

November 16, 2017

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

Absent: None

I. Call to Order

Mr. Harvey called the meeting to order at 2:07 PM, with all Supervisors present to establish a quorum.

- A. Moment of Silence – A moment of silence was observed.
- B. Pledge of Allegiance – Mr. Hale led the Pledge of Allegiance.

II. Consent Agenda

Mr. Hale commented on proposed resolution **R2017-56** regarding opposition to the National Park Service fee increase; noting that the increase to \$70 per car to enter the specified parks was substantial. He added that he understood that the parks needed to be maintained, however it was a steep increase. Mr. Saunders noted the increase to be 280% and is expected to generate \$6 Million based on the traffic count. Mr. Bruguiera supposed that raising the cost would hurt more because of fewer visitors.

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

- A. Resolution – **R2017-54** Minutes for Approval

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**RESOLUTION R2017-54
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(October 10, 2017)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **October 10, 2017** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2017-55** FY18 Budget Amendment

**RESOLUTION R2017-55
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2017-2018 BUDGET
NELSON COUNTY, VA
November 16, 2017**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2017-2018 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$30,000.00	3-100-009999-0001	4-100-012100-3002
\$5,412.00	3-100-009999-0001	4-100-022010-5420
\$107,475.50	3-100-009999-0001	4-100-031020-5419
\$12,108.85	3-100-002404-0001	4-100-031020-5419
\$6,214.00	3-100-009999-0001	4-100-043040-5409
<u>\$74.00</u>	3-100-002404-0009	4-100-022010-5413
\$161,284.35		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$1,231.00	4-100-22010-1006	4-100-022010-5413
\$2,065.00	4-100-22010-5415	4-100-022010-5506
<u>\$348.00</u>	4-100-22010-5415	4-100-022010-5413
\$3,644.00		

C. Resolution – **R2017-56** Opposition to Nat'l Park Service Fee Increase

RESOLUTION R2017-56
NELSON COUNTY BOARD OF SUPERVISORS
RESOLUTION OPPOSING PROPOSED DAILY FEE INCREASE
AT SHENANDOAH NATIONAL PARK

WHEREAS, the National Park Service on October 24th announced plans to increase the daily entrance fee at 17 National Parks including Shenandoah National Park from the current \$25 per vehicle to \$70 during peak season (June-October), and

WHEREAS, the fee increase has been estimated to generate approximately \$70 million a year across the park system with 80% of those fees staying within the park to address the \$11.3 billion backlog of deferred maintenance, and

WHEREAS, while the Nelson County Board of Supervisors understands and appreciates the need to improve infrastructure in the park and recognizes that 80% of the revenue will go back to Shenandoah for infrastructure improvements, the Board has significant concerns on the amount of the proposed increase on the heels of other recent increases, and

WHEREAS, Shenandoah National Park attracted over 1.4 million visitors in 2016 with over 82310 vehicles entering the park through the Rockfish Gap entrance and 61715 through September of 2017, and

WHEREAS, many local businesses including restaurants, gift shops, and convenience stores in Nelson County and surrounding communities depend on the annual traffic to Shenandoah National Park, and

WHEREAS, the Nelson County Board of Supervisors is deeply concerned about the impact of this fee increase on the local economy of Nelson County

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors requests that the National Park Service reconsider its proposed daily fee increase for Shenandoah National Park, and

BE IT FURTHER RESOLVED that the Nelson County Board of Supervisors respectfully requests that its congressional delegation, including the Honorable Senators Mark Warner and Timothy Kaine and Representative Thomas Garrett, work to get the National Park Service to reject the proposed increase and its potential detrimental impact on tourism in Nelson County.

III. Public Comments and Presentations

A. Public Comments

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

B. VDOT Report

Mr. Don Austin gave the following report:

Mr. Austin reported that the entrance at Calohill Drive going up to Food Lion had been repaired and new traffic lines done. He added that the work was done at night to lessen the impact to citizens and to help the intersection function properly.

Mr. Austin reported that the Tye River Rd bank had been cut back to improve sight distance looking South.

Mr. Austin reported that in terms of Rural Rustic work, they were working on Old Roberts Mountain Road and had finished Cub Creek and Wrights Lane.

Mr. Austin then reported that that relative to the requested speed study at Saunders Brothers, it had been completed and he was meeting with Mr. Saunders on November 29th to discuss it before it was finalized. He related that at this point, the data was not supporting a speed reduction there.

Mr. Austin reported that there had been a request for a new speed study at Cooperative Way and he was meeting with Massie Saunders to discuss the entrance that his client wanted to put in but does not currently have the sight distance for it. He added that it would be an entrance to a piece of property that was for sale. Mr. Carter added that it was private property off of Cooperative Way that was not part of the business park and the owners had prospective businesses interested in the property. He added that they wanted the entrance in the curve going up the hill and the road was posted at 45mph.

Mr. Austin reported that VDOT was moving forward with adding a turn lane at the intersection of Route 151 and Beech Grove Road. Mr. Bruguier asked if they would use a boom ax and clear some of that now and Mr. Austin noted they could; however they were not sure they had permission. He noted that they would have to purchase the right of way and they were not at that point yet. Mr. Bruguier suggested that they could get the property owner's agreement if they felt it was necessary and he offered to speak to the owner about it. Both Mr. Austin and Mr. Bruguier noted they would contact the property owner.

Supervisors discussed the following VDOT issues:

Mr. Bruguier had no report.

Mr. Hale:

Mr. Hale noted that on Route 617 heading towards Schuyler, there had been several accidents in an area of a ninety degree turn to the left and he asked if some flashing signs and sharp curve

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signs could be installed there. He added that it was after coming over the hump about .5 mile from Schuyler. Mr. Hale noted he would send Mr. Austin the exact route number.

Mr. Saunders:

Mr. Saunders reported that the Nelson sign on the North end of the County could not be seen due to grown up trees. He added it was on Route 29 where they had done some slope work. Mr. Austin advised that they generally did not cut around signs other than highway signs; however he would take a look at it. Mr. Carter advised that the County did the mowing etc. around those signs. Mr. Austin noted he would look at it and report back.

Mr. Saunders reported that tractor trailers were still coming down Tye River Road from Route 60. He noted that the small signs were still up and the others that VDOT said would be put up were not there. It was noted that GPS sends them that way.

Ms. Brennan:

Ms. Brennan asked how long the flashing Sign alerting people that Rock Road was not good for tractor trailers would be left up. Mr. Austin noted that there had been a rash of that happening because of GPS and they would not be left up too long. She suggested that they could send Google a message regarding it and Mr. Austin noted it depended on what systems the truckers were using as to whether or not they got updates. It was noted that if they were not familiar with the area, it was a problem. Mr. Bruguiere added that dispatchers were sending them ways they had never been.

Mr. Harvey:

Mr. Harvey noted that he did not have any issues but reported that they were working on fiber installations which had been better since they were getting off of the VDOT right of way.

C. Presentation – T. J. Soil and Water Conservation District (L. Longanecker)

Mr. Longanecker gave a PowerPoint presentation which noted the following:

He first noted that his contact information was Luke Longanecker, Conservation Programs Manager luke.longanecker@tjswcd.org, and phone (434) 975-0224. He related that the district was comprise of: the counties of: Albemarle, Fluvanna, Louisa, Nelson, and the City of Charlottesville. He noted that their Board of Directors consisted of ten elected and two appointed officials, they had a staff of nine, with one based in Louisa County, and their funding came from state, local, and grant sources.

Mr. Longanecker then noted that the Virginia Conservation Assistance Program (VCAP) was geared to conservation programs such as the conversion of turf grasses to native grasses and

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trees. He noted the work done at RVCC and noted that they had installed buffers along streams, rain gardens etc. and he provided some photo examples of that type of project.

Mr. Longanecker noted that they did the E&S planning for Neslson and that anything over 10,000 sq ft of disturbance had to have an E&S plan. He noted they had two certified E & S administrators on staff and they provided the site plan review for the County.

Mr. Longanecker noted the Residential Septic Programs to include: septic pumpouts, septic repairs, septic replacements, and alternative waste water treatment facilities.

Mr. Longanecker noted that the Agricultural Programs were the most common and most popular and he noted their goal was to improve & protect water quality, conserve soil, and promote wise use of all farm resources through voluntary incentive programs .

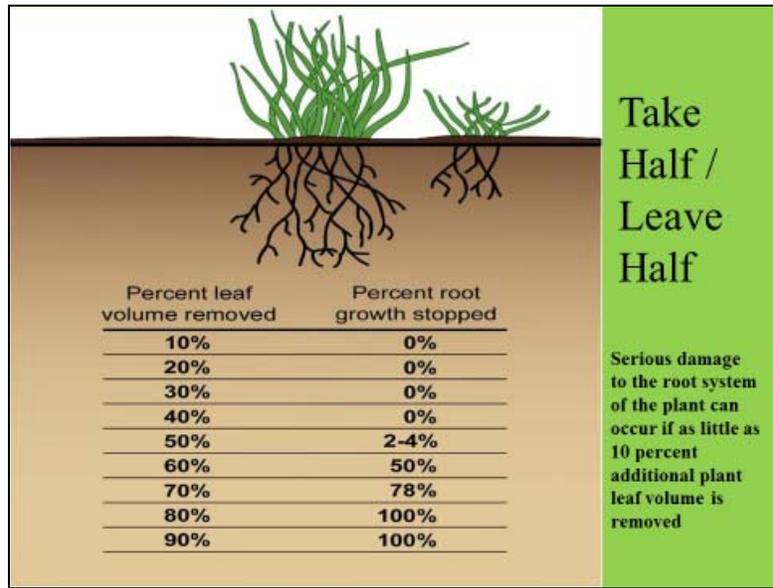
Mr. Longanecker noted the Cropland and Animal Waste Practices of cover crops, cropland conversion, nutrient management plans, grassed waterways, and animal waste facilities and stated that they prevented erosion during winter months and built up organic matter improving soil health as a whole.

Mr. Longanecker noted that they also had livestock watering systems and stream fencing programs. He added that drinking clean water has been shown to increase livestock weight gains by 10%. He noted that they also kept animals high and dry and out of gullies. He showed before and after photos relative to implementing watering systems and stream fencing.

Mr. Longanecker noted that they implemented rotational grazing systems, which allowed grasses recovery time which made them more productive. He showed before and after photos related to that and noted appropriate stocking rates for 20 acres as: 8 horses, 10 cows, and 50 sheep or goats.

Mr. Longanecker then explained that the “take half and leave half” grazing philosophy had a basis in scientific fact. He noted that through study, it had been determined that the effect on roots of the removal of leaf volume through grazing was negligible up to the point where 50 percent of leaf volume has been removed. He noted that after the point of “take half, leave half,” serious damage to the root system of the plant could occur if as little as 10 percent additional plant leaf volume was removed. He added that the above graphic showed that if 50 percent of the leaf volume was removed, only a small amount of root growth was stopped; however, if 60 percent of the leaf volume was removed, as much as 50 percent of root growth was stopped.

He then showed the following chart denoting the tak half and leave half principle.



Mr. Longanecker then discussed the benefits of Riparian Buffers being: natural flood control, streambank protection, stream temperature moderation, food sources and habitat, refuge and recreation, and he noted they were the water's last defense against any pollutants running off of the land.

