

March 29, 2017

Virginia:

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

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

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 2:04 PM, with four (4) Supervisors present to establish a quorum and Mr. Bruguere joining the meeting shortly thereafter.

II. Special Use Permits #2016-06; -07; and -09 – “Devils Backbone” / Mr. Russ Orrison, PE, LS and Mr. Steve Crandall. Three (3) Special Use Permit (SUP) applications which request County approval to establish multiple proposed new land uses, as follows:

Mr. Padalino noted that a staff report had been sent out along with draft resolutions for each application. He noted that the subject property(s) are located in the Beech Grove area, and include Tax Map Parcels #31-10-1, -2, -3, -4, -5, -6, -7, -8, -9, 10, -11, and -12 which are all zoned Agricultural (A-1). The total size of the subject property(s) is 67.4 acres.

He added that the staff report provided a summary of the main issues that needed to be finalized as follows:

Issues Discussed by BOS during 3/21 BOS public hearing(s) and review(s):

- **Fencing: physical barrier between DB and neighboring properties to the South**
- Primary issue is the importance of establishing and maintaining the integrity of property boundaries (minimizing or eliminating trespassing)

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- Secondary issue is fence method/materials; applicants propose electrified high-tensile wire fence
 - o *(Note: see enclosed correspondence from R. Orrison and S. Crandall dated 3/22)*
- **Landscaping: visual buffer between DB and neighboring properties to the South**
- Neighbors requested the planting of evergreen landscaping materials to create a screening effect
- Applicants noted their intent to plant white pines along southern border
 - o *(Note: see enclosed correspondence from S. Crandall dated 3/22)*
- **Lighting: preserve dark night skies and prevent nuisance lighting**
- For permanent exterior lighting, applicants intend to only use “downcast” lighting fixtures, to preserve dark night skies and avoid unnecessary glare, light pollution, etc.
 - o *(Note: this intent is consistent with existing exterior lighting at DB, which is exemplary)*
- Neighbors noted that temporary / portable light towers used during events have been disruptive, due to their orientation towards dwellings
 - o *(Note: this detail can be addressed in connection with Temp. Event Permit applications)*
- **Noise: limit or mitigate noise from “The Barn” Event Hall**
- Applicants have proposed conditions for the event hall of a 10:00pm outdoor noise curfew (indoor noise / music could continue beyond 10:00pm)
- Architectural details (such as a vestibule entrance, or sound baffling materials, or both) can be used to greatly reduce noise impacts
- **Subdivision: reduce or eliminate interior property boundaries**
- The SUP applications involve 67.4 acres across 12 parcels of record
- BOS inquired about applicants’ intentions to a.) maintain 12 separate parcels, or to b.) combine some or all parcels by preparing, submitting, and recording a plat of vacation (to eliminate some or all interior property boundaries)

He then noted the final recommendations for approval which were included in the draft resolutions as follows:

In consideration of all of the above details, the following “final recommended conditions of approval” are presented for BOS consideration:

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Special Use Permit applications #2016-06, #2017-07, and #2017-09 are approved, subject to the following conditions:

- I. Major temporary events on the subject property(s) or on adjoining properties under the same ownership or control are limited to four (4) per calendar year. For the purposes of these conditions of approval, a major temporary event is defined as the multi-day operation of a venue with amplified music and with temporary campgrounds requiring a campground waiver permit (or similar approval) from the Virginia Department of Health. No such major temporary events shall be conducted on Memorial Day Weekend or Labor Day Weekend.
- II. Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, a fence shall be constructed along or near the southern property line between VA-151 (Patrick Henry Hwy) and the Western edge of the Bush property (Tax Parcel #31-A-48C).
- III. A 50' buffer area will be established along the southernmost property boundaries, with no clearing of existing vegetation unless a vegetative buffer of greater density is immediately planted and maintained.
- IV. Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, white pines (or similar evergreen plants) shall be planted and maintained within the 50' buffer in strategic locations, so as to establish visual buffers between adjoining dwellings and proposed new structures.
- V. A 100' building setback shall be established and maintained along the southernmost property boundary of the parcel zoned Business (B-1) Conditional (Tax Parcel #31-12-6).
- VI. Campgrounds and campsites shall be operated subject to a 9:00pm "quiet time" curfew, with the exception of major temporary events (as defined for the purpose of these conditions of approval).

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- VII. The Barn event hall shall be operated subject to a 10:00pm curfew on all outdoor music outside of the event building, with the exception of major temporary events (as defined for the purpose of these conditions of approval).
- VIII. The Barn event hall shall be designed and constructed to reduce noise impacts from indoor sources. Examples of such practices include the installation of sound baffles and the incorporation of a vestibule space for ingress/egress areas.
- IX. The subject properties shall be combined into less than twelve (12) parcels of record, via the submission, approval, and recordation of a vacation plat which vacates some or all interior property boundaries.

Mr. Hale then suggested that each application be reviewed.

SUP #2016-06 for an event hall for 250 persons, submitted pursuant to Zoning Ordinance §4-1-4a (“Banquet hall”) (**R2017-14**)

Mr. Padalino noted that the special use permit application was for an Event Hall and he noted the conditions placed on its approval. He added that the special use permit would not affect Temporary Events and it did not have noise ordinance limitations. He added that the conditions were specific to the special use permit being requested.

The proposed SUP specific conditions were noted as follows:

- The Barn event hall shall be operated subject to a 10:00pm curfew on all outdoor music outside of the event building, with the exception of major temporary events (as defined for the purpose of these conditions of approval).
- The Barn event hall shall be designed and constructed to reduce noise impacts from indoor sources. Examples of such practices include the installation of sound baffles and the incorporation of a vestibule space for ingress/egress areas.

The proposed general conditions (universal for all three applications) were noted as follows:

- Major temporary events on the subject property(s) or on adjoining properties under the same ownership or control are limited to four (4) per calendar year. For the purposes of these conditions of approval, a major temporary event is defined as the

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multi-day operation of a venue with amplified music and with temporary campgrounds requiring a campground waiver permit (or similar approval) from the Virginia Department of Health. No such major temporary events shall be conducted on Memorial Day Weekend or Labor Day Weekend.

- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, a fence shall be constructed and maintained along or near the southern property line between VA-151 (Patrick Henry Hwy) and the Western edge of the Bush property (Tax Parcel #31-A-48C).
- A 50' buffer area will be established and maintained along the southernmost property boundaries, with no clearing of existing vegetation unless a vegetative buffer of greater density is immediately planted and maintained.
- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, white pines (or similar evergreen plants) shall be planted and maintained within the 50' buffer in strategic locations so as to establish visual buffers between adjoining dwellings and proposed new structures.
- A 100' building setback shall be established and maintained along the southernmost property boundary of the parcel zoned Business (B-1) Conditional (Tax Parcel #31-12-6).
- The subject properties shall be combined into less than twelve (12) parcels of record via the submission, approval, and recordation of a vacation plat which vacates some or all interior property boundaries.

Mr. Padalino noted that the design and construction limitations were worthwhile to offer and were meant to dampen some of the noise.

Mr. Harvey asked how many days were involved in the biggest event for Devil's Backbone and Heidi Crandall noted that Hoopla was from Friday to Sunday and was their largest event. She noted that past events had averaged three days and had in the past gone from Thursday to Monday.

Mr. Carter noted that they would still be required to get temporary event permits for these; however the SUP limits how many of these they can do. He added that there may be more scrutiny on the events in getting these permits. He added that it would depend upon the size of the event etc. as to whether or not a temporary event permit was required. Mr. Padalino added that the new Temporary Events Ordinance allowed them

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to apply for multiple events with one application if the events were essentially the same thing. Mr. Carter noted that if they had music and less than 500 attendees, then the music would be an accessory use and would not require a permit.

It was then noted that the proposed resolutions recommended a fence with the details to be worked out by the applicants and the County; with the main goal being to physically separate the properties.

Mr. Saunders noted that leaving it as “fence” could mean anything and Mr. Harvey agreed that the definition of “fence” could be ambiguous. Staff noted that the intent was to prevent trespassing; however the Board had not wanted to dictate the type of fence. Mr. Carter advised that they could add language such that “installation shall be approved by the county”.

Mr. Hale then suggested that it would be more appropriate to list the specific parcels involved rather than the property owner and Mr. Padalino noted that the fence would extend to the far end of the Bush property. Mr. Hale reiterated that the resolution should be specific in describing the adjoining parcel.

Ms. Crandall noted that Devil’s Backbone tried to remain a steady presence by fitting in and the fence would not be an eyesore but would prevent trespassing. She then referenced their reputation for doing things well. Mr. Harvey noted the Board had no doubts about the present owners; however things changed and properties got sold etc.

Mr. Hale then asked Ms. Crandall if their intent was to fence the entire southern boundary and she noted they would fence from the Southern boundary to the Western boundary. Mr. Hale suggested adding the language “that portion of boundary with tax map 48C and 48A.”

Mr. Saunders inquired about Mr. Bush agreeing to use of an electric fence and Mr. Bush replied they had not agreed to that and they wanted privacy and security to be accomplished with the fence.

Ms. Heather Goodwin, representative of the adjoining property owners, the Bushes and Huggers, addressed the Board noting that she thought it was the Board’s intention for the stakeholders in this matter to meet and discuss these things. She noted that there has been no meeting between the parties. Ms. Goodwin then noted that they were in support of multiple definitions of fence; however they were looking for an 8ft or higher fence to prevent scaling; as there needed to be a deterrent. She stated they were asking for privacy so that they were not adversely affected by Devil’s Backbone activities and it

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was the Board's task to ensure they were not impacted. She added that they had no problem with a chain link fence, however they needed height and a solid line down the property line. She noted this was to prevent people from defecating in the creek and children wandering unsupervised onto the adjoining properties that had large water impoundments; noting those property owners would be liable if something happened. She added that they would also like the fence to be a sound barrier. She suggested that if the Board decided on these that day they could specify the fence be so many feet high and of a certain material. She noted they were concerned about a board fence and chain link made more sense for permeation in the floodplain. She noted some greenery screening would also be appropriate. She also suggested that amplified music be restricted to the interior of the building and that lighting issues could be hashed out during permitting.

Ms. Brennan asked why no meeting happened between the stakeholders and Ms. Goodwin noted that she had contacted Mr. Padalino and she thought he was to determine how to proceed and was potentially compiling a list for everyone to look at. She added that she thought the parties should discuss these issues and hash it out.

Mr. Carter advised that staff was not instructed to be involved and that the setting of conditions was up to the Board.

Mr. Bruguere noted he thought they should specify the type of fence and they could give them a year and then upon review if it was not working, they could do something else. He added that the Planning Commission had recommended the electric fence.

Mr. Padalino reiterated the Planning Commission's deliberations and their recommendation of a high tensile fence. He noted that other than that, the fence material and height were not described as they determined to let the Board decide or to keep it generic.

Mr. Harvey then noted that the conditions were tied to the parcels and the approvals went with the property.

The fence was further discussed with Mr. Bruguere suggesting it be a six foot tall electric fence with five strands. Mr. Hale noted that CSX had required an 8ft tall chain link fence at the tunnel and he questioned what was wrong with that. Mr. Saunders supposed it would look like a prison and Mr. Carter noted that the tunnel fence did not look like a prison and Mr. Hale added that it also was not climbed over. Ms. Brennan supposed that a chain link fence with some shrubbery would look okay.

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Mr. Carter then suggested that language be used such as a fence "sufficient in height and structure to deter trespassing onto or from the applicant property".

Mr. Harvey noted that there had been some buffering asked for also to address the views.

Mr. Bruguiere then stated that he thought four (4) events per year was sufficient and he did not suggest reducing it. Supervisors agreed by consensus to keep this at four (4) events.

Mr. Harvey noted that they had also included that they would vacate the parcel lines so that they did not have separate parcels and Mr. Russ Orrison, representing the applicants, noted they were fine with that condition and the owners intended to do it.

Mr. Bruguiere then moved to approve resolution **R2017-14** with the noted changes: the second paragraph denoting tax parcels 48C and 48A and the fencing to be defined as being "sufficient in height and structure to prevent trespassing onto or from the subject property" with these modifications to carry through to all of the resolutions approving the special use permits.

Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting No.

Mr. Harvey explained his vote by stating that something had to be done in the Rockfish Valley and they could not keep doing everything. He added that he liked the project, he was happy with the applicants, and he thought it was something that could work.

