

October 14, 2014

**Virginia:**

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

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

Absent: None

**I. Call to Order**

Ms. Brennan called the meeting to order at 2:10 PM, with all Supervisors present to establish a quorum.

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

**II. Proclamation P2014-06 - October Proclaimed Domestic Violence Awareness Month**

Ms. Brennan read the proclamation aloud and then noted that Nelson County did have a Domestic Violence Task Force in place. She added that she attended the first Festival of Hope in celebration of these volunteers. She noted that in addition to education, they were providing counseling services and would like to create a shelter in the county.

Mr. Hale then moved to approve Proclamation **P2014-06**, proclaiming October as Domestic Violence Awareness Month and Mr. Bruguire seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following proclamation was adopted:

**PROCLAMATION P2014-06  
NELSON COUNTY BOARD OF SUPERVISORS  
PROCLAIMING OCTOBER AS DOMESTIC VIOLENCE AWARENES MONTH**

**WHEREAS**, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

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**WHEREAS**, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, in our quest to impose sanctions on those who break the law by perpetrating violence, we must also meet the needs of victims of domestic violence who often suffer grave physical, psychological and financial losses; and

**WHEREAS**, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

**WHEREAS**, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

**WHEREAS**, the Shelter for Help in Emergency has led the way in the Nelson County in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

**WHEREAS**, the Shelter for Help in Emergency commemorates its 35<sup>th</sup> year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

**NOW THEREFORE, BE IT RESOLVED**, in recognition of the important work being done by the Shelter for Help in Emergency, the Nelson County Board of Supervisors, do hereby proclaim the month of October 2014 as DOMESTIC VIOLENCE AWARENESS MONTH, and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shelter for Help in Emergency, and to work toward the elimination of personal and institutional violence against women, children and men.

### **III. Consent Agenda**

Ms. Brennan noted the consent agenda items for consideration and Mr. Carter advised that a revised budget amendment had been provided that accurately reflected the transfer amount for the re-chassis of the ambulance.

Mr. Hale added that he would like to note a correction to the September 9, 2014 minutes presented for approval. He asked that the minutes reflect that a new flagpole and flag were

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donated by the Woodmen of the World to the Faber Fire Department. The Board's consensus was to accept the revision and it was so noted by Ms. McGarry.

Mr. Hale then moved to approve the consent agenda including the aforementioned correction to the September 9, 2014 minutes and Mr. Harvey 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 – **R2014-68** Minutes for Approval

**RESOLUTION R2014-68**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(September 9, 2014)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **September 9, 2014** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2014-69** COR Refunds

**RESOLUTION R2014-69**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$25.76	2013 PP Tax	Peggy Weikle 17833 Thomas Nelson Hwy Faber, VA 22938
\$142.36	2012-2013 PP Tax & Vehicle License Fee	James R. Giles 1455 Horseshoe Rd. Arrington, VA 22922

C. Resolution – **R2014-70** FY15 Budget Amendment

**RESOLUTION R2014-70**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET**

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**NELSON COUNTY, VA  
October 14, 2014**

**BE IT RESOLVED** by the Board of Supervisors of Nelson County that the Fiscal Year 2014-2015 Budget be hereby amended as follows:

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 1,499.00	3-100-009999-0001	4-100-021040-3025
\$ 4,494.00	3-100-003303-0008	4-100-031020-3031
<u>\$ 12,395.00</u>	3-100-003303-0008	4-100-031020-3032
\$ 18,388.00		

**II. Transfer of Funds (General Fund)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 3,000.00	4-100-999000-9905	4-100-091050-7011
<u>\$112,453.00</u>	4-100-999000-9905	4-100-091050-7085
\$115,453.00		

D. Resolution – **R2014-71** Amendment of County Technology Use Policy

**RESOLUTION R2014-71  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF THE NELSON COUNTY TECHNOLOGY USE POLICY**

**WHEREAS**, the Code of Virginia was amended to add § 15.2-1505.2. Personnel policies related to the use of public property. Every locality, with the exception of towns having a population of less than 3,500 that do not have a personnel policy, shall establish personnel policies covering the use of public property by officers and employees of the locality. Such policies shall address the use of telephones, computers, and related devices and peripheral equipment that are the property of the locality for (i) personal use, to the extent that such use interferes with the employees' productivity or work performance, or (ii) political activities. As used in this section, "political activities" shall have the same meaning as provided in § 15.2-1512.2.

**WHEREAS**, the Nelson County Technology Use Policy does not sufficiently address Virginia Code § 15.2-1505.2; and

**WHEREAS**, proposed amendments incorporate county provided cell phones and more specifically define "political activities" pursuant to the Code of Virginia § 15.2-1512.2.

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**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Nelson County, Virginia that the Nelson County Technology Use Policy be amended as attached. The full policy text is hereby incorporated by reference as a part of this resolution.

NELSON COUNTY TECHNOLOGY USE POLICY  
AS REVISED October 14, 2014

**Policy Statement**

The County of Nelson expects all technology users to use County resources in a responsible and ethical manner as outlined in the policies herein. County technology refers to County owned computers, computer network, Internet, and telephone network which is inclusive of county provided cell phones. These policies apply to all employees who are granted access to the County's computers, computer network; including Internet and E-mail, the County's telephone network, and county provided cell phones. Access to these systems is provided at the County's discretion. The use of the County's technology systems by an employee or other user constitutes acceptance of and consent to the provisions of this policy. Any violations of these policies shall be reported to the County Administrator or designee and may be subject to disciplinary action up to and including dismissal.

**Prohibited Technology Activities/Uses**

- Accessing, downloading, printing, storing, sending or knowingly receiving information with sexually explicit content.
- Downloading or transmitting fraudulent, threatening, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images;
- Installing or downloading computer software, programs, or executable files contrary to policy;
- Uploading or downloading copyrighted materials, or proprietary County information;
- Uploading or downloading access-restricted County information contrary to policy or in violation of County policy
- Sending E-mail using another's identity, an assumed name, or anonymously;
- Permitting a non-user to use for purposes of communicating the message of some third party individual or organization;
- Certain use of cell phones while driving as provided in section IV-A;
- Any other activities designated as prohibited by the County.

**Limited Personal Use of Technology**

Limited personal use of County technology is permitted provided that such use does not:

- Interfere with County of Nelson operations
- Generate incremental identifiable costs to the County,
- Negatively impact the user's job performance,
- Involve other employment, the operation of a personal business, or other similar commercial or business activities Involve creating, sending, knowingly receiving, storing or recording any sexually oriented or explicit, obscene, offensive, slanderous or ill-considered messages, documents or images.
- Solicit or promote religious causes

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- Solicit, promote or otherwise involve political activities as defined by the Code of Virginia § 15.2-1512.2.C.
- Violate the County codes of conduct, regulations, policies or laws

### **Computer/Network Use**

Employees are given access to County computers/network/cell phone data plans to facilitate the efficient performance of County business.

### **Security**

Employees are required to protect their individual identities on County computers with confidential passwords in order to maintain the integrity of the user's identity and the County's network. Users will be held responsible for all activities on their user IDs or, where applicable, that originates from their assigned computer. The County reserves the right to require disclosure of users' passwords when deemed necessary.

Users are expected to lock or sign-off of their assigned computers when away from their work stations for extended periods of time. Users should not post or leave their passwords in an easily accessible place. Users should only access those County programs for which they are authorized. Any unauthorized access is strictly prohibited and may be subject to disciplinary action.

Dial-up access to the County's computer network is strictly prohibited unless authorized by the County Administrator. Disclosure of network system information to unauthorized parties is strictly prohibited.

### **Downloading**

Employees are expected to use virus checking software before downloading files or programs from the Internet, newsgroups, bulletin boards, other online services or opening files attached to e-mails from unknown sources. Viruses may cause damage to County computers or the County's network. If you suspect that a virus has been introduced into the County's network, notify the County Administrator or designee immediately.

Users shall refrain from downloading E-mail from online service providers other than nelsoncounty.org (e.g. AOL, CEVA, etc.) to County computers. Any mail processed through a service provider other than nelsoncounty.org shall be viewed using the provider's web interface (web-mail). Downloading of mail and/or attachments from other service providers to County computers, bypasses automatic antivirus scanning and quarantine services and places potentially harmful material directly on the user's machine.

### **Software**

Users of County computers are expected to use only legal versions of copyrighted software in compliance with the vendor license requirements.

Only computer software programs and hardware (including accessories) supplied by the County are to be installed in County computers, unless otherwise authorized by the County Administrator or designee.

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This includes, but is not limited to, software used to access outside Internet Service Providers, (ISPs) such as AOL, without permission. Computer data files are not to be removed from County premises except as specifically authorized and computer software programs are not to be copied.

### **Computer and Cell Phone Purchases**

Purchases of computers and cell phones for County use shall be coordinated with the County Administrator or designee. This is to ensure that the County utilizes any Government contract pricing that is available and that computer specifications and software packages are compatible with the County's computer network.

### **Technical Difficulties**

Any computer malfunction must be reported to the County Administrator or designee immediately. Employees must not try to solve computer problems unless they are of a routine nature. If you suspect that a virus has been introduced into the County's network, notify the County Administrator or designee immediately.

### **Employee Rights**

Employees should have no expectation of privacy in anything they create, store, send or receive using the County's computer equipment/network or cell phones and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its equipment and networks including, but not limited to, monitoring Internet sites visited by users, monitoring chat and newsgroups, file downloads, and all communications sent and received by users. Any and all programs and files stored on a County owned computer/cell phone is deemed property of the County.

### **Internet Use**

Employees are given access to the Internet to facilitate the efficient performance of County business. The term "Internet" refers to the World Wide Web, list-servers, USENET news groups, Internet chat rooms, and other Internet resources and services.

### **Inappropriate Websites**

Given the global nature of the Internet, users may encounter material that is inappropriate, offensive and in some cases illegal. Users are responsible for ensuring that any websites visited and any material reviewed or downloaded from the Internet is in accordance with this policy. Any inadvertent inappropriate site visits or encounters of inappropriate material by users, should be reported to their supervisor.

### **Employee Rights**

Employees should have no expectation of privacy in anything they create, store, send or receive using the County's Internet access and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its computer system including, but not limited to, monitoring Internet sites visited by Users, monitoring chat and newsgroups, file downloads, and all communications sent and received by users across the World Wide Web. The County reserves the right to utilize software that makes it possible to

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identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

### **Restrictions on Internet Use**

The County of Nelson reserves the right to restrict or deny the use of its computing and network systems to access Internet resources in response to alleged evidence of violations of County policies or codes, state or federal laws, or contractual obligations

### **Electronic Mail (E-mail) Use**

Employees are given access to County E-mail to facilitate the efficient performance of County business. Limited personal use is permitted as provided above. However, users employing the County's E-mail system for personal use must present their communications in such a way as to be clear that the communication is personal and is not a communication of the County. Keep in mind that E-mail containing the County's domain address \_\_@nelsoncounty.org may be perceived as reflecting on the character and professionalism of the County organization.

### **Expectations**

All County employees that have been identified as a user on the County's computer network have been given an E-mail account. It is expected that all users will access their account at least daily to ensure receipt of E-mail messages that may be vital in the performance of their duties. Failure to do so is unacceptable and may be subject to disciplinary action should malfeasance of duty result.

### **Security**

Employees are expected to protect their individual identities on the County E-mail system with confidential passwords, in order to maintain the integrity of the user's identity. Users will be held responsible for all E-mail activities on their user IDs or, where applicable, that originates from their assigned computer. The County reserves the right to require disclosure of E-mail passwords when deemed necessary. Users are expected to lock or sign-off of their assigned computers when away from their work stations for extended periods of time. Any misrepresentation or masking of one's identity on the County's E-mail system will be grounds for disciplinary action.

### **E-mail Attachments**

Users must exercise caution when opening E-mail that contains file attachments. Never open any E-mails or attachments from unknown sources.

### **E-mail Etiquette**

Identify yourself clearly and accurately in all electronic communications. Concealing or misrepresenting your name or affiliation to dissociate yourself from your communication is never appropriate. Respect and maintain the integrity of the original author. Alteration of the source of electronic mail, message, or posting is unethical and possibly illegal. Use care that your use of E-mail does not damage or place excessive load on E-mail or other County resources. Refrain from sending chain mail (which is illegal) and junk mail (mass mailing unrelated to County business and unlikely to be wanted by the majority of recipients). The

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use of broadcast mail (sending the same note to groups of employees) places stress on the E-mail system. It should be used selectively for compelling mission-related reasons only.

Users are encouraged to utilize the “Out of Office” reply function when out of the office for extended periods of time; that indicates who to contact if immediate assistance is needed and your expected return date. This will ensure that business needs will be met in your absence. Users should use the same care in drafting E-mail and other electronic documents as they would for other written communications. Electronic records may be subject to Freedom of Information Act (FOIA) and, therefore available for public distribution.

### **E-Mail Management/Retention**

Use of E-mail archiving is strongly encouraged in order to maintain optimal functionality of the County’s E-mail server. E-Mail messages older than 1 year may be automatically purged from the system. Deletion schedules will be determined by the County Administrator or designee and communicated before automatic purging occurs.

### **Outside E-mail Accounts**

Use of outside E-mail accounts such as AOL, Hotmail, and Ceva.net etc. for County business or personal use is strictly prohibited unless otherwise authorized by the County Administrator. The cost of any authorized outside E-mail accounts will be the responsibility of the authorized user. Any and all electronic messages created with outside E-mail accounts, sent and received by users of the system, through outside E-mail accounts and/ or stored within the hardware and software systems administered by the County, are the property of the County and are therefore not considered private.

### **Employee Rights**

Employees should have no expectation of privacy in anything they create, store, send or receive using the County’s E-mail system and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its E-mail system including, but not limited to, all electronic messages created with, sent and received by users of the system and/ or stored within the hardware and software systems administered by the County. Users do not have a personal privacy right in using the E-mail system.

### **Monitoring of E-mail**

The County reserves the right to monitor all aspects of the County’s E-mail system. It is a violation, however for any user to use the E-mail and computer systems for purposes of satisfying idle curiosity about the affairs of others, and/or with no substantial business purposes for obtaining access to the files or communications of others.

The contents of electronic mail properly obtained by monitoring, for legitimate business purposes, may be disclosed within the County organization without the permission of the user. However, any internal disclosure without the consent of the employee who sent the message should be limited to those who have need for access to the information.

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Upon leaving employment with the County for any reason, a user's mail file may be accessed for the purpose of saving those messages that pertain to County business. These files may be subject to transfer to another user if necessary.

### **Phone Network/System Use**

Employees are given access to the County phone network and county provided cell phones to facilitate the efficient performance of County business.

