

May 12, 2015

Virginia:

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

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

Absent: None

I. Call to Order

Mr. Saunders called the meeting to order at 2:05 PM, with all Supervisors present to establish a quorum.

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

II. Recognition of the Service of Retiring Electoral Board Member – Carter Smith (R2015-37)

Mr. Saunders recognized Carter Smith in attendance and read aloud the resolution of recognition. Mr. Hale then moved to approve resolution **R2015-37** and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2015-37
NELSON COUNTY BOARD OF SUPERVISORS
RECOGNITION OF CARTER L. SMITH
SERVICE TO NELSON COUNTY**

WHEREAS, Carter L. Smith became active in Nelson County Elections in 1978, and;

WHEREAS, Carter L. Smith served as an Officer of Election from 1989 until 1995, and;

WHEREAS, Carter L. Smith served as Chairman of the Nelson County Electoral Board from 1995 until 2001, and;

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WHEREAS Carter L. Smith served as Voting Machine Custodian/Technician from 2001 until 2015, and;

WHEREAS Carter L. Smith has faithfully and impartially contributed to the integrity of elections in Nelson County for approximately thirty-seven (37) years, and;

WHEREAS the members of the Nelson County Board of Supervisors wish to commend and thank Carter L. Smith for his service to Nelson County, which is indeed appreciated by all our citizens,

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby officially recognize Carter L. Smith, and respectfully asks all citizens alike to join in expressing their sincere gratitude and appreciation for the many long hours of outstanding service and commitment he has given to our community.

III. Consent Agenda

Mr. Hale noted he would like to discuss the statement at the bottom of the budget amendment that said “The balance in General Fund Contingency after this request is \$1,446,160.06 of which \$1,148,601 is recurring contingency.” Ms. McCann explained that the balance over the recurring amount of \$1,148,601 was non-recurring contingency.

Ms. Brennan then moved to approve the consent agenda and Mr. Hale 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 – **R2015-38** Minutes for Approval

**RESOLUTION R2015-38
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(April 9, 2015 and April 21, 2015)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 9, 2015 and April 21, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2015-39** COR Refunds

**RESOLUTION R2015-39
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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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>
\$133.15	RE Taxes	Mr. Jason Levinson 36 Prince Court Stuarts Draft, VA 24477
\$195.73	2014 PP Taxes	Ally Bank Louisville PPC P.O. Box 9001951 Louisville, KY 40290-1951

C. Resolution – **R2015-40** FY15 Budget Amendment

RESOLUTION R2015-40
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET
NELSON COUNTY, VA
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BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2014-2015 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$1,230.00	3-100-003303-0025	4-100-031020-7045
\$56,661.00	3-100-003303-0016	4-100-091030-5665
\$227,928.00	3-100-002404-0040	4-100-091030-5665
\$285,819.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$137.00	4-100-999000-9905	4-100-031020-7045

IV. Public Comments and Presentations

A. Public Comments

1. George Hodson, Nelson 151 Group

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Mr. Hodson noted he wanted to address the Board regarding the Rockfish Valley Area Plan status. He noted that the plan had been commissioned last year and in the meantime, the Group had been talking to legislators about protecting the Rockfish Valley. He added that their position was weakened by the fact that the County had not taken steps to protect it with advanced planning. He reiterated that the Board had commissioned the plan and they would like to see it carried out.

B. VDOT Report

Mr. Carter advised that Mr. Austin would report during the evening session while he was in attendance for the public hearing on the Secondary Six Year Plan.

C. Presentation – Nelson Middle School Destination Imagination Team

The Nelson County DI Team introduced themselves and noted one team member who was not in attendance. They noted the name of their team was DI Immortales and they gave the following PowerPoint presentation.



World's Largest Celebration of Creativity

- Total participants- 17,000
- 48 states and 18 countries compete!
- 3rd grade - college level participants



The DI team noted that each year, there were about 17,000 total participants in Destination Imagination tournaments from regionals to Globals and the competitors came from 48 states and countries around the world, including China, Canada, Qatar, Guatemala, Poland, Romania, and Ecuador.

What challenges do we compete in?

Central Challenges:

- Fine Arts (our challenge)
- Scientific
- Structural
- Technical
- Improvisational
- Service Learning

Instant Challenges:



They noted that they compete in two challenges: the Central Challenge and the Instant Challenge. It was noted that Teams could choose from one of six Central Challenges- Fine Arts (their challenge), Scientific, Structural, Technical, Improvisational, and Service Learning. Each challenge focused on different STEM and art aspects, as well as teamwork, creativity, and problem-solving skills. They noted that they began preparing for the competition shortly after school started that year, and have been very busy. They related that their challenge requirements stated that they must include a character with a phobia, an illusion that used technical methods, an expressive artwork that conveyed thought or feeling, and a functional artwork that served a purpose. They noted that they had only eight minutes to present their performance at each competition. They then noted that they had no idea what

to expect when they entered an Instant Challenge; they noted that they could receive a building, theatrical, or improv challenge, or a combination of the three. It was noted that they were then given a few materials, some rules, a goal to accomplish, and a time limit. They then must work together to complete the task and score as many points as possible and the challenges increased in difficulty with each level of competition.

This Year's Challenges:



Our central challenge is about the Greek goddess Athena facing a phobia and outwitting her former self to save the human race. Our instant challenges usually involve building something, are occasionally acting-related, and show off our teamwork and creativity at its best.

The team then noted that their central challenge was the majority of the work they had done that year. They noted that they had worked very hard on the project since October and had greatly improved in teamwork, creativity, and confidence in presentation. They noted that their instant challenge practices had focused on building real-world skills and improving their teamwork.

Educational Opportunities

- Share the experience with our classmates at NMS via Skype while at Globals.
- Meet and interact with kids from all around the world.
- Participate in a hands-on innovation expo with new ideas from many well-known companies.
- Speak with Buzz Aldrin, second man on the moon.



University of Tennessee Campus Life



Globals is a place to learn as well as a place to enjoy our accomplishments and celebrate creativity with kids like us!

PIN TRADING was noted to be spending time meeting other teams, talking with kids one-on-one, negotiating and bartering in order to collect pins that represent teams from around the country and the world. They noted that they didn't understand this last year, but after going, they realized this was the best way to interact with kids even if you couldn't speak the same language!

Opening and Closing ceremonies



At opening ceremonies, every country and affiliate is introduced and all the upcoming events are presented. After all competitions are completed, we celebrate our success at closing ceremonies where winning teams receive awards and everyone celebrates the year's accomplishments.

It was noted that the top 3 teams in every challenge and age level were introduced and got trophies. The top 10 were displayed on a jumbo Tron.

Our team's experiences



The team noted that last year, their team competed in the Service Learning challenge, which had fewer teams competing; and they placed 12th out of 46 teams at Global Finals. They noted that this year, they were doing the most popular challenge, Fine Arts; which meant that there was a higher level of competition, making it harder to place higher at Globals. They noted that their goal was to place in the top 10! The team then noted that they had been together for 7 years, and the past 2 years they had gone to Globals and that they felt that their teamwork, productivity, and performance had improved every time.

Our funding request:

Overall financial goal- \$12,000

Total raised so far- \$10,500

Left to raise- \$1,500

The team noted that the money covered: Registration, transportation, food, event passes and sleeping arrangements for the team, their managers, and chaperones for 5 days in Knoxville, Tennessee. They noted that they had raised funds so far through car wash, hat day & friends and family requests and the school system had paid for team competition registrations. They noted that they had \$1500.00 left to raise.

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Following the presentation, Mr. Harvey moved to approve a \$1500 appropriation for the Nelson Middle School Destination Imagination team and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

D. Presentation – DCR Floodplain Management and National Floodplain Insurance Program (C. Banks)

Mr. Charles Kline of DCR introduced himself and noted that he was there in place of Mr. Charley Banks who had to be in another locality.

Mr. Kline then noted that he was there at the County's request. He noted that the National Flood Insurance Program (NFIP) was a quid pro quo program. He noted that they provided access to insurance, federal funding for disaster relief, and federally backed mortgages etc. and that they must permit floodplain development in exchange. Mr. Kline then explained that any man made change needed to be permitted and that local laws would be by Ordinance. He added that DCR was a consulting group in between the Federal Emergency Management Agency (FEMA) and localities. He noted that they also did outreach.

Mr. Kline then related that he had looked at the County's Ordinance and he had taken note of the three types of flood zones therein. He noted that the 100 year floodplain (regulatory floodplain) development would need to conform with Uniform Building Code (UBC) standards and the test would be did it cause a rise in the flood based elevation. He noted that this would be a one foot rise in sea level if there was a storm and they would have the applicant submit data to FEMA for review.

Supervisors then noted that the Atlantic Coast Pipeline would be five (5) feet underground and asked how the floodplain would be affected. Mr. Kline noted that it would not affect it on the surface and would not have to be permitted locally. He added that the County could ask them to prove that the pipeline would not have an effect on the floodplain. He further noted that if it were underground and completely out of the floodplain, it would not have an effect and there would not be a concern at the FEMA level. He reiterated that if it were not blocking the flow of water or blocking the floodplain, it would not have an impact; however, the County could still ask for the engineering showing that the ACP would be installed underground.