The following resolution was adopted:

RESOLUTION R2017-14
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF SPECIAL USE PERMIT #2016-06 EVENT HALL
"DEVILS BACKBONE"/MR. RUSS ORRISON AND MR. STEVE CRANDALL

RESOLVED, by the Nelson County Board of Supervisors that Special Use Permit **#2016-06**, for an event hall for 250 persons, submitted pursuant to Zoning Ordinance §4-1-4a ("Banquet hall") is hereby approved with the following conditions:

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- The Barn event hall shall be operated subject to a 10:00pm curfew on all outdoor music outside of the event building, with the exception of major temporary events (as defined for the purpose of these conditions of approval).
- The Barn event hall shall be designed and constructed to reduce noise impacts from indoor sources. Examples of such practices include the installation of sound baffles and the incorporation of a vestibule space for ingress/egress areas.

BE IT FURTHER RESOLVED, that Special Use Permit #2016-06 is hereby approved with the following additional conditions:

- Major temporary events on the subject property(s) or on adjoining properties under the same ownership or control are limited to four (4) per calendar year. For the purposes of these conditions of approval, a major temporary event is defined as the multi-day operation of a venue with amplified music and with temporary campgrounds requiring a campground waiver permit (or similar approval) from the Virginia Department of Health. No such major temporary events shall be conducted on Memorial Day Weekend or Labor Day Weekend.
- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, a fence sufficient in height and structure to prevent trespassing onto or from the subject property shall be constructed and maintained along or near the southern property line which adjoins properties identified as Tax Parcel #31-A-48C and #31-A-48A.
- A 50' buffer area will be established and maintained along the southernmost property boundaries, with no clearing of existing vegetation unless a vegetative buffer of greater density is immediately planted and maintained.
- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, white pines (or similar evergreen trees) shall be planted and maintained within the 50' buffer in strategic locations so as to establish visual buffers between adjoining dwellings and proposed new structures.
- A 100' building setback shall be established and maintained along the southernmost property boundary of the parcel zoned Business (B-1) Conditional (Tax Parcel #31-12-6).

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- The subject properties shall be combined into less than twelve (12) parcels of record via the submission, approval, and recordation of a vacation plat which vacates some or all interior property boundaries.

BE IT FINALLY RESOLVED, that notwithstanding the foregoing, all events are also subject to the Code of Nelson County, Article 24 Temporary Events, Festival Grounds, Out-of-Door Accessory Uses.

SUP #2016-07 for a lodge for overnight guests containing approximately 20 units, as well as approximately 7 stand-alone cabins, submitted pursuant to Zoning Ordinance §4-1-25a (“Motels, hotels”) (**R2017-15**).

Mr. Padalino noted that this special use permit application had the same universal conditions as the previous one; however the conditions specific to #2016-07 were as follows:

- Approval for a maximum of 25 rooms in a lodge, and
- A maximum of 10 stand-alone cabins

He noted that the applicants had requested approximately twenty rooms in the lodge and approximately seven stand-alone cabins; however the Planning Commission recommended twenty-five and ten respectively which was more than requested and gave a firm number.

Mr. Hale asked why these were increased and Mr. Padalino explained that was the Planning Commission’s recommendation and they went with those numbers to provide specificity. The Board and staff then discussed what was meant by “a room” and Mr. Padalino explained this was intended to mean units. He added that they could specify “25 rooms for transient lodging.”

Mr. Harvey then noted the extensive septic system that had been designed for the site.

The Board mentioned changing the word “rooms” to “units” and the applicants noted their concurrence with that change.

Ms. Goodwin representing the adjoining property owners noted the more frequent traffic impacts of this project and again asked for landscaping to buffer the sound and to reduce the visual impacts along the area already proffered.

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Mr. Hale referenced the buffer areas noted in the proposed resolution and Mr. Padalino noted that the resolution language made this a no disturbance zone and if it were disturbed, they would be required to replant it. He then noted the language that said they would plant white pines that would be maintained to establish a visual buffer and that would be planted in places to effectively screen rather than the whole way along the area.

Mr. Hale suggested the language be changed to say white pines or "similar evergreen trees" instead of plants. Ms. Crandall noted that they were already establishing native plants in the area.

Ms. Goodwin reiterated the visual impact of the entire run as well as the sound impacts. She noted planting along the entire run would ensure that her clients would not be adversely affected by the sound. Mr. Harvey then added that some things could not be buffered.

Mr. Bruguere then moved to approve resolution **R2017-15** Approval of Special Use Permit #2016-07 Motels, Hotels "Devil's Backbone"/Mr. Russ Orrison and Mr. Steve Crandall with the same addition of fencing done in SUP# 2016-06, and with "units" instead of "rooms" and "similar evergreen trees" instead of plants.

Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting No.

Mr. Harvey noted he voted No for the same reasons as previously stated.

The following resolution was adopted:

RESOLUTION R2017-15
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF SPECIAL USE PERMIT #2016-07 MOTELS, HOTELS
"DEVILS BACKBONE"/MR. RUSS ORRISON AND MR. STEVE CRANDALL

RESOLVED, by the Nelson County Board of Supervisors that Special Use Permit #2016-07, for a lodge for overnight guests, as well as stand-alone cabins, submitted pursuant to Zoning Ordinance §4-1-25a ("Motels, hotels") is hereby approved with the following conditions:

- Approval for a maximum of 25 units in a lodge, and

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- A maximum of 10 stand-alone cabins

BE IT FURTHER RESOLVED, that Special Use Permit #2016-07 is hereby approved with the following additional conditions:

- Major temporary events on the subject property(s) or on adjoining properties under the same ownership or control are limited to four (4) per calendar year. For the purposes of these conditions of approval, a major temporary event is defined as the multi-day operation of a venue with amplified music and with temporary campgrounds requiring a campground waiver permit (or similar approval) from the Virginia Department of Health. No such major temporary events shall be conducted on Memorial Day Weekend or Labor Day Weekend.
- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, a fence sufficient in height and structure to prevent trespassing onto or from the subject property shall be constructed and maintained along or near the southern property line which adjoins properties identified as Tax Parcel #31-A-48C and #31-A-48A.
- A 50' buffer area will be established and maintained along the southernmost property boundaries, with no clearing of existing vegetation unless a vegetative buffer of greater density is immediately planted and maintained.
- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, white pines (or similar evergreen trees) shall be planted and maintained within the 50' buffer in strategic locations so as to establish visual buffers between adjoining dwellings and proposed new structures.
- A 100' building setback shall be established and maintained along the southernmost property boundary of the parcel zoned Business (B-1) Conditional (Tax Parcel #31-12-6).
- The subject properties shall be combined into less than twelve (12) parcels of record via the submission, approval, and recordation of a vacation plat which vacates some or all interior property boundaries.