### **Expectations**

All County employees that have been identified as a user on the County's phone network have been given a station/User ID with a corresponding voice mail box. It is expected that all users will access their voice mailbox as needed and in a timely manner, to ensure receipt of voice mail messages that may be vital in the performance of their duties. Failure to do so is unacceptable and may be subject to disciplinary action should malfeasance of duty result.

All County employees whose job responsibilities include driving and who must use a cell phone for business use, are banned from text messaging while driving. All County employees who are operating a county vehicle requiring a commercial driver's license (CDL) are prohibited from using cell phones (personal or county provided) or text messaging while driving. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

### **Phone System Etiquette**

Users are encouraged to record or activate an "Out of Office" voice mail greeting when out of the office for extended periods of time; that indicates who to contact if immediate assistance is needed and your expected return date. This will ensure that business needs will be met in your absence.

### **Transferring Calls**

Most users are grouped individually under a main department number. When transferring outside calls, transfer them to the group's main department number and not to an individual's extension. This will avoid inadvertently giving the public a person's direct line number, when it is not desirable and will provide for effective call handling according to each Department's needs.

### **Employee Rights**

Employees should have no expectation of privacy in anything they create, store, send or receive using the County's phone system or county provided cell phones and expressly waive any rights to privacy. The County has the right to monitor and log any and all aspects of its phone system including, but not limited to, all messages created with, sent and received by users of the system and/ or stored within the hardware and software systems administered by the County. Users do not have a personal privacy right in using the County's phone system.

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All employer provided cell phones are provided for non-compensatory business reasons, and as such are excludable from an employee's income as a *de minimis* fringe benefit (Internal Revenue Service Publication 15-B).

**Monitoring of Phone Network**

The County reserves the right to monitor all aspects of the County's phone system inclusive of county provided cell phones. It is a violation, however for any user to use the phone system for purposes of satisfying idle curiosity about the affairs of others, and/or with no substantial business purposes for obtaining access to the communications of others. The contents of voice mail properly obtained by monitoring for legitimate business purposes may be disclosed within the County organization without the permission of the user. However, any internal disclosure without the consent of the employee should be limited to those who have need for access to the information.

Upon leaving employment with the County for any reason, a user's voice mail file may be accessed for the purpose of saving those messages that pertain to County business. These files may be subject to transfer to another user if necessary.

The County also reserves the right to utilize software that tracks call volume on the telephone network, including incoming and outgoing calls and specific call data.

**Technical Difficulties**

Any telephone malfunction must be reported to the County Administrator or designee immediately. Employees must not try to solve telephone problems unless they are of a routine nature.

**NELSON COUNTY TECHNOLOGY USE POLICY ACCEPTANCE**

I have been given a copy of the Nelson County Technology Use Policy and I understand that it is my responsibility to read and abide by this policy. If I have any questions about this policy, I understand that I should ask my supervisor or the County Administrator or designee for clarification.

If I do not sign this acceptance, my supervisor will be asked to initial this form indicating that a copy has been given to me and that this statement has been read to me. Failure to sign this acceptance, however does not exempt me from the policies outlined herein. I acknowledge that use of County technology constitutes acceptance of these policies.

EMPLOYEE'S NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

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E. Resolution – **R2014-72** Recognition of Virginia Artisan Week

**RESOLUTION R2014-72  
NELSON COUNTY BOARD OF SUPERVISORS  
RECOGNITION OF VIRGINIA ARTISAN WEEK  
OCTOBER 3RD- OCTOBER 12TH 2014**

**WHEREAS**, the culture of the Virginia artisan inspires appreciative audiences for its unique work and distinctive way of life; and,

**WHEREAS** the production and use of handmade arts and artisan agricultural products invoke an intimate lifelong relationship of value and appreciation for the work of highly skilled individuals; and,

**WHEREAS**, Virginia’s artisans link past, present and future as they reconcile “meaning” with “making” through traditional practices and innovations; and,

**WHEREAS** the state of Virginia currently hosts 27 community-connected and developing artisan trails representing 40 counties and 11 cities across the Commonwealth that are strengthening our economy through a connective community Artisan Trail Network; and,

**WHEREAS**, the Virginia’s artisan industry, comprises an estimated 4,500 businesses, to include but not limited to individual studios, farms, aquaculture, art venues, market venues and supporting cultural sites in both the private and nonprofit sector ; and,

**WHEREAS**, artisans and agricultural artisans contribute significantly to strong local and creative economies; and,

**WHEREAS**, the creative economy is an effective avenue toward entrepreneurial opportunities and the diversification of local economies undergoing transition; and,

**WHEREAS**, artisan education research shows that the arts help to foster discipline, creativity, imagination, self-expression, and problem solving skills while also helping to develop a heightened appreciation of beauty and cross-cultural understanding; and,

**WHEREAS**, many artisan acquired skills are transferrable into Virginia’s manufacturing and trade-based workforce; and,

**WHEREAS**, artisans and agricultural artisans are integrated into every aspect of life in Virginia -- strengthening the economy, enriching civic life, driving tourism, and exerting a profound positive influence on the education of our children;

**NOW THEREFORE BE IT RESOLVED** that the Nelson County Board of Supervisors recognizes the week of October 3-12, 2014 as “Virginia Artisan Week”.

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F. Resolution – **R2014-73** Change of November Regular Meeting Date

**RESOLUTION R2014-73**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESCHEDULING OF NOVEMBER 2014 REGULAR MEETING**

**WHEREAS**, the Nelson County Board of Supervisors hereby establishes that an alternate date for the Board’s regular monthly meeting on **November 11, 2014** is necessary due to the attendance of some members of said governing body at the annual conference of the Virginia Association of Counties through November 11, 2014;

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors pursuant to §15.2-1416 (Regular meetings) of the Code of Virginia that the regular meeting of the Board on **Tuesday, November 11, 2014** be and hereby is rescheduled to **Thursday, November 13, 2014**.

**IV. Public Comments and Presentations**

A. Public Comments

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

B. Presentation – David Blount, 2015 TJPDC Legislative Program  
**(R2014-74)**

Mr. Blount noted the following legislative priorities that were included in the program for approval:

- 1) State Mandates and Funding Obligations
- 2) Public Education Funding
- 3) Transportation Funding and Devolution
- 4) Water Quality
- 5) Land Use and Growth Management

He added that second section of the program contained policy positions in ten (10) other areas that related to these priorities and also contained specific requests that came in from localities.

Mr. Blount noted that he saw the top priority doing a couple of things. He noted that it offered an alternative to legislators to broaden the state’s revenue base and secondly, it provided a basis for some dialogue to look at the changing economy.

Mr. Blount then noted that the plan contained new statements related to the current budget situation, namely the reinstatement of a reduction in aid to localities for FY15 and FY16. He noted that there was a statement to reverse this position. He noted that the state has suggested that reductions were pretty heavy in the areas of CSA and Compensation Board.

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Mr. Blount then noted that the Transportation section again expressed opposition to devolution and the Water Quality section focused on environmental quality.

Mr. Blount then noted that he would be visiting all localities in October and getting their Board's approval and the Program would be distributed to local governments and legislators.

He then noted that the PDC would be holding the Legislative Forum on Wednesday October 29th at the Albemarle County Office Building South, which was located off of 5th Street. He noted that they needed a larger space to accommodate the invited School Board Members and Superintendents.

Mr. Bruguere inquired if there was a way to not water this down but to have a contingency in place for when the state reduced funding. Mr. Blount noted that the program requests that the state not hurt localities with changing formulas and holding local governments harmless in K-12 education. He added that he recommended that they keep the language broader which provided for more flexibility in advocating for localities with the legislators. He added that they would have to find over \$250 Billion dollars in reductions this fiscal year so they would have to go after large pots of money. He added that localities would have the option as to how to take the cuts or write a check back.

Mr. Hale then inquired as to the history of counties not having equalized revenue abilities and what resolution to this had been proposed in the past. Mr. Blount noted that historically, the perception or reality of the time was that urban centers provided more intense services that cost more money. He noted that as counties grow, the need and demand for these services has increased and there has been no recognition of this by the State. He added that studies have been conducted and have recommended that there was no rational basis for this difference and that it should be equalized. Mr. Blount noted that legislation related to this was similar looking every year; however there has been no traction and it has gone nowhere. He added that this is typically viewed as a tax increase.

Mr. Blount and members discussed if this has been presented by legislators and Mr. Carter noted it has been on the table since 1989 with no success. Mr. Blount added that it has had different looks over the years with no difference in reception; however it was important to make the stand in order to have the discussion. He noted that the state cannot continue to have local tax dollars make up the shortfall in state funding for what they should be paying for.

Mr. Hale noted that it should be viewed as diversifying revenue not as a tax increase. Mr. Blount added that this amounted to meals, lodging, and admission taxes.

Mr. Bruguere then moved to approve Resolution **R2014-74** Approval of 2015 Thomas Jefferson Planning District Legislative Program 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 resolution was adopted:

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**RESOLUTION R2014-74  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF 2015 THOMAS JEFFERSON PLANNING DISTRICT  
LEGISLATIVE PROGRAM**

**RESOLVED**, by the Nelson County Board of Supervisors that the 2015 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 2015 Session of the Virginia General Assembly, with amendments presented by Mr. Blount on October 14, 2014 as well as incorporation of the recommendations put forth by the Board as applicable.

The adopted Legislative plan is as follows:

**2015  
Thomas Jefferson Planning District Legislative Program  
Representing the Local Governments of:  
Albemarle County City of Charlottesville Fluvanna County, Greene County  
Louisa County, and Nelson County  
October 2014  
Allen Hale, Chairman Chip Boyles, Executive Director  
David Blount, Legislative Liaison**

**TOP PRIORITY and LEGISLATIVE REQUEST**

**EQUALIZED REVENUE AUTHORITY**

**The Planning District localities urge the governor and legislature to equalize the revenue-raising authority of counties with that of cities.**

**Background:**

Over the years, national economic conditions, increased federal and state requirements, declining aid to localities and increased taxpayer resistance to local levies have challenged local government ability to generate revenues, appropriate funds and set priorities in an attempt to meet the service needs of local citizens. Despite political hurdles, many localities have increased existing taxes and fees, or adopted new ones. Local governments also have taken significant actions to control spending, to include deferring maintenance and capital outlays and reducing their workforces.

**Rationale:**

A number of State-level studies, dating back as far as the early 1980's, have noted that the differences between city and county taxing authority exist due to historical distinctions in the

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levels of services provided, and that they should be eliminated. This distinction has become less prevalent with increased urbanization and suburbanization, as a growing number of counties now provide levels of services similar to cities. In fact, the State requires cities and counties to deliver, to participate in the delivery of or to fund many services in the areas of education, the environment, human services, public safety, courts and judicial administration, and election administration, among others. Levels of funding, the degree of service responsibility and standards related to delivery of such services often are topics of debate between the State and localities.

Virginia's localities utilize a revenue base that relies largely on the real property tax, which of late, is providing a smaller percentage of local resources (due to slow growth or decline in assessments) and which in the future, likely will not grow commensurate with the needs of the locality. Also affecting the real property base is the extent of tax-exempt property (both government and non-government) within local boundaries.

This proposal essentially removes the caps that currently apply to county authority to levy the meals, lodging and amusement taxes, as well as the requirement that meals taxes in counties be subject to approval by referendum. It stands to help diversify and broaden the revenue base of counties by further reducing dependency on the real property taxes. We further believe that, at a minimum, equalizing revenue authority for counties should be on the table as Virginia examines modernizing its tax system to comport with the realities of a global, information-driven economy, which will rely less on federal and other government spending and more on new, private sector business models. State laws, local ordinances, tax structures, and licenses and regulations will have to be re-evaluated and likely re-shaped without sacrificing the overall quality of government services, including education, public health and public safety.

## **OTHER LEGISLATIVE PRIORITIES**

**STATE MANDATES and FUNDING OBLIGATIONS: The Planning District localities urge the governor and legislature to 1) not impose financial or administrative mandates on localities; 2) not shift costs for state programs to localities; and 3) not further restrict local revenue authority.**

Locality budgets continue to be challenged by slowly-recovering local revenues, stagnant state funding and additional requirements. While state general fund appropriations have increased by \$2 billion since FY09, state assistance to local government priorities has been taking a backseat to fast growing state Medicaid and debt service expenditures. As the State faces another budget shortfall in the current biennium, we urge policymakers to preserve existing funding formulas rather than altering them in order to save the state money and/or shift costs to localities. The State should undo the across-the-board reductions in aid-to-localities that are helping to balance the state budget.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the state fails to fund requirements or reduces or eliminates funding for state-supported programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the state or demanded by residents. The State should examine how services are delivered and paid for in the future as a different economy takes hold in Virginia. Finally, the State should not alter or eliminate the BPOL and Machinery and Tools taxes, or divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. Instead, as stated in our top legislative priority, the legislature should broaden the revenue sources available to localities.

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**PUBLIC EDUCATION FUNDING: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality without making policy changes that reduce funding or shift funding responsibility to localities.**

The state will spend about \$5.55 billion on public education in FY15, about 32% of its general fund budget. The level of state funding for FY15 represents a \$250 million increase from FY14, though state per pupil expenditures for FY15 of \$5,035 are still well below the FY09 high of \$5,274 per pupil. Meanwhile, local governments boost education funding by spending over \$3.5 billion more per year than required by the state.

Reductions in state public education dollars the last four to five years have been accomplished mainly through policy changes that are decreasing the state's funding obligations moving forward. The State also made policy changes to the Virginia Retirement System (mandatory teacher 5% for 5%) that increased local costs and did nothing to reduce a \$15 billion unfunded teacher pension liability. Education expenditures are expected to continue increasing, as the percentage of at-risk students continues to rise (they have risen from 26% in 2007 to over 33% in 2013) and VRS contribution rates for teachers, which jumped 24% this biennium, experience additional, albeit smaller, hikes in the coming years.

**TRANSPORTATION FUNDING and DEVOLUTION: The Planning District localities urge the State to find additional revenues for secondary/urban construction and for unpaved roads. We oppose any legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.**

We urge the state to restore formula allocations for secondary/urban construction and for unpaved roads, and we support stable and increasing dollars for cities and towns to maintain their roads. Previous legislative changes (2012) authorize \$500 million off the top for Commonwealth Transportation Board priorities before funds are provided to the construction fund. Accordingly, construction funding for secondary and urban roads, suspended in 2010, has not been restored and will continue to be elusive given recent reductions in revenues. State revenues for the current Six-Year Improvement Program are expected to be down nearly \$500 million from the previous plan, which itself fell by more than \$900 million.

