

May 13, 2014

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.

Present: Allen M. Hale, East District Supervisor
Thomas H. Bruguiera, Jr. West District Supervisor
Constance Brennan, Central District Supervisor - Chair
Larry D. Saunders, South District Supervisor – Vice 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

Absent: None

I. Call to Order

Ms. Brennan called the meeting to order at 2:05 pm, with three (3) Supervisors present to establish a quorum and Mr. Bruguiera and Mr. Harvey joining the meeting shortly thereafter.

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

I. Consent Agenda

Mr. Hale moved to approve the Consent Agenda and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (3-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2014-26** FY13-14 Budget Amendment

**RESOLUTION R2014-26
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2013-2014 BUDGET
NELSON COUNTY, VA
May 13, 2014**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2013-2014 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

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Amount	Revenue Account (-)	Expenditure Account (+)
\$7,700.00	3-100-001901-0015	4-100-012130-5420
\$5,000.00	3-100-001899-0030	4-100-081020-7060
\$12,700.00		

II. Transfer of Funds (General Fund)

Amount	Credit Account (-)	Debit Account (+)
\$7,000.00	4-100-999000-9901	4-100-012130-5425
\$1,320.00	4-100-999000-9901	4-100-021060-1003
\$102.00	4-100-999000-9901	4-100-021060-2001
\$178,972.00	4-100-999000-9901	4-100-033010-6001
\$1,298.00	4-100-999000-9901	4-100-091030-5610
\$100.00	4-100-999000-9901	4-100-091030-2001
\$188,792.00		

B. Resolution – **R2014-27** Minutes for Approval

**RESOLUTION R2014-27
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(April 8, 2014, April 10, 2014, and April 15, 2014)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board's meetings conducted on **April 8, 2014, April 10, 2014, and April 15, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

C. Resolution – **R2014-28** COR Refunds

**RESOLUTION R2014-28
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$ 340.20	Real Estate Tax	Sharon Ann Day 10531 Patrick Henry Hwy Roseland, VA 22967

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D. Resolution – **R2014-29** Appointment of Region 2000 Service Authority Representatives

**RESOLUTION R2014-29
NELSON COUNTY BOARD OF SUPERVISORS
APPOINTMENT OF REGION 2000 SERVICES AUTHORITY
BOARD MEMBER AND ALTERNATE**

WHEREAS, the Region 2000 Services Authority was created by the Boards of Supervisors of Campbell County and Nelson County and the City Councils of Lynchburg and Bedford in 2007 to provide regional solid waste disposal services to the four jurisdictions; and

WHEREAS, Appomattox County subsequently became a member of the Authority; and

WHEREAS, the Articles of Incorporation creating the Authority indicated that the initial members of the Authority Board be appointed for a term ending June 30, 2010, and that thereafter members would be appointed for four year terms.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Nelson County that Stephen A. Carter is hereby appointed as the member of the board of the Region 2000 Services Authority for a term beginning July 1, 2014 and expiring June 30, 2018 and that Candice McGarry is appointed as an alternate for the same term.

E. Resolution – R2014-30 Virginia Cooperative Extension- Centennial Recognition Month

**RESOLUTION R2014-30
NELSON COUNTY BOARD OF SUPERVISORS
MAY 2014- NATIONAL VIRGINIA COOPERATIVE EXTENSION
CENTENNIAL CELEBRATION MONTH**

WHEREAS, Virginia Cooperative Extension of Nelson County is part of the nationwide Cooperative Extension System that is a partnership of federal, state and local governments and Virginia Tech and Virginia State University, the state's land-grant universities in Virginia; and

WHEREAS, The Smith-Lever Act of 1914 established the Cooperative Extension Service, utilizing faculty serving as Extension Agents, who along with local staff and community-based resources, extend University research and knowledge to local communities; and

WHEREAS, Virginia Cooperative Extension provides wide-ranging educational programs and information in the areas of agriculture, natural resources, family and consumer sciences, 4-H youth development, food, nutrition and health, along with related areas of economic and workforce development across Virginia; and

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WHEREAS, Virginia Cooperative Extension programs in Family and Consumer Sciences; Agriculture and Natural Resources; 4-H Youth Development, and Community Viability, benefit families, schools and businesses in Nelson County;

NOW THEREFORE BE IT RESOLVED, By the Nelson County Board of Supervisors that May 2014 be designated as National Cooperative Extension Centennial Celebration Month in Nelson County and that residents are encouraged to take advantage of the programs and educational opportunities that Virginia Cooperative Extension offers to the community.

II. Public Comments and Presentations

A. Public Comments

Ms. Brennan opened the floor for public comments and the following person was recognized:

1. Jon Benner, Agriculture Extension Agent in Amherst County.

Mr. Benner, thanked the Board for adopting the resolution recognizing Virginia Cooperative Extension within the Consent Agenda.

B. Presentation – Nelson County Middle School Destination Imagination Program

Ms. Sandy Bruguiere introduced the members of the Dibrarians, five of who attend Nelson County Middle School. It was noted that the sixth member, Katie Coleman, lives in Nelson County; however attends Village School in Charlottesville. The Nelson Middle School members introduced themselves as follows: Chloe Hellerman, Jaylen Purvis, Jordan Maynard, Sinead Nardi-White, and Delaney Stone.

The members described how they set and reached a community need goal and noted that they were there to ask for financial assistance to go to the Global Destination Imagination competition in Tennessee. They noted that they would also compete in instant challenges at the Global competition. The students noted how they created a book exchange at Rockfish Valley Community Center with over 1000 books that served over 1/3 of the county. They related that they had won second place at the Regional DI tournament and second also at the State DI tournament. They then noted that they were invited to the Global competition with more than 1300 other teams.

In response to questions, the students noted that they were not sure of the exact number of patrons that have used the library; however, a large number of patrons have signed the guest book. They reiterated that at least 1/3 of the County citizens had access to it. They also noted that people were allowed to keep the books or return them for exchange. They then noted that they were all currently seventh graders at Nelson Middle School.

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Mr. Carter then asked what amount of support was being requested and the students and Ms. Bruguire noted that they were over half way to their goal of raising \$10,000.

Mr. Bruguire then recommended the Board make a contribution of \$2,500 and Ms. Bruguire noted that any amount would help and that this was the one team that had made it to Globals in the history of Nelson County's participation. She added that the challenges were very complicated and involved engineering skills etc.

Mr. Hale then moved to make a contribution of \$2,500 for the DI team and Mr. Saunders seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

C. VDOT Report

Mr. Carter noted that Mr. Austin would be present at the Evening Session for the public hearing on the Secondary Six Year Plan.

III. New Business/ Unfinished Business

A. Proposed Nelson County DMV 2 GO Location, Nelson Memorial Library

Mr. Carter noted that staff probably could have approved this; however he wanted to run it by the Board. He noted that since the local DMV office was closed, DMV wanted to bring in a mobile unit and park it at the Library several times during the year. He noted that the Library staff supported the request and he recommended that it go forward. He added that this would enable services to be offered until a permanent site was identified and established. He then noted that DMV would provide a schedule and it would be posted on the County's website.

Mr. Saunders noted that he would like to see staff follow up on getting a permanent site re-established and report back. Members then agreed that in the meantime, they would like to see the mobile unit in the County more often and they agreed by consensus to approve it going forward.