Upper Rockfish TMDL Program

- Listed as impaired 2004
- Received grant January 2014
- Grant Ended in December 2015
- Agricultural Funding
 - \$93,000
- Septic Funding
 - \$92,000

The map displays the Upper Rockfish TMDL Program area, highlighting the North Fork Rockfish, South Fork Rockfish, and Rockfish River. It also shows Taylor Creek and Abner Creek. The map includes county boundaries for Augusta, Abner, and Rock County, and major roads like US 51 and I 85. An inset map shows the location within a larger region.

Mr. Longanecker noted that in the Upper Rockfish TMDL Program, 75% of those funds were allocated and the rest were returned.

Tye River TMDL Program

- Listed as impaired 2006
- Received grant October 2015
- Grant Ends December 2017
- Agricultural Funding
 - \$135,000
- Septic Funding
 - \$164,950



The map displays the Tye River watershed and its sub-watersheds. The Tye River watershed is highlighted in light blue, while the Rucker Run and Piney sub-watersheds are highlighted in green. Major roads are shown as red lines, and county boundaries are shown as black lines. The map also shows impaired streams in pink and elevations in yellow. A legend, scale bar, and north arrow are included.

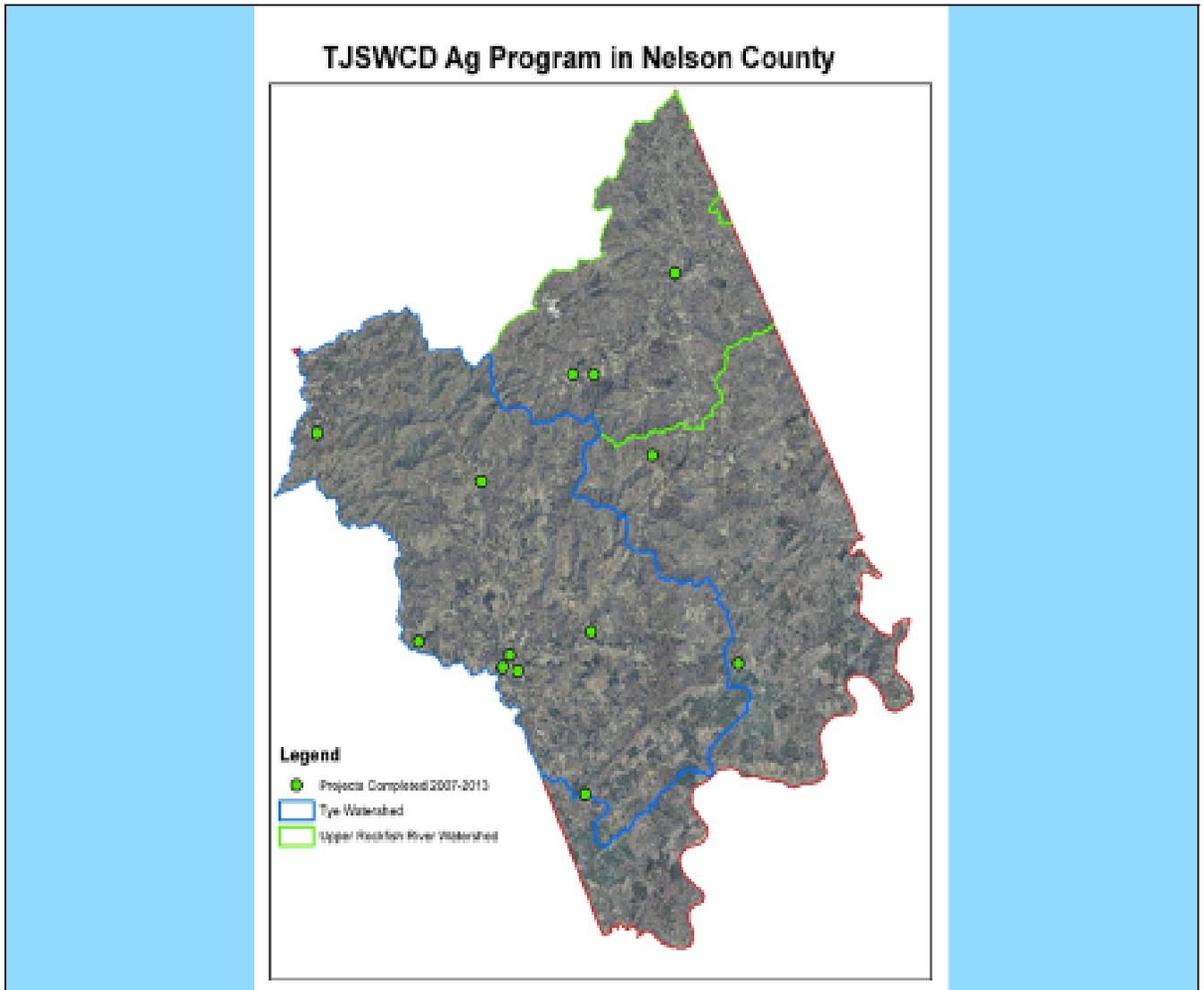
Mr. Longanecker noted that with the Tye River TMDL Program, they remedied elevated levels of ecoli due to failed septic systems, animal waste, and excess cattle access. He noted that the program ended in 2017. He added that all of those grant funds were allocated within the first two months of the program and they hoped to get more grant funds for failed septic systems.

Mr. Longanecker noted that over 35,000 feet of stream was protected in 2016 with close to 30,000 feet being constructed from 2016-2018. He noted that the variation of protection over the years from 2006 reflected the cycle of the grants for stream protection measures.

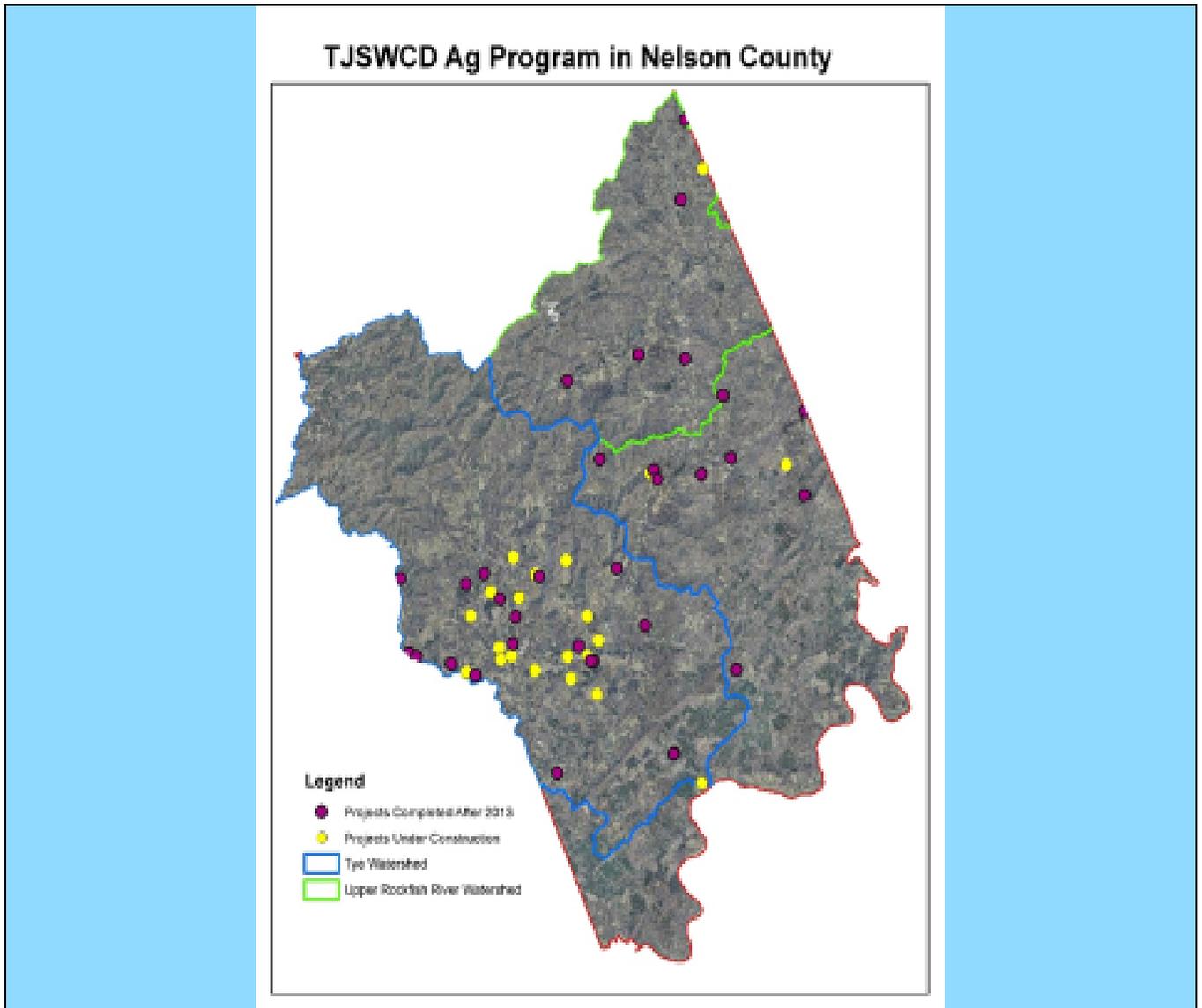
Stream Exclusion Projects Completed from 2007-2018							
Completion FY	Number of BMPs Installed	Total Stream Protected (Feet)	Total Calculated Buffer (Acres)	Total Farm Acres	Total Funding from Partner Agencies	Total Cost Share Payments From TJSWCD	Total State Tax Credit Issued
2007	1	468.00	0.75	14.80		\$2,839.69	
2008	4	3,508.00	11.96	149.60	\$11,691.00	\$27,116.47	\$2,160.60
2009	1	1,393.50	6.40	50.30		\$26,168.93	\$2,180.74
2010	3	1,552.50	2.28	49.70	\$3,933.00	\$19,174.55	\$389.70
2011-2013	0	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00
2014	3	5,626.50	4.54	50.00	\$29,912.40	\$18,323.50	\$5,955.18
2015	5	10,760.00	21.07	286.30	\$52,466.75	\$144,002.98	
2016	12	36,523.00	117.02	833.90	\$53,338.60	\$441,378.55	\$1,852.72
2017	7	10,375.00	17.33	352.84	\$19,050.00	\$215,417.80	
2018	4	6,534.00	9.17	120.50		\$101,274.50	\$1,590.50
Total	40	76,740.50	190.58	1,907.94	\$170,391.75	\$995,696.97	\$14,129.44

Stream Exclusion Projects Currently Under Construction					
FY 2016, 2017, 2018	Number of BMPs Under Construction	Total Stream Protected (Feet)	Total Farm Acres	Total Approved Cost Share Payments From TJSWCD	Total Tax Credit Approved
2016	4	11,472.50	304.90	\$208,255.33	\$8,705.28
2017	6	27,315.00	569.60	\$245,091.30	0
2018	10	24,689.50	667.90	\$347,178.49	\$3,646.19
Total	20	63,477.00	1,542.40	\$800,525.12	\$12,351.47

Mr. Longanecker noted the total of 40 BMPs installed from 2007-2018 for a total of \$995,697 in TJSWCD Cost Share payments. He then noted that 20 BMPs were currently under construction for a combined total of 26.5 miles of stream protected.



