

March 8, 2016

Virginia:

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

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

Absent: None

I. Call to Order

Mr. Hale called the meeting to order at 2:03 PM, with all Supervisors present to establish a quorum.

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

II. Consent Agenda

Mr. Hale thanked those members of the public in attendance and noted the items for consideration in the Consent Agenda.

Mr. Bruguere asked if Buckingham Branch Railroad Company had tracks located in the County and Mr. Hale noted they did. He added they were located on Afton Mountain and went through Nelson County into the Blue Ridge Tunnel. He noted that they had been very helpful on the Blue Ridge Tunnel project and had done a lot of upgrades throughout Central Virginia. Mr. Carter added that their tracks ran from Central Virginia to Clifton Forge.

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

- A. Resolution – **R2016-10** Minutes for Approval

**RESOLUTION R2016-10
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES**

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(February 9, 2016)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **February 9, 2016** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2016-11** FY16 Budget Amendment

**RESOLUTION R2016-11
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2015-2016 BUDGET
NELSON COUNTY, VA
March 8, 2016**

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

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$1,831.00	3-100-002404-0015	4-100-032020-5648

C. Resolution – **R2016-12** COR Refunds

**RESOLUTION R2016-12
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>
\$94.54	2014 & 2015 PP Tax & License Fee	Christopher J. Neese 1135 Tanbark Drive Afton, VA 22920-2711
\$2,345.69	2013-2015 PP Tax & License Fee	Salvatore Mannino 6782 Welbourne LN Crozet, VA 22932
\$363.68	2015 PP Tax & License Fee	Hyundai Lease Titling Trust Attn: Property Tax P.O. Box 198069

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Nashville, TN 37219

\$428.60

2015 PP Tax & License Fee

Corbett 1 Putt Inc.
Daniel Webster Herlong
515 West Frederick St.
Staunton, VA 24401

D. Resolution – **R2016-13** Support of Buckingham Branch RR Co. Grant Application (Richmond & Alleghany Tie Replacement Project)

RESOLUTION R2016-13
NELSON COUNTY BOARD OF SUPERVISORS
ENDORSEMENT OF BUCKINGHAM BRANCH RAILROAD’S RAIL
PRESERVATION GRANT APPLICATION FOR THE RICHMOND AND
ALLEGHANY TIE REPLACEMENT PROJECT

WHEREAS, the Buckingham Branch Railroad desires to file an application with the Virginia Department of Rail and Public Transportation for funding assistance for the **Richmond and Alleghany Tie Replacement Project**, which will replace mainline ties, switch ties, siding ties and mainline bridge deck ties. Work will also include adding ballast, tamping, surfacing and drainage improvements on the Buckingham Branch Railroad line located between MP 85.5 in Richmond and MP 276 in Clifton Forge, VA; and

WHEREAS, the Buckingham Branch Railroad estimates that this project will cost **\$10,000,000**; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for funding for certain improvements and procurement of railways in the Commonwealth of Virginia; and

WHEREAS, Buckingham Branch Railroad is an important element of the **Nelson County** transportation system; and

WHEREAS, Buckingham Branch Railroad is instrumental in the economic development of the area, and provides relief to the highway system by transporting freight, and provides an alternate means of transportation of commodities; and

WHEREAS, the County of Nelson supports the project and the retention of the rail service; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided.

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NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the **Richmond and Alleghany Tie Replacement Project** proposed by Buckingham Branch Railroad for inclusion in the projects funded in the Rail Preservation Program.

E. Resolution – **R2015-14** FY16-17 VCA, Local Government Challenge Grant

**RESOLUTION R2016-14
NELSON COUNTY BOARD OF SUPERVISORS
VIRGINIA COMMISSION OF THE ARTS
2016-2017 LOCAL GOVERNMENT CHALLENGE GRANT**

BE IT RESOLVED, By the Nelson County Board of Supervisors that the County Administrator is hereby authorized to sign and submit an application for 2016-2017 Local Government Challenge Grant funding to the Virginia Commission of the Arts.

BE IT FURTHER RESOLVED, said application is to include a local match of \$5,000.00 to be confirmed upon formal adoption of Nelson County's Fiscal Year 2016-2017 Budget by the Board of Supervisors.

F. Resolution – **R2016-15** Local Government Education Week (April 3-9)

**RESOLUTION R2016-15
NELSON COUNTY BOARD OF SUPERVISORS
LOCAL GOVERNMENT EDUCATION WEEK
APRIL 3-9, 2016**

WHEREAS, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

WHEREAS, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton thereby making the first week in April appropriate for this designation.

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NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that April 3-9, 2016 is hereby designated as Local Government Education Week.

III. Public Comments and Presentations

A. Public Comments

1. Marta Keene, Ginger Dillard - JABA

Ms. Keene noted that she was there to share information about what JABA does. She first noted that the new statistics from Weldon Cooper showed that seniors were increasing in population; especially in Nelson County. She complimented Nelson County as a great place to age but noted that it created challenges. Ms. Keene noted several stories of their impact being made around the State and she noted the distribution of a handout on JABA's highlights. The handout noted that in the County they had 971 clients of which 63% were female and 37% were male, 42% were African American and 58% were Caucasian. She added that 50% lived alone and 35% of clients reported living in poverty.

Ms. Keene then noted that they had conducted a community impact survey and that they were very pleased with the results.

Ms. Keene then noted that the FISH program had started this year, they were working with the School Superintendent and Principals at two schools, and were building the volunteer base.

Ms. Keene then noted that as the Board began thinking about the budget, they should consider that 25% of their costs were covered by the Board's funding commitment and the rest was leveraged by federal and state funding. She added that their contribution allowed for a larger program to reach more of those in need.

2. Stu Mills, Rockfish Valley Community Center

Mr. Mills referred to the Rockfish Valley Community Center's letter that was listed under correspondence that had to do with the proposed Zoning Article 24 that was to be discussed. He noted that he was present to answer any questions the Board might have and to be available to participate in the discussion.

3. Elizabeth Smith, Afton Mountain Vineyard

Ms. Smith noted she was speaking to the proposed events amendments. She noted that she had made staff aware of certain regulations at the state level that already regulated these for Farm Wineries and attempts to regulate this was not something localities could do. She added that if the County could not exempt Farm Wineries; they should look at page 2 of 7 at the proposed hours and page 5 of 7 that limited the number of events that Farm Wineries could hold. Ms. Smith advised that not exempting Farm Wineries would create a reaction from the industry and they needed to work on these documents. She noted that on page 6 the permitted by right uses, if social temporary event were added in, it would allow any land

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owner in an Agricultural (A1) District to hold private events not exceeding 300 people. She added that she hoped that was not the intent as it opened the door for anyone to set up a wedding barn. She encouraged the Board to work with the 151 Group on this and she added she hoped it got shelved as is.

4. Shelby Bruguere, Nellysford

Ms. Bruguere noted she would expand upon Ms. Smith's comments and read aloud the following prepared statement:

“Excessive complexity of our Ordinance hinders economic activity, creates burdens for individuals and businesses; and quite frankly, obstructs good government.

Perhaps the goal is to bring clarity to Ordinance definitions, but putting overly complex definitions into place, only creates greater opportunity for loopholes and unintended consequences.

For example, the proposed definitions for farmers markets and wayside stands are for offsite” permitting, but there is no definition or mention for “on site” in the ordinance. In 2014, Virginia implemented the ability for a person to sell agricultural produces from their farm on agriculturally zoned land and expressly prevents localities from requiring Administrative Approval or a Special Use Permitting for these sales, but the proposed ordinance you are reviewing today does not even mention these rights.

With that said, I'd like to bring attention to things that will directly affect the Nelson Farmers Market and at least one Wayside Stand.