We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

**WATER QUALITY: The Planning District localities support the goal of improved water quality, but as we face mounting costs for remedies, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies for local and state waters emptying into the Chesapeake Bay are to be effective.**

As local governments are greatly impacted by federal and state initiatives to reduce pollutants into state waters, it is imperative that aggressive state investment in meeting

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required milestones for reducing Chesapeake Bay pollution to acceptable levels occurs. This investment must take the form of authority, funding and other resources to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent. This includes costs associated with storm water management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices.

We also believe that implementation of the Nutrient Trading Act to allow exchange of pollution allocations among various point and nonpoint sources should contain such exchanges within a particular watershed, so as to improve the health of local waters.

**LAND USE and GROWTH MANAGEMENT: The Planning District localities encourage the state to provide local governments with additional tools to manage growth, without preempting or circumventing existing authorities.**

In the past, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

Current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. Therefore, we believe the General Assembly should grant localities additional tools necessary to meet important infrastructure needs. These include the following: 1) impact fee and proffer systems that are workable and meaningful for various parties, without weakening our current proffer authority; 2) impact fee authority for costs for facilities other than roads; 3) authority to enact adequate public facility ordinances for determining whether public facilities associated with new developments are adequate; and 4) state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

## LEGISLATIVE POSITIONS and POLICY STATEMENTS

### **EDUCATION:**

The Planning District's member localities believe that state funding for K-12 education in Virginia should be realistic and recognize actual needs, practices and costs; otherwise, more of the funding burden will fall on local taxpayers.

#### **School Division Finances:**

- The State should not eliminate or decrease funding for benefits for school employees.
- We support establishment of a mechanism for local appeal of the calculated Local Composite Index to the State.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

#### **Literary Fund:**

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs.

### **FINANCE:**

The Planning District's member localities believe the State should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy.

#### **Local revenues:**

The State should not confiscate or redirect local general fund dollars to the state treasury, as was done in 2012 when it directed to the Literary Fund, a portion of fines and fees collected at the local level pursuant to the enforcement of local ordinances.

#### **Fiscal Impacts:**

We support reinstatement of the "first day" introduction requirement for bills with local fiscal impact.

#### **TOT:**

The State should ensure the appropriate collection of transient occupancy taxes from online transactions.

### **TRANSPORTATION:**

The Planning District's member localities recognize that state leaders took a big step in 2013 toward addressing transportation infrastructure needs by approving a transportation funding package that is expected to generate nearly \$800 million per year by 2018, with funding targeted primarily for road maintenance, rail and transit. We urge the State to 1) remain focused on providing sufficient revenues to expand and maintain all

modes of our transportation infrastructure; 2) provide more dedicated revenues for transit and rail operations and capital in order to keep pace with growing public needs and expectations; and 3) provide additional authority to establish mechanisms for funding transit and non- transit projects in our region.

**Transportation and Land Use Planning:**

- We support ongoing state and local efforts to coordinate transportation and land use planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.
- While we opposed closing of VDOT's Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property if available.

**PUBLIC SAFETY:**

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

**Funding**

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert funding away from them, but increase money needed for their operation.
- We support restoration of state funding responsibility for the Line of Duty Act.
- We urge continued state funding of the HB 599 law enforcement program (in accordance with *Code of Virginia* provisions).
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has cut in half the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

**Jails**

- The State should continue to allow exemptions from the federal prisoner offset and restore the per diem payment to localities for housing state-responsible prisoners to \$14 per day.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.

**Offender Programs and Services:**

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

**COMPREHENSIVE SERVICES ACT:**

The Planning District localities urge the State to be partners in containing costs of the Comprehensive Services Act (CSA) and to better balance CSA responsibilities between state and local government. Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

**CSA**

**Administration:**

We request increased state dollars for local CSA administrative costs, as localities pay the overwhelming majority of costs to administer this shared program. State dollars for administration have not increased since the late 1990's, while at the same time, administrative costs have jumped due to additional data collection and reporting requirements.

**Pool Expenditures:**

- The State should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need.
- The State should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.
- Categories of populations mandated for services should not be expanded unless the State pays all the costs.

**Efficiency:**

- The State should be proactive in making residential facilities and service providers available, especially in rural areas.
- In a further effort to help contain costs and provide some relief to local governments, we recommend that the State establish contracts with CSA providers to provide for a uniform contract management process in order to improve vendor accountability and to control costs.

**ECONOMIC and WORKFORCE DEVELOPMENT:**

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources, and to align workforce supply with anticipated employer demands. We also support state efforts to clearly define responsibilities of state and local governments and emphasize regional cooperation in economic, workforce and tourism development.

**Planning District Commissions:**

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional program and projects, and support funds for the Regional Competitiveness Act to initiate and sustain such efforts.

**Economic Development:**

- We support increased state funding for the Industrial Site Development Fund, the Governor's Opportunity Fund and tourism initiatives that help promote economic development.
- We support legislation that dedicates income and sales tax revenues generated by corporations and limited liability companies within an economic development project to such locality in cases where the locality has expended local funds for such project and state grants funds or incentives were not involved.

**Broadband:**

We encourage continuing state incentives and support for expediting deployment and reducing the cost of broadband technology, particularly in underserved areas.

**Agricultural Products and Enterprises:**

We encourage state and local governments to work together and with other entities to identify, to provide incentives for and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

**ENVIRONMENTAL QUALITY:**

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We are committed to protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

**Chesapeake Bay Preservation Act:**

We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the state to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.

**Water Supply:**

The State should be a partner and advocate for localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects.

**Alternate On-Site Sewage Systems:**

We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

**Biosolids:**

We support legislation enabling localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

**Program Administration:**

The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

**HEALTH and HUMAN SERVICES:**

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Funding reductions to community agencies are especially troublesome, as their activities often end up preventing more costly services later. The delivery of health and human services must be a collaborative effort from federal, state and local agencies.

**Funding:**

- We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care, including maximizing the use of Medicaid funding. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry.
- We support increased investment in the MR waiver program for adults and young people and Medicaid reimbursement for children's dental services.
- We urge full state funding to offset any increased costs to local governments for additional responsibilities for processing applications for the FAMIS program.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

**Social Services:**

We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law. We believe the current funding and program responsibility for TANF employment services should remain within the social services realm.

**Prevention:**

We support continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs. This would include the state's program for at-risk four-year-olds and the Child Health Partnership and Healthy Families programs, as well as Part C of the Individuals with Disabilities Education Act (infants and toddlers).

**Childcare:**

The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised day care facilities and support efforts for families to become self-sufficient.

**HOUSING:**

The Planning District's member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate- income households. Regional planning and solutions should be implemented whenever possible.

**Affordable Housing:**

We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

**Homelessness:**

We support measures to prevent homelessness and to assist the chronic homeless.

**Historic Structures:**

We support incentives that encourage rehabilitation and preservation of historic structures.

**Green Buildings:**

We encourage and support the use of, and request state incentives for using, environmentally friendly (green) building materials and techniques.

**GENERAL GOVERNMENT:**

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

**Local Government Operations:**

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.

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- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We oppose attempts to reduce sovereign immunity protections for localities.

**Freedom of Information Act:**

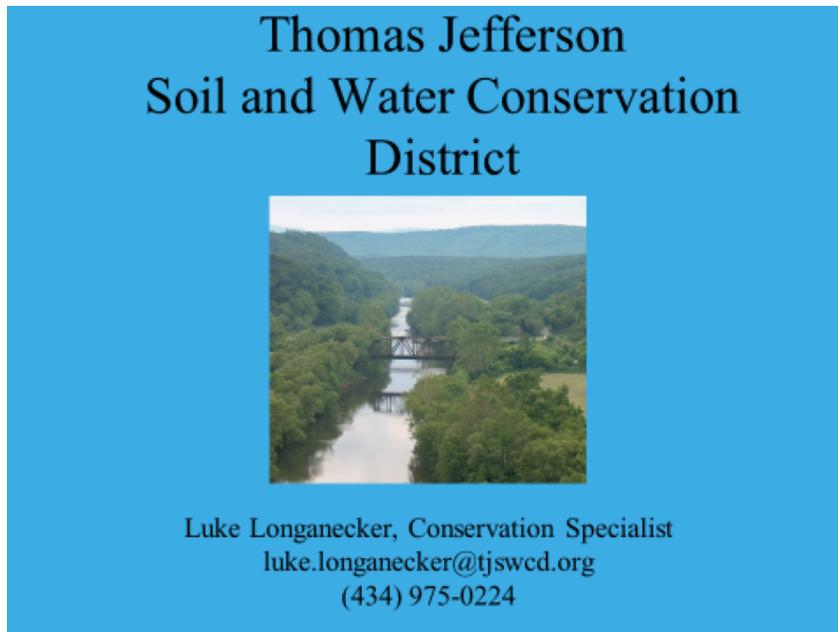
- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure under FOIA, and 3) provisions concerning creation of customized computer records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

**Quality of Life Issues:**

- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

C. Presentation – TJSWCD, Nelson County Projects Update (L. Longanecker)

Mr. Longanecker introduced himself as a Conservation Specialist in Nelson County for the Thomas Jefferson Soil and Water Conservation District. He then gave the following PowerPoint presentation:



## **Thomas Jefferson Soil & Water Conservation District (TJSWCD)**



- Counties: Albemarle, Fluvanna, Louisa, Nelson  
City: Charlottesville
- Board of Directors (10 elected, 2 appointed)
- Staff of 9 (1 based in Louisa)
- Funding Sources (state, localities, grants)

### **TJSWCD-Working in Nelson County**

- Conservation Easement Program
- VCAP Program
- Erosion and Sediment Control Program
- Education and Outreach Program
- Upper Rockfish TMDL Program
  - Agricultural Programs
  - Residential Septic Programs
- Potential Tye River TMDL Program

Mr. Longanecker noted that right now, their main focus was on the Upper Rockfish TMDL Program and he noted there was potential for the same program on the Tye River.

## Easements

How are TJSWCD Easements different than others?

- Water quality
- Small acreages acceptable
- The TJSWCD fills the void



Mr. Longanecker emphasized that their easement program covered smaller acreages whereas the DCR program focus was on larger tracts.

## Virginia Conservation Assistance Program (VCAP)

- Conversion of turf grasses to native grasses and trees.



Two VCAP projects were noted at Rockfish Valley Community Center (RVCC) and Blue Ridge Medical Center (BRMC). Mr. Longanecker noted that the projects involved planting native species in these areas that have a longer root system for increased stability.

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## Erosion & Sediment Control

- Provide site plan review for: Nelson County



- Four certified Combined Administrators on staff

Mr. Longanecker reiterated that their office provides ongoing E&S plan reviews for the County.

## Education

Rainbarrel and Raingarden Workshops



## Envirothon



Mr. Longanecker noted that the TJSWCD provided local education and outreach, noting that they hosted a community day on rainwater harvesting using rain barrels and rain gardens. He also noted that they sponsored an Envirothon and would like to see some Nelson County participation in the future.

## Upper Rockfish TMDL Program

- Listed as impaired 2004
- Received grant January 2014
- Agricultural Funding
  - \$93,000
- Septic Funding
  - \$92,000



Mr. Longanecker noted that the Upper Rockfish River had been designated as impaired from Woods Mill upstream to Brent's Mountain and from Reeds Gap to Afton Mountain. He noted that the E.coli present was attributed to direct access by cattle and failing septic systems. He noted that they had been provided grant funds for cost share assistance to remediate these issues in these areas.

## Agricultural Programs

Improve & protect water quality, conserve soil, and promote wise use of all farm resources through voluntary programs



He then noted that they also provided voluntary Agriculture Programs and noted specifically stream exclusion projects. He noted that Nelson landowners were competing with landowners across the District for these funds.

## Agricultural Programs

### Incentive Funding: State, Local, Grants

- Cost Share Programs
- Tax Credit (Refundable)



Photo courtesy of NRCS

## Livestock watering systems and stream fencing

From this ...



To this ...



&



## Grazing Land Management

From this ...



To this ...



Appropriate stocking rates

20 acres can hold:

- 8 horses
- 10 cows
- 50 sheep or goats

Mr. Longanecker noted that with incentive funding, they offered money to pay for alternative water sources when livestock was fenced out of creeks and that they could work with farmers on rotational grazing systems.

## Riparian Buffers

Natural Flood Control  
Streambank Protection  
Stream Temperature Moderation  
Food Source & Habitat  
Refuge & Recreation  
Water's Last Defense Against Any  
Pollutants Running Off The Land



He noted that TJSWCD would provide funding for the planting of tree buffers along streams.

## Residential Septic Programs

- Septic pumpouts
- Septic Repairs
- Septic Replacements
- Alternative Waste Water Treatment Facilities



Mr. Longanecker noted that the Residential Septic Program was part of the Upper Rockfish TMDL program. He added this was a 50% cost share program and if there was a greater financial need, they could prorate the share up to 75%.

## Tye River TMDL

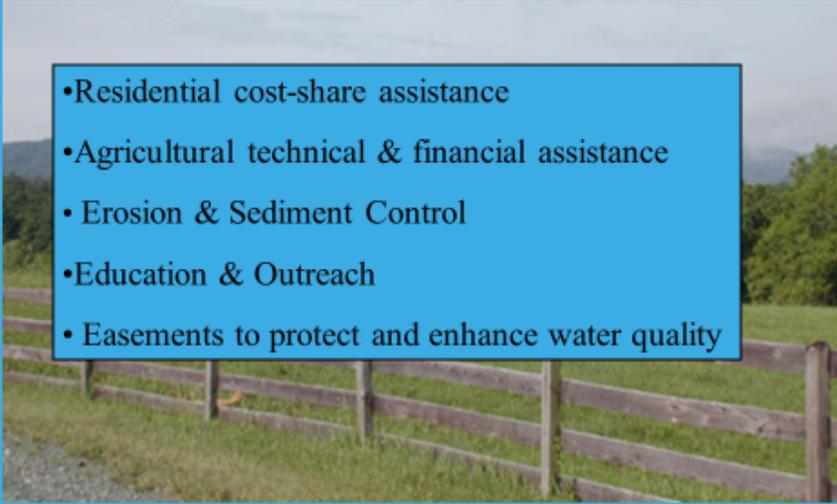
- Listed as impaired for e. coli in 2006
- Implementation plan developed 2014
- Currently in the process of submitting plan for funding



The map shows the Tye River watershed divided into several sub-watersheds, each color-coded. A legend in the top left corner identifies the colors: purple for the main watershed, pink for sub-watersheds, yellow for the Tye River, green for the Middle River, blue for the Upper River, orange for the Lower River, and brown for the Tye River. A scale bar and north arrow are located in the bottom right corner of the map.

Mr. Longanecker noted that a Tye River TMDL program was now in the works and they were working on an implementation plan with DEQ. He added that they would compete for the funding; however this was a large watershed and the program would hopefully happen in the next year.