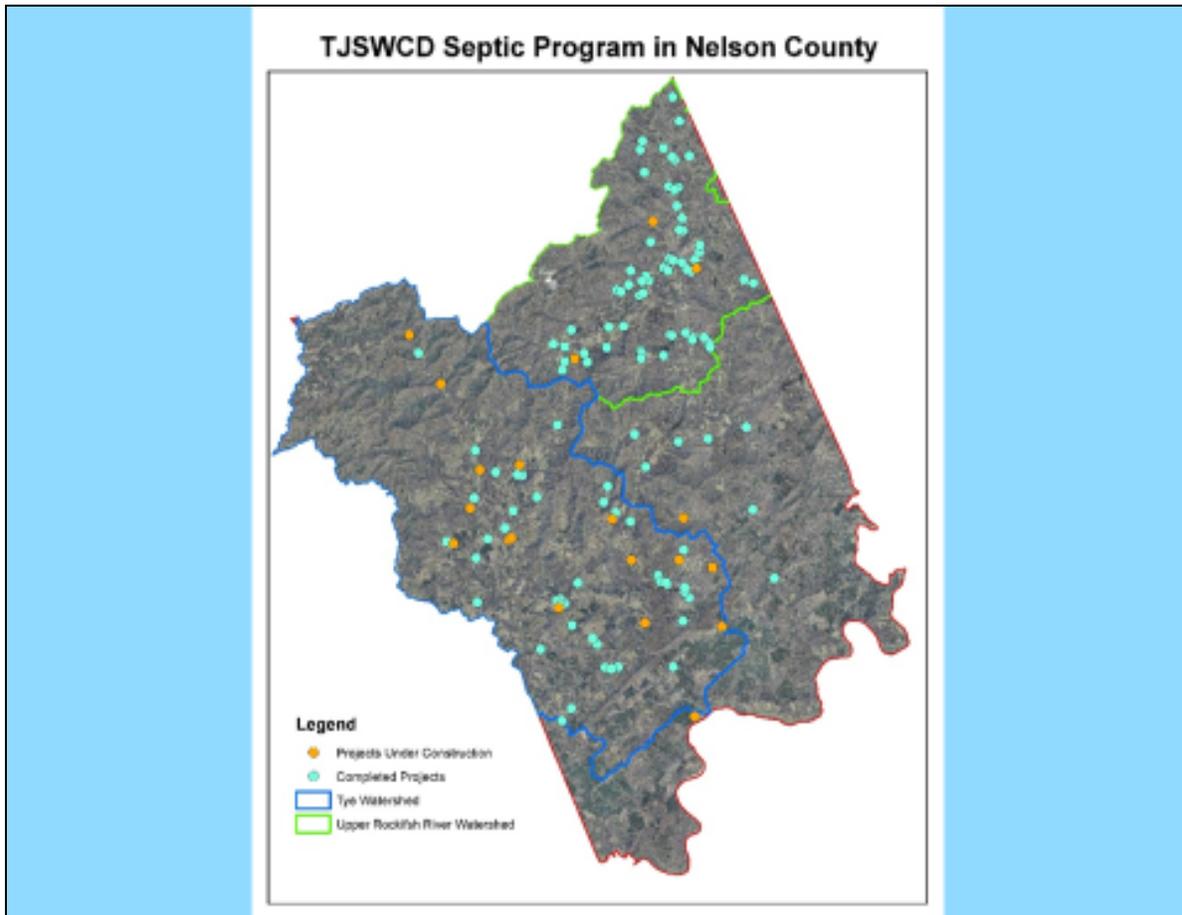
Mr. Longanecker noted that the map above showed these projects completed from 2007-2013 (green dots) and denoted the Tye River Watershed in blue and the Upper Rockfish River Watershed in green.



Mr. Longanecker noted this map showed the projects completed after 2013 (red dots) and projects currently under construction (yellow dots).

He noted that these construction projects also brought tax dollars back to the County and was a benefit.

Mr. Longanecker showed a graph of septic practices completed in Nelson and noted that there were 123 total projects completed for \$159,000 in cost share funds with most being done in 2016.



Mr. Longanecker showed a map of all of the septic projects done in the county with completed projects (blue dots) and projects under construction (orange dots). He noted having worked with 150 residents in the county in the last few years.

Mr. Bruguere asked if he had spoken with Fleetwood Community Center and Mr. Longanecker confirmed he was currently working with them.

Mr. Longanecker then noted that 47 nominations for the 2016 James River Basin Clean Water Farm Awards were submitted to the State that competed for the Grand Basin award. He noted that the 2016 Grand Basin Award had been won by Mark and Dana Campbell of Nelson. He then presented them with a framed copy of the joint resolution passed by the General Assembly naming the ten winners for the ten different basins and read it aloud.

Mr. Longanecker then provided information on the Campbell Farm and showed various pictures of the farm and the practices implemented there. He noted they had 60 cow/calf pairs, 205 acres of pasture, 77 acres of woodland, 23.5 acres of riparian buffer, over 2 miles of stream exclusion, 17 paddocks, 15 water troughs, and 100% stream exclusion.

He added that the land had been farmed since the mid 1700's and had been passed down the generations. He noted that they practiced intensive rotational grazing using polywire and used frost free water troughs that were pressurized to pump water up hill.

Mr. Longanecker then took questions from the Board and advised that two of the water troughs were spring fed and the others were tied into existing wells on the property. He added that they did use solar pumps in the right situation, however they preferred to tie them into the power grid.

Mr. Longanecker then introduced Ms. Anne Coates, the new TJSWCD District Director, originally from Amherst County. He noted that her husband was a professor at Longwood and Ms. Coates noted that there were several Nelson residents working in the office and she was very happy to be here.

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

Ms. Huffman began by thanking the Board for the funds to extend the library's hours during the week and on Saturday. She added that they were open at 9:30 every day now and she also thanked them for the ADA upgrades at the Library.

Patrons:

Ms. Huffman then noted that according to the counter on their door, from July to October 2017, they had 23,167 library visits and had patrons that ranged in age from 18 months to 103 years old.

Circulation:

Ms. Huffman then noted that 18,744 books had been checked out by Nelson citizens, 26,971 had been checked out within the regional system, and they had 21,207 books in stock currently.

Digital Information:

Ms. Huffman reported that they had access to 504,768 items by being a part of the regional system and that included e-books. She noted that they had 2,168 computer users throughout the month of October; using eight (8) computers.

She then noted that they had 10,194 total wifi hits in all of the region and she noted that people were using the free wifi in the parking lot in the morning and evenings at the library.

Staff:

Ms. Huffman noted that the library had distributed 750 pairs of eclipse glasses to the schools and passed out 250 pairs at the library the morning of the eclipse. She noted their staff all dealt with

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the public and had varying areas of specialty; noting that Ms. Eulita Ellis specialized in young adult and childrens programs. She added that they had a winter reading program for children.

YA TAB and Volunteers:

Ms. Huffman related that they had seven volunteers and teen advisory members who earned community service hours at the library.

YA Access:

Ms. Huffman noted that teens had access to free reliable internet at the library that many did not have at home.

YA Programs:

Ms. Huffman noted that the goal of the program was to have programs away from electronic devices and they had many programs planned in the coming months.

Children 1000 Books Before Kindergarten:

Ms. Huffman noted that any child from birth to Kindergarten age could participate and start reading. She added that they had incentives along the way and had one child read 1,000 books in two months.

Children End of Summer Extravaganza:

Ms. Huffman noted that themed end of the summer parties were held, such as Beauty and the Beast and Harry Potter; and the feedback from the public had been incredible.

Children Programming Emphasis-STEM:

Ms. Huffman noted that they were emphasizing STEM in their programming; that it was important and popular. She added that the Torn Land Committee had paid for all of their robotics.

School System Partnership-Nelson Reads:

Ms. Jessica Thompson, the Librarian at Tye River Elementary School explained the program. She noted that fourteen (14) books were picked out this year and distributed to both elementary schools. She noted that the kids read the books, heard the books and had done research projects on them and then the voted on which was best. Ms. Huffman noted that she goes to the school every other week and reads with younger students.

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School System Partnership – Early Literacy:

Ms. Huffman noted that they partnered with the Schools to promote early literacy.

School System Partnership- Teacher Connection:

Ms. Huffman noted that the Library worked with teachers on a book loan program and she noted that the public library was working very well with the schools.

Adult Programs:

Ms. Huffman noted that they had an adult book club and presentations; conducting an Author drop in in January. She noted that Claudia Van Koba had done a presentation on The Battle of the Bulge.

Adult Tech Help:

Ms. Huffman advised that they offered technology help with devices for adults on “Tech Tuesdays”.

Adult Special Services:

Ms. Huffman noted that AARP provided free tax services, with over 200 done last year. BRMC provided free insurance advice, and PVCC comes once per month to help with class registration etc. She added that they also provided free Notary services.

Ms. Huffman then noted they had three (3) Goals:

Goal 1- Food Program:

Ms. Huffman noted their first goal was to expand the food program by offering a summer snack program with the Blue Ridge Area Food Bank to those under age eighteen. She added that they had partnered with the schools for a breakfast snack for ten days and they wanted to do a simple lunch to expand this.

Goal 2 – Early Literacy:

Ms. Huffman noted that those that entered school with early reading skills were more likely to succeed later. She noted that absence created greater disparities and they wanted to prepare them for kindergarten. She noted their programs were free and they could do a more formal type of program at the library to get them ready for school.

Goal 3- Space:

Ms. Huffman noted that they needed more space and stated if they built it, they would come. She added that if they had a bigger building, people would come. She advised that since 2014, they had increased service hours and programming; however they needed more space for computer access, a children's area for reading, small meeting spaces for work on projects, space for device usage, space for research for the Historical Society, and they needed storage and employee space.

There were no questions from the Board and Ms. Huffman thanked them for their support.

IV. New Business/ Unfinished Business

A. Lovington Volunteer Fire Department Fire Truck Purchase

Mr. Carter referenced the following letter:

Reference: LVFD Fire Truck

Mr. Carter;

The Lovington Volunteer Fire Department has spent much of this year preparing specifications for a multipurpose, universal, fire truck to suit the needs of our department and provide the most safety for our personnel. We feel we have accomplished this with our Pumper/Tanker combination truck. It will serve the needs for residents of the county as a pumper, 1500gpm pump with 30 gallons of foam, but also offer additional water (1500 gallons) to support other agencies as a tanker if needed. This style truck has become very popular in rural areas because of the multiple assets it brings to a department.

We sent out identical specifications to 4 major manufactures, and had them provide us with quotes, following are the responses from each.

1. Fesco Emergency Sales (Spartan) - \$439,625.00
2. Blue Ridge Rescue (E-One)- \$478,696.00
3. C.W. Williams (Rosenbauer)- \$484,782.00
4. Atlantic Emergency Solutions (Pierce)- \$510,891.00

The members of the Lovington Volunteer Fire Department would like to proceed and contract services with Fesco Emergency Sales (Spartan) for the purchase of this truck on the county 80/20 purchase system, with the County approval.

