

June 9, 2015

Virginia:

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

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

Absent: None

I. Call to Order

Mr. Saunders called the meeting to order at 2:05 PM, with four (4) Supervisors present to establish a quorum and Mr. Bruguire joining the meeting at 2:07 PM.

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

II. Consent Agenda

Ms. Brennan noted a correction to the spelling of Sarah Ray’s last name in the April Minutes on page six (6) and Ms. McGarry acknowledged the correction.

Mr. Hale then moved to approve the consent agenda including the minutes of the previous two meetings, the Commissioner of Revenue Refunds, and FY15 Budget Amendment. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2015-43** Minutes for Approval

**RESOLUTION R2015-43
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(April 14, 2015 & May 12, 2015)**

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RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 14, 2015 & May 12, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2015-44** COR Refunds

**RESOLUTION R2015-44
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>
\$2,147.04	2012-2014 Disabled Veteran Exemption	Mr. Raymond M. Miller, Jr. 964 Horseshoe Rd. Arrington, VA 22922
\$10.80	PP Tax - Mobile Home	Mr. George E. Trogdon 138 Campbell Lane Afton, VA 22920
\$1,390.68	2015 RE Tax Disabled Veteran Exemption	Mr. Dennis G. Kincaid 3285 Embly's Gap Rd. Roseland, VA 22967
\$198.64	2012-2014 PP Tax Relief	M. Odell Covington 158 Mountain Star Dr. Shipman, VA 22971

C. Resolution – **R2015-45** FY15 Budget Amendment

**RESOLUTION R2015-45
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET
NELSON COUNTY, VA
June 9, 2015**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2014-2015 Budget be hereby amended as follows:

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I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$6,000.00	3-100-001899-0016	4-100-012130-5420
\$5,000.00	3-100-001899-0016	4-100-012130-5425
\$11,000.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$6,540.00	4-100-999000-9905	4-100-012040-3002
\$1,309.00	4-100-999000-9901	4-100-022010-1001
\$23,980.00	4-100-999000-9901	4-100-032060-1001
\$4,542.00	4-100-999000-9901	4-100-032060-2001
\$7,248.00	4-100-999000-9901	4-100-032060-5501
<u>\$5,000.00</u>	4-100-043040-5415	4-100-032020-5415
\$48,619.00		

D. Resolution – **R2015-46** FY15-16 Salary Adjustment Resolution

**RESOLUTION R2015-46
NELSON COUNTY BOARD OF SUPERVISORS
SALARY AND CLASSIFICATION SYSTEM
FY16 SALARY ADJUSTMENT**

BE IT RESOLVED by the Nelson County Board of Supervisors that the local government’s “Salary and Classification System” is hereby amended to incorporate the following:

A three percent (3%) salary adjustment shall be hereby authorized for Nelson County personnel (full time and regular part-time) employed pursuant to the County’s salary classification and pay plan, effective on July 1, 2015. The three percent (3%) consists of a one half percent (0.5%) cost of living adjustment and an increase of one step (2.5%) within the designated grade for each position. Additionally, a three percent (3%) salary adjustment shall be authorized for all regular part-time employees and all full-time employees, inclusive of the elected/appointed official, employed in a Constitutional Office or Office of the Registrar. The three percent (3%) is inclusive of the 2% across-the-board salary adjustment effective September 1, 2015 for all constitutional officers and their Compensation Board funded permanent staff positions and shall be calculated based upon the salary in effect on June 30, 2014 (Compensation Board and local supplement). All other Compensation Board salary adjustments shall be calculated pursuant to the governance established for this purpose and approved by the Board of Supervisors on November 21, 2006.

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Attachment: Fiscal Year 2015-2016 Salary Scale (Full Time & Part-Time)

III. Public Comments and Presentations

A. Public Comments

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

B. Presentation – NCHS Student GIS Presentation (J. Taggart)

Ms. Brennan noted that she had attended a presentation by students at the High School taught by Ms. Lindsey Hill and Jack Taggart was present to do his presentation using GIS for the Board.

Mr. Taggart noted that the Geospatial class at the High School was a college credit course through James Madison University and Ms. Lindsey Hill was the professor of the course. He noted that the students learned a program called ArcMap and were then able to choose a project that would benefit the community using it.

Mr. Taggart then noted that he and fellow student, Bree Taylor, had used the program to find a solution for excessive Fire Department response times in the County. He added that they did this by developing maps using the ArcMap program that would tell them how long it would take firefighters to get to certain areas. He showed a map of fire districts and stations in the county that showed it divided into seven (7) districts covered by nine (9) fire stations. He added this was because there were two (2) stations located in the Wintergreen and Lovingston districts.

Mr. Taggart then noted that the ArcMap program took into account the speeds and surfaces of certain roads and created a way to get into each district. He noted that the areas of the map were color coded to show how many minutes the area was from a fire station. He added that the white areas were in excess of twenty (20) minutes of a fire station and that Montebello, Arrington, Lovingston, and Schuyler areas all had white areas.

Mr. Taggart then showed dots on the map representing addresses in the white areas and noted that Montebello had 161 addresses, with the majority being in the George Washington National Forest and that had gravel roads; Arrington had 131 addresses that were twenty minutes from a fire station, Lovingston had 26 Addresses that were over 20 minutes away, mostly due to gravel roads, Schuyler had 311 addresses in Faber and 291 were in the Schuyler area alone. He noted the significance of this as it was more than all of the other areas combined.

Mr. Taggart then showed a map that highlighted the Faber Fire Department area and noted that 1,244 addresses were there and only 60% of them could be reached from that Station within 20 minutes; noting that this Department could only cover 50% of its own area. Mr. Taggart then discussed another map of the density of these areas that showed pockets of heavy addresses; with the highest number being in the heart of Schuyler.

He noted that after seeing this, he and his partner tried to figure out how to help this area the most and came up with the solution of establishing a substation to supplement the Faber Fire station in the heart of Schuyler. He noted that with this additional station, only 13% of the addresses would be in excess of 20

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minutes from the Faber station and only 5% would be in excess of 20 minutes from any fire station. He then showed a map comparison of shaded areas with and without the new substation in Schuyler. He added that establishing this would help in terms of fire suppression, would bring down insurance rates, and improve citizens' peace of mind.

Mr. Taggart then concluded by showing a satellite image of the town of Schuyler and noted that their proposed site for a 1 truck substation was at the old Schuyler ball field that was no longer being used.

Mr. Hale noted that the report was eye opening and Mr. Bruguere asked if there was anyone down there to staff the proposed substation as that would be key.

In response to questions regarding ownership of the ball field, Mr. Carter noted it was owned by the Schuyler Museum even though as noted by Mr. Taggart, they were not shown as the owner in the GIS system. Mr. Taggart added it was still shown in GIS as an unimproved piece of land and that they would be presenting this to the Faber Fire Department at their next business meeting.

Ms. Brennan then noted the usefulness of GIS.

Ms. Linsey Hill in attendance noted that she taught the ArcMap program in the first half of the semester and the second half of the semester, the students worked on a project. She noted that most students that took the class were seniors and that Mr. Taggart was the only junior. She noted that next year, Mr. Taggart would be able to act as a teaching assistant for the class and the class was worth three (3) college credits.

