

September 13, 2016

**Virginia:**

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

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

Absent: None

**I. Call to Order**

Mr. Hale 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 – Ms. Brennan led the pledge of Allegiance

**II. Recognition of Retired Clerk of Circuit Court, Judy S. Smythers**

Mr. Hale briefly noted that this item would potentially be rescheduled.

**III. Consent Agenda**

Mr. Saunders moved to approve the consent agenda 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 resolutions were adopted:

- A. Resolution – **R2016-59** Minutes for Approval

**RESOLUTION R2016-59**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(August 9, 2016)**

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

B. Resolution – **R2016-60** FY17 Budget Amendment

**RESOLUTION R2016-60**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET**  
**NELSON COUNTY, VA**  
**September 13, 2016**

**BE IT RESOLVED** by the Board of Supervisors of Nelson County that the Fiscal Year 2016-2017 Budget be hereby amended as follows:

**I. Appropriation of Funds (Courthouse Project Fund)**

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$400,000.00	3-106-009999-0001	4-106-094960-3160

**IV. Public Comments and Presentations**

Prior to consideration of public comments, Mr. Harvey asked the Board to recognize the passing of Cliff Wood who was Chairman of the Board during the Camille flood. Mr. Carter advised that staff had taken note of it and would come back with a resolution honoring Mr. Wood in October. Mr. Hale then noted that he remembered Mr. Wood well in that era as a reporter with the Daily Progress. He noted that Mr. Wood had contributed greatly to the County over the years, was an important member of the Historical Society, and was always a pleasure to speak with.

A. Public Comments

1. Lois Giles, Roseland

Ms. Giles expressed concerns about the traffic at County Schools. In particular, she spoke of a safety hazard for traffic at the High School both entering and leaving due to the turn lane being filled with buses and cars and there being no view to cross over to go northbound.

Ms. Giles clarified that primarily in the morning, the whole turn lane going into the High School was congested and when coming back out to go north on Route 29, one could not see past the buses and it backed up. She added that she understood the right of ways and that the police were monitoring speeds; however she supposed they watched many close calls there.

Mr. Hale advised that VDOT would follow up on her concern.

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2. Charlie Wineberg, Afton

Mr. Wineberg stated that the Board should be proud of the type of business growth in the County that has precipitated the proposed Temporary Events ordinance. He noted this was due to the County experiencing results beyond what had been predicted without negatively impacting the community such that a Walmart or NASCAR racing would. He thanked Mr. Padalino and those that worked on the proposed ordinance and noted it appeared to be a clear path to economic growth.

Mr. Wineberg then noted that the culvert pipes on Route 635 were filled with gravel and the slots were poorly marked. He noted that these kept eroding out and cars were swerving in avoidance there.

3. George Hodson, General Manager - Veritas Winery

Mr. Hodson thanked the Board for their engagement of the business community in crafting the Temporary Events Ordinance. He added that they were comfortable with the language, it was consistent with State Code, and it had been a productive process.

Mr. Hodson, then noted an issue with the current by right use of their M-2 zoned property at 10368 Critzer Shop Rd. He noted this was currently zoned M-2 and in by right uses, Brewery and Distillery was included but not Winery and he thought that was an oversight. He noted that Veritas (Winery) would like to have bottling in that facility and they would like to have the Board address this by adding Winery to the by-right language. He added that they would still have to abide by all state regulations etc.; however it would mean they would not have to build another building on the farm and it would preserve the rural integrity of their space.

Mr. Bruguere asked if they had a tasting facility planned and Mr. Hodson noted that they could not have a Farm Winery in an M-2 zone; however they would not want to rule that out even though it was not their intent.