Mr. Harvey asked about the disturbance of the pipeline ditch that could cause water and debris to flow into floodplains and Mr. Kline noted that this would be more of an erosion and sediment control issue. Mr. Saunders noted that most slopes would be greater than the percentage required to have a concrete column installed to prevent it from washing out. He added that these were based on the percentage slope of where they were located.

Mr. Kline then noted that the rest of these regulations would be in the local Ordinance and they would be enforced. He noted that the County did have some higher standards for utility pipes that were above the surface.

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Mr. Saunders asked Mr. Kline to further explain the test of raising a foot if in the floodplain. Mr. Kline advised that if development raised the floodplain more than a foot, then they would have to go through FEMA for it. He noted that there were things that could mitigate this; however if the floodplain were raised over a foot there was a problem. He noted that some localities had regulations that did not allow for any rise.

Ms. Brennan asked if they would ask for a permit for each infringement into the floodplain and Mr. Kline noted that they would and maybe also cumulatively.

Mr. Bruguiere then asked if this would have to be reviewed by FERC and this was noted to be indeterminate.

It was noted that wetlands could reduce the area of the floodplain and Mr. Kline advised that wetlands would be regulated by DEQ, and the Army Corps of Engineers etc.

Mr. Carter inquired as to whether or not DCR made comments or reviewed the ACP and Mr. Kline noted that they did not as it was outside of their purview; however they could request that they make comment. He added that they were not engineers and could provide general comments. He noted that they would want an engineer to provide a hydrologic study of the area and if there was a certain level of uncertainty, they could go through FEMA with a letter of map revision; which can be expensive to do.

It was noted that the County could ask FEMA to review a cumulative effect document at no cost if requested by a locality.

Melissa from DCR in attendance noted that the administrative authority came from the local government and they did not have jurisdiction in this issue. She added that FEMA administered the NFIP and to the extent that changes were made that affected the flood map; the entity would have to work with FEMA. She added that this required engineering because that was what the flood maps were based upon.

Ms. Brennan then inquired as to whether or not FEMA hired engineers to do floodplain mapping and Mr. Kline noted that this was contracted out.

Mr. Kline noted that with the last set of floodplain maps, they had taken the old maps from the 1970s and put them into GIS and this was a rough approximation. Mr. Harvey noted that this had negatively affected landowners who had to prove to FEMA that they were wrong in their floodplain determinations.

V. New Business/ Unfinished Business

- A. Proposed Amendments to Appendix A, Zoning Ordinance, proposed new land use, “artist community, “permissible as a special use in the (A-1) Agricultural District. **(O2015-02)**

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Mr. Padalino noted that the public hearing on this had been held the previous month and the Board had asked for some minor modifications then. He added that changes were made per those recommendations to reduce the specificity of the definitions.

He noted that all mention of not for profit organizations, staff, and application procedures would be removed and the definitions would be more basic.

Mr. Hale noted that he had volunteered to work with Mr. Padalino on this and he thanked him for running with it without much help from him. He then moved to approve ordinance **O2015-02**, Amendment of Article 2 and Article 4 of Appendix A, Zoning Ordinance, of the Code of Nelson County, Virginia to Include New Land Use – Artist Community in (A-1) Agricultural District and Mr. Bruguire seconded the motion.

Mr. Harvey then inquired as to what had happened to Albemarle's issue with this and he added that it worried him that Albemarle did not want something, and he then questioned why Nelson would want it.

Mr. Padalino advised that Albemarle had updated their Comprehensive Plan but had not yet approved the use into their Code. Mr. Carter added that they had added language to prevent changes to the appearance of historic structures to the proposed amendment and Ms. Brennan confirmed that they had tied it into their historic stuff instead of having it be on its own.

Mr. Carter then noted that Nelson was further along than Albemarle was on this and that if they had a comparable A1 District, they were not allowing it to be in A1.

Mr. Harvey asked if there would be any effect on adjoining landowners and Mr. Padalino advised that there would be a special use permit process and the Board could consider these on a case by case basis. Mr. Hale added that it did not tie them to putting an Artist Community where they did not want to put one.

Mr. Carter then noted that his concern was eliminating the not for profit status requirement and providing for the tax exempt status being automatic.

There being no further discussion, Supervisors voted (4-1) by roll call vote to approve the motion, with Mr. Harvey voting No and the following Ordinance was adopted:

ORDINANCE O2015-02
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF ARTICLE 2 AND ARTICLE 4 OF APPENDIX A, ZONING
ORDINANCE, OF THE CODE OF NELSON COUNTY VIRGINIA
TO INCLUDE NEW LAND USE –ARTIST COMMUNITY
IN (A-1) AGRICULTURAL DISTRICT

BE IT HEREBY ORDAINED, that the Nelson County Board of Supervisors does hereby amend Article 2 (Definitions) and Article 4 (Agricultural District A-1) of Appendix A (Zoning Ordinance) of the Code of Nelson County, as follows:

1. That Article 2, Definitions, be amended as follows:

a) Add the following new definitions:

Artist Community: A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff.

Artist Community Residencies: time and space scheduled for resident artists to create work not at the artists' home base; residencies are scheduled for a period not to exceed ninety-five (95) consecutive days.

Resident Artists: professionals who create new work in literary, visual, musical, theatrical, dance, and other forms, as evidenced by their education in said fields, training, and expenditure of time in their studio endeavor, regardless of whether they make their living by it.

2. That Article 4, Agricultural District (A-1), be amended as follows:

a.) Add the following provisions to "Section 4-1-a Uses – Permitted by Special Use Permit only:"

Section 4-1-46a: Artist Community, conditional upon the following limiting factors:

- Minimum property size of 20 acres;
- Maximum floor area of 40,000 square feet (cumulative / all facilities);
- Maximum of 25 resident artists at any time with each resident artist being limited to a maximum duration of ninety-five (95) consecutive days;
- Maximum of 15 public events per year (monthly Open Houses/Open Studios and infrequent fundraising events);
- Existing structures are adaptively reused (as applicable) and new structures are designed to be compatible with rural character of surrounding area;
- Restrictions on future division of the property

BE IT FURTHER ORDAINED, that this Ordinance becomes effective upon adoption.

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B. Proposed Transfer of Nelson County Microenterprise Loan Funds from Piedmont Housing Alliance (PHA) to Community Investment Collaborative (CIC). (**R2015-41**)

Mr. Carter noted that originally the counties of Nelson, Albemarle, and Fluvanna had applied for CDBG funds for microenterprise loans where LMI people could get loans to establish businesses after completing training. He noted that when the award was made, Nelson administered the grant along with Piedmont Housing Alliance (PHA). He added that PHA had gotten out of this business and a new entity, the Community Investment Collaborative (CIC) was now sponsoring business development training and was giving micro enterprise loans. He noted that staff had discussed the transfer of the remaining CDBG microenterprise loan funds of approximately \$63,157 and the potential additional of an outstanding loan of \$9,038 to CIC for their program use.

Mr. Carter noted that CIC had submitted an extensive amount of information on their programs. He noted that if the Board approved the funds transfer there was an agreement similar to the one with PHA that would be executed and it ensured that these funds would be used to serve LMI businesses in the three original counties and provided that if the programs were discontinued, the balance of funds would return to Nelson County. He noted that if that were to happen, the County would negotiate with DHCD on their future use. He added that the CIC programs had been in place for fourteen (14) years now and were available to citizens from Nelson. Mr. Carter noted that he had tried to negotiate to use these funds for broadband; however DHCD would not do it.

Mr. Carter noted that he met with CIC staff on this and it was understood that the funds were to be used for the three designated localities.

Mr. Hale commented that according to the list of loans, PHA had not done anything with the program since 2004. Ms. Brennan noted that this was when PHA was administering the program and Mr. Carter added that the program was difficult because it dealt with low-to-moderate income businesses getting started and it was noted that there were several on the list from Nelson County. Mr. Carter reiterated that it was difficult and that oftentimes the loans were not repaid, citing the bad debt loss of over \$50,000 reported. He added that these were federal grant monies sitting there and doing nothing.

Mr. Hale noted that his preference would be to provide these funds locally through the EDA; however it was noted that it was not an option since they had to provide funds for three localities. Mr. Bruguiere added that he wished that George Krieger could administer these funds through the Nelson County Community Development Foundation; however he understood how it worked. It was then noted that CIC advertised the program availability.

Ms. Brennan then moved to approve resolution **R2015-41**, Transfer of Microenterprise Loan Funds From Piedmont Housing Alliance (PHA) to Community Investment Collaborative (CIC). Mr. Bruguiere seconded the motion and there being no further discussion,

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Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2015-41
NELSON COUNTY BOARD OF SUPERVISORS
TRANSFER OF MICROENTERPRISE LOAN FUNDS FROM
PIEDMONT HOUSING ALLIANCE (PHA) TO
COMMUNITY INVESTMENT COLLABORATIVE (CIC)

WHEREAS, Nelson County was the recipient of Community Development Block Grant (CDBG) Microenterprise Loan grant funds from the Department of Housing and Community Development (DHCD) that were administered by Piedmont Housing Alliance (PHA) between 2001-2006, and;

WHEREAS, PHA is no longer administering microloans, and;

WHEREAS, PHA in conjunction with Community Investment Collaborative (CIC) has requested that the capital balance of these funds of approximately \$95,000 be transferred to CIC to support microenterprise development in Nelson, Albemarle and Fluvanna counties in accordance with the requirements of the CDBG Microenterprise Loan grant funds that were awarded by VA-DHCD to assist these localities therewith;

NOW, THEREFORE, BE IT RESOLVED, that the Nelson County Board of Supervisors does hereby approve the transfer of the capital balance of Microenterprise Grant loan funds from PHA to CIC to support Microenterprise development through its various programs and authorizes the County Administrator to execute an agreement to this effect.