1. HB 367 Nonconforming Uses: Passed yesterday with veto proof margins. This law basically provides businesses which have been operating unlawfully for 15 years, but have paid taxes according to the business they have been conducting, are now considered lawful nonconforming uses and can obtain permitting or rezoning to continue their business operations without any charge/fee imposed on them by the locality.

2. The short term lodging proposed ordinance changes are also being addressed at the state level. Some of the proposed ordinance changes on the table today will undoubtedly be reversed to a large degree due to action at the state level.

The bottom line is, we need to encourage the entrepreneurial spirit in Nelson County. We are at the point where people want to come to Nelson to not only live, but open businesses. They don't just want to retire here.

We need economic growth. We need lodging to compliment the tourism industry which has already been created in our county. We need farmers, farmers markets, wayside stands, Agritourism and yes, we need the taxes created by businesses as well. We can't rely on real estate taxes alone to pay for the county's expenses any longer.

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But right now, the county is creating complexities and roadblocks for not just larger businesses, but the little guy is being stopped before he can get started. The county should be helping everyone, especially the average person who just wants to rent out a room to have some additional income or sell some excess produce from their garden.

Before voting on implementing these ordinance changes today, think about this... If the Commonwealth of Virginia is working to help clear roadblocks standing in the way of citizens and businesses in Nelson County, why is our local governing body working to make those roadblocks higher?"

5. Charlie Wineberg, Afton

Mr. Wineberg noted he was happy to see the County addressing its burgeoning growth with Farm Stands being defined and creating loosely regulated retail establishments. He then noted that he had looked at the proposed amendments fairly closely and noted that the owner of the wayside stand would sign an affidavit and it would be an honor system. He then questioned how a majority was defined, by number of items or by gross revenues. He noted his main concern was getting around in the county, traffic, and travel. He added that he did not want traffic impacted anymore, which would impact residents and the marketing of real estate; which was his livelihood. He noted that intersections such as the one at Route 635 and Route 151 get improved and then things are done to break them again; which should not happen. He added that the aforementioned intersection hangs up traffic on a regular basis.

6. Charlie Murphy, Cedar Creek Road

Mr. Murphy thanked the Board for the paving done on a portion of Cedar Creek Road. He added that there had been many positive comments on it and he appreciated what they had done. He added that he would like to see it paved even further as a little bit more needed to be done.

B. VDOT Report

1. 2016-2022 Secondary Six Year Plan & 2016 Rural Rustic Priority List

Mr. Don Austin noted that the Secondary Six Year Plan and priority list was to be discussed and he asked if the Board would like to adjust the list in any way. He noted that there was one priority that had to remain as listed, which was Wheeler's Cove Road as they had started on it already.

Mr. Saunders noted that one mile of paving had been completed on Cedar Creek Road and he would like to see one more mile done so that the majority of houses would be reached.

Mr. Austin noted that he would go by the current list unless the Board modified it. He noted that on Cedar Creek Road they could put in to do another mile because the traffic count supported it. He noted that VDOT was using an estimated cost of \$250,000 per mile and they could move project funding from one project to another if excess funding existed. Mr. Austin noted he would like to get a list from the County in April and then schedule the

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public hearing in May. He added that they could do the priority list at a meeting or work session; whichever was best.

Mr. Bruguere noted he wanted to switch Cub Creek Road with Campbell's Mountain Road since most people there lived on the lower hard surfaced part and Cub Creek still had half of the road not paved yet.

Mr. Saunders reiterated that he would like one more mile paved on Cedar Creek Road.

Ms. Brennan asked how many people lived on these roads and Mr. Austin noted that was uncertain and all they had to go by was traffic counts in a 24 hour period.

Ms. Brennan then recommended that Buck Creek Road be put on the list. She added that she lived on the front end and many people were moving to the back of it.

Mr. Austin then reported that Cedar Creek Road had a 24 hour traffic count of 120. Mr. Hale noted that if in the acceptable range, he agreed it should be put on the list. He then inquired about the traffic count for Buck Creek.

Mr. Saunders noted he thought that Greenfield Road could be moved down and Cedar Creek Road could be put there. Mr. Austin concurred that Greenfield Road was no longer a critical maintenance issue and Mr. Hale suggested putting Cedar Creek Road in its place at #6.

In response to questions, Mr. Austin reported that a road had to have a minimum of 50 vehicles per day (VPD) to be paved. He advised that the paved portion of Buck Creek had a VPD of 150 and the unpaved portion had 140. He added that these counts were a few years old. Mr. Harvey commented that there was no longer a business back there which could have contributed to the higher traffic count. He noted that .17 miles was paved and then it went back to gravel.

Mr. Hale then confirmed that the schedule was to give him the list at the April meeting and agree to a public hearing in May. Mr. Harvey noted he thought that the Board should take input from the public at the public hearing and then compose the list. Mr. Austin confirmed that the list could be modified afterwards.

Supervisors then agreed by Consensus to hold the public hearing at the April meeting.

Mr. Austin noted that they had not been sent anything new on this year's budget bill. He advised that Lodebar Estates and Cedar Creek Road were completed and they were getting ready to close those out. He noted that there were funds left that would be moved down to the next priority and so on.

Mr. Hale then noted to Mr. Austin that he would like to see all of the roads on the list highlighted on a County map. Mr. Austin noted he would provide this and would add Buck Creek and Cedar Creek Road and would send it to staff to distribute. Mr. Austin then noted that all of the most recent traffic counts were on the VDOT website. He added he would

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check the mileage for the remainder of Cedar Creek. Mr. Saunders noted he was sure it was one mile that needed to be done which would leave three miles unpaved; however most traffic came in from the other end that was paved.

Supervisors then noted the following VDOT issues:

Mr. Harvey and Mr. Hale had no issues to discuss.

Ms. Brennan reported that Adial Road had large dings in the pavement to be looked at and ditching was needed. Mr. Austin noted that the asphalt company would be opening up soon and they depended on them for patching.

Ms. Brennan then noted that Duncan Hollow Lane needed gravel.

Ms. Brennan inquired about the landscaping project at the intersection of Route 56 east and Business 29 and Mr. Austin noted they were working on this with Emily Harper who has had to be out of town recently on family business.

Mr. Saunders noted that he gets comments on the culvert opened up on Route 29 and Fletcher's Lane and is asked when it would be permanently done. Mr. Austin noted it was working and they would get to it.

Mr. Bruguiere noted that on Dickie Road, a culvert crossing was filled in and the adjoining landowner used a backhoe to open it up. He noted that the end of the pipe was bent down now and it needed to be extended and filled in. Mr. Austin noted he would have to have it looked at.

Mr. Bruguiere then noted that around the curve at Route 679, water was running on the edge of the road there and the ditch needed to be moved further back if possible.

Mr. Austin then reported that the HB2 application for sidewalks by Dollar General had been ranked highly and would probably be funded. He noted this would be to upgrade what was there for ADA compliance and to connect the sidewalks. He added that they should know by May and if funded, it would be done next year. He clarified that the sidewalks would go down past the Post Office and would connect with Tanbark Lane.

Mr. Austin added that he had met with the ladies in Lovington on the current sidewalks and he noted that they may put in an application on these.

2. Wayside Stand Entrance Requirements

Mr. Harley Joseph, VDOT Land Use Manager addressed the Board and noted he had provided staff and the Board with a red-line version of the Wayside Stand and Farmers Market Ordinance showing his comments. He advised that his greatest concern was the use of the term wayside; which dated back to 1937 and referred to roadside stops. He added that Nelson County had two of these and stands were not permitted at these waysides.

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Mr. Joseph then recommended that to make this clear, the term Wayside Stands be changed to Farmer Stand so as to be consistent with the Farmers Market terminology. He then noted several other comments that he had included; primarily one that would include the following language regarding review comments from VDOT: “VDOT review comments must include a formal “recommendation for approval, *subject to the following conditions*, by VDOT before a Class A and *Class B, Farmer Stand* permit can be approved by the Zoning Administrator.

