the community. He noted that it was unfortunate that the Medicare Advantage

January 10, 2017

plans, which were the ones that people with lower incomes had to take, were reduced from two choices to one. He added that the one remaining was more expensive and that created problems. He added that this had created a loophole for JABA to help get them in a better situation; however they had to do it during open enrollment.

Mr. Hale noted he had gotten a call from the BRMC pharmacy saying that they offered free counseling and he asked if that was the same program. Mr. Rodgers advised that anyone could offer counseling and that BRMC had sent them several clients.

Ms. Brennan stated that more advanced notice was needed regarding the counseling program next year so it could be advertised on the County's website. Mr. Rodgers advised that they had gotten clients from DSS and the County etc. He noted that only about 10% of people looked at their plans for the next year and that the Washington Post reported that 80% of people were on the wrong plan for them.

B. VDOT Report

Mr. Don Austin of VDOT reported the following:

- Snow removal went well but the continued cold was causing issues.
- Contract was put out for sidewalk repair and they had met that day. He noted that the work would be advertised in March or April and would be done in summer. He added that the sidewalk repairs would be done when the weather broke.
- Traffic Engineers were reviewing the Roseland speed study which would take 60 days.
- New maintenance superintendent in Bryant - Kendall Davis. He noted that Heath Campbell was still the Supervisor there.

Mr. Austin then noted that they had gotten many comments regarding the road salting which was not normally done on secondary roads. He added that the same road treatment could not be expected with every storm since they were all different. He noted that their goal was for all roads to be passable within 48 hours after the storms end.

Mr. Austin then noted that he would like to work on the County's Secondary Six Year Plan in the next month or two. He advised that he would get information out to the Board and then would work towards having a public hearing in March or April on it. He noted that in the future, VDOT may be going to a two-year cycle versus updating this every year.

January 10, 2017

Supervisors had the following VDOT issues:

Mr. Saunders:

Mr. Saunders noted no issues in his area and commented that they had done a great job on roads with the storm in his area.

Ms. Brennan:

Ms. Brennan echoed Mr. Saunders sentiments and thanked VDOT for a job well done.

Mr. Bruguere:

Mr. Bruguere noted having no issues but asked for an updated unpaved roads list and priorities; Mr. Austin noted he would send out an updated list. Mr. Bruguere asked if they could do sections of roads and noted that part of Cow Hollow had been paved and there was a long stretch before the big ravine that they wanted paved. Mr. Austin noted he would check the traffic count there and they could discuss it.

Mr. Hale:

Mr. Hale then noted he was curious about the effectiveness of putting down brine in advance of storms and Mr. Austin advised it was effective; however they still had to treat the roads after that. He then noted that the brine was a salt residue that did not let snow bond to the pavement quite as easily and so it was easier to push.

Mr. Harvey:

Mr. Harvey advised that the downside to using brine was that garages were seeing a lot more cars coming in with the undercarriage being eaten up and the brake lines destroyed. He noted that they fixed 5-6 lines per month. Mr. Austin noted that the brine was a salt mist mixture and they had seen that too with their vehicles. He added that the brine did dry pretty quickly.

Mr. Harvey then noted that the road shoulders had not been touched and graders were needed. He noted that there were mounds between the highway and the ditch which created its own water path. Mr. Austin noted that they would cut as many as they could.

V. New Business/ Unfinished Business

A. Rockfish Solid Waste Collection Site Re-Use Shed

Mr. Hale and Ms. Brennan reported their findings as follows:

January 10, 2017

Mr. Hale noted that there had been a great deal of unhappiness about the closing of the reuse shed there. He reported that he and Ms. Brennan had met with the RVCC Director and the Manager of the thrift store there and they learned that RVCC was not interested or willing to operate the reuse shed themselves. He advised that beyond their staffing abilities, they could not do it; however they were keen on seeing it reopened.

Ms. Brennan then reported that they also looked at the site and it looked as if it could be possible to push the shed against the fence, which would give six (6) feet more room in front of it. She added that they had gotten mixed reports on traffic, noting that most of the time it was fine; however there was no way to guide people on which way to go. She also reported that there were currently four (4) clothing bins on the site. She then noted that it would be possible to reopen it and they could talk about a different schedule. She noted it was worth trying it and then a decision on what had to happen would not be necessary.

Mr. Hale also suggested shifting the shed back and as was suggested in a previous meeting, posting clearer regulations. He added that painted lines demarcating the lane to be used for reuse shed drop off was what they said would be discussed with the Board. Mr. Harvey noted that there were cones at the site plainly showing where to go and signs were posted on the doors. Ms. Brennan suggested that signs be put outside of the fence so that people saw them before they drove in. She added that they needed to discuss what the convenience center attendants' responsibilities were. Mr. Harvey stated that dealing with the reuse shed should not be one of them and they should be managed by the public.

Mr. Saunders referenced a citizen's email that he thought hit the nail on the head, when they stated that the reuse sheds were a liability to the County and workers were unhappy with dealing with them. He noted he agreed that they could be a real liability to the County.

Ms. Brennan noted she was surprised to hear about the person's complaint of having encountered a rude convenience center employee and she noted that was a concern. She questioned whether or not they have had sufficient training. She then asked if the County had any liability issues so far; none were noted and she stated that she was not too concerned about liability since there had been no issues so far.

Mr. Saunders then reiterated that the reuse shed at Rockfish was an advantage to the Treasure Chest, since they put stuff in the shed that they did not want; which was illegal as it was commercial trash.

Mr. Hale noted that people donated things that they could not sell and still had use. He noted that he was told that those were the things that they put in the reuse shed. He reiterated that this was not trash, but still usable goods.

Mr. Saunders noted the instance of his church having a sale and when they took the left over stuff to the convenience center, they were told they had to take it to the transfer station. Mr.

January 10, 2017

Harvey added that Mr. Saunders's church had the same experience with taking trash to the site from a church sponsored lunch for Emergency Services personnel.

Mr. Hale suggested that some common sense should be applied in these situations and Mr. Harvey noted that churches and fire departments were not allowed to use the reuse sheds. Mr. Hale then noted that it was their obligation to take things that were truly trash to the transfer station. He added that it would behoove the Board to have Mr. Carter see what he could work out in order to give it another try and to see what comes of it.

Mr. Harvey noted that his issue was that 99% of the objections to the closure had come from the Community Center; and they had charged everyone up over this. He reiterated that RVCC was not willing to help solve the problems and he thought as a Community Center they should help to solve the community problem.

Ms. Brennan then stated that it was a household trash site and recycling center and she was okay with the reuse shed keeping things out of the landfill. She added that she had no problem with the reuse shed as long as it was clearly marked. She noted that she thought they should try having it open again.

Mr. Harvey disagreed considering that their 500 people could not monitor the shed. Ms. Brennan noted she did not think they should be expected to sit out there when it was cold etc. Mr. Harvey stated he did not think the convenience center employees should have to deal with it and if it got out of hand, closing it would be the answer. He then inquired as to what the plan was.