B. Referral to Planning Commission – Zoning Ordinance Amendment, Agricultural Operations (**R2014-31**)

Mr. Carter began by noting that an interpretation of the Zoning Ordinance had been made years ago that as long as an agricultural product was grown on site, then the brewery or distillery fit in agricultural use. He noted that recently the Board had expressed concern over the lack of specificity in the Ordinance related to this; therefore a draft amendment was written that established zoning uses and definitions for these various uses in an A-1 District.

Mr. Carter then deferred to the County Attorney, Mr. Payne.

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Mr. Harvey then questioned what part of the operation of the Silverback Distillery in Afton was going to be grown there. Mr. Carter noted that he was not certain about that and noted that that the one in Nellysford did have a closed area where they were growing hops.

Ms. Brennan noted that she thought the proposed amendments would level the playing field by making this clear.

Mr. Payne then explained that the problem was not agriculture itself, but the subjectivity of what had been previously allowed. He added that these businesses had some processes that were more industrial in effect than agricultural. He noted that the term “active farming operation” had become problematic and had led to determining where processing could go with agriculture. He noted that breweries and distilleries were not defined in the current ordinance and that the Zoning Ordinance was never finished since new concepts were continuously presented.

Thirdly, he noted that there was a developing tendency for these processing facilities to spin off a restaurant as part of their operations.

Mr. Payne then noted that there was an Amendment from the General Assembly that put strong protections into the State Code for “agricultural operations”. He added that this was a gray area because the definition was subjective. He then referred to the proposed definition as follows:

Agricultural operation: any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. The preparation, processing, or sale of food products in compliance with subdivisions A 3, 4, and 5 of Virginia Code § 3.2-5130 or related state laws and regulations are accessory uses to an agricultural operation unless otherwise specifically provided for in this 4 ordinance. When used in this ordinance, the words *agricultural* or *agriculture* shall be construed to encompass the foregoing definition.

He then noted that staff was trying to use the state definition wherever possible and then add definitions and uses in their proper zoning districts. He explained that for processing operations, percentages were used to determine what an agricultural operation was as follows:

Agricultural Processing Facility: the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, when more than 20% of such crops or animals are not produced in a co-located agricultural operation owned or controlled by the operator of the facility.

Agricultural Processing Facility, Major: an agricultural processing facility that, by virtue of its size, shipping requirements, noise, or other characteristics, will have a substantial impact on the health, safety, or general welfare of the public or adjoining landowners. A major agricultural processing facility is one that either (i) has more than 10,000 square feet of

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enclosed space or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, when more than 50% of such crops or animals are not produced in a collocated agricultural operation owned or controlled by the operator of the facility.

Mr. Payne then noted that the idea was to create white lines to address the question Mr. Harvey had. He noted that more rules kicked in when the operation became more industrial in nature. He added that he tried to create definitions that balanced the Board's concerns related to this and he noted that it was just a starting point for the Planning Commission.

Mr. Bruguere noted that the purpose of the draft amendments was to require definitions. Mr. Carter noted that the draft amendment added definitions and defined what uses would be allowed in what district. He added that there was a distinction made between "brewery" and "microbrewery" which essentially was the association with having a restaurant.

Mr. Bruguere then suggested that a gallon amount of production be associated with these definitions as he did not think that a restaurant had to be associated with a "microbrewery". Mr. Payne noted that it would be easy to add a production limit to the definition of a "microbrewery".

Mr. Carter noted that the problem was how to associate a restaurant with a production facility and Mr. Payne noted that the square footage of the facility dedicated to the restaurant operation could be considered.

Mr. Harvey inquired as to how one would go back to inspect a building that was erected with no inspections once its use changed from agricultural. Mr. Payne noted that staff would need guidance on this. Mr. Harvey added that if the public would be in the building then it should not be exempt from inspection. He noted that the exemption was developed for the farmer who was building a barn or shed.

Mr. Payne noted that currently if the building was used for on-farm production, it was exempt. He noted that if the use changed, then the owner was liable to have to go in and show it had been built to Code. He added that the Uniform Statewide Building Code (USBC) was narrow and if it were applied properly, this issue would go away. He further noted that "on-farm production" was key in what was exempted.

Mr. Bruguere then noted that he thought the breweries and distilleries ought to have more of a plan and Mr. Harvey added he had no issues with the wineries as they were producing.

Mr. Payne clarified that the amendments did not affect a farmer who was retailing and it only affected someone with a processing facility. He added that the % thresholds were put in to catch those coming in and putting in a production facility with no agricultural production going on.

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Following discussion, Mr. Bruguere moved to approve Resolution **R2014-31**, Referral of Amendment to Nelson County Zoning Ordinance to Nelson County Planning Commission (Agricultural Operations).

There was no second and members agreed by consensus to allow the full 100 days provided for in the State Code for the Planning Commission's consideration. Ms. McGarry advised that the Code stated that the referral period began on the date of the first meeting of the Planning Commission following the Board's referral.

Mr. Saunders clarified that the proposed amendments would to the Planning Commission and then would come back to the Board for final approval. Mr. Carter affirmed this and noted that the Board would first have to conduct a public hearing prior to considering the amendments for adoption.

Mr. Bruguere suggested that after the Planning Commission made its recommendations, it be submitted to the Farm Bureau Board for input and Supervisors and staff agreed.

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 R2014-31
NELSON COUNTY BOARD OF SUPERVISORS
REFERRAL OF AMENDMENT TO NELSON COUNTY ZONING ORDINANCE
TO NELSON COUNTY PLANNING COMMISSION
(AGRICULTURAL OPERATIONS)**

WHEREAS, the Nelson County Board of Supervisors wishes to refer proposed amendments to Appendix A-Zoning (Nelson County Zoning Ordinance) of the Code of the County of Nelson, Virginia regarding land uses associated with Agricultural Operations;

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Title 15.2 (Counties, Cities, and Towns) Chapter 22 (Planning, Subdivision of Land and Zoning) of the Code of Virginia, 1950 that the draft amendments attached be referred to the Nelson County Planning Commission for review and public hearing and subsequent report of the Commission's findings and recommendations to the Board, in accordance with Chapter 22 of the Code of Virginia.

BE IT FURTHER RESOLVED, that the Planning Commission is directed to complete its review and conduct of a public hearing and submit its recommendation(s) to the Board; pursuant to §15.2-2285 (B).

C. Rockfish Valley Area Plan - Proposed Scope of Work

Mr. Carter began by referencing the issue summary and project justification from the proposed scope of work as follows:

Issue Summary: The Rockfish Valley is presently in need of a public planning process that establishes a thorough, strategic, asset-based community development framework, with an emphasis on accomplishing the following public benefits: to provide appropriate guidance and policies for current and future land uses; to ensure that private investments are well-coordinated and positioned for success; to maximize the efficient use of public resources and capital improvement projects; *and* to identify, protect, and enhance the area’s rich treasury of community assets.

Project Justification:

Responsibility: to avoid unplanned growth and undesirable change, to protect rural residential areas, to identify future land use patterns that are desirable and appropriate to maximize quality of life for area residents.

Opportunity: to ensure continued economic vitality, to maximize Nelson County tourism “brand”.

Priority: the area’s ongoing commercial growth – as well as anticipated future development pressures – create an urgent need for a proactive response.