VI. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: The tentative schedule for construction bidding of the project is mid-July.

Mr. Carter added that the County did defer on applying for the VRA summer pool and would apply for fall pool when they would be in a better position to know how much to borrow.

Mr. Hale added that he was pleased with Architectural Partners and that Jim Vernon had proposed several changes that would save money. He added that they were pleased with the suggestions he has made and most were savings.

2. Broadband: A) **Local Innovation Grant Project** - County staff are in process with completion of pre-contract requirements with VA-DHCD. Due to the required Environmental Review, project construction is projected to begin in early July and require approximately 16 weeks to complete the three expansion locations of the middle mile

network. **B) VA Technology Planning Initiative** – County staff are endeavoring to submit a letter of interest to VA-DHCD for up to \$75,000 in state planning funding for completion of the proposed broadband network build out plan. The funding is highly competitive and there is a degree of uncertainty as to the state’s goal/objectives in awarding this grant funding to local government applicants.

Mr. Carter reported that staff was trying to expedite the environmental review; however he noted this to be a two (2) month process so it would be July before construction could begin. He added that the County could use the same contractor so it did not have to be bid out. He noted that the VDOT permits would be in place and the County could move forward as immediately as possible. He noted that connections were wanted on the Martin’s Store to Route 664 leg now.

Planning Initiative – Mr. Carter noted the extensive amount of work to be done in two phases. He noted that first the County must submit a letter of interest and then complete a more extensive application if invited to do so. He added that he had spoken to ICON on getting help with this. Mr. Hale noted that he found an expansion plan from ICON dated 2012 that would do the same thing. Mr. Carter noted that the deliverable of the planning grant would be to have a more updated and comprehensive product that would look at addressing high last mile costs.

3. BR Tunnel: Completion of Phase 1 (eastern trail and parking area) is projected to be by not later than 6-15-15. With just below \$405,000 in TAP grant funding for Phase 2 (tunnel bulkhead removal and overall restoration work) and an anticipated award of \$800,000 in TAP grant funding for Phase 3 (completion of tunnel restoration and construction of western trail and parking area) County’s project team (Messrs. Hale, Saunders, County staff and engineering consultant) will seek approval from VDOT/CTB to consolidate the Phase 2 and 3 TAP funding to provide for overall completion of the tunnel’s restoration/rehabilitation and apply for 2016-17 TAP funding for a revised Phase 3A project to complete the western trail and parking area (i.e. funding is not sufficient to complete Phase 2 and overall rehab/restoration of the Tunnel is deemed to provide for more cost effective and beneficial bid results).

Mr. Carter added that he sent an email to VDOT staff noting the County's request to meet to discuss the ability to merge funding to complete the revised Phase II to complete tunnel work.

Mr. Saunders added that FCE did do paving on Friday as they said they would.

4. Radio Project: Field testing to identify and address deficient conditions is in process and has resulted in improved radio communications, specifically in the Wintergreen Community.

Mr. Carter noted he would defer to Susan Rorrer’s report and noted that this was still in process. Mr. Hale added that the process was slow; however there were engineering issues that could be resolved. It was noted that Motorola was working on this in between other jobs.

5. Lovingson Health Care Center: Tours of the facility are pending by two companies (Harrisonburg and Christiansburg based) that have expressed interest in the center. However, the scheduling of these tours and subsequent discussion(s) of specific interest in the center continues to be postponed (now several weeks). Region Ten staff have followed up and made inquiry on meeting with the County to further discuss ownership/operation of the center (terms & conditions).

Mr. Carter reported that a Harrisonburg Company would be coming to tour the building now that they were back from Florida. He added that Region Ten was still willing to come negotiate the subject with the committee.

Ms. Brennan then noted that the committee had been formed and that Judy Wright who worked at LHCC from 2006 and 2011 as Director of Nursing Services was chairing the committee. She noted that she now worked for Piedmont Community Health Plan. She added that the first meeting was Thursday and she would report more in June. Ms. Brennan then suggested that they should go to prospective people to see what they said.

Mr. Bruguiere noted he would like to have a plan for the building before the fiscal year was over even if Region Ten was the only game in town. Mr. Harvey suggested that it go to public auction.

6. Solid Waste – A) Region 2000 Service Authority: The Authority will meet on 5-13 to approve its updated Solid Waste Management Plan, which is related condition for VA-DEQ approval of the Authority's proposed lateral expansion of its Livestock Road Landfill in Campbell County, which it extend operations at the landfill to a projected 2027. The SWM and lateral expansion have met, however, with public opposition from residents of Campbell County, specifically those whose properties are located in the area surrounding the Landfill. **B) Groundwater Monitoring Program:** The first semi-annual monitoring (testing) program resulted in no constituents that exceeded regulatory compliance. This is the third consecutive no exceedance program outcome. Three additional testing periods are required to enable the County to petition VA-DEQ to close out the GWMP, which would be late 2016.

Mr. Carter noted that he thought the plan and lateral expansion would be approved. He then noted that groundwater monitoring cost about \$50,000 per year.

7. Nelson Memorial Library: As previously reported, County staff have been evaluating how best to address necessary repairs to the library's building envelope, particularly very deteriorated siding. To assist with this effort Architectural Partners was asked to complete a visual inspection of the building envelope, which resulted in an email report that identified additional deficient conditions and included a very preliminary cost estimate of \$172,000 - \$222,000 (inclusive of AE costs) to repair the facility. A decision on next steps and the scope of repairs is pending (see attachments).

Mr. Carter noted that staff was now looking at going back to its original plan of just proceeding with replacing the siding as best they could.

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Mr. Saunders noted that the siding was in bad shape and he was not sure what was holding it up. Mr. Hale noted that they needed to do something to maintain the building and Mr. Saunders agreed noting he was not sure about the costs but thought something ought to be done.

8. Paving of Gladstone Collection Site: Scheduled for late May (26th) at a cost of \$26,000.

Mr. Carter reported that Padgett was going to do the paving. He added that a second quote was \$28,000 and no one else would come look at it. He noted that they were doing paving instead of concreting and would address the entrance as well. He added that the stone would be removed up to the concrete pads so it would be flush with those. He noted that the site may have to be closed for a day or two to allow for the work to be done.

9. New Maintenance Facility: Roof replacement bids are being received and Maintenance Department staff are working to complete (over time) overall building restoration.

10. Board Retreat: Consideration of scheduling a Board retreat, including location, format, etc. of the retreat is submitted for consideration (late summer or fall 2015)

Mr. Hale noted that he thought they would need a well-defined purpose to have it and Mr. Saunders suggested that a couple of members bring back a proposal. Mr. Bruguere noted that they could discuss things that needed to be done over the next several years. Mr. Carter noted that Broadband was a priority that had been accomplished. Mr. Saunders and Ms. Brennan agreed to work on this with staff.

2. Board Reports

Mr. Harvey and Mr. Saunders had no reports.

Ms. Brennan:

Ms. Brennan reported the following:

Attended the CASA pinwheel event at the library and gave a resolution to Judge Farrar who is retiring. She noted that they had good things to say about him and the CPS worker hired at DSS.

Attended the Blue Ridge Bowl; which was a successful event. It was noted that the Blue Ridge Tunnel Foundation made \$14,700 from the \$25,000 in beer sold.

Attended a meeting at Wintergreen and noted that WPOA has come out with letters and a resolution requesting a rerouting of the ACP. She added that the resort was very strongly opposed to the ACP routes and that they had plans that they would not do if the ACP disrupted business there. She noted that there was another \$30 Million dollar valley project

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that would be put aside also. She added that there would be a WPOA meeting on 5/25 and she would attend.

Attended CIT meeting today and noted that there was an increase among students having mental health problems especially in self learning. She added that they had asked Region Ten to look at crisis assessments to evaluate those numbers. She noted that Bill McDonald was retiring as the School Resource Officer and his replacement had been identified. She then related that they would do more mental health training days coming up and would be doing another Dispatcher training in the fall; which has been highly successful.

Attended a GIS presentation by Nelson County High School students who had participated in a GIS class. She noted that science teacher, Lindsay Hill had been wanting GIS for eight (8) years. She noted that they had offered one class and credits were given by JMU, who were mentors and two students did presentations. She noted one presentation involved preparing a map for LOCKN that would be given to attendees, and a second one involved finding a solution for long call times experienced in firefighting in Faber given by Jack Taggart. She noted that the maps were created through GIS and the JMU mentors were so impressed with the kids. She added that Superintendent Comer was hoping to get GIS out to all students to use and she would like to have the group come and present to the Board as she thought that they had come up with a reasonable solution to responding to fires in the Faber area.