Mr. Bruguere advised he had visited the Massies Mill site to observe what was in the shed and he noted that the same stuff was there for a week and the attendants cleaned it out and put the stuff in the compactor. He added that it was stuff that should not have been in there to begin with. He then referenced the other clothes bins and asked what the status was with Goodwill.

Mr. Carter noted that the contract was sent to Goodwill; however it had not come back yet. He noted they were to assume ownership, repaint the bins, and service them. Mr. Bruguere noted he thought people would recognize the Goodwill logo and use them. Mr. Carter advised that it was the valley Goodwill agencies that were receptive to servicing them.

Mr. Harvey noted his concern that clothes would mold in the current bins during wet conditions and Mr. Carter reiterated that the other company had gone out of business and had abandoned the bins. Ms. Brennan then asked if the clothes were for reuse or if they were sent overseas and Mr. Carter advised that he thought that previously the clothes were being sent somewhere outside of the Country.

January 10, 2017

Ms. Brennan then suggested that perhaps she and Mr. Hale should meet again, talk with staff, and come up with a plan to present to the Board. Mr. Saunders agreed noting the Board could not vote until they had a plan to consider.

Mr. Hale expressed his concern about having non-County staff working in County convenience centers and he thought it was a valid concern. He added he imagined there would be some problems with that. Mr. Harvey noted that the problems occurred when things escalated between the employees and the public. Ms. Brennan noted she did not want to put any undue pressure on employees.

Mr. Harvey then questioned if there was somewhere else that was available to move the shed to. Mr. Hale noted he strongly suggested that RVCC was the appropriate place to have it, since they had the space, people there had expressed interest in being volunteers, and his opinion was they would be okay with it for a while; however it would not last. Mr. Harvey noted he thought the community needed to get its priorities in order.

Mr. Carter then advised the Board that he used the site weekly and he would continue to observe the site. He noted that the attendants were more open to it being closed as they had indicated that operations were smoother without it. He added that he understood that it was widely used; and they just needed to figure out a way to reopen it; such that it was not such a menace to the attendants or to the public.

Mr. Harvey suggested that perhaps it needed to be shut down at certain times of the year; noting no problems at the other sites. Mr. Carter referenced an email complaint from a citizen that was about the Shipman site. He noted that Ms. McGarry had also spoken to the person on the phone and that staff had followed up with Grant Massie on the employee issue. He noted that Mr. Massie's knowledge of the situation was different from hers and those things happened. It was then noted that the County was not seeing an exodus of those from RVCC going to the other collection sites.

Mr. Saunders again noted that he thought people should recycle really good stuff to thrift stores and get the tax write off.

There being no other discussion on the matter, Mr. Harvey noted he looked forward to seeing Mr. Hale's and Ms. Brennan's report and no action was taken.

B. Work Session- Appendix A Zoning, Article 24, Temporary Events,
Festival Grounds, Out-of-Door Accessory Uses

Mr. Padalino noted that he had taken into account comments and questions from December and had made a reference sheet. He then distributed and reviewed the following:

"Temporary Events" in the RPC District:

- o The Ordinance should clarify what is exempt in the RPC and what is not (with respect to Events).
- o Based on BOS discussion during the 12/13 Work Session, possible modifications include:
 - *Add to Proposed Article 24-2-A ("Exempt Events") -*
(11) Temporary Events which are conducted entirely within the Residential Planned Community District (RPC).
 - *Add to Article 7-11 ("Special provisions.") -*
Temporary Events conducted wholly within the Residential Planned Community District (RPC) shall be exempt from Temporary Event Permit requirements. Temporary Events which involve event operations outside of the RPC District shall be required to comply with the Temporary Event Permit policies and procedures contained in Article 24.

Time limits for amplified music: (see proposed §24-2-B; 24-2-C-1; 24-2-E-3)

- o Comments were made during the 12/13 BOS Work Session about time limits. The current version of the proposed amendments would create the following time limits for amplified music/sound:

Type	Sun. night	Mon. night	Tues. night	Wed. night	Thurs. night	Fri. night	Sat. night
"Out-of-Door Accessory Uses"	9:00pm	9:00pm	9:00pm	9:00pm	9:00pm	10:00pm	10:00pm
Temp. Events, Cat. 1 or Cat. 2	11:00pm	11:00pm	11:00pm	11:00pm	11:59pm	1:00am next day	1:00am next day
Temp. Events, Cat. 3	11:00pm	11:00pm	11:00pm	11:00pm	11:59pm	1:00am next day	1:00am next day

Note: Time limits for "Cat.3Events" can be modified by the BOS in two ways: on an event-specific basis (see 24-2-E-3) or on a property-specific basis (during the "festival grounds" SUP review/approval process).

Mr. Padalino then reiterated that the Category 3 time-frames could be modified in the two ways noted above.

Mr. Saunders then asked if Category 3 events had a five year renewal period; would they have to come back in and pay a new fee. Mr. Padalino noted this would be an update to the permit and the Board would be able to update the limitations and tweak things unless the County felt they were in non-compliance. Mr. Carter noted that with a Special Use Permit being issued, if there were a violation of the conditions, staff would follow up and consult

January 10, 2017

with the permit holder; and if not rectified a notice of violation would be sent and the permit reconsidered by the Board.

Ms. Brennan asked if there was room for a variance to extend a festival for another day. Mr. Padalino advised that there was and this was within the parameters of administrative review. He noted this included setting the festival times (not amplified sound times), language that said how many events they could have in a year, and a provision for multiple events under one submission for a calendar year. He noted this would all be one review process and one fee etc.

It was noted that the Special Use Permit would be good forever with 5 year updates and the Temporary Event permit was good for the event unless it could be applied to multiple events in the calendar year. Mr. Padalino noted that this was currently done and he cited the mudbugs for example; noting there was one temporary event application for four to five of those events.

Mr. Harvey noted having read the Planning and Zoning departmental report where they had approved the Chamber of Commerce Christmas parade at Oak Ridge and were reviewing the 8th annual 5k walk at the High School and Middle School. He then asked how long these things had been happening and noted that he did not understand regulating everything that was happening.

Mr. Padalino agreed and noted it was hard for him to consider that the proposed ordinance was over-regulation and that he needed a clearer picture of how to handle these things.

Mr. Hale then referenced exempt events and asked if under the proposed Ordinance Mr. Harvey's examples would be exempt. Mr. Padalino agreed they would; however they would want VDOT involved if they were walking on the road at the High School/Middle School.

Mr. Harvey then questioned if a permit was always gotten when the roads were blocked off in Lovington and it was noted that one was obtained and Mr. Carter had to sign off on it with VDOT.