Mr. Carter noted receipt of the noted letter summarizing their bid process and the results. He noted that 80% of the low bid would be \$351,700 and the budgetary shortfall was \$71,700 between the low bid received and the budgetary allocation from the County. He added that he

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had advised Mr. Johnson and the Board accordingly. He then noted that the two options were an additional appropriation from the County or borrowing the additional funds from the EMS Loan fund. He added that he had conferred with Ms. McCann and felt comfortable with an additional appropriation if the Board decided to go that route.

Mr. Carter then advised that the additional appropriation would come from the General Fund balance.

Mr. Hale noted that Mr. Johnson had made a good argument in favor of the expense and he had discussed it with him. He noted that they were all stunned by the cost; however it would not only serve LVFD but all areas of the county and would meet those needs. He added that he was in favor of an additional appropriation to cover the shortfall.

Mr. Hale then moved to provide the additional funds of \$71,700 to enable LVFD to proceed with the purchase of the proposed truck and Mr. Brugiere seconded the motion.

Mr. Harvey then invited Mr. Danny Johnson to speak and asked him what was different about the truck they wanted to purchase. Mr. Johnson noted that the truck had a six man cab and had rollover and airbag protection. He noted it had many safety features and could hold 1,500 gallons of water and had a pump. He added that it could run as an engine or a tanker and was what was seen in rural fire fighting because of its dual purpose. He noted it could also carry all of the hose and was not a parade piece. Mr. Johnson then noted it was the most practical and safe truck for the long term to serve all over the county. He then noted that if they went to a commercial cab, it added length and if they used the custom truck, they could go places the commercial cab trucks could not. He noted that they considered safety first, then reliability, and then longevity.

Mr. Harvey agreed that they had found with the commercial cab, it was hard to get to some locations. Mr. Johnson advised that the commercial cab added 2.5 feet to the length and they had taken into account getting it into the garage and going under the two underpasses in the county.

Mr. Saunders asked about the truck size and Mr. Johnson noted it was no bigger than what they currently had. He noted that they could not get anything smaller and it was as compact as they could put together. He added that he was not happy with the price either, however it was a bare bones truck and they were not cheap.

Mr. Hale advised that he had spoken to their younger members and Lovington had been successful in getting new members which was a challenge. He added that having a new truck would also make them happy and keep them at it.

Mr. Johnson noted that their first engine was a 1988 and they needed to move forward.

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Mr. Saunders then questioned what the limit was on continuing to purchase new trucks and Mr. Hale noted that it was a budgetary consideration every year; was subject to review and analysis of what was needed.

Mr. Harvey noted for the Board to keep in mind that Wintergreen had given up their purchase this year because Mr. Johnson had expressed the need for it and that would have finished the cycle. He added that this was the start of the second cycle and they needed to finish the first.

Ms. Brennan asked if there were other trucks like this one in the county and Mr. Johnson noted there was not. He explained that the desired truck had a 1,500 gallon tank instead of 1,000 gallons and could run as a dual purpose truck- a pumper and a tanker.

Mr. Carter then advised that the Board had increased the budget for this purchase beyond the FY17 amount. He then cautioned them about providing additional funds and not continuing to do it; however in this instance he did recommend it.

Mr. Johnson then advised that the money would be spent in the 2019 budget year; as it would be available 360 days after they signed the contract.

Mr. Carter advised that \$280,000 was in the budget now for the purchase.

Mr. Harvey noted that volunteerism was becoming an issue but LVFD had been successful. He then asked what truck the new one would replace. Mr. Johnson noted that they had gotten rid of Engine 11; which was a 1988 Pierce and that was gone. He added that they had a '76 out of Wingina that would need to go and that they would keep Engine 10 as a spare; which was an '88. He added that they had brush trucks in both Lovington and Wingina.

Mr. Carter then advised that the County had asked the state evaluation team to evaluate equipment and to give input on that; which he noted should be helpful once they received the report.

Mr. Harvey then noted that the goal was to get trucks on a 20-25 year schedule; but they needed to keep huge trucks from coming in.

Mr. Harvey then commented on the application that Faber had filled out, noting that it needed to be simplified. He added they needed to know how many vehicles they had and their age etc. Mr. Johnson advised that he would try to provide the Board with a five year plan on equipment for budgeting purposes going forward; and that he was trying to improve on that.

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

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Mr. Harvey then suggested that the Board needed a workshop on this and Mr. Carter advised the Board of the balance in the loan fund being over \$500,000. Mr. Johnson added that some agencies had paid off their loans early this year to free up funds.

B. Faber Volunteer Fire Dept. Interest Free Loan Request

Mr. Carter noted the receipt of the EMS Council approved interest free loan application from the Faber Volunteer Fire Department. He noted they were requesting \$5,000 for the installation of a new roof and he reiterated that the EMS interest free loan fund balance was in excess of \$500,000.

Mr. Hale then moved to approve the \$5,000 loan and Ms. Brennan seconded the motion.

Mr. Hale explained that the roof had been paid for and the \$5,000 gave them a bit of cushion. He added that they had paid off a \$40,000 loan in October and did not want to run short of funds. He noted that the final bill for the roof work was just over \$15,000 and it was a metal roof done by a local company.

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

C. Excavator Bid Results

Mr. Carter noted that bids were received on October 20, 2017 and the low bid was from H&E Equipment for a 2017 Doosan at \$121,250. He added that there was only \$1,000 difference between the new and used bids and they both included a \$10,000 trade in allowance. He advised that the budget included \$100,000 and he would like to have the Board's endorsement of the purchase.

Mr. Saunders noted he had spoken to Paul Truslow who was going to have them provide in writing the service charges for coming from Roanoke to service the equipment. Mr. Carter noted they have had higher maintenance costs and a decision could wait until they had those numbers.

Mr. Saunders then supposed that they would go with the new one rather than the used one and he asked about the difference in warranty. Mr. Carter advised he would have to check on that.

Mr. Harvey equated the bid pricing to comparing a Cadillac with a Hyundai. Mr. Carter noted that the current Doosan had worked well with the only issue being the AC system. He added that other than that it had performed flawlessly. Mr. Harvey noted he thought that Caterpillar equipment was much better. Mr. Saunders noted that a few years ago, they were all made in Japan and are all probably good machines. He added that he was concerned about them coming from Roanoke for service. Mr. Carter agreed and reiterated that the current equipment had performed well.

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Mr. Saunders noted he would like to defer a decision until they could see those service costs and the Board agreed by consensus to do so and no action was taken.

D. Nelson Cooperative Extension Staffing

Mr. Carter noted the following letter had been received from the Cooperative Extension District Director regarding the retirement of Michael LaChance; which had allowed for the re-allocation of funds to strengthen the local office.

Dear Mr. Carter:

I often use transition in a local Extension office as an opportunity to review our current office staffing configuration to insure that we are in the best position to address current and future community issues and needs. In response to the retirement of Mr. Michael Lachance, Extension agent/Agriculture and Natural Resources in early 2017, I have reviewed the current staffing configuration and discussed various scenarios with Corissa Vanden Hoek, Unit Coordinator and Extension Agent, 4-H/Youth Development and Alyssa Elliott, Extension Agent, Agriculture and Natural Resources/Animal Science and provide the following recommendations for your consideration.

We feel that there is great potential to expand Extension's impact in the community through increased emphasis on positive youth development opportunities such as leadership, citizenship, STEM, agricultural awareness, and related topics. Additional needs include programming in nutrition and health, family financial management, and food preservation topics for youth and adults alike.

With this in mind, our proposal is to share Alyssa Elliott's position equally with Amherst County. Then, utilize the remaining salary savings from Mr. Lachance's retirement to hire a program assistant to join the agents in growing youth-directed educational opportunities. Remaining salary savings would be matched 50/50 with state dollars to hire a local youth each summer through the VCE summer intern program. In this manner we feel it is possible to increase Extension's reach in the community, building our capacity to assist Nelson County residents. The attached spreadsheet illustrates that this staffing configuration can be accomplished within the current adopted local budget.

Corissa and Alyssa will be present at the upcoming Board of Supervisors meeting to assist with addressing questions or comments from Board members about this proposal. In addition, you are welcome to reach out to me at any time.

Thank you for your time and continued support of Virginia Cooperative Extension.

Sincerely,
Daniel L. Goerlich, Central District Director

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Mr. Carter then advised the Board that the staffing changes proposed would not be an increase in costs to the County. He added that it would be a re-allocation of existing funds to strengthen the programs and to do more things. He added he would like to get the Board's approval to proceed in this direction.

Mr. Bruguiere noted that Mr. Goerlich had called him and he had agreed that one person could do work for Amherst and Nelson together and that the state budget funds were less and less. He added he was in favor of the proposed changes.

Ms. Corissa Vanden Hoek in attendance addressed the Board. She noted that in 2016, they were told to prepare a 7.5% cut and they offered early retirement packages; which Michael La Chance had taken and that was how they saved the funds. She noted that priority in staffing went to filling vacancies where there were no agents at all. She noted with the reallocated funds, they could bring on Alyssa 50/50 for Agriculture and could get a twenty (20) hour per week assistant for the 4H program; which would allow her to serve more people and do more programming. Ms. Vanden Hoek noted that the report submitted showed enrollment for the county going from 368 to 640 enrolled in one year. She noted that many were in multiple 4H programs and she noted those that were offered. She added that the County did not have a Consumer Science agent and she loved that and this would give her an opportunity to offer that. Ms. Vanden Hoek then noted that in the packet she distributed, there was a return on investment sheet and for every \$1 dollar the locality invested, the return was \$7.71.

Ms. Brennan then asked if they would be hiring someone else and Ms. Vanden Hoek noted they would hire a twenty (20) hour per week Program Assistant for the County and a Summer Intern. She added that they had Jaime Conner for the past summer and it made things so much easier and they were able to offer more day camps.

Ms. Alyssa Elliot addressed the Board and advised that there had been scheduling issues in her covering both counties and she has been doing one day per week at the Nelson Office and the last couple of months by appointment. She noted that with the proposed changes, they would now have set office hours for both counties. She noted that even though she was in the field a lot, she was always reachable by cell phone and email. She then advised that they were bringing the Master Gardeners back into the Extension fold. She noted that currently they had forty-five (45) Master Gardeners whose focus was consumer horticulture and they could help to address community questions and expand the Agriculture program in the county. She noted a sheet in the packet that spoke to the Master Gardeners and their volunteer service time of approximately 4,700 hours for a value of \$123,450. Ms. Elliot noted they had many programs planned for 2018 and she had a livestock background and her goal was to provide programs in Amherst and Nelson. She noted she would be in Nelson for two days and on alternate Fridays; with scheduled site visits. She noted she would also continue run the orchard meetings in the spring.

Ms. Brennan asked if the Master Gardeners had office hours in Nelson and Ms. Elliot noted that they were starting to and they had a helpdesk. She added that they had handled twenty-two (22)

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cases so far that year and it would be a growing effort. She added that she may have them alternate with her office hours for continuous coverage.

Mr. Carter noted that the Board had previously wanted more done on all fronts and he recommended their recognition of the plan. He noted it would carry forward into next fiscal year and the intent was to strengthen the programs and do more.

Mr. Saunders noted he thought there was quite a bit of space being used for storage at their location. Ms. Vanden Hoek noted that they had done a complete office reorganization and it looked much better. She added that they had gotten rid of a lot of stored items built up over the years. She noted that they had taken 4H stuff out of the basement and were using it now and that the Office was much more suitable and they were utilizing it more. Mr. Saunders then asked if they still needed the basement space and Ms. Vanden Hoek noted they did and they still used it to store programming materials and pesticide equipment used for demonstration purposes in training. Mr. Saunders suggested that the space needed to be reviewed and Ms. Vanden Hoek noted that they were using the space more now with people; however they could revisit it if the Board desired to.