BE IT FINALLY RESOLVED, that notwithstanding the foregoing, all events are also subject to the Code of Nelson County, Article 24 Temporary Events, Festival Grounds, Out-of-Door Accessory Uses.

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SUP #2016-09 for a campground for RVs, tents, and supporting accessory structures, submitted pursuant to Zoning Ordinance §4-1-10a (“Campground”) (**R2017-16**) .

Mr. Padalino noted the request for a campground that has the same universal conditions as the previous two applications. He then noted the following conditions specific to this application as follows:

- A maximum of 25 “wet” RV spaces with hookups,
- A maximum of 25 “dry” RV spaces without hookups,
- A maximum of 26 tent campsites; and
- Campgrounds and campsites shall be operated subject to a 9:00pm “quiet time” curfew, with the exception of major temporary events (as defined for the purpose of these conditions of approval).

Mr. Bruguere advised that the Planning Commission did reduce the number of RV spaces from 73 to 50; noting they had requested 48 dry spaces which was reduced to 25. He noted this was due to the density of RVs in one spot. Mr. Hale noted that was his concern and if it was amenable to the applicant; the Board should go with it.

Ms. Crandall confirmed that this campground did include a mandatory bathhouse and bathrooms. She then advised that they had a dumping site location for the RVs.

Mr. Hale asked if there was anything to prevent it from becoming a permanent RV park and it was noted that the Ordinance says anything providing lodging for thirty (30) days or less was defined as transient lodging.

Ms. Goodwin then noted that the neighbors’ concern was that people would stay long term; noting that they could stay for 29 days and then move to a different lot in order to bypass that rule. She reiterated that the primary concern for her clients was trespassing and she encouraged the Board to look at determining an actual fence material in order to prevent this from coming back to them. She reiterated that an 8 foot chain link fence was appropriate and could be made pretty.

Mr. Harvey noted he was not concerned about people moving sites to stay longer and the intent of the ordinance was important. Mr. Carter supposed that unless lists were checked; they would not know. Ms. Brennan noted she thought it could be a problem

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and Mr. Carter agreed with Mr. Hale; however he noted the ordinance would be hard to enforce.

Mr. Bruguiere supposed they could advise the campers and Mr. Carter noted they could reconsider the permit if it became an issue. Mr. Harvey then noted that he thought the campground would mostly serve people who were traveling through the county.

Ms. Crandall noted their intent was to have an RV park to provide lodging for the county.

Supervisors noted that the same modifications from the previous resolutions also applied to this approval.

Mr. Bruguiere moved to approve resolution **R2017-16** Approval of Special Use Permit #2016-09 Campground including the previous application modifications and A maximum of 25 “wet” RV spaces with hookups, A maximum of 25 “dry” RV spaces without hookups, A maximum of 26 tent campsites; and Campgrounds and campsites shall be operated subject to a 9:00pm “quiet time” curfew, with the exception of major temporary events (as defined for the purpose of these conditions of approval).

Mr. Saunders seconded the motion and there being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey voting No.

Mr. Harvey advised that he voted No for the same reasons as previously stated and he appreciated the Applicants and Adjoiners cooperating and negotiating and he thanked Mr. Padalino for doing a great job.

The following resolution was adopted:

RESOLUTION R2017-16
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF SPECIAL USE PERMIT #2016-09 CAMPGRUND
“DEVILS BACKBONE”/MR. RUSS ORRISON AND MR. STEVE CRANDALL

RESOLVED, by the Nelson County Board of Supervisors that Special Use Permit #2016-09, for a campground for RVs, tents, and supporting accessory structures, submitted pursuant to Zoning Ordinance §4-1-10a (“Campground”) is hereby approved with the following conditions:

- A maximum of 25 “wet” RV spaces with hookups,

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- A maximum of 25 “dry” RV spaces without hookups,
- A maximum of 26 tent campsites; and
- Campgrounds and campsites shall be operated subject to a 9:00pm “quiet time” curfew, with the exception of major temporary events (as defined for the purpose of these conditions of approval).

BE IT FURTHER RESOLVED, that Special Use Permit #2016-09 is hereby approved with the following additional conditions:

- Major temporary events on the subject property(s) or on adjoining properties under the same ownership or control are limited to four (4) per calendar year. For the purposes of these conditions of approval, a major temporary event is defined as the multi-day operation of a venue with music and with temporary campgrounds requiring a campground waiver permit (or similar approval) from the Virginia Department of Health. No such major temporary event shall be conducted on Memorial Day Weekend or Labor Day Weekend.
- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, a fence sufficient in height and structure to prevent trespassing onto or from the subject property shall be constructed and maintained along or near the southern property line which adjoins properties identified as Tax Parcel #31-A-48C and #31-A-48A.
- A 50’ buffer area will be established along the southernmost property boundaries, with no clearing of existing vegetation unless a vegetative buffer of greater density is immediately planted and maintained.
- Prior to issuance of any Certificate of Occupancy for any use or structure permitted by SUP #2016-06, -07, or -09, white pines (or similar evergreen trees) shall be planted and maintained within the 50’ buffer in strategic locations so as to establish visual buffers between adjoining dwellings and proposed new structures.
- A 100’ building setback shall be established and maintained along the southernmost property boundary of the parcel zoned Business (B-1) Conditional (Tax Parcel #31-12-6).

- The subject properties shall be combined into less than twelve (12) parcels of record via the submission, approval, and recordation of a vacation plat which vacates some or all interior property boundaries.

BE IT FINALLY RESOLVED, that notwithstanding the foregoing, all events are also subject to the Code of Nelson County, Article 24 Temporary Events, Festival Grounds, Out-of-Door Accessory Uses.

III. FY17-18 Budget Introduction

A. Proposed Budget Work Session Schedule

Ms. McCann distributed budget folders and gave the following budget overview:

March 29, 2017—FY18 General Fund Budget Summary

OVERALL REVENUES

Overall, General Fund Revenues inclusive of use of fund balance are projected to increase by \$620,005 (1.6%) over the current FY17 budget. Primary sources of revenue include local, state and federal totaling approximately 38.68 million.