Mr. Joseph then noted that VDOT was there to serve the locality and were available for advice, comment etc. He added that their services were free and applicants could seek advice on both categories. He noted that VDOT regulated access to public rights of way and looked at circulation and how it may affect public roads. He emphasized that they were available to advise and support the public.

Mr. Hale questioned the provision of preliminary sketches versus formal site plans for these and Mr. Joseph noted that in these cases most would be able to provide a preliminary sketch and not necessarily a formal site plan. He added that VDOT could offer comments at any stage of the process and he noted that if they were provided a preliminary sketch, then their comments would be preliminary. He clarified that their comments would be as formal as the sketch/plan provided. Mr. Joseph then emphasized that farmer stands would require a VDOT permit and may or may not be what the County requires or vice versa. He further explained that VDOT’s jurisdiction was the Right of Way and how it affected the capacity and functionality of the roads.

Mr. Joseph again clarified that both Class A and B farmer stands had to have VDOT permits and the County was responsible to make any applicant aware that any change required a permit. He added that there may be different levels of standards applied depending on the road involved.

Mr. Hale then questioned whether or not there should be a distinction between Class A and Class B and Mr. Joseph advised that it did not matter to VDOT.

Mr. Harvey then asked if VDOT would provide trash removal services at the Afton Wayside as was done at the Nelson Wayside and Mr. Joseph noted he could check and report back. Mr. Harvey noted that the Afton Wayside was within the Culpeper District of VDOT. Mr. Joseph then advised that this would be a maintenance function and Mr. Austin was the Maintenance Supervisor for Nelson County.

Ms. Brennan then asked if VDOT enforced the defacement of waysides and Mr. Joseph noted that they did not; it was the duty of law enforcement. He added that they enforced VDOT regulations and they called the State Police otherwise.

Mr. Bruguiere then asked if VDOT required site plans to be given to them for permitting and Mr. Joseph explained that the level of information needed was directly relevant to the use and the road being accessed. He noted that it could be handled by sketch or engineering site plan depending on the level of commercialism etc. He advised that this was at the discretion

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of the licensed engineer assigned to the area in question and that Nelson and Amherst Counties were served by Jeff Kessler. He added that they promoted as many meetings and consultations as possible and that there was no checklist for design because every project was different. Mr. Harvey noted that a site plan was required on property not on the entrance. Mr. Joseph added that a plan of development and supporting data was required for the entrance. He noted that seeing a full blown site plan may or may not be an issue depending on the internal circulation. Mr. Joseph then explained that a commercial entrance was anything more than 3 houses on a driveway and it could be classified as low, moderate or commercial.

Mr. Hale then stated that it was important to note that VDOT was there to advise on these things free of charge and Mr. Joseph noted that the public could call any of them for help at any time.

C. Presentation – Nelson Memorial Library (S. Huffman)

Ms. Susan Huffman, Librarian addressed the Board and noted that in 2014, she had retired from 30 years of teaching and had a Masters in Library Science.

She then showed a Power Point presentation that contained the following information:

February 2016:

Total number of items checked out from Nelson Memorial Library from all of JMRL - 4,224
Up 5.68% over February 2015.

Total number of items checked out by Nelson patrons from all of JMRL- 6,180

July 2015 to February 2016:

Total number of items checked out by Nelson patrons from all of JMRL – Year to Date
53,897, up 4.5% over the same period last year

Examples:

Nelson Patrons checked out:

27,415 items from Nelson stacks

8,279 items from Crozet stacks

7,499 items from Central stacks

734 items from Greene County stacks

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Non Fiction Checked Out February 2016 - 523 Books

Top Five Categories:

- 1 - Dewey 740 – Drawing and Decorative Arts
- 2 – Dewey 640 – Home and Family Management
- 3 – Dewey 92 – Biography
- 4 – Dewey 970 – History of North America
- 5 – Dewey 610 – Medicine and Health

July 2015 to February 2016;

Total number of items circulated from Nelson Memorial Library Year to Date - 35,939

Male Patrons – 1637, Female Patrons – 2875

Oldest Active Patrons: 102, 92, and 87

Youngest Active Patron: 3

Most Books Checked Out: 6963, 5785, and 5105

Total Number of Nelson Patrons as of February 29, 2016

Adult – 4,738

Juvenile – 761

Total – 5,499

Number of Patrons by Location with the highest being from: Lovington, Shipman, Roseland, Arrington, Faber, and Afton. The lowest being from the more outlying areas. She noted that computer usage was around 650 people in January 2016.

Ms. Huffman noted that she had set a goal of increasing programming by 50% and they had increased programming by 65%. She then noted some of the programs being offered for all age groups.

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Ms. Huffman then noted that 80% of LMI children were not reading at grade level by grade 3, and she was starting initiatives to improve reading in juveniles, such as: School Visits, Reading Summit, Summer Reading Program, Summer Snack Program, Reach Out and Read, and 1000 Books before Kindergarten.

Ms. Huffman also indicated her desire to promote greater use of the Library from other areas and she suggested establishing drop box locations in the Nellysford/Afton area.

In conclusion, Ms. Huffman noted that the Library needed more space. She suggested taking the parking lot on the left of the building and putting on an addition that would make the building equal at both ends. She further suggested that the circulation desk be enclosed for the Nelson County Historical Society records that are used for genealogy research and the area out front would become the new circulation desk. She suggested making the reference area a new children's section and making the children's section the new young adult section.

She then noted she was open to any suggestions they may have and she appreciated the Board's time.

D. Presentation - Proposed DHR Grant, Warminster Rural Historic District Survey (B. Carter)

Mr. Bob Carter of the Nelson County Historical Society addressed the Board and noted that they supported the Library's request for the Board's support. He confirmed that the Historical Society's archives were located within the library and there were many visitors that did research there and Ms. Huffman's vision for expansion would create space for this. He added that they had a research committee that met every Wednesday and they could meet there. He noted that the expansion would enhance outreach and help the public.

Mr. Carter then noted that in September, the Virginia Department of Historic Resources (DHR) found their proposed project to be eligible for listing on the Historic Register. He added that the Warminster area was worthy of additional study and documentation and the Historical Society would be responsible for the initial nomination. He noted that they were asking for support for partial funding of the survey and then to apply for Historic District status. He noted that the cost of the proposed survey would be shared by the County and DHR under their statewide survey and planning cost share process. Mr. Carter noted that the deadline to apply was April 8th and they would know if they got the grant by May. He explained that DHR would handle the contract and administer the funds and they would hire a qualified person to do the survey according to DHR guidelines. Mr. Carter added that based on their research, the estimated total cost would not exceed \$10,000 and they were asking for matching funds of \$5,000. He explained that meetings about the project would be held with the public and landowners etc.

Mr. Carter went on to say that Warminster was an important part of the beginning of Nelson County. He noted the area on distributed maps and that they were looking at areas contiguous to the project area and have provided for that in the budget.

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Mr. Carter noted if the Board approved the funding, he would work with staff to complete the application before April 8th. He then explained that the project would not be an archaeological survey; but they wanted to build in the fact that other buildings may be discovered that were not on current tax maps. He added that they would use private funding for the archaeological study.

Mr. Hale noted that there were not many structures shown in the proposed project area and he assumed the cost would reflect that. Mr. Carter noted it would and that there were approximately 60 some properties; which was similar to the Norwood Historic District. He noted that they had to have an inventory of all of the properties within the boundaries of the survey and then confirm the significance or not of these properties.

Ms. Brennan noted that the process was the same that had been followed for other districts. She then moved that the Board allocate up to \$5,000 for the Warminster Survey study and there was no second.