Mr. Carter noted that formal approval of the plan was not needed just the Board's consensus to move forward and no objections to that were noted.

E. 2018 TJPDC Legislative Program (**R2017-57**)

Mr. Carter noted that Mr. Blount had been relieved of coming that night and he would send him any questions or issues the Board had. He then referenced the following memo provided by Mr. Blount and noted the bullet points of the legislative focus as were outlined at the October Board meeting. He added that a resolution endorsing the program had been included for the Board's consideration:

TO: Members, Nelson County Board of Supervisors Nelson County Administrator

FROM: David C. Blount, Legislative Liaison

RE: 2018 TJPDC Legislative Program Approval

Attached is the draft 2018 TJPDC Legislative Program for your review and consideration. This year, the draft program lists three top legislative priorities and three additional priority positions. They are contained in the draft program as follows:

- 1) **State Budget and Funding Obligations**
- 2) **Public Education Funding**
- 3) **Local Revenue Authority**
- 4) **Broadband**
- 5) **Children's Services Act**

6) Land Use and Growth Management

The three top priority requests presented to you in the draft program are the same as the ones contained in the 2018 program. Supporting text has been updated to reflect current date and to recognize recent discussions.

- The **State Budget and Funding Obligations** priority text speaks specifically to budget challenges in the upcoming General Assembly session.
- The **Public Education Funding** priority includes some new specific text about increasing some school staffing ratios as recommended by the BOE.
- The **Local Revenue Authority** priority has new text that 1) calls for an examination of the delivery of state services at the local level as part of any tax reform effort, and 2) endorses revamping the Communications Sales and Use Tax, or CSUT (a position included in the new broadband priority as well).

Broadband is a new priority this year, having been a previous legislative position. The new statement includes many of the same elements that request various forms of state and federal assistance to expand broadband, but also contains new language declaring high speed internet to be critical infrastructure that is necessary for economic development, access to education, community growth and communications. It also includes a new statement of support for changes to the CSUT to 1) mirror the state's general sales tax rate, 2) cover additional technologies, and 3) funnel those additional dollars to broadband expansion.

The **Children's Service Act (CSA)** position has been revised and elevated to a priority to focus on proposals from this past year that could limit state funding for certain CSA services. The specific concern contained in the new text is that moving CSA dollars for special education to the Department of Education would mean they would flow on a per pupil basis, and that the state dollars then would not be "sum sufficient" to meet the costs of needed services (and therefore, localities would be responsible for any gaps). The other desire expressed is to have more local flexibility to use state dollars for services, such as for students with autism, that can be provided in schools, rather than the current requirement that they be used for services provided in a day placement or residential setting.

After the list of priorities, the "Legislative Positions" section contains recommendations, requests and positions in other areas of interest and concern to the region or to our individual localities. I would point out one significant addition, under the "Transportation Funding and Devolution" position, which is to urge new state funding sources for transit capital investments in light of the coming fiscal cliff in this funding. State capital bonds are expiring and will be winding down over the next two fiscal years, unless the General Assembly intervenes. JAUNT has estimated a \$720,000 loss in funding that primarily is used to match federal dollars for vehicle replacements.

Recommended Action: Approve the draft TJPD Legislative Program.

It was noted that emphasis on broadband and equal taxing authority was discussed at the VACO Conference as well as CSA; which has grown beyond when it was established and the growing costs were a concern.

Ms. Brennan noted that the Legislative Program did not change much from year to year and noted that there was a lot going on with CSA and who paid for what. She added that was being studied again.

Mr. Carter then advised that the preliminary input on the Local Composite Index was that it was going to be about a 10% reduction. He noted currently the County was at almost 60% now with that reduction it would be a 50% split which would be dramatic.

Mr. Carter noted there was a push for the State to do more to get Broadband out. Mr. Bruguere noted that they were only showing about \$13 Million in Tobacco Commission dollars for this and Mr. Carter noted Staff would monitor the General Assembly session closely and would respond to calls to action. Mr. Harvey added that Nelson was used as an example in rural Broadband initiatives.

Ms. Brennan then moved to approve resolution **R2017-57**, Approval of the Thomas Jefferson Planning District 2018 Legislative Program and Mr. Bruguere 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 R2017-57
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF THOMAS JEFFERSON PLANNING DISTRICT
2018 LEGISLATIVE PROGRAM

RESOLVED, by the Nelson County Board of Supervisors that the 2018 Thomas Jefferson Planning District Legislative Program be and hereby is approved by said governing body with the legislative program to serve as the basis of legislative positions and priorities of the member localities of the Thomas Jefferson Planning District Commission for the 2018 Session of the Virginia General Assembly, as presented by Mr. Blount via memo on November 6, 2017 as well as incorporation of the recommendations put forth by the Board as applicable.

Mr. Carter then noted the invitation for the PDC's legislative forum on 11/29 at 6pm at the Albemarle County Office Building. He added that CVEC CEO, Gary Wood, would be the principle speaker.

F. Introduced: Withdrawal of Rezoning Application – Jeremy Parker

Mr. Harvey asked the Board to consider a request from Jeremy Parker to withdraw his rezoning application. He noted that his operation was M-1 or general business and the property did not need to be rezoned to M-2. He added that there were a couple of things that needed to be modified under the M-1 and M-2 zoning districts. Mr. Harvey further explained he did not want to see a 4.0 acre tract adjacent to 16.0 more acres put in M-2 as he would like to avoid the same situation that has occurred at the Zenith Quest site.

Mr. Harvey noted that in speaking with Mr. Parker, he needed to close on his financing at the end of the year and he was asking if the Board would support him if he withdrew the rezoning application and reapplied for a Special Use Permit in an M-1 district. He further explained that he was asking for vegetative waste recycling and that did not mean what most people thought of. He noted he did not want to do stump grinding but rather leaves would be brought in and he would have wood chips.

Mr. Parker in attendance noted that he had not had any complaints about his rezoning application until two days prior and Mr. Harvey noted that the neighbors were not in favor of an M-2 designation of the property. Mr. Bruguere asked if proffers would take care of the concerns and Mr. Harvey noted that would not and he added that there was no reason to rezone the property when all around it was property zoned M-1.

Mr. Parker noted that he did not want to buy the property and not be able to use it for what he wanted to do. He noted that he had spoken with Ms. Shackelford about withdrawing his application and making changes to the Code. He added that his financing for purchasing the property depended on the County saying it was ready to go; however that was not the case right now.

Ms. Brennan inquired about modifying the M-1 district and it was noted that would have to go back through the Planning Commission and public hearings would have to be held. Mr. Harvey noted that Mr. Parker was trying to go through the process in the right way. He added that he was talking about bringing brush back and chipping it up and then also grinding up leaves and storing it on site until used. He noted that inside storage was a matter of opinion and inside was within a fenced in area.

Ms. Brennan noted that the Ordinances needed to be re-tweaked anyway and this was the impetus to do that.

Mr. Harvey asked Mr. Parker how many employees he would have and he noted twenty to thirty.

Mr. Bruguere advised that what was being discussed could be a four month process and Mr. Harvey reiterated that they should not rezone a four acre tract to the heaviest use possible. Mr. Bruguere noted that most of the heavier uses had been proffered away.

Regulations pertaining to burning things on property were briefly discussed and it was noted that one could not transport things and burn them; however one could burn things on their own property.

Mr. Hale then noted that there was no question that there were some permitted by right uses that should be in M-1 districts that were not specified. He added that the solution was that Mr. Parker withdraws his rezoning application and the Board worked on fixing the related M-1 zoning district issues. Mr. Parker noted he needed to have assurances that the Board would make the necessary changes, so that when he bought the land, he could use it how he wanted to.

Mr. Harvey suggested that they have a workshop to modify the M-1 and M-2 zoning districts. Ms. Brennan noted that the County was changing a lot and needed to revamp its ordinances. She noted this needed to be done generally and was not being done specifically for Mr. Parker.

Mr. Parker then stated to the Board that he officially withdrew his rezoning application #2017-04 on the Hedge Lane property.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: Jamerson-Lewis is working to complete punch lists jointly developed by County staff and Architectural Partners (J. Vernon) for Phase 2A (County Administration area) and Phase 3 (Circuit Court Clerk area). J-L is also completing Phase 4 (Circuit Court areas) after which a punch list will be completed by County staff and Architectural Partners. County staff has requested a final project completion date from J-L but this information is pending receipt. An end of November completion date is realistic but uncertain.

Mr. Carter added that the County was at the punch list phase including phase 4. He noted that staff would push more aggressively for Jamerson Lewis to finish.

Mr. Saunders asked if a penalty could be applied and Mr. Carter noted it could. Mr. Saunders added that nothing had been done in the courtroom in the last few weeks. Mr. Carter then noted that decisions regarding the railings and strips around the legend inserts had been the hold up and that the contractor wanted to finish. Ms. Brennan agreed that the County should put the pressure on them to finish. Mr. Saunders noted that the contractor was saying they will finish in December; however it would likely be January.

2. BR Tunnel Project: The project (Phase 2 – Tunnel Rehabilitation) was advertised on 10-8 for receipt of bid proposals by 2 p.m. on 11-9 (this report is prior to the bid opening). Results will be reported to the Board prior to 11-16 and again on 11-16.

Mr. Carter advised that one bid was received and it was being evaluated. He noted that he felt confident the bid would be rejected; however he had spoken briefly with VDOT on how to move it forward. He noted that he thought that if the County could do the work in a different way, the whole project could be done with the funding that was in place.

Mr. Harvey noted that he thought the unknowns about the bulkheads were an issue and Mr. Carter advised that he thought the specifications called for them to be keyed out. Mr. Carter then advised that the bidder had increased some things substantially since the last bid and he reiterated the need to get VDOT to let the County do things a different way.

Mr. Hale then noted that the FHWA funds required a competitive bidding process. He added that he thought the Foundation funding might go a long way to removing the bulkheads, but he was not sure. He noted the bid to remove them was a couple hundred thousand and he noted that having only one bidder was a real disadvantage. In discussion about the bulkheads, Mr. Hale noted that they were put in, in 1954 and he thought they were solid concrete. Mr. Harvey suggested drilling through to see and it was noted that it needed to be explored and a decision could not be made right now. It was also noted there was a problem in not getting the major change on the brickwork out; a flaw in the Engineer's estimate. He also noted that some bidders wanted a better idea of what was between the bulkheads (2,000 feet) which were not brick lined and were solid rock.

Mr. Carter advised that staff had tried to get plans for the bulkhead installation but were never able to. Mr. Hale noted they were done by Haley Chisholm and Morris in 1954.

3. Broadband: Current broadband service connections total 408 and there are 159 pending installation completion. The NCBA workshop has been deferred pending a possible decision on 11-16 by Central VA Electric Cooperatives' Board of Directors on approval to initiate a fiber to the home (FTTH) project that would encompass CVEC's entire service area. County and Wide Open Networks staff are at completion of reconciling monthly customer billings, which will provide for accurate and consistent financial reports.