Mr. Harvey then stated that there were only a handful of events that impacted a large number of people. He then asked why the event promoter was not responsible for the vendor tax collection as he thought the permit holder should be responsible for that. Mr. Hale agreed and that they should put pressure on the event operators to do this; noting that it would be easier for vendors to deal with one person. Mr. Harvey agreed and noted that at LOCKN, every vendor had to go to a certain tent to close out each night and it should not be up to County officials to run everyone down. Mr. Carter noted he would have to consult with Phil Payne to see if that could be a condition imposed on a Special Use Permit.

Ms. Brennan then questioned whether or not it was known what the LOCKN revenues were and what the businesses actually made. It was noted that the Commissioner of Revenue may

January 10, 2017

be aware of that and Supervisors asked if she could require a bond or some other form of security related to this. Staff noted that the Commissioner had the authority to assess and collect the taxes or get a federal warrant. Mr. Harvey noted that she should not have to do that and the responsible party should be responsible.

Mr. Padalino then noted that the language provided regarding the RPC District was not in the actual draft Ordinance. He added that Mr. Payne had advised that RPC events were outside of the purview of the County's Zoning Ordinance it should be made clear therein.

Mr. Hale and Ms. Brennan noted that they thought adding the proposed language regarding RPC's covered it.

The potential overflow parking issue for RPC events was briefly discussed with Mr. Harvey asking if they would have to have a VDOT plan if they were just doing parking. Mr. Saunders noted that there was the potential to have a band, serve drinks etc. to entertain people while they were waiting and Mr. Harvey acknowledged there could be more to it than just parking.

Mr. Bruguire then asked about the applicability of the Ordinance to Intentional Communities. Mr. Padalino noted that was a use in A-1 and an Intentional Community could have a temporary event and would be subject to the ordinance.

Supervisors then agreed by Consensus to use the proposed RPC language.

Supervisors and Staff then discussed time limits as follows:

Staff noted that for some Special Use Permits; the Board could modify conditions. It was noted that Category 1 and 2 had the same provisions and Category 3 conditions would be addressed by the Board as part of the Special Use Permit process. It was noted that unless ordinance thresholds were exceeded; the applicant would not need temporary event permits for some types. It was noted for example, Farm Wineries and Agritourism activities had a threshold of 1,000 people and were otherwise exempt. It was also noted that weddings would be a social temporary event and would be exempt unless it reached a certain threshold.

Ms. Brennan questioned a distillery being an agritourism activity if they were not growing what they were using and Mr. Padalino advised that they would probably not get an agricultural exemption unless they were doing it; however there were no limits on this.

Mr. Hale then advised that the listed exemptions took care of practically everything.

Mr. Harvey then questioned how many events (out of door accessory uses) would stop at 10:00 pm on Friday and Saturday nights. Mr. Hale noted that if the event was exempt, then

January 10, 2017

they were not subject to those limits; to which Mr. Padalino noted to be correct in most cases.

Ms. Brennan then noted that the “out of door accessory uses” referred to operations like Blue Mountain Brewery and a band would have to stop at 9 pm. Mr. Padalino noted that the times may not be perfect; however they came from the Planning Commission. Mr. Carter asked if when Blue Mountain Brewery has a New Year’s Eve activity and the band was indoors, did these rules apply. Mr. Padalino noted they did not because that activity was indoors and the rules being discussed were for outdoors. Ms. Brennan then supposed that a time had to be picked and it likely would not please everyone. Mr. Harvey noted that Blue Mountain Brewery was closed down by 10:00 pm anyway.

Mr. Saunders then noted that LOCKN was not okay with the time limitations as written; however a Special Use Permit would take care of that at the Board’s discretion.

Ms. Brennan then indicated she was okay with everything that Mr. Padalino had suggested including the language regarding RPCs and the time limits.

Mr. Hale then asked if a motion could be made to adopt the ordinance including the latest changes and Mr. Payne advised that any additional language or sections could be included and numbered after the fact.

Mr. Padalino pointed out that the time limitations chart was nothing new and these restrictions were already in the Ordinance. Mr. Saunders then asked if the Board could change the ordinance if they adopted it as is and it was not working. Mr. Padalino and staff affirmed that it could.

Mr. Hale then moved to approve Ordinance **O2016-04** with the changes and additions as proposed on the memo from Mr. Tim Padalino dated 1/10/17 and Ms. Brennan seconded the motion.

Mr. Bruguiere then asked to revisit the two examples of events discussed earlier and he asked if the Christmas parade had to have a permit. Mr. Padalino noted they did and they had typically done it on Front Street and he was not sure if under the proposed Ordinance, it would be exempt or not. Mr. Payne advised that it would be if it were less than 500 people. It was noted that the parade was organized by the Chamber of Commerce and if they were a nonprofit, they could have up to 1,000 attendees and be exempt. Mr. Bruguiere then inquired about the Relay for Life event held at the High School and Mr. Payne advised that they were a nonprofit and the event was held on the sporting grounds of the High School and would be exempt. He added that the County would be involved if the event spread off site.

Mr. Saunders then affirmed the Board would have a chance to further modify things on a case by case basis through the Special Use Permit process.

January 10, 2017

There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting No. Mr. Hale then commended Mr. Padalino, Phil Payne, and Mr. Carter for their extensive work on the ordinance as they had spent a lot of time trying to make it work.

The following Ordinance including changes and additions was adopted:

ORDINANCE O2016-04
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA, APPENDIX A
ZONING, ARTICLE 24 TEMPORARY EVENTS, FESTIVAL GROUNDS, OUT-OF-
DOOR ACCESSORY USES, ARTICLE 2 DEFINITIONS, ARTICLE 4
AGRICULTURAL DISTRICT (A-1), ARTICLE 5 RESIDENTIAL DISTRICT (R-1),
ARTICLE 8 BUSINESS DISTRICT (B-1), ARTICLE 8A BUSINESS DISTRICT (B-2)
, AND ARTICLE 8B SERVICE ENTERPRISE DISTRICT (SE-1)
“TEMPORARY EVENT” USES

BE IT ORDAINED, by the Nelson County Board of Supervisors that Appendix A Zoning, Article 24, Temporary Events, Festival Grounds, Out-of-Door Accessory Uses; Article 2, Definitions; Article 4, Agricultural District (A-1); Article 5, Residential District (R-1); Article 8, Business District (B-1); Article 8A, Business District (B-2); and Article 8B, Service Enterprise District (SE-1) be amended as follows:

ARTICLE 24. TEMPORARY EVENTS, FESTIVAL GROUNDS, OUT-OF-DOOR
ACCESSORY USES

Statement of Intent

This Article provides regulations designed to address temporary uses in districts where such uses would not otherwise be permissible, establishes criteria for the approval or disapproval of such temporary uses, and provides requirements for the permitting and conduct of such uses. The Article also requires for the issuance of a Special Use Permit for properties where the intended use envisions large scale events, and provides for the regulation of out-of-door activities conducted as an accessory use to certain permitted commercial uses. The Article is not intended to regulate, and does not regulate, the traditional non-commercial use of property by its owners; such use is subject to other provisions of this Ordinance, the Noise Ordinance, and other applicable law.