Mr. Hale noted that this had been done for other areas and Ms. Brennan noted she thought it was a wonderful project. She reiterated that it had been done for the Norwood/Wingina District and others and it provided valuable information. Mr. Carter added that there were many others in the County to be done.

Mr. Hale noted that this was a small area and he hoped the cost would be less. He added that it was valuable to identify these and there were many historic structures that had been lost. He then reiterated that it had been done for others.

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

Mr. Bruguiere then noted that these Historic Districts only benefitted those with older homes who could apply for tax credits.

Mr. Carter noted that it was an important designation for conservation easements. He added that there were no restrictions and tax credits were an incentive not a requirement. He noted this was a sign that what they were doing was valuable.

Mr. Steve Carter advised that the only way to ensure historic preservation was to pass a local Ordinance; which to date the Board had not been interested in. He added this would be a very rigid approach and he was not recommending it.

IV. New Business/ Unfinished Business

A. Employee Benefits – Health Insurance Rates (R2016-16 Approval of Rate Structures)

Ms. McCann addressed the Board and noted that the County participated in the Local Choice health insurance program that was administered by the State. She advised that the

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County had a 9.2% rate increase overall and that the Board had been provided with the current and proposed rate structures.

Ms. McCann explained that the County offered two different plans; a base plan called Key Advantage 250 and Key Advantage Expanded; which employees could buy up to. She noted that last year, the County had to provide dental plans within these offerings.

In terms of how the premiums were covered, Ms. McCann noted that the County had historically paid the employee only premium and then a percentage of the dependent coverage. She noted that this format was being maintained in the proposed rates with the increase split between the County and employee. She noted that the total projected increase in costs to Employees was \$28,332 and to the County was \$47,664.

Mr. Bruguiere inquired about the deductibles for these plans and Ms. McCann noted she would have to check; however she could say that the base plan had a higher deductible. Ms. McCann further advised that employees did not have the option to have higher deductibles and that the County could only offer two plans because of the size of the group. She noted that higher deductible plans would save money for those with fewer claims. She then added that offering a plan with a higher deductible was not prohibited. Ms. McCann then asked if the Board would like to make a higher deductible plan the base plan; but noted that this would make the other plan more expensive.

Mr. Carter then advised that if they had a higher deductible plan, the employee would pay more out of pocket if they had a significant health issue.

Ms. McCann then advised that there were two other plans between the 250 and the higher deductible plans. Mr. Carter added that the real benefit of the current plans was the maximum out of pocket limits.

Ms. Brennan inquired as to the meaning of “retirees’ premium before supplement” as shown on the chart and Ms. McCann explained that retirees with 15 years of service were eligible for a premium supplement of up to a \$75 maximum. She added that an additional health insurance supplement was provided to some groups of employees from the state.

Mr. Carter noted that staff would have deferred this consideration until work began on the budget; however, the insurance renewal was due by April 1st.

Ms. Brennan then moved to approve resolution **R2016-16**, FY17 Health Insurance Employer Contribution Amounts and Mr. Bruguiere seconded the motion.

Mr. Bruguiere then asked if all employees including Constitutional Officers fell under the plan and Mr. Carter confirmed they did if they elected coverage.

Mr. Hale commented that healthcare was incredibly expensive and Ms. McCann noted that this was an excellent benefit for County employees and they were very fortunate.

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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 R2016-16
NELSON COUNTY BOARD OF SUPERVISORS
FY17 HEALTH INSURANCE EMPLOYER CONTRIBUTION AMOUNTS**

WHEREAS, the local government participates in the Local Choice health insurance program and the premiums for fiscal year 2016-2017 have increased by 9.2%;

BE IT RESOLVED by the Nelson County Board of Supervisors that the local government’s employer contribution amounts for health insurance are hereby established for coverage beginning July 1, 2016 as follows:

<u>Active Employees</u>			<u>Active Employees</u>				
Key Advantage 250 C	Employee	Employer	Total	Key Advantage 250 P	Employee	Employer	Total
Individual	\$0	\$647	\$647	Individual	\$0	\$636	\$636
Dual	\$382	\$815	\$1,197	Dual	\$362	\$815	\$1,177
Family	\$764	\$983	\$1,747	Family	\$734	\$983	\$1,717
Key Advantage Expanded C	Employee	Employer	Total	Key Advantage Expanded P	Employee	Employer	Total
Individual	\$63	\$647	\$710	Individual	\$52	\$647	\$699
Dual	\$499	\$815	\$1,314	Dual	\$478	\$815	\$1,293
Family	\$934	\$983	\$1,917	Family	\$904	\$983	\$1,887
<u>Retirees</u>			<u>Retirees</u>				
Key Advantage 250 C	Retiree (before supplement)		Key Advantage 250 P	Retiree (before supplement)			
Individual	\$647		Individual	\$636			
Dual	\$1,197		Dual	\$1,177			
Family	\$1,747		Family	\$1,717			
Key Advantage Expanded C	Retiree (before supplement)		Key Advantage Expanded P	Retiree (before supplement)			
Individual	\$710		Individual	\$699			
Dual	\$1,314		Dual	\$1,293			
Family	\$1,917		Family	\$1,887			
Advantage 65 (no dental or vision)	\$169		Advantage 65 (no dental or vision)	\$169			

B. Proposed Amendments to County Code, Appendix A – Zoning
“Wayside Stands and Farmers Markets”

Mr. Padalino addressed the Board and noted that a public hearing had been held by the Planning Commission and the Board and the language had been modified by the working group. He added that he was proud of the process and satisfied with the results. He noted that it appeared that regulations were being added; however staff was really just codifying what was already in place and was simply just adding nuances. He noted that per Mr. Joseph’s earlier comments, VDOT would be involved in any roadside stand.

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The Board and staff discussed using the nomenclature of roadside or farmer stand and Mr. Joseph of VDOT expressed concern with roadside stand as it implied that the stand could be in the right of way; and it could not.

Mr. Padalino noted that a “wayside stand” was different from a “home occupation”.

Mr. Padalino then noted the major modifications made to the language by the working group as follows:

- Bring clarity and consistency to the current provision (§4-11-2), which is extremely vague and which currently lacks any clear methods or criteria for applying for, reviewing, approving, or denying these types of administrative permits.
- Create two separate categories or classes for the “wayside stand” land use, determined by the type of road it would be located on (or accessed from).
 - This would allow for proposed wayside stands to be applied for, reviewed, and approved more easily (administratively) if they are located on smaller roads; and
 - This would require applicants to go through the Special Use Permit process if a wayside stand is proposed for a location associated with greater potential risk(s) to public health, safety, and welfare (such as a location on roads with higher traffic counts, higher rates of speed, or other transportation factors which inherently create more concerns regarding public safety and land use changes).
- Eliminate the “temporary” nature of wayside stands (and specifically eliminate the proposed limitation to 5 consecutive days), and would instead allow for a wayside stand to be operated for any duration or frequency throughout any given week, month, or year.
- Eliminate the requirement that all products offered for sale must have been produced by the seller; and allow for the sale of products obtained from other producers.
- Provide for the operation of class A and class B wayside stands as a by-right use in all three business districts (B-1, B-2, and SE-1); currently, wayside stands are only permissible in Agricultural (A-1) District.

Mr. Bruguere then stated that the existing Farmers Market was a coop and there was a producer only market there.

Mr. Harvey questioned the buying and reselling provisions as he saw that as a retail operation.

Mr. Hale read the proposed definition aloud as follows:

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

He noted that the definition was sufficient and was not an onerous thing; it had been worked out. Ms. Brennan noted she was appreciative of the work that had been put into this.

Mr. Bruguere then asked about the need for a Special Use Permit (SUP) for a Class B wayside stand on a functionally classified road. Mr. Padalino confirmed that this was more of a process and Mr. Bruguere stated he would like to see that permissible by right. Ms. Brennan countered that Class B stands would be more of a traffic impact and Mr. Hale stated that would be addressed by VDOT, not the County.