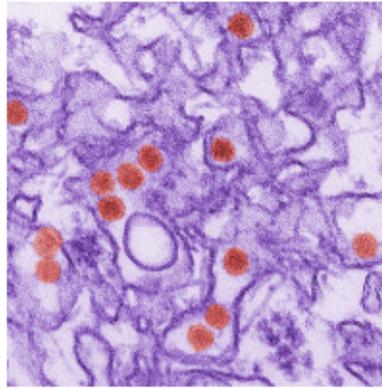
B. Presentation – Health Department, Zika Virus Update (Dr. D. Bonds)

Dr. Denise Bonds, Director of the Thomas Jefferson Health District gave the following PowerPoint Presentation on the Zika Virus.

## Zika

Virus belonging to *Flaviviridae* family, genus *Flavivirus*

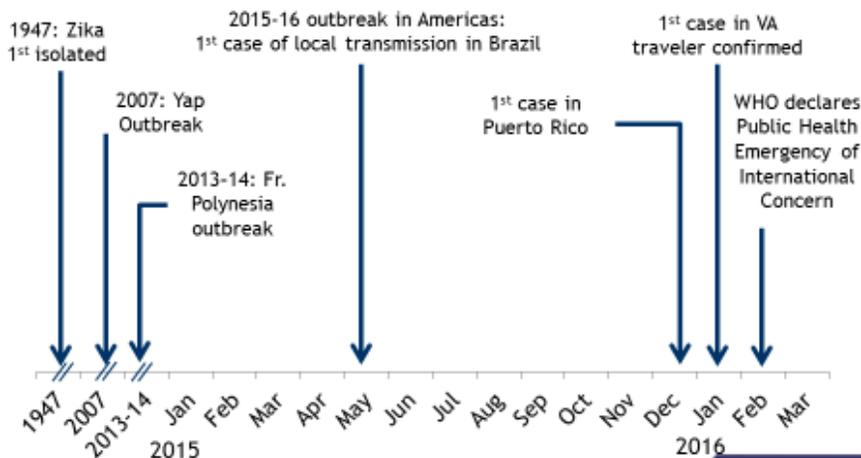
- Related viruses include Dengue fever, Yellow fever, Japanese encephalitis and West Nile viruses



Source: Photo Credit: Cynthia Goldsmith, downloaded from CDC website

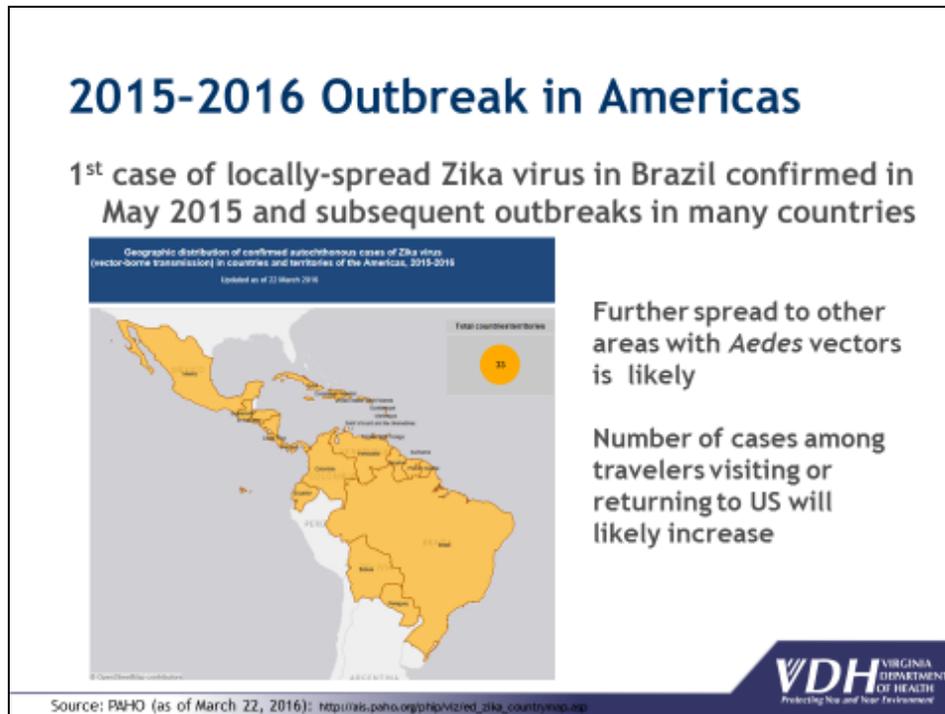
Dr. Bonds noted that: Zika virus is classified as a flavivirus and is closely related to yellow fever, Japanese encephalitis, and West Nile viruses. She added that the virus is spread primarily through the bite of infected *Aedes* species mosquitoes.