24-1 Definitions

Agritourism Activity: any activity carried out on a farm or ranch engaged in bona fide Agricultural Operations that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and

attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Festival Grounds: The use of land for the hosting and operation of Category 3 Temporary Events, and the construction, erection, or other use of structures or other improvements (temporary or permanent) associated with Category 3 Temporary Events. The minimum acreage for a Festival Grounds is 250 acres. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage; if contiguous parcels are under different ownership or control, the owner or agent for each parcel must formally authorize the application for a Festival Grounds Special Use Permit.

Out-of-Door, Accessory Use: The following out-of-door activities are accessory uses to a Banquet Hall, Conference Center, Corporate Training Center, Restaurant, Brewery, and Distillery: receptions, dining, and entertainment, such as musical or other cultural performances, which (i) are conducted in connection with the primary permitted use, (ii) do not involve amplified sound later than 9:00 p.m. on Sundays through Thursdays or later than 10:00 p.m. on Fridays or Saturdays, and (iii) host no more than 500 attendees at any one time during the activity. Unless otherwise specified in (ii), all such accessory activities are limited to 10:00 p.m. on Sundays through Thursdays, and are limited to 11:00 p.m. on Fridays and Saturdays.

Temporary Event: The temporary use of property that is not otherwise a by-right use or use permitted by special or conditional use permit.

Temporary Event, Historical Property: An event such as historical reenactments, living history, home tours, or similar activities which are conducted in connection with a property of historical or natural value when there is either (i) no admission or (ii) a nominal admission dedicated to preservation, restoration, or charitable purposes.

Temporary Event, Non-Profit: An event conducted by local non-profit community service organizations such as fire departments, rescue squads, schools, fraternal organizations, faith-based organizations, or community centers.

Temporary Event, Social: A one day private social event, such as weddings, receptions, and reunions, which is conducted on property not zoned for commercial uses and not a farm winery or agritourism activity venue, which is not open to the general public, to which attendance does not exceed 300 people, and for which the landowner charges a fee for the use of his property.

24-2 Temporary Event Permits

A Temporary Event Permit is required for Temporary Events defined in this subsection as either Category 1, 2, or 3.

24-2-A Exempt Events

January 10, 2017

The following Temporary Events are exempt from Temporary Event Permit requirements and fees:

1. Private non-commercial functions conducted on the property of the host
2. Social Temporary Events where permitted by right
3. Historical Property Temporary Events
4. Non-Profit Temporary Events having or projecting no more than 500 attendees at any time during the event
5. Athletic and sporting events conducted on sites approved for such events
6. Political gatherings
7. Religious gatherings
8. Out-of-Door Accessory Uses
9. Farm winery activities that, by virtue of the number of attendees, size and location of property, or hours of conduct, do not cause any substantial impact(s) on the health, safety, or general welfare of the public.
10. Agritourism activities that, by virtue of the number of attendees, size and location of property, or hours of conduct, do not cause any substantial impact(s) on the health, safety, or general welfare of the public.
11. Temporary Events which are conducted entirely within the Residential Planned Community District (RPC).

24-2-B Temporary Event, Category 1

A Category 1 Temporary Event is any event which is neither an otherwise permitted use nor exempt and:

- (i) for which admission is charged or at which goods and services are sold, having or projecting no more than 500 attendees at any time during the event, or,
- (ii) Non-Profit Temporary Events having or projecting more than 500 attendees and less than 1,000 attendees at any time during the event, or,
- (iii) Farm winery activities or Agritourism activities which – by virtue of the number of attendees, size and location of property, or hours of conduct – cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting less than 1,000 attendees at any time during the event.

Each such event may not exceed a maximum duration of four (4) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 1 Temporary Event Requires a Temporary Event Permit.

24-2-C Temporary Event, Category 2

January 10, 2017

24-2-C-1 A Category 2 Temporary Event is any event which is neither an otherwise permitted use nor exempt:

- (i) for which admission is charged or at which goods and services are sold, and having or projecting more than 500 attendees but less than 10,000 attendees, or
- (ii) Non-Profit Temporary Events having or projecting more than 1,000 attendees but less than 10,000 attendees at any time during the event, or,
- (iii) Farm winery activities or Agritourism activities which by virtue of the number of attendees, size and location of property, or hours of conduct cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting more than 1,000 attendees but less than 10,000 attendees at any time during the event

Each such event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday or Sunday morning. A Category 2 Temporary Event Requires a Temporary Event Permit.

24-2-D Structures for Category 1 and 2 Temporary Events

The installation of temporary structures and facilities, such as tents and portable lavatories, is permissible in connection with approved Temporary Event Permits, subject to all applicable laws and regulations. All such temporary structures and facilities shall be lawfully removed within ten (10) days of the approved end date.

No new non-temporary structure(s) used for either Category 1 or 2 Temporary Event(s) shall be installed or constructed unless all required zoning permit approvals and building permit approvals are obtained, as may be applicable.

Existing non-temporary structures proposed for use for either Category 1 or 2 Temporary Event(s) (i) shall have been in existence on the date of adoption of this Article, provided that this requirement shall not apply to accessory structures less than 150 square feet in size, and (ii) shall be a lawful conforming properly permitted structure and shall support or have supported a lawful use of the property.

24-2-E Temporary Event, Category 3

24-2-E-1 A Category 3 Temporary Event is any event having or projecting more than 10,000 attendees and requires a Special Use Permit for Festival Grounds land use to be obtained pursuant to Article 12, Section 3 “Special Use Permits” and Article 13 “Site Development Plan” and also a Temporary Event Permit. The erection of non-

temporary structures and/or the installation of permanent infrastructure used in connection with Category 3 Temporary Events is permissible in connection with a Festival Grounds Special Use Permit, and subject to all other required zoning permit approvals and building permit approvals, including but not limited to Zoning Ordinance Article 13 “Site Development Plan.”

24-2-E-2 A Festival Grounds Special Use Permit shall be automatically reviewed at a public hearing conducted by the Board of Supervisors every five (5) years after the initial issuance, after which hearing the Board may revoke or modify the terms and conditions of the Special Use Permit in accordance with Article 12, Section 3 “Special Use Permits.”

24-2-E-3 A Category 3 Temporary Event may not exceed a maximum duration of six (6) consecutive days open to the attending public, inclusive of an arrival day and a departure day. Amplified sound is not permitted after 11:00 p.m. on any Sunday, Monday, Tuesday, or Wednesday night; nor after 11:59 p.m. on any Thursday night; nor after 1:00 a.m. on any Saturday and Sunday morning. Without limiting the general authority of the Board of Supervisors under Article 12, the Board of Supervisors may impose additional conditions or further modify the number of events, days, and times in granting a Special Use Permit for Festival Grounds land use.

24-2-F For the purposes of this Article 24, “applicant” includes the members of an applicant’s immediate family or an affiliated business entity relationship. An affiliated business entity relationship exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

24-3 Issuance of Temporary Event Permits

24-3-A The Planning and Zoning Director shall evaluate Temporary Event Permit applications to determine if any substantial impacts to public health, safety, or welfare would be reasonably likely to occur, due to the proposed event’s operational details such as location, size, or number of attendees; frequency of events; or hours of conduct.

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

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

24-3-B In issuing the permit, the Planning and Zoning Director, may, after consideration of the foregoing factors, modify the terms of approval as may be necessary to protect the health, safety and welfare of attendees and residents of the County.

24-3-C The Director may issue a single Temporary Event Permit for more than one Temporary Event if he determines that each Temporary Event is substantially similar in nature and size and that a single set of conditions would apply to each Temporary Event.

24-3-D A Temporary Event Permit application requires the following submissions to be considered a completed application:

1. Temporary Event Permit application signed by the property owner(s) and the event promoter or sponsor, who shall collectively constitute the "Applicant";
2. Temporary Event Permit application fee, as follows:
 - a. Category 1 Temporary Event Permit application = \$100
 - b. Category 2 Temporary Event Permit application = \$500
 - c. Category 3 Temporary Event Permit application = \$2,500

3. Site Plan, drawn to scale and containing all necessary dimensions, annotation, and other details regarding event layout and event operations; except that Category 3 Temporary Event Permit applications require a Site Plan to be prepared in accordance with Article 13 “Site Development Plan” and Article 24-2-E-1 and submitted with the Festival Grounds Special Use Permit application in accordance with Article 12, Section 3 “Special Use Permits.”
4. Transportation Plan, containing all necessary details regarding vehicular arrival, departure, informational signage, and on-site circulation (as applicable);
5. Safety Plan, containing all necessary details regarding emergency preparedness and emergency response plans, emergency services, medical services, law enforcement and security services, and similar details necessary for ensuring the safety of attendees and the general public; and
6. Any other event information deemed necessary by the Director of Planning and Zoning.

24-3-E After formal approval of a Temporary Event Permit, and in the event of unforeseen circumstances outside of the event promoter’s control or causation, the Planning & Zoning Director has the authority to formally approve modifications to the Temporary Event Permit and/or the various event plans specified in the preceding subsection, in consultation with the applicable law enforcement and regulatory agencies and with the event promoter(s).

In addition to the proposed introduction of Article 24 (above), the following amendments are also proposed for existing Articles:

Article 2. Definitions

Modify the following:

Community Center: A building and grounds used for recreation, social, educational, health, or cultural activities open to the public or a portion of the public, owned and operated by a public or private non-profit group or agency. The activities may involve leasing of space for the sale of goods and services, offices, and Temporary Events in conjunction with Article 24 of this ordinance and subject to applicable zoning district regulations. The sale of goods and services may be carried on a for-profit basis or for charitable non-profit purposes by the owner or the owner’s approved lessee or licensee. Community Center uses, structures, and activities are subject to site plan approval. Signage conveying information about permissible Temporary Events and/or a permitted Outdoor Entertainment Venue is permissible, subject to applicable regulations and approval requirements contained elsewhere in this Ordinance. There can be no other exterior indication of non-temporary commercial activities at the center, such as outside storage, sales area, or signage, except for a principal sign identifying the center, a single changeable letter sign, and additional small wayfinding and directional signs which may include identification of tenants.

Add the following:

Outdoor Entertainment Venue: The non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Temporary Events, Exempt Events, or other entertainment activities for cultural, artistic, social, or recreational purposes.

Article 4. Agricultural District (A-1)

Remove the following:

~~4-11-3 Temporary events not otherwise permitted use may be allowed pursuant to a Special Events Permit for a specified time period. The application for such a permit shall be submitted on a form provided by the Planning Director. The Planning Director may issue the permit upon his determination that: (i) all regulations of other agencies are satisfied; (ii) the use of the Special Events Permit is not for a purpose of circumventing other provisions of this ordinance. Additionally, the Zoning Administrator may attach specific conditions necessary to minimize the potential adverse impact on the surrounding area or general public. A Special Events Permit may include more than one event within a specified time period.~~

Add the following:

4-1 Uses – Permitted by right:

- 4-1-33 Agritourism Activity
- 4-1-34 Social Temporary Event, provided that there are no more than twelve such events in a calendar year and that the event complies with the County Noise Ordinance
- 4-1-35 Category 1 Temporary Event
- 4-1-36 Category 2 Temporary Event
- 4-1-37 Category 3 Temporary Event in connection with a Festival Grounds Special Use Permit

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

- 4-1-49a Festival Grounds
- 4-1-50a Social Temporary Event, in excess of twelve such events in a calendar year and provided that the event complies with the County Noise Ordinance
- 4-1-51a Outdoor Entertainment Venue

Article 5. Residential District (R-1)

Modify the following:

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

- 5-1-6a Outdoor Entertainment Venue in connection with a permissible public or semi-public use pursuant to 5-1-4

Article 7. Residential Planned Community District (RPC)

Modify the following:

7-11 Special Provisions:

The provisions hereof shall not be limited by any provisions of any other part of the Nelson County Zoning or Subdivision Regulations herewith.

Temporary Events conducted wholly within the Residential Planned Community District (RPC) shall be exempt from Temporary Event Permit requirements.

Temporary Events which involve event operations outside of the RPC District shall be required to comply with the Temporary Event Permit policies and procedures contained in Article 24.

If following the establishment of a Residential Planned Community, a Final Plan shall be submitted to the Planning Commission as hereinbefore provided, such Final Plan shall be deemed approved by the Planning Commission if no action has been taken by the Planning Commission within sixty (60) days after such submission.

Article 8. Business District (B-1)

Add the following:

8-1 Uses – Permitted by right:

8-1-30 Category 1 Temporary Event

8-1-31 Category 2 Temporary Event

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

8-1-14a Outdoor Entertainment Venue

Article 8A. Business District (B-2)

Add the following:

8A-1 Uses – Permitted by right:

8A-1-17 Category 1 Temporary Event

8A-1-18 Category 2 Temporary Event

Modify the following:

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

8A-1-8a Outdoor Entertainment Venue

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

Add the following:

8B-1 – Uses – Permitted by right:

8B-1-27 Category 1 Temporary Event

8B-1-28 Category 2 Temporary Event

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

8B-1-15a Outdoor Entertainment Venue

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

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Jamerson-Lewis is continuing its progress towards the project's substantial completion date of 5-27-17 and final completion on 6-23-17.

Mr. Carter reported that there may be a budget amendment for monies not spent last year on the project that would be spent this year. He added that funds may need to be added to the project for change orders and Architectural fees. He noted that there was roughly \$80,000 in the project contingency and there was eight months left to go. He advised that the Architectural services contract had expired and the County was negotiating to continue their services. He added that Architectural Partners has been really good and both they and the contractor had been great to work with.

2. Broadband: Closeout of the network expansion project with VA-DHCD is scheduled for 1-6-17. A final broadband project report and network expansion plan is to be received from Design Nine on 1-7 and will be distributed to the Board and NCBA upon receipt. The NCBA will conduct a public hearing at 6 p.m. on 1-10 on proposed revisions to the networks rate schedule. The network's customer base is continuing to grow. An updated count will be reported on 1-10.

Mr. Carter reported that staff had issued the RFP for Network Operations that week. He noted it was advertised and sent directly to five (5) companies including Ting.

Mr. Hale then inquired as to the cost of Design Nine and Mr. Carter noted that the total cost was \$37,000 and had not been reached yet. He added that he thought the County had gotten

January 10, 2017

its monies worth. He noted that Design Nine may propose on the RFP and they would provide further guidance. He added that the challenge was that staff was growing and expanding its knowledge and Dr. Cohill had been very helpful.

Mr. Carter then noted for Ms. Brennan's benefit the number of current connections discussed during the Broadband Authority meeting and noted Ms. Denise Tousseau being a spark plug in getting the neighborhood connections. Mr. Harvey then noted hesitation about giving the ISPs the list of potential customers; however it was noted that was what typically happened. The ISPs got the list and whoever was most proactive got the customers. Mr. Carter added he would not worry too much about it after that.

Mr. Carter reported that the response from Adam Eisner of Ting on their status in the County was that they did not want to leave Nelson; however they did not plan to have a focus here until this time next year. He added that the local ISPs had been very proactive in providing services in the county; especially Mr. Stewart.

Mr. Harvey then added that the Shannon Farm drops were now being installed and he noted they had one key player there in getting it done.

Mr. Carter noted that the Authority needed an individual to help spearhead all of this and Mr. Harvey noted that Mr. Stewart was now in the fiber business and was getting 80% of the new connections.

In response to questions, Mr. Carter noted he was not sure if CVEC had gotten any responses to their RFP. He noted that the County had proposed to do Nelson only; however they were not amenable to doing that at this time.

Mr. Harvey briefly suggested that they could deal with connecting the Food Lion shopping center in the same way as they had neighborhoods and it would take an afternoon.

3. BR Tunnel Project: County, Woolpert and VDOT staff (Sharon White) are working towards project approval (i.e. construction plans and specifications, inclusive of state/federal requirement i.e. Build America, Disadvantaged Business Enterprise, etc.). Final VDOT comments and/or submittals (to be) completed by 1-10.

Mr. Carter noted that Woolpert had posted, what was hoped to be the final set of plans and specifications to their ftp site and have worked through all of VDOT's comments. Supervisors asked for the estimate of costs and Mr. Carter noted that the estimate was below available funding and Sharon White had made revisions to the budget to retain all of the funding.

Mr. Hale and Mr. Saunders requested that the latest cost estimates be distributed to them and Mr. Carter noted he could provide them access to the ftp site. He added that the estimate was not accessible to potential bidders.

January 10, 2017

4. Region 2000 Service(s) Authority & Solid Waste/Recycling: The Authority's strategic planning project continues to be in process.

5. Radio Project: Motorola, Inc.: The addition of the Rockfish Tower to the radio network is in process (summer 2017 completion). A software licensing requirement has delayed installation of the vehicle repeater equipment. County staff followed up with both Clear Communications and Motorola, Inc. and found that there was miscommunication between the two companies as to responsibility for ordering the license, which, as on 1-5, is now in process with installation of the DVR's now projected for the week of 1-23-17.

6. Economic Development & Land Use Planning: a) **Rockfish Valley Area Plan** – P&Z staff working to complete "final plan document." b) **Rt. 29 Corridor Study** - Project narratives are being drafted by TJPDC staff. Project information and a project survey have been posted to the County's website (and will also be distributed by other means). The next project team meeting is scheduled for 1-17 (time TBD) and the first project public meeting is tentatively scheduled for 1-23 at 6-7:30 p.m. in the Courthouse in Lovingson (project completion is scheduled for 2-28).

Mr. Hale asked who the project team members were and Mr. Carter responded him, Ms. McGarry, Ms. Kelley, Ms. McCann, Mr. Padalino, Helen Cauthen, and TJPDC staff. Mr. Hale and Mr. Saunders both noted they would like to participate in internal meetings.

7. Lovingson Health & Rehab Center: County and Region Ten staffs, including Supervisor Hale met on 12-28 to discuss next steps towards Region Ten's acquisition and operation of the Center. Region Ten's Chairman toured the Center of 1-30. The procurement of architectural services to complete a preliminary architectural report that would be a primary basis of a CDBG application in March to VA-DHCD is in process (Region Ten to bear this expense). A final purchase proposal from Region Ten has also been requested.

Mr. Carter reported that the Region Ten Board was deciding on next steps on the 9th. He added that Paul Truslow had met with their Architect to tour the building and he did not think it would take much to update the building.

8. EMS and Fire Study: Commencement of the project is pending the scheduling of an initial meeting date by staff of the Department of Fire Programs.

9. Maintenance Facility: Completion of the HVAC system is pending but all equipment and components are on site awaiting contractor installation. Interior modification are approximately 90% complete (i.e. reconstructed office and work areas).

Mr. Harvey inquired as to what point they would be able to put them under roof and Mr. Carter noted that he had discussed this with Mr. Truslow and there was a lot of stuff in there that needed to be auctioned off as soon as possible.

January 10, 2017

Mr. Carter noted that the bucket truck would not fit in the building; however perhaps they could build an additional structure to cover it. Mr. Harvey noted they could get Virginia Frame to come over. Supervisors and staff briefly discussed use of the old maintenance building and Mr. Carter noted it could be used for storage etc. He added that he would proceed with a plan and a budget for next year.

10. Tour of Nelson Center: Supervisor Hale and County staff (Carter and McCann) toured the Nelson Center on 12-28 with George Krieger, Exec. Director, of the NCCDF (and manager of the Center). The purpose was a first look at the potential for County staff to be located in the Center. The premise (from the NCCDF) is the potential to consolidate County offices external to the Courthouse at a lower expense than is currently being incurred by the County for leasing of offices. This was a preliminary discussion subject to Board input. Information provided by Mr. Krieger is pending review/analysis with a staff report to be issued to the Board the week of 1-23.

11. 2018 General Reassessment: Wampler-Eanes is in process with the 2018 reassessment.

12. FY 15-16 Audit Report (Comprehensive Annual Financial Report): Receipt of the final audit report is pending, which resulted in requesting RFC staff to report to the Board on the audit at the February 14th regular session instead of at the 1-10 meeting.

Mr. Carter reported that the final Audit Report had been submitted electronically and David Foley would report in February. He noted it was a good clean report and there were no financial concerns.

13. Compensation Study: Presentation of the compensation study, which has been delayed due to other priorities, is anticipated for the February 14th meeting or, alternatively, at either a continued meeting or in conjunction with the introduction of the draft FY17-18 Budget.

14. FY17-18 Budget: Development of the ensuing fiscal year budget is in process but with much work to be completed.

15. Personnel: Interviews for vacant Communications (Dispatch) positions are nearing completion. Interviews for the vacant Info Systems position are scheduled for 1-12.

Mr. Carter reported that there were two (2) good Dispatch candidates and staff was checking their backgrounds now. He noted there were several IT candidates to be interviewed the following week.

Mr. Carter then reported that Ms. Sara Turner would be leaving County employment; however there was no definite date yet. He noted that she had given notice and that she was

January 10, 2017

training Linda Staton who would likely transition back to Finance; which meant County Administration would recruit for the Secretary position.

16. CSX Corporation (Gladstone YMCA & Depot Buildings): County staff have not received any follow up information from CSX staff on the corporation's decisions regarding the status of the YMCA and Depot buildings in Gladstone.

Mr. Bruguere reported that the buildings were not in good shape. It was then reported that the Community Center people would like to keep the front of the building and not the back and that CSX said they had a budget to tear it down. It was related that the old Depot building may be good for the County to get for someone to take it down and reuse. Mr. Saunders added that the roof looked pretty good and there was no appearance of leaks.

Mr. Hale then asked if they could conceivably leave the front of the building to which Mr. Bruguere and Mr. Saunders said they could. It was noted that the Depot building was right next to the tracks and CSX wanted it moved.

Ms. Brennan asked what would happen to the rest of the building that remained and it was noted that the Senior Citizens wanted to retain it; CSX could give it to the County and the County could sell it to them for a dollar. Mr. Harvey stated that a lot of money had been spent down there on water & sewer and buildings for a handful of people.

Ms. Brennan asked Supervisors if they felt okay about the Senior Center taking it over and Mr. Harvey and Mr. Bruguere noted that they could not do it without County help every year. Mr. Harvey suggested that the best thing to do was to let the railroad do what they wanted with it. He added that they would have to come back to the County first and they should see what CSX wanted to do.

17. Wintergreen/WPOA Meeting: Scheduled for 9 a.m. on 1-19-17 (Stoney Creek B&G).

18. Department Reports: See Agenda.

2. Board Reports

Mr. Saunders and Mr. Harvey had no reports.

Mr. Hale:

Livingston Health Care Center Property

Mr. Hale reported that he toured the building and property with Marcia Becker of Region Ten, Patricia Hughes Region Ten Board Member, and Paul Truslow; seeing every aspect of the property. He noted that the building had a large dining room, commercial kitchen and laundry. He added that the HVAC would require replacement; however he was impressed by

January 10, 2017

how well the building would meet their needs. He advised that there were sixty (60) rooms and numerous rooms for staff and they seemed very interested. He noted that there were two (2) rooms with private bathrooms and they would convert another four (4) rooms to make a total of six (6) available for private pay people. He added that they would have no trouble filling the rest of the rooms with clients from the region.

He then noted that they had discussed long range plan for DSS and as he understood it, they and Region Ten worked closely together. He noted that they looked at whether or not the land had space for DSS if needed and he noted that was questionable. He advised that there was a grassy area on the south side of the property; however, it was not all owned by the County with part of it being owned by Ronald Moyer. He then noted it to be worth investigating as he thought the potential was there.

Mr. Hale then stated that other details remained to be seen such as the outcome of the grant. He added that he indicated to them that the County was not interested in financing the sale of the property and the County would have to hold title to it if they got the grant funds. He then noted that there was no costs yet for renovation of the building and there would be costs to replace the HVAC and roof.

Nelson Center Tour

Mr. Hale reported on meeting at the Nelson Center with staff and George Krieger. He noted that the building had some potential to house County offices and the County could save money by using their space. He then acknowledged that accessing the offices would be from the west side of the building and the space configuration was challenging; however it was something to think about.

He then added that the two things related to one another because with the sale of the Lovington Healthcare Center, they would have funds for capital projects. He added that the long term prospects for Building Inspections and Planning and Zoning to stay where they were, were not very good.

Mr. Bruguiere then inquired if Mr. Krieger was trying to unload the Nelson Center building and Mr. Hale advised that he suggested that in the future, that might be of interest to the County. He noted that initially, he was looking to get income for available space. Mr. Bruguiere noted that the Extension Office used a lot of room and Mr. Hale noted that may be alleviated by staff changes there and there was a real opportunity that less space would be needed for them. He then noted there was enough space for Building Inspections, Planning and Zoning there and that Mr. Krieger said he would work with the County in any way on it. He added that there was flexibility in the use of building although the entrances were odd.

Ms. Brennan then asked for clarification on Region Ten's plans for six (6) private pay rooms and Mr. Hale advised that they planned to make those six (6) rooms available to others and the rest of the rooms would be for their clients which were semi-private; no shower. He

January 10, 2017

noted that he thought they would be compatible and their clients would be people who had to be monitored in terms of medication and mental health.

Mr. Harvey then noted he was not in favor of using the space at the Nelson Center; he thought it was a terrible location to get in and out of. Ms. Brennan then suggested that perhaps better access could be achieved by having a road connect from the Food Lion shopping center.

Mr. Bruguiera:

Planning Commission

Mr. Bruguiera reported that the Planning Commission had approved the site plan for the company building sheds that was going to be by Southern States. He noted that they were now building a building on Mr. Saunders's property in Colleen. He added that the business was kept in the county and would have twenty (20) employees.

Mr. Bruguiera advised that in the current month, they would be looking at Devil's Backbone plans for their property. Mr. Harvey stated he thought the whole thing should be a major site plan. Mr. Carter noted that they were working on a major plan but wanted to fast track it, so they have first done a minor site plan. He added that staff has advised them to fast track the major site plan. Mr. Harvey stated he was not in favor of fast tracking it; they needed to be thorough.

Ms. Brennan:

Meetings/Events Attended

Ms. Brennan reported that she attended an event at the Nelson Center for Cecilia Epps; where they named the senior center after her and gave them her photo.

Ms. Brennan reported attendance of the Crisis Intervention Training (CIT) meeting that morning. She noted that the County was lucky to have organizations watching and working together on these issues. She added that a couple of Dispatchers were slated to go to training.

Ms. Brennan reported that Blue Ridge Medical Center would have a First Responder appreciation event and would invite the Board.

Ms. Brennan reported her and Mr. Hale's attendance of the County Holiday party and she thanked staff for the event.

January 10, 2017

B. Appointments

Ms. McGarry reported that the Board had made its annual appointments earlier in the meeting and there were no others for immediate consideration. She noted that she had compiled and provided a listing of the appointments to be made throughout the calendar year 2017 as follows:

Appointments to Be Made in 2017

<u>Board or Commission</u>	<u>Terms Expiring 2017</u>	<u>Incumbent</u>
<i>James River Alcohol Safety Action Prog. Policy Board 3 year term</i>	3/11/2017	James E. Hall

<u>Board or Commission</u>	<u>Terms Expiring 2017</u>	<u>Incumbent</u>
<i>N.C. Economic Dev. Authority 4 year term; no limits</i>	6/30/2017	Greg Kelly
<i>N.C. Library Advisory Committee District 4 year term appointed by District</i>	6/30/2017	Jean B. Holliday- South
<i>PVCC Board 4 Year term - 2 Term Limit</i>	6/30/2017	Tom Proulx (U1)
<i>T.J. Community Criminal Justice Board Citizen Rep. - 3 Year Term - 2 Term Limit</i>	6/30/2017	James E. Hall (T3)
<i>NC Social Services Board 4 year term with 2 term limit</i>	6/30/2017	Diane Harvey (Unexp. Term) D. Gray
<i>JABA Board of Directors 2 year term</i>	7/15/2017	Connie Brennan
<i>N.C. Broadband Authority 4 year term appointed by District</i>	7/29/2017	Gary S. Strong - Central Thomas H. Bruguire, Jr. - West Allen M. Hale -East Thomas D. Harvey - North Larry D. Saunders - South

January 10, 2017

<u>Board or Commission</u>	<u>Terms Expiring 2017</u>	<u>Incumbent</u>
<i>Board of Zoning Appeals Appointed by Circuit Ct. Judge 5 year term</i>	11/11/2017	Gifford Childs
<i>Board of Supervisors 4 Year Term</i>	12/31/2017 12/31/2017 12/31/2017	Allen M. Hale - East Constance Brennan - Central Thomas D. Harvey - North
<i>T.J. Planning District Commission Corp. 1 year term no term limit – Appointed By TJPDC Corporation NO BOS ACTION REQUIRED</i>	12/10/2017	George Krieger
<i>JABA Council on Aging 2 year Term</i>	12/31/2017 12/31/2017	*David Holub Pamela Baldwin

***Administrative Correction – David Holub was replaced by Mary Cunningham who is not due for reappointment until 2018.**

C. Correspondence
1. VCE- Michael LaChance

Supervisors acknowledged receipt of Mr. LaChance's letter noting his early retirement as Virginia Cooperative Extension Agent as of March 1, 2017.

Mr. Saunders then shared that he had gotten three (3) complaints on what was going on at Blue Ridge Medical Center (BRMC). He noted that he referred them to the BRMC Board and advised that there was nothing the Board of Supervisors could do. He added that the people had asked that this be brought to the attention of the Board; therefore he was reporting it.

Mr. Hale then noted he was a patient at BRMC and had no complaints. It was noted that new staff (providers) had been brought on and people would deal with Nurse Practitioners and there may be some issues there.

D. Directives

Mr. Saunders:

Mr. Saunders noted he would like the General District Courtroom sound system reviewed so that they could have sound in the back of the courtroom.

January 10, 2017

Mr. Saunders asked for the amount of money that had been spent on the new Maintenance building.

Mr. Saunders advised that three (3) State Troopers in the area had left due to no pay raise in the last 3-4 years and he asked if the Board could talk to legislators about this. Mr. Carter noted that addressing Virginia State Police compensation was a priority of the legislature this year and Ms. Brennan added a letter of support could be sent.

Ms. Brennan:

Ms. Brennan noted her concern about DMV stops and their potential unconstitutionality and she asked staff to check on that. Mr. Carter advised that the State was also looking at it and he hoped that removal of that ability did not go through.

Ms. Brennan noted that she supposed they had all received the Atlantic Coast Pipeline information from FERC on the Draft Environmental Impact Statement. She added that she was concerned about it and stated it was not protecting citizens and they would be using eminent domain all over. She noted that people would like to argue these cases related to compensation in state court and not federal court. She noted she would look into it and she advised that there might be a local group reviewing the draft EIS; who would advise on some of the issues.

Ms. Brennan then noted she was concerned about a letter from Robert Carter on December 16th regarding Congressman Hurt not paying attention to Historic properties. Ms. Brennan then asked staff to send her a copy of the Board's resolution asking them to be part of the Section 106 process.

Ms. Brennan then advised that FERC was having a public meeting on February 22nd at the Nelson County High School. Ms. Brennan added that the regular Planning Commission meeting was also scheduled for that night and she suggested that perhaps it should be rescheduled. It was clarified that the FERC meeting was not a public hearing but rather they were taking public comment. Mr. Bruguere advised that people could comment anytime during the 90 day comment period from their homes and the meeting should not change County business; the Planning Commission meeting should be held as scheduled. Ms. Brennan noted that her suggestion was made given that perhaps some of the Planning Commissioners would like to also attend the FERC meeting.

Ms. Brennan advised the Board that the Nelson County Community Fund Advisory Committee reported last year that over the last fifteen (15) years, \$1,159,761 had been given to non-profits in the county that provide beneficial services to its citizens. She added that it would be nice to recognize them in some way such as a proclamation thanking them for their good work.

January 10, 2017

Mr. Harvey then asked about issues with the Friends of Wintergreen. Ms. Brennan related that they had a conflict with Friends of Nelson on the ACP alternate routes. She noted that they were raising a lot of money to work on the eminent domain issue and were organizing to make sure that taken property owners were properly compensated. Mr. Harvey added that he had heard very little objection from people at Wintergreen and he was curious to know how many parcels had been bought in the county.

Mr. Bruguere:

Mr. Bruguere noted he would like to see Dispatch all under Nelson County and not partially under the Sheriff's Department. He added he would like to sit down and see about compensation etc. Mr. Carter advised that the difficulty in that would be the County losing the State Compensation Board funds for those positions. He added that there were several Deputy positions funded only by the County and that he had asked the Compensation Board if the State funds for Dispatchers could be used to hire Deputies and they said it could not.

Mr. Harvey advised that he would look into it and he noted that things were good there and that Ms. Miller had a great relationship with all of the Dispatchers. Ms. Brennan then commended Ms. Miller who had filled in the schedule in Dispatch over the Holidays.

Mr. Hale:

Mr. Hale requested that the new Blue Ridge Tunnel estimates be sent to him and Mr. Saunders.

Mr. Harvey:

Mr. Harvey asked about the convenience center attendant building roof at Rockfish and Mr. Carter noted that a metal roof had been installed and it looked nice.

Mr. Harvey reminded Supervisors that the Conflict of Interest filings had to be done by next Tuesday.

VII. Adjournment -No Evening Session at 7:00 PM

At 4:55 PM, Mr. Hale moved to adjourn the meeting and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.