Mr. Padalino stated that there were two issues associated with these: VDOT entrance permits and then the County's land use regulations. He noted that other issues were not looked at by VDOT and it was up to the County to decide. He further advised that the stands were a retail operation and could have a lot of traffic or a large parking lot. He added that this was unknown until the person applied. He added that he thought it was appropriate to leave Class B stands as permissible by SUP so that these things could be analyzed.

Mr. Bruguere stated that he thought it should be up to VDOT to address the safety concerns. Mr. Padalino advised that he thought there needed to be appropriate regulations in place; as they did not know what was to come. He noted that the majority of A1 properties were residences not farms and there was a need for control over what went where in the rural districts, in accordance with the Comprehensive Plan, and those took up most of A1.

Mr. Carter asked whether or not the Board wanted it to be by right or if they wanted to be able to decide if it fit or not and Ms. Brennan questioned what the public would want.

Mr. Carter then advised that his thought was to come back with a clean ordinance as the purpose that day was for the Board to review and discuss it.

Mr. Bruguere stated he would like to eliminate the need for a SUP for Class B stands in an A1 District.

Mr. Harvey then noted that most stands would be located on the busier roads; not secondary roads.

Mr. Saunders noted he thought that there should be an SUP process for Class B stands in A1 districts and Mr. Hale and Ms. Brennan agreed.

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Supervisors then agreed by Consensus to go ahead with using the suggested changes put forth by Mr. Joseph of VDOT.

C. Proposed Amendment to County Code, Appendix A – Zoning, Addition of Article 24 “Temporary Events, Festival Grounds, Out-Of-Doors Accessory Uses”

Mr. Padalino addressed the Board and noted that the proposed language was relatively new so he would walk them through it. He then reviewed the following information that was contained in his staff report:

Issue Introduction:

Given the recent successes and ongoing growth in the special events, tourism, and agri-tourism industries in Nelson County, the existing Zoning Ordinance provisions and regulations for “special events” have become outdated and insufficient.

For example:

– *Lack of distinction between which activities require Special Events Permits, and which do not:*

“Special events” are not defined in the ordinance; and there are no clear boundaries for types of activities which may be exempt from the permit requirement, or which types of events absolutely need to obtain permits. This lack of clarity will continue to be a recurring issue, based on the ongoing, successful proliferation of the agri-tourism and events industries.

– *Lack of distinction among events of varying scale, duration, and frequency:*

The ordinance makes no distinction between small events (such as a brief daytime parade down Front Street in Lovingston) and major events (such as Lockn’ Festival or other multi-day mass gatherings). Currently, the same application procedures and same \$25 application fee apply to all events.

– *Lack of specific evaluation criteria to guide the County’s decision-making process during the review and approval/denial of Special Events Permit applications:*

Staff have done the best we can to develop processes and apply common-sense criteria on a case-by-case basis; and the results have been mostly successful. But the decision-making process should be based on clear criteria that are consistently applied to each and every event.

– *Lack of comprehensive provisions and regulations:*

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The ordinance currently only contemplates a proposed special event in isolation, and does not account for multiple-date or repeat events or for how a venue or property should be regulated (especially if the special events, which are temporary, propose to include permanent improvements such as roads, utilities, structures, etc.).

Such limitations and omissions result in County staff regularly spending a significant amount of time and effort attempting to handle every inquiry, request, and application on a case-by-case basis *while also* attempting to be as fair, consistent, and accurate as possible. While this approach has worked reasonably well in recent years, it is far from perfect and it requires more time and effort of County staff than should be necessary.

Therefore, County staff believe the appropriate long-term solution is to amend the Zoning Ordinance with updated and improved provisions and regulations. A successful text amendment process would:

- benefit County staff by establishing a clear and consistent review process;
- benefit event promoters and members of the public by establishing a permitting process that is clearer, more straightforward, and more transparent; and
- benefit local businesses by exempting a large variety of activities from permit requirements.

Brief Summary of (Modified) Referred Amendments as Recommended by PC:

The Planning Commission's formal recommendations for the referred amendments, inclusive of several modifications specified by the PC would substantially change the way events are regulated, such as:

- To help clarify when permits are needed (or not), these amendments identify numerous different types of events that would be specifically exempted from Temporary Event Permit requirements. See proposed §24-2-A "Exempt Events."
- To provide for more appropriate regulations and permitting processes, three (3) categories of events would be established. The categorization of an event would be primarily determined by the number of attendees; and the different event categories would require different fee payment, application requirements, and permitting/review processes. See proposed §24-2-B "Temporary Event, Category 1," §24-2-C "Temporary Event, Category 2," §24-2-E "Temporary Event, Category 3," and §24-3, "Issuance of Temporary Event Permits."
- "Special Events Permits" would be redefined as "Temporary Event Permits," to help avoid confusion with "Special Use Permits" and to emphasize that these events are primarily meant to be temporary activities, not permanent land uses.

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- Please note that the proposed amendments, if enacted, would create a new “Article 24” in the Zoning Ordinance and would also amend existing Articles 4, 8, 8A, and 8B.

Additional Staff Commentary on Proposed Amendments:

Issue A: Temporary Events and Permanent Structures

While the Planning Commission recommendations represent a detailed review of a large number of issues, there was one additional topic which identified very late in their review process which they decided to not fully address or resolve, due to time limitations. This additional topic relates to permanent structures used for temporary events and outdoor activities. There is currently no such definition or provision in the existing Zoning Ordinance, or in the proposed amendments as formally recommended by the PC. Specifically, the Board may wish to consider the apparent need to establish a definition and provisions for a permanent “outdoor entertainment venue,” or “outdoor performing arts facility,” or a similar permanent use/structure. This may be necessary because, as written, the proposed amendments would only establish a definition and provisions for “festival grounds” use which, by definition, is a land use associated with Category 3 Temporary Events. However, it may be prudent to establish a definition and corresponding provisions/regulations for permanent structures in association with other types of Temporary Events (such as Category 1, Category 2, or Exempt Events). Doing so would provide an opportunity for property owners to apply for zoning permits, site plans, and/or building permits that would authorize the construction and operation of a permanent structure for small- and medium-sized outdoor events and activities.

Issue B: Consideration of Establishing a ‘Citizen Working Group’

The PC review of these amendments included discussion of establishing a citizen working group to solicit additional public input, inclusive of local professionals in the events industry and agri-tourism industry. This step was explicitly requested by Mr. George Hodson representing Veritas Vineyard & Winery as well as Nelson 151, and was also requested by Mr. Dave Frey of Lockn LLC and Lockn Farm.

If the Board determines to establish any such working group, I strongly recommend that at least one Planning Commissioner be included in that group, to provide continuity throughout the review process and to extract maximum benefit from the six months of effort conducted by the Planning Commission.

Following his review, Mr. Padalino reiterated that the current regulations were pretty limiting and these uses were only contained in A1.

Mr. Hale stated he thought it was premature to go through it step by step since they would be looking at a number of things that were going to change. He advised that they proceed on the recommendations after a committee has looked at it for the changes. He then referenced a copy of a legal issue memo sent to Maureen Kelley and the Board on this.

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Mr. Padalino noted that there were a number of exempt events for Farm Wineries. He noted that the County had to stay within State Code requirements and could not regulate a Farm Winery for things that were usual and customary; unless it could be shown that their actions had adverse effects to health safety and welfare of citizens. He then noted that out of door accessory uses would have a commercial use whereas a farm winery would not.

Mr. Harvey noted that the Afton Distillery was treated as a farm venture and Mr. Padalino advised that the State had codified it as well and it had to be allowed. He noted that the owners had now complied with their previous ordinance violations by planting winter wheat on the property and on the adjoining property.