LOCAL REVENUE

General Property Taxes

General Property taxes continue to represent the largest source of General Fund Revenues (63%). The FY18 projection reflects an increase of \$116,155 over the current budget. This increase represents 18.7% of the overall revenue increase. General Property Taxes include Real and Personal Property, Machinery and Tools tax, and Public Service tax. Also included is delinquent tax collections, penalties, and interest. Tax rates are established on a calendar year basis even though the county budget is presented on a fiscal year basis (July-June). For example, the FY18 budget will include the second half tax billing for calendar year 2017 and the first half billing for calendar year 2018.

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Real Estate Tax is the largest source of revenue for the county and is expected to generate 17.75 million in FY18. This represents an \$82,606 increase over the FY17 budget amount. The FY18 projection assumes the current tax rate of \$0.72 per \$100 assessed value and an average annual growth rate of 0.3%. The Calendar Year 2016 value of taxable real estate after Land Use deferrals and elderly tax relief is \$2.4 billion (\$2,464,834,759) which generates approximately \$232,129 of estimated collectible real estate tax revenues for each penny of the tax rate. Comparatively, the estimated value of the penny would be \$232,825 for 2017 and \$233,523 for 2018. The first half 2018 tax billing will reflect reassessment values and will impact the FY18 budget. Current assumptions are 0.3% growth in 2018. Additionally, FY17 and FY18 delinquent tax collections reflect a slight increase attributed to consistent collection efforts maintained by the Treasurer. Since the initial utilization of legal services to process delinquent collections in 2004, the back log of delinquent tax accounts have been processed and current delinquencies are being handled on a regular basis.

Public Service tax is levied on the real estate and personal property owned by railroads, utilities, pipelines, and other businesses required to register with the State Corporation Commission (SCC). Public Service Corporation assessments are prepared by the Virginia Department of Taxation and the SCC. The Department of Taxation conducts an annual statewide sales study of real property to determine current fair market values. A ratio is established comparing the results of the annual sales study to locally assessed values which is then applied to public service values prepared by the SCC. Public Service tax is expected to generate \$850,000 in FY18 which reflects an increase of \$37,000 over the FY17 budget amount.

Personal Property Tax is levied on vehicles and other tangible non-real estate property. Qualified vehicles are eligible for a pro rata share of personal property tax relief (PPTR) which the state provides to the county as a fixed payment of \$1.7 million. Personal

Property tax collections and the tax relief payment from the state in FY18 are projected to decline slightly (0.3%) from the FY17 budget amount. In addition to the state tax relief payment, collections in FY18 are anticipated to be \$3.7 million. The tax rate for calendar year 2016 is \$3.45 per \$100 of assessed value. The FY18 budget assumes no change in the tax rate.

Mobile Home Tax is levied on manufactured homes not classified as real estate. Mobile Homes are assessed as tangible personal property, yet taxed at the real estate property tax rate. Mobile Home tax is expected to generate \$30,000 in FY18 which is no change from the FY17 budget amount.

Machinery and Tools Tax is levied on certain business equipment used in manufacturing and certain other commercial activities. This tax is anticipated to generate \$30,000 in FY18, an increase of \$15,000 over the FY17 budget. Machinery and Tools Tax represents approximately 0.1% of overall General Property Taxes. The statutory tax rate is \$1.25 per \$100 assessed value based on original cost. However, an assessment ratio is applied to the value as follows:

Tax Years	Ratio (%)	Effective Rate per \$100
1 to 5	40	\$0.50
6 to 10	30	\$0.38
11 to 15	20	\$0.25
16 plus	10	\$0.13

Late Tax Penalties and Interest is anticipated to generate \$320,000 in FY18 which is the same amount as the FY17 budget. A ten percent penalty is charged the day after the due date and ten percent annual interest is accrued beginning 25 days after the due date. Delinquent property tax collections are reflected in the budget within each category of tax.

Delinquent real estate collections are anticipated to be about \$834,824 in FY17 and \$866,129 in FY18. Personal Property delinquent collections are anticipated to be approximately \$425,000. Together delinquent tax collections and associated penalty and interest make up 5.3% of all General Property Taxes.

Other Local Revenue

In addition to property taxes, local revenue generally includes other local taxes (utility, vehicle license, recordation, meals, and lodging), permits and license fees, court fines and fees, interest earnings, and various recovered costs. Other local revenue is expected to generate over \$5.9 million in FY18 which is a decrease of \$101,288 over the FY17 budget amount. The most significant factor in the decline relates to a reduction of \$130,000 in court fines for FY18. Actual receipts of court fines in FY17 are also anticipated to be less than budgeted.

STATE REVENUE

State revenues, excluding non-recurring grants, are anticipated to increase by \$49,167 in FY18 from the FY17 budget amount. State revenues include **non-categorical aid** from motor vehicle carriers' tax, mobile home titling tax, deeds tax, and communications sales tax. Non-categorical aid is anticipated to generate \$632,000 in FY18 which is a decrease of \$13,000 from FY17 reflecting an anticipated decline in communications sales and use tax.

Categorical state aid primarily provides for at risk youth programs (CSA) and public assistance and welfare programs administered by the local Department of Social Services. Changes in funding for these programs is the most significant factor contributing to the overall increase expected in state revenues. The County expects to receive \$863,943 in categorical state aid in FY18 which is an increase of \$48,265.

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The largest source of state funding relates to **state shared expenses**. State shared expenses represent the State's share of activities that are considered to be a shared state and local responsibility. Shared responsibilities include Constitutional Offices and the Registrar/Electoral Board. Constitutional Offices include the Sheriff, Commonwealth Attorney, Commissioner of Revenue, Treasurer, and Clerk of the Circuit Court. State shared expenses are expected to be \$1.4 million which is subject to change pending receipt of finalized amounts from the state Compensation Board.

FEDERAL REVENUE

Federal revenue, excluding non-recurring grants, is expected to provide \$654,133 in FY18. This is a \$72,396 or 12.4% increase over the FY17 budget amount. Federal funding includes payment in lieu of taxes and public assistance and welfare. Payments in lieu of taxes have historically been received for forest land located in Nelson County. These funds must be approved during the federal budget process. Federal funds are also received for public assistance and welfare programs and are the largest source of ongoing federal funding. Public assistance funds account for the overall increase in federal revenue.

STATE AND FEDERAL GRANTS

In FY18, the county expects to receive \$3,022,496 in non-recurring grants from state and federal sources. This reflects an increase of \$1,268,902 from FY17. Grant awards for the Crozet Tunnel restoration project is the primary factor contributing to this increase. Grants are generally not budgeted until they are awarded. Some grants may be awarded mid-year and amended into the budget at the time of award.