C. VDOT Report

Mr. Don Austin noted that the Secondary Six Year Plan had been approved the previous month and they had seen a small increase in allocations since then.

1. Abandonment of a Portion of Route 641 Dutch Creek Lane (**R2015-47**)

Mr. Austin noted that portions of this route were to be abandoned and discontinued. He added that the Board of Supervisors approves the abandonments and the Commonwealth Transportation Board (CTB) approves the official discontinuance. Mr. Carter indicated that some clarification was needed on who was to send the certified letters to property owners for the discontinuance adding that the Code prescribes that it is done by the Board which refers to the CTB. Mr. Austin noted that this would be worked out with staff. He added that the citizen's concern with the abandonment had been taken care of before the meeting.

Ms. Brennan then moved to approve resolution **R2015-47** Abandonment of Portions of Routt 641, Dutch Creek Lane and Mr. Bruguere seconded the motion.

Mr. Harvey inquired about the discussion with the concerns that came up and Mr. Carter noted that an adjacent property owner was concerned they would be landlocked; he then spoke to Mr. McSwain before the meeting and said he was okay and he no longer had the concerns.

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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 R2015-47
NELSON COUNTY BOARD OF SUPERVISORS
ABANDONMENT OF PORTIONS OF ROUTE 641
DUTCH CREEK LANE

WHEREAS, the Nelson County Board of Supervisors has received a request to abandon a portion of Secondary Route 641 (Dutch Creek Lane) from 1.03 Miles East of Route 29 to 3.57 Miles North of Route 640, a distance of 1.48 Miles, and

WHEREAS, the sketch dated June 4, 2015 and VDOT Form AM-4.3 attached and incorporated herein as part of this resolution, defines adjustments required in the Secondary System of State highways as a result of this proposed abandonment, and

WHEREAS, a public notice was posted, as prescribed under §33.2-909, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described herein from the Secondary System of State Highways; and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road; and

WHEREAS, no public hearing was requested; and

WHEREAS, after considering all evidence available, the Nelson County Board of Supervisors is satisfied that no public necessity exists for the continuance of the section of Secondary Route 641 (Dutch Creek Lane) from 1.03 Miles East of Route 29 (Node C) to 3.57 Miles North of Route 640 (Node D), a distance of 1.48 Miles, and hereby deems that section of road is no longer necessary as a part of the Secondary System of State Highways;

NOW THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors this 9th day of June, 2015, that this Board abandons the above-described section of road and removes it from the Secondary System of State Highways, pursuant to §33.2-909, Code of Virginia; and,

BE IT FINALLY RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

IV. New Business/ Unfinished Business

Mr. Carter noted that staff had prepared a resolution for all funds and the allocation of local funds for the school division. He noted that the funding increase needed by the schools was around \$381,000 and this

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was higher in the presented allocation by about \$60,000-80,000. He then asked if the Board wanted to leave this in and put it towards capital improvements.

Mr. Bruguiere noted his agreement with putting the extra funds towards capital improvements, however Mr. Harvey and Ms. Brennan disagreed, noting they should get the whole amount. Mr. Carter confirmed that unless there were other questions, it was ready to proceed as is.

Mr. Saunders then stated that if the Schools said they could operate with \$381,000 in additional funds then that was what they should get and Mr. Bruguiere reiterated his agreement.

Mr. Hale noted he was confused about the difference. Mr. Carter noted that there was \$87,674 more than the \$381,000 the schools said they needed included in the resolutions presented for adoption and appropriation of the budget and if the Board wanted to remove this, they would have to do so. Mr. Hale then noted he would leave it as presented.

A. Adoption of the FY15-16 Budget, All Funds (**R2015-48**)

Following discussion, Mr. Hale moved to approve resolution **R2015-48** Adoption of Budget Fiscal Year 2015-2016 (July 1, 2015-June 30, 2016) and Ms. Brennan seconded the motion and noted a correction to the spelling of Board.

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 2015-48
NELSON COUNTY BOARD OF SUPERVISORS
ADOPTION OF BUDGET FISCAL YEAR 2015-2016
(JULY 1, 2015-JUNE 30, 2016)

WHEREAS, pursuant to the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950, the Board of Supervisors of Nelson County, Virginia has prepared a budget for informative and fiscal planning purposes only and has also established tax rates, as applicable, for Fiscal Year 2015-2016 (July 1, 2015-June 30, 2016); and

WHEREAS, the completed Fiscal Year 2015-2016 Budget is an itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowing; and

WHEREAS, the Board of Supervisors has published a synopsis of the budget, given notice of a public hearing in a newspaper having general circulation in Nelson County and, subsequent thereto, convened a public hearing on the Fiscal Year 2015-2016 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2015-2016 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of \$77,110,835. The individual fund totals are denoted as follows:

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<u>Fund</u>	<u>Budget</u>
General	\$ 36,499,052.00
VPA	\$ 1,949,454 .00
Debt Service	\$ 3,367,281.00
Capital	\$ 898,043.00
School	\$ 26,134,083.00
Textbook	\$ 461,422.00
Piney River (Operations)	\$ 218,229.00
Courthouse Project	\$ 7,283,271.00
Community Dev. Block Grant	\$ 300,000.00

1) The General Fund includes \$20,248,990 in local funding transferred to the Broadband Fund (\$150,000), the Reassessment Fund (\$100,000), the Community Development Block Grant Fund (\$100,000), the Debt Service Fund (\$3,367,281), the Piney River Water & Sewer Fund (\$40,000), the Courthouse Project Fund (\$1,426,225), and the School Fund (\$14,640,484 for general operations, \$235,000 allocated for school nursing, and \$190,000 allocated for school buses). Also included is \$1,949,454 in local, state, and federal funds transferred to the VPA Fund.

2) The School Fund includes a transfer of \$180,797 to the Textbook Fund.

BE IT LASTLY RESOLVED, that adoption of the Fiscal Year 2015-2016 Budget shall not be deemed to be an appropriation and no expenditures shall be made from said budget until duly appropriated by the Board of Supervisors of Nelson County, Virginia.