Mr. Carter then referenced the project intent and purposes from the proposed scope of work as follows:

Project Intent & Purposes: A strategic planning process for the Rockfish Valley would provide the following: an inventory of the area’s community assets; an accurate assessment of the area’s current conditions and trends; an analysis of anticipated future opportunities, issues, and threats; *and* asset-based development recommendations that best serve the area’s families, businesses, and visitors by protecting and enhancing the Rockfish Valley’s community assets, character, and sense of place.

Purpose – Economic Development: Develop strategic recommendations that complement and strengthen the area’s existing businesses and industries, develop strategic recommendations that help to attract new compatible commercial uses and activities, establish a practical framework to guide commercial investments and new developments to the most appropriate locations throughout the area.

Purpose – Community Development

Develop strategic recommendations to protect the area’s rural character, natural beauty, and special sense of place, develop strategic recommendations to protect rural residential areas

from unplanned commercial development(s) and from other unharmonious land use changes.

Purpose – Public Participation:

Ensure that public participation by a broad representation of stakeholders is a genuine part of the process, which will result in recommendations that reflect the values of the area's residents and businesses, develop an accurate understanding of the community's current interests and concerns, identify community concerns and desires regarding the future of the Rockfish Valley.

Purpose – Code of Virginia

§15.2-2280: “protect and promote the public health, safety, and welfare”, §15.2-2283: “facilitate the creation of a convenient, attractive, and harmonious community”, §15.2-2284: The Zoning Ordinance and Zoning Map must reasonably consider the: “existing use and character; ... trends of growth or change; ... conservation of natural resources; ... [and] the encouragement of the most appropriate use of the land.”

Purpose – Nelson County Mission Statement

“It is the mission of the Board of Supervisors to maintain Nelson County as a beautiful, safe, healthy, and prosperous rural county; ...where citizens are involved in all aspects of their governance; and ...*where the community is well planned to assure respect for and dedication to its traditions and resources, while continuing to improve its economic viability.*”

Purpose – Comprehensive Plan

Identify any elements of the existing 2002 Comp Plan to be updated, expanded, replaced, or otherwise revised Produce up-to-date, forward thinking recommendations that can be considered for adoption into the existing 2002 Comp Plan.

Purpose – Zoning Policy

Identify strengths and weaknesses of how the current Zoning Ordinance tools and regulations affect this area, identify opportunities to update the A-1 Agricultural District policies and procedures for regulating agri-tourism and agri-business activities throughout this area, identify other pertinent opportunities to review the Zoning Ordinance and Zoning Map for appropriate amendments.

Mr. Carter then noted the project area boundaries to include much of the North District and Central Districts, including the area from Afton to Beech Grove and to Reid's Gap; and also the area from the Martin's Store substation (at the Rockfish Valley Highway /River Road intersection) to Woods Mill (at the River Road / Route 29 intersection).

Mr. Carter then noted the Proposed Project Deliverables as follows:

Phase I: Area Analysis

Summary of Existing Plans: A document providing a review, analysis, and synthesis of key recommendations from each previous study or plan pertaining to the proposed project scope.

Asset Inventory: A document that identifies and describes the Rockfish Valley's exceptional community assets, resources, attractions, and valuable characteristics.

Area Assessment: A report that provides an analysis of trends, issues, concerns, "threats," and opportunities...this will include an area-wide analysis focused on existing zoning patterns, land use patterns, future development scenarios, and favorable opportunities for commercial entrance sites.

Phase II: Area Planning

Public Survey: A public outreach process conducted in both an online format and a traditional format (provided by mail)... this effort will solicit public perspective(s) on issues, concerns, "threats," and opportunities, which will influence and inform the project team's efforts, and be incorporated into the Area Plan documents.

Vision Statement & Area Recommendations: Materials that identify strategic goals and objectives for the area's economic development, physical development, environment, land use, and transportation/mobility issues.

County Policy Review: A detailed report that identifies specific recommendations for potential updates to the Comprehensive Plan and/or potential amendments to the Zoning Ordinance and Zoning Map, in order to best facilitate the public's desired outcomes for this area.

Mr. Carter then noted the anticipated project outcomes as follows:

Anticipated Project Outcomes:

- Board of Supervisors adoption of Area Plan (*either as a stand-alone document or element of the Comprehensive Plan*)
- Development of a clear, coordinated vision for facilitating positive economic development activity and inducing private investment (*with an emphasis on attracting targeted industries into the most appropriate locations*)
- Development of a clear vision and strategies for the protection and enhancement of the area's rural character, sense of place, and quality of life.
- Identification of efficiencies with existing land use policies and patterns.

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- Identification of important opportunities to adaptively update the Zoning Ordinance and/or Zoning Map (*including formal actions by the Governing Body to amend the Zoning Ordinance and/or amend the Zoning Map; with an emphasis on*):
 - Specific, reasonable recommendations for updated zoning policies which respond to current development activities and which anticipate future growth potential; *and*
 - Specific land use policy recommendations for the Rte. 151 and Rte. 664 corridors, which are the fastest-changing, highest profile portions of the Rockfish Valley.

Mr. Carter then reviewed the proposed Project team and participants as follows:

Proposed Project Team:

Project Management & Administration:

Tim Padalino – Project Manager

Primary Roles and Responsibilities: Coordinate and collaborate with TJPDC staff, communicate with Nelson County BOS, lead the design and delivery of public events and other participatory efforts, lead the production, management, and editing of all project deliverables, and provide project oversight / quality control.

Steve Carter and Maureen Kelley – Lead Project Support Team

Primary Roles and Responsibilities: Provide participation, assistance, and guidance for all aspects of project, coordinate, collaborate, and communicate with County Supervisors (SC) Coordinate, collaborate, and communicate with various project area stakeholders (MK).

Technical Assistance:

TJPDC Staff – Project Team Tech. Assistance

Primary Roles and Responsibilities: Provide technical assistance with land use analysis and mapping, assist with the design and delivery of public events / outreach efforts, assist with public outreach and communications: online survey, website setup and management, etc., provide additional assistance with other preparation, tasks, and deliverables (TBD).

Mr. Carter then noted that the proposed project participants were: the Nelson County Board of Supervisors, North District Supervisor Harvey and Central District Supervisor Brennan, who along with Public Participants & Community Stakeholders interact with the Project

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Team, who would then interact with the Nelson County Planning Commission and then vice versa.

Mr. Carter then referred to the proposed timeline as follows:

Preparation:

December 2013 – May 2014: internal County preparation and process design, to include: Board-approved final Scope of Work, Board-approved Project Team participants and roles, Board-approved project schedule, public meetings schedule, and project budget.

Phase I Area Analysis:

Late May- conduct project kick-off meeting with project team members

June-July - Project team prepares Phase I (Area Analysis) presentation materials for initial “open house” public meeting. Conduct Phase I community survey(s) and compile public input.

Late July - conduct initial public meeting (“open house” to present [draft] Phase I deliverables; present community survey responses; and conduct informal public engagement). ***Public Meeting***

Early August - project team makes revisions to Phase I deliverables based on project team meetings and informal feedback from first “open house” public meeting.

Phase II: Area Planning:

August –September - project team prepares Phase II (Area Planning) presentation materials for second public meeting. Conduct Phase II community survey(s) and compile public input.

Middle October - conduct second public meeting (present [draft] Phase II deliverables; present community survey responses; and solicit public comments and questions) ***Public Meeting***

October -November - project team makes revisions to Phase II deliverables based on project team meetings, feedback from second public meeting, and any additional public comments.

November – December -project team prepares presentation materials for entire Area Plan for final public meeting.