TRANSFER FROM OTHER FUNDS

The county conducts a reassessment of real property values every four years. The cost of conducting the reassessment impacts two fiscal years. In the two fiscal years that there is no

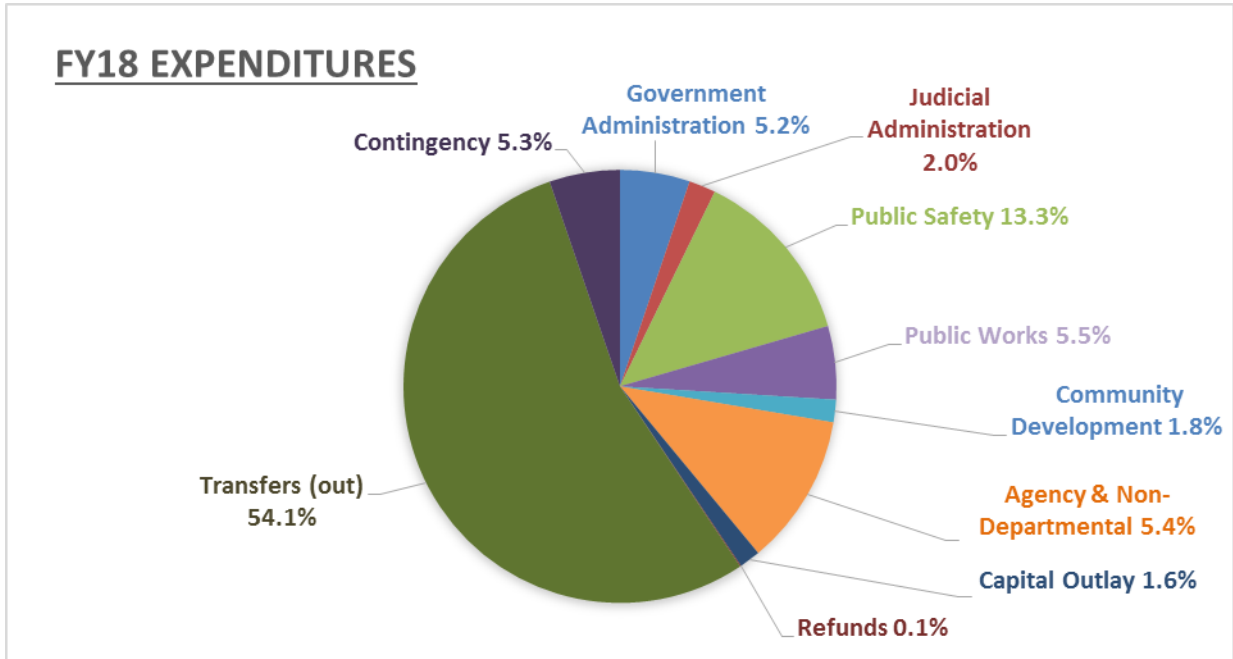
reassessment expense, the county sets aside funding to assist with upcoming reassessment expense. The budget proposes to utilize \$89,851 from the set aside for reassessment expenditures that will be incurred in FY18.

USE OF FUND BALANCE

The FY18 proposed budget anticipates the use of \$1.5 million in fund balance which is a decrease of about \$700,000 from the FY17 budget. This decrease is primarily attributed to one time use of fund balance to support debt and use of FY16 school fuel savings in the FY17 budget. Of the anticipated \$1.5 million, about \$196,000 is carryover from FY17 resulting from delay of the call handling equipment purchase until FY18, an additional \$200,000 in anticipated carryover from FY17 and \$1.1 million in unexpended contingency funding.

OVERALL EXPENDITURES

Overall, recommended expenditures in FY18 are increasing by \$620,005 or 1.6%. Total recommended expenditures for FY18 is \$38.68 million as compared to the current FY17 budget of just over \$38 million. The graph below reflects the allocation of FY18 expenditures between the various categories of expense. Transfers is by far the largest category of expense which includes funding for the School Division, Social Services, and Debt Service.



Government Administration

Government Administration includes the Board of Supervisors and the following departmental operations: 1)County Administration 2)County Attorney 3)Commissioner of Revenue 4)Treasurer 5) Finance & Human Resources 6)Technology 7)Land Use Panel 8)Board of Elections and 9)Registrar. Because 2018 is a reassessment year, the cost to conduct the reassessment continues to be an impact in FY18 and is also included in government administration expenditures. Overall, governmental administration expenditures are recommended at \$2.02 million which reflects an increase of \$46,227 from the FY17 current budget. This increase is primarily attributed to anticipated expense to replace the phone system and primary network server.

Judicial Administration

Judicial Administration includes operational expense for General District Court, J&D District Court, Court Services Unit, Circuit Court, and the Commonwealth Attorney.

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Judicial Administration expenditures for FY18 are recommended at \$774,000 which is a decrease of \$77,989 over the FY17 budget. The decreases are primarily attributable to a Library of Virginia grant which is non-recurring in FY18 and personnel changes within the Circuit Court Clerk and Commonwealth Attorney budgets.

Public Safety

Public Safety includes operational expense for the Sheriff, Public Safety (Emergency Services), Emergency Services Council, E911 Program, Forest Fire Service, Paid EMS, Regional Jail, Building Inspections, Animal Control, and Medical Examiner. Public Safety expenditures for FY18 are recommended at \$5.1 million which is an overall decrease of \$32,061 from the FY17 budget. The E911 Program reflects a decrease of \$41,474 which is attributable to generator replacement in the current year that is non-recurring in FY18. The EMS Council budget reflects a decrease of \$27,726 primarily due to a lower reimbursement request from the Council. Other Public Safety departments reflect less significant fluctuations in budgetary amounts.

Public Works

Public Works includes operation expense for Waste Management, Building and Grounds, and the Motor Pool. Public Works expenditure for FY18 are recommended at just over \$2.1 million which is a \$40,910 increase from FY17. This increase is attributed to an increase in the Motor Pool budget. Funding is included for three police vehicles and two other vehicles (Animal Control/Tourism). This budget also reflects a \$10,000 decrease in anticipated gasoline expense.