Mr. Bruguere:

Mr. Bruguere introduced a request for more funds for the ambulance purchased by Nelson Rescue and noted he was sure they did not have the extra funds for this. He then moved to provide funding of \$2,851 to complete the remount of an ambulance for Nelson Rescue Squad and Ms. Brennan seconded the motion.

Mr. Harvey noted that these funds went to the EMS Council and they distributed it. He added that they would make the funds available if approved.

Mr. Bruguere then amended his motion to add that the distribution of funds was subject to approval by the Emergency Services Council and Ms. Brennan seconded the amended motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Hale:

Attended the TJPDC meeting where they approved the budget. He noted that the new Director had been there for a year now and they had been operating in the red for the last year. He noted that the only way to balance it was to reduce personnel through attrition or reduction.

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Ms. Brennan noted that localities were not using them for projects so they were not making as much money. Mr. Hale noted that they were available for projects and had technical expertise such that they could help with the Rockfish Valley Area Plan (RVAP).

Reported that the Sturt property had been donated in January 2013 and the daughter of Mr. Sturt, who provided the study funds, has indicated that she would come up with more money for this. He added that Doug Coleman has been working with Emily Harper to discuss what could be done there. He noted that forester, Martha Warring had excellent suggestions and the timber there was discussed. He noted that they concluded that there was a need to have a plan for the long term future; however they first could retain the services of a consulting forester who would handle timber sales. Mr. Hale noted that they would get a percentage of timber sales as payment. He noted that the Sturt property has been a pine plantation and they wanted to transition it to regrowth of hardwoods and wildlife habitats. He noted that Martha Warring had recommended that they would then arrange the logging contract.

Mr. Hale then noted he was asking the Board for authority for the County to look for a consulting Forester to hire on this. He noted that they would tackle cutting the thirty-year stand and the plan would be to do thinning of the others.

Mr. Bruguiere suggested that the County could just put the work out to bid and not go through a consulting forester. Mr. Hale noted that Martha Warring has worked on this but could not actually do the work.

Mr. Saunders noted that he thought they should get someone to do it and Mr. Hale advised that a 10% commission was the high end for this work.

Supervisors then agreed by Consensus to allow them to proceed with looking for a consulting forester and bring back a recommendation.

Mr. Hale then requested to use the Old Magistrate's Office for keeping records of the Tunnel Foundation. He added they could have a desk and some files there and possibly a display etc. He added that he would like to see something in that space.

Mr. Carter noted that sounded good to him and there were no objections from the other Board members.

B. Appointments

Ms. McGarry noted the existing vacancies on the Local Board of Building Code Appeals, the JAUNT Board, and the Jefferson Madison Regional Library Board of Directors. Ms. McGarry noted having received a resignation letter from Mary Coy on April 21, 2015 resigning from the JMRL Board of Directors. She noted that she had received no applications thus far for these. Ms. McGarry then noted that Mr. Ronald Moyer would like to be reappointed as the Board of Zoning Appeals (BZA) Alternate and no applications had been received. She added that the position had been advertised for several weeks now.

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Mr. Bruguiere then moved to recommend reappointment of Mr. Ronald Moyer as the BZA Alternate.

Supervisors then discussed briefly how a BZA member could be removed and it was noted that the only way per the State Code was by a complaint. Supervisors briefly discussed the status of Mr. Bradshaw and it was noted that he did not want to resign.

Mr. Bruguiere then added that Mr. Moyer has sat in as a voting member of the BZA when absences occurred.

There was no second and Mr. Saunders called for the vote. Supervisors voted (4-1) by roll call vote to approve the motion with Mr. Harvey noting he would rather delay the vote and voting No.

C. Correspondence

Mr. Harvey noted that the Board ought to recognize Nelson County Times reporter, Rachael Smith who has won some awards; he added that they were proud to have her as the County's reporter.

Mr. Bruguiere then asked Mr. Carter to report on the Blue Haven 151 Court Case.

Mr. Carter noted that Blue Haven 151 was allowed to operate a Bed and Breakfast in an Agricultural District A-1. He noted that they had been to the Planning Commission with other proposed businesses however it had stopped there. He noted that the owner had purchased 8-10 airstream trailers and storage buildings with porches added on to be used as overnight accommodations. He advised that the owner had never gone through the Planning Commission or the Board for this and as time had progressed, staff had seen ongoing activity in terms of advertisements for using the air streams for overnight accommodations. He referenced a news clip on Channel 29 and noted that there was a strong inference that they were already renting these out and staff had received photos from neighbors showing the use of the campers.

Mr. Carter then noted that the owner had related to Planning Staff that she had looked at state law and she would do what she wanted and did not care what the County's rules were. He then noted that Mr. Payne had advised that the quickest action was to file a temporary injunction to stop their activities. He noted that the Judge decided that the evidence was not substantial enough to warrant the injunction. He added that this would still be on the docket and the County could go back to file a permanent injunction. He noted that a strong message had been sent and the defendant noted that she was hiring a professional to finish her site plan etc. and then she would come back to the Planning Commission for approvals.

Mr. Harvey noted that he did not understand how their site plan did not get reviewed by VDOT etc. Mr. Carter advised that the owner testified that she would have to move her entrance because it did not have the sight distance. Mr. Bruguiere added that her application had been turned down initially and then she withdrew it. He noted that her engineer said he

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was working with VDOT to get the sight distance and also told Grant Massie she was done with the County.

Mr. Carter advised that Mr. Massie did not testify and they kept saying that this was hearsay. He added that the owner noted that she had not mean it that way; that she was not going to comply with the County. He noted that Mr. Massie has been out there and staff was watching what they were doing; they just failed at injunctive relief.

Ms. Brennan then inquired as to whether or not they could operate anything and Mr. Carter noted that they could operate the B&B and they had gotten approval for special events permits to have Teas there. He noted that it made good business sense to advertise what she was going to do before she was ready to do it; however if they did not come forward with a site plan etc.; the County would have to intercede again.

Mr. Hale noted that he understood that the usual way to deal with Zoning violations was to issue a Notice of Violation (NOV), not get an injunction. He then questioned who authorized that and Mr. Carter noted he did on the advice of Mr. Payne the County Attorney.

Mr. Bruguire noted that the outbuildings were put out there for residences before they went through Planning and Zoning and he thought they should have been made to remove all of that etc. Mr. Carter advised that the owner probably had the right to store those and the air streams on her property.

Mr. Saunders asked if the airstreams needed to be inspected and it was noted that they needed septic systems and the question was, was it then a campground. Mr. Carter added that he thought the County took the right step and it sent a message.

Mr. Carter then noted that it was likely the County would ramp up enforcement on other matters including a case where there may be a criminal charge. He noted that the subjects sought approval for a pole barn and the resulting building was not a pole barn and there were no agricultural operations going on there.

Mr. Harvey stated that the pole barn got out of hand and he blamed the Building Code Official, David Thompson on that. It was noted that the Zoning approval was for a pole barn and Mr. Carter noted that there were Zoning violations that the County was aware of and they would not sit by idly.

Mr. Harvey then noted that with Blue Haven 151, they had to look at the changing nature of the venture and whether or not it was good or bad. Mr. Bruguire noted that he had gotten the most phone calls about this particular issue than anything else.

Mr. Saunders then related that he had gotten three phone calls regarding the Gladstone Senior Center.

He noted that the one person in charge wanted to close it down. He added he had gotten a call on how bad the grass was being cut and that they were paying for it indirectly through

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the County. Mr. Saunders then asked for advice in keeping it open and he advised that the Board of Directors should be the ones to decide; however he was not sure they had one.

Mr. Harvey asked if the Gladstone Senior Center was a legitimate organization and Mr. Saunders indicated he was not sure and could not find anything. Mr. Harvey advised that they may have filed their paperwork with the Circuit Court. It was then noted that the property was owned by CSX and the taxes paid were rebated back. It was further noted that funding for senior meals was provided by the County; but otherwise the County was not directly involved with it.

Mr. Saunders then related that the grass was being cut by an older person who was not capable and was being paid \$100 per week to do it. He added that he felt like it was not the Board's business but he wanted to help.

Mr. Hale noted he thought it was an important thing; however the burden fell on them and he suggested that Mr. Saunders could give them direction but as a Board they had limited ability in the matter.

Mr. Harvey noted he thought that CSX would tear the building down if they vacated it and it was important for Gladstone's identity. Supervisors agreed, but noted that the building was in bad shape and Mr. Carter advised that it had been a while since they had spent any money down there.

Mr. Bruguiere then related that the Massie's Mill School had deteriorated such that they had turned on the heat and the radiators all leaked. He then suggested that the Gladstone seniors go to the Gladstone Fire Department & Rescue Squad building for meals etc. and Mr. Hale noted that they wanted their own special place.

D. Directives

Supervisors had no directives.

VII. Adjourn and Reconvene for Evening Session

At 4:10 PM, Ms. Brennan moved to adjourn and continue the meeting and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Saunders called the meeting to order at 7:00 PM, with all Supervisors present to establish a quorum.