B. Appropriation of the FY15-16 Budget, All Funds (**R2015-49**)

Mr. Hale moved to approve resolution **R2015-49** Fiscal Year 2015-2016 Appropriation of Funds 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 resolution was adopted:

RESOLUTION R2015-49
NELSON COUNTY BOARD OF SUPERVISORS
FISCAL YEAR 2015-2016 APPROPRIATION OF FUNDS

WHEREAS, the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950 require the appropriation of budgeted funds prior to the availability of funds to be paid out or become available to be paid out for any contemplated expenditure; and

WHEREAS, the Nelson County Board of Supervisors has heretofore approved the Fiscal Year 2015-2016 Budget (July 1, 2015 to June 30, 2016) for the local government of Nelson County and its component units; and

WHEREAS, the Board of Supervisors now proposes to appropriate the funds established in the Fiscal Year 2015-2016 Budget;

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NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that the Fiscal Year 2015-2016 Budget be hereby appropriated on an annual basis by fund category, as follows:

<u>Fund</u>	<u>Revenue(s) (All Sources)</u>	<u>Expenditure(s) (All Departments)</u>
General	\$ 36,499,052.00	\$ 36,499,052.00
VPA	\$ 1,949,454.00	\$ 1,949,454.00
Debt Service	\$ 3,367,281.00	\$ 3,367,281.00
Capital	\$ 898,043.00	\$ 898,043.00
School	\$ 26,134,083.00	\$ 26,134,083.00
Textbook	\$ 461,422.00	\$ 461,422.00
Piney River (Operations)	\$ 218,229.00	\$ 218,229.00
Courthouse Project	\$ 7,283,271.00	\$ 7,283,271.00
Community Dev. Block Grant	\$ 300,000.00	\$ 300,000.00
	<hr/>	<hr/>
	\$ 77,110,835.00	\$ 77,110,835.00

BE IT FURTHER RESOLVED by the Board of Supervisors that:

1. The General Fund appropriation includes the transfer of \$1,949,454 (4-100-093100-9201) to the VPA Fund (3-150-004105-0001), \$3,367,281 (4-100-093100-9204) to the Debt Service Fund (3-108-004105-0100), \$15,065,484 (4-100-093100-9202/Nursing \$235,000, 4-100-093100-9203/Operations \$14,640,484, 4-100-093100-9205/Buses \$190,000) to the School Fund (3-205-004105-0001), \$150,000 (4-100-093100-9114) to the Broadband Fund (3-114-004105-0100), \$100,000 (4-100-093100-9101) to the Reassessment Fund (3-101-004105-0001), \$100,000 (4-100-093100-9503) to the Community Development Block Grant Fund (3-503-004105-0001), \$1,426,225 (4-100-93100-9209) to the Courthouse Project Fund (3-106-003201-0007) and \$40,000 (4-100-093100-9207) to the Piney River Water & Sewer Fund (3-501-004105-0001).

The amounts transferred from the General Fund to the VPA Fund, Debt Service Fund, School Fund, Community Development Block Grant Fund, Courthouse Project Fund and Piney River Water & Sewer Fund are also included in the total appropriation for each of these funds.

2. The Community Development Block Grant Fund appropriation includes the transfer of \$300,000 (4-503-94710-9114) to the Broadband Fund (3-114-004105-0503). Local match funding of \$100,000 will be transferred at the beginning of the fiscal year with the balance being transferred as grant funding is received.
3. The Textbook Fund appropriation includes the allocation of \$180,797 from the School Fund.
4. The appropriation of funds to the School Fund, Textbook Fund, and VPA Fund shall be in total and not categorically.
5. The appropriation and use of funds within the General, Debt Service, Capital, Piney River Water & Sewer, Community Development Block Grant and Courthouse Project Funds shall adhere to the

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amounts prescribed by the Board of Supervisors for each department therein unless otherwise authorized by the Board of Supervisors.

C. Request for Donation of Surplus Property to James River State Park (**R2015-50**)

Mr. Carter noted that Ms. Harper had conferred with the James River State Park representatives about surplus the bus from the County to them. He added that the bus was being surplus out because it needed new tires etc. Ms. Harper suggested that the Park write the Board a letter requesting the bus, staff had given the Board information on it, and the resolution had been prepared. He added that the State Code section allowing for the transfer had also been provide and that the Parks and Recreation Department only used the bus intermittently.

Ms. Brennan then moved to approve resolution **R2015-50** Authorization to Donate Surplus Property (Bus) to James River State Park and Mr. Bruguere seconded the motion.

Mr. Carter then confirmed for Mr. Bruguere that the State Park was responsible for picking up the bus.

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 R2015-50
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO DONATE SURPLUS PROPERTY (BUS)
TO JAMES RIVER STATE PARK

WHEREAS, the Nelson County Parks and Recreation Department has a twenty-four passenger bus that is considered surplus property; and

WHEREAS, the James River State Park, being an entity of the Commonwealth of Virginia has requested the donation of said bus for their use; and

WHEREAS, the Code of Virginia 1950 as amended, § 15.2953 (C) provides that “Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.”,

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that pursuant to the Code of Virginia 1950 as amended, § 15.2953 (C), the requested donation of the Parks and Recreation Department surplus property, known as the twenty-four passenger bus, to the James River State Park is hereby authorized.

D. Proposed Zoning Ordinance Amendment, Definitions: “Brewery” & “Farm Brewery, Limited” (**R2015-51**)

Mr. Padalino noted the current “Brewery” definition was “a facility for the production of beer” and that an existing business in the County called Barefoot Bucha produced a fermented tea and wished to

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expand within the County. He then noted that to remedy Barfoot Bucha's exclusion, staff proposed to amend the "Brewery" and "Farm Brewery, Limited" definitions as follows:

Brewery: A facility for the production of beer *or other fermented beverages*.

Farm Brewery, Limited: A brewery that manufactures no more than 15,000 barrels of ~~beer~~-*brewed beverages* per calendar year, provided that (i) the brewery is located on a farm owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its ~~beer~~-*brewed beverages* are grown on the farm. The on-premises sale, tasting, or consumption of ~~beer~~-*brewed beverages* during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of ~~beer~~-*brewed beverages* and the sale and shipment of ~~beer~~-*brewed beverages* to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of ~~beer~~ *brewed beverages*, and the sale of ~~beer~~-*limited farm brewery*-related items that are incidental to the sale of ~~beer~~-*brewed beverages* are permitted.

Mr. Padalino then noted that owner of Barefoot Bucha, Kate Zuckerman was present to answer questions and that these amendments would require referral to the Planning Commission.

Ms. Brennan questioned how many other fermented beverages there were and Mr. Padalino noted he was unsure. He added that the current business was treated as a home occupation and their proposed expansion would be in an A-1 Agricultural District. He noted that the proposed definition change would allow for this business to operate in A-1 as a Limited Farm Brewery.

Mr. Hale then moved to approve resolution **R2015-51**, Referral of Amendments to Appendix A, Nelson County Zoning Ordinance – Definitions of "Brewery" and "Farm Brewery Limited" to the Nelson County Planning Commission and Ms. Brennan seconded the motion.

Mr. Bruguiere then inquired if within the parameters of the Farm Brewery Limited definition they would have a limit of 15,000 barrels and wouldn't a brewery have more than that. Mr. Padalino noted that the current ones in A-1 were not subject to the barrel limitation as they were grandfathered.

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 R2015-51
NELSON COUNTY BOARD OF SUPERVISORS
REFERRAL OF AMENDMENTS TO APPENDIX A, NELSON COUNTY
ZONING ORDINANCE-DEFINITIONS OF "BREWERY" & "FARM BREWERY, LIMITED"
TO THE NELSON COUNTY PLANNING COMMISSION

WHEREAS, the Nelson County Board of Supervisors (the Board) has received and reviewed in public session conducted on June 9, 2015, a staff report on changes proposed to Appendix A-Zoning (Nelson County Zoning Ordinance) of the Code of the County of Nelson, Virginia; and,

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WHEREAS, the staff report proposed changes to the Zoning Ordinance in order to revise the definitions of “Brewery” and “Farm Brewery, Limited;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Title 15.2 Chapter 22, Planning, Subdivision of Land and Zoning of the Code of Virginia, 1950 with specific reference to §15.2-2285 of said Code, that the proposed amendments to the Code of Nelson County to revise the definitions of “Brewery” and “Farm Brewery, Limited” be referred to the Nelson County Planning Commission for review and development of a report on the Commission’s findings and recommendations to the Board, in accordance with §15.2-2285 of the Code of Virginia.