Recreation & Community Development

Recreation and Community Development includes operation expense for Recreation, Planning, and Tourism/Economic Development. The overall budget for FY18 reflects a

reduction of \$28,001. The Planning Department budget reflects a \$16,000 reduction due to the non-recurring work by the TJPDC on the Rockfish Area Plan. The Community Development budget reflects a decrease of \$9,403 which is primarily due to economic incentives that were budgeted in FY17 but not included in FY18 because they were not utilized in the current year.

Agencies & Non-Departmental

Agencies and other Non-Departmental expense increased by approximately \$1.24 million. Most agencies were level funded and no new agencies received funding. Piedmont Virginia Community College contribution is increased by \$12,375 relative to site work for the college’s proposed Technology Center. The majority of the increase is attributable to the Crozet Tunnel project (\$1,315,523) which is a grant funded project.

Capital Outlay

Capital Outlay expenditures in FY18 are expected to decrease by \$270,286 from the FY17 budget. The following capital expense is proposed for FY17.

E911 Equipment (Call Handling)	\$346,000
Transfer Station Excavator	\$150,000
Balance of Radio Project	\$114,047
Total Capital Outlay	\$610,047

Refunds

Revenue refunds are anticipated to remain at \$30,000 in FY18.

Transfers

This category of expenditure reflects funds moved to various other accounting funds and is by far the largest category of expenditures. Transfers are proposed for the 1)Debt Service

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Fund 2)Broadband Fund 3)VPA (Social Services) Fund 4)Piney River Water/Sewer and the 5)School Fund. Overall Transfer Expenditures in FY18 are proposed at almost \$21 million which is a decrease of approximately \$745,000 from FY17.

Changes in Transfers are denoted in the chart below.

Fund Group	Change
Broadband (amortized installs)	\$100,000
VPA (Social Services)	\$114,370
Debt Service (Solid Waste debt paid)	-\$347,578
School Operations (Level funded)	\$0
School Capital	-\$583,386
School Nurses (Level funded)	\$0
School Buses (2 funded)	-\$28,000
Overall Decrease	-\$744,594

Reassessment Fund

Since expenditures will be incurred for the 2018 reassessment, no new funds will be set aside in FY18.

Broadband Fund

In FY18, the budget includes a transfer of \$100,000 to the Broadband Fund to support operations and an additional \$100,000 is included to provide for amortized installations.

Courthouse Project Fund

Funds were transferred to the project fund in FY16. At this time, there is no transfer anticipated for the project in FY18.

VPA (Social Services) Fund

In FY18 the transfer to the VPA fund is increased by \$114,370. This increase is supported with state and federal revenues.

Debt Service Fund

The transfer to the Debt Service Fund is proposed to decrease in FY18 by \$347,578. This is primarily attributed to the pay-off of the Solid Waste debt in October, 2016.

School Fund

The School Division is currently funded at the same level as FY17 such that the Board of Supervisors may consider this during the budget process. The School Division requested \$664,788 in new funding for operations and an increase of \$134,000 for the purchase of two additional school buses (4 buses overall requested). The proposed budget does not currently include funding for capital improvements.

Contingency

Contingency Reserves are expected to be just over \$2 million (Recurring-\$1,320,778, Non-Recurring-\$718,350).

Expenditure Considerations

Attached is a list of considerations detailing the more significant changes requested within the various departments. There is currently no salary adjustment funded within the current draft budget. The consideration list includes unfunded requests as well as funded requests and indicates the cost for each item and whether or not funding is included in the draft budget.

Ms. McCann noted that the budget assumed no change in tax rates. Mr. Bruguere asked about the classification of double wide homes and Mr. Carter noted it depended on the type of foundation but they were likely considered real estate but he would have to check with the Commissioner.

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Mr. Carter noted that the County had the lowest Machinery and Tools rates in the State and Ms. McCann added that the increase was attributed to brewery equipment etc.

Mr. Carter noted that the County would recognize a \$150,000 loss in Court Fines in the current year due to not as many tickets being written.

Mr. Bruguere asked about the Sheriff's vehicle request and Ms. McCann advised that they were in the Motor Pool line item where all of the vehicles were included except for the school buses. She noted that those had to be transferred funds.

Mr. Carter briefly noted that they were presented with a balanced budget and the strategy moving forward was to focus on the considerations list. He noted staff went through each Department line item by line item and have kept them where staff thinks they should be and then things were moved to the consideration list. He added that staff had funded some things on the list.

Mr. Bruguere asked about this year's raises and staff noted employees got 2% as of July 1st. Mr. Carter advised that the School proposed 2% in July and he was not sure if the State funding covered July because the State Compensation Board increase of 2% was effective August 1st. He noted that on the County side; staff had not funded anything for compensation but staff wanted to address that at a work session. He added that staff had the pay study information for their consideration and potential recommendations on addressing that. He noted that the full cost of implementation was in the list of considerations as unfunded. He noted that the funded items were in yellow. Mr. Bruguere noted that that this year the Board funded a raise but the State did not and Mr. Carter noted that there may be some discretion on what localities could do with that 2% raise.

Mr. Carter advised that the goal of staff was to provide the overview and then look at the proposed calendar; with the hope that the Board would schedule a work session to start the process. He reiterated that there were no tax increases or revenue enhancements proposed this year; however pretty soon they would have to decide on this. He noted that he hoped the Board would confirm this in the first couple of work sessions so the County could move forward with tax tickets.

Mr. Carter noted that a lot of discretion was in the contingency to deal with the list of considerations. He noted the contingencies were broken down into recurring revenue and nonrecurring revenue and his suggestion was to use non-recurring for one-time expenses and to use recurring for school funding or compensation. Mr. Carter noted that revenues were not growing in the General Fund and if they used all of this in FY18, it would have to be addressed in FY19. He reported that FY19 was a reassessment year also and he was not sure

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how that would work out and it may require an adjustment to the tax rate. Mr. Hale supposed that they could not expect a substantial increase in values. Mr. Carter advised that the reassessment team was reporting monthly and they were 30% completed now. He said the County was holding its own and Wintergreen may grow slightly. He added it was to be determined and he hoped values did not decline overall.

Mr. Bruguiere confirmed that a Realtor had told him there had been an increase in Wintergreen sales this year and Mr. Carter noted an increase in new construction also that should be helpful.