Mr. Hale reiterated that this needed to be looked at some more. He suggested that the committee be formed and the memo looked at to evaluate its merits. Mr. Bruguiera agreed and he suggested the review should happen at the Planning Commission level. He then supposed that a better job of advertising these proposed amendments needed to be done in order to increase citizen involvement. Mr. Padalino agreed that industry involvement was needed; however he thought there needed to be balance on the work group. Mr. Padalino then advised that there was a lot of participation at the Planning Commission level and they had worked on it for six months. He added that comments were solicited from the industry that were incorporated.

Mr. Saunders also agreed that more work needed to be done and a committee should be formed. Mr. Padalino recommended including at least one Planning Commission member and he asked that Mr. Payne also be included.

Mr. Hale advised that he would be the Board of Supervisor member on the Committee and Mr. Padalino recommended a Planning Commissioner and an industry member be included and be given meeting options.

Mr. Harvey noted he did not think Mr. Payne needed to be included on the Committee; he could provide advice during the process and review final language. Supervisors agreed by consensus to not include him but to have him advise on any concerns.

Mr. Bruguiera then suggested that Robert Goad from the Planning Commission be included as he was an attorney.

Mr. Payne then addressed the Board and stated that he would like to give the Board the big picture reason on why these proposed amendments had been drafted. He noted that the Special Event permitting system was effectively becoming a rezoning tool without any input from the public or the Board and was all going on for a \$25 permit fee and was dealt with by the Zoning Administrator. He added that to create a methodology, they created categories and exempted certain activities that would be automatic, and then created definitions and plugged things in. He noted that they had intended for the limiting of the number of events to keep someone from abusing the system.

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Mr. Carter noted that staff wanted the Board's direction and it was a matter of going forward or not. He added that Mr. Padalino was constantly being inundated with Special Event Permit applications and many were from non-A1 Zoning Districts.

Ms. Brennan thanked Mr. Padalino and Mr. Payne for their work on this and Supervisors agreed by consensus to establish a working committee on these proposed amendments.

D. Closed Session Pursuant to State Code §2.2-3711(A) (7) Consultation with legal counsel and briefings by staff members pertaining to pending litigation, County of Nelson v. Crockett.

Mr. Saunders moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (7): Consultation with legal counsel and briefing by staff members pertaining to pending litigation in the case of County of Nelson v. Crockett.

Mr. Bruguiere seconded the motion and Mr. Hale noted he would not participate in the closed session as his surveying firm had been retained by a party with an interest in the litigation. He added that he did not feel that there was a conflict of interest; however he would recuse himself.

There being no further discussion, Supervisors voted (4-0-1) by roll call vote to approve the motion with Mr. Hale abstaining from the vote.

Supervisors then conducted the Closed Session and immediately upon returning to open session, Mr. Saunders moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions

Mr. Bruguiere seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0-1) by roll call vote to approve the motion and Mr. Hale abstaining from the vote.

Mr. Hale then asked if the Board would consider scheduling the budget work session at that time and Ms. McCann noted that if the Board were to opt to change tax rates, it would have to be done at the April meeting. Mr. Carter advised that staff was not proposing that they do so.

Following discussion, Supervisors agreed by consensus to conduct a budget work session on March 29th at 3pm in the General District Courtroom.

V. Reports, Appointments, Directives, and Correspondence

These items were considered during the evening session following the scheduled public hearing.

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A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Jamerson-Lewis is working towards the construction of the building expansion on the north side of the Courthouse (facing the parking lot and adjacent to the Clerk's office). No major concerns or issues to report. Receipt of a quotation on the equipment for the Clerk's office is pending but anticipated this week March 7 - 11).

2. Broadband: Phase 1 of the middle mile fiber optic network expansion is in progress with approximately 2.5 miles of conduit installed. Completion of Phase 1 is anticipated by the end of March and not later than mid-April (weather dependent). Phases 2 and 3 will follow the completion of Phase 1.

The Broadband Strategic Planning Project is also in progress. The most recent project meeting with Design Nine was conducted on 2-26 (with Messrs. Hale and Strong of the NCBA in attendance). Subjects discussed at the meeting included: Network build-out plan, revising the network's rate structure and strategies related to network expansion.

Mr. Carter added that the Tourism office had developed a marketing plan and it was being implemented. He noted that there was now an interest form on the website, information would be sent out in the June tax tickets, and ads in local periodicals and the Parks and Recreation brochure were being placed. He noted that the downside was that the network would not be able to serve all those who expressed interest. Mr. Carter then noted that County staff had taken on the responsibilities of coordinating neighborhood installations.

3. BR Tunnel: VDOT staff have recently advised that a decision on full funding of the Tunnel Project may be completed within the ensuing 2-3 weeks (no specific timetable was provided by Department staff). Woolpert staff are working on the required project submittals to VDOT to enable the project to be authorized for construction bidding. A meeting with Woolpert staff is pending (coordination of the meeting date is in progress).

4. Lovington Health Care Center: A communication from Valley Care Management was received on 2-26 indicating the company's continued interest in the facility. County staff responded with a request for VCM to submit its business plan (including financial plan) for ownership/operation of the center for review by County staff. VCM responded that the information would be submitted but receipt is pending. A tour of the center was also conducted on 2-3 with Architectural Partners (J. Vernon), Supervisors Brennan and Saunders and County staff (Carter and Truslow). The purpose was for AP to complete a visual review of the facility for possible re-use of the center by the County (offices or other). AP will complete and submit a report (pending) on its observations (the facility's construction drawing were previously provided to AP for review), including very preliminary cost estimates.

Mr. Carter noted that the building was now unoccupied and that most things had been moved out; however, he noted that there were some things left there that could go in a sale.

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He added that the County would have to deal with utility turnover once the building was transferred.

5. Radio Project: (Taken from Dept. of Information Systems Report) The County has approved the final project milestone for the radio system and final payment will be made in March.

Black and Veatch is working to obtain the necessary radio frequency licenses for the Digital Vehicular Repeater Systems for Rockfish, Wintergreen and Montebello. The purchase and installation of the DVRS' will be completed as quickly as possible.

Representatives from the County, Motorola, Black and Veatch and Virginia State Police met at the Bear Den Mountain tower site on March 2nd to conduct a site survey. Information gathered during the survey will be utilized in evaluating the County's options for implementing a radio communications site at this location. Motorola is currently working on an assessment and will provide the County with information, recommendations and budgetary pricing. It is estimated that they will complete the assessment within the next three to four weeks. The team also conducted site surveys at an existing cell tower site on Afton Mountain, the Rockfish Fire Dept. tower site and the Martin's Store tower site. The Rockfish site will be evaluated as a second choice site if the Bear Den site does not work.

Augusta County has made a formal request to collocate on the County's Devils Knob tower site. A draft lease document is being prepared for consideration by the Board.

Mr. Carter added that Augusta County was there now, but would have to relocate.

6. CDBG Grant Application for Sewer Extension (Nellysford – Aqua VA to Wild Wolf Brewery): In order to proceed with the grant project, the scope of the project will have to be expanded and will, thereby, increase the project's expense. Additional steps include completion of a Preliminary Engineering Report (PER) to provide for the design of the sewer extension (to encompass increased capacity for all possible connections located along the proposed extension area) and an estimate of the projected construction expense. Also, income surveys of the project area will also be required to determine eligibility of any resident interested in connecting to the system (owned by Aqua VA). Additional negotiations and an agreement with Aqua VA will also be required. In recognition of these additional requirements, County staff met on 2-26 with the owner of Wild Wolf Brewery to discuss the feasibility of continuing the grant initiative, which will require greater expense and matching funding than initially projected. WWB's owner agreed that continuing the project was not feasible and advised County staff that WWB was working again towards an onsite solution to be approved by VDH. **Given the project's expanded scope and expense, which will increase from the original estimate, and WWB's recognition of these factors, staff's recommendation is for the Board of Supervisors to authorize rescinding the grant application with VA-DHCD.**

Mr. Carter reiterated that in order to proceed, the pipe would have to be sized to serve everyone, an engineering PER would have to be done, and design drawings done etc.