E. Appeal of Zoning Administrator Denial -Temporary Tower Permit Application
#2015-01, Verizon Wireless

Mr. Padalino noted that Verizon Wireless wanted to install a permanent Class C tower at this site; however the permitting time did not allow for it to happen for LOCKN 2015. He noted that in lieu of that, they submitted a temporary tower permit application and the duration met the code limit; however they wanted a 120 ft. tower and the Ordinance limited the height to 100 ft. Mr. Padalino then advised that based on this, he had administratively denied the temporary tower permit and hence the submittal of the appeal to the Board. He noted that Ed Given and Del wood of LOCKN were present, as was Lori Schweller representing Verizon Wireless, to answer questions.

Mr. Carter noted that the narrow question at hand was whether or not the Board was willing to grant Verizon Wireless 20 ft. for 60 days. He added that they had now submitted the \$500 application fee and had paper copies of the site plan. Mr. Carter noted that staff had no objections to it and noted that the appeal had to come to the Board because staff was not authorized to approve the height difference administratively. Mr. Padalino agreed and noted that Verizon Wireless was not using all 120 ft. of the tower.

Mr. Saunders noted he had no objections and Mr. Hale noted that in approving this, the Board was saying that the Ordinance specified certain things and they could approve things outside of the scope of the ordinance. He then inquired if this would be overall and Mr. Carter noted it would be on a case by case basis.

Mr. Bruguiere then inquired as to when the tower would be going up and Mr. Padalino noted he was not sure. Mr. Harvey then noted that the application stated it would go up at least four (4) weeks in advance of the event.

Mr. Harvey then moved that the Board of Supervisors approve the appeal and application submitted by Verizon Wireless for an additional 20 ft. and Ms. Brennan seconded the motion.

Supervisors then asked if doing this would solve Verizon Wireless’s problem from the previous year and Mr. Wood of LOCKN noted he hoped so and that the risk of the same problem would be reduced.

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

Mr. Del Wood with LOCKN then noted that the other carriers had the same issue and this was likely to be looked at again because their service provision would also require 110 ft. or 120 ft. towers. Mr. Carter noted that would be acceptable if they were permanent towers.

Mr. Bruguere noted that there were permitted Verizon towers that had not been built in the West District.

Ms. Brennan inquired as to whether or not there would be other carriers at LOCKN and Mr. Wood noted that there would be. He added that this issue may resurface and T-Mobile was another player. He then suggested that the Ordinance be changed to avoid this. Mr. Carter noted that the County could take another look at this requirement and noted that staff were not experts on this when it was written.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Design drawings are at 95% completion (approximate). Architectural Partners is endeavoring to complete final design requirements. County staff is assisting with project bid and contract documentation. Mid July, early August bid is anticipated.

2. Broadband: **A) Local Innovation Grant Project** - Completion of the required Environmental Review is in process. Thereafter, a contract with VA-DHCD will be completed and project construction can be initiated. CCTS is working on obtaining required VDOT right of way permits. A 12-16 week construction schedule is projected. **B) VA Technology Planning Initiative** – A letter of interest was submitted to VA-DHCD on 5-20 to establish the County's eligibility for \$75,000 in CDBG Planning Grant funding. DHCD advised by email on 5-5 that it will announce localities that have been determined eligible to submit full grant application with final funding decisions by the Department to be announced in late August/early December.

A) Mr. Carter noted that the Environmental Review was the time consuming part and he advised that the notices had been advertised etc. and that the County would get under contract once that was concluded in early July.

3. BR Tunnel: Phase 1 Substantial Completion Inspection was completed on May4th with minor punch list items to be addressed. Initial response from VDOT has been received advising that Phase 2 and Phase 3 grant funding can be consolidated into a revised Phase 2 to complete entire tunnel restoration and trail therein, resulting in Phase 3 encompassing western trail and parking area only (no Tunnel rehab). The consolidation of Phase 2 and 3 (with funding availability at \$1.24 million, approximate, will, however, require County to provide Phase 3 funding until project contract is completed with VDOT after which County disbursements can be reimbursed.

4. Radio Project: County staff continuing to work to address system coverage issues.

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Mr. Carter noted that there were still some areas where the County was not getting needed communication and this was being addressed. Mr. Harvey added that it needed to be completely fixed as it had been going on too long.

5. Lovington Health Care Center: Citizens committee has had first meeting. Two private companies are scheduled to tour the Center the week on 6-8. Region Ten has been requested to conduct negotiation meeting County and/or submit purchase proposal. And, Piedmont Housing Alliance staff also phoned on 6-8 expressing interest in touring the Center and a possible re-development partnership. Outcomes TBD.

Mr. Carter advised that the private company representatives did not show up the previous day and he was not sure if the other one came that day or not. He added that they were not there that morning when staff went down for the tour.

Mr. Harvey noted that if they could not get this worked out for healthcare, then the Board needed to revisit this building for office space to eliminate the rent that was being paid for other spaces.

Mr. Carter then advised that Region Ten would provide their proposal soon. Mr. Hale suggested pursuing a joint project with Piedmont Housing Alliance and Region Ten. Ms. Brennan noted that they were looking at budgetary matters.

6. Solid Waste – A) Region 2000 Service Authority: The Authority will conduct a strategic planning meeting on 6-17 in Rustburg to long range operational planning. A subject of potential conflict is the Authority's review of the annual distribution of Excess Revenues to Lynchburg and Campbell County, which County staff (Nelson) have questioned the validity of continuing such disbursements. **B) DEQ Inspection of Transfer Station:** DEQ staff inspected the Transfer Station on 5-19-15 and found no violations. **C) Tire Amnesty Program:** The County will provide for receipt without charge of up to 25 tires per household, not exceeding 22" in size, at the Transfer Station on 6-20 and 27. **D) New Roll Off Truck:** The new roll off truck is in Roanoke at Cavalier Equipment being equipped with hoist and tarp system(s). A deliver date is pending but anticipated at any time. **E) Gladstone Paving:** The scheduled paving date slipped (the contractor did not show due to inclement weather). Staff has requested another date for completion of this work.

A) Mr. Carter further noted that the Authority had purchased Campbell County and Lynchburg City assets completely and they were made whole. He added that their operations prior to joining the Authority did not throw off a lot of cash and excess revenues should be used to lower tipping fees for members. He noted that this amount was approximately \$1.3 million disbursed every year. He added that he had spoken to Appomattox about it and would do so again. He reiterated that the primary purpose in Nelson joining the Authority was to maintain a low tipping fee.