December - conduct third and final public meeting (present entire Area Plan project; and solicit public comments). ***Public Meeting***

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December – January 2015 - project team makes any necessary final revisions

January or February 2015 -finalize deliverables and present to BOS for consideration.

In conclusion, Mr. Carter referenced the proposed project budget and resources as follows:

Project Budget & Resources:

A primary requirement will be staff time, with the following time commitments anticipated for County staff:

Tim Padalino: 12-16 hours weekly on average (*with additional time likely being required in advance of key deadlines, public meetings, and/or presentations*).

Maureen Kelley: 4-8 hours weekly on average, Steve Carter and/or Candy McGarry: 2-4 hours weekly (total) on average.

Another primary consideration for County resources would be the establishment of a partnership with the Thomas Jefferson Planning District Commission (TJPDC) for staff support and technical assistance.

County staff have already initiated preliminary discussions with TJPDC staff about their potential role(s) in this project; and County staff will continue those discussions in greater detail to begin negotiating the terms of a possible partnership which would provide Nelson County with staff support and technical assistance on this project.

Other resources to consider include postage and office supplies to send information materials to area residents and businesses. This anticipated cost is currently unknown; and could be reduced significantly by timing this (possible) one-time mailing to be included in official County correspondence that would already need to be mailed out to the public (such as Commissioner of Revenue mailings). Additional resources might include materials related to the proposed public meetings, although this would be minor (and would likely be accounted for in existing Department budget(s) for “Printing & Binding” 81010-3006 and/or “Office Supplies” 81010-5401).

Following review of the proposed scope of work, Supervisors and Staff had the following discussion:

Mr. Harvey noted he was against doing another study, since this area had already been over studied. He added that the last such study in Nellysford had been driven by one person, Mr. Hess. Mr. Carter noted that consideration of a plan was presented by the Nelson 151 group and there had been no input from the Hess family. He added that the draft scope of work did not just focus on Route 151.

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Ms. Brennan noted that she thought the critical focus was the land along Route 151 and she would like to proceed with the project. She added that the previous studies were not quite the same; noting the recent transportation study and the Nellysford study done years ago.

Mr. Harvey noted that he did not think the study was a current priority and the Board did not need to spend the time and money on it.

Mr. Hale then noted he wondered what the process could accomplish. He added that he thought that Route 151 was the economic engine of the county; however he would not be happy if it became commercial all along the highway. He noted that his question was should planning be done to prevent this.

Mr. Bruguere inquired as to whether or not Mr. Padalino and the Planning Commission could simply amend the other studies.

Mr. Harvey noted he thought that traffic was the biggest problem on Route 151. He added that he thought the process would be subjective to landowners by designating some for development and some for views.

Ms. Brennan noted that they were looking to help everyone in the area not just certain businesses and that she thought it to be a very important area.

Mr. Carter noted that the work was well scoped out and he referred to the Project Justification statements; noting that he thought it to be a land management project.

Mr. Hale noted that for example, if development was not desired on the land on the left-hand side of Route 151, just past the Mark Addy Inn, there could be setback requirements from the centerline of Route 15; which would put the property in the floodplain precluding it from development. He noted that he thought there were tools that could be of benefit.

Ms. Brennan added that she thought it would be a blueprint for Zoning and Mr. Harvey noted he would like the previous studies looked at.

Mr. Hale noted that one of the task statements in the scoping document provided for the review of all existing plans and studies. He then noted the last page of the document and added that if the project were done, the County would know what it is faced with and there was not a high cost associated with having the planning district do the work. He added that it was just information and the Board did not have to do anything with it.

Mr. Harvey then noted that a comprehensive study had been done on the transportation already. Mr. Carter noted that this would be more of a land use study and Ms. Brennan reiterated that residents did complain about the traffic and what was happening in that area.

Mr. Hale then suggested that the Board hear input from the Planning District representative in attendance on their opinion on the value that the study provided.

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Mr. Will Cockerel of the Thomas Jefferson Planning District Commission noted that he and the new Executive Director had discussed the importance of this area of the County. He noted that Nelson County had become a great place to live, visit etc. and that in their discussion, they kept going back to the fact that too many places have been let go because not enough planning was done. He noted that they would study what was on the ground and the financial value of the area and would provide whatever services were needed in any depth desired.

Mr. Harvey noted he did not like outsiders discussing what should be done in the County and Ms. Brennan noted she did not see how proceeding would be a negative thing and rather it could be very positive. Mr. Bruguere noted that he thought it may be a good idea and he would like to use the studies that have already been done in the process. He added that he did think they had to prepare for the future; however they did not need to start from scratch and could approve some of the funding for it. Mr. Saunders noted he agreed that they should incorporate the previous studies and should treat people fairly.

Mr. Carter advised that there was nothing in the scope that would benefit a certain party or individual and that they would look at all of the previous work that had been done. He added that this was a big picture document and endeavor that would look at land use and economic development and would endeavor to create balance in that area.

Mr. Harvey then questioned how well Albemarle County was planned out and Mr. Hale agreed with the notion that planning may not work out.

Mr. Hale then noted that he would like to see the tasks done that were outlined in the Area Analysis. He added that this was approximately 173 hours and roughly half of the total project. He then proposed that the County contract with TJPDC under the direction of Mr. Padalino, for them to do the tasks outlined there. He added that this would bring the cost down to around half of the \$11,470. He noted that the Area Analysis section would be done by TJPDC.

Mr. Hale then moved to proceed with obtaining the services of TJPDC to do the Phase I Area Analysis with a budget of not to exceed \$6,000.

Mr. Bruguere confirmed that this would be mostly an assessment for right now and Mr. Carter likened it to a SWOT analysis.

Mr. Bruguere then seconded the motion.

Mr. Hale then noted he wanted to make sure that they were clear that the Board wanted to utilize all existing studies done so that work was not duplicated. Mr. Bruguere noted that only doing Phase I now was a way for the process to be controlled.

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

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D. Planning Commission Recommendation on Proposed Amendments Re:
“two-family detached dwellings”

Mr. Carter noted that an amendment was referred to the Planning Commission on duplexes that entailed the following proposed change:

4-2-1 a

The minimum lot area shall be two (2) acres (87,120 square feet) or more for single and two-family detached dwellings. For family subdivision lots the minimum lot area shall be one (1) acre (43,560 square feet) per dwelling unit.

He noted that the Planning Commission Chair had forwarded a letter to the Board noting that the Planning Commission did not concur with this recommendation. He noted that instead of amending the Ordinance, they recommended an alternate solution in which the Nelson County Community Development Foundation (NCCDF) be named the local affordable housing entity in order to give them special consideration for this. Mr. Krieger was made aware of this recommendation and he agreed with the solution in lieu of amending the Ordinance.

Mr. Carter then noted that the issue had been referred to the Planning Commission on February 12, 2014, the Commission first considered them on February 16, 2014 and again on February 26, 2014. The item was to be further considered on March 26, 2014; however the meeting was cancelled due to lack of a quorum. It was again taken up at their April 23, 2014 meeting and decided that the Planning Commission would recommend the aforementioned alternate solution.

Mr. Hale then clarified that the request was to consider allowing a two (2) bedroom dwelling on a two (2) acre lot instead of a four (4) acre lot.

Mr. Bruguiere noted that the basic premise was right, if they allowed a duplex with two (2) bedrooms each, they would have to go by the same criteria as a four (4) bedroom single family dwelling per the Health Department rules. He added that if they did not, there could be more proliferation of single wide mobile homes. He noted that he thought this was an easy issue and he did not like allowing only one entity, NCCDF, to have this ability.