II. Public Comments

Mr. Saunders opened the floor for public comments and the following persons were recognized:

1. Andrew Crane, Nellysford and Spruce Creek Subdivision HOA President

Mr. Crane noted he was a resident of Spruce Creek Subdivision and was President of their Homeowners' Association (HOA). Mr. Crane read aloud the following statement:

“Currently I am a resident of Spruce Creek Subdivision and as president of the Homeowners association, I am presenting a petition to the Board of Supervisor to improve the Safety of the intersection of Rte. 151 and Rte. 627 also known as Spruce Creek Road. I realize that Rt. 151 has been given a lot of attention lately with the Route 151 corridor study done in 2013 by VDOT and the work that is already slated to be done at School House lane (Rte.635) and Afton Mountain Road (Rte. 6) intersections.

The Spruce Creek Road intersection has been a well know safety issue for many years and residents and their guests have had to develop strategies to safely maneuver onto Rte. 151. Some residents are flooring their gas pedal to get onto Rte. 151 to avoid getting rear ended. Others are pulling out onto Rte. 151 in the lane of opposite coming traffic in order to avoid being rear ended. Problems residents are having; they are pulling onto Rte. 151 only to brake and backup again to avoid a car traveling North on Rte. 151 around the blind curve at a high rate of speed. School bus drivers have also expressed concern. During ski season the safety issues are escalated due to increase in Wintergreen traffic.

At the Rockfish Valley Planning Meeting on October 10th, Mike Appleby shared VDOT's plan for this intersection but mentioned that VDOT currently does not have funding to make the needed safety improvements.

On behalf of the residents of Nelson County, a petition is being presented to the Board of Supervisors which States:

We the under signed residents and/or property owner are requesting steps be taken towards making the intersection of Rt. 627 and Rt. 151 (Spruce Creek Road and Rockfish Valley Highway) safer. We believe the current conditions of this intersection is unsafe for residents, school buses and public safety vehicles, and are requesting the following three actions to be considered;

1. Extend the 45 mph speed limit all the way to Rt. 664.
2. Placing a sign with yellow flashing lights alerting traffic traveling north bound on Rt. 151 of upcoming blind intersection. This flashing sign would be similar to the one on Rt. 6.

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3. Fund the cost for VDOT to shave the bank on the south west corner to enable residents to see oncoming traffic.

The Safety problems of this intersection have existed since 2002 upon moving to Nellysford. For 13 years residents have expressed concern with this intersection. We realize there may be other intersection on Rt.151 that may have a higher priority but with the traffic coming off WTG and the straight away just prior to coming over the hill it makes it very difficult to turn on to Rte. 151.

Thank you for your time and I ask the Board of Supervisors to consider these three action items to improve the safety of this intersection.”

Mr. Crane then delivered the referenced petition to Mr. Carter.

III. Public Hearings and Presentations

A. Public Hearing – Joint Public Hearing with the Virginia Department of Transportation regarding the proposed 2016-2021 Secondary Six Year Road Plan and Construction Priority List. (R2015-42)

Mr. Austin noted that the public hearing was being conducted on the Secondary Six Year Plan (SSYP) and priority list and noted having presented the priority list in development of the SSYP.

Mr. Saunders then opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Austin noted that on the plan, it should be noted that Lodebar Estates was already funded because of monies being moved from other roads that were done this year. He noted that they hoped to start work on that later in the summer and he noted this to be the only change to what the Board was given.

Mr. Austin noted that the Rural Rustic priority list was advertised and he noted these by name as follows. He noted that there was only funding up through #8 and that these could be changed before the funding was allocated.

1. Route 613 Lodebar Estates
2. Route 654 Cedar Creek Rd.
3. Route 640 Wheeler’s Cove Rd.
4. Route 756 Wright’s Lane
5. Route 634 Old Robert’s Rd.
6. Route 721 Greenfield Rd.
7. Route 814 Campbell’s Mt. Rd.
8. Route 654 Falling Rock Rd.
9. Route 680 Cub Creek Rd.
10. Route 625 Perry Lane

11. Route 653 Wilson Rd.
12. Route 645 Aerial Dr.

Ms. Brennan inquired as to how many could be funded in this year and Mr. Austin noted that only Cedar Creek Rd. could be funded that year. Ms. Brennan then asked what the designation of “high maintenance” meant and Mr. Austin noted that this meant that they were adding a lot of stone to the road.

Mr. Austin then reiterated that this list could be revised each year; however once money was placed they liked to keep it on there. He added that there were opportunities to change it later in years 2-6. He noted that the funds received were unpaved road funds mostly and they could also use Telefees on countywide items and Rural Rustic roads.

Mr. Hale then moved to approve resolution **R2015-42**, Approval of FY16-FY21 Secondary Six-Year Road Plan and FY16 Construction Priority List and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2015-42
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF FY16-FY21 SECONDARY SIX-YEAR ROAD PLAN
AND FY16 CONSTRUCTION PRIORITY LIST**

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan, and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2015/16 through 2020/21) as well as the Construction Priority List (2015/16) on May 12, 2015 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List, and

WHEREAS, Don Austin, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2015/16 through 2020/21) and the Construction Priority List (2015/16) for Nelson County,

NOW THEREFORE BE IT RESOLVED, that since said Plan appears to be in the best interests of the Secondary Road System in Nelson County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2015/16 through 2020/21) and Construction Priority List (2015/16) are hereby approved, as amended as applicable at the public hearing.

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B. Public Hearing – Proposed Expansion of the Davis Creek and Dutch Creek Agricultural and Forestal Districts and the Proposed Creation of the Greenfield Agricultural and Forestal District (O2015-03)

Mr. Padalino introduced the item and noted that there were four (4) applications submitted for approval: three (3) were for existing district expansions and one (1) was for the creation of a new district.

Mr. Padalino then noted the timeline of the process to date as follows:

Planning Commission (PC) initiates application review process:

- PC “accepts” applications and refers them to the AFD Advisory Committee for review and comment
- PC directs staff to provide legal notice of the applications to adjoining property owners
- Status: COMPLETED (1/28)

AFD Advisory Committee receives applications via PC referral:

- Advisory Committee conducts review of applications
- Advisory Committee provides Planning Commission with recommendations
- Status: COMPLETED (2/12)

Planning Commission (PC) receives Advisory Committee recommendations:

- PC directs staff to proceed with advertising legal notice for public hearing
- Status: COMPLETED (2/25)

Planning Commission (PC) conducts review of applications: ○

- PC conducts public hearing on the applications and Advisory Committee recommendations
- PC provides the Board of Supervisors (BOS) with recommendations
- Status: COMPLETED (3/25)

Board of Supervisors (BOS) conducts review of applications: ○

- BOS conducts public hearing
- BOS takes action to:
 - create (or expand) a district (as applied for) or (with any modifications it deems appropriate); or
 - reject the application, no later than one hundred eighty (180) days from the date the application was received
- Status: PENDING

Mr. Padalino then reviewed the following from the County Code:

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Hearing by board of supervisors. After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided in Virginia Code §15.2-4309.

Action on application. After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provided herein.

The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309, and shall be subject to section 9-202(1). Virginia Code § 15.2-4309 provides, in part:

Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four (4) years but not more than ten (10) years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.

The board of supervisors shall act to either adopt the ordinance creating the district, with or without modification, or reject the application, no later than one hundred eighty (180) days from the date by which the application was received.

Upon the adoption of an ordinance creating a district or adding land to an existing district, the board of supervisors shall submit a copy of the ordinance with maps to the local Commissioner of the Revenue, and the state forester, and the commissioner of agriculture and consumer services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the board of supervisors shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

He then read the code section language on the availability of land use-value assessment as follows:

Availability of land use-value assessment. Land within a district and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia (§58.1-3229 et seq.), if the requirements for such assessment contained therein are satisfied. Any ordinance adopted pursuant to § 15.2-4303 shall extend such use-value assessment and taxation to eligible real property within such district whether or not a local ordinance pursuant to § 58.1-3231 has been adopted.

Mr. Padalino then noted the criteria for review of applications as follows:

Evaluation criteria. The following factors should be considered by the planning commission and the advisory committee, and at any public hearing at which an application is being considered:

- a. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
- b. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
- c. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
- d. Local developmental patterns and needs;
- e. The comprehensive plan and zoning regulations;
- f. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
- g. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

Mr. Padalino then briefly reviewed each application as follows:

#2015-1 Expansion of Davis Creek AFD – Bolton. Mr. Padalino noted that the total size of the addition was approximately 217 acres and included seven (7) parcels owned by six (6) different property owners. He then showed a map of the existing district and noted the locations of the new parcels.

#2015-02 Expansion of Davis Creek AFD- Derdeyn. Mr. Padalino noted that the total size of the addition was approximately 11 acres and included two (2) parcels owned by two (2) different property owners. He then noted the locations of the new parcels in relation to the existing district.

#2015-03 Dutch Creek AFD - A. Wright. Mr. Padalino noted that the total size of the addition was approximately 746 acres and included twelve (12) parcels owned by four (4) different property owners. He then showed a map of the existing district and noted the

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locations of the new parcels. He noted that parcels could be about one mile from the core and did not have to be contiguous.

#2015-04 creation of new Greenfield AFD –J. Burton. Mr. Padalino noted that the total size of the addition was approximately 2,343 acres and included sixty-four (64) parcels owned by forty (40) different property owners. He noted that 1,400 acres were considered the core of the district with 900 acres in satellite parcels that were within one (1) mile of the core. He then showed a map of the proposed district noting all of the parcels to be included.