C) Mr. Hale noted he thought in the past, that each resident could take four (4) tires to the transfer station per year and Mr. Carter noted that may have been in an old ordinance and there was a fee for tires now. He added that the tires got recycled by a company in the Region 2000 area and the County had to pay for them to take them away.

7. Capital/Maintenance Programs - A) County: Roof replacements at the Montreal Village Park has been procured but not yet completed. A contract is pending issuance for replacement of the roofing

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systems at the new maintenance facility at Callohill Drive. **B) DSS:** Roof replacement and building repairs will be completed with work commencing in mid-July.

8. Study Reports – A. Building Inspections (Fee and Enforcement): Finance and HR and County Admin staff (lead work by L. Lovern) are nearing completion of a report on the questions of the appropriateness and effectiveness of the current fee structure for local building permits and the Department's ability to pursue enforcement for failure to obtain building permits. The primary focus of the study (which is complete) is the analysis of the current fee structure. The enforcement component is pending consultation with legal staff. A copy of the preliminary report without the enforcement content is included herewith. **In House vs Outsourcing of General Reassessment:** Finance and HR staff (lead work by S. Turner and D. McCann) has completed a comparative report on the question of the County's General Reassessment of Real Property being conducted with local staffing or by continuing to use private entities. The report is included herewith.

Both reports can be scheduled for formal Board review, as requested, at either the July or August regular sessions.

A) Mr. Carter noted that fees were charged on the estimated cost and this kept up with inflation. He noted that some overestimated and some underestimated these, however when staff compared the estimates to the assessed values; they compared favorably. He noted that he thought these should remain as is per the study findings. He then noted how much percentage-wise the fees covered the cost of the department.

Mr. Saunders noted that these rates had not been changed in twenty-nine (29) years. Mr. Carter noted that staff had looked at that and thought the reports would be submitted to the Board and the subject could be added to a future agenda per Mr. Saunders.

Mr. Bruguiere noted that he did not like using square footage costs and Mr. Carter noted that keeping up with that was difficult.

Mr. Saunders noted that he thought a slight increase in fees would be good and would make the department more self-supporting.

Mr. Bruguiere suggested that the Board get all of the costs associated with the Building Inspections Department and look at it at the next meeting. Mr. Harvey inquired as to whether or not the report included E&S fees as those could be significant. Mr. Carter noted that those fees were paid to the State and their primary task was to refer people to get stormwater permits.

Ms. Brennan inquired if there were a lot of people that did not get building permits and Mr. Carter noted this was hard to determine but was a small issue and that most people were honest.

Mr. Hale then inquired if one had to get a permit to do remodeling and staff noted that it depended upon whether it involved structural, mechanical or electrical work.

9. **Department Reports:** Included with the 6-9-15 BOS agenda.

2. Board Reports

Mr. Bruguere and Mr. Harvey had no reports.

Ms. Brennan reported the following:

1. Attended Lovingson Health Care Center Committee meeting and each member was assigned an area to investigate. She then asked Mr. Carter to follow up with interested parties and other opportunities were being looked at. She added that they had met once and would meet again in two (2) weeks.
2. Attended a CCJB meeting and reported that a new Planner had been hired and was on the ball. She noted that they were applying for a grant to look at offender reentry; how they could help those coming out of jail to reduce recidivism as most were rearrested within thirty (30) days. She added that they had a presentation by Martin Kumer from the Regional Jail and were moving forward on evidenced base analysis.
3. Attended an informational meeting at Wintergreen and five hundred (500) people attended. She noted that the meeting was to inform them of the potential for the ACP to impact them. She noted that a new company may not proceed with its development plans if the pipeline comes through. She added that another business was on the drawing board in the Valley near Spruce Creek that was a \$30 Million dollar project and the pipeline would come through it. He indicated that he would not do the project if this happened. She noted that there was a discussion of loss of property values and there was uncertainty about the ACP affecting sales per the realtors in attendance.

Mr. Hale reported that he had concluded his term as Chair of the TJPDC and there would be a new appointment next January. He added that things had improved with the new Director on board and the PDC was on sound footing now. He then reported that he was continuing to look for a consulting Forester for the Sturt property.

Mr. Saunders reported that he attended the Blue Ridge Trail inspection and noted that it was impressive. He added that one could walk down to the first bulkhead now.

Mr. Saunders then reported that there were Courthouse project meetings coming up and this was exciting work. He noted he was pleased with the Architect finding ways to cut costs.

1. Appointments

Ms. McGarry reviewed the following information regarding appointments and noted that Mr. Chapin Wilson had now indicated that he would like to be reappointed to the Ag Forestal District Advisory Committee. She then noted that Ms. Marcia McDuffie's was the only application received for any of the vacancies and she noted Ms. McDuffie's extensive qualifications provided for the Jefferson Madison Regional Library Board seat that had been vacated by Ms. Mary Coy.

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<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
Local Board of Building Code Appeals	6/30/2016	4 Years/No Limit	Clarence Craig	N - Resigned	None
JAUNT Board	9/30/2015	3 Years/No Limit	Mercedes Sotura	N-Resigned	None
JMRL Board of Directors	6/30/2016	4 Years/ 2 Terms	Mary Coy	N-Resigned	Marcia McDuffie
Ag & Forestal Dist. Advisory	5/13/2015	4 Years/3 Terms			
		<i>Producers</i>	Lee Albright (T3)	Y-Verbal	None
			Andy Wright (T3)	Y	None
			Billy Newman (T1)	Y	None
			Susan McSwain (T3)	Y	None
		<i>Other Landowners</i>	Dr. Andre Derdeyn (T3)	Y	None
			Chapin Wilson (T1)	Y	None
			Bruce A. Vlk (T2)	No Response	None
NC Social Services Board	6/30/2015	4 Years/ 2 Terms	Joe Williamson - S (T1)	Y	None
N.C. Economic Dev. Authority	6/30/2015	4 Years/No Limit	Mark B. Robinette	Y	None
			John Bruguere	Y	None
N.C. Library Advisory Committee	6/30/2015	4 Years/No Limit	Jane Strauss - C	Y	None
Region Ten Community Services Board	6/30/2015	3 Years/3 Terms	Michael W. Kelley (T3)	NA	None
			Ineligible		

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Board of Zoning Appeals	11/9/2018	5 Years/No Limit	John Bradshaw	Resigned-6/4/15	Has Not Yet Been Advertised
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Mr. Hale then moved to appoint Ms. McDuffie and all of the incumbents including Chapin Wilson as provided on the revised list. Ms. Brennan seconded the motion and Mr. Bruguere then clarified each appointment as presented.