Mr. Carter noted that if the Planning Commission did not take up what was referred, he would question whether or not the Board could move forward.

Mr. Hale noted that his position on this issue continued to be that they had to come to a reasonable compromise and it involved considerable expense for many trying to become homeowners to have to own two (2) acres of land. He noted he would not object to a single family detached dwelling on two (2) acres. He noted that they should not be prescribing the number of bedrooms allowed for any dwellings. He added that there was a need for duplexes as affordable housing and he thought that what was referred to the Planning Commission was to request whether this could be built on two (2) acres. He further stated that the Board

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should adopt this as is. He noted that it was not likely that building duplexes would be a huge activity in the County. He noted that the model of a two (2) bedroom dwelling was the most likely scenario and there were limiting requirements imposed by the Health Department VDH and this was reasonable such as they must have adequate area for a septic tank and drain field.

Mr. Payne then advised that the Board could move forward on this, as the Code required that the Planning Commission need only report back their recommendations to the Board and therefore the Board could move forward with a public hearing on this.

Mr. Hale noted that the minimum lot area shall be two (2) acres per the Zoning Ordinance for A-1. He added that he was trying to suggest that a two (2) family detached dwelling was permitted.

Mr. Hale then moved to advertise for public hearing, the change in the Lot Area Allowed regulation to include two (2) family detached dwellings in the Zoning Ordinance in A-1.

Mr. Bruguiere seconded the motion and it was noted that meeting Virginia Department of Health requirements was a given stipulation.

Mr. Hale then advised that he had read over all of the material discussion of the Planning Commission and he noted that if he felt the County were facing a situation where these would pop up everywhere he would give it more thought. He added that if this became the case, it could be changed.

Mr. Harvey asked for clarification on what constituted an attached dwelling and it was noted that if it were detached, there was a space between them and that duplexes should be considered attached. Mr. Hale noted that detached meant it stood alone and this was defined in the Zoning Ordinance.

The Board then asked Mr. Krieger of NCCDF if he thought this language would address this issue and he agreed it would.

Ms. Brennan then noted the concerns of the Planning Commission regarding the addition of bedrooms and bathrooms and it was noted that the Health Department would regulate septic systems and drain field requirements. Mr. Bruguiere noted that the USBC would also provide protection.

Ms. Brennan then clarified that the amendment could be undone in the future if necessary.

Mr. Hale reiterated that there would not likely be a great demand for duplexes and that a duplex on two (2) acres was acceptable to him and was preferable. He added that this meant less cost for the homeowner. Mr. Harvey noted that he thought most of these properties would be rental properties and Mr. Saunders noted he thought the amendment would be a benefit to the County.

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

E. FY14-15 Budget Work Session

a. Authorization for Public Hearing FY15 Budget (**R2014-32**)

Supervisors discussed the following budgetary items:

Courthouse Landscaping:

Ms. Brennan inquired as to whether or not the Courthouse landscaping was included in the FY15 budget and Mr. Carter noted it could come out of the Courthouse Project fund.

Maintenance Equipment:

Ms. Brennan then inquired as to the inclusion of the requested maintenance truck and Supervisors and staff advised that the funds for this were left in; however it was not being purchased and staff would have to get prior approval for this. It was noted that the department had a truck that they would put the plow on. She then asked if the department had the staff to do the plowing and Mr. Carter noted that they thought they did. He added that they wanted to try it and see how it went; knowing that they may need to outsource some of this at times.

Tourism & Economic Development:

Ms. Brennan then confirmed that the Board had agreed by consensus to not fund the requested Economic Development studies.

Dental Health:

Ms. Brennan then inquired about the dental health funding that BRMC had requested and Mr. Carter noted that staff had reported that those funds would be used for adults; and the Board's consensus was to remove this funding. Mr. Bruguere added that BRMC had a sliding scale program for adults at their dental clinic. Ms. Brennan noted she would like to check on this because she wanted to be sure to provide care to children. Ms. McCann added that the dental voucher program was for adults at BRMC and the dental funding requested by the Health Department was for children; so that funding has now transitioned to the Health Department's dental program.

Schools – Early College Program:

Ms. Brennan then questioned how many students would benefit from the funding provided for the Early College Program for the Schools. Supervisors and staff noted that this was unsure; however there was consensus to provide this as it was a top priority of the School Board. It was noted that the initial estimate may have been thirty (30) kids and that there were no restrictions as to the ability to pay with this program. Ms. Brennan noted she had

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issues with the program such as placing kids into their second year of college when they had just finished High School. She added she was not sure where she thought the funds should go; possibly for votech education.

Mr. Carter noted that vocational education was emphasized as a focus during the joint meeting with the School Board. Ms. McCann noted that the schools reported that they have had an increase in dual enrollment and AP course participation, however no numbers on the Early College Program were provided.

Ms. Brennan then supposed this would be an ongoing expense going forward and Mr. Saunders noted he thought it was a great program that may give higher education to some that would not get it otherwise. Ms. Brennan noted she was in favor of those kids who could not afford it participating.

Glass Recycling:

Ms. Brennan then inquired about the glass recycling containers; noting that she needed more information on how this would work. She noted she would want to be sure that the glass was not landfilled. Using the glass for cover at the old landfill was briefly discussed and Mr. Carter noted that they were currently using purchased cover there. He added that staff was working on an assessment of this and would report back. He noted that it appeared that the County could save money on transportation and disposal cost for recycled glass. He reiterated that no containers had been purchased yet. Mr. Hale reiterated the premise of it having to save money.

Finance and Human Resources Part-Time Position:

Mr. Saunders inquired as to the difference in personnel cost between the full time position being vacated and the new person filling the position. Ms. McCann reported that there was an approximate difference of \$4,000-\$5,000. She added that it would cost approximately \$22,000 for the proposed Part-time position and that the savings from the full-time position, differential would offset this cost. She noted, therefore the actual cost for this was really about \$17,000. Ms. McCann reported that the new hire had verbally accepted the position and she was a new Virginia Tech graduate with a degree in accounting. She added that her name was Grace Mawyer and she was from Nelson County. She then noted that Ms. Mawyer would have thirty days to work with Ms. Staton prior to her retirement. She added that she would not hire the Part-time position until after July 1st.

Following discussion, Supervisors agreed by consensus to leave the funding in the budget.

Credit Card Payments – Fees:

Mr. Hale confirmed that if citizens paid taxes with a credit card, a fee was levied. Ms. McCann explained that this was the case for online payments, however the County could not charge a fee if the citizen paid by credit card when coming into the office. She noted that in this case, the County pays this fee. She noted that the premise was that offering the ability to

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pay by credit card might increase receipts and it was noted that this method of payment was becoming more prevalent and was a convenience for citizens. Ms. McCann then offered that she could review this to see if it had changed since it was implemented.

There being no further discussion, Mr. Hale moved to approve resolution **R2014-32** Authorization for Public Hearing FY-15 Budget. He then noted the public hearing was to be held at 7:00 PM on Thursday, May 29, 2014 in the General District Courtroom.

Mr. Bruguere then seconded the motion and Ms. McCann verified that the Board would want her to do a power point presentation at the public hearing.