## Timeline of Major Zika Events



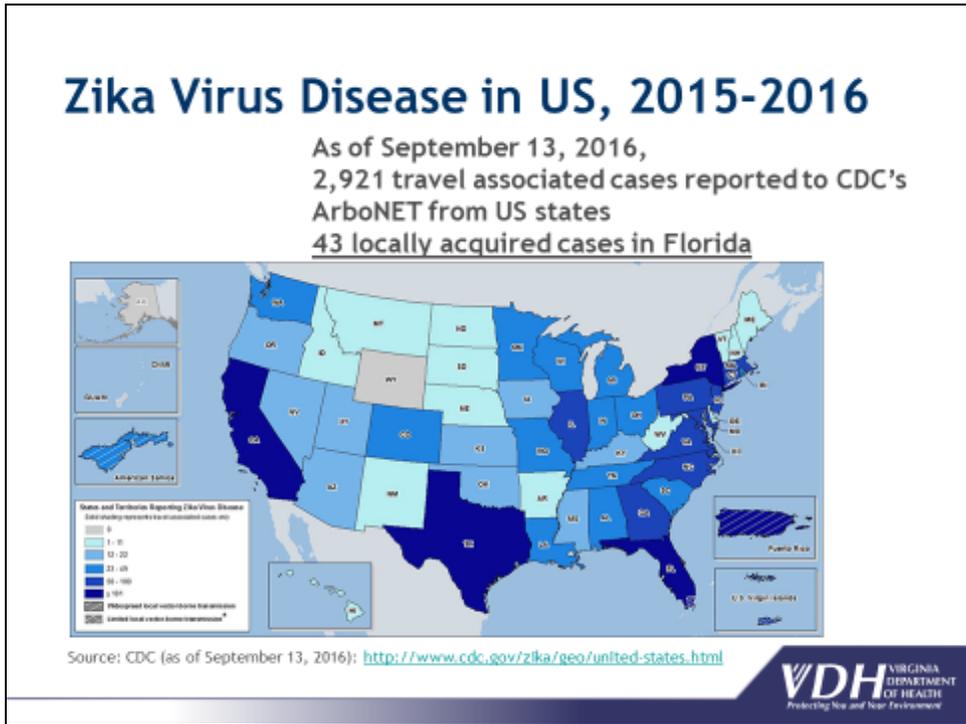
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Dr. Bonds noted that the US Zika outbreak has been a short-lived event and noted the timeline above.



Dr. Bonds related the following in relation to the map shown above:

- The first case of locally spread Zika virus was confirmed and reported from Brazil in May of 2015. The virus has long circulated in Africa and parts of Asia but it is new to the Western Hemisphere. It is thought that 1.5 million people in Brazil have been infected with the virus, and the virus has spread throughout countries in Latin America and the Caribbean.
- Due to the mobile nature of our society, we expect that numbers of imported cases, or cases that are identified in travelers visiting or returning to the US from these areas of the world, to increase over time.
- The geographical distribution of Zika virus has been steadily increasing since it was first detected in the Americas in 2015. Further spread to countries within the geographical range of competent disease vectors — *Aedes* mosquitoes — is considered likely.
- Seven countries have reported an increase in the incidence of cases of microcephaly and/or Guillain-Barré syndrome concomitantly with a Zika virus outbreak....”



Dr. Bonds noted that as of today, under 3,000 travel associated cases have been reported to CDC and most of those infected did not have symptoms. She added that there were 43 local cases in FLA at the tip of state and no locally acquired cases in VA; although