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

C. Correspondence

Mr. Carter referenced the summary of additional items that had been forwarded to the Board for potential discussion and the following items were discussed:

1. Wild Wolf Brewery – Request for County Sponsorship of a Community Economic Development Fund Grant Application to VA-DHCD: Attached herein above are a letter to Supervisor Brennan and a second letter attached thereto (Industry Commitment Letter) submitted by the owner of WWB, Mary Wolf, on 5-24 by email to Ms. Brennan, who subsequently forwarded this document to Supervisor Saunders (as BOS Chair). The intent of WWB’s letters is to seek the Board’s authorization for the County to submit a grant request to VA-DHCD for funding through the Department’s Community Economic Development Fund Grants Program to enable WWB to connect to the Aqua VA sewage treatment plant (STP) located in the Stoney Creek subdivision of Wintergreen. The connection to the STP is understood to enable WWB to address wastewater system compliance issues with VDH. The CEDs grant program is one that County staff do not have past experience with. It is an open submission program with applications or letters of proposal (followed by a full application if DHCD determines there is eligibility for grant funding) due by not later than 9-30-15. The information submitted by WWB stipulates a \$250,000 grant request, including commitment of the County to the 25% local match requirement (staff discussed the local grant match with WWB’s owner on 6-3 and suggested that WWB would likely be required to provide the local match if the Board consented to the County’s sponsorship of a grant proposal to DHCD – TBD by the Board). Staff has begun review of the grant program criteria and has a request into DHCD staff to confer with them on the program criteria to insure a proposal from the County on behalf of WWB meets the program criteria.

Mr. Saunders noted correspondence with Mary Wolf of Wild Wolf Brewery (WWB) and the discussion with staff on the issue.

Mr. Carter advised that he had consulted with WWB on the business’s difficulty with the demand on the current septic system and that they were working with Virginia Department of Health to find an appropriate solution to their problem. He added that WWB had requested that the County look into a grant application that could help them with this.

He then explained that the Department of Housing and Community Development (DHCD) had a program that the County could apply for and it was open submission. He noted that the program had a community economic development component and that they also had a program that was applied for in

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March, which was a smaller component of the overall program. He noted that if the Board was amenable, the County would have to submit a letter of interest, that Ms. Wolf had written, that would be uploaded to them and they would evaluate it and decide if the County could submit a complete application based upon their criteria. He noted that the County would have to do two public hearings and an Environmental Review as was done for the Broadband grant. He noted that the criteria for eligibility provided that WWB create or retain jobs and they would have to pay 1.5 times minimum wage to new employees, etc. He added that the potential for the County to assist them was there; however it entailed the application process, coordinating with DHCD and the administrative process. He noted that he had spoken with DHCD and they had not discouraged it. He noted that this would be a first for the County and the application would script it as assistance to the Route 151 corridor.

Mr. Bruguiere noted he thought this should be done for anyone along the path of the extension given the history of health problems from sewage in shallow wells. He noted this would then help more than one person and he thought it was a health issue that should be pursued for WWB and others.

Mr. Carter noted that there was a question of funding and a 25% local match involved. He added that WWB had requested that the Board consider that she borrow the local match and then it be refunded to her through tax abatements and he had suggested that this be provided by her, not the County. He noted that the cost of the project was also under review and that they had a cost estimate of \$250,000 from Aqua Virginia and that this was being looked at more closely. Mr. Carter reiterated that the County would be responsible for procurement and administrative things etc. and Ms. Wolf would be responsible for meeting the criteria of the grant outcomes.

In discussing the proposed system, Mr. Saunders noted that this would be a force main with grinder pumps and they would be required to have a pump station that others could hook into. He noted that the groundwater was an issue there because of an old riverbed and this would also help the residential area as well.

Mr. Carter then supposed that they could investigate putting waterlines in as well and there was also the question of whether or not they could add sewer lines to the ditch the County was doing the broadband fiber in. He noted this was being looked into.

Mr. Carter reiterated that the grant program had three criteria: Distressed, transitional (Nelson), and competitive. He noted that the business would have to adhere to criteria related to jobs created, investment, and employee benefits.

Mr. Harvey then noted his confusion and that assuming the Authority or County owned the new grant funded system and the new owners of the Valley system would have to make improvements; he questioned whether or not WWB would have worked with them on this.

Ms. Brennan asked whether or not they would be required to connect anyone that wanted to connect and Mr. Carter noted they would not because it would be a grant that would facilitate connection for the company. He added that the extension would go to WWB and Aqua Virginia could extend it further if they wanted. He noted that Aqua Virginia had a permit to operate and did analysis of how much they could discharge and once they were at 80% of their capacity, they had to give DEQ a plan to address this.

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Mr. Harvey noted that most companies would not run sewer without water because it was the only way they could control the customer to pay the bill. Mr. Hale then expressed concern regarding the hurdles to be overcome.

Mr. Carter noted that there were hurdles that would be incumbent upon the business and that these funds would be a grant. He noted that what VDH was requiring was beyond WWB's financial ability.

Mr. Carter advised that the grant application deadline was 9/30/15 so staff had time to study it. He added that the work to do for the Letter of Interest was not overwhelming; however it was what was done after that, that would be.

Mr. Harvey noted that if water and sewer were run, then that changed what could happen in that area of the county and it would become all business. Mr. Carter advised that the area was mixed use.

Mr. Bruguere suggested that they have Aqua Virginia submit a letter that stated that they had the capacity and how they would extend it. Mr. Carter noted he thought that they would have looked at that because they had provided WWB with the plans.

Mr. Harvey stated he thought it would adversely affect the residents in the area and cited Lake Monticello as an example. Mr. Carter noted that it was an opportunity to discuss.

Ms. Mary Wolf of WWB in attendance addressed the Board and noted that Aqua Virginia had evaluated their operation, had developed plans, and had submitted them to VDOT for review. She noted that the sale of the Valley system was not complete yet and the SCC was still looking at it; however she thought they would close this month.

She then noted that in terms of the grant local match; this was potentially a huge number if they went with the Aqua Virginia numbers and it could be less than that. She added that it could be \$20,000 or \$67,000 and she noted she was willing to pay that percentage. She added that she would like to pursue the grant or would like for the County to allow her to put a sewer line in with the fiber. She added that she did not have \$4,000,000 dollars do it. She noted that per the VDH, she had one year to get connected to sewer or put in 15,000 square feet of drain field which she did not have.

Mr. Carter further explained that with the grant, the County would be responsible to do procurement so the County would be vetting a design and incurring the costs to put the project out to bid. He added that the County would not know if the projected costs were realistic or not.

Mr. Saunders advised that if they put in a 2 inch force main they would have overhead costs; however they would not be \$100/ft. and he thought \$10-\$12 dollars per foot was a good estimate. He added that he had installed a gravity line for \$180,000 in Forest and he could not see that this project would be that expensive.

Mr. Hale noted he would be surprised if they could use the same trench with fiber optic cable. Mr. Carter noted that a force main was a 2 inch line in Piney River and there would have to be separation between water and sewer and the fiber line.

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Mr. Hale then suggested that they study the matter and Ms. Brennan noted she thought they should look into it for sure, and it would be a huge advantage to Aqua Virginia. She added they should move forward with looking at it even though it was a big project.

Mr. Carter then advised the Board that staff to date had focused on looking at the grant criteria and analyzing the likelihood of success. Mr. Hale then noted that his feeling was that WWB or Aqua Virginia should address all of the grant criteria and how that would be accomplished; noting it was not the job of the County to do this.

Mr. Carter noted that staff would preliminarily work with WWB on this, however, eventually, WWB would have to sign an agreement that would bind them to the criteria. He reiterated that a letter of interest would be submitted and then DHCD would look at its funding available and evaluate if the project met the criteria and if so, then they would tell the County what it would have to do to get under contract.

Ms. Brennan then asked if it would make a difference if water was a component of the project and Mr. Carter noted potentially it would but the primary objective was job creation or retention.

Ms. Wolf noted that WWB could not stay there without sewer because they could not accommodate the seats they had now. She added that they had forty-three (43) jobs and she did not want to leave Nelson. She added that WWB did not have the money or the land to expand the drain field even though the land did perk.

Mr. Carter then noted that the letter of interest to DHCD would be background on what would be accomplished and would meet their criteria as a first step. He added that DHCD could come back and say that the project was not worthy of proceeding.

Mr. Bruguiere noted he thought staff should start the process and he then moved that staff start the process of applying for the DHCD grant through the initial phases and Ms. Brennan seconded the motion.

Mr. Hale noted he thought that the burden of preparing this should be borne by WWB or Aqua Virginia. Mr. Bruguiere agreed and noted that they would submit what was needed to the County and if it were not enough then it would stop. Ms. Brennan agreed and noted that they would have to provide this to the County because staff did not have the information. Mr. Carter noted that staff would have to do some of the work and he thought it would be helpful for the County to help WWB. Mr. Bruguiere reiterated that he thought this was the County's business due to the health implications.

There being no further discussion, Supervisors voted (3-2) by roll call vote to approve the motion with Mr. Hale and Mr. Harvey voting No.

Introduced: Treasurer Email Regarding Staffing:

Ms. Angela Johnson, Treasurer addressed the Board and noted that one of her four deputies found another job and her separation date would be June 18, 2015. She noted that she wanted to keep who was

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left and give them a reason to stay. She noted to that end, she was asking the Board to do away with her fourth position and allow her to use the savings from this to more highly compensate two of the lower paid Deputies. She related that their current salaries were below the National Poverty level for family of four and she asked the Board to think about this. She noted that she was entertaining the idea of increasing their annual pay by \$4,800 per employee which would still provide an overall savings of \$19,000 if this were allocated.

Mr. Carter noted that staff had done some analysis and could present it.

Mr. Hale noted he thought this was a great idea unless six (6) months from now, she asked for the position back. Ms. Johnson noted that with reduced staff, she could give them more compensation to keep them and they could handle the job. She noted that she had absolutely thought hard about it and noted that her staff was much more efficient, things were more automated now, and she felt strongly that they could handle it. She added that her staff was not afraid to do extra work and she did not want this to affect taxpayers.

Ms. McCann advised that the State Compensation money would not be lost and the position being vacated was a partially funded position. She noted that the Treasurer would move one of the other Deputies into the vacated Compensation Board spot and only one Deputy Position would be locally funded. She noted that currently two positions were locally funded and the third was not fully funded by the state. She added that there were similar positions in the Commissioner of Revenue's Office and she was asked to put forth an alternative proposal that kept the Treasurer's positions more in line with those; which was the staff's alternate proposal. She noted that this proposal allowed for an annual increase of \$3,000 per employee and they would get another 3% raise in July.

Mr. Carter noted the proposed salaries after a 26% increase. He added that their primary concern was fairness. He noted that the Commissioner's Office employee had been employed with the County longer and the County would still come out ahead if one position was not retained. Mr. Carter then noted that the Compensation Board salary scale had been provided by the Treasurer and the thought was to move them from DIs to DIIs. He noted he had advised the Treasurer to request whatever she wanted.

Ms. Brennan then asked if the bar would be raised for Commissioner of Revenue employees and Mr. Carter noted that this was not under discussion; however the concern was will there be a ripple effect to their office.

Ms. McCann noted that staff was asked to do a pay study and all positions would be evaluated; which would be an intermediate step in addressing this.

Mr. Carter reiterated that the Board's consideration was Ms. Johnson's proposal and the alternate.

Mr. Hale noted he would go along with the Treasurer's request; however it seemed that given the timeframe, the 3% should not be given on the new salary. Ms. McCann noted she was not sure it could work that way because for Compensation Board purposes, she would want to move them as soon as possible so that funding was not lost in the last part of June. She added that they could approve the annual increase of \$4,800 noting it would include the 3% raise.

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Ms. Johnson noted that if the Board did not agree to her proposal, she would have to decide who to move up.

Following discussion, Mr. Harvey moved to approve the Treasurer's request and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

2. Blue Mountain Barrel House – Request for Refund of NCSA Connection Fee: Attached herein above is a May 26th email message from the owner of BMBH to Supervisors Saunders and Harvey. The content of the message is to seek the County's assistance with reimbursing BMBH for the \$32,000 connection fee expense to the Nelson County Service Authority for installation of a new 2" water line to serve the business (the email also includes the possible use of a 3" line instead of a 2" line with the connection fee for the 3" service being \$64,000). Staff has previously responded to an inquiry from Mr. Harvey on this subject to provide background and to recommend that BMBH be required to provide financial information to the County to provide for verification that the business actually needs such financial assistance, if it were to be provided, from the County.

Mr. Carter noted that request from Blue Mountain Barrel House had come through the Board to staff. He reiterated that connection fees come back to the County to pay for the debt obligation related to the Lovington system and that this money was the County's not the Service Authority's. He then noted the previous tax abatement grant and refund of connection fees agreement expiring in 2015.

Mr. Harvey noted he had spoken to George Miller at NCSA and asked if they could upgrade from their existing 1 inch line to a 3 inch line and pay the difference. Mr. Carter noted that Jennifer of NCSA said that they could not do that, it would be a separate service and metered as such. He added that it would be an individual service that required an individual meter.

Mr. Hale noted that they would be adding onto the existing building, not building a new building. Mr. Bruguere added that it was an impediment to business to pay another connection fee and Mr. Hale confirmed that a new line would go in and a new meter. Mr. Harvey added that the cost associated with this size of line was \$32,000. Mr. Carter clarified that this was the connection fee and not the cost for the installation.

Mr. Bruguere noted that the Service Authority would make money off of the increased water usage. Mr. Carter then explained that connection fees were generally for one to buy their part of the system capacity and to expand in the future; however this was not happening because the connection fees were coming to the County.

Mr. Saunders asked if the Board was obligated to do this noting that the business was profitable and the Board had done this once already. He added that he thought they should show that they could not afford the connection fee before it was waived. Mr. Harvey disagreed and noted he did not think their financials should be considered since they were bringing in jobs by expanding. Mr. Hale added that they noted four new jobs due to the planned expansion.

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It was then noted that the refund would have to go through the EDA.

Mr. Saunders noted that the Service Authority's fees were out of line with surrounding areas and the County would have more business if these were lower. Ms. Brennan noted she was in favor of granting the refund and Mr. Harvey noted the Service Authority was looking at the connection fees.

Mr. Hale noted that \$16,000 was the fee for a 1 inch line and suggested that the Board give them that and they split the difference.

Following discussion, the Board agreed by Consensus to defer action on the matter.

3. Gladstone Vol. Fire and Rescue Department – EMS Loan Fund Application: It is understood that GVFRD submitted an up to \$60-65,000 application so the NCESC for EMS Loan funding to enable the Department to pay for the balance (20%) of the fire vehicle the Department is purchasing and has advised that it will pick up on 6-15. The loan fund application was not processed to County staff and we are now endeavoring to obtain the ESC's confirmation, etc. of the loan to enable, per policy, the Board to also approve the loan so that it may be processed and available to GVFRD by 6-15 or at such time as the Department takes possession of the vehicle.

It was noted that the truck would not be ready until the middle of July now. Mr. Carter advised that the interest free loan application had been through the Emergency Services Council but had not been approved by the Board. He added that there was sufficient funds in the loan fund to do it.

Supervisors then agreed by Consensus to consider this matter in July and no action was taken.

4. VACO – The Executive Mansion: Request for County Tree Ornaments: Please see the herein attached memorandum from VACO disseminating a request to local governments to provide a “local-artisan made handcrafted ornament for The Executive Mansion’s 2015 Holiday Tree, the theme of which is “Celebrating Virginia’s Localities.” Guidance or input from the Board on how to provide for this subject is requested. Alternatively, the Board can simply direct staff to address this subject and it will be done.

Staff noted that the ornament needed to be locally made and Supervisors agreed by Consensus for staff to take of its submittal.

5. Sheriff's Department – Request for Funding Assistance with K-9 Purchase: The Department is requesting a \$2,500 contribution from the County to provide funding towards the purchase and training of a new K-9, which the Department plans to utilize for drug offense enforcement (see attached letter).

Mr. Carter explained that the current drug dog was retiring when its handler, Bill McDonald retired. He noted that the Sheriff's Department was asking the Board for a \$2,500 donation to go towards a new canine.

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Mr. Harvey then moved to approve \$2,500 for the canine and Mr. Hale seconded the motion. It was reiterated that the dog would be used for drug enforcement and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

D. Directives

Mr. Bruguiere, Mr. Harvey, and Mr. Saunders had no Directives.

Ms. Brennan:

Ms. Brennan asked if Ms. Kelley's County car could be painted and after discussion, there was consensus not to do this and Supervisors discussed buying a new one or paying her mileage to use her car. Mr. Carter noted that she did this sometimes and no action was taken.

Ms. Brennan then asked for staff to ask Dominion for the shape files for all proposed routes.

Ms. Brennan then asked if a private corporation could condemn public land and Mr. Carter noted that in the case of Dominion, they could use eminent domain.

Ms. Brennan then asked if the County's Noise Ordinance would cover noise made by construction from the pipeline and Mr. Carter advised that it was probably exempt but he would check. Mr. Harvey added that it was hard to violate the Noise Ordinance.

Ms. Brennan then noted that the County should become a zero landfill County; which had been brought up by Mr. Hale at some point. Mr. Carter noted that the County was one and Ms. Brennan indicated she would like to see this as a goal in the County's strategic plan.

Mr. Hale:

Mr. Hale noted that they had met with Woolpert on May 7th regarding the Blue Ridge Tunnel project and had asked to find out who the project Engineer was. He added he wanted to know this person's name and contact number and also that of the new Project Manager. He added that he also wanted a new estimate that incorporated the entire rehabilitation of the tunnel; noting that they had gotten only Jacobs Associate's portion of that.

Mr. Carter then advised that as an outcome of consolidating the phases, all of that would have to be done.

Mr. Hale asked staff to follow up on this and keep him copied on emails. He added he wanted to see things happen if the County continued to work with Woolpert; noting they needed to be more responsive.

Mr. Carter noted that this may take until they get through consolidation. He noted that VDOT had four or five questions that had not been answered and he noted he had reiterated to Woolpert the importance of responding to these.

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Mr. Hale then noted he thought the fence issue that came up was because the project did not have a designated engineer. He added it would now cost \$14,000 to fix the fence problem that precluded the County from using its part of the lot. He added that if Woolpert was on their toes, they would have addressed this and he noted that they had called Fielder's Choice first before calling the fence company. Mr. Carter advised that this would be priced locally. He added that the relocation of the fence was essential to having a lay down area for the other phases.

VI. Adjourn and Reconvene for Evening Session

At 5:05 pm, Mr. Hale moved to adjourn and continue the meeting at 7:00 pm. There was no second and 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. Saunders called the meeting to order at 7:00 pm with all Supervisors present to establish a quorum.

II. Public Comments

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

III. Public Hearings and Presentations

A. Rezoning #2015-01 Mountain Sports Retail Space / Mr. Joseph B. Kober WITHDRAWN BY APPLICANT ON JUNE 5, 2015

Consideration of an application to rezone two parcels, consisting of 6.06 acres from Residential (R-1) to Business (B-1). The subject properties are identified as Tax Map Parcels #22-A-18 (owned by Claude Malcolm Dodd) and #22-A-19 (owned by Herbert F. Hughes), and are located at 2950 Rockfish Valley Highway in Nellysford. Specifically, the applicant wishes to rezone the properties to construct an 8,000 square foot “retail store” and accompanying parking lot on the subject properties.

B. Special Use Permit #2015-02 Halls Family Auto Clinic” / Donald & Cindy Hall

Consideration of a Special Use Permit application seeking approval to operate a “public garage” pursuant to §4-1-18a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #6-A-94B, and is located at 47 Mill Lane in Afton. This is a 1.02-acre parcel zoned Agricultural (A-1), and is owned by Gary Bryant.

Mr. Padalino’s staff report, reported the following:

The Department of Planning & Zoning received an application from Mrs. Cindy Hall on March 26th,

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2015, seeking approval of Special Use Permit (SUP) #2015-02 to conduct a “public garage.” This application was made complete on May 1st upon the County’s receipt of a Minor Site Plan prepared by Mr. Steven L. Key, LS, and dated May 14, 2015.

“Public garage” is defined in Zoning Ordinance Article 2, “Definitions,” as, “A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.”

Please note that this SUP application and accompanying Minor Site Plan are associated with an existing commercial facility located on the subject property in Afton. The owner of the subject property, Mr. Gary Bryant, currently has an approved, valid Special Use Permit (#97-2) which authorizes the existence and operation of a “public garage.” However, in approving SUP #97-2, the Board of Supervisors (BOS) attached a condition which restricted the operation of a public garage at that location to Mr. Gary Bryant, only. (Please see the enclosed BOS approval with conditions dated May 14, 1997.) Therefore, Mr. Donald and Mrs. Cindy Hall are requesting SUP approval to authorize Hall’s Family Auto Clinic, which is currently in operation.

Mr. Padalino then noted the location of the property and showed the subject property on the map. He reiterated that the applicants currently had an operating business at the property. He noted that the Minor Site Plan submitted was reviewed and there were no outstanding comments or questions. He then advised that the Planning Commission had held a public hearing and there were no comments and they recommend approval by the Board.

There being no questions or comments from the Board, Mr. Saunders opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Harvey then moved to approve Special Use Permit #2015-02 and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 7:05 PM, Mr. Harvey moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.