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 R2014-32
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING FY-15 BUDGET

BE IT RESOLVED, that pursuant to §15.2-1427, §15.2-2503 and §15.2-2506 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held for the purpose of receiving public input on the proposed Fiscal Year 2014-15 Budget. The public hearing will be held at 7:00 PM on Thursday, May 29, 2014 in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingson, Virginia.

Mr. Carter then noted that if the state did not pass a budget by June 30, 2014, the County could be sustained for a few months or longer because of its cash position. Ms. McCann noted that some localities were not in this position and would have to borrow money in the interim. Staff then confirmed that there was nothing in the State Code that required a locality to maintain a certain amount of reserves on hand.

IV. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

I. Courthouse/Government Center Project: No change in status.

Mr. Carter noted that Blair Construction was confident that the last repair would abate the recent moisture problem. He then noted that the final payout amount was about \$30,000 in retainage and He inquired if this should be disbursed now. He added that the two year warranty was in effect and that Blair had been effective in trying to fix the problem. The Board's consensus was to pay out the retainage.

II. Courthouse Project Phase II: RFP issued with proposals due on May 28th. Update of office space for Division Superintendent Comer in process.

Mr. Carter noted that the County had three firms coming to do a tour of the courthouse and a fourth that has said they would respond. He noted that this would be brought back to the Board and that there would be an interview panel established that would include two Board members, and staff. Mr. Hale and Mr. Saunders were designated to participate. Mr. Carter then noted that the RFP was sent to Mosely, Wiley Wilson, and Frazier and Associates thus far and advertised in the Nelson County Times, the Lynchburg and Charlottesville papers, and posted on the County's website and with clearinghouses. He noted that he thought the architect on the Pittsylvania County project was Mosely.

III. Jefferson Building: Two quotations received on May 8th for rework of the building exterior. The low quotation is being verified to enable the work to be contracted.

Mr. Carter added that the contract had been awarded to Randy Parr of Lynchburg Restoration in the amount of \$30,540 and they would start June 1st and have until July 14th to complete the work.

IV. Health Department Building Demolition: Completed.

V. Massies Mill School Demolition: In process. Contract completion date is July 7th.

VI. Lovington Health Care Center: Board review/input is required per JABA's decision that it will not be the developer of a project to provide assisted living/memory care services.

Mr. Carter noted that staff needed Board direction on this. He added that he had spoken to Bruce Hedrick of MFA on this as to how to proceed. Ms. Brennan reiterated that JABA was not interested in being the sole developer on this and that she would like to form a citizen committee to look at this; however she wanted to have a meeting with JABA first.

Mr. Bruguiere noted he would like to keep a similar facility in the building. Mr. Carter noted that it would not be able to be a nursing home because it would have to be authorized new beds from the state since there were only a certain number of beds allocated in each health district. He noted that they would need to have an assisted living facility with memory care; with the emphasis now being on memory care.

VII. BR Tunnel and BR Railway Trail Projects: A) **BRRT** – Close out in process for completion date of 5-15-14. B) **BRT** – Work to Re-bid Phase 1 is in progress.

Mr. Hale noted that he thought if necessary, they needed to have something by the end of the week, so they could decide to advertise it. He added that the scope had been downgraded with items removed, especially work inside the tunnel. He added that the type of fencing had been changed, there was less earthwork, and they were specifying an add alternate for the parapet wall in order to cut costs.

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VIII. 2014 Lockn Festival: Special Event Permit approval of the 2014 festival is in process.

Mr. Carter noted that the LOCKN group was presently in abc hearings related to last year and may have to go to court as a result. He noted that the person conducting the hearing was an abc employee and the outcome was to be determined. He noted that things for 2014 were moving forward with no issues; however abc was recommending having a beer garden scenario. He noted that the LOCKN group was still working with food vendors to get last year straight and he noted that he had noted to them two months ago that they needed to resolve this and needed to prohibit vendors who haven't paid taxes from coming on site.

IX FY 14-15 Budget: Public hearing on 5-19 and approval scheduled for June 10th.

Mr. Carter corrected the date for the public hearing as May 29th not 19th.

X. Broadband: Contracts completed with AT&T for Rockfish and Martin's Store Towers. Stewart Computer Services has installed equipment on Martin's Store Tower and indicated Massies Mill Tower is preferred next co-location. Rockfish Orchard Subdivision is moving towards network connectivity. Hightop Tower use contingent upon payments to the Nature Conservancy. FY 2014-15 Budget meeting and approval to be scheduled for June 2014.

Mr. Carter noted that at Rockfish Orchard Subdivision, 9 of 11 had signed up and they needed 11 to proceed.

Mr. Carter noted that on Hightop Tower, Mr. Payne was working with the Nature Conservancy on colocation on high top. He noted that they were okay with it but wanted to be paid a market rate. He added that SCS may want the County to make repairs to the tower and that they could have him pay NCBA tower rates.

Mr. Carter then suggested that the Broadband Authority have a called meeting in June to adopt the budget since the next regular meeting was in July. Supervisors agreed by consensus to have a called meeting at 1pm on June 10th just prior to the regular Board meeting.

XI. Radio Project: Working to maintain 6-30-14 project completion date but schedule may slip (see Information Services Department report).

XII. Staff Reports: Provided within the May 13, 2014 Agenda

XIII. Other: Questions from the Board.

Introduced: County email issues

Mr. Carter noted that the email problem was with outside providers and the County was working with them on this. He added that he had advised staff to go further if necessary. He

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reiterated that it was not the County network but that of others and they had made progress. He added that he had sent out a memo to use read receipt requests on emails. Mr. Hale added that it was important to note that email was not a sure thing and if staff did not hear from him when needed to follow up with a phone call.

2. Board Reports

Mr. Saunders, Mr. Bruguiera, and Mr. Harvey had no reports.

Mr. Hale reported that he gave a talk to the MPO in Staunton on the Blue Ridge Tunnel and that many influential members were present. He added that they visited the tunnel and all that went were very enthusiastic and the momentum for the project continued to grow. He then reported that the new Lynchburg District CTB member had been appointed, named Shannon Valentine.

Ms. Brennan reported that she attended the CASA event of pinwheels at the library and about twenty people were there. She added that she read aloud the Board's resolution of support at the event.

B. Appointments

Ms. McGarry noted that the following Board/Commission seats would be expiring June 30, 2014: Nelson County Service Authority (East, Central, North Districts), Local Board of Building Code Appeals (2 seats), Economic Development Authority (2 seats), Library Advisory Committee (North and East Districts), Planning Commission (North, East, and Central Districts), Department of Social Services Board (West and East Districts), and Thomas Jefferson Area Community Criminal Justice Board (1 seat).

She noted that most of the incumbents had responded as to whether or not they wanted to be reappointed with Mr. Hale indicating he would think about his reappointment to the Service Authority Board and Mr. Harvey indicating he would like to be reappointed as of July 1, 2014 on that Board. Ms. McGarry then noted that there had been no new applicants for any of the expiring seats thus far and she would continue to advertise these for the Board's possible consideration at the June 10, 2014 regular meeting.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

Mr. Harvey and Mr. Saunders had no directives.

Mr. Hale had the following directives:

1. Mr. Hale noted he wanted to look at the small building on Bruce Tyler's property with Mr. Truslow. Mr. Carter noted that Mr. Truslow visited the site and that he thought it would

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work. He clarified that the building on Bruce Tyler's property needed to be torn down and that County staff could do it. He added that they had to give 60-days notice and that the building was of block construction.