## In Summary.....



- Residential cost-share assistance
- Agricultural technical & financial assistance
- Erosion & Sediment Control
- Education & Outreach
- Easements to protect and enhance water quality

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Following his presentation, Mr. Longanecker took questions from the Board.

Mr. Saunders inquired if the cost sharing was for any septic system in the County or just those in the Upper Rockfish area. Mr. Longanecker noted that it was just for those in that area for now, however he was hopeful that the same program would be offered in the Tye River area in the near future. He noted that in that case, that within the next year, they would be able to help most people in county with this program.

Mr. Bruguiere inquired as to whether or not the Health Department could help with this and Mr. Longanecker noted that they did not have the funds; however they did have a lot of referrals from them.

Ms. Brennan inquired if they would do follow up studies on these impaired waters and it was noted that these would be done by DEQ.

Mr. Carter then asked if the funding for these programs were recurring or one time and it was noted that they had a two-year period until December of next year to use the funds; however Mr. Longanecker noted he thought they could get another batch of funding if there was sufficient need.

Mr. Bruguiere noted that he thought the river was cleaning itself over time and Mr. Longanecker agreed that the E.coli was diluted to acceptable levels once it got down to the lower levels of the river.

#### D. VDOT Report

Mr. Don Austin was present and gave the following report:

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1. Public hearings on the two turn lane projects were scheduled for that Thursday at 4-6pm at the Rockfish Fire Department.
2. The speed reduction request on 56 west for the Church was being finalized and the recommendation was to not reduce the speed limit in that area. Supervisors noted that they thought that property had been sold to another party and not to the Church that was inquiring about reducing the speed limit for an entrance.
3. The Route 655 speed study was being done.
4. Sight distance at the Route 56 west/ Route 29 South intersection at Colleen has been an issue and the median will be graded down looking back north to give more sight distance. He added that they would have to check utilities there as there may be water and sewer lines buried in the median.
5. Historical Markers – He noted that the state was about to come up with a new program and they were working out whether or not to replace or repair these. He noted that new ones were about \$1,600 and VDOT could fund them this time; however possibly not in the future.
6. The VDOT Boom Ax was in need of repair and this would get done in the next couple of weeks.

Mr. Bruguiere and Mr. Harvey had no VDOT issues to discuss.

Mr. Saunders noted that he had received a call from Reverend Rose in Wingina about lowering the speed limit from the Route 56 east Fire Dept. to Wingina.

Mr. Saunders asked if the trees could be cut down at the intersection of 56 E and Findlay Mountain Road. Mr. Austin noted he would check to see if they were in the VDOT right of way.

Mr. Hale commented that the new bridge at Stagebridge Rd. was very nice.

Ms. Brennan inquired as to whether or not VDOT owned all of the land at Nelson Wayside and Mr. Austin noted they did. She then inquired who the County would have to go through in order to install a boat ramp into the Rockfish River there. Mr. Austin noted that they would probably need to go through VDOT and probably the Department of Game and Inland Fisheries (DGIF). He added that they may have a program for this and the County should check on this.

E. Presentation – Architectural Partners, Courthouse Project Status (J. Vernon)

The following summary handout was provided to the Board:

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## **NELSON COUNTY COURTHOUSE – PHASE 2**

### **Interim Summary**

**Date: October 14, 2014**

#### **EXISTING BUILDINGS EVALUATION:**

##### Structural

The existing pre-2011 buildings generally appear structurally sound and well maintained with little to no areas of damage to address. Columns added during the 1940 era expansion of the Circuit Courtroom are to be maintained. Some selective demolition will be required in order to evaluate the balcony structure and its capability to meet current code requirements for assembly use. There is some suspected damage to wood floor joists at the south end of the Historic Courtroom which can be easily addressed.

##### Building Systems

Building systems components (mechanical, plumbing, electrical) in the pre-2011 structures are in various conditions. Some components are antiquated, abandoned, or past their service life. Mechanical testing needs to be performed on the existing outside air make-up unit and the room temperature controls installed in 2011, to address existing issues with the current equipment and automated building control system. This existing control system will not be expanded or tied into any new or renovated areas of Phase 2 construction.

##### Exterior Finishes

All buildings within the courthouse complex have recently installed roofs, predominantly pre-finished standing seam metal along with some TPO (flat roof, single-ply membrane) roofing. Some peeling of the elastomeric coating on masonry walls was observed and may be cause for concern due to trapped moisture in the wall, but it is relatively minor. Windows generally are in serviceable condition. Wood finishes need typical scraping, priming, and repainting.

##### Interior Finishes

Circuit Courtroom: Most finishes from the 1810 construction appear to have been replaced during the 1940 expansion of the courtroom, with the possible exception of some areas near the balcony. The 1940 ceiling has been covered with adhered acoustic tile as well as a suspended acoustical panel ceiling which also hides 1940 era crown molding and picture molding. Plaster walls generally appear to be in good condition. Plaster discoloring and wainscoting panels show evidence of water damage on the west side of the room. Existing wood flooring is 5/4 tongue-and-groove unfinished pine sub-flooring under several layers of subsequent construction. 1940s era light fixtures have been recently discovered and may be suitable for refurbishing and reuse.

##### Other Spaces

The majority of other interior spaces in current use within the pre-2011 buildings have been recently carpeted and painted giving a consistent and attractive appearance to County Offices. The second floor of the 1940 Building remains vacant, unimproved, and

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unoccupied except for the remote Probate Office. The new second floor conference room at the “Bridge” is not yet utilized.

#### Asbestos Survey

A Limited Asbestos Survey was prepared by Froehling and Robertson, Inc. of Roanoke in 2004 which identified asbestos containing materials within window caulking, floor tile, floor tile mastic, roof pitch, and insulation. Except for the thermal systems insulation, these materials were classified as Category 1 non-friable materials and must be removed prior to demolition/ renovation *only* if they are in poor condition or the activities during demolition/ renovation will cause the material to become friable (broken, sawed, ground, cut, burnt, etc.). The pipe insulation was found to contain 85% Chrysotile asbestos and must be removed by a licensed Asbestos Abatement Contractor prior to disturbing by renovation/ demolition. Further investigation is required to ascertain whether or not these identified materials were removed during previous construction.

#### **SPACE NEEDS & PROGRAMMING:**

##### Generally

Interviews have been conducted with Judicial and County Government personnel in order to ascertain needs for the Circuit Court, the Circuit Court Clerk, County Administration offices including Human & Financial Resources, offices of the Treasurer, offices of the Commissioner of Revenue, Information Systems spaces, and County School Board Offices. Needs identified in the 2005 Space Needs Study resulted in some improvements for the Treasurer’s front desk and for the expansion of School Board offices upstairs. Otherwise many, if not most, of the needs identified in the 2005 study for the offices listed above, remain to be addressed, as anticipated. All offices and departments report a need for improved and expanded work areas. The most critical needs are for security improvements in the Circuit Courtroom and improvements and expansion for the Clerk of Circuit Court.

##### Circuit Court

The Circuit Court is to continue its historic use of the existing Circuit Courtroom. Separation of public, judicial, and secure entry points to the courtroom is paramount as well as upgrades at the bench. *Achieving this separation will require relocation of the Judge’s chambers and Jury spaces.* A new secretarial/ receptionist space is to be provided for the Judge’s Chambers. Other 2005 identified needs for witness and conference rooms remain to be addressed as well. Connection to the existing secure tunnel will require a new secure elevator.

##### Circuit Court Clerk

The recent creation of an Evidence Storage room appears to be the only improvement made to the Circuit Court Clerk’s spaces since the 2005 study identified the need for expansion in all areas: Public Counter, Deputy Clerks’ work area, Recorder’s work area, Clerk’s Office, file spaces (case files and secure files), Records Room, etc. The Probate Office, currently located upstairs should be relocated within the Clerk’s area. New rooms are needed for Exhibit storage and Server. The Clerk’s area should connect to the Circuit

Courtroom judicial entry and to the Jury Deliberation area. Currently it is separated by a public hallway.

#### County Offices

All interviewed county offices report a need for minimal to moderate improvements and expansion. All expressed interest in shared areas for a Break Room, staff restrooms, conference spaces of various sizes, and secure, well-conditioned record storage.

#### School Administration Offices

School Administration offices have been recently relocated and expanded. The public hallway in the middle of their offices, along with the separation of administrative staff from the personnel they serve, are two current layout compromises. There is a need for a dedicated copy/ work room, out of the hallway.

#### Pittsylvania County Courthouse

Per Judge Gamble's recommendation, Architectural Partners staff visited the Pittsylvania County Courthouse in Chatham, Virginia.

The Pittsylvania County Courthouse was constructed in 1858. Its architectural style is more strictly neo-classical and much more ornate than the earlier staid and reserved design of Nelson County's courthouse. Still, many components are similar, most notably the jury's placement centered immediately in front of the bench and the predominant use of balustrade railings. The historic front doors of the Courthouse are still in use. A new vestibule has been added within the courtroom to provide a place for a security checkpoint when the courtroom is open to the public. The elaborate plaster ceiling has been entirely restored. New carpeting covers the entire floor. There is no balcony. The two exterior windows have been reglazed but have no energy panels. Spectator seating is provided using original pews.

### **HISTORIC COURTHOUSE AND COURTROOM RESTORATION:**

#### Courthouse Exterior

The existing pre-finished standing-seam metal roofing is to remain. Louvers on the Cupola will be replaced with fiberglass composite shutters of the same design. All other woodwork is to be refurbished. The bell will be maintained for useable condition. Existing windows will be repaired, refinished and fixed in place. Elastomeric coating at the foundation will be replaced with a new breathable coating to allow rising damp (trapped moisture) to escape. New fiberglass composite shutters will be installed at all 1810 Courthouse windows.

#### Circuit Courtroom Interior

The existing suspended lay-in ceiling is to be removed. A new acoustical plaster ceiling will be installed at the original ceiling height and the existing crown and picture moldings repaired or modified as needed. Refurbished light fixtures will be used along with a new chandelier, new wall sconces if required, and new task lighting. Any existing finish wood flooring at the Balcony will be restored. New wood flooring will be installed at the

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perimeter of the courtroom with new carpet elsewhere. Existing railings will remain, some with new solid modesty panels added.

Generally, the arrangement of the various stations (judge/ clerk/ witness/ attorney's tables, etc.) is to stay the same. New doorways will provide separated access points. The existing wooden fold-down chairs are to be entirely removed and then replaced in the spectator area with new wooden pews. The Judge and Clerk's stations are to be upgraded with new secure custom built desks with bullet resistant panels per current Virginia Courthouse Security Guidelines. A new paint scheme will be developed, and lettering on the entablature of the balcony restored.

An add-alternate cost is to be provided for an automatic fire suppression system, with recessed heads, within the historic courtroom. A new sound amplification system is to be installed, with controls at the Clerk's station.

### **DESIGN STRATEGY:**

#### Generally

The separation of judge/jury, public, and defendant access points to the Circuit Courtroom initiated and determined the design direction. In order to maintain the historic exterior of the Courthouse, no additions are proposed on the west or south elevations. This means that the three separated points of access must be either on the north or east sides of the courtroom. Inmates/ Defendants will be brought from holding cells via the existing tunnel. Utilizing existing basement spaces for this secure access means that *the Information Systems Department will need to be relocated*. A new secure elevator will be needed to bring defendants up from the lower level to the courthouse level. The most logical place for this elevator is in the corner of the basement of the 1940s building, bringing it up into what is now Judge's Chambers. Consequently, *the Judge's Chambers must also be relocated*.

Relocating the Judge's Chambers also provides a way for Public access from the existing Hallway to be connected to the Courtroom, through new construction immediately east of the Courthouse. The former chambers area can also be used for Waiting Room/ Conference Rooms needed by the Court.

New spaces for the Judge's Chambers and Clerk of Circuit Court will be created from both existing spaces and new construction. With the goal to utilize existing spaces as much as possible and limit new construction from compromising the west lawn, *the expansion of the Clerk of Circuit Court requires using that area currently occupied by the Commissioner of Revenue*. This location within the building also provides a "front door" for the Clerk of Circuit Court closer to the actual building entry.

Because the Commissioner of Revenue requires a more public main floor location, her offices have been moved to the current location of County Administration Offices. *County Administration, including the offices of Human & Financial Resources, can in turn be relocated to new and presently vacated areas on the second floor of the 1940 Building along*

*with Information Services.* Other spaces on the Second floor are identified for shared Conference Rooms, Staff Restroom, and Break room.

Finally, the former Board of Supervisors Room is well suited for relocated cubicles for school administrative staff serving nearby offices. The proposed design eliminates the public hallway through the School Administration area and provides a newly created visitor reception space.

#### Areas for new construction

Potential areas for new construction were selected so as to not create visual competition for the original historic courthouse building and to not compromise the west lawn area with its mature trees.

#### New Building Systems

All new and renovated spaces are to be served by entirely new mechanical and electrical systems.

Existing mechanical units and controls serving the existing spaces are to be tested and modified as required to address existing deficiencies. The existing automated building system controls for HVAC will not be extended into the newly created or constructed spaces.

As a part of the project, the entire building complex will have single-point metering. Existing data communications systems and fire alarm and detection systems will be expanded. All IT/ data wiring and cabling is to be included in the scope of work under the General Contractor and not contracted separately.

Clean-agent fire suppression systems (non-damaging to documents) will be provided for the Clerk's Records area and Data/ Server Rooms. An add-alternate cost will be identified for fire suppression within the restored Circuit Courtroom.

#### Phasing

The goal to maintain the use and occupancy of the buildings throughout construction necessarily requires that the project be phased. The Circuit Court, Circuit Court Clerk, and Treasurer will expand in their existing locations. The Circuit Court will temporarily use other courtroom facilities in the building while the 1810 Building and Circuit Courtroom are being restored. All other county offices will move one time. Four phases are anticipated.

#### Cost estimates

Based on recent projects, Architectural Partners has used the following initial costs/ s.f. to analyze project costs for the various design alternatives. These costs do not include site work, furnishings, fixtures, equipment, or A&E fees.

New construction: \$200/ s.f. Renovation of existing spaces: \$120/ s.f. Historic Courtroom restoration: \$200/ s.f.

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Utilizing these generic square footage costs and adding contingencies for civil work, design, construction, phasing, and resolution of existing mechanical and electrical issues, it is anticipated that total project construction costs could reach \$6 million. Design Definition drawings and documents have been sent to Toscano Clements Taylor, a cost consulting firm in Washington DC, for their evaluation.