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Mr. Harvey moved to authorize staff to rescind the application and Mr. Bruguiere seconded the motion.

Mr. Carter advised that staff should have vetted the proposed project and grant requirements better and Mr. Saunders added that things became more complicated as well once VDOT got involved.

Ms. Brennan then thanked staff for the work done and it was noted that Ms. Wolf had expressed her thanks for them trying to help.

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

7. FY 16-17 Budget: Work is nearly completed on the draft FY 16-17 Budget. Pending are the outcome of the State's Biennium Budget (the Gen. Assembly Session is scheduled to be completed on 3-12) and the School Division's formal budget request (which may not be received until after 3-24). Staff is, however, ready to begin budget work sessions with the Board and proposes the initial meeting be scheduled for 3-17. Should the Board decide to defer scheduling the initial work session (as Mr. Hale will not be available the week of 3-14 or 3-21) until the last week of March or into early April, a decision will need to be expeditiously completed on setting property tax rates. Staff's work to date does not include any tax rate adjustments. However, subject to the Board's initial review, the current working draft budget contains less financial ability/flexibility than in previous fiscal years.

8. Department Reports: Included with the BOS agenda for the 3-8-16 meeting.

2. Board Reports

Mr. Hale had no reports.

Mr. Harvey:

Mr. Harvey noted that he had not attended the Service Authority meeting; however he had brought up to them the Board's discussions regarding the connection fees. He noted that they had pulled up records for the last two and a half years and all of the Lovington connection fees were sent to the County within 30-90 days. He added that the Schuyler and Gladstone areas had not had any new connections. He reported that he had proposed to reduce the residential connections fees in order to make it equal to the Piney River connection fees of \$2,000 for each water and sewer. He noted that this would not affect the Service Authority since they did not retain these funds. He then noted that the discussion on the commercial hookups was that it was in the Board's hands since those fees were remitted to the County and the Board could do what they wanted with these. He then noted that they would meet on the following Thursday and hopefully could get this squared away.

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Mr. Bruguere suggested that if the fees came back to the County then they should make those connecting aware that they could ask the County for a rebate of the connection fees. Mr. Harvey suggested that a policy was needed in order to be consistent.

Mr. Carter then advised that those connection fees paid back to the County were to offset the debt the County has been paying on that system since 1999. He noted that it was in the Board's purview to rebate the fees; however it would then make it take longer to repay the debt. He noted that was the consideration when the connection fees were given back to someone. Mr. Harvey noted that it could be an incentive for people to locate in the County. Mr. Carter suggested that the Service Authority could still reduce the fees and he questioned whether or not they really wanted them to suggest to people that they ask for rebates from the County.

Mr. Hale then clarified that the Board was referring to connection fees and Mr. Harvey noted the difference between residential and commercial connections.

Mr. Saunders noted that water capacity had been his concern; however the Director had indicated to him that they had enough water. He noted that for commercial properties, connection to the system was very costly and was a deal breaker for some. He then agreed that there needed to be a policy on this. It was then noted that residential connection costs were \$4000 each for water and sewer right now. Mr. Harvey then pointed out that reducing these would not affect the Wintergreen area.

Mr. Hale noted he was in favor of equalizing the residential rates. Mr. Saunders then noted he would like to see the \$4,000 reduced to \$2,000 to be comparable with other areas.

Mr. Bruguere:

Mr. Bruguere reported that he attended Planning Commission meetings.

Mr. Saunders:

Mr. Saunders reported he attended courthouse progress meetings and TJPDC meetings as well as a tour of the Lovingston Healthcare Center building.

Ms. Brennan:

Ms. Brennan reported that she attended a kick-off meeting for the Rockfish Valley Area Plan. She noted that the TJPDC was working on the first part and they would be meeting again in May.

She also reported attending a Crisis Intervention Team meeting and noted that there were no folks in the county with severe issues.

She reported attending the Atlantic Coast Pipeline court hearings and was impressed with the new Judge, Judge Garrett.

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She reported attending the tour of the Lovington Healthcare Center building.

B. Appointments

Ms. McGarry noted that there were no appointments to be made and that there had been no one interested so far in the North District seat on the Service Authority or the vacancy on the JABA Council on Aging. She noted that these would continue to be advertised on the County's website and in the Nelson County Times.

C. Correspondence

1. RVCC –Request for Zoning Ordinance Amendment

Mr. Hale noted the Community Center's concern regarding their ability to have temporary events on the property using a permanent structure. He noted that he had spoken with them and had suggested that Mr. Padalino would be looking at this issue as part of the review of the proposed Temporary Events amendments and would take their concerns into consideration. He added that the definition of Community Center may need some adjustment.

Mr. Bruguiere then questioned why the Rockfish Valley Community Center (RVCC) property was zoned R1, Residential and it was noted this was done in 1971 when the zoning map was first put in place. Mr. Hale then suggested that it should be rezoned.

Mr. Bruguiere noted that RVCC was anxious to get this done and rezoning may be a better way to go. Mr. Carter confirmed that the convenience center was also zoned R1.

Mr. Hale questioned whether or not rezoning would resolve their issues and Mr. Carter and Ms. Brennan noted that it would partially; however there would still be issues with events.

Mr. Carter noted that if RVCC wanted to rezone the property it would have to go through the Planning Commission and Mr. Harvey suggested that the whole corner there be included. It was then noted that they would need to consult with the Ruritans on this and Mr. Padalino noted he would look into it.

Mr. Bruguiere then reiterated the issue that they needed a permanent structure to hold events and have been told they could not do this under the current ordinance.

Supervisors then agreed by consensus that RVCC would be invited to participate in the Temporary Events ordinance working group.

D. Directives

Mr. Bruguiere and Mr. Harvey had no directives.

Ms. Brennan had the following directives:

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She asked staff to check into the status of the Route 56 east and Business 29 intersection Garden.

She asked staff to get a list of new businesses from the Commission of Revenue and to have her include this in her monthly report.

She inquired about the siding replacement at the Library and Mr. Carter noted that the County was repairing the north face and it was a matter of timing and the weather.

She asked staff to prepare a resolution honoring the late Henry Conner.

She inquired about the status of the new Everbridge system and asked for an update in April.

She inquired as to when the next reassessment would begin and finish. Mr. Carter reported that an RFP for services would be issued in summer and once under contract it would be an eighteen month process ending in December 2017 and would be effective January 2018. He added that if the Board wanted to expedite the process, the ordinance would have to be changed.

Mr. Saunders had the following directives:

He noted that the LOCKN meeting was Thursday of that week at 11 am at the Carriage House and he would like to attend. Ms. Brennan noted she also wanted to go and the Board agreed by consensus for her and Mr. Saunders to attend.

He noted that the staff retirees were to be honored next month at the April meeting.

Mr. Hale had the following directives:

He asked that staff work on providing improved sign-age for their meetings. He added he preferred it to be larger and for it to have the ability to slide in a meeting placard. He clarified to use the same format; a sign on a stand that could be changed out.

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

At 5:30 PM, Mr. Bruguiere moved to adjourn and continue the meeting until 7:00 PM. There was no second and Supervisors voted unanimously by voice vote to approve the motion.

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

I. Call to Order

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Mr. Hale called the meeting to order at 7:05 PM, with all Supervisors present to establish a quorum.