2. Mr. Hale noted he had stopped at the Afton Overlook and thought it looked like taking down the trees would be tricky with all of the lines there. Mr. Harvey advised that Danny Ferguson was supposed to look at it this.

Mr. Bruguire had the following directives:

1. Mr. Bruguire directed that the grass be re-established on the retention pond at the Massie's Mill convenience site as there was hardly any grass there. He advised that perhaps this could be done using seeding mats. It was noted that grass planting would be done at the Massie's Mill school demolition site and perhaps the contractor there could do this.

2. Mr. Bruguire inquired as to whether or not the County was doing something different with any aspect of solid waste. Mr. Carter noted that staff was currently assessing this and was talking to area recyclers as well as the current recycling vendor on this.

Ms. Brennan indicated she was interested in educating herself on RFPs etc. and would soon consult with staff on this.

Introduced: Closed Session pursuant to Virginia Code § 2.2-3711(A) (3): discussion or consideration of the acquisition of real property for a public purpose.

Mr. Saunders noted the need for a closed session to discuss the possible acquisition of real property for a public purpose and then moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (3): discussion or consideration of the acquisition of real property for a public purpose.

Mr. Bruguire seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

The Board then conducted the closed session and upon its conclusion, Mr. Harvey moved to come out of closed session and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Upon reconvening in public session, Mr. Saunders moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion.”

Mr. Bruguire seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion. Supervisors then took no action in connection with the closed session.

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V. Adjourn and Reconvene for Evening Session

At 5:25 PM, Mr. Harvey moved to continue the meeting until 7:00 PM and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

At 7:00 PM, Mr. Saunders called the meeting to order with four Supervisors present to establish a quorum and Ms. Brennan being absent.

II. Public Comments

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

1. Mr. Hale introduced Mr. Chip Boyles, the new TJPDC Director. Mr. Boyles indicated that he was glad to be with the organization and in Nelson County and he would drop in on occasion.

2. Marta Keene, JABA Executive Director

Ms. Keene thanked the Board for their consistent support of seniors and their caregivers. She noted the services provided by JABA in the county and that the volunteer opportunities were growing within the county. Ms. Keene then advised that they had expanded resident services at Ryan School Apartments. Ms. Keene noted that they were trying to find efficiencies and other funding and projecting in next year's budget to increase the number of individuals served almost 7%. She added that they leverage Nelson's funds so its share was 25% of the total this year. She added that in only 10 years, by 2024 1 out of 4 residents would be at or over 65 and they needed to continue to support and plan for this demographic change. She then again noted her appreciation of the Board's support.

Ginger Dillard, JABA Director of Advocacy Services.

Ms. Dillard further described the Ryan School Apartment initiative which provided for enhanced resident services funded through a grant. She noted that it provided services and activities based on residents' needs and desires as well as connected them with other county resources. She noted that they were planning events at Ryan to increase community participation with residents and that they had conducted a survey with every resident and developed the programming from there. She noted some of the programming was to include: cooking classes, lunches, movie nights, music, and coordination of events with the Nelson

Community Center. In conclusion she noted that on Friday at 7pm, the Rockfish Valley Community Orchestra was providing a free concert at the Ryan auditorium.

III. Public Hearings and Presentations

A. Public Hearing – FY15-FY20 Secondary Six Year Plan (SSYP) and 2015 Construction Priority List

Consideration of Virginia Department of Transportation FY15-FY20 Secondary Six Year Plan and 2015 construction priorities for the County.
(R2014-33)

Mr. Don Austin of VDOT addressed the Board and public noting that Virginia law required that VDOT and the Board hold a public hearing on the Secondary Six Year Plan (SSYP). He added that he and the Board had been working on this and he noted that the Rural Rustic list was approved by the Board at the last meeting.

Mr. Austin then noted that there was a fifty vehicle per day threshold required and the CTB Formula funds had to be used on unpaved roads. He added that the Telefee funds could be used on construction. Mr. Austin noted that the CTB Formula funds amounted to \$1,929,768 over the six year period and the Telefee funds amounted to \$267,816 over the six year period.

Mr. Austin noted the following for secondary system construction programmed funds:

1. River Road Route 6, installation of sign with flashing lights at Rte. 634 – Regular Construction Complete with balance of funds of \$72,218.
2. Rockfish Valley Highway Rte. 6/151 Turn Lane at Rte.638, Regular Construction, Safety funds programmed Through FY16, total cost of \$1,500,000.
3. Rockfish Valley Highway Rte6/151 Turn Lane at Rte. 635, Regular Construction, Safety funds programmed Through FY16, total cost of \$1,500,000.
4. South Powell’s Island Road, Unpaved Construction, Resurfacing complete.
5. Lodebar Estates, Unpaved Construction, Resurfacing, \$180,777 programmed through FY15.
6. Cedar Creek Road, Unpaved Construction, Resurfacing, \$260,000 programmed through FY17.
7. Wheeler’s Cove Road, Unpaved Construction, Resurfacing, \$185,000 programmed through FY17.
8. Wright’s Lane, Unpaved Construction, Resurfacing \$233,996 programmed through FY18.

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9. Old Robert's Mountain Road, Unpaved Construction, Resurfacing \$435,000 programmed through FY19

10. Greenfield Drive, Unpaved Construction, Resurfacing \$135,000 programmed through FY19.

11. Campbell's Mountain Road, Unpaved Construction, Resurfacing \$260,000 programmed through FY20.

12. Falling Rock Road, Unpaved Construction, Resurfacing Estimated cost of \$485,000, with \$271,003 programmed through FY20 with a balance to complete of \$213,997.

13. Cub Creek Road, Unpaved Construction, Resurfacing Estimated cost of \$357,500 with \$10,000 programmed through FY20 with a balance to complete of \$347,500.

Mr. Austin then noted that some of the Countywide Engineering funds may be moved; however there was no additional funding. He added that Telefees were used for Countywide Traffic Services which was used for spot improvements and guardrails on secondary roads. Mr. Austin noted that the first year was the actual budget that the Board would be approving.

Supervisors noted a correction to the presented road name of Greenfield Road, correcting it to Greenfield Drive, noting this road was near Mr. Mundy's in Gladstone and was a high concern and high maintenance area.

Mr. Austin noted that the order of construction could be adjusted after the first year and priorities could be changed year to year after that. He noted that they took the higher volume roads vs. the higher maintenance roads; however this could be adjusted.

Mr. Hale then inquired as whether or not the speed one was traveling was shown on the flashing sign on River Road before the intersection with Rte. 634 and it was noted that it was not; however the lights blinked if travelling over 40 mph. It was noted that the posted speed limit was 55 mph there.

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

Mr. Harvey then moved to approve Resolution **R2014-33**, Approval of FY15-20 Secondary Six-Year Road Plan and FY15 Construction Priority List. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2014-33
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF FY15-FY20 SECONDARY SIX-YEAR ROAD PLAN
AND FY15 CONSTRUCTION PRIORITY LIST

May 13, 2014

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 (2014/15 through 2019/20) as well as the Construction Priority List (2014/15) on May 13, 2014 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 (2014/15 through 2019/20) and the Construction Priority List (2014/15) 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 (2014/15 through 2019/20) and Construction Priority List (2014/15) are hereby approved, as amended as applicable at the public hearing.

Mr. Austin then noted that they would present a resolution approving the Rural Rustic Roads at the next Board meeting.