Mr. Padalino concluded by reiterating the actions that could be taken by the Board after conduct of the public hearings. He added that action had to be taken with 180 days of the application dates and these were all taken in January 2015.

Mr. Bruguiere asked if there was a minimum acreage for an individual parcel and Mr. Padalino noted that there was not. Mr. Bruguiere noted that there was one parcel that would not even qualify for land use due to its small size and Mr. Padalino noted that the Commissioner of Revenue would have to address this if it were approved.

Mr. Harvey then asked if property could be removed once it was in and Mr. Padalino advised that a five (5) year review period was included and owners could withdraw then. He added that withdrawal could be done outside of this period, however there was a much higher standard and criteria that had to be followed. He reiterated that inclusion in the district was not permanent. He noted that the procedure was not the same and was separate if the AFD Advisory Committee did not recommend that a parcel be removed. He noted that these were meant to be productive forests or agricultural lands.

Supervisors and staff discussed the public hearing protocol and it was advised that it would be prudent to conduct a public hearing for each application.

Mr. Saunders then opened the public hearing for the Davis Creek application #2015-01 and the following persons were recognized:

1. Marcia Gibbons - Applicant

Ms. Gibbons noted that in joining an AFD, she wanted to preserve some portion of what made Nelson County a beautiful place to live and visit. She noted her appreciation of the AFD Advisory Committee and noted she looked forward to the Board's approval.

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

Mr. Saunders then opened the public hearing for the Davis Creek application #2015-02 and the following persons were recognized:

1. Virginia Evans, Applicant

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Ms. Evans noted that she had twelve (12) acres and had a sheep farm. She noted that she was an active farmer and wanted to add five (5) acres for sheep production. She noted that this was small however she could graze five (5) sheep per acre.

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

Mr. Saunders then opened the public hearing for the Dutch Creek application #2015-03 and the following persons were recognized:

1. Susan McSwain, Shipman and Applicant

Ms. McSwain noted that she lived on Dutch Creek and was an applicant. She noted that they had one person in the AFD who had one acre and was surrounded on all sides by the other parcels of the AFD; he was invited to join and he was excited about preserving the area.

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

Mr. Saunders then opened the public hearing for the Greenfield application #2015-04 and the following persons were recognized:

1. Joyce Burton, Applicant

Ms. Burton noted that she was an Applicant because the Rockfish Valley was special and she was proud of the neighbors who loved the area and valued its rural nature to restrict development on their land. She noted that she hoped that this value would be kept in the forefront of the County's planning process. She then related that an unexpected joy of the process was getting to know her neighbors and she hoped the presence of the AFD would strengthen the area's sense of community. She added that she hoped the Board would support the application.

2. Heather Haynes, Applicant Shannon Farm

Ms. Haynes related that she was excited to hear of the AFD application. She noted that at Shannon Farm, she lived with 60 different people who had discussed conservation easements in the past; however there were concerns about the permanence of this. She added that she was pleased to participate in the new AFD with like-minded neighbors who valued the rural character of the County. She noted that she thought this stated the clear commitment of good stewardship of the land and demonstrated a harmonious relationship with the environment. She added that she hoped the Board would support its creation.

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

Following the public hearings on each application, Ms. Brennan moved to approve Ordinance **O2015-03**, Expansion of the Davis Creek and The Dutch Creek Ag Forestal Districts and Creation of a New Greenfield Ag Forestal District and Mr. Bruguire seconded the motion.

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Ms. Brennan then thanked everyone for these and commended Joyce Burton for pulling everyone together and educating people on what these were and their benefits.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

**ORDINANCE O2015-03
NELSON COUNTY BOARD OF SUPERVISORS
EXPANSION OF THE DAVIS CREEK & THE DUTCH CREEK
AG FORESTAL DISTRICTS AND CREATION OF A NEW
GREENFIELD AG FORESTAL DISTRICT**

WHEREAS, Mr. James R. Bolton has filed application #2014-01 to expand the Davis Creek Agricultural and Forestal District along Grape Lawn drive, Huffman Way, and Davis Creek Lane onto Perry Lane adding a total of 216.89 acres; and

WHEREAS, the new parcels to be added to the Davis Creek Agricultural and Forestal area are as follows:

Tax Map Parcel #44-A-28 – Earnest John Fritschi – 37.86 acres
Tax Map Parcel #44-A-30A – Bernard F. Haxel – 18.61 acres
Tax Map Parcel #44-A-26C – Jeanne Shreves – 10.0 acres
Tax Map Parcel #44-A-26A – Jeanne Shreves – 15.69 acres
Tax Map Parcel #44-A-30 – James R. Bolton & Marcia G. Gibbons – 37.22 acres
Tax Map Parcel #44-A-30B – Carol Scott Life Estate – 18.61 acres
Tax Map Parcel #44-1-2 – Helen Chapman – 78.9 acres; and

WHEREAS, Mr. Andre Derdeyn has filed application #2014-02 to expand the Davis Creek Agricultural and Forestal District along Davis Creek Lane, Huffman Way, and onto The Hollow Lane adding a total of 11.04 acres; and

WHEREAS, the new parcels to be added to the Davis Creek Agricultural and Forestal area are as follows:

Tax Map Parcel #45-A-10H – Virginia Anne Evans Trustee – 5.34 acres
Tax Map Parcels #45-A-15; #45-A-15A – Derdeyn Revocable Trusts – 5.7 acres; and

WHEREAS, Mr. W.A. Wright has filed application #2014-03 to expand the Dutch Creek Agricultural and Forestal District east from Purvis Cove and the headwaters of Dutch Creek and along Dutch Creek Lane to near the Rockfish River, and including Harris Cove, adding a total of 746.74 acres; and

WHEREAS, the new parcels to be added to the Davis Creek Agricultural and Forestal area are as follows:

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Tax Map Parcels #69-A-38; #69-A-38D – John & Jonna Clarkson – 49.84 acres
Tax Map Parcel #58-A-102A – Robert & Susan McSwain – 278.78 acres
Tax Map Parcels #58-A-45; #68-A-137; #68-A-138; #68-A-139A; 68-A-139C; 69-A-1; 69-A-38A; #69-A-38F – John E. & Ruth S. Purvis – 403.25 acres
Tax Map Parcel #69-14-6 – Barbara & Jon R. Green – 14.87 acres; and

WHEREAS, Ms. Joyce Burton has filed application #2014-04 to create the Greenfield Agricultural and Forestal District centered along Greenfield Road (Rte. 635) near Shannon Farm Lane (Rte. 843), roughly following the route of the North Fork of the Rockfish River starting near the intersection of Rte. 151 and Pounding Branch Road (Rte. 709), extending due south in a nearly continuous swath for approximately 5.1 miles, and ending just south of the river's North/South Fork confluence (near the intersection of Rte. 6 and Hill Hollow Road/Rte. 81 0) and extending NW and SE to include properties flanking Rte. 633 (Blundell Hollow and Taylor Creek Roads) for a total of 2,344.35 acres; and

WHEREAS, the new District will consist of the following properties:

Tax Map Parcels #13-4-2; #13-A-67 – Shannon Farm Association – 518.3 acres
Tax Map Parcel #13-A-67A – Marion Kanour & Barbara Heyl – 15.06 acres
Tax Map Parcel #13-10-7 – Marc Chanin – 43.98 acres
Tax Map Parcel #13-10-2 – Thomas Michael & Jean L. McConkey – 2.5 acres
Tax Map Parcel #13-10-4 – Deborah Ann Harkrader – 7.68 acres
Tax Map Parcels #13-A-21G; #13-A-23C – Ellwood R. Hood II – 22.83 acres
Tax Map Parcels #13-A-21; #13-A-24A – Arthur T. Goodloe – 26.52 acres
Tax Map Parcel #13-A-25 – James W. Carter Jr. & Diane M. – 75.25 acres
Tax Map Parcel #13-2-1A – William & Lynn Stevenson – 6.61 acres
Tax Map Parcel #13-A-76 – Curtis M. Pleasants Jr. & Alexandra – 102.38 acres
Tax Map Parcel #23-1-4A – Lois S. Patkin – 125.11 acres
Tax Map Parcel #13-9-B – Victor Stefanovic – 90.88 acres
Tax Map Parcels #13-A-23; #13-A-21E; #13-A-20; #13-A-21C; #13-A-21D – Rita Mae Brown – 100.66 acres
Tax Map Parcel #24-4-A – John Nelson & Elizabeth Greenleaf – 38.5 acres
Tax Map Parcel #13-A-69A – Clarence G. Nicklas Jr. & Rita S. – 22.79 acres
Tax Map Parcel #13-A-63 – Meadowbrooke Associates Inc. – 20.95 acres
Tax Map Parcel #13-A-63A – Meadowbrooke Partners – 28.30 acres
Tax Map Parcels #12-A-131C; #12-A-131E – Jeffrey & Christy Howe – 17.73 acres
Tax Map Parcel #12-A-131 – Cynthia Chandler – 27.33 acres
Tax Map Parcel #12-A-17 – Karen Kartheiser – 41.42 acres
Tax Map Parcel #12-A-27 – Neal Showstack & Toni Ranieri – 23.82 acres
Tax Map Parcel #12-A-27A – Thomas Michael & Jean L. McConkey – 23.82 acres
Tax Map Parcels #12-A-72A; #12-A-19 – Brian & Amy Webb – 25.42 acres
Tax Map Parcels #13-1-2A; #13-1-2B – Bonnie C. Cady – 9.13 acres
Tax Map Parcels #13-1-1A; #13-1-3; #13-1A-11A – Charlotte L. Rea – 29.51 acres
Tax Map Parcel #13-1-1 – Joanna Salidis & Galen Staengl – 17.31 acres
Tax Map Parcel #13-A-6 – Samuel A. Young – 44.6 acres
Tax Map Parcel #13-A-4B – George & Esperanza Wulin – 39.77 acres