Mr. Carter added that Gary Wood had advised him that the CVEC had Board authorized them to proceed with the FTTH project and he wanted to come and talk to the County about it. He noted that there was more to be done; however they had hired consultants, had done an in depth study, and were convinced it could work. Mr. Carter added that a consideration was that if the project failed, the County could get the network back and make it available to all citizens and not wait for five years to serve non CVEC customers. Mr. Harvey noted there was a lot to get worked out but it was very exciting. Supervisors then wondered how much of the County was CVEC and it was noted that the higher parts of Afton were Dominion.

4. Region 2000 Service(s) Authority & Solid Waste/Recycling: The Authority's next regular session will be held on 11-29 at which time the Authority will consider a Property Value

Protection Plan (that would provide compensation to owners of private property located in proximity to the Authority's landfill in Campbell County) and the distribution of "Excess Revenue" to Campbell County and Lynchburg City. Nelson County staff will oppose approval of both of these subjects.

Mr. Bruguire asked if they had a staff attorney and Mr. Carter noted they did, Hefty and Wiley. He noted that it was a back and forth issue because those provisions were in the agreement and was legal; however he had to disprove the basis of it and convince Appomattox that his position was correct. He noted that Ms. Adams was new and was getting up to speed on the history etc. and there was a learning curve. He added that the outcome was to be determined, but he had submitted a strong position. He advised that Campbell County zoning had enabled development right next to the landfill so he was opposed to a property protection plan. He then reiterated that the long term solution had been determined twice to be extension of the Campbell County landfill; however there was strong opposition to expansion by a local citizens group.

5. Atlantic Coast Pipeline Project: The ACP LLC received on 10-13 a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission. The projected construction period for the project is 2017-2019 with an in-service date of late 2019. County staff (Department of Planning and Zoning) has received flood plain applications from the project's owners and have begun the initial work necessary to provide for hearings before the Board of Zoning Appeals for approval consideration of the project's applications.

Mr. Carter noted that the County was looking at outside consultants to help review these. He added that the applicant may bear the costs so there may not be any costs to the County.

County staff also canvassed the local governments located along the ACP Project's route in VA to request input on the question of whether or not the locality has agreed to the Memorandum of Agreement with VA-DEQ related to E&S and Storm water inspections the Department will conduct. The MOA provides for "monitoring" of such inspections by staff of local governments that have entered into the MOA. Results from each locality are as follows:

Highland County – Yes	Brunswick County – Yes
Bath County – No (or not to date)	Dinwiddie County – Yes
Augusta County – Yes	Greensville County – Yes
Buckingham County – Yes	Nottoway County – Yes
Cumberland County – Yes	
Prince Edward – Pending (BOS to consider on November 16th; approval is anticipated)	

Mr. Carter advised this subject was deferred pending input from other jurisdictions and the Board could decide if it wanted. There being no further discussion, Supervisors took no action on the matter.

6. 2018 General Reassessment: Wampler-Eanes will send assessment notices to property owners on 11-10 and conduct its assessor hearings into early December. Ensuing steps include, certifying the General Reassessment to the County by 12-31, appointment of a Board of Equalization and re-setting the real estate tax rate as an outcome of the Gen. Reassessment. County staff has requested provision of the current assessment valuations from Wampler-Eanes to enable analysis of this information in preparation for decisions the Board will have to make in 2018 related to the real estate tax rate and to the FY18-19 Budget (and ensuing fiscal years thereafter).

Mr. Carter advised he would send out the summary he now had which noted about a 1.8% reduction and a \$300,000 loss to the General Fund subject to hearings. He noted that staff had estimated the land use values.

7. EMS and Fire Study: The Department of Fire Program's team conducted its informational visit to the County on October 11-13. The five member team and DFP staff (M. Abbaman) met with County staff, completed tours of the County's EMS and Fire agency locations including meeting with representatives of each of the agencies and conducted on a town hall meeting on 10-12. The team's final report is projected to be completed by February 2018 and will be presented to the Board at an ensuing meeting following receipt of the report.

8. Route 29 Corridor Study/Project: The study project's final report was referred to the Economic Development Authority for review. The Authority's input, which is included in the EDA's 10-12-17 meeting minutes, is attached hereto for the Board's consideration.

9. Piney River Water System: As previously communicated, attached is a proposal/scope of work submitted to the Nelson County Service Authority by Bowman Consulting (the Authority's engineering consultant) for provision of services to evaluate "all viable operational and structural (Treatment Devices/Units) alternatives to resolve the DBP (Disinfectant Byproducts Issue) issue" related to TTHM (Total Trihalomethanes) exceedances in the PR Water System. The proposal's estimated expense is \$8,500 with a maximum of \$10,000. Funding would be allocated by the County for the evaluation from PR Water & Sewer Fund balance. As sampling and testing for TTHM's is done quarterly with November being the current sampling period, staff proposes to defer implementing the evaluation until the results of the November sampling period are completed (sampling outcomes below the regulatory limits will reset the TTHM exceedance). However, given the history of TTHM sampling, it is anticipated that this work will be required by VDH/EPA in the ensuing future even if the November sampling results are below limits.

Mr. Carter advised that they were releasing 3,000 + gallons per day and putting it back through the sewer treatment system; essentially treating potable water. He noted that they sampled only once every quarter which did not yield good odds and the problem has been an issue historically; with a consent order waiting in the wings. He then advised that they could defer the study until after the next test.

Mr. Harvey then stated that the system was too big and Mr. Carter noted it was too long and there were not enough customers. He noted that the Service Authority had looked at a looped system but it was cost prohibitive. He noted that they did flush the line for thirty minutes before sampling and it was noted that the water could not be used on land because of the chlorine content.

10. FY18-19 Budget: The Department of Finance and HR has transmitted budget forms to external agencies to provide for submission of FY18-19 funding requests. County staff (Administration and Finance & HR) will work to expedite development of the ensuing draft fiscal year budget as the Board will, as noted above, likely have to make decisions regarding the real estate tax rate and overall County finances much sooner than in a non-assessment year.

11. Go VA: Per input from Central VA Partnership for Economic Development staff (which provides staff support to the Region 9 Council), a few pre-applications, but no full applications have been submitted yet for project funding proposals for Region 9 (which includes Nelson County). This includes inter-regional funding monies (i.e. competitive statewide grants) and per capital funding (funding allocated to Region 9). The Region 9 Executive Committee and support staff from CVPED are currently firming up deadlines now for per capita applications for Region 9 (mid-December and mid-January). Nelson County does not have a project proposal that can meet program criteria.

12. TJPDC: Staff (S. Carter) attended a “Broadband Working Group” meeting on 10-27 at PDC offices in Charlottesville. The focus of the meeting was discussion of the PDC’s draft legislative position statement, which strongly emphasizes increased state support for local broadband networks. Following the broadband meeting, staff (S. Carter) attended the regularly scheduled Mayors and Chairs meeting at 12 p.m. The specific subjects of discussion included 1) the PDC’s intent to pursue funding from the federal Economic Development Administration for assistance with completion of a regional Comprehensive Economic Development Strategy (CEDS); 2) Broadband, 3) an update on the 2018 Legislative Program and 4) discussion of regional affordable housing. In addition to the two meeting denoted herein, TJPDC will conduct the annual Legislative Forum on 11-29 at 6 p.m. at the Albemarle County Office Building (2ND Floor, 401 McIntire Road, Charlottesville). Broadband will be the specific program for the Forum and may include Mr. Gary Wood, CEO of CVEC, as guest speaker. Individual invitations were sent to the BOS for the Forum (please advise if you did not receive an invitation). RSVPs are due to the PDC by 11-22.

13. VDOT – Transportation Scenario Planning Report (Lock’ Musical Festival – Final): Attached is the VDOT commissioned plan for transportation improvements; the objective of which is to provide long term transportation solutions for events at the Infinity Downs and Oak Ridge properties. VDOT staff (R. Youngblood) in presenting the preliminary plan to County staff in September (the final plan was received in October) suggested that the proposed improvements should be the County’s top priority for the ensuing VDOT Smart Scale (funding)

Program (applications are due in the second quarter of 2018), as the improvements proposed in the plan presented the best potential for achieving the highest scoring for realization of VDOT funding. In the initial conference call to discuss the plan on 11-8 with VDOT staff, the Department's consultant, Kimley-Horn, the owner of Infinity Downs (D. Frey), the owner's transportation consultant, and County staff (S. Carter), concerns/issues discussed included: 1) the significant expense of the proposed improvements, 2) the length of time to actually complete the overall plan if funding was applied for and approved in 2018, which would be 2024, 3) that the plan does not eliminate the U-turn requirement for large events and 4) the plan does not extend roadway improvements to the entrance to Oak Ridge. Discussion included consideration of other funding sources (i.e. VDOT's Revenue Sharing and Highway Safety Improvement programs, private funding, County funding, and other potential funding sources (none identified). The conference call ended with agreement that Infinity Downs and its transportation consultant would submit possible revisions to the plan to VDOT for review and comment with next steps to be determined.

14. Board Directives (October 10, 2017 Meeting): See attached (all directives have been addressed).

Added: Collection Site Upgrades & Recycling

Mr. Carter reported that the upgrades to collection sites were almost done.

Mr. Carter then reported that for recycling, the County was using Sunoco in Amherst for plastics, paper, and cardboard. He noted that metals were going to the transfer station and being loaded into a container for pick up by the company that used to be Cycle Systems. He added that it was working alright and the County was getting paid for some of it.

Supervisors asked what the metal recycling pay rate was and Mr. Carter noted he would have to check. He noted there was little or no revenue from plastics and cardboard was still doing okay. He added that there was little notice from the current recycler that he would not do it anymore.

Ms. Brennan then asked if there had been an analysis of costs done and it was noted that Mr. Schall's evaluation showed revenues slightly outpaced the costs. He added that if they could find a better solution they would do so.

Ms. Brennan then suggested a GO Virginia opportunity could be to possibly to create a regional reuse facility including glass. Mr. Carter noted that staff had discussed taking glass with Sunoco; however they had said they would take it but they would charge more than the tipping fee to throw it away. Mr. Carter advised that the regional reuse facility was a good idea to explore in the future.

Mr. Hale then asked if aluminum cans were shipped out unsorted and Mr. Carter noted they were. He added that some revenues were received for those materials.

2. Board Reports

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

Ms. Brennan:

Ms. Brennan reported attending the Community Criminal Justice Board meeting and looking at a strategic plan to reduce recidivism rates.

Ms. Brennan reported attending the LOCKN festival roundup meeting. She noted comments that the new venue worked well and that there was a lower turnout than in the past. She reported that there were seven transports of medical issues, two cardiac issues and the rest were drug overdoses. She noted there were forty-three arrests and that the K9s were effective. She noted that traffic went well and there was nothing major to report; she added that the transportation study had been completed.

Ms. Brennan noted attending a meeting on substance abuse and the drug epidemic. She noted that many agencies attended and discussed what was going on in Nelson and there would be another meeting that month. She added that there had not been any opioid deaths in Nelson yet.

Ms. Brennan reported attending the VACO conference and the NCHS One Act Play that won first place in the District.

Mr. Bruguere:

Mr. Bruguere noted he was disappointed in the VACO sessions. He added that the titles were not indicative of what was discussed. He then noted he went to one session about the Chesapeake Bay where it was said that Pennsylvania and Maryland were not required to do anything when the Susquehanna River feeds in to the Bay.