Supervisors then discussed the following VDOT issues:

Mr. Hale noted that on Rt. 617 along Rockfish River Rd. there was an A frame house where water ran down the driveway and crossed the road creating a deep hole. He noted that drainage measures needed to be done there on the opposite side of the driveway. He then questioned who was responsible for drainage in a driveway that threw debris into the road and Mr. Austin noted that it was the responsibility of the property owners typically; and they could not go put gravel etc. up people's driveways.

Mr. Bruguiere noted that he noticed that VDOT was mowing in his area and he would like them to stay on one side of Brent's Mountain before moving over; essentially completing the backyard before moving on to the front yard. Mr. Austin noted he would check on their mowing plan.

Mr. Bruguiere then noted that water on Dickie Road was still running alongside it and the landowner wanted it corrected. He noted it was at Dickie Rd. and Level Green Rd.

Mr. Saunders noted that on Rt. 668, Centenary Rd. there was a hole in the pavement and Mr. Austin noted that the end of the culvert had rusted off and was now flagged. Mr. Saunders noted that the same scenario existed on Arrington Road a mile from Route 29.

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Mr. Saunders then noted that at the Rt. 626, Norwood Rd. intersection of Greenfield Drive, water was flowing in the road and not in the ditches.

Mr. Austin then noted that he had not heard back on the speed study on Route 56 West for the Church; however he would check on the status of that.

Mr. Bruguiere then inquired about Firehouse Road in Piney River and Mr. Austin noted he had spoken with a couple of people there and none of them were aware of any right of way being given and he had spoken with Kevin Wright who did not remember anything. He advised he would also speak with Clayton Thomas on it. Mr. Bruguiere noted he thought the right of way was given to the Fire Department. Mr. Harvey clarified that the Fire Department had recently purchased the property. Mr. Austin then noted he would start the process again of looking into it.

Mr. Austin then reported that on Rt. 29 past the Nelson Wayside going out of the county, water was washing off beside and under the guardrail cutting a channel. He noted that this had been Moto graded but was still bad. He added that shoulder paving was being done north of Route 6 down Route 29 toward the county line.

B. Public Hearing – Special Use Permit #2014-001 – Le Chic Picnic

Consideration of a Special Use Permit application, submitted by Ms. Danielle Savard, seeking approval for the proposed placement and operation of a Restaurant pursuant to §4-1-34a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #12-A-79A, and is located at 27 Chapel Hollow Road in Afton. This is a 5.2-acre parcel zoned Agricultural (A-1), and is owned by Ms. Savard and Mr. Marcel McNicoll.

Mr. Carter introduced this item and noted that for consideration was Special Use Permit application #2014-001, submitted by Ms. Danielle Savard, seeking approval for the proposed placement and operation of a Restaurant, Le Chic Picnic, pursuant to §4-1-34a of the Zoning Ordinance. The subject property is identified as Tax Map Parcel #12-A-79A, and is located at 27 Chapel Hollow Road in Afton. This is a 5.2-acre parcel zoned Agricultural (A-1), and is owned by Ms. Savard and Mr. Marcel McNicoll

He noted that they had been through site plan review with some outstanding comments. He reviewed the location of the property on the plat and the aerial photos and noted that the Planning Commission had asked that the proposed use for a kitchen in a prefab trailer of 25 ft. be located near the end of the driveway near the B&B building on the southeast side. He added that the Restaurant use was to be used on the property and an occasional use of it at offsite venues. It was noted that the house was not suitable for renovation for this use so they were going with the prefab trailer.

Mr. Carter then showed interior photos of the kitchen and noted that they would provide picnic lunches and dinners to be taken off site.

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He noted that the Planning Commission conducted a public hearing and recommended unanimously that this be approved by the Board as follows: "Commissioner Russell made a recommendation that the Planning Commission approve the Special Use Permit application #2014-001 for Le Chic Picnic at 27 Chapel Hollow Road in Afton for placement of a twenty-eight foot (28') mobile commercial kitchen during the months from March through November; on days Thursday through Monday, with hours from 11:00 in the morning to 7:00 at night as per the Minor Site Plan by Saunders Surveys, which was revised April 14, 2014; subject to Health Department approval; all other approvals seem to be in order. A second was offered by Commissioner Harman; the vote was 3-0 to approve the recommendation." He added that the SUP would be subject to Health Department approval and some outstanding input from VDOT.

Ms. Savard, the Applicant noted that their goal was to provide cooking classes for those with diabetes and to do a gluten free breakfast. She added that she wanted to provide good cooking for those traveling that they could take out with them. She noted that the idea of having the mobile kitchen was because it was difficult to add a commercial kitchen to her existing structure since they would need a new septic and the mobile kitchen was the easier less costly route. She noted that they would be doing some mobile venues but mostly would be there and she noted that the trailer would be located out of the turn of the road.

Following Ms. Savard's comments the Board had the following discussion:

The Board discussed whether or not the Planning Commission could limit their time in operation. Mr. Hale noted the applicant asked for these days and times of operation and Mr. Bruguere noted it was still restrictive. Mr. Harvey agreed that they should not limit their hours of operation and Mr. Carter clarified that if the Board accepted these days and times established by the Planning Commission, then the SUP would have to be amended should they wish to operate outside of these.

Ms. Savard then asked that the hours of operation be flexible and not restricted as she preferred not to be obligated to certain timeframes.

Mr. Hale then inquired if the Board had the latitude to eliminate the hours limitation and Mr. Carter confirmed they did. He added that the applicant would present an addendum to the Health Department permit to provide for extension of the septic system.

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

Mr. Harvey then moved to approve SUP #2014-001 for a retail store which would sell takeout meals period, with no restrictions.

Mr. Bruguere seconded the motion and Mr. Hale added that it needed to be clear that the approval did not have operational limitations on hours or dates as these were eliminated.

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Mr. Bruguiera then asked if the applicant had asked for the limitations and it was noted that she had; however this was a result of answering questions posed by the Health Department.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

IV. Other Business (As May Be Presented)

Introduced: Acquisition of property for a public purpose

Mr. Harvey then asked if the Board was inclined to make an offer on the property previously discussed in closed session, leaving the details in Mr. Payne's and Mr. Carter's hands.

Mr. Carter confirmed that the Board would need a formal motion and vote to proceed.

Mr. Harvey then moved to make an offer to Mr. Oswald Williams for the property, Tax ID #13042, 210 Calohill Way. The offer being \$120,000 for the land and improvements and giving him all the time needed to remove the building's contents and the Board paying closing costs.

He added that the Maintenance Department would use the building for equipment and it would also be used for operations.

Mr. Hale seconded the motion and noted he would like to amend the motion to note that it was traditional that the seller pay for the recording of the deed. He added that the County would prepare the deed and the seller would pay the recording fees. The amended motion was accepted and he further noted that the parcel was 2.5 acres with 2 buildings of 5,400 sq. ft.

Mr. Hale noted that the Board had viewed the property and the parcel was well suited for the County's needs and the buildings existed. He added that the County would not be able to build these for this cost. Mr. Saunders added that water and sewer were in place and he thought it was a good investment, a good place to store equipment, and a good site for an impound lot.

There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

It was noted that the Board could have a called meeting if needed for negotiations.

V. Adjournment

At 7:55 PM, Mr. Hale moved to adjourn and continue the meeting until May 29th at 7:00 PM for a public hearing on the budget. Mr. Bruguiera seconded the motion and there being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.