**PROJECT SCHEDULE:**

With approval of this interim report, Architectural Partners is scheduled to receive Project Cost Estimates the week of October 27<sup>th</sup>. Following the receipt of these estimates, revisions, if any, to the Design Definition package will be made. A final presentation of Design scope and projected costs will be made to the Board of Supervisors at their November 2014 meeting.

Mr. Vernon noted to the Board that working with the committee had been an enjoyable process. He then gave a PowerPoint presentation and explained that they had conducted interviews/meetings and used the 2005 space needs as the basis of these discussions. He noted that building investigations were conducted by their electrical, mechanical, and structural engineers. He noted that during these investigations, they found acoustic tiles and crown molding located in the ceiling of courtroom.

Mr. Vernon then noted that the Virginia Courthouse Facility Guidelines were used in evaluating and redesigning the Clerk's space and Court related functions. Things considered under these guidelines were as follows:

**Courtroom:** Spectator Seating for 100 (2,016 s.f.)

Bench, Clerk's Station, Witness Stand, Jury Box, Counsel Tables, Lectern, Display Area, Bailiff Station, Court Reporter Station, and Defendant's Station

**Courtroom systems:**

Lighting control, Public Address system and controls, Court Recording system, Flat screen monitors and controls for evidence display, Video conferencing, technology, Scanner/ printer/ fax/, Assistive Listening system, Projectile Resistant Bench material, Silent duress alarm system, and Task Lighting

**Other Spaces:**

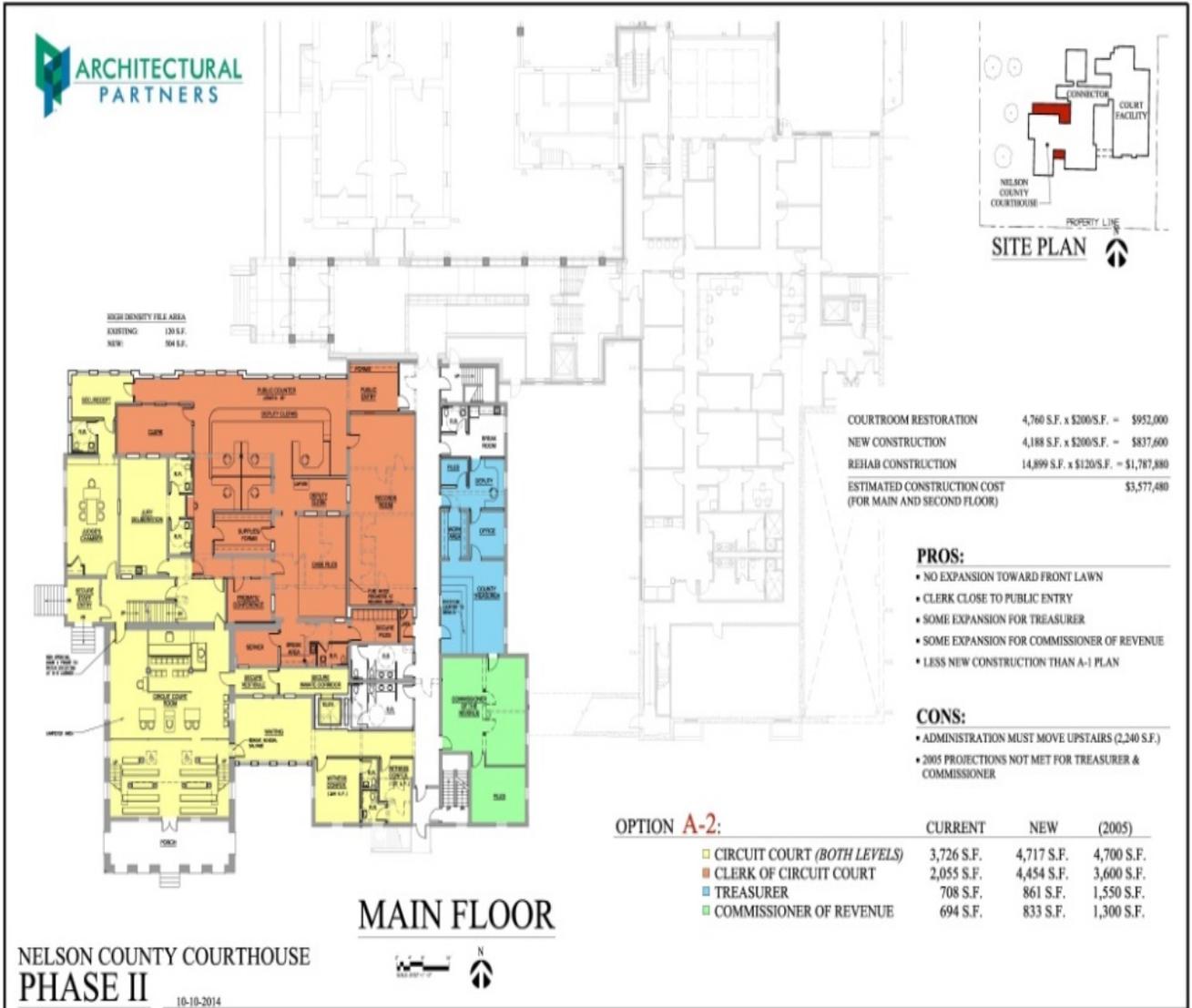
(2) Conference Rooms (100 s.f. min.) - could double with Jury Deliberation or Witness Waiting , (2) Witness Waiting Rooms, Judge's Private Office (250 – 350 s.f.), Judge's Private Toilet and Robing Closet, Judge's Waiting/ Reception Area, Judicial Secretary area (150 -200 s.f.), Court Reporter's Office (120 -150 s.f.), Judicial Staff Toilet, Jury Deliberation Room (300-400 s.f.), associated toilets, Counter with sink, Also used for Jury Assembly?

Grand Jury Room (near Commonwealth's Attorney's Offices), Law Library, and Secure Holding Cells

**From other Jurisdictions:**

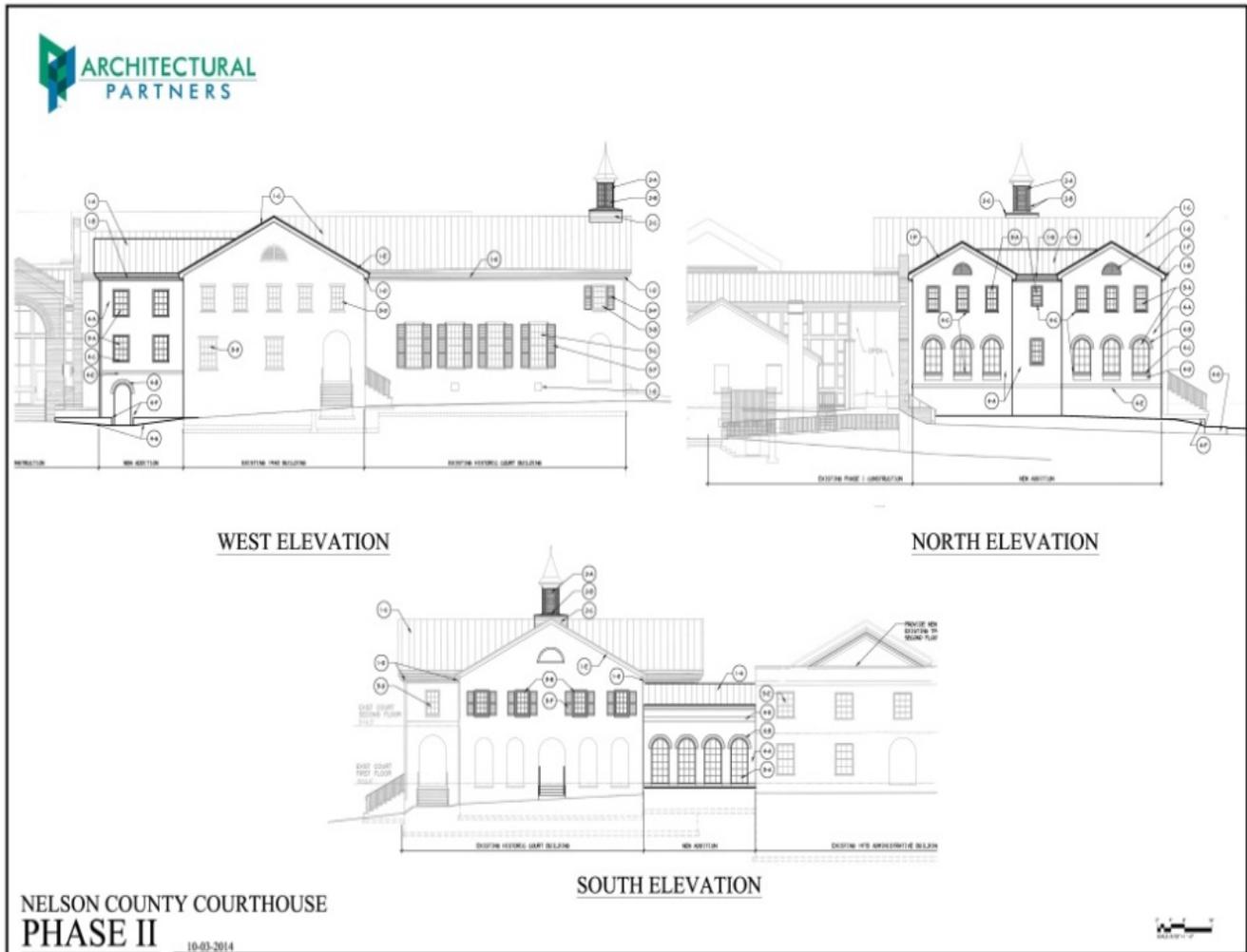
Law Clerk Office, Public Vending area, and Jury Selection/ Conference Room

Mr. Vernon then briefly touched on the Concept Design and design definition as shown as follows:





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In briefly reviewing the concept design drawings, Mr. Vernon noted that the upper right inset showed the new construction in red. He added that the new construction was proposed to be a two story addition that would be on the side of the building where the Clerk's Office was now. He added that the space between the entryway and this addition was the same as that on the other side of the entryway and the Jefferson Building. He added that this would allow for expansion of the Clerk's space and the second floor space above. He noted that the other small addition would be between the Circuit Courtroom and the 1970's addition which would create a new public hallway and entryway into the Courtroom. He added he would go into more detail further in the presentation.

Mr. Vernon then noted that the planned exterior restoration effort had been defined and he noted that the committee had discussed replacing the shutters on the historic courthouse façade only with a long life fiberglass shutter product; which would also be used on the cupola.

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Mr. Vernon then noted that they had developed an in-depth package to be sent to a Cost Estimator, Toscano, Clements, Taylor in Washington DC; who would take two weeks to develop the cost estimate for the project. He noted that they were considering the phasing of the project in their estimates.

Mr. Vernon then went on to reiterate that in coming up with the concept designs, their primary focus was on the Circuit Court and Clerk's Office; noting that their security issues and space needs were a priority. He then noted that they worked under the premises of: maximizing the utilization of existing spaces, limiting new construction, leaving the west lawn uncompromised, and not relocating remote offices at this time; which would not be a design directive or imperative.

Mr. Vernon then revisited the concept design by floor as follows:

Main Floor:

Mr. Vernon stressed that the separation of Judge and staff, general public, and inmates was a number one security priority and it drove the overall design. He described how they wanted to utilize the security tunnel that connected from the 2011 building into the 1970's building basement which would displace the IT department from their space. He showed where the tunnel would then lead to an elevator that would come up to the main floor in what was now the Judge's chambers, which would in turn displace this office. He added that the new Judge's chambers was proposed to go into the old Clerk's Office space. He explained that this would allow for a secure entry for the Judge from his office into the courtroom which would be separated from the entryways of the inmates and of the public; thus achieving the required separation according to the state guidelines. He then noted that the Clerk's Office space would shift over into the current Commissioner of Revenue's Office space and would utilize the main level of the new two story addition. He added that the addition also provided for a new entryway into the Clerk's space that was closest to the main entryway of the building and most convenient for the public accessing the records room and the Clerk's Office. Mr. Vernon then noted that the Commissioner of Revenue's office needed to be near the Treasurer's Office for ease of service delivery; which meant that County Administration would need to move in order for this to happen. He noted that the Treasurer's office would remain in the same location but would expand some into the current Finance and Human Resources Office; thus displacing them as well. Mr. Vernon noted that a new public hallway would use the same entrance from the main entryway and would continue down to the Treasurer's Office and new Commissioner of Revenue's Office location with the public entryway to the Courtroom being off of this corridor. He noted that a small addition on this side of the building would create a waiting area and public courtroom entryway between the 1970's building and the old Circuit Courtroom. He noted that the existing hallway that branched off towards the current Clerk's Office would be eliminated and would be part of the new Clerk's space. He added that new public bathrooms would be located down the hall closer to the Commissioner's Office and a staff break room and bathroom would be located near the main entryway. Mr. Vernon noted that the proposed configuration increased the Circuit Court space from 3,726 sq. ft. to 4,717 sq. ft. and the Clerk's Space from 2,055 Sq. ft. to 4,454 sq. ft. He added that the Treasurer's space slightly increased from 708 sq. ft. to 861 sq. ft. and the Commissioner of Revenue's Office increased from 694 sq. ft. to 833 sq.

Second Floor:

Mr. Vernon noted that the second floor plan still consisted of School Administration; however they had expressed some concern over the fact that they had a hallway that traversed the entire length of their offices before reaching a reception area. He noted that they were not insistent upon fixing this; however he had incorporated a main reception area for them on the second floor near the main entryway. He noted that off of this second floor entryway one would either go straight into School Administration reception or would go right into a new space containing the IT Department, County Administration, and Finance and Human Resources. He then noted that since four of the School Administration administrative assistant offices had been displaced in creating the new reception area, he relocated them in a shared area within the old Board of Supervisor's Room space. He noted that the current County data room would stay in place and would possibly expand into the mechanical room beside it that would be abandoned. He added that doors to these areas from the other side hallway would be created so that County IT staff would not disturb the School Administration staff relocated to this area while accessing the space. He noted that the old Superintendent's Office would remain a shared conference space and a new second floor staff break room/bathroom area would be added beside it. Mr. Vernon noted that the County Administration area (including Finance and Human Resources) would increase from 842 sq. ft. to 2,350 sq. ft. and IT would increase from 602 sq. ft. to 1,295 sq. ft. with School Administration space remaining approximately the same at 3,800 sq. ft.

Basement Floor:

Mr. Vernon then described how the basement area would be utilized for the secure prisoner access and for designated mechanical areas. He noted the various crawl spaces and existing slab on grade areas of the basement. He added that the corner where the old Sheriff's Office holding cells were located could be dried in and used for storage or other office space. It was noted that the Clerk had indicated that this area could be used for secure file storage for her office.

Elevations:

Mr. Vernon then reviewed the west, north, and south elevations. He noted that the west elevation showed the new fiberglass shutters being added back to the façade of the original courtroom area of the building.

The north elevation showed the new addition and Mr. Vernon pointed out the architectural themes that were carried forward into the new design from the existing. He noted the new construction would be a painted brick with a green standing seam metal roof that would match the existing building. He noted that the arched shapes would be carried over into the lower window design and the rake trim and cornice were designed to match the existing building.

Mr. Vernon then noted that the south elevation showed the new construction connecting the old court building with the 1970's addition providing for the public waiting area and entry into the courtroom. He noted that the committee overwhelmingly chose an arched window design in order to coordinate with the exiting arches of the circuit courtroom porch area. He added that this new addition would also have a painted brick veneer with matching standing seam metal roof and a brick soldier course. He noted that the historic courtroom façade windows would also receive new fiberglass shutters.

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Mr. Vernon then noted that there were some existing issues that would be addressed such as the HVAC systems. He noted that the new construction and renovation would have all new systems independent of the 2011 systems and he stressed that new electric metering was very important and that the new three phase power would be buried underground.

Mr. Vernon then noted that the goal was to have everyone stay in the building while all of this was done; which they had determined would require four (4) phases. He noted that the new construction would be done first; which would allow them to have everyone only move one time. He briefly described the phasing plan and noted that the Judge was amenable to holding court in the new building while renovation of the courtroom took place.

Mr. Vernon concluded by noting that the cost estimating was being done now and that they would have budget numbers by the week of October 27<sup>th</sup>. He noted that he would then reappear before the Board on November 13<sup>th</sup>. He then opened the floor to questions from the Board.

Mr. Hale and Mr. Saunders both noted their pleasure in working with both Mr. Vernon and Mr. Smith and noted that they were happy to be on schedule.

Ms. Brennan noted that she liked the design and hoped the County would be able to figure out a way to pay for it.

Mr. Carter echoed the previous sentiments and stated that the committee had made the right decision in working with Architectural Partners on the project.

In response to questions, Mr. Vernon noted that the Cost Estimator's fee was \$7,000 and was included as a part of their overall fee. Mr. Vernon noted he felt that it was money well spent as that was not their area of expertise and the Board and staff concurred.

Mr. Carter noted that staff had a preliminary cost and had developed a means of financing it to use as a guide.

Supervisors and staff discussed the use of retired debt funds and it was noted that the solid waste collection sites' debt service funds were not available until FY18. It was noted that final payment for these was in October of 2016, which was FY17 and was \$332,287.50 annually.

It was supposed that the Rockfish School debt should possibly be paid off in 2018. Ms. McCann then noted that the County may have interest only payments during the construction period and then regular payments thereafter. Mr. Carter added that once the debt was secured and costs incurred, as they advanced, the County would pay interest on that. He noted that Mr. Vernon had given a ballpark of around \$7 million. He noted that he had emailed Virginia Resources Authority (VRA) to see what rates could be expected but has not heard back. He noted that the County could apply in spring and have the closing in May or June. He noted that they would need to know numbers in March in order to apply for the pooled financing with VRA.

Mr. Carter noted that VRA would have a highly competitive rate and that if the County went with Rural Development there would be some restrictions and additional reviews by state agencies. He added that staff was looking at the path of least resistance.

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Ms. McCann then reported that the Rockfish school debt funds would not be available until FY20, with the last annual payment of \$263,000 in FY19. She noted that the VRS refinance funds of \$70,000 would be available in FY19. She added that the Rockfish school debt was refinanced in 2013 with the Courthouse debt and Mr. Carter added that the County could not independently refinance certain debt.

Mr. Harvey suggested that instead of using fund balance to cover some of the costs, the County could use these funds to pay off other debt and finance more of this project if the current financing rates were better.

## **V. New Business/ Unfinished Business**

### **A. Schedule Joint Meeting with the Nelson County School Board**

Mr. Harvey and Mr. Hale noted that out of the proposed dates, they were only available on November 13<sup>th</sup>. This was noted to be the Board's rescheduled regular meeting day and that one public hearing would be scheduled for the evening session. Supervisors then agreed by consensus to have a joint meeting with the School Board on the 13<sup>th</sup> in the General District Courtroom at 7:30pm.

### *B. Introduced: Blue Haven 151*

Mr. Bruguere noted that he had gotten calls about the activities of Blue Haven 151 and the neighbors were upset about it. He added that he had spoken to Mr. Padalino who advised him that they did not have any permits as of yet. Mr. Carter noted that his office was well aware of the situation and that Mr. Padalino had been instructed to issue a notice of violation that Friday. He advised that there were anywhere from 10-30 airstreams on the property. He also noted that the owners had been apprised of what they needed to do and were told this eight months ago and had never done any of it. He added that their business had been taken down from the County website etc. now.

Mr. Carter noted that there was at least one violation that they could be sited for and he had directed Mr. Padalino to send them a letter giving them thirty (30) days to get in compliance. He noted that he became aware of the situation when one of the neighbors called the office. He then followed up and sent David Thompson over to look into it.

### *C. Introduced: Houses in Shipman to be Demolished*

Mr. Carter then noted that he meant to include in his report that he would follow up on the status of the houses in Shipman that were to be demolished. He added that he had spoken to the property owner who had expressed concern regarding his ability to cover the cost of demolition.

## **VI. Reports, Appointments, Directives, and Correspondence**

### **A. Reports**

#### **1. County Administrator's Report**

**1. Courthouse Project Phase II:** Mr. Jim Vernon, RLA, of Architectural Partners is scheduled to present the project's current status to the Board on 10-14. Mr. Vernon will be forwarding Design Definition Drawings today (10-10) to Toscano Clements Taylor, a cost consulting firm in Washington DC for evaluation and provision on 10-27 of an initial project cost estimate. Staff will also present on 10-14, following Mr. Vernon's presentation, very preliminary debt service and financing projections for the project. The 10-14 agenda includes significant information on the work Architectural Partners has presently completed.

**2. Lovingson Health Care Center:** The effort to identify an entity that would assume ownership and operation of the LHCC as a memory care/assisted living center is at somewhat of a standstill. However, Region Ten's administration has expressed a specific interest in assuming the operation of the Center as an assisted living facility, inclusive, as applicable, of providing residents with mental health, mental retardation and substance abuse services, which are Region Ten's core responsibilities. Region Ten staff will meet with Chairman Brennan and County staff on 10-22 to discuss specifics related to the agency's expressed interest in operating the facility. Otherwise, a realtor working for Real Estate 3 continues to work independently to identify a prospective purchaser of the LHCC but no tangible prospects have been presented to date to County staff.

**3. BR Tunnel and BR Railway Trail Projects:** **A) BRRT** – Final project retainage will be paid to Keith Barber Construction following the Board's 10-14 meeting, which effectively completes the project. There is a balance of project funding (presently estimated as approximately \$30,000 that VDOT has consented to re-allocate to the BR Tunnel Project. **B) BRT** – Construction of Phase 1 (eastern trail) is in its preliminary startup. Project completion is currently established as 2-6-15. Fielder's Choice Enterprises (the project's general contractor) has been very proactive in working to initiate the project. Two license agreements were executed with CSX, Inc. to enable the project to move forward, which required significant negotiation and cooperation from CSX, Buckingham Branch RR and County staffs to complete. The tasks necessary to move the project forward have been "very" in depth. Contract documents from VDOT for Phase 2 are pending receipt but anticipated at any time. Phase 2 entails removal of the 2 bulkheads within the Tunnel. A TAP grant application for Phase 3 will be submitted to VDOT in November. County staff will host approximately 60 VDOT engineers in late October to tour the Tunnel and VDOT Lynchburg District staff and the Lynchburg District CTB member (Ms. Shannon Valentine) will tour the Tunnel (western portal) on 11-15.

Mr. Carter advised that there was an outstanding claim to be resolved with a subcontractor that worked on the Blue Ridge Trail; however it was between the Contractor and them per the contract. He added that if the County did not close out the grant, then it could not have access to the balance of funds for the Tunnel project. He added that the Claimant could bring their request for payment to the Board or to the Court; however he was going to tell the Contractor he was obligated to resolve it. It was noted that the claim was for work that the subcontractor claimed he did that was not approved by change order by the County or the Contractor.

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Mr. Carter noted that on the Tunnel project, a change order for fencing was in process and that they were waiting for DEQ to approve the Storm water Management Plan.

Mr. Hale inquired as to why the Storm Water Plan was not put before them previously and Mr. Carter explained that it was submitted to DCR but was not followed up on before the program switched hands to DEQ. He noted that he knew a permit was not issued and supposed it was because there was no project going forward at that point.

Mr. Carter corrected his report noting that the Tunnel tour date was 11/5 not 11/15. He added that they were hoping that hosting the tours would help with obtaining future funding.

**4. 2014 Lockn Festival:** A post festival assessment briefing with state and local agencies/departments and Lockn staff was conducted on 10-9. Input from everyone was very positive. Lockn's Dave Frey noted that he and his staff were working on development of the 2015 festival, that they may seek to have a second show in mid-August (TBD) and that their plans were to be in Nelson County long term. Commissioner of Revenue Jean Payne's initial report on local revenues resulting from the festival is attached hereto.

Mr. Carter noted that abc representatives attended the assessment briefing and they had positive comments.

Ms. Brennan added that the promoters wanted to install permanent power, wells, and septic and were committed to being in the County long term. She added that they noted the biggest bust was the Verizon Cell services going down and them not coming out to fix it. They added that it also presented a problem for County dispatch. She then noted that the Virginia State Police and Sheriff's Office were all happy with how things went.

**5. Broadband:** County staff completed the submittal of a Local Innovation Grant "letter of intent" to VA-DHCD the week of 9-22. A decision from DHCD is pending but expected by not later than the week of 10-13. A positive response from DHCD will result in completion/submittal of a formal application to the Department for \$200,000 in grant funding that will be utilized to extend the fiber network in the Rt. 151 Corridor (north, south and, possibly west). The NCBA has its quarterly meeting on 10-14 at 1 p.m.

Mr. Carter related that discontinuing the subscriber discounts were presented during the Broadband Meeting and that it would have to be brought back for formal action.

**6. Radio Project:** Final approval of a frequency application filed with FCC on 8-29 is the sole basis of the project still being pending completion. Staff is hopeful that cut over to the new radio system projected can be completed this month (October) but this is still TBD.

**7. Rockfish Valley Area Plan:** An initial community meeting on the RVAP is tentatively scheduled for 10-28 at Rockfish River Elementary School.

**8. Roseland/Ferguson's Store PER:** Draper Aden Associates has advised that the PER will be submitted to the County on either 10-10 or early in the week of 10-13. Upon receipt

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the PER will be transmitted to VA-DEQ and to NCSA for review. County staff will then confer with DEQ staff on the potential for a water line expansion project of the Piney River Water System to be developed in partnership with the Commonwealth.

**9. Sturt Property Plan:** In consultation with Supervisor Hale, County staff have advised the VT-Community Design Assistance Center that the County will not move forward this year (2014-15) with retaining CDAC to assist the County with a plan of outdoor recreation for the Sturt Property.

Mr. Hale noted that the Nature Foundation at Wintergreen was doing an assessment of the flora and fauna on the property for \$8,000 provided for by the Sturt family. Supervisors and staff briefly discussed hunting on the property and Mr. Hale noted that the property had been posted.

**10. Norwood-Wingina Rural Historic District:** VA-DHR has advised (by letter dated 9-30) of the State Review Board's concurrence with DHR that he proposed district is "recommended for nomination to the national and state (historic) registries. The required nomination to facilitate these registrations is in process with planned review of the nomination by DHR's Board to be completed in March 2015.

Mr. Carter noted that from past experience, the District should be approved going forward.

**11. Rockfish Valley Rural Historic District:** Project contract with VA-DHR completed, inclusive of provision of local matching funds by Rockfish Valley Foundation. DHR staff will facilitate the work to determine eligibility for state and federal historic registries.

Mr. Carter noted that this had been put on hold due to state funding but was now back to being considered.

**12. Region 2000 Services Authority:** Planning for the future expansion of the Authority's Livestock Road Landfill facility is in process. The Authority will host two public informational meetings on 10-14 and 20 and plans to submit a Special Use Permit to the Campbell County BOS in December 2014 (see attachments).

Mr. Carter noted that revenues from operations would pay for the proposed expansions and permits etc. and that bridging the gap between the two existing cells would give added capacity. He added that there was at least 50 years of life there.

**13. TJPDC:** The District will host the next Mayors & Chairs meeting on 10-24 (12 – 1:30 p.m.) and the annual Legislative Forum on 10-29 at 6 p.m. Both meeting will be held at PDC's offices in Charlottesville.

Mr. Carter clarified that the Legislative Forum would be held in the Albemarle County Offices off of 5th street not in the PDC's Offices.

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**14. 2014 VACO Conference:** The annual conference is scheduled for November 9-11. Lodging reservations are complete and conference registrations will be completed prior to the 11-1 due date.

**15. Staff Reports:** Provided in the 9-9 meeting Agenda.

Attachments:

*Report from Commissioner of Revenue:*

Steve,

We had a total of 59 Food vendors and 77 Craft Vendors at the Lockn' festival. That is a total of \$4080 in Business License. As of October 9, 2014 14 food vendors have sent in \$7179.30. They don't officially have to have the money in until October 20. Will let you know what we have after that.

Mr. Carter noted that Ms. Payne was monitoring tax payments and would follow up. He added that she had related ideas to him on how to improve on the process next year.

Ms. Brennan then inquired as to the receipt of State Sales tax from the previous year and Mr. Carter noted the thought we had received it; however he would check on this.

Mr. Carter related that Dave Frey of LOCKN had noted that the local food vendors sold 1/3 of the food at the festival and that the meals tax should be around \$28,000 when all was collected.

*Region 2000 Solid Waste Authority Correspondence*

September 19, 2014

Region 2000 Regional Landfill  
361 Livestock Road  
Rustburg, VA 24588  
Phone: (434) 455-6086  
Fax: (434) 847-1809

Dear Chairman Puckett and Campbell County Board of Supervisors:

The Region 2000 Services Authority appreciates the opportunity to meet with the Board of Supervisors at the October 7, 2014 meeting to share our conceptual plan to expand the Livestock Road landfill. As you may know the Services Authority reopened the Livestock Road landfill in July, 2012 and is now accepting approximately 215,000 tons of solid waste per year from local member jurisdictions Including Appomattox, Nelson and Campbell Counties and the City of Lynchburg. We look forward to operating in the current footprint

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of the landfill through approximately 2026 with the "lateral expansion" which is currently moving through the permitting process as shown in the attached Figure 1.