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Tax Map Parcels #13-A-1; #13-A-1A; #7-A-87; #7-A-88; #7-A-93A; #6-A-158B – James & Joan Klemic – 196.38 acres
Tax Map Parcels #23-A-45; #23-A-8 – Samuel Bloom & Constance Visceglia – 45.35 acres
Tax Map Parcel #23-A-10 – David & Barbara Thomas – 20.00 acres
Tax Map Parcels #22-A-68A; #22-A-68D – David Thomas – 23.08 acres
Tax Map Parcel #23-A-6A – Henry & Bridget Sprouse – 1.76 acres
Tax Map Parcel #23-A-8A – Steve Bliley – 6.42 acres
Tax Map Parcels #23-A-9A; #23-A-2 – Paukert Irrevocable Trust (Edwin Paukert) & Maria C. Gaticales-Paukert – 159.46 acres
Tax Map Parcel #23-A-4 – Barton W. Biggs & Corry C. Andrews – 170.02 acres
Tax Map Parcel #23-A-19 – Peter & Karen Osborne – 101.2 acres
Tax Map Parcel #23-A-4D – James Wright – 14.69 acres
Tax Map Parcel #23-A-4A – John Wright – 18.13 acres
Tax Map Parcels #24-A-1; #24-1-1A; #24-1-1B; #24-1-3A – William E. & Wendy R. Hess – 30.20 acres
Tax Map Parcel #7-A-86E – Virginia Lee & Richard E. Staron – 9.50 acres; and

WHEREAS, all of the property owners voluntarily agreed to subject their properties to the requirements stated in Section 9-202 of the Code of Nelson County and in addition, the following conditions will also apply:

- a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
- b. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and
- c. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal; and
- d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.
- e. The period before first review is five (5) years; and

WHEREAS, all procedural matters have been completed pursuant to §15.2-4300 et seq. of the Code of Virginia, 1950 as amended and pursuant Article V, Agricultural and Forestal Districts of the Code of Nelson County; and

WHEREAS, after reviewing the Planning Department's report, the Agricultural and Forestal Districts Advisory Committee's recommendation, and considering the comments from the public received at its public hearing held on **May 12, 2015**, it is the Board's finding that there are significant agricultural and forestal lands within the proposed expanded Districts and the newly proposed District and that they meet the requirements for such designation;

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NOW THEREFORE BE IT ORDAINED, by the Nelson County Board of Supervisors that the Davis Creek Agricultural and Forestal District and the Dutch Creek Agricultural and Forestal District be expanded as proposed with the conditions (restrictions) as stated in the applications; which each property owner voluntarily agreed to place on his and/or her property; and

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that the Greenfield Agricultural and Forestal District be created as proposed with the conditions (restrictions) as stated in the applications; which each property owner voluntarily agreed to place on his and/or her property; and

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

C. Public Hearing – Proposed Amendments to the Code of Nelson County, Appendix A, Zoning Ordinance and Appendix B, Subdivision Ordinance – The proposed amendments reflect the County’s decision to have the Virginia Department of Environmental Quality (DEQ) administer the Local Stormwater Management Program inclusive of DEQ being the recipient of and approving authority of local stormwater management plans. Additionally, in accordance with state law, “stormwater management BMPs/facilities” have been added within the Zoning Ordinance and Subdivision Ordinance as: requirements of preliminary and final subdivision plats, requirements for subdivision proposals, design criteria for utilities and facilities, requirements of Major Site Plans, and required improvements. **(O2015-04) (O2015-05)**

Mr. Padalino noted that the State Code had been amended recently to establish a stormwater program and the County had chosen to have the Department of Environmental Quality (DEQ) administer this versus establishing a locally administered program. He noted that it was incumbent upon the County to amend the Zoning and Subdivision Ordinances to reflect this. He noted that the proposed amendments were reviewed by the Planning Commission and recommended for approval by the Board. He added that Mr. Carter and Mr. Payne had recommended that the term Stormwater BMP/Facilities be removed because it made it sound like use of Best Management Practices (BMPs) were required. Mr. Carter added that he did not want the connotation to be that a permit would require a BMP for approval because it did not.

Mr. Saunders thought that the language should be kept as clear and simple as possible. Ms. Brennan asked the other Supervisors if there was concern about taking it out and staff noted that this language was introduced by the consulting attorney at Sands Anderson and was modified lightly, so the same terminology was used throughout. Mr. Padalino noted that they could add “as applicable” or “as required” to be clear that the County was not requiring this. He noted that this type of thing was handled this way with other plat requirements; and he agreed that the important thing was that it was clear.

Mr. Carter reiterated that clarity was important and that the Thomas Jefferson Soil and Water Conservation District staff had agreed with his suggestion. He added that it was

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whatever the Board wanted to do and the main thing to note was that the State was managing the program and the County was not.

Mr. Saunders then opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Carter further explained that staff did not remove “BMP” but thought it would be discussed and it could be stricken afterwards if the Board wanted. He added that BMPs were within the regulations and were a tool that could be used but was not a requirement of the state law.

Mr. Hale suggested that it would be cleaner to strike the word BMP from the Ordinances and to that end he moved to approve Ordinance **O2015-04** and Ordinance **O2015-05**, Amendment of Appendix A, Zoning Ordinance and Appendix B, Subdivision Ordinance of the Code of Nelson County, Virginia to reflect the Department of Environmental Quality (DEQ) as the Stormwater Program Administrator, striking the term BMPs in the locations where it appears; in approximately four places.

Mr. Bruguiere seconded the motion and noted he did not care for DEQ, however it would cost the County more to do it. He added he would do this in house if the County had more development.

Mr. Carter noted that to clarify, when this first came forward, a local Ordinance to administer the program was presented. He noted that the legal consultant was then tasked to revise it such that DEQ would administer it and he and Mr. Payne had not gotten engaged in the process until now. He added that what the Planning Commission recommended was what should be presented to the Board so staff did not change it to remove the term BMPs.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinances were adopted:

**ORDINANCE O2015-04
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF APPENDIX A, ZONING ORDINANCE,
OF THE CODE OF NELSON COUNTY VIRGINIA
TO REFLECT DEQ AS THE STORMWATER PROGRAM ADMINISTRATOR**

BE IT HEREBY ORDAINED, that the Nelson County Board of Supervisors does hereby amend Appendix A (Zoning Ordinance) of the Code of Nelson County, as follows:

Article 7 – Residential Planned Community District RPC

Section 7-8-5

The uniqueness of each proposal for a Residential Planned Community requires that the specifications for the width, surfacing, construction and geometric design of streets, alleys, ways for public utilities, and the specifications for curbs, gutters, sidewalks, streetlights, and

stormwater drainage shall be subject to modification from the specified, waive or modify the specifications otherwise applicable for a particular facility where the Planning Commission finds that such specifications are not required in the interests of the residents of the Residential Planned Community and that the modifications of such specifications are not inconsistent with the interests of the entire county, *and conform to all other applicable ordinances and laws.*

Article 10 – General Floodplain District FP

Section 10-16 Standards for the floodway district.

The following provisions shall apply within the floodway district:

A 4. Receives the Documentation of approved Virginia Stormwater Management Program permit coverage from the Virginia Department of Environmental Quality, as applicable

Section 10-20 Standards for subdivision proposals

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, water systems, *and stormwater management facilities* located and constructed to minimize flood damage;

Section 10-21 Design criteria for utilities and facilities.

D. Utilities. All utilities, such as gas lines, electrical and telephone systems, *and stormwater management facilities*, being placed in flood prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

Section 13-4 Site Plan Content

The Major Site Plan shall include:

R. The location and size of sanitary and storm sewers, gas lines, water mains, *required stormwater management facilities*, culverts, and other underground structures; all overhead utilities and supporting poles in or affecting the development area, including existing and proposed facilities; and easements for these facilities, including the width of the easement.

FF. A copy of the approved final Erosion and Sediment Control *Plan* and Stormwater Management Plan, *as applicable.*

GG. Documentation of approved Virginia Stormwater Management Program permit coverage from Virginia Department of Environmental Quality, as applicable.

HH. Option: A Preliminary Major Site Plan may be submitted to the Planning Commission for review and comment prior to submittal of the Final Site Plan for review and approval.