II. Public Comments

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

III. Public Hearings

- A. **Public Hearing – Proposed Amendments to Appendix A, Zoning “Bed & Breakfast Uses:** The proposed amendments include the definition or redefinition of numerous land uses related to transient lodging and dwellings and also include new or revised regulations regarding which zoning districts those uses are permissible in as a by-right use, as a special use, or as a use not permissible.

Mr. Padalino noted that in August 2015, County staff provided the Board with an introduction to the Bed and Breakfast ordinance issues and presented a request of the Board to make a text amendment referral to the Planning Commission. The Board then acted to refer Resolution R2015-66 “Bed and Breakfast Uses” to the Planning Commission. He then noted that on August 26, the Planning Commission formally received the referred amendments and began its review, on September 23 and October 28 the Planning Commission continued their review, proposed various modifications, and directed staff to advertise for a public hearing on November 18th. The Planning Commission then held a public hearing on November 18th and requested a three (3) month extension from the Board for continued review(s) prior to making a recommendation to the Board. On December 8th, the Board granted the requested three (3) month extension. On December 16th the Planning Commission continued its review inclusive of additional proposed modifications, on January 27, 2016 the Planning Commission concluded its review and formally voted to recommend the 12/28 draft of amendments. On February 9th, the Planning Commission recommendations were presented to the Board; which then authorized a public hearing for the March 8th Board meeting.

Mr. Padalino noted that the amendments were modified from what was referred based on careful Planning Commission review and discussion over six (6) meetings and one (1) public hearing, consideration of public comments received during the public hearing process, and consideration of written correspondence and phone calls from members of the public received throughout the overall Planning Commission review process.

He then noted that the most important changes made were:

(Proposed) Definition and Re-Definition of Uses in Article 2 “Definitions”:

– These amendments would eliminate the “tourist house” use and definition

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- These amendments would resolve the existing contradictions between the definitions for “tourist house,” “home occupation,” and “dwelling”
- These amendments would also clarify uses that are currently provided for, as well as introduce new definitions for uses which are currently being undertaken in the County, such as:
 - “bed and breakfast class A” (intended to replace “home occupation – rental of rooms to tourists”)
 - “bed and breakfast class B” (room-by-room rentals, up to 8 total guest rooms or up to 24 total transient lodgers, conducted within a dwelling and/or accessory structures)
 - “vacation house” (rental of entire dwelling to transients)
 - “transient” and “transient lodging” (tourists lodging for less than 30 days)

Mr. Padalino noted that these proposed definitions resolved existing contradictions between definitions. He added that the Class A B&B definition was analogous to the current one and then a Class B was added. Mr. Padalino then clarified that transient lodging included a duration of less than 30 days to correlate with tax laws and this was not a change.

Mr. Padalino then discussed where these uses would be allowed noting that hotels and campgrounds would remain Special Uses in A1, and there was no change there.

He noted the RPC inclusions of a vacation house by right there so that Wintergreen condos and houses would not have to get Special Use Permits.

He then noted that the SE1 district currently provided for hotels as a Special Use and campground was being added.

Mr. Harvey questioned the need for the changes to Article 7, since RPC (Residential Planned Community) was a separate piece that once formed, the County did not have control over. Mr. Padalino explained that this was an atypical zoning area and there needed to be some way of dealing with R1 properties and the proposed amendments were providing more flexibility when being dealt with through the RPC reference.

Mr. Harvey further questioned the need for addressing RPC and Mr. Padalino stated that he thought the Ordinance still applied to RPC and they were trying to eliminate an existing hardship for Wintergreen. He added that those citizens in RPC have brought in subdivision plats for approval. Mr. Harvey added that he thought these were possibly boundary adjustments as his understanding was that the RPC was established on a certain number of parcels and if that changed, they had to come to the County.

Ms. Brennan then questioned why there were no B&BS in the B2 district and Mr. Padalino noted that the Planning Commission had addressed this and one cannot have dwellings in B2 without a Special Use Permit unless grandfathered. He noted this was a function of it not being provided for now so it was not addressed by the Planning Commission.

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Supervisors and Staff then discussed Airbnb and Mr. Padalino noted that these were different than VRBO (Vacation Rental by Owner) as Airbnb was a company. It was noted that Senate Bill 416 was passed by the General Assembly and he had spoken with Legislative Liaison, David Blount of TJPDC about it. He noted that Mr. Blount emphasized that there was a reenactment clause in it and was almost a placeholder for next year. Mr. Carter confirmed this and noted that there was a study to be done by the state and the study committee would report back. He added that if it were approved again next year, he did not see where it impacted the County other than the ordinance may be superseded.

Mr. Hale then inquired about the Vacation House definition and them being subject to Article 13 site plan requirements. Mr. Padalino noted that a site plan was only required for new construction.

There being no further questions for staff, Mr. Hale opened the public hearing and the following persons were recognized:

1. Richard Bulissa, Orchard House B&B Owner

Mr. Bulissa noted he thought the proposed ordinance was very good and he noted that he has worked on it with Mr. Padalino. He then suggested that a Class A B&B be allowed six (6) rooms instead of five (5) as this was more in line with State regulations. He then applauded the use of a Class B classification and suggested allowing for ten (10) rooms but leaving the same number of people allowed the same. He noted that they did not put any more than two (2) people per room so a count of twenty-four (24) would be fine. He then added that he thought these changes would help others in the County.

2. Ellie Ray, Afton Mountain Rd

Ms. Ray noted that she has also worked with Mr. Padalino on this and she thought the proposal made a lot of sense and substantially clarified things.

There being no other persons wishing to be recognized, the public hearing was closed.

Mr. Hale then noted for the public that the Board often delayed adoption of amendments until their next meeting; however this was not required.

The Board then discussed Mr. Bulissa's suggested changes and agreed by Consensus to incorporate these changes as suggested.

Mr. Bruguere then asked if the Board should wait for the outcome of the pending Airbnb legislation. Mr. Carter advised that he could send out the proposed language; however he explained that it would allow anyone to rent a house out as long as they registered with the State through a hosting company. He noted that the State would then collect all taxes including local taxes and then would remit them back to localities. He added that the legislation did not require the acquisition of a local business license to do this. Mr. Carter added that it was all to be determined; however he thought the localities probably would not

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realize the full lodging tax from this. Ms. Brennan also questioned whether or not the County would know where in the County the Airbnbs were physically located. Mr. Carter noted a good thing was that there were penalties for not registering with the State.

Mr. Carter then advised the Board that the proposed amendments would need to be drafted in the form of an Ordinance and brought back for adoption. Mr. Hale suggested that it be drafted with the amended language and Mr. Harvey asked that the RPC language be checked.

Ms. Brennan then inquired if staff should look at allowing B&Bs in the B2 district and Mr. Harvey noted that B2 was a heavy business class and he thought it may not be a good mix. Mr. Carter reiterated that a Special Use Permit was required for dwellings there.

Mr. Hale then clarified the Board's action for the public and noted that the vast amount of the County was zoned A-1 Agricultural and the following applied: Permitted by right in A1 were Boardinghouses, Bed and Breakfast, Class A, Bed and Breakfast, Class B, and Vacation House. Permitted by Special Use Permit only were Campgrounds. He added that there were more restrictions on what was permitted by right in the other districts. He then reiterated that the Board's consensus was to change the number of rooms allowed in Class A Bed and Breakfasts from five (5) to six (6) and in Class B Bed and Breakfasts from eight (8) to ten (10).

Mr. Harvey advised that these proposed amendments would be posted on the County's website in advance of the April meeting for the public.

IV. Other Business

A. Schedule Budget Work Session(s)

This item was considered at the end of the Afternoon Session.

V. Adjourn and Continue for FY16-17 Budget Work Session

At 8:15 PM, Mr. Saunders moved to adjourn and continue the meeting until March 29, 2016 at 3:00 PM in the General District Courtroom for a budget work session. Mr. Harvey seconded the motion and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.