Mr. Bruguere reported attending the Planning Commission meeting and voting to recommend the Winery changes to the Board.

B. Appointments

Ms. McGarry reviewed the following chart and noted that a West District candidate was still needed for the KNB Council and there were still no applications for the MACAA Board. She then advised that an application had been received from Dian McNaught for the JAUNT Board and that Gifford Childs had indicated he would like to be reappointed to the BZA. Ms. McGarry noted that should the Board not wish to have Mr. Childs reappointed to the BZA, that Ms. Bruguere was the current Alternate and an option was to move her into the regular seat and then advertise for the alternate position.

<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
Keep Nelson Beautiful Council (KNB)	12/31/2017	2 Years/ Y (3)	N/A	N/A	Cindy Westley - N
Advertised in NC Times and Website - Deferred Until Have a					Elwood Waterfield - S
West District Candidate					Mary Cunningham - N
					Michele Regine - C
					Nancy Uvanitte - E
					Ronald Fandetti - E
					Susan McSwain - E
					Victoria Jenkins - N
					Anne Catherine Briddell - C
MACCA	10/31/017	2 Years/N	Dian McNaught	N	No Applications Received
Advertised in NC Times and Website					
JAUNT Board	9/30/2019	3 Years/ N	Sarah Holman-Resigned	N	Dian McNaught
Advertised in NC Times and Website					

<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
Board of Zoning Appeals (BZA)	11/11/2017	5 Years/N	Gifford Childs	Y	Alternate - Shelby Bruguere
(2) Existing Vacancies:					
<u>Board/Commission</u>	<u>Terms Expired</u>	<u>Term & Limit Y/N</u>	<u>Number of Vacancies</u>		
Board of Building Appeals	6/30/2016	4 Years/ No Limit	1		
Piedmont Workforce Network Council	6/30/2019	3 Years/ N	1		
Advertised in NC Times and Website					

Supervisors then noted that they would like to hold off on making an appointment to the JAUNT Board as there may be another applicant forthcoming.

Ms. Brennan then moved to have Mr. Gifford Childs re-appointed to the BZA and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Note: Mr. Childs will be recommended to the Circuit Court for re-appointment by the Judge

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

Mr. Saunders:

Mr. Saunders stated he would like to see a sign posted regarding the removal of hats when entering the Board meeting and Mr. Hale and Ms. Brennan agreed.

Mr. Carter noted he would check with Mr. Payne on that prior to it being posted. It was noted that deputies asked those coming to court to remove their hats and Mr. Carter related that in Craig County, the Chairman would ask that hats be removed.

Mr. Saunders stated he had been approached by some County employees who wanted to put a Christmas tree in the Courthouse. He added it would not be anything that could be considered offensive. Mr. Bruguere noted he was okay with it and Mr. Carter noted that typically it has been up to each office as to what they wanted to do and he did not recall ever doing a central Christmas tree.

Mr. Saunders related that the employees wanted a big one in the hallway of the Courthouse entrance. Ms. McGarry noted that for example the Treasurer's Office has had a small Christmas tree in their space and Mr. Carter added that the County typically put wreaths up around the entrance. Mr. Harvey noted he was okay with it and suggested it be put up at the top of the ramp on the landing. Mr. Saunders suggested that the employees choose the location and Ms. McCann suggested that having a live tree may be a fire hazard. Supervisors and staff then discussed whether or not it would be a cut live tree or an artificial one. The Board indicated a preference for a cut live tree and Mr. Carter advised that the Building Official's office would need to be consulted. Mr. Saunders then noted he would tell the employees to proceed.

Ms. Brennan:

Ms. Brennan reminded everyone about the availability of JABA Medicare insurance counseling on Part D. Mr. Harvey noted that some localities furnished insurance for their Board members and Ms. Brennan added that it had been looked at before and she asked that it be looked at again.

Ms. Brennan then asked if the County would send Supervisors elect to Supervisor School and Mr. Carter noted it was already being set up. He added that staff would schedule orientation for them with County departments.

Ms. Brennan noted the potential need for a blasting ordinance and she advised that she thought Mr. Payne had written a memo on that and that they should look at putting blasting under the fire prevention code. Mr. Saunders advised that contractors already had to have a blasting plan approved prior to doing any blasting and they had to notify people in the vicinity of when they were going to blast. It was noted that blasting was controlled that way rather than having a Fire Marshall come out. Ms. Brennan then suggested that with an ordinance, there would be code enforcement.

Ms. Brennan then asked staff to re-look at the face of the steps coming up from Court Street to the Courthouse; she noted they may be moldy and in need of power-washing.

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Mr. Hale:

Mr. Hale inquired about any cut back in JAUNT services in the County. He noted he had constituents who had told him there was no mid-day run and he asked staff to find out or have JAUNT report back. Mr. Carter noted he heard these concerns as well and had emailed the Executive Director, Brad Sheffield the previous day.

Mr. Hale asked for a copy of the revised engineer's estimate that was the result of the Blue Ridge Tunnel bid Addenda #2 along with a copy of the actual bid sheets.

Mr. Hale noted that at the last meeting dogs running at large had been discussed as an issue. He advised that he had spoken to the Animal Control Officers and that Mr. Carter had sent them Wintergreen's and Albemarle County's regulations, as they had requested. He noted that the Albemarle version said that for purposes, dogs shall be deemed to run at large while roaming etc. off property and not under owners' immediate control. He noted it excluded hunting dogs. He added that there have been repeated incidents of people being molested or attacked by dogs not under control and the ordinance would be a tool to enable Animal Control to cite someone if it happens. He then suggested the Board should have Mr. Payne look at adding few paragraphs of the Albemarle language to a County Ordinance.

Mr. Hale then noted that some East District constituents had noted to him that there were flashing lights at the courthouse. Mr. Carter advised that staff was working on that and new fixtures were being ordered.

Mr. Bruguire then noted he concurred with Mr. Hale on the dog issue; noting that over the last year, problems with roaming dogs had gotten to be too many. He noted that people got out and exercised and they did not need to be accosted by dogs. He added that dogs needed to stay on their own property and he thought it was time for an ordinance. He added he did not think it would be invasive and it would not apply to hunting dogs.

Mr. Saunders noted he had been approached on the same thing related to livestock.

SAC: Albemarle Ordinance addresses what LS is asking about. Provision in there about animals trespassing on others property. Mr. Bruguire noted that his constituents had advised to leave that issue alone. Mr. Hale noted there were only a few that caused issues.

Ms. Brennan then asked about the ramifications if a dog bit someone under that type of ordinance. Mr. Carter advised that the owner could be charged and the roaming dogs impounded.

Mr. Harvey asked if the regulation could be done by breed and Mr. Carter advised he thought it could but he would have to consult Mr. Payne.

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

VI. Other Business (As May Be Presented)

There was no other business considered by the Board.

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

At 5:26 PM, Ms. Brennan moved to continue the meeting until 7:00 PM 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.

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

I. Call to Order

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

II. Public Comments

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

III. Public Hearings

Mr. Harvey noted for the public that Item C. Rezoning #2017-04 rezoning application for landscaping business had been withdrawn and a public hearing on the matter would not be held that night.

A. Special Use Permit #2017-09 – “Public Garage”/ H. and D. Park

Special Use Permit application #2017-09 requests approval to use the specified property for a public garage. The subject property is located at 99 Morse Lane in Arrington, Tax Map #76-10-3 (3.275 acres Zoned Agricultural A-1) & owned by Helen and David Park.

Ms. Shackelford reviewed the following report:

BACKGROUND: This is a request for a special use permit to add a second building for a public garage on property zoned Agricultural in accordance to §4-1-18a.

Public Hearings Scheduled: P/C – October 25, 2017; Board – November 16, 2017

Location / Election District: 99 Morse Lane / South Election District

Tax Map Number(s) / Total acreage: 76-10-3 / 3.275 acres +/-

Applicant Contact Information: David Park, 99 Morse Lane, Arrington, VA 22922; 434-409-4550.

Comments: The applicants received a special use permit in 2010 to construct the existing garage. The garage is used for long-term automobile storage. The existing building is full, and they need additional space so all the vehicles can be stored inside. The conditions placed on the original special use permit are: 1) All storage must be inside the building; and 2) Any outside lighting must be approved by the Planning Director.

DISCUSSION:

Land Use / Floodplain: This area is industrial/mixed commercial in nature. There are no 100-year flood plains on the property.

Access and Traffic: Property is accessed from Morse Lane (Route 62-748 – AADT 80 trips per day). VDOT has reviewed the plans, and the current entrance is approved as long as there are no more than 50 vehicle trips per day.

Utilities: No water/sewer services will be needed for the proposed building.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Conditions recommended by staff are that: 1) All storage must be inside the building; and 2) Any outside lighting must be approved by the Planning Director.

Comprehensive Plan: This property is located in an area designated as Secondary Light Industrial/Mixed Commercial based on the current Comprehensive Plan.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate. *The proposed use is consistent with the development in this area, especially considering that this is an expansion of an existing use.*

2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property. *The property is located on US 29 and Morse Lane. It is located in close proximity to a nearby truck stop.*

3. The proposed use shall be adequately served by essential public or private water and sewer facilities. *The new building will not require any water/sewer services.*

4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance. *When the initial request was reviewed in 2010, it was determined that there would be no significant negative impacts.*

The Planning Commission recommended approval of this request by vote of 5-0 with the following conditions: 1) All storage must be inside the building; and 2) Any outside lighting must be approved by the Planning Director.

Ms. Shackelford noted the location of the site on an aerial photo.

There were no questions from the Board and Mr. Park, the applicant, noted he had nothing further to add.

Mr. Harvey then opened the public hearing and there were no persons wishing to be recognized and the public hearing was closed.

Mr. Hale then asked for the dimensions of the building and it was noted to be 7,500 square feet with actual dimensions unknown.

Ms. Brennan then moved to approve Special Use Permit #2017-09 “Public Garage”/ H. and D. Park with the specified conditions.

Mr. Bruguiere seconded the motion and Supervisors voted (4-0-1) to approve the motion with Mr. Saunders abstaining.

B. Special Use Permit #2017-05 – “Outdoor Entertainment Venue”/ Rockfish Valley Community Center (RVCC)

Special Use Permit application #2017-05 requests approval for an “Outdoor Entertainment Venue” land use. The subject property is located at 190 Rockfish School Lane in Afton, Tax Map #12-A-55 (10.109 acres zoned Residential R-1) & owned by RVCC.

Ms. Shackelford presented the following staff report:

BACKGROUND: This is a request for a special use permit to allow for a bandstand (outdoor entertainment venue) at the Rockfish Valley Community Center on property zoned R-1 in accordance with §5-1-6a of the zoning ordinance.

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Public Hearings Scheduled: P/C – June 28, 2017; Board – July 11, 2017 Ms. Shackelford reported that the public hearing in July had been deferred until the applicants could work out issues with VDOT.

Location / Election District: 190 Rockfish School Lane / North Election District

Tax Map Number(s) / Total acreage: 12-A-55 / 10.11 acres +/- total, 0.076 acres subject to request.