Section 13-6 Improvements

13-6-1

i. *Storm drainage facilities.* The developer shall provide all necessary information needed to determine what improvements are necessary to properly develop the subject property, including contour intervals, drainage plans and flood control devices. The developer shall also provide plans for all such improvements together with a properly qualified engineer's or surveyor's statement that such improvements when properly installed, will be adequate for proper development. The highway engineer shall then approve or disapprove the plans. The developer shall also provide any other information required by the highway engineer. The developer shall install *and maintain* the approved storm drainage facilities *and other stormwater management facilities in accordance with applicable Virginia Stormwater Management Program regulations.*

l. *Bond.* Before any site plan will be finally approved the developer shall, in lieu of construction, furnish bond, or other security acceptable to the governing body, in an amount calculated by the Planning and Zoning Director to secure the required improvements in accordance with specifications and construction schedules established, which bond shall be payable to and held by the governing body. *Bonds required for Erosion & Sediment Control measures and/or stormwater management facilities shall be provided as required by the respective programs and regulations.*

13-6-2

Where the developer can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning and Zoning Director a departure may be made without destroying the intent of such provisions, the Commission may authorize an exception. Any exception thus authorized is to be stated in writing in the report of the Commission, with the reasoning on which the departure was justified, set forth. No such variance may be granted by this ordinance which is opposed in writing by the highway engineer or health official *or which fails to conform to all other ordinances and laws.*

Section 13-7 Administration.

C. *Waiver of Requirements for a Site Plan.* The Planning and Zoning Director, at his sole discretion, may waive the requirement for a Minor Site Plan or any required element specified within it upon consideration of the factors outlined below, *provided that no such waiver shall be deemed to be a waiver of any other ordinance provision or requirement.*

The Planning Commission, at its sole discretion, may waive the requirements for the Major Site Plan or any required element specified within it upon consideration of the following factors:

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7. Notwithstanding any grant of waiver the applicant is not relieved by such grant of having to obtain all necessary permits and approvals, including but not limited to a building permit, erosion and sediment control *plan approval*, *stormwater management permit coverage*, and, upon completion of improvements, a certificate of occupancy.

BE IT FURTHER ORDAINED, that this Ordinance becomes effective upon adoption.

**ORDINANCE O2015-05
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF APPENDIX B, SUBDIVISION ORDINANCE,
OF THE CODE OF NELSON COUNTY VIRGINIA
TO REFLECT DEQ AS THE STORMWATER PROGRAM ADMINISTRATOR**

BE IT HEREBY ORDAINED, that the Nelson County Board of Supervisors does hereby amend Appendix B (Subdivision Ordinance) of the Code of Nelson County, as follows:

Section 4 – Design Standards

4-3 Streams, Drainage, Erosion Control, *and Stormwater Management*

C. Erosion and Sediment Control Plan If any subdivision requires land disturbing activity for which an erosion and sedimentation control plan must be filed pursuant to the Nelson County Erosion and Sediment Control Ordinance, then the developer/subdivider must submit such plan and receive approval from the plan approving authority.

D. Stormwater Management Plan. If any subdivision requires land disturbing activity for which a stormwater management plan must be filed pursuant to the Virginia Stormwater Management Program regulations, then the developer/subdivider must submit such plan, receive approval from the Virginia Department of Environmental Quality, and provide documentation of VSMP permit coverage as an addendum to the Final Plat.

5-4 Preliminary Plat.

(7) Proposed provisions for all utilities including but not limited to electric, telephone, water, sewage, *and stormwater management facilities.*

5-5 Final Plat

D. Addenda with Final Plat

(8) An approved stormwater management plan and/or documentation of permit coverage under the Virginia Stormwater Management Program, as applicable under the Code of Virginia.

BE IT FURTHER ORDAINED, that this Ordinance becomes effective upon adoption.

D. Public Hearing – Proposed FY15-16 County Budget, All Funds

Mr. Carter noted that Ms. McCann was prepared to present a PowerPoint on the proposed budget and Supervisors agreed by consensus that with no public in attendance, this could be forgone.

Mr. Saunders then opened the public hearing on the FY15-16 County Budget and the following persons were recognized:

1. Dr. Jeff Comer Superintendent of Schools

Dr. Comer extended his appreciation of the Board's support and noted that he enjoyed working with County staff, they worked well together and would continue to do so. He added that the County's support of the schools and staff was commendable and was appreciated.

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

Mr. Carter noted that the next step was to have approval of the budget at the regular June session since seven (7) days had to pass prior to its approval.

Ms. McCann then asked if the Board would like to consider any adjustments to the budget and Mr. Carter noted that when the budget was presented last, the revised school Board budget increase was thought to be \$381,000. He noted that after that, the number of \$469,000 was seen and then staff got back together with Dr. Comer and agreed that \$381,000 would work. He related that he had advised Dr. Comer that it would be whatever worked best and Dr. Comer said the amount needed was \$381,703.

He noted that Dr. Comer had explained that they had a gifted coordinator position that would be an internal move and the Kindergarten numbers at Tye River Elementary School could justify one less teacher. He noted that if they had to add a teacher there in the fall, some of the extra enrollment funding would cover it and he thought they could cover any difference there.

Mr. Harvey indicated his preference was to leave it alone and give them flexibility as they had shown tremendous leadership this year. He noted that they needed to meet again with the two School Board members on the OCR items. He added that the Board needed to discuss the proposed down payment on the Courthouse Renovation project and he noted he would like to see this put towards the School Capital items. He noted that the number one item would be school security and he added that the ADA compliance issues may get revised by the new consultant.

Dr. Comer noted that he had spoken with the consulting Architect that day and he had thrown out some ideas. He noted that the scary thing was the greenhouse and they would give numbers for its full replacement and its renovation. He noted that they would be going

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to Richmond to meet on this and that their priority was to look at cost efficiency. He added that the key was the time-line and he noted he would push for a five (5) year cycle to make the improvements and they have made a good faith effort to do the things they could.

Mr. Bruguire noted that the current greenhouse was state of the art when it was built and the County did not have \$700,000 to put towards that for a small number of students. He added that hoop houses could be used for a lot less money. Dr. Comer noted that they may have to look at a different approach to that program and that the architect talked about looking at less expensive facilities that would provide the same thing. He noted his agreement with Mr. Bruguire's sentiments.

Mr. Bruguire then asked what the difference was between the girls and boys locker rooms that would cost so much to fix. Dr. Comer noted that this was all regarding equal access; if they have a facility for boys, they should have similar one for girls according to Title 9. He noted that the bad thing was that the current locker room was not easily convertible to a dual facility because of the way it was designed, it would be more complicated. He added that the other thought was to not to utilize the facility in that manner; noting that it could be used as athletic storage for both boys and girls, because they had other areas that they could dress in. He noted that the bad thing about doing that, was it was a nice facility, so they did not necessarily want to use it that way. He added that these were things they would ask their contact about and he thought they could get a good answer on this. He noted that he felt the best about working around this issue as it could be as simple and as inexpensive as new signage out front of the area.

Mr. Saunders then asked if another School Board member had been appointed and Dr. Comer noted that someone would officially be appointed that Thursday night. He added that the forty-five (45) day time limit was on Thursday and it would be made public then.

Ms. McCann then asked if the Board wanted to consider the JAUNT correspondence regarding their budget. She noted that the Board's current funding reduced the midday service from five days to three days with one day being funded by the County which would exhaust their grant faster. She noted that JAUNT had suggested providing funding for one day of grant coverage and she inquired if it was Mr. Hale's intent that the County covered two days and the grant covered one day. She noted that if so, this would add \$2,681 to the JAUNT funding.

Mr. Hale noted he would like to make this adjustment now and it was noted that \$13,933 was the number arrived at for the total midday service. Ms. Brennan also noted she would like to make the adjustment now. Mr. Carter noted that this was an easy adjustment and staff just wanted to know if they should make it now or later.

Ms. Brennan then moved to add \$2,681 to the JAUNT budget to rectify the misunderstanding regarding the mid-day service funding and Mr. Hale seconded the motion.

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

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Mr. Bruguire stated that the Board needed to take a hard look and see how many people were riding these routes, and that he thought they could adjust their appointment schedules to the bus routes. He added that he did not think that the County should be funding this more for a couple of people to ride the bus in the middle of the day. Ms. Brennan disagreed and Mr. Hale noted that anything that kept cars off road was a good idea and it just put the funding in the budget now.

Mr. Carter noted that JAUNT developed its funding based on trips, not how many people rode the bus. Mr. Hale noted he would bring this up with Mr. Sheffield; that they wanted to know ridership and if routes had one or 2 people on it then he would be willing to reduce it.

Mr. Harvey then noted his concerns about low school bus ridership and Dr. Comer noted he would have a work session with David Johnson on this and he invited the Board to attend. He added that Mr. Johnson could give a rational reason for why things were the way they were. He also noted that he would ask the GIS class students to map out the bus routes with GIS and show where the students were. He added that transportation costs for the size division of Nelson were not in line with what it should be.

Mr. Saunders then inquired if each bus had a camera and if so he suggested that they could use these to count each student on the bus. Mr. Bruguire noted problems in the afternoon with early elementary dismissal, noting that there would be maybe fifteen (15) kids on it and he suggested combining the afternoon runs even if it took them a little longer to get home.

Mr. Saunders noted that he thought there had to be some ways to look at it and reduce the costs. Ms. Brennan added that Mr. Johnson was doing a great job and she hoped he knew the Board was not criticizing him and Dr. Comer noted that Mr. Johnson knew this.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 8:25 PM, Mr. Harvey moved to adjourn and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the meeting adjourned.