After 2026, we will need to either seek new permits to move into other adjacent space or re-locate the landfill operations. After several years of consideration. We have secured a contract to purchase the 347 acres of the Bennett property adjoining the landfill to the southeast as shown in attached Figure 2. Now that this transaction is moving to closure, we wanted to take a minute to share with you our concept for the use of this property.

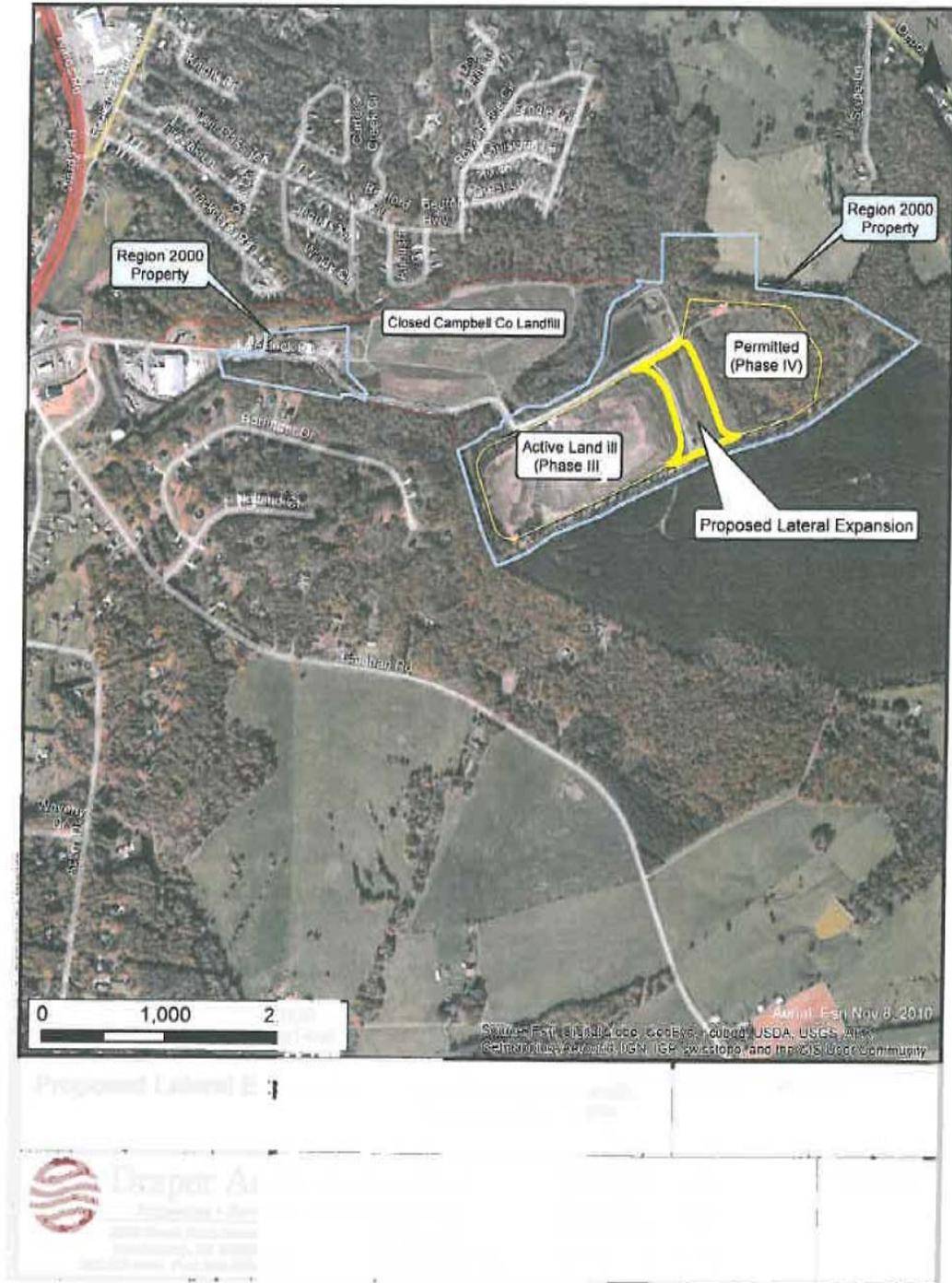
First we will use the unspecified soils from the property as a source for operational cover and the specified soils for future landfill liner and final cap construction. The cost of hauling these soils from the adjacent property vs. from an offsite borrow source will save the Authority almost as much as the purchase price of the land itself.

Second, we propose to divide the land into two parcels, a 206+/- parcel adjacent the landfill and a 141 +/-acre parcel adjacent Route 24. The property is currently zoned Agricultural. We propose to seek rezoning to Industrial and apply for a special use permit on the 206+/- acre parcel adjacent to the landfill for use as future permitted solid waste disposal space as shown in the attached Figure 3. We don't have any plans for the remaining parcel which fronts Route 24 and we may put it back on the market for sale.

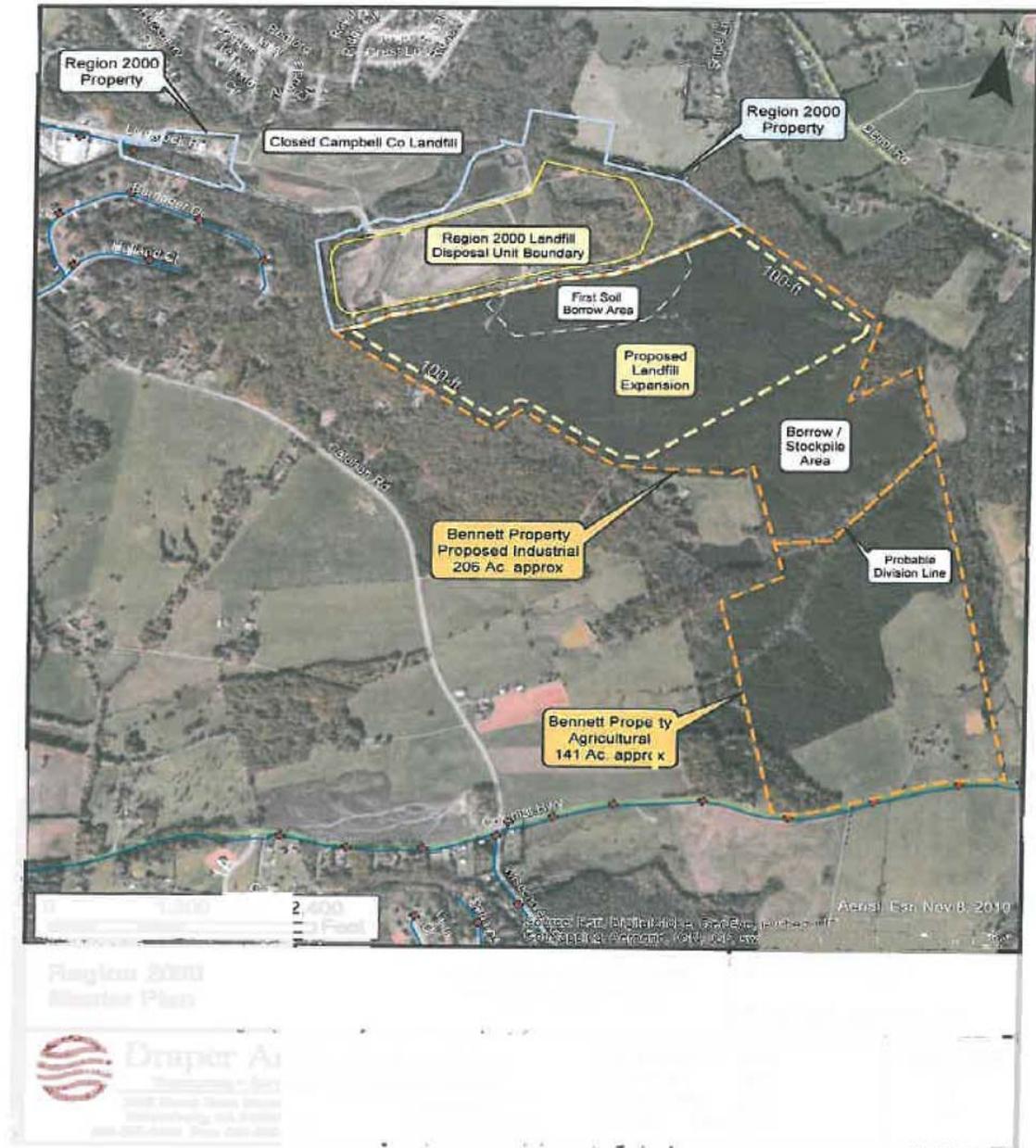
This 206+/- acre parcel adjacent the current landfill will allow the Services Authority to continue to dispose of solid waste for our member jurisdictions in an environmentally safe and sanitary method for over fifty years. It allows us to maximize the use of the existing infrastructure (scale house, roads, maintenance shop, administrative building and utilities) for years to come.

We plan to have two community meetings on October 14th and 20th at Heritage Baptist Church beginning at 7:00 p.m. to receive comments that may be incorporated into a special use permit and rezoning application to be submitted to the County's Planning Commission for consideration, probably in December. Our engineers, Draper Aden Associates, will present a Power Point overview of our conceptual plans when we join you on October 7. Gary Christie and I will be on hand to hear any thoughts or suggestions you may have at this point.

Director, Region 2000 Services Authority  
Cc: Campbell







## 2. Board Reports

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

Ms. Brennan reported the following:

- Attended JABA retreat and looked at the future. She noted they would continue their entrepreneurial activities to provide funding. She noted they discussed caregiver

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support and she noted that the County was aging and would have more elderly than all the other localities in the area.

- Attended retirement event for Tanith Knight, Nelson Memorial Librarian and presented her with the Boards' resolution of recognition.
- Attend ribbon cutting at RVCC for garden area.
- Attended Dominion Transmission Inc., public information meeting on the pipeline.
- Attended GIS Board meeting and noted that they would concentrate on EMS in the county. She noted that Senator Watkins in attendance, discussed a big effort to take a hard look at what rising shorelines were doing in Virginia. She noted in particular, properties were being affected in the Virginia Beach area and would also affect the Navy and shipping area.
- Attended Scenic VA event in Richmond and was a wonderful event sponsored by Dominion Power. She noted that the County received a nice plaque.

#### B. Appointments

Ms. McGarry noted that there were no appointments for the Board's consideration and that there remained a vacancy of the East District seat on the Library Advisory Committee. She noted that the incumbent was Nancy Kritzer.

#### C. Correspondence

Ms. Brennan noted receiving a print out of what revenues were received for Railroads and utility lines etc.; however she could not tell much from that. Mr. Hale noted that Dominion was to give the County an estimate of the amount of taxes to be paid to the SCC on the pipeline; however they may not be able to do this until the actual length was finalized.

#### D. Directives

Mr. Harvey had no directives.

Mr. Saunders noted that he would like to see about getting a DMV back in the County. Staff noted that Mr. Joe Lee McClellan had contacted the County about this and staff sent him the appropriate DMV contact information. Mr. Carter also noted he would follow up with DMV on this.

Mr. Bruguiere reiterated that he would like staff to follow up on the Blue Haven 151 campground in Bryant.

Mr. Hale noted that an independent film maker wanted to film the beginning of Phase I construction and he asked staff to let him know when this would be starting.

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Ms. Brennan asked Mr. Saunders to attend the upcoming Mayors and Chairs meeting on the 24<sup>th</sup> in her place and he noted he could attend.

Ms. Brennan then inquired as to whether or not the Festy had the same regulations as the LOCKN Festival and Mr. Carter noted that they did. She added that she would like to see the revenue figures for the Festy from Jean Payne and would like to know if lodging taxes were paid for camping. Mr. Carter advised that he would check with Ms. Payne on this.

## **VII. Adjourn and Reconvene for Evening Session**

At 5:20 PM, Mr. Harvey moved to adjourn and reconvene at 7:00 PM and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

### **EVENING SESSION**

#### **7:00 P.M. – NELSON COUNTY COURTHOUSE**

##### **I. Call to Order**

Ms. Brennan 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 comment.

##### **III. Proclamation P2014-07 - October Proclaimed Disability Employment Awareness Month**

Ms. Brennan read the proclamation aloud and Mr. Bruguere moved to approve proclamation **P2014-07** proclamation of October as Disability Employment Awareness Month. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following proclamation was adopted:

**PROCLAMATION P2014-07  
NELSON COUNTY BOARD OF SUPERVISORS  
PROCLAMATION OF OCTOBER AS  
DISABILITY EMPLOYMENT AWARENESS  
MONTH**

**WHEREAS**, every year since 1945 the President of the United States has proclaimed a National Observance in October to promote the employment of individuals with disabilities; and

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**WHEREAS**, this tradition continues in October 2014 with “Expect. Employ. Empower.” as the theme for this year’s National Disability Employment Awareness Month; and

**WHEREAS**, nearly one in five Americans have some type of disability, making people with disabilities the nation’s largest minority; and

**WHEREAS**, our community needs to harness the potential of all of its citizens so that our economy can continue to grow and our labor force can meet the challenges on the horizon; and

**WHEREAS**, work is fundamental to identity, providing the opportunity to lead a more independent, self-directed life for all people; and

**WHEREAS**, we recognize that disability is a natural part of the human experience and affirm that disability in no way should limit a person’s ability to make choices, pursue meaningful careers, or participate fully in all aspects of life; and

**WHEREAS**, all of us have benefited from the achievements and contributions of people with disabilities; and

**WHEREAS**, attitudinal barriers can hinder people with disabilities from realizing their full potential; and

**WHEREAS**, education and public awareness are the most powerful tools for increasing sensitivity and achieving full integration and inclusion of people with disabilities into all aspects of life; and

**WHEREAS**, Workplaces welcoming of the talents of all people, including people with disabilities, are a critical part of our efforts to build an inclusive community and strong economy;

**NOW, THEREFORE**, the Board of Supervisors hereby proclaims October 2014 as Disability Employment Awareness Month in the COUNTY OF NELSON, and conveys the message that people with disabilities are equal to the task throughout the year.

#### **IV. Public Hearings and Presentations**

**A. Public Hearing - Special Use Permit #2014-006 – “Batesville Gym” Activity Center/Mr. Edward A. Martin:** Consideration of a Special Use Permit application seeking approval to operate an “Activity Center” pursuant to §4-1-44a of the Zoning Ordinance. Specifically, the applicants wish to operate a gym for health, recreational, and therapeutic purposes on the subject property, identified as Tax Map Parcel #7-A-53A, located at 9656 Batesville Road in Afton. This is a 2.1-acre parcel zoned Agricultural (A-1), and is owned by the applicant.

Mr. Padalino presented the application and noted that The Department of Planning & Zoning received an application on July 31st from Mr. Edward A. Martin, seeking approval for Special Use Permit (SUP) #2014-006, to utilize his Agricultural District (A-1) property

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on Batesville Road for an “Activity Center” land use. He noted that the property was located on the north side of Batesville Road (Rte. 636), between Avon Road and Cardinal Point Winery. The 2.1-acre property is zoned Agricultural (A-1).

He added that the SUP application sought approval to begin using an existing garage for an activity center, which the applicant has suggested would benefit the local community members by creating a nearby destination to practice health, recreational, and fitness activities, and to build community. He noted that the applicant had provided additional information on the application stating that their interest in operating an Activity Center is because, “we basically would enjoy helping the community as we grow to their health and weight controls; and maybe in the future to help out schools to come down and learn different training for their recreational needs; along with it being a great activity center.”

Mr. Padalino then noted the aerial map of the property and site plan with provisional parking spaces including handicapped parking.

He then noted that the Planning Commission held its public hearing and voted 4-0 to recommend approval. He added that VDOT had noted that the applicant would need to apply for a Land Use Permit for a low volume commercial entrance and he added that the Health Department had no issues and they would need to meet Building Code requirements for occupancy.

In response to questions, it was noted that the large tires in the pictures were used for fitness exercise.

The applicant then addressed the Board and noted that he had applied for the Special Use Permit and had met every requirement and now asked the Board for their approval.

Ms. Brennan then opened the public hearing and there being no persons wishing to be recognized by the Board, the public hearing was closed.

Mr. Harvey then moved to approve Special Use Permit #2014-006, Batesville Gym Activity Center 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 SUP #2014-006.

**B. Public Hearing - Consideration of Proposed Amendments to Code of Nelson County Appendix A, Zoning Ordinance:** Article 2 Definitions, Article 4 Agricultural District A-, Article 8 Business B-1, Article 8-B Service Enterprise SE-1, Article 9 Industrial M-2, and Article 18 Limited Industrial M-1 to include items regarding agricultural operations, breweries, distilleries, and restaurants. (O2014-06)

Mr. Padalino noted that the presented proposed Ordinance Amendments were in response to changes to the Code of Virginia and the local economy.

Mr. Padalino then noted the following timeline relative to the consideration of the proposed amendments:

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- May 13th, 2014, the original proposed amendments were introduced to the Board of Supervisors and the Board then referred those proposed amendments to the Planning Commission for review.
- June 25th, 2014, the Planning Commission conducted a public hearing on these proposed amendments.
- July 23rd, 2014, the Planning Commission again reviewed the referred amendments and continued the discussion.
- August 6th, 2014, the Planning Commission conducted a work session to further review the referred amendments with Mr. Payne in attendance.
- August 27th, 2014, the Planning Commission reviewed the draft recommendations as contained in a staff report dated August 20, 2014 and after a final review, the Commission voted 4-0 (with Commissioner Russell absent) to forward those final recommendations to the Board of Supervisors.
- September 9, 2014, the Board of Supervisors authorized their public hearing on the proposed amendments to be held on October 14, 2014.

Mr. Padalino then noted in Article 2, the definition of “Agricultural” was deleted and replaced with the state code definition of “Agricultural Operations” as follows:

Agricultural: (deleted)

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

He noted that the following definitions were added to Article 2 due to changes made by the State:

*Agricultural Processing Facility:* the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 20% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

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

enclosed space devoted to agricultural processing operations or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 50% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

*Distillery*: a facility for the production of distilled spirits.

*Brewery*: a facility for the production of beer. See also “Farm Brewery, Limited” and “Micro-brewery.”

*Micro-brewery*: a brewery which is housed within and operated in conjunction with a restaurant, and which manufactures no more than 15,000 barrels of beer per calendar year. A micro-brewery is an accessory use to a Restaurant.

*Restaurant*. (remains unchanged)

*Farm Brewery, Limited*: A brewery that manufactures no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of beer and the sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of beer, and the sale of beer-related items that are incidental to the sale of beer are permitted.

Mr. Padalino then noted what uses would be allowed by District as follows:

**Article 4. “Agricultural District (A-1)”**

**Section §4-1, Uses – Permitted by-right:**

4-1-28 – Agricultural Processing Facility, provided that (i) all components of the facility shall be located 250 feet or more from any boundary line or street, or located 125 feet or more from any boundary line or street if screened by fencing and/or vegetation, and (ii) no noise, unshielded lights, odors, dust, or other nuisance may be perceptible beyond the property upon which the facility is located.

4-1-29 – Farm Brewery, Limited

**Section §4-1a, Uses – Permitted by Special Use Permit only:**

4-1-7a – Agricultural Processing Facility, Major

4-1-45a – Distillery

**Article 8. “Business District (B-1)”**

**Section §8-1a, Uses – Permitted by Special Use Permit only:**

8-1-11a – Distillery

8-1-12a – Brewery

**Article 8B. “Service Enterprise District (SE-1)”**

**Section §8B-1, Uses – Permitted by-right:**

8B-1-24 – Farm Brewery, Limited

**Section §8B-1a, Uses – Permitted by Special Use Permit only:**

8B-1-12a – Distillery

8B-1-13a – Brewery

**Article 9. “Industrial District (M-2)”**

**Section §9-1, Uses – Permitted by-right:**

9-1-6 – Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products other than a food or meat packing or processing plant

9-1-30 – Distillery

9-1-31 – Brewery

**Article 18. “Limited Industrial District (M-1)”**

**Section §18-1, Uses – Permitted by-right:**

18-1-6 – Distillery

18-1-7 – Brewery

Mr. Padalino noted that in the A-1 district, Agricultural Operations would be a by right use and an Agricultural Processing Facility would be a by right use with a few setback conditions and 20-50% of products coming from off site. He added that a Major Agricultural Operation had greater than 50% of products coming from off sight.

Mr. Harvey then inquired as to the setback in SE-1 and it was noted to be 75 feet from the front for a commercial building, and 25 feet for the side and rear.

Mr. Padalino noted that Article 4-1-28 allowed for setbacks of 250 ft. and 125 ft. if screened by fencing and or vegetation. He added that these setbacks were not part of other Agricultural Processing and were meant for a smaller operation.

Mr. Payne noted that these did not apply to a farm, and only applied to a processing facility where packing for distribution occurred. He added that it did not touch plowing, spraying, mowing etc. and did not apply to someone selling more than 80% from his own farm. He added that these changes captured what was bigger than the average farm retail or wholesale operation that was not buying more than 20% from somewhere else. He noted that bigger more intense operations could not come into the A-1 district.

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Mr. Saunders noted that for a farm brewery limited, one could produce no more than 15,000 barrels per year; however the definition could be met by putting one hop in a cup and growing it. Mr. Padalino noted that the definition was taken straight from State Code but this was left open. Mr. Payne noted that the challenge was how much was enough and trying to follow different State Code provisions. He added that the State used the term bonafide and they struggled with how to define this so it was not used.

Mr. Padalino added that at the Planning Commission level, they discussed the term bonafide production and contrasted this with a novelty display. He added that this would have to be handled on a case by case basis.

Mr. Hale then inquired as to whether or not they knew how many barrels Blue Mountain Brewery or Devil's Backbone produced and Mr. Padalino noted he did not.

Mr. Hale then suggested that they should find out and Mr. Carter noted that these operations would be grandfathered in. Mr. Padalino noted that some effort had been made to reach out to a local business on this; however this threshold was taken from the state code and he was not sure how they arrived at that limit.

Mr. Payne then explained that a microbrewery was an accessory to a restaurant and the larger operations should be in the appropriate district. Mr. Bruguere then confirmed that this would not affect the operations that were established already.

There being no more questions from the Board, Ms. Brennan opened the public hearing and there being no persons wishing to be recognized, the public hearing was closed.

Mr. Bruguere noted that he did not think any of these amendments would hinder anyone from coming in and rather it would make the Zoning Ordinance better.

Mr. Bruguere then moved to adopt Ordinance **O2014-06** and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

**ORDINANCE O2014-06**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AN ORDINANCE TO AMEND AND REENACT**  
**APPENDIX A, ZONING ORDINANCE, ARTICLE 2 DEFINITIONS, ARTICLE 4**  
**AGRICULTURAL DISTRICT A-1, ARTICLE 8 BUSINESS B-1, ARTICLE 8-B**  
**SERVICE ENTERPRISE SE-1, ARTICLE 9 INDUSTRIAL M-2, AND ARTICLE 18**  
**LIMITED INDUSTRIAL M-1 OF THE CODE OF THE COUNTY OF NELSON,**  
**1989,**  
**GENERALLY RELATING TO AGRICULTURAL OPERATIONS**

**WHEREAS**, public necessity, convenience, general welfare, and good planning and zoning practice requires revision of the Zoning Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NELSON:** that Pursuant to §15.2-1427 and §2.2-2204 of the Code of

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Virginia 1950 as amended, the Nelson County Board of Supervisors does hereby amend and reenact the Code of Nelson County, Virginia, Appendix A – Zoning as follows:

Article 2. Definitions:

*Delete:*

Agricultural: The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies, or similar use associated with an active farming operation, unless otherwise specifically provided for in this ordinance.

*Add:*

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

Agricultural Processing Facility: the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 20% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

Agricultural Processing Facility, Major: an agricultural processing facility that, by virtue of its size, shipping requirements, noise, or other characteristics, will have a substantial impact on the health, safety, or general welfare of the public or adjoining landowners. A major agricultural processing facility is one that either (i) has more than 10,000 square feet of enclosed space devoted to agricultural processing operations or (ii) entails the preparation, processing, or sale of food products, or accumulation for shipment or sale of crops and animals, in connection with an agricultural operation when more than 50% of such crops or animals are not produced on an agricultural operation on the same or contiguous parcel(s) owned or controlled by the operator of the facility.

Brewery: a facility for the production of beer. See also “Farm Brewery, Limited” and “Micro-brewery.”

Distillery: a facility for the production of distilled spirits.

Farm Brewery, Limited: A brewery that manufactures no more than 15,000 barrels of beer per calendar year, provided that (i) the brewery is located on a farm owned or leased by such

brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery, the direct sale and shipment of beer and the sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with law, the storage and warehousing of beer, and the sale of beer-related items that are incidental to the sale of beer are permitted.

Micro-brewery: a brewery which is housed within and operated in conjunction with a restaurant, and which manufactures no more than 15,000 barrels of beer per calendar year. A micro-brewery is an accessory use to a Restaurant.

Restaurant. (remains unchanged)

Article 4, Agricultural District A-1, Section §4-1, Uses – Permitted by-right:

4-1-28 Agricultural Processing Facility, provided that (i) all components of the facility shall be located 250 feet or more from any boundary line or street, or located 125 feet or more from any boundary line or street if screened by fencing and/or vegetation, and (ii) no noise, unshielded lights, odors, dust, or other nuisance may be perceptible beyond the property upon which the facility is located.

4-1-29 Farm Brewery, Limited

Article 4, Agricultural District A-1, Section §4-1a, Uses – Permitted by Special Use Permit only:

4-1-7a Agricultural Processing Facility, Major  
4-1-45a Distillery

Article 8, Business District B-1, Section §8-1a, Uses – Permitted by Special Use Permit only:

8-1-11a Distillery  
8-1-12a Brewery

Article 8B, Service Enterprise District SE-1, Section §8B-1, Uses – Permitted by-right:

8B-1-24 Farm Brewery, Limited

Article 8B, Service Enterprise District SE-1, Section §8B-1a, Uses – Permitted by Special Use Permit only:

8B-1-12a Distillery  
8B-1-13a Brewery

Article 9, Industrial District M-2, Section §9-1, Uses – Permitted by-right:

9-1-6 Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products other than a food or meat packing or processing plant

9-1-30 Distillery

9-1-31 Brewery

Article 18, Limited Industrial M-1, Section §18-1, Uses – Permitted by-right:

18-1-6 Distillery

18-1-7 Brewery

**BE IT FURTHER ORDAINED**, that this Ordinance is effective upon its adoption.

**V. Other Business (As May Be Presented)**

*Introduced: SUP for expansion of Catholic Church Cemetery*

Mr. Hale inquired if the public hearing on the Catholic Church cemetery Special Use Permit would be complicated. Mr. Padalino noted that he did not think so as they had everything they needed and it should not be overly complicated. It was noted that the Board's public hearing had not yet been advertised due to the impending change in the Board's regular meeting date.

*Introduced: Tent Camping and Lodging Taxes*

Ms. Brennan inquired of Mr. Padalino whether or not tent camping required the charging of a lodging tax. Mr. Saunders responded that he thought he had read that if one pays to stay in a tent, then it qualified as lodging. Mr. Padalino indicated he was not sure; however it made sense that it did and Mr. Carter noted he would check on this.

*Introduced: Disabilities Employment Month Proclamation*

Mr. Jason Hatfield, the County's representative on the Disabilities Services Board noted that he had attended the meeting in order to hear the Board adopt the proposed proclamation regarding Disabilities Employment Month. Ms. Brennan then advised him that the proclamation had been read aloud and adopted at 7:00 PM. She then presented him with an original signed copy of the proclamation. Mr. Hatfield apologized for his tardiness and noted he had gone to the old meeting room.

He then noted to the Board that there was 70% unemployment in those with disabilities and the overall unemployment rate was 5.7%. He added that the Disabilities Services Board

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wanted to thank the Board of Supervisors for informing the public of people with disabilities in the workforce.

Mr. Harvey then asked Mr. Hatfield his thoughts on the handicapped accessibility of the new courts building and Mr. Hatfield noted it was great.

Mr. Hatfield then noted that he was working on a TV show for public access TV in Charlottesville called Handi-Chat. He noted his vision was to enlighten and inform the public on available resources etc. He noted that he needed help funding this endeavor and further explained he wanted to do on-site filming of different places to show what they looked like and then do in depth interviews with the owners or managers of the place.

Ms. Brennan then inquired if his effort was sponsored by any organization and he noted it was not. Mr. Carter then suggested that he check into the Nelson County Community Development Fund and Ms. Brennan added that they had a website and were on Facebook. She noted that they had an organization that raised money so it could be given to Nelson County projects and organizations.

Mr. Hatfield then noted that things needed to improve for those with disabilities and it had to start somewhere. He then asked the Board to focus on this to help it gain momentum.

Ms. Brennan agreed and noted Mr. Saunders's service on the Piedmont Workforce Network Board and the County one-stop location. She then suggested that the Disabilities Services Board make a presentation to the Board of Supervisors and she noted that they should submit a letter to the Board requesting this.

The Board then noted their appreciation of Mr. Hatfield's work and service to the County.

## **VI. Adjournment**

At 8:45 PM, Mr. Hale moved to adjourn and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.