Applicant Contact Information: Rockfish Valley Community Center, P.O. Box 106, Nellysford, VA 22958; 434-361-0100

Comments: The requested use is for an outdoor entertainment venue in connection with a permissible public or semi-public use pursuant to §5-1-4 of the Nelson County Zoning Ordinance. The established use of the community center falls into this category, and this use would be an extension of the other activities that are currently available on the property. There is no additional parking proposed for this request. The applicants are anticipating hosting six events per year with approximately 300 people in attendance. In addition, the applicants will allow the bandstand to be rented by other groups throughout the year. Events that are hosted by the Rockfish Valley Community Center will not need to obtain temporary event permits for any event that projects 500 attendees or less. Temporary event permits for any group using the RVCC venue will be required to obtain temporary event permits in conformance with Article 24 of the Nelson County Zoning Ordinance.

DISCUSSION:

Land Use / Floodplain: This area is mixed use in nature. There is already an existing community center that has a space for small businesses to use and a variety of venues for outdoor activities including a skate park, ball field, and basketball court. There is a 100-year flood plain running along the northeast and southwest boundaries of the property. However, the floodplain is outside of the proposed development area.

Access and Traffic: Property is accessed from Rockfish School Lane (Route 62-635 – AADT 1,500 trips per day) and Crawford’s View Road (Route 62-749 – AADT 180 trips per day). The proposed events will not take place in conjunction with other events that are currently permitted at the community center. The applicants are currently discussing entrance improvements/changes with VDOT.

Utilities: Property is served by private well and septic systems. The applicants recently installed a new septic system on the property which has enough capacity for restrooms that may be installed in the future.

Conditions: The Board of Supervisors may impose reasonable conditions upon the approval of the special use permit. Conditions recommended by the Planning Commission are that 1) the site shall be developed in substantial conformance to the site plan submitted with the special use permit request; 2) the events at the bandstand will not take place simultaneously with any other events held at the Rockfish Valley Community Center and there will be a minimum of a one hour break between events; 3) Music will be permitted between the hours of 12 noon and 9 pm Sunday through Thursday, and between the hours of 12 noon and 10 pm on Friday and Saturday; and 4) The number of total events per year will be limited to twenty.

Comprehensive Plan: This property is located in an area designated as rural residential based on the current Comprehensive Plan. This request is generally consistent with the Comprehensive Plan.

Considerations:

The approval of special use permits should be based on the following factors:

1) The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate. *This use does not appear to change the character/development pattern in the area.*

2) The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property. *This use is consistent with the other uses that are available on the property. The nearest residence is approximately 800 feet away from the proposed bandstand. The community center plans to host a limited number of events on the site each year. They have positioned the bandstand to face away from the neighboring property owners to minimize the noise. Because the group is non-profit, it will not be required to get a Temporary Event Permit unless the number of attendees projected for an event exceeds 500.*

3) The proposed use shall be adequately served by essential public or private water and sewer facilities. *The site already has facilities available to serve the general property. The applicants plan to provide additional toilets/restrooms in future phases.*

4) The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance. *There are no significant ecological, scenic or historical features that would be impacted by the proposed use.*

RECOMMENDATION: The Planning Commission recommended approval of this request by vote of 4-0 with the conditions referenced above.

Ms. Shackelford then noted the location of the bandstand and its orientation to surrounding residences on an aerial map. She added that the entrances were worked out with VDOT, which would be explained by the applicants.

Mr. Harvey then asked for comments from the applicants:

Mr. Robert Yoder, Vice President of RVCC and Mr. Stu Mills Executive Director of RVCC addressed the Board. They noted that on the diagram, the building to the right of the property was the Ruritan Club's picnic shelter. They added that theirs, if approved, would be the only non-alcohol related outdoor venue on that side of the county. They advised that they would have music events, weddings, and fund raisers for the community center to keep the doors open. They noted that they had oriented the stage away from their nearest neighbors in order to minimize noise and they had agreed to the conditions noted and they would appreciate a favorable outcome on their application. They then explained VDOT's concerns regarding the entrances; noting that the gravel parking lot to the south of the building had two entrances on School Lane and one on Crawford's view. They noted that they proposed to close one of the entrances on School Lane and Crawford's View lane and then they would create a new one further from to the intersection of those two streets.

Mr. Carter then asked if there was no alcohol use planned, was that a condition that they were willing to agree to. Mr. Yoder answered they were not, and clarified that even though they were not an alcohol venue, they would have alcohol at some of their events. He added that Blue Mountain Brewery had the naming rights of the venue for the first five years.

There being no other questions from the Board, Mr. Harvey opened the public hearing and the following persons were recognized:

1. Janet Lychock, Rockfish School Lane

Ms. Lychock distributed comments from the group she was representing.

She then noted she was there as a property owner to speak against the application. She noted that RVCC had evolved into more of a retail space and less of a place for artisan shops. She then questioned why they needed the outdoor venue to generate revenue and she wondered when the expansion would end. She also questioned the cost effectiveness of construction if they were only proposing to have six events per year. Ms. Lychock then noted that private parties would create noise, traffic, and inebriated guests wandering around. She added that their events were already loud enough and she could hear them inside her home, which was .5 mile down the road. She then advised that RVCC had stated they were sensitive to neighbors and would erect noise abatement devices; however she had seen nothing indicating that in meeting minutes on the subject.

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Ms. Lychock then added that the structure itself was an issue and was an eyesore in addition to the existing graffitied skate park, which would negatively affect property values. Ms. Lychock then noted taking exception to comments on this by Jesse Rutherford and by people running RVCC who do not live next to the site. She then asked the Board not to rubber stamp the application and stated she was against approval of the bandstand.

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

Mr. Bruguere advised that the Planning Commission had suggested hours that were not particularly late and would not create any more traffic on 151 than there already was. He added that he did not see that issue and the outdoor venue was a way for them to continue their activities. He added that having dealt with Fleetwood Community Center and raising money, which was a nightmare, he would be in favor of it with conditions.

Mr. Hale noted that limiting it to twenty events per year was less than two per month if it were spread out and Mr. Bruguere noted if they were doing weddings, they would not go as late.

Ms. Brennan asked if they were planning to do any vegetative screening along Crawford's View Lane and Mr. Yoder noted they were not at the moment since the back of the bandstand would face that way. She then suggested that may be a good thing to do. Mr. Yoder then advised that their long range plan was to put in a walking trail along there with trees.

Mr. Saunders asked how they would keep crowds to under 500 and Mr. Yoder noted they would be doing head counts on larger events; however the average event size was 250 with attendees spread over time and them not all there at one time. Mr. Saunders noted that they would have beer and food trucks and questioned what they would do if the crowd grew to thousands. Mr. Yoder responded that they would have to turn them away and regardless they could not handle that size crowd unless they were bussed in and they were not planning to do that. He added they had total parking for 177 spaces and if there were three per car; that may approach 500; however most had one or two people in them.

Mr. Harvey noted he was concerned about the narrowness of Crawford's View Road and people parking along there which would block emergency services access.

Mr. Saunders then asked if people living behind RVCC would be able to get out and Mr. noted they would monitor the parking with larger events.

There were no further questions from the Board and Mr. Bruguere moved to approve Special Use Permit #2017-05 with the conditions recommended by the Planning

Commission. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted (4-1) to approve the motion with Mr. Saunders voting No.

C. Rezoning #2017-04 – “Landscaping Business”/ M. Penney

Rezoning application #2017-04 requests approval to rezone the specified property to Industrial M-2 for a landscaping business. The subject property is located at 20 Hedge Lane in Afton, Tax Map #6-A-102A (4 acres zoned Light Industrial M-1) & owned by Michael Penny.

This public hearing was not conducted as the applicant withdrew his application at the afternoon session.

D. Amendments to Zoning Ordinance “Uses – Permitted by right” in Limited Industrial (M-1) and Industrial (M-2) Districts and Definition of Winery

Consideration of amendments to Zoning Ordinance: Article 2 Definitions (“Winery”), Article 9 (“Industrial M-2”), and 18 (“Limited Industrial M-1”).

Ms. Shackelford reviewed the following staff report:

As discussed in our previous Planning Commission meeting, there has been interest in adding “wineries” as a by-right use in the M-1 and M-2 zoning districts. In accordance with §2.2-2285 of the Code of Virginia, the public hearing for this proposed zoning amendment has been advertised for the Planning Commission meeting to be held on November 15, 2017 and for the Board of Supervisors meeting to be held on November 16, 2017.

The proposed changes drafted by staff and advertised for consideration are below:

ARTICLE 2. DEFINITIONS

Add the following definition for winery:

Winery: An establishment where wine is made, bottled, and/or stored for distribution and which may contain accessory facilities for retail sales and tastings.

ARTICLE 9. INDUSTRIAL M-2

Amend Section 9-1 (“Uses – Permitted by right.”) as follows:

Add 9-1-32: Winery

ARTICLE 18. LIMITED INDUSTRIAL M-1

Amend Section 18-1 (“Uses – Permitted by right.”) as follows:

Add 18-1-8: Winery

The definition for winery that is being proposed is based on §4.1-100 of the Code of Virginia with slight variations to remove the requirement that the wine is made and stored for *wholesale* distribution and to add bottling of wine as an activity that would also qualify a facility as a winery.

RECOMMENDATION:

The Planning Commission recommended approval of the zoning amendment as presented in this memo by vote of 6-0.

Ms. Shackelford advised that the new definition was modified slightly from that of the State Code and she reviewed the uses to be added as noted above.

Mr. Harvey advised that the changes would now treat Wineries the same as a distillery or a brewery and Ms. Shackelford concurred.

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

Mr. Hale then moved to approve Ordinance **O2017-02** amending the Zoning Ordinance for Wineries in M-1 and M-2 zoning districts 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 Ordinance was adopted:

ORDINANCE O2017-02
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF APPENDIX A, ZONING OF THE CODE OF NELSON
COUNTY, VIRGINIA: ARTICLE 2, DEFINITIONS – ADDITION OF
“WINERY”, ARTICLE 9 INDUSTRIAL M-2, ARTICLE 18 LIMITED
INDUSTRIAL M-1 ADDITION OF USES PERMITTED BY RIGHT

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

ARTICLE 2. DEFINITIONS

Add the following definition for winery:

Winery: An establishment where wine is made, bottled, and/or stored for distribution

and which may contain accessory facilities for retail sales and tastings.

ARTICLE 9. INDUSTRIAL M-2

Amend Section 9-1 (“Uses – Permitted by right.”) as follows:

Add 9-1-32: Winery

ARTICLE 18. LIMITED INDUSTRIAL M-1

Amend Section 18-1 (“Uses – Permitted by right.”) as follows:

Add 18-1-8: Winery

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

IV. Other Business (As May Be Presented)

Introduced: Potential Amendment of M-1 Zoning Districts

Mr. Harvey suggested that the Board consider amending the M-1 zoning district to include outside storage; by adding the use of outdoor storage yard or landscaping business. He noted that had not been vetted so much yet.

Mr. Harvey then asked what the Board needed to do to facilitate it and Mr. Carter advised that they probably needed to either refer it to the Planning Commission or have Ms. Shackelford proceed with introducing it to them.

The consensus of the Board was to have Ms. Shackelford draft something, discuss it with the Planning Commission, and then bring that back to the Board for official referral.

V. Adjournment

At 7:50 PM, Mr. Hale moved to adjourn the meeting and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted (4-1) to approve the motion with Mr. Saunders lightheartedly voting No.