Members then reviewed the proposed schedule as follows:

Fiscal Year 2017-2018 Proposed Budget Calendar

March 29, 2017 (Wednesday, 2:30 PM Session): Budget Introduction

April 4, 2017 (Tuesday): Budget Work Session

April 11, 2017 (Regular Session, 2 PM): Tax Rate and Personal Property Tax Relief Resolutions

April 13, 2017 (Thursday): Budget Work Session

April 18, 2017 (Tuesday): Work Session, Department Head/Constitutional Officer meetings as needed

April 25, 2017 (Tuesday): Work Session, Agency meetings as needed

May 2, 2017 (Tuesday): Review of Compensation Study

May 9, 2017 (Tuesday): Work Session to finalize budget for advertisement

May 25, 2017 (Thursday, 7 PM): Public Hearing (budget finalized to newspaper by 5/12)

June 13, 2017 (Regular 2 PM Session): Adopt/Appropriate Fiscal Year 2017-2018 Budget

Members agreed by consensus to schedule the next budget meeting for Tuesday, April 4th.

IV. Other Business (As May Be Presented)

Introduced: Final Draft of the Rockfish Valley Area Plan (RVAP)

Mr. Padalino noted that the final draft of the RVAP was available and he would leave it for the Board's review. He noted that the plan would not change anything but it was a focus to address tourism, planning etc. with the desire to see the best thing happen in the area to encourage growth and preserve its sense of place. He noted he would make a more formal presentation at the April 11th Board meeting.

Mr. Bruguiere asked what the Board would do with it and Mr. Padalino noted that there were four (4) priority next steps that were highlighted. He noted one thing would be to refer the Comprehensive Plan to the Planning Commission to update the development model, the future land use section, and map. He added that getting the formal review process started was the main thing. He noted he would send out a staff report ahead of time and would set up maps identifying potential growth areas with low, moderate, and high growth models. He added there were no hard and fast recommendations but rather a menu to choose from. He noted that place based assets were identified and there was a lot more than the four recommendations in the plan.

Mr. Hale noted that one question would be was with Route 151 being maxed out, what was to keep development from occurring one right after the other. Mr. Harvey noted that they had discussed the fact that new businesses that drew people in created more traffic, whereas businesses that complimented those already in place, were less impactful. Mr. Hale noted that it was difficult to say yes to one and no to another and Mr. Bruguiere cited the Averitt project and the Monarch Inn projects as examples of that.

Mr. Saunders noted that some of the traffic pressures on Route 151 could be relieved by drawing businesses onto Route 29 and Mr. Hale questioned locating there if you were wanting to open a bar or a brewery. Ms. Brennan noted that the Board would support the Route 29 study recommendations; however they could not control where one wanted to locate unless they did something with the Route 151 corridor. Mr. Saunders noted there was still much that could be done on Route 151; however the roadway was the issue.

The Board's consensus was that they would support the Route 29 Corridor study. Mr. Carter advised that the preliminary report would be in April and the final report in May. He noted that site consultants were coming in to look at the Route 29 corridor and critique it. He noted there were a couple more to be done, so staff would look at reporting in May. He noted there were potentially some deterrents along Route 29 that would need to be overcome and they were looking at what needed to be done.

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Introduced: Blue Haven Farm Issue

Mr. Bruguiere reported that one of the Blue Haven workers had admitted to building a campground there. He noted that it is zoned A-1 and they still needed an SUP for a campground. Mr. Carter noted this was discussed and Mr. Padalino would ask for permission to look at the property or ask for permission from the neighbor reporting them to see what he could see from their property.

Mr. Bruguiere noted that she was saying they were building pads to house those coming in to work on the pipeline. Mr. Harvey commented he was surprised that VDOT had not required a commercial entrance there.

Mr. Padalino noted he has gotten calls and emails about this issue and they were following up as Mr. Carter had advised. Mr. Carter noted that resolution on the other site was to be determined. He noted that she had a building permit for one thing and was marketing the site as a commercial operation; which would require a change in use from Building Inspections. He added if she did not comply, they would have to enforce the Code.

Introduced: Connection Fee Rebates

Mr. Hale noted that the Board had previously discussed that the connection fees paid to the County for the Blue Mountain Barrel House and the La Michoacána Restaurant were based on the old rate and they wanted to refund the difference to match the Service Authority rates. He added that the County should write checks for the difference between the NCSA fee and the County fee.

Mr. Carter then explained how the remittance of the connection fees worked for the Route 29 water system. He noted that when the Route 29 water system from Lovington to Colleen was constructed in 1997-98, an MOU was signed that said the Board would grant NCSA funding to pay for the debt if they were not able to do so. He added that the County had been paying \$163,000 per year and in exchange for paying the debt, the NCSA had agreed to remit back connection fees from that system on an annual basis. He added that it would take a very long time to repay and now the Board was suggesting granting back those fees to businesses as an economic incentive.

Mr. Harvey stated that the County received all connection fees for the whole Lovington system and he thought that since the fees were cut in half; their fees should be halved. Mr. Hale agreed and noted that whatever businesses paid under the old rate, they should be repaid the difference.

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Mr. Hale then made a motion to that effect and Ms. Brennan seconded the motion.

Mr. Carter stated that this was just for the Route 29 corridor system and he noted that the County retained the Piney River Three system connection fees.

Mr. Hale again noted that they should refund the difference as a stimulus. Mr. Harvey stated he did not see the need for it; however they had said when they changed the rate that these refunds were part of the deal. He noted it only applied to two connections and would be a one-time deal. Ms. McCann advised that the NCSA had remitted the Mexican restaurant connection fees to the County and the Barrel House fees may have been remitted last year. Mr. Hale then asked that staff verify the fees were paid to the Service Authority and remitted to the County.

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

Introduced: Correspondence Regarding CSX Property in Gladstone

Mr. Saunders advised of two correspondences about the Gladstone train station that said to tear the old dormitory down and move the train station to that spot. He then asked if CSX would do that.

Mr. Hale noted he was supportive of tearing down the dormitory and then switching the wiring over etc. and the old station ought to be auctioned off if the County accepted it.

Supervisors agreed by consensus to think about that. Mr. Carter noted that CSX has said that they would pay for the land but not the building relocation. Mr. Saunders then noted that the question was who would maintain it after it was moved.

Following this discussion, no action was taken by the Board.

V. Adjourn and Continue Until _____, 2017 at ___ for the Conduct of FY18 Budget Work Session.

At 4:40 PM, Mr. Hale moved to continue until April 4th at 3pm for a budget work session and there was no recorded second. Ms. McCann then noted that there was no change in the percentage for personal property tax relief at 39% and staff would discuss when to do the resolution. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.