

January 12, 2016

Virginia:

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

Present: Constance Brennan, Central District Supervisor
Allen M. Hale, East District Supervisor – Vice Chair
Thomas H. Bruguire, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
David Hill, Sheriff
Larry Cindrick, Sheriff's Department

Absent: None

I. Call to Order

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

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

II. Reorganization of the Board

- A. Election of Chair
- B. Election and Appointment of Vice-Chair

Mr. Saunders turned the meeting over to Mr. Carter who noted that the historical succession of the Board provided that Mr. Hale was to be Chair and Mr. Harvey was to be Vice Chair. He advised that one motion and second could provide for both.

Ms. Brennan then moved to elect Mr. Hale as Chair and Mr. Harvey as Vice Chair for 2016 and Mr. Bruguire seconded the motion.

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

The meeting gavel was then turned over to Chair Elect Hale.

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C. Resolution- **R2016-01** Annual Meeting of the Board

Mr. Hale then noted that the resolution for consideration set the Board's meeting schedule and also made annual appointments to various Boards and Committees; which the Board needed to discuss. He then noted he had served on the Thomas Jefferson Planning District Commission Board for the past four years and would like for someone else to take that over. He added that Mr. Saunders had volunteered for this and that it consisted of ten meetings per year.

It was then noted that Mr. Saunders had most recently served on the Planning Commission and he would like a volunteer to replace him. Mr. Bruguere then volunteered for this post as long as he could relinquish his appointment to the EMS Council. Mr. Harvey then volunteered to be appointed to the EMS Council.

The Piedmont Workforce Council appointment was discussed and Mr. Hale noted he was willing to be appointed to this Board.

Mr. Hale then read aloud the list of appointees as amended and noted that the remainder of the resolution set the meeting schedule. He then noted that this was unchanged and regular meeting would be held on the second Tuesday of the Month at 2pm and 7pm unless there was no business to come before the Board and it was cancelled.

Mr. Harvey then moved to approve resolution **R2016-01**, Annual Meeting as amended 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 R2016-01
NELSON COUNTY BOARD OF SUPERVISORS
ANNUAL MEETING**

JANUARY 12, 2016

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.

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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 2016 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 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 2016 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:	Allen M. Hale
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:	Constance Brennan
Nelson County Planning Commission:	Thomas H. Bruguiera, Jr.
Jefferson Area Disabilities Services Board:	Kelly Hughes

III. Consent Agenda

Mr. Hale noted the consent agenda items for consideration and added that he had a minor correction to page 29 of the December 8th minutes; which Ms. McGarry then acknowledged.

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Ms. Brennan then moved to approve the consent agenda including Mr. Hale's correction and Mr. Harvey 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 – **R2016-02** Minutes for Approval

RESOLUTION R2016-02
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(December 8, 2015 and December 15, 2015)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **December 8, 2015 and December 15, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2016-03** COR Refunds

RESOLUTION R2016-03
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS

RESOLVED, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3981 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$4,754.60	2014&2015 PP Tax	Trans Lease, Inc. 630 N Central EXPY, Suite A Plano, TX 75074
\$234.45	2015 PP Tax	VW Credit Leasing LTD 1401 Franklin Blvd. Libertyville, IL 60048-4460
\$263.21	2012-2015 PP Tax	John E. Perry 7299 Briar Springs Farm LN Schuyler, VA 22969

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C. Resolution – **R2016-04** FY16 Budget Amendment

RESOLUTION R2016-04
NESON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET
NELSON COUNTY, VA
January 12, 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. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$1,800.00	3-100-002307-0001	4-100-021060-1003

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$7,000.00	4-100-999000-9905	4-100-013010-1010
\$500.00	4-100-999000-9905	4-100-013010-5201
\$3,853.00	4-100-999000-9905	4-100-013010-5401
\$3,998.00	4-100-999000-9905	4-100-013010-5413
\$1,400.00	4-100-999000-9905	4-100-013010-5501
<u>\$350.00</u>	4-100-999000-9905	4-100-013020-1003
\$17,101.00		

IV. Public Comments and Presentations

A. Public Comments

1. Sheriff David Hill

Mr. Hale welcomed new Sheriff, David Hill, who then introduced Major Larry Cindrick who was back in Nelson now from Amherst County.

Sheriff Hill distributed Sheriff's Department payroll information to the Board for review. He noted that there had been some changes in positions and there were a few positions that were currently open. He advised that the numbers in green represented the Compensation Board salary and the yellow represented the County pay supplement. He then noted he was asking the Board to look at revising the current County policy on pay supplements. He added that there was a highly qualified individual that he would like to hire and he noted his qualifications. He added that the person would have to take a pay cut to work for the County

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and he was therefore asking the Board to leave the County supplement in place for him to work with in hiring people rather than starting them out at the base. He concluded by noting that he wanted to hire the best.

Mr. Hale advised that the Board would consider this during the budget process that was just starting. He added that the budget would be adopted by the end of June, would take effect in July, and they would discuss if anything in the interim would be done. Mr. Hill then noted that the individual highlighted in red showed that this had been done recently for former Sheriff Brooks.

Mr. Saunders suggested that the Board presently consider the Sheriff's request so he could make hiring decisions. Sheriff Hill agreed and noted that the candidate in question was on standby and that he was not asking for more funds than were already in the budget; just to keep the supplemental pay funds. Mr. Hale then clarified that Sheriff Hill was looking to fill a position at the same salary level it was previously paid at. He added he would like to be able to use the pay supplements of those retiring in order to attract highly qualified candidates.

Mr. Carter noted that this was a Board decision and the concern of staff was that the current Supplemental Pay Policy as approved by the Board did not provide for what Sheriff Hill was asking for. He then explained that it provided for instances where the County gave a greater salary increase than the State; then the Constitutional Officers and staff would get the supplemental pay so that they ultimately got the same increase as County employees. He added that staff has tried to adhere to this and the Sheriff's request would not comport to the policy. He further explained that he was not saying staff was opposed to it; however he thought it should be studied and his office was getting requests from the new Constitutional Officers to use these funds and staff was advising that the Board would have to approve it since the policy did not allow for it.

Mr. Hale then advised the Sheriff that the Board would take this up later in the meeting to see what could be done.

Mr. Bruguiere then asked if the Sheriff could provide the Board with a list of all of the deputies once they were all hired.

Mr. Saunders acknowledged that the matter would be taken up later but noted he thought the Sheriff should be supported. Ms. Brennan suggested a mini-workshop later in the meeting and inquired as to how many vacancies there would be including retirees. Sheriff Hill noted that once the other two individuals retired, there were currently four, two on the road, an Investigator position, and a Lieutenants position that has not been filled. He noted he could fill those immediately if he were able to use the supplemental pay funds. He added that he has had many inquiries and relative to surrounding localities, Nelson's salaries were low in comparison.

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2. Marion Kanour, Faber

Ms. Kanour noted that Shannon Farm had submitted an update to FERC and she read aloud the following:

Shannon Farm Community is in Nelson County, and thus our concerns about the impacts of the ACP remain, including previously-stated environmental, economic, safety impacts and serious impacts in the George Washington National Forest, which our members frequently visit for hiking and other recreation. All of the county-wide and regional concerns raised previously still stand, since the effects of the route will have negative environmental consequences not only on the properties directly crossed, but throughout the region. Erosion and sedimentation may affect waterways county-wide, blasting and soil slippage have wide-ranging impacts, and the potential safety hazards would also extend beyond the pipeline corridor. Negative economic impacts would affect the whole county and thus all our livelihoods and property values. We add to the previously submitted concerns, the following:

- A. Our membership of 90 residents strongly objects to any shortened procedures being used to approve this project. We request that FERC enforce all of its rules and regulations applicable to this filing.
- B. Furthermore, under the National Environmental Protection Act (NEPA), federal agencies must evaluate the impacts of several related projects with cumulative impacts proposed or reasonably foreseeable in the same geographic region in a single Environmental Impact Statement (EIS). We feel that it is imperative that PERC do so in this case to properly evaluate the impacts to our community and beyond. This Programmatic Environmental Impact Statement (PEIS) must be a comprehensive evaluation of the direct, indirect, and cumulative impacts of pipeline development in this region (including all four interstate natural gas pipelines currently proposed for the central Blue Ridge and Appalachian Mountain region of Virginia and West Virginia) and evaluate all reasonable, less damaging alternatives.
- C. We also request that FERC provide adequate time for review of the draft environmental impact statement when it is issued. Given that the draft EIS will provide a large amount of information that we need to review to protect our interests, we request that FERC allow 120 days to comment on it.

3. Joanna Salidas, Afton

Ms. Salidas urged the Board to keep specifics in the forefront of their mind. She noted that the research cited by Dominion in their presentation was from 2013-2014 and the 2016 research showed that pipelines did affect property values. She added that they will reference four studies saying that there are no negative effects of pipelines; however local realtors could attest to their experiences. She added that the other studies cited evaluated effects of pipelines that were not comparable to the proposed Atlantic Coast Pipeline. She further

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stated that given the pervasive use of Eminent Domain by Dominion, a much higher standard was required than they could offer.

4. Craig Cooper, Nellysford

Mr. Cooper stated he wanted to give his thoughts on the ACP presentation. He noted that the presentation showed a number of slides of pipelines in Virginia that were compatible with their communities. He noted that the Transco line was started in 1951 and the Columbia line in 1968. He added that these were built before the land was developed in those areas. He noted that the ACP was not the same and it would disrupt all areas of the county since it was brand new. Mr. Cooper then noted that Pennsylvania had more knowledge about pipelines and he related that the Pennsylvania Extension Service has noted that pipelines would impact land values etc. and he cautioned people to look out for this. He further noted that he had asked the Virginia Department of Taxation and they said a parcel with a utility easement would have a downward adjustment and would essentially become the same as land that would not perk. Mr. Cooper further advised that residential and commercial property values would go down by as much as 30% and he urged the Board to be skeptical in listening to Dominion's presentation. He noted there were other experts out there who were very knowledgeable and would not be cited by Dominion.

5. Frederick Winter, Nellysford

Mr. Winter stated that Dominion noted all of the benefits of the pipeline and he stated that if a deal was too good to be true, it was not a good deal. He noted that he had read Dominion's reports and he had 45 years in academia, a PhD in business and economics, and has been Dean of several business schools. He noted that the Law of Supply and Demand was in effect. He then stated the Law of Demand says essentially that when people find something to be less desirable, new purchasers will pay less for it and those selling it will find it to be lower in value. He noted it was very clear to property owners and businesses that the pipeline would make their property less desirable to them and therefore it was insulting to their intelligence for Dominion to suggest property values would not go down because of the pipeline. He added that this would affect land that is miles from the pipeline. He then noted that the four studies cited were boilerplate studies and he could only find one of them online that concluded property values would decline. He noted they evaluated nineteen properties in Washington State and the conclusions were irrelevant.

Mr. Winter went on to say that one pipeline company in Tennessee said "it was not anticipated the pipeline will negatively affect values outside of the proposed right of way. Landowners who believed that their values have been negatively impacted may appeal for reappraisal of their property and a reduction in taxes." He stated he found this insulting and hoped the Board did as well.

6. Karen Dreyfus, Nellysford

Ms. Dreyfus referred to Table 2.2.7-1 of the Dominion application; which was a table on the water requirements of hydrostatic testing. She stated that the table noted the withdrawal of

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3.6 million gallons of water from the Rockfish River; which was relied on for the irrigation of crops, water for animals, and the recharging of aquifers among other things. She added that according to the chart, when finished with the water, they would dump it at four different locations and there were no plans to test or clean contaminants from the water prior to dumping it. She then noted that water was a precious resource and needed to be protected from overexploitation for profit.

7. Nancy Sorrels, Augusta County

Ms. Sorrels noted she was compelled to speak because of references by Dominion to Augusta County and the Columbia Gas Line. She noted that the comparison of the ACP to the Columbia gas line was apples and oranges. She noted that the Columbia line was built in the 1930s and the ACP would be four times greater in size. She added that there have been leaks and problems with the Columbia gas line and it had exploded in the past. She further noted that a 25 foot right of way was not a 75 foot right of way. She added that the ACP would take gas through Nelson County and would not serve anyone. She reiterated that there was no comparison between the two lines. Ms. Sorrels then noted that studies had shown that pipelines have an effect on soil layers that cause permanent destruction. She noted that soil temperatures would increase for up to fifty feet from the pipeline; which could negatively affect county revenues.

8. Helen Cauthen, Central Virginia Partnership for Economic Development.

Ms. Cauthen thanked the Board for their support and noted they were happy to have Steve Carter and Maureen Kelley as Board members from Nelson and she noted the other Board member groups that participated. She added that they wanted the whole region to be healthy and she noted her attendance of the November 10th ribbon cutting at Nelson's Virginia Distillery. She added that she had been very impressed and noted that local businesses were essential. Ms. Cauthen then thanked Mr. Saunders for his service on the Piedmont Workforce Network and welcomed Mr. Hale to the Council. In conclusion, Ms. Cauthen distributed their regional brochure and fact sheet on Nelson County including the most recent quarterly report.

9. Richard Averritt, Nellysford

Mr. Averritt noted he agreed with Mr. Winter and added that a more important issue, was the undermining of the American belief system. He noted that a negative impact that was required to get the perceived benefits offered by Dominion was the sacrifice of personal property rights; which amounted to the tyranny of the majority over the rights of a few. He asked the Board to require Dominion, if they came through Nelson, to do so ethically and responsibly and to work within free market principles and free will.

10. Neal Showstack, Shannon Farm

Mr. Showstack noted he did not trust anything said by energy companies. He noted that there were currently thousands of gallons of methane leaking and exploding in California.

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He added that the proposed pipeline has never been tested for this kind of pressure and allowing it meant accepting the hydro-fracturing of fossil fuels for production. He noted that Methane was more highly explosive than Carbon Dioxide and that global warming would get 80% worse. He further stated that there were no benefits for Nelson County from the pipeline and it would serve to contaminate other parts of the world through sales.

11. Vicki Wheaton, Faber

Ms. Wheaton thanked the Board for taking the public's comments. She noted that all of the pipelines mentioned by Dominion have been in place for years and therefore it was inappropriate and inaccurate to compare Nelson County's vineyards etc. to the White Hall vineyards in Albemarle County. She then added that California would never allow a 42 inch pipeline to go through their tourist areas now. She added that the Lake Monticello community was gearing up to oppose a proposed pipeline there. She noted that the pipeline would affect tourism, was dangerous, and she did not want it going through the natural resources of the county. She added that nothing was sacred to Dominion and no amount of money was worth it; permanent injury would occur due to the pipeline, and the presented cost analogies were inappropriate and inaccurate.

12. Marilyn Shifflett, Nellysford

Ms. Shifflett noted she hoped Dominion would explain more about how the tax revenues shown were derived. She read aloud Dominion's previous explanation and noted that it was not understandable and she would like it explained in plain English.

13. Ernie Reed, Nellysford

Mr. Reed noted that since the ACP was first announced, Dominion could not be trusted; they had not been honest or responsible. He noted that they had said they would not export the gas; however that seemed not to be the case. He added that they would not shoulder any liability when things went wrong with the ACP. Mr. Reed also stated that Dominion had not done any cost analysis and it was not in their interest to do so. He noted that there was evidence that pipelines did decrease property values. Additionally, he noted that Dominion had mis-represented to FERC the George Washington National Park surveys and they were required to redo these with qualified personnel. He then advised the Board to get a second opinion.

14. Deirdre Scoggan, Chesterfield Virginia and Potential Nelson Resident

Ms. Scoggan noted that she was planning to relocate to Nelson County in the summer. She then stated that the number of property owners being sued by Dominion showed that there was strong conviction against the ACP. She noted that Dominion says that 57% have given consent to survey; however 43% were still resisting and that was a large portion. She added that forced surveys if granted a certificate were unfortunately the law and Nelson property owners were using every tool to oppose this.

15. Gail Troy, Shipman

Ms. Troy noted that the Natural Gas Act allowed pipelines to seize property against the owners' will if given a certificate. She noted that the burden of proof should rest on the shoulders of the pipeline builders rather than citizens being forced to demonstrate obvious costs. She noted there were many reasons to question the validity of the benefits stated by Dominion and she hoped they would explain where their jobs numbers came from. She noted that Table 1.1 in the Chmura report says Virginia will gain 39 permanent jobs and 118 jobs from indirect impacts and additional figures were given on page 13. Ms. Troy noted that the 8,000 jobs reported by Dominion was overstated. Ms. Troy then noted she was concerned about Dominion's use of large trucks and she questioned who would pay to repair the roads after they had been damaged during construction. She then asked the Board to pay close attention to Dominion's claims and if they sounded too good to be true, they were.

16. David Schwiesow, Roseland

Mr. Sweezo noted that later that night, the Board would consider Spruce Creek Resort and Market. He noted that the project was tremendously important and would provide jobs and tax revenue to the County. He added that Dominion would say they would be beneficial to the County; however, the Averritts would not build the project if the pipeline went through the property as proposed; so there would be economic damage. He added that according to Wintergreen Resort, revenues would fall 20%, and property values would decrease 20% or more. He added that if property values dropped, someone in Nelson County would have to make this up and this pushed the burden onto other parts of the county and he thought it was wrong.

17. Dima Holmes, Nellysford - Realtor

Ms. Holmes notes she lived in Horizons Village in Nellysford and there had not been one sale in the subdivision in the past twelve months; whereas in 2014, sales were doing very well. She added that they were very private, centrally located, and close to Route 151 breweries and wineries. She added that they were in the proposed route of the pipeline which would render vacant sites unbuildable due to the terrain of the land of the sites and there were landowners who could not build their dream home and would have to sell at a discounted price. She noted that she knew of two landowners that had plans and had secured financing; however they had put their plans on hold because of the pipeline that was proposed to be within 1000 feet. Ms. Holmes then noted that she has lived there for four years and would like to build a garage; however that was on hold now. She concluded by noting that there were real negative effects and the pipeline had not even been built yet.

18. Eleanor Amidon, Afton

Ms. Amidon called the Board's attention to a 1/7/16 article in the *Highland Recorder* <http://www.therecorderonline.com> and read it aloud. The article described how "citizens and environmental groups had joined in protest over Dominion allegedly disobeying environmental law by wrongfully ignoring the law in denying the need to pursue a regional

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environmental impact statement for the proposed Atlantic Coast Pipeline.” The article further stated that Dominion’s claims “do not relieve FERC of its obligation to prepare a regional EIS whereas here, ‘several proposals for...actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency.’” The article then refutes Dominion’s arguments that a regional EIS is unnecessary and requests that “To the extent that FERC considers Atlantic’s answers in its deliberations on the ACP (we) intervenors respectfully request that FERC also consider this answer to ensure a full and accurate presentation of the issues.”

Ms. Amidon reiterated that she thought FERC may be obligated to complete a regional environmental impact statement (EIS). She then noted that the Board was previously presented with a petition that the Board support a programmatic EIS and she inquired as to what the Board was going to do about that request and the petition. She added that this question went way further than the people of Nelson County; who have asked the Board to support this.

19. Kenda Hanuman, Buckingham County

Ms. Hanuman noted that in Buckingham County, they were dealing with the ACP and a proposed compressor station. She asked the Board to consider the facts that had been given and she noted that the compressor stations were added over time and there may be as many as fifteen of them, as more gas was requested of the line. She noted that she hoped the Board would consider the statements made from landowners regarding the lack of sincerity of Dominion. She added that since October, hundreds of millions of gallons of methane have been leaked into the air and there was no way of stopping it. She noted that the pipeline would have a negative impact on landowners and she referenced the sacrifice zone that had been mentioned. Ms. Hanuman then noted that in Buckingham, the pipeline would be going through the Ellis farm, a longtime family farm, and they would not be able to farm any longer if it went in, as they would not be able to move heavy equipment and livestock over the right of way. Ms. Hanuman then related that a group from Buckingham went to Pennsylvania to tour a compressor station. She noted that her experience with Dominion was there was a lot of magic thinking and nothing to back it up. She then referenced “Precautionary Principles: The process of applying the precautionary principle must be open, informed, and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action”.

20. Heidi Dhivya, Friends of Buckingham

Ms. Dhivya encouraged Dominion to make a shift to a sustainable energy policy. Ms. Dhivya noted that her new favorite author, Jeremy Rifkin, an economist and author had served as an advisor to numerous heads of state of European countries on issues related to the economy, climate change, energy security, and the environment. She noted that the EU was working to create the infrastructure required for sustainable energy and she encouraged Dominion to get into renewable resources.

21. Sarah Ray, Nellysford

Ms. Ray noted that it seemed that the only one who would consider burying a 42 inch pipeline in Nelson County would be someone whose head was buried in the sand; which left a vulnerable behind exposed.

Mr. Hale noted he appreciated the public's comments and that the Board did not have the power to make the decision on the project.

B. Presentation – Atlantic Coast Pipeline LLC, Potential Economic Impacts

Ms. Susan King of Dominion addressed the Board and noted that Brian Wilson would be giving the presentation. She noted that the information was meant to provide their views on the economic impacts of the ACP and the experiences of other communities. She noted that these communities had experienced economic development, thriving tourism, and tremendous agricultural production. She added that this information was not provided to insult the Board's intelligence, but rather to help allay some of the concerns and to present a different view.

Mr. Wilson noted that there were many communities across Virginia that hosted natural gas pipelines. He showed a map of the State and the location of the following pipelines: the proposed ACP, the Columbia Gas Transmission line, East Tennessee Natural Gas line, Transcontinental Gas Transmission line, the Virginia Natural Gas Company line, and a few smaller lines labeled local and other. Mr. Wilson reiterated that there were thousands of feet of safely operating pipelines and that safety was their number one core value at Dominion.

He then showed a slide labeled "Maintaining the community's rural character" that showed pictures of a natural gas line right of way on an Augusta County farm.

The next slide was labeled "without interfering with residential and commercial development" and showed a natural gas right of way in Augusta County going through residential areas and a commercial area. Mr. Wilson noted that Columbia has maintained their pipeline for 80 years in Augusta County and the rural character of the area was preserved. He added that it had been proven that development activity did occur along pipelines and there was continued thriving economic development activity and the maintenance of rural character.

The next slide labeled "Or discouraging tourism" showed an aerial view of the Columbia Gas line going through White Hall Vineyard in Albemarle County and noted that the vineyard was part of the Monticello Wine Trail and was a producer of award-winning wines for more than 20 years. He added that this site has flourished alongside a 20 inch gas pipeline.

The next slide labeled "California's premier wine country hosts natural gas pipelines" showed an aerial view of Napa Valley that depicted the locations of existing PG&E Natural

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Gas pipelines relative to hotels and vineyards. Mr. Wilson noted that there were 280 miles of natural gas lines through thriving tourism areas, Napa County generated \$1.5 billion each year in tourism, and Sonoma produced nearly \$1 billion annually in agricultural products.

The next slide labeled “42-inch Transco crosses neighboring counties, and Lake Monticello community” and showed an aerial view of the Transco right of way in relation to Lake Monticello properties that is home to 10,000 residents. The slide noted that the Transco line crosses Buckingham, Fluvanna, Orange, Culpeper, Fauquier, and Prince William Counties; crossing Interstate-64. Mr. Wilson added that this pipeline spanned 130 miles and operated alongside 3 other lines. He noted that in Northern Virginia, luxury homes were built in very close proximity to the Dominion lines.

The next slide labeled “Significant economic benefits across Virginia from energy savings and local tax revenue” showed the following:

Construction: Economic Activity: \$1.4 billion total, Jobs: 8,800, Local Tax Revenue: \$2.4 million annually. Mr. Wilson noted that this included direct and indirect revenues.

Operations: Energy Cost Savings: \$243 million, Economic Activity: \$37.8 million annually, Jobs: 1,300, and Local Tax Revenue: \$10.4 million annually. Mr. Wilson noted this covered all consumers in Virginia.

It was noted that the benefits analysis was provided by ICF International, Chmura Economics & Analysis, and Dominion Resources.

The next slide labeled “Local Tax Benefits” noted that in 2022, the full value of the project will be reflected in tax payments as follows:

Virginia Counties + Suffolk and Chesapeake: Estimated 2022 property tax payments of \$10.4 million.

Nelson County: Estimated 2022 property tax payments of \$1.25 million. Mr. Wilson noted that these figures were based upon VA Department of Taxation methodology and the values were based on an income based approach. He added that the methodology allocated the value of the entity to localities it crossed and applied local tax ratios and the estimates provided were based on Virginia Department of Taxation methods.

The next slide labeled “Values and Mortgages” noted well-documented reviews showed no negative impact on property values* based on: * multiple FERC Reports – as recently as October 2014: Diskin et, al., 2011 (Arizona), PGP Valuation, Inc., 2008 (Palomar Gas Transmission), Ecowest, 2008 (Oregon LNG Project), and Hansen et.al. 2006 (Washington State).

It also noted that because property values would not be affected: appraisal values would not be affected and therefore the ability to obtain a mortgage would not be affected. Mr. Wilson

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noted that there were not a lot of reports because it was hard to pin down; there were a myriad of factors that went into determining property values.

The next slide labeled “Atlantic Coast Pipeline” noted that: FERC filing was done in September 2015, more than 3,000 miles of potential routes had been explored to find the current 564 –mile path, and 50 major route adjustments were proposed in response to feedback. It also showed a map depicting the current ACP route and various route alternatives. Mr. Wilson noted that there had been hundreds of field adjustments made through working with land owners and that they could only find the best routes through surveying.

The next slide labeled “Nelson County” showed a map of Nelson County and the proposed and alternative ACP route as of May 2015. It noted that there were 120 tracts on the proposed route equaling about 27 miles, and 57% of landowners had agreed to allow surveys and they would like to increase that number. Mr. Wilson noted that they believed that collaboration was the best way to achieve multi-beneficial outcomes.

The final slide labeled “Regulatory Process and Expected Timeline” Showed the following:

<u>Activity</u>	<u>Timing</u>
Survey/route planning	May 2014-Ongoing
Hosted Open Houses	September 2014
FERC Pre-Filing Request	October 2014
Prepare & Submit draft Resource Reports	Fall 2014- Spring 2015
Hosted Open Houses	January & March 2015
FERC held Scoping Meetings	March 2015
Respond to Comments submitted during Scoping	May 2015
File FERC Application	September 2015
FERC draft Environmental Impact Statement (EIS)	
FERC Comment Period/Host public meetings on draft EIS	Winter 2016
FERC Final EIS	Spring 2016
FERC Certificate	Summer 2016
Construction	2016-2018
In-service	Late 2018

It was noted that FERC = Federal Energy Regulatory Commission, the lead agency responsible for environmental review and approval of the project.

Mr. Wilson advised that they were now working through data requests from FERC, including working with other federal agencies.

In closing, Mr. Wilson noted their appreciation for having an opportunity to talk with the Board. He added that he understood there were many concerns and they appreciated the opportunity for an ongoing dialogue. He noted he thought that they were setting the table to have an ongoing dialogue and were supportive of that.

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Mr. Hale then opened the floor for questions from the Board.
Mr. Bruguiera and Mr. Harvey had no questions for Mr. Wilson.

Ms. Brennan:

Ms. Brennan noted that she had not been consulted about Dominion's presentation and having read the referenced reports, she was amazed that they came up with the economic presentation they did. She noted that they should have included both benefits and costs and she thought the Augusta County comparison was unrealistic since the topography was completely different and the pipelines they referenced were built in areas with no development. She added that the ACP would go through a lot of commercial and residential areas and was much larger than a 20 inch pipeline. She added that the White Hall pipeline was built in the 1950s and the winery was built in 1994 and the pipeline sizing was not comparable. She noted that the Napa Valley pipelines were built a long time ago and those were also not comparable to Nelson County. She added that the topography, geography, geology, and the water resources or anything else related to the Napa Valley with Nelson County. She noted she felt insulted that they would compare Nelson to Napa Valley and that they touted the economic benefits and did not talk about the costs. She also questioned the presentation of the tax revenue benefits and noted that developments that would not happen were costs, citing the Wintergreen Hotel project. She then questioned whether or not Dominion had spoken with these folks.

Mr. Wilson noted that they had spoken to those that would be affected and they felt that things related to the impacts of construction and the tourism impacts could be managed with collaboration with county staff. He noted they had traffic management plans and things of that nature that will be developed to minimize impacts to the local economy, to tourism and how the seasonal tourism dovetails with the construction schedule.

Ms. Brennan further questioned how this would address the effects on the County's economy and she noted there would be huge costs that they would not be able to minimize or eliminate. She then questioned how emergency preparedness would be addressed given that there have been more pipeline failures in the last decade than in the previous five. She noted that given that, it has been estimated that there will be five pipeline failures of the ACP in the next twenty years and a leaking 42 inch pipeline would explode. Mr. Wilson noted that safety was highest priority and the line would be monitored 24/7 for 365 days per year from their gas control center and they would be using epoxies that were corrosion resistant. He added that the pipeline monitor would run "smart pigs" through the line that were tools that gathered intelligence and looked for anomalies that would cause further investigation. He reiterated that they were concerned about safety. Ms. Brennan noted that they would do everything they could to prevent a failure and that safety was high on their list of importance. She noted though that did not address that there would probably be a failure and the fact that the cut off valves were put further apart in rural areas and that did not provide a sense of security and safety of the pipeline.

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Ms. Brennan then noted she would like to see a study showing impacts to air quality, water quality and she questioned whether or not they would really test the wells and water for a long distance away from the pipeline. She noted she would like for them to come back with a report showing what some of the costs were and an explanation of the factors used to come up with their figures.

Mr. Saunders:

Mr. Saunders noted that the economic impacts was all speculation. Mr. Wilson noted that they used the tools available to them and no one had a perfect model for this. He added that they had used reputable consultants recognized as trusted within the industry and with policy-makers who had been used quite a bit. He noted that the information presented was the best information they had at this time.

Mr. Saunders noted that in his profession, he had installed three 30 inch gas lines side by side and homes were built as fast as they could be in both Deer Lake Estates in Greene County and at Lake Monticello. Mr. Wilson noted that was the point they were making was that development occurs and it was a testament to the safety features used in pipelines today.

Ms. Brennan noted she did not think anywhere else could be compared to Nelson that would have its view sheds impacted that would have negative effects on the County's property sales. She reiterated that there would be a lot of costs and she thought Dominion should have utilized collocation more. She added that this pipeline had the lowest collocation rate of any other one they knew about and there were other options. She added she had no personal ill-will towards Mr. Wilson or Ms. King but rather it was the Company she had issues with.

Mr. Wilson spoke to the collocation issue and he noted that they had to hit a number of points to meet their contractual obligations and had to manage competing constraints within the resources and minimizing impacts to the environment. Ms. Brennan stated she would like to see the study done on collocation opportunities. Mr. Wilson noted that there was a lot of this contained in their resource reports filed with FERC and there were many reasons why collocation did not always work. He noted that with electric transmission lines, they could be sited on slopes whereas a gas transmission line could not. He noted that the side slopes were a concern and they would employ the best practices construction techniques and much of it was handled through routing. Mr. Wilson then noted that he understood the challenges; however from a Dominion perspective the project was critical to meet the needs of growing markets in Virginia and North Carolina and to provide for clean power plants.

Mr. Saunders further noted that Ms. King and a Dominion engineer met with an affected property owner in November and the engineer stated then that four tests of their wells would be done in each season of the year in order to get a baseline and if the well failed during construction, Dominion would have to provide potable water to the property owner until the problem could be corrected. Mr. Wilson confirmed this to be the case. He noted that they have indicated that they would voluntarily test wells and have contacted those who have granted survey permission to see if they would like for them to come out and do testing on a quarterly basis in order to establish seasonal baselines for water quality and flow rates. He

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reiterated that if there was an issue with the water caused by the construction of the pipeline, they would take care of it.

Mr. Saunders then asked if Dominion would test the discharge water after the hydrostatic testing and Mr. Wilson noted they would and water issues would be highly regulated.

Mr. Hale:

Mr. Hale noted that Dominion has said repeatedly, the project would reduce energy costs. He noted he found it hard to understand how this was the case when they have had their rates frozen until 2023 and now they were building a hugely expensive line and he did not understand how this resulted in savings. Mr. Wilson noted that the project was related to lowering energy costs of producing the energy and distribution rates was a separate issue altogether. He noted that there was a net energy savings to rate payers who were paying the costs of the assets. He added that they would be introducing a lower cost source of supply, the marginal price of electricity is being reduced; thereby reducing energy costs. Mr. Hale noted he found this contradictory and he believed Virginia was facing a suit on the constitutionality of precluding the SCC from reviewing rates by Dominion.

There being no further questions or comments from the Board, Mr. Hale thanked Mr. Wilson and Ms. King for the presentation.

C. Presentation – 2015 JABA State of the Seniors Report (F. Mitchell)

Ms. Mitchell provided the following report to the Board based on data for 2014:

STATE OF THE SENIORS FY2014
The Third Annual Report to the Nelson County Board of Supervisors
From the Senior Advisory Committee
December 30, 2014

Senior Advisory Committee Mission Statement: to promote the well-being of Nelson County's seniors and those who care for them by identifying needs and issues as well as resources and solutions.

The purpose of this report is to draw attention to the status of seniors in the County and to familiarize the Nelson County Board of Supervisors with the issues facing seniors today and in the future.

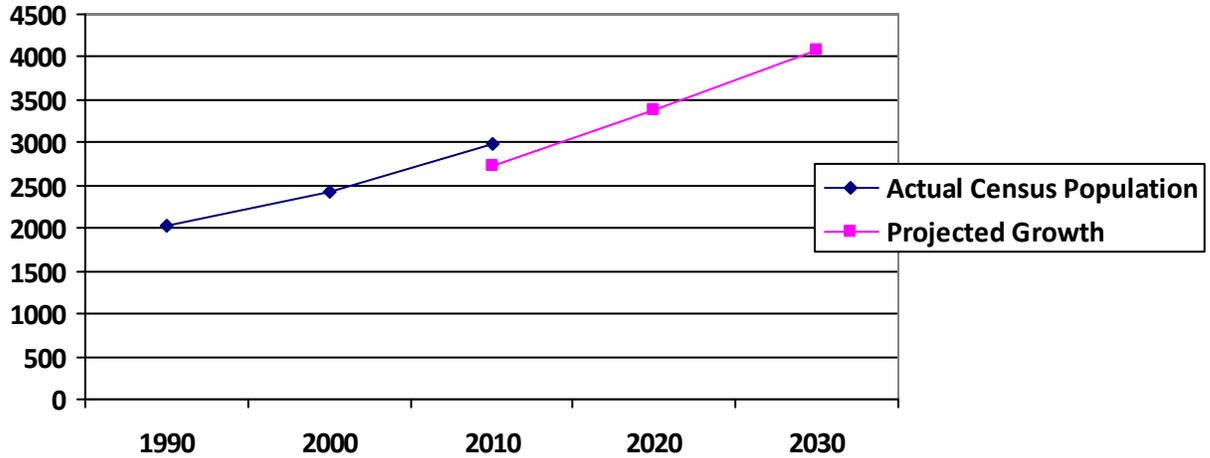
Where We Are Now:

Statistics from 2011 U.S. Census Quick Facts

- According to this data the total population in Nelson was 15,097
- 3095 of the total population were seniors (65 and over)
- In 2011 seniors comprised 20.5% of the total population in Nelson

Nelson 65+ Actual and Projected Population Growth

State Projections from Virginia Employment Commission

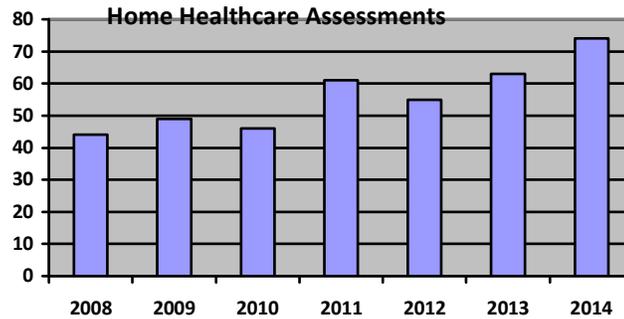


Dental Care 2014

- BRMC’s Rural Health Outreach Program provided affordable dental care to approximately 42 seniors in 2014 through a voucher program.

Health Care 2014

- Nelson County has three primary care sites, all of which offer a sliding fee scale; the County is listed as an official “medically underserved area” primarily because of the distances residents must travel to get to specialty care and or hospital based care
- In 2014 BRMC served 1742 seniors, comprising 18.2% of their patient population
- The Nelson Senior Center provided 178 health promotion activities which included assessments, screenings, 36 health education, 34 physical activity and 83 therapeutic social recreational activities
- The Medication Assistance Program at BRMC served 121 seniors in 2014.
- The Nelson County Health and Social Services departments provided 74 home healthcare assessments or screenings to seniors to evaluate their need for nursing home care, assisted living and in home companion services (assisting with house-cleaning, grocery shopping, bathing etc.)



Meals - 2014

In FY14: 50 Nelson County residents received 2,150 meals served at the Nelson Center, 915 at the Gladstone Center (including 50 meals delivered to shut in seniors), 807 at the Schuyler Center (which includes 279 meals delivered to shut in seniors), 1,225 at the Rockfish Center (including 22 meals delivered to shut in seniors) and 65 Nelson County residents received 7674 Home Delivered Meals via JABA's Mom's Meals program.

- JABA is required to meet the Virginia Department of Aging nutrition requirements for meals served at the Nelson Center as well as the JABA Home-Delivered Meals program

Affordable Housing - 2014

- Ryan School Apartments currently has seniors in 21 of its 32 affordable units. Seniors 60 and over compose 66% of the residency
- Lovington Ridge Apartments currently has seniors in 26 of its 64 affordable units. Seniors 60 and over compose 41% of the residency
- Rosewood Village at Wintergreen is a 55 and older community. Currently, of the 24 lots available 17 homes have been built. 15 of the homes are occupied and 2 of the homes are for sale. 7 lots are available for sale to build on

Supports for Seniors to Help Them to Remain in Their Homes Longer - 2014

- In FY14: JABA provided approximately 75 home visits to seniors to help ensure they had access to programs and services which assist them with home safety, nutrition, caregiver support, medications, dental and eye care, transportation, housing and other important initiatives which put senior concerns first and allows them to stay in their homes longer
- According to the Nelson County Department of Social Services, at the end of 2014 there were 24 seniors on the waiting list for companion services

JABA Home Support Services

- JABA provides home care services through a contract with At Home Care Staffing. These services are provided in all the localities of Planning District Ten by funds provided by the Virginia Department of Rehabilitative Services (DARS). JABA provided home care to three Nelson County residents that helped them to remain in their homes. These services costs almost \$5000 but the recipients of these services received them at no cost.

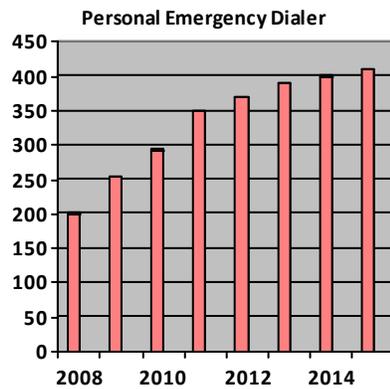
Families Program

- JABA is a partner with the UVA Memory and Aging Care Clinic and the Alzheimer’s Association in a federally-funded research program that provides counseling, support and access for family caregivers of individuals with Alzheimer’s disease or other types of dementia. Ten caregivers who are residents of Nelson County have participated

Safety & Security – 2014

Personnel Emergency Dialers (PEDs) are a Nelson - TRIAD project

- The recipient’s cost is a one-time fee of \$75.00
- Over 410 PED’s have been installed by the Nelson County Sheriff’s Dept. since 2008



Transportation – 2014

- In FY14: JAUNT provided 5322 trips to seniors

JAUNT services include:

- Three commuter routes (two to Charlottesville on weekdays and one to Wintergreen Wednesday through Sunday)
- Monday-Wednesday-Friday service to Charlottesville
- Monday and Tuesday intra-county service, primarily to the senior centers

What Is Needed In 2015 and Beyond?

Health Care

- Affordable dental care that is integrated with primary care; there are many more seniors who are suffering from serious oral health problems
- Improved and more affordable home-based services so that low-income seniors can “age in place” by remaining in their own residences longer
- Mental health services that cater to seniors

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- Alzheimer's Care Unit in Nelson

Meals

- Expanded meals programs at Nelson, Rockfish, Gladstone and Schuyler centers to allow more seniors to participate as well as attend more often

Housing

- An assisted living facility in Nelson
- Additional units of affordable housing are needed for seniors
- Need for additional home improvement program(s) in Nelson. A program like the Albemarle Housing Improvement Program, focuses on helping those who are low income to rehabilitate and improve homes.

Transportation

- More flexible services to reduce long waiting times after doctor visits, as well as to reduce long ride times
- Five day/week service to doctor appointments, etc. in Charlottesville
- Five day/week service to destinations within the County

At Risk Seniors

- At-risk seniors need monthly visits to help with bill-paying

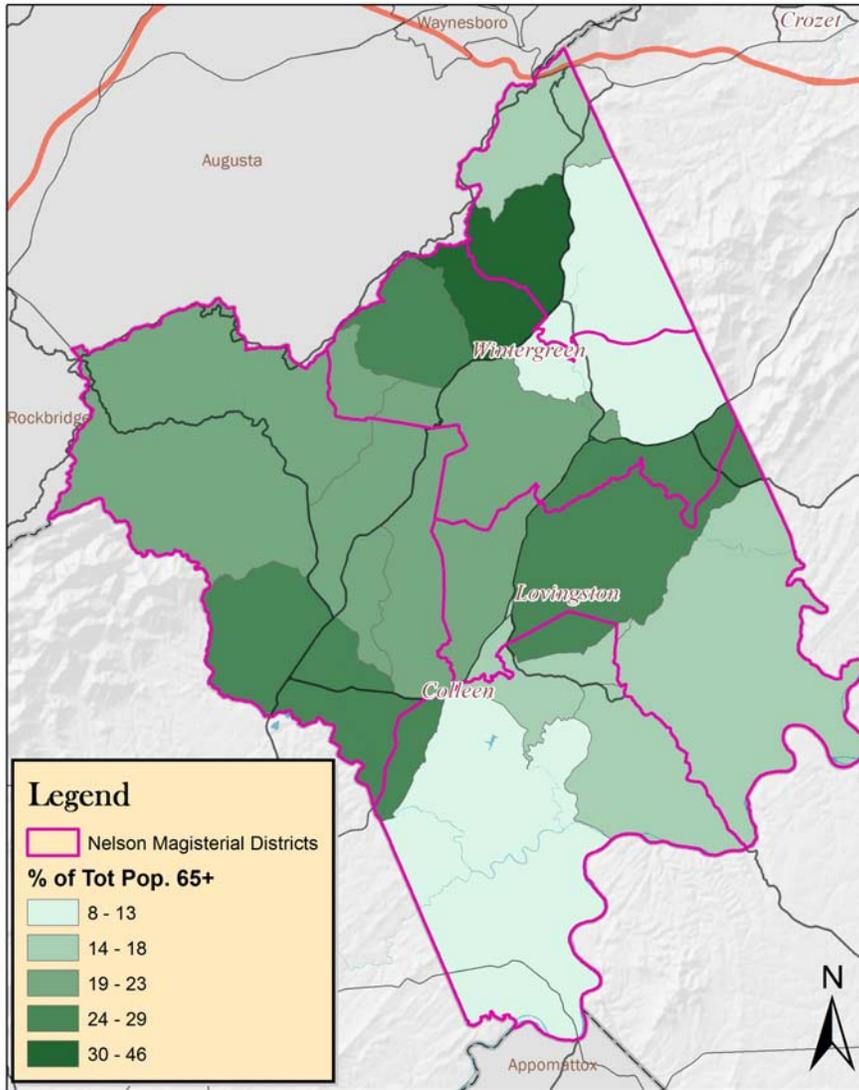
How Do We Get There?

We need to engage the entire community to work toward solutions for our growing population of seniors.

Additional funding from the County can draw down more federal and state dollars to improve the lives of senior citizens.

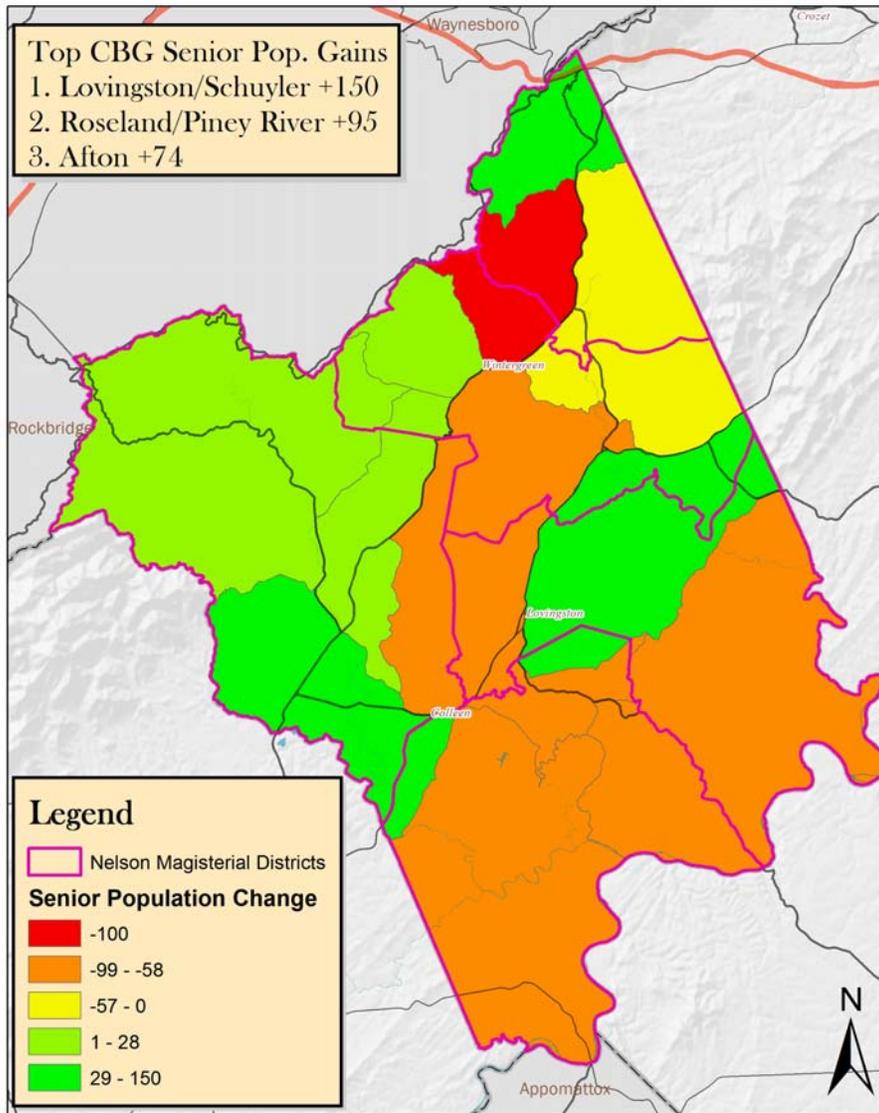
Based on American Community Survey data, the following map gives an overview of the density of seniors by census block group in Nelson County.

Elderly % of Total Population 2013



The following map based on American Community Survey data estimates the change in senior population by census block group between 2010 and 2013. The three census block groups with the estimated largest population gains are listed in the upper left corner of the map.

Est. Change in Senior Population 2010-2013



Ms. Mitchell noted that these maps were significant in demonstrating how Nelson residents were aging into the 65+ range and those who were in that range that were moving into the county.

She then noted that the Senior Advisory Committee meetings were held every other month and she invited them to lunch at the Senior Center. She noted the next meeting was on January 25, 2016 at 2:30. She added that senior lunches were served every week at noon on Monday and Tuesday and there was going to be a senior lunch at Nelson United Methodist Church on January 18th.

D. VDOT Report

Mr. Don Austin of VDOT gave the following report:

- Will need to update the Secondary Six Year Plan and he will send out the most recent secondary road priority list.
- Reported that the VDOT Commissioner has set aside funds for safety improvements and Nelson has a little over \$50,000. He added that they would need to come up with how to use it prior to July on something small, it was available now, and could accumulate from year to year; however that was not preferred. He then suggested that it could be used to cut down the median at Tye River and Route 29 and he noted it could be used on primary or secondary roads.
- Reported that for the landscaping project in Lovington, either the County or an individual could get the permit. He noted that if an individual got it, there were restrictions on sign-age etc. He then added that there were more guidelines if a group did it as a sponsorship and there would have to be a maintenance agreement along with it. Mr. Carter noted that he had mentioned this to Emily Harper to work on and that VDOT was willing to proceed.

Mr. Bruguiere supposed that the maintenance would fall back to the County if an individual were to get the permit. Mr. Carter noted he had asked Emily Harper to facilitate the project since she was in the same building as Michael LaChance. He added that the consensus was that Ms. Murray apply for the permit and get assistance from Ms. Harper. Mr. Austin advised that VDOT would need a letter from the County endorsing the project. The Board then gave their consensus to endorse project.

- Reported that VDOT would do final right of way work on the two HSIP projects. He added that other funds were transferred to the project so HB2 funds were no longer needed.
- Reported that they would try to get inmate litter pick up to come back in Nelson and that he would talk with the Regional Jail in Charlottesville and the Sheriff on getting something going. He advised that there were costs involved to VDOT and those would supplement costs to the County and he would be looking into it more.

Supervisors then discussed the following VDOT issues:

Mr. Harvey had no VDOT issues.

Mr. Bruguiere suggested that the safety improvement funds be utilized on Tan Yard Road to provide for trench widening to the Convenience Center.

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Mr. Saunders noted that there needed to be signage on Tye River Road for large trucks and he referenced an email of issues that were sent through Mr. Carter that morning.

Ms. Brennan advised that Hill Hollow Rd. was starting to get muddy. She added that Buck Creek Lane looked great. She then inquired as to another accident at the stop light and Mr. Austin advised he would get the report.

Mr. Hale noted that the entrance to Calohill Drive had holes in it as did the shoulder. He then directed that if nothing was done in the next thirty days, the County needed to fix it. Mr. Hale then inquired if it was possible to go north on Tidbit Lane at Route 29 and Route 6. He explained that if at Woods Mill, at the Route 29 and Route 6 intersection; and one is turning to go northbound, there were people turning in front of you. Mr. Austin noted he would have this reviewed to see if any improvement could be made.

V. New Business/ Unfinished Business

A. Planning & Zoning Permit Fees

Mr. Carter noted that staff was looking for direction on this or the matter could be brought back. He explained that staff could not confirm when or how the fees for administrative zoning approvals went from \$5 to \$25; however the Department has been charging \$25 for quite some time. He added that the question was should they continue to charge \$25 for these and the Board agreed by consensus they should. It was noted that this could be formalized at the next meeting if necessary.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Construction is in process, on schedule and budget. No construction issues to report to date. A related project element is working towards the procurement of audio-video and recording equipment for the Circuit Court, which was not an initial project element and which has grown (somewhat) in scope.

2. Broadband: Please see the attached 1-8-16 report on this subject to the NCBA.

Mr. Carter briefly noted for Ms. Brennan the scope of the strategic plan to be put together by the retained consultants, Design Nine.

He then confirmed that Stewart Computer Services (SCS) was sold to Acelanet, He noted that Mr. Stewart was still the technical manager, and they were still doing business as SCS Broadband. He added that the Mid-Atlantic Broadband representative had noted that Acelanet may be a group of investors getting into the broadband market.

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3. BR Tunnel: County and Woolpert staff are focused on the consolidation of Phase 2 and Phase 3 in order to secure grant funding that will enable the overall project to be funded for completion. Input from VDOT staff is, as follows:

“We have received confirmation from Central Office that the Open Container funds are available for eligible off system trail projects that can be obligated in FY17. These are 100% funds which means there is no match requirement by the locality. To be a competitive candidate for these funds it will be important to show that your project can be obligated in fiscal year 2017. Open Container Funds will not be available until October 2016 which means you will not be able to advertise until after the funds are in place. To be able to advertise in October 2016 we will need to obtain federal authorization in advance of that date. Federal authorization to advertise can take up to 30 days once a submittal to FHWA is made. To get all of the documentation necessary to make this submittal will take several months (sometimes 4-5 months). To allow plenty of time to get the documentation needed the County should start submitting documentation as you have it completed with a target of having everything in by early May.”

Additionally, County staff will submit later in the month of January a grant request to the national Rails to Trails Conservancy. The grant request (amount) has not yet been finalized. The maximum grant award is \$50,000. The funding would be used for installations such as project signage, kiosks, possibly, security cameras, etc.

Mr. Carter confirmed that Woolpert had assigned an engineer to the project and they were moving faster than first thought. Mr. Hale then confirmed with Mr. Carter that nothing would happen as far as bidding the project until October 2016.

4. Lovingsston Health Care Center: Harrisonburg based Valley Care Management has requested a meeting with the County to discuss the company’s status on acquiring the facility for use as an assisted living and memory care center. The meeting will be scheduled in January or early February 2016.

Mr. Carter noted that Valley Care Management has asked what the County would ask for the building and he has told them at least the assessed value at this point. Supervisors agreed by consensus that the assessed value was the starting point.

Mr. Hale then suggested that they needed to see if they were seriously interested before spending money on an independent appraisal. Mr. Harvey noted that if they could provide assisted living services to Nelson County it would be worth the effort to make it work.

Mr. Carter noted that Region Ten and Piedmont Housing Alliance were still interested and there had also been interest from a local business in using it for their operations.

5. Radio Project: The following was taken from the monthly report of the Department of Information Systems (S. Rorrer): County staff and B&V (RCC) have completed a review of system documentation and provided Motorola with a list of additional information that

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should be provided. Once that information is received the County will sign off on the final project milestone.

The County and B&V are currently working to evaluate the Digital Vehicular Repeaters proposed to be installed in vehicles for the Rockfish, Montebello and Wintergreen departments. Motorola has provided a list of references who currently utilize the DVR Systems. Motorola has requested proof of concept information from systems engineering however that information has not been received. The County will proceed with the purchase once the solution has been proven to work as proposed.

Mr. Carter noted a \$50,000 cost for this and they had received feedback that it would be worth the cost.

He noted that the County was continuing to pursue the deployment of a new communications site on Bear Den Mountain. He added that Black and Veach, Motorola, Virginia State Police, and the County would work together to assess options for use of the site. He noted that the site would provide significant coverage enhancement in the northern part of the County.

6. CDBG Grant Application for Sewer Line Extension: A set of information questions has been submitted to Aqua VA, which has just recently assigned staff to this subject (to work with the County), Until these informational needs are addressed and done so to enable the project to proceed to a final decision by VA-DHCD on project funding, additional work that is required to be completed (i.e. income surveys, grant application revisions, etc.) are being deferred (until there is certainty that all required details can be completed with Aqua VA).

Ms. Brennan inquired as to the length of Wild Wolf's temporary permit and Mr. Carter noted it went until July 2016. He then noted that the County would have to survey the households along the extension for LMI qualifications and desire to connect. He added that staff would have to amend the budget to allow for LMI connections; however staff did not want to do all of this work if the project did not work for Aqua Virginia.

7. Nelson County Public Schools (Office of Civil Rights Follow-Up): An update on the status of this subject has not been received from the School Division but is thought to be in process.

Mr. Carter noted that the School Division was working with another consultant who had noted that the larger issues may be able to be resolved without a large capital outlay.

8. FY 14-15 Audit Report (CAFR): The completed report will be distributed to the Board in the ensuing two weeks with staff from Robinson, Farmer Cox Associates to present on this subject at the February regular session.

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9. FY 16-17 Budget: Work on the County's ensuing fiscal year budget is in progress. Department of Finance and HR staff are also endeavoring to complete a compensation study for the Board's consideration during FY 16-17 budget work sessions.

10. VDOT HB2 Applications: A final decision on the County's three HB2 project applications is pending (early to mid-2016). The Rt. 29/655 application has been shifted at the request and recommendation of VDOT staff to the Department's Safety HB2 Need Category (instead of the Corridor of Statewide Significance Category).

11. Board Retreat: Completed. A summary report completed by Mr. Boyles (Chip) of TJPDC is included herewith.

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

Added:

County Surplus Auction: Mr. Carter reported that this would take place on January 30th at the Calohill Maintenance Facility. He noted there was mostly furniture and some vehicles to be auctioned off by Counts and Dobyns. He added that some attorneys in the region were interested in office chairs etc. and the feedback from Counts and Dobyns was that it could go well.

Jefferson Madison Regional Library: Mr. Carter noted that staff had met with the Library's Executive Director who related that a system wide accessibility assessment had been done and four pages of things to work on had been given to the Maintenance Department. Examples included fixing the sidewalk lip, the counters were all uniform and did not have a handicap accessible section, and the bathrooms were not accessible.

Assistant Code Official: Mr. Carter reported that James Allen had been hired as the Assistant Building Code Official and had started on Monday. He added that he would get certified as soon as possible.

Rockfish Valley Area Plan: Mr. Carter reported that a kick off meeting had been held.

2. Board Reports

Mr. Harvey, Mr. Hale and Mr. Saunders had no report; other Supervisors reported the following:

Mr. Bruguere:

- Visited the caboose at the Blue Ridge Trail and noted that it had steps into it; however there were no funds to rebuild it. He noted it would have to be completely rebuilt and he would like to see the County contribute \$5,000 towards this.

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Mr. Carter noted he would have to see who the money would need to go to and he added that the work was supposed to be done by volunteer labor.

Mr. Bruguiera moved to contribute \$5,000 towards the restoration of the caboose at the Piney River trail and Ms. Brennan seconded the motion. Mr. Bruguiera noted that this was not a lot of money and would get things done. He added that the trail was being highly used. Mr. Hale agreed it was a worthwhile expenditure of County funds.

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

Ms. Brennan:

- Attended Crisis Intervention Team (CIT) meeting and learned about new programs offered. She noted there was now a program for kids under 18; where CIT would go to homes and deal with issues.

B. Appointments

Ms. McGarry distributed the impending appointments for 2016 as follows:

Board or Commission	Terms Expiring	Incumbent
NC Social Services Board <i>BOS Member Annually Appointed in January</i>	1/1/2016	Connie Brennan-BOS
Jefferson Area Disability Services Board <i>Gov't Rep. Appointed at BOS Org. Meeting</i>	1/1/2016	Kelley Hughes
Piedmont Workforce Network Board <i>1 year term annually appointed BOS member</i>	1/30/2016	Larry D. Saunders
Planning Commission <i>BOS Member Annual Appointment in January</i>	1/30/2016	Larry D. Saunders
T.J. Community Criminal Justice Board <i>Appointed at BOS Annual Org. Meeting</i>	1/1/2016	Connie Brennan-BOS
T.J. Planning District Commission <i>1 year term appointed at BOS Annual Organizational Meeting</i>	1/1/2016 1/1/2016	Tim Padalino -Planning Director Allen M. Hale - BOS
Ag & Forestal Dist. Advisory <i>4 Year Term - 3 Term Limit</i>	5/13/2016	Other Landowners Bill Halvorsen
Board of Building Appeals <i>4 Year Term - No Term Limit (initial 3 - 2012, initial 2 - 2014 per Ordinance)</i>	6/30/2016 6/30/2016 6/30/2016	Shelby Bruguiera Steven C. Crandall Kenneth H. Taylor

Board or Commission	Terms Expiring	Incumbent
Jefferson Madison Regional Library Board 4 Year Term - 2 Term Limit	6/30/2016	Marcia McDuffie (T1) Unexp Term of Mary Coy
N.C. Broadband Authority 4 Year Term	6/30/2017	Alan Patrick Vacancy- Central
N.C. Economic Dev. Authority 4 year term	6/30/2016 6/30/2016	R. Carlton Ballowe Emily H. Pelton
N.C. Library Advisory Committee 4 year term appointed by District	6/30/2016	Audrey Evans - West District
N.C. Service Authority 4 Year term appointed by District	6/30/2016 6/30/2016 6/30/2018	Edward L. Rothgeb - South David S. Hight-West Tommy H. Vacancy- North
N.C. Social Services Board 4 year term /2 term limit	6/30/2016	Clifford Savell (T1)
Piedmont Workforce Network Board PWN Business Representative - 3 Year Term No Term Limits	6/30/2016	James S. Turpin
Planning Commission 4 Year term appointed by District	6/30/2016 6/30/2016	Mary K. Allen - South Michael Harman-West
Region Ten Community Services Board 3 Year term / 3 Term Limit	6/30/2016	Patricia Hughes (T1)
JABA Board of Directors 2 year term	7/15/2016	Diane Harvey
JAUNT 3 year term	9/30/2016	Janice Jackson
Board of Zoning Appeals Appointed by Circuit Ct. Judge 5 year term	11/10/2016	Goffrey Miles
T.J. Planning District Commission Corporation 1 year term no term limit - Appointed By TJPDC Corporation	12/10/2016	George Krieger

The Nelson County Broadband Authority Central District vacancy and the North District Service Authority vacancy were briefly discussed as being important. Ms. McGarry noted that both of these have been advertised and would continue to be. Mr. Harvey then advised that he would continue to serve on the Service Authority Board until a replacement was appointed.

C. Correspondence

1. Goodwin Law of VA, PLLC – Proposed Zoning Ordinance Amendment

Mr. Carter noted the County had received a letter from Heather Goodwin, who had proposed a Zoning Ordinance text amendment to address a zoning violation of her client.

Mr. Padalino provided the following guidance via his staff report as follows:

“Mrs. Goodwin’s correspondence ultimately seeks to establish “contractor’s equipment storage yard” as a permissible use in the Limited Industrial District M-1. That land use is currently only a permissible use in Industrial District M-2. Mrs. Goodwin’s request of the BOS to consider initiating a text amendment would remedy the zoning violation at Mr. Bryant’s property, as the subject property is zoned M-1 and is currently the operational headquarters of Bryant Paving (which was previously determined to be a “contractor’s equipment storage yard”).

While it is my position that amending the Ordinance to resolve a zoning violation is typically not a good practice, it may be justified in this case. Specifically, my recommendation is as follows:

Amend Zoning Ordinance Article 18, Limited Industrial District M-1, Section 3, to include “contractor’s equipment storage yard, or rental of equipment commonly used by contractors” as a Use – Permissible by Special Use Permit only.

As noted above, this particular land use is currently permissible in M-2, but not in M-1. In some cases, the use may be acceptable or appropriate in Limited Industrial District M-1; but it is also possible that it may not be acceptable or appropriate in the M-1 district in other cases (depending on the scale of the operation and other property-specific and project-specific details).

Therefore, allowing this land use as a “special use” in M-1 gives property owners the opportunity to request a Special Use Permit from the BOS; but it doesn’t guarantee the property owner the right to use M-1 property for that land use (as it would be if it were made a “Use – permissible by-right”). Additionally, requiring a SUP for this type of land use in M-1 would allow the BOS to make case-by-case decisions about establishing conditions to any SUP approval, if the Board were to determine that there were property-specific or project-specific reasons for doing so.”

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Mr. Carter noted that Mr. Padalino recommended that the text be amended to allow this by Special Use Permit in order to mitigate some of his issues; however the Board would retain full discretion and it would not be a by right use.

Mr. Hale asked if the Board could act directly without referring this to the Planning Commission and Mr. Carter advised it would have to be referred. Mr. Hale and Mr. Bruguere both stated they did not see the need for a special use permit and this should be a by right use.

Mr. Hale then agreed that it should be referred to the Planning Commission but that the sense of the Board was that a Special Use Permit should not be required.

Ms. Brennan then moved that the issue be referred to the Planning Commission and Mr. Saunders seconded the motion.

Mr. Hale then re-read the text to be referred as follows: Amend Zoning Ordinance Article 18, Limited Industrial District M-1, Section 3, to include “contractor’s equipment storage yard, or rental of equipment commonly used by contractors” as a Use – Permissible by Special Use Permit only.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and resolved to refer the proposed Zoning Ordinance text amendment to the Planning Commission for review and recommendation.

2. Elaine Woodson – Proposed Zoning Ordinance Amendment

Mr. Hale noted that this request was to amend the Zoning Ordinance to allow for accessory structures to be placed on property with no existing structures.

Mr. Padalino provided the following guidance via his staff report as follows:

“This correspondence seeks to initiate a text amendment to the Zoning Ordinance which would allow sheds, garages, and/or other structures (typically considered “accessory structures”) to become permissible (by-right) primary uses/structures.

This requested amendment would represent a significant departure from current County policies and from traditional County practices.

Currently, there is no limit to the number of sheds, outbuildings, garages, or other accessory structures which may be placed or constructed on a property – but only if a permissible primary use or structure already exists on the property. Commonly, the permissible primary use/structure is a dwelling, to which the other structures are permissible accessory uses/structures. There are numerous examples in most zoning districts of properties having both primary and accessory uses.

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In my opinion, amending the ordinance to allow such sheds, outbuildings, or other garages without a permissible primary use or structure on the same parcel is not advisable. Allowing sheds and/or garages prior to establishing a primary use or structure may help certain individuals in certain instances, but it is not in the interest of the County at large. Consider the following thoughts regarding the requested amendments; these attempt to take into account all possible scenarios (and not just the one current circumstance involving Mrs. Woodson):

- It would create conditions in which the shed or garage has an increased potential for being used as a dwelling (regardless of whether that is the initial intent, or not) – despite the structure not being compliant with all applicable Building Inspections and/or Health Department regulations. In essence, this concern is related to public health and safety, and more specifically the issues of sub-standard housing, child welfare, and at-risk seniors with fixed, limited, or no income.

- It would contribute to some (perhaps many) properties not being utilized for their “highest and best use,” which would in turn result in reduced aggregate property values and would negatively affect County tax revenues. If property owners are permitted to construct or place a shed on a property in lieu of building a dwelling, cottage, or vacation house, that would ultimately impact the County’s ability to fully realize potential tax revenues.

- It would represent an abrupt departure from deliberate County policies and established procedures. The ordinance is clearly written to prevent sheds, garages, and other such structures from being a permissible primary use. Consider (among other provisions) Article 14, Section 2 “Powers and Duties of Board of Zoning Appeals” Item 1a: “To hear and decide applications for Special Use Permits to erect an accessory building prior to the construction of the primary building on the same parcel or lot.” This provision clearly shows that previous Nelson County Board of Supervisors, in their judgment and discretion, did not wish for sheds or garages to be permissible by-right as a primary use, but rather to only be permissible with a Special Use Permit issued by the Board of Zoning Appeals (a quasi-judicial body).

Therefore, with respect to those considerations, my recommendation is as follows:
Do not amend the ordinance to allow sheds, outbuildings, garages, or other structures typically considered “accessory structures” to be permissible as a by-right primary use/structure.

In my opinion, the only possible amendment which should be considered in regards to this issue would be to explicitly add “accessory building(s) prior to the construction of the primary building(s) on the same parcel or lot” as a “Use – Permissible with Special Use Permit only” to certain Articles, including Article 4 (Agricultural District A-1), and/or whichever other zoning districts the PC and BOS consider to be appropriate. Such an amendment would help to clarify the existing policy (which is currently only referenced in Article 14, “Board of Zoning Appeals”), but is not necessary.”

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Mr. Harvey noted the Zoning Ordinance was that way because if not, sheds would go up and then the owners would be living in them. It was noted that this has historically been the consensus of staff. Mr. Harvey added that this was a monitoring problem as well.

Following discussion, no action was taken by the Board.

D. Directives

Mr. Saunders and Mr. Harvey had no directives

Ms. Brennan confirmed that newly elected officials were sworn in.

Mr. Bruguere confirmed with Mr. Carter that a letter to Mr. Larkin regarding the County's interest in his property had been sent to him and would also be sent to the appropriate contact at the bank.

Mr. Hale:

Mr. Hale noted that he would like to have a commitment in writing from Woolpert on the Blue Ridge Tunnel project as well as the name of the Engineer assigned to the project. He added that he and Mr. Saunders would like to have a meeting with him ASAP.

Mr. Hale noted that the Calohill Drive issue still needed to be solved. Mr. Carter advised that staff had researched it and no one seemed to be in charge of the road. He added that neither Doug Long nor Bo Delk was in charge and it could be the responsibility of a property owner's association. Mr. Saunders noted that it should work that way.

Mr. Hale then inquired about discussing the Sheriff's earlier request.

Mr. Bruguere asked for clarification on what was being requested.

Mr. Harvey explained that the Sheriff wanted to use salary supplement funds in order to hire new people and the Board's policy had been if you were new, you started at the base salary. Mr. Hale clarified that this was the Compensation Board salary and Mr. Harvey noted that this hurt a lot when trying to hire qualified people. He added that with the recent hire; they had been convinced of her qualifications and that it would take a higher salary to hire her and they wanted to hire good people. He noted that most of the time, an entry level person would be hired in at the Compensation Board salary and they would have to be trained and would not be of any benefit to the department for a while. Mr. Carter confirmed that they were using the current Compensation Board salaries and were not losing that.

Mr. Hale looked at an example provided by the Sheriff to get clarification and Mr. Carter noted that the outgoing employee was paid at the higher level and the incoming employee per policy, would not get the supplement – it would be lost. Mr. Hale then confirmed that the Sheriff said he needed that money in order to hire. He then asked if this would be a one-time approval or across the board. Mr. Harvey noted that it was a given you could hire better

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people with the supplement included and he thought this should be across the board. Mr. Carter noted that while he had no problem with this in theory; he questioned what the structure was to do that as the concern was there was no system in place. He then advised the Board that the Commissioner of Revenue had come to them to say that the Compensation Board had told her that the County should also pay her the supplement; which was about \$6,000 to \$8,000 more and he questioned whether or not the Board wanted to pay the incoming Officers the same as the outgoing. Mr. Harvey noted he had no problem with it since she would be losing the supplement from her previous position and Mr. Hale disagreed noting he thought the elected positions were different. Staff began to note how it was done in the past and Mr. Harvey suggested that they were now moving forward.

Mr. Harvey then moved that the salary supplement policy be changed to allow the Constitutional Officers and employees to be able to receive the payroll funds already budgeted. He added there was no new money involved and was already there.

Ms. Brennan questioned this in the case where someone brand new was being hired and Ms. McCann asked about County employees; noting that what if someone with 10 years' experience left a position and a person was hired in at the same salary that did not have as much experience; this was what they would be allowing the Constitutional Officers to do. Mr. Harvey noted that this would give them the opportunity to hire someone with the experience. Ms. McCann noted that this was not always the case unless parameters were put in place. Mr. Harvey noted that they could not manage everything and Ms. Brennan agreed noting that they had to trust the judgement of the Sheriff; who would not bring someone in and waste money. Ms. Brennan then stated that she thought they should give the Sheriff the option to hire his people.

Mr. Hale suggested that they not say this was an automatic pay level for an incoming employee; but that the Sheriff has the discretion to use these funds up to the salary that includes the County supplement. Ms. McCann then noted that the Sheriff was wanting to juggle this around and he could then take several supplements and put it towards one position. Mr. Hale noted that would be alright with him and Mr. Saunders concurred. Ms. McCann then suggested that they set a parameter of a percentage above the minimum pay that they could use to hire people and she noted that the Compensation Board salaries had pay classes that were not necessarily at the bottom of the scale; they had the flexibility on the Compensation Board side to move the salary around within budgeted Compensation Board amounts. She noted that they may have someone going out with a certain Compensation Board salary and bring someone in at a lesser salary and would still have that Compensation Board differential to apply to other Compensation Board positions.

Mr. Bruguiere inquired as to how the County would appropriate the money to the Sheriff's Department and did Sheriff make the decision where it went. Mr. Carter noted that this was not done in this manner in the past. Mr. Carter then explained that if a 3% raise was given and they got the 3%, then it was just adjusted by the 3%, there was no discretion about that. Staff clarified that this was a percentage given when there was a difference between the percentage raise the County gave and the Compensation Board raise percentage or even the timing of the raise. Mr. Carter noted that when the Constitutional Officers did not get raises

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from the state one year, they came to the Board and asked for the same raise as the County employees were getting and the outcome of that was the establishment of the policy. He added that so every time the State gave less and the County gave more, the County would make up the difference. He added that conversely if the State provided more than the County, then the supplement policy was adjusted downward so that it balanced out.

Mr. Hale noted that they were not really talking about a change in that respect and Mr. Harvey then withdrew his motion for the time being.

Mr. Hale noted that this was the first time the Board was addressing this and his feeling was that the Board wanted to work with the Sheriff to enable him to get the best people possible. Mr. Carter agreed but noted that the staff did not want disruption; where things were all over the place creating issues and he suggested that there should be some structure to it.

Mr. Hale questioned the ease of which some sort of structure to this could be drawn up to give the Sheriff the flexibility to hire some of these more qualified people. Mr. Carter noted staff just needed to work on it, however the issue was the Sheriff wanted to make these hires immediately. Mr. Hale then suggested that they deal with the immediate hire request and defer action on the rest of it.

Sheriff Hill then addressed the Board and noted that Major Larry Cindrick had come in to fill the place of the previous Captain Ron Roberson. He noted he was a County native and resident and was highly qualified having been a Captain in Amherst and supervised more people there than he would in Nelson. He noted that he had taken a pay cut to return to Nelson and he added that he would like to see him get paid what the previous Captain, Ron Robertson, was being paid. He advised that Major Cindrick was performing the same duties if not more than the former Captain. He then reiterated the credentials of the other individual he wanted to bring in and would be a benefit to Nelson.

Mr. Hale then suggested that the Board agree to do this for the two individuals being discussed, the Captain and the Investigator, and that be it. Ms. Brennan then questioned the salary of Ms. Rebecca Espinoza and noted that she had received the supplement. Mr. Saunders then agreed with Mr. Hale's suggestion. Ms. McCann related that the County was doing a pay study and this could be further addressed when the Board reviewed the study.

Mr. Saunders then moved to cover the supplement for the two employees in question. It was clarified that there was no new money involved and the funds were already budgeted.

Ms. Brennan then seconded the motion.

Staff advised that this involved approximately \$8,000. Supervisors noted that they did not want to see the Sheriff's hands tied to start with. Mr. Hill commented that the department was in a pinch and they did have the option of calling the State Police or other localities to assist; however he needed to act very quickly.

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

Ms. Brennan had further questions regarding the other salaries and was advised to consult separately with the Sheriff as the Board did not want to discuss individuals' salaries even though it was public information.

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

At 5:45 PM, Mr. Harvey moved to adjourn and continue until 7:00 PM for the evening session 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.

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

I. Call to Order

Mr. Hale called the meeting to order at 7:12 PM with all Supervisors present to establish a quorum.

II. Public Comments

1. Vickie Wheaton, Faber

Ms. Wheaton noted that she attended a Community Advisory Board meeting in Buckingham on the Atlantic Coast Pipeline where Dominion said they would come back and answer their questions. She noted that the group did not receive the answers until the night of their meeting; so there was no way they could review them ahead of time. She noted that they “talk the talk” and then behave differently. Ms. Wheaton then related that a Committee member felt intimidated by the police officers at the door during the meeting and when asked; Dominion claimed to know nothing about them being there, when in fact, they had been hired by Dominion.

2. Reverend Foster, Shipman

Reverend Foster expressed concern regarding the removal of the bell from the old school house in Shipman and questioned the authority of Mr. Saunders and Reverend Rose to move it. He noted that he did not believe Reverend Rose had any right to move the bell and noted that no one did until or if the old schoolhouse was sold. He noted in that event, there would be a meeting about what to do with the bell. He further stated he would like to know who gave the authority to take the bell.

Mr. Carter noted that per the research done by the County Attorney, no one had ownership of the property. He noted that the original trustees, when the school was constructed and

deeded from Oak Ridge Estate, were no longer living. He added that concern about the bell had been discussed over a year ago and the County Attorney had advised that it should be retrieved and put in good care. He noted that the County had conferred with the Heritage Center who said they would be good stewards of the bell. He reiterated that the matter was researched thoroughly and it was found that no one currently owned the property as all of the trustees were deceased.

Mr. Hale advised Reverend Foster that it could be discussed further and looked into; however the matter would not be further debated that night.

III. Public Hearings

- A. Public Hearing – Spruce Creek Resort & Market, Special Use Permits 2015-10, 2015-11, 2015-12, and 2015-13 (Averitt):** The Special Use Permit applications #2015-10 to #2015-13 seek approval to build a small grocery/market for the sale of local foods and goods pursuant to Zoning Ordinance §4-1-35a (“retail store, neighborhood”); build a banquet hall to be used for weddings, meetings, etc....and provide lodging cottages & provisions for overnight stays pursuant to §4-1-13a (“conference center”); build a small spa with a few cabins for guest use and public use pursuant to §4-1-44a (“activity center”); and build a restaurant on property zoned A-1 pursuant to §4-1-34a (“restaurant”). The subject property is identified as Tax Map Parcels #21-A-35; -36, is zoned Agricultural (A-1) and consists of 98.21 acres located on Rockfish Valley Highway.

Mr. Carter noted that for consideration were four Special Use Permit applications as follows:

SUP #2015-10 for “neighborhood retail store”, pursuant to §4-1-35a, would allow for the construction and operation of “a small grocery/market for the sale of local foods and goods.” Per Zoning Ordinance Article 2, this special use would be limited to a total of 4,000 SF.

SUP #2015-11 for “conference center”, pursuant to §4-1-13a, would allow for the construction and operation of “a banquet hall to be used for weddings, meetings, etc and to provide overnight lodging accommodations in cottages.” Per the application materials, this special use would be comprised of an event facility as well as approximately 36 cottages which would accommodate approximately 60-80 guests.

SUP #2015-12 for “activity center”, pursuant to §4-1-44a, is being requested to “build a small spa...for guest use and public use.”

SUP #2015-13 for “restaurant”, pursuant to §4-1-34a, would allow for the construction and operation of a restaurant, which is proposed for the upper tract of the subject property.

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He noted that the property comprised of two vacant, formerly developed parcels located in the Nellysford area on the northwest side of Rockfish Valley Highway, identified as Tax Map Parcels #21-A-35 and #21-A-36. He added that these two parcels totaled 98-acres of Agricultural (A-1) zoned property, with an area of General Floodplain overlay district (FP) along Spruce Creek. He added that the subject property was currently vacant, and was formerly the location of Waynesboro Nursery.

Mr. Carter noted the submission of a minor site plan and portfolio by the applicants and the following review process: August 26th – official submission, September 9th – Site Plan Review Committee meeting, October 13th – project introduction to Board of Supervisors, October 28th – Planning Commission public hearing, November 12th – Board of Supervisors public hearing (applicants requested two-month postponement to January 12th).

Mr. Carter referred to Mr. Padalino’s staff report that noted the following related to comments from VDOT, TJSWCD, and VDH:

VDOT: Mr. Jeff Kessler, Virginia Department of Transportation representative, initially provided review comments in writing on September 3rd. Mr. Kessler’s initial review comments included the following:

“In order to access the potential traffic impacts from this proposed development, we will need a Traffic Impact Statement (TIS) in accordance with 24VAC30-155-60.”

After attending the September 9th Site Plan Review Committee, Mr. Kessler then provided written review comments on September 10th. Mr. Kessler noted that the required Traffic Impact Statement can be partially addressed during the SUP review process, and then fully resolved during the Major Site Plan process (subsequent to any SUP approvals the County may grant).

Mr. Kessler’s review comments from September 10th are as follows:

“While a Traffic Impact Statement will be needed to assess the potential traffic impacts, entrance requirements, and roadway improvements to the state highway system by the proposed development, at a minimum, the following items are [to] be addressed in order for VDOT to provide comments to both the Developer and Nelson County. The remaining items of the Traffic Impact Statement may be delayed to the site plan process.”

“ITE Trip Generation and distribution for the proposed development based on the preliminary plan (to include banquet hall traffic).”

“Turn lane analysis for entrances onto Route 151 and the Route 151/627 intersection based on the highest peak hour traffic (may be weekend peaks).”

“Intersection (ISD) and Stopping Sight (SSD) distances at the proposed entrances on Route 627, and ISD-Right and SSD-NBL for the Horizon Village Road entrance.”

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“Measured distance in feet between the Horizon Village Road entrance and the proposed development entrance to the north.”

Mr. Kessler and the applicants (through their consultant Mr. Scott Dunn, AICP, PTP, of Timmons Group) then exchanged correspondence during September and October. Most recently, Mr. Dunn provided Mr. Kessler with updated Traffic Impact Statement materials on Tuesday, January 5th; Mr. Kessler has not yet provided his review comments at the time of his report. A detailed update from VDOT should be available by (or before) the BOS review on 1/12.

TJSWCD: Mrs. Alyson Sappington of the Thomas Jefferson Soil & Water Conservation District noted in writing on September 9th that a full Erosion & Sediment Control Plan will need to be included in the Major Site Plan submittal, review, and approval process (subsequent to any SUP approval by the BOS). Mrs. Sappington also noted that the proposed project would also need an approved Stormwater Management Plan and Virginia Stormwater Management Program permit.

VDH: Mr. Tom Eick of the Nelson County Health Department did not attend the meeting and provided written comments as follows:

“Spruce Creek will need to have an engineered proposal for their sewage needs.”

Mr. Carter reiterated that the applicants would have to address VDOT’s recommendations and adhere to the TJSWCD and VDH requirements if the project moved forward.

Mr. Carter then noted that the Planning Department had evaluated the Special Use Permits using the criteria Per Zoning Ordinance Article 12, Section 3-2, and applicable State Code provisions and the Planning Director and Commission recommended approval of all four of the Special Use Permits.

The Applicant, Mr. Richard Averitt, was then invited to address the Board.

Mr. Averitt showed the Board the project concept plan layout. He noted that the project had been conceived by him, his wife, and father and that they had moved to Nelson County in 2003 and purchased the property across from Bold Rock Cidery in 2013. He noted he had a background in restaurants and hospitality and they felt that they lived in the most beautiful place in world; however it lacked a destination experience for dining, lodging and taking in the County. He added that they recognized the traffic issues that went along with the density and they have worked on it for over a year.

Mr. Averitt then explained that the project consisted of a lower area containing a public market space and an upper area consisting of cabins and a high end restaurant. He added that they wanted to compete with the Inn at Little Washington and the Blackberry Inn. He noted that the market would celebrate the bounty of the area with the sale of local foods and crafts and the event space would seat 100 people and would spill over into the outdoor spaces. He

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noted that they would focus attention into the natural environment and patrons would take in the natural beauty of the property.

Mr. Averitt noted that the property was once an old nursery and they thought they could take advantage of that and make something great out of the property that was once disturbed and has been generally neglected.

Mr. Averitt then noted that the Atlantic Coast Pipeline would bisect the upper parcel from Horizons Village across and down the far side of the property; however he did not think the pipeline would ultimately go there.

Mr. Hale then asked how they would deal with sewage there and Mr. Averitt noted that they had not gotten that far in their planning yet; however he thought they would have to design their own treatment facility.

There being no other questions from the Board, Mr. Hale opened the public hearing for all four (4) Special Use Permits and the following persons were recognized:

1. Joe Lee McClellan, Lovington

Mr. McClellan noted that he supported the project. He added that he owned property near it and he thought that concerns about sewage would be addressed by the regulations that were in place. He noted that he thought the Board should let the property owner take the risk and spend the money to make it work if he wanted to.

2. Bill Uhl, Piney River and Thomas Jefferson Soil and Water Conservation District (TJSWCD) Board of Directors

Mr. Uhl noted that although he was a Director at TJSWCD, his comments were his own and did not reflect the thoughts of the Soil and Water Conservation District. Mr. Uhl then noted he wanted to speak on the protection of water quality. He related that he was aware of a home that was purchased with a septic system and after about six months it failed and it was going to cost \$25,000 to effect a solution. He noted that a small convenience store was found to have a failed system discharging into the creek and the SWCD shared costs to correct this. He noted that a local Brewery/Restaurant could not expand due to sewage issues and the County was stepping in to effect a solution with taxpayer dollars. He referenced the Monarch Inn project that had been presented and noted that the presenter had indicated that the soils there were better for a swimming pool. Mr. Uhl then noted he understood the Board's mission and further understood that one of the priorities was to continue to work on the Route 151 area plan. He stated that he would like the Board to place a high emphasis on completing this plan and he encouraged them to have the study to look at the necessary infrastructure to support the development that they wanted to see. He advised that in his experience drain fields failed eventually, the infrastructure in the area was very limited, and providing it should be a high priority. He added that until then, the Board should consider a moratorium on Special Use Permits when they involve high occupancy uses that could have environmental impacts.

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3. Neal Showstack, Afton

Mr. Showstack noted he agreed with Mr. Uhl. He noted that he felt like the project could be a game changer and he would like the Board to explore this more before approving the Special Use Permits. He added that in terms of high end restaurants, he found this to be a contradiction. He noted that the County has had soft development so far and he thought this kind of development was scary. He further noted that he thought it would change the cultural aspect of the community which was not in keeping with the SUP proviso #5. He then questioned how the completion of the proposed resort would affect Bold Rock Cidery's water supply. He added that local well drillers were going down 400 feet to find water whereas it used to be 150 feet and he was unsure of how to account for that. In conclusion he noted he would like to see more thought out acceptance for this.

4. Vicki Wheaton, Faber

Ms. Wheaton noted she was on the Ligmincha Council and that they have had water issues there. She noted she was not opposed to the project; however she cautioned the Board about setting a precedent with an approval and not being able to say no in the future. She added that she thought they needed to look at the big picture and consider the long run. She noted that she thought clustering the cottages may be the way to go and she was put off by the all-inclusive type of resort proposed as opposed to spreading the wealth throughout the community.

5. Reverend Foster, Shipman

Reverend Foster noted he supported the project.

There being no other persons wishing to be recognized, the Public Hearing was closed.

Ms. Brennan then moved to approve SUPs #2015-10 to #13; Spruce Creek Resort and Market and Mr. Bruguire seconded the motion.

The Board then had the following discussion:

Mr. Harvey inquired as to the status of the Monarch Inn now and Mr. Carter advised that the property had different owners and he did not have the sense that they would move forward with the project. He noted that if the previously approved Special Use Permits were not initiated within 24 months, they would expire. He added that per the County Attorney, the Board could establish conditions for Special Use Permits; such as not allowing the permits to be transferable. He added that Mr. Payne had also advised against considering that.

Mr. Bruguire noted that the Monarch Inn project had already done work with a soil scientist and regulating this was up to the Virginia Department of Health, not the Board of Supervisors. Mr. Carter advised that regardless of who had to permit it; it would have to be permitted to the owners and if they did not meet the permit requirements, they would be required to correct it. He added that there would be regular reporting requirements.

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Mr. Harvey asked about the upslope and if there were rocky sandy soils on the property. Mr. Averitt noted he did not believe it was the same but they had not done a definitive study on that. He noted that the next phase would explore those questions. The project Architect then noted that while they had not studied this on the project site; they had done work in the area and their firm had the experience to provide this type of expertise.

Mr. Averitt then noted that the project was not all-inclusive and he noted that the next planning phase would study the details and they would have to come back to the Board for the final approvals etc.

Mr. Hale then noted what Mr. Padalino's recommendation said: "If the applicants obtain BOS approval for their four (4) Special Use Permit applications, they would then have to address numerous important project details through the submission, review, and approval of a Major Site Plan. These details include signage, lighting, landscaping, and other specifications and design details; as well as important regulatory details pertaining to VDOT, VDH, and VDEQ. The applicants are aware of these issues and details, and have conveyed their intentions for all aspects of the proposed project to be appropriate and compliant with all applicable requirements and regulations." He reiterated that there was a lot of work still to be done and he thought the project would be a great asset to the County.

Mr. Harvey supposed that if there was a 12 month restriction; they would not be able to pursue all of these things in that amount of time. Mr. Averitt noted he was not aware that there was a time limit and he would like guidance on what entailed making progress or acting on the Special Use Permits. Mr. Carter advised that if they were retaining professionals etc.; they were taking action on the permits.

Mr. Harvey advised it was easy to get an extension and they could extend the timeframe and amend the motion.

Ms. Brennan then amended her original motion to give a two year time period to move forward. She noted she was excited about it; however she did share some of the same concerns that had been expressed. She added that she thought it fit in with the Route 151 corridor activity.

Mr. Bruguiere then seconded the amended motion.

Mr. Saunders then asked for clarification on the process for getting a special use permit extension and Mr. Carter noted he would have to look at this to see if extension requests required going back through a public process or not. He added that as long as the permittees initiated some work and the County was cognizant of it; it would not be said that they weren't proceeding.

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

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IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 8:01 PM, Mr. Saunders moved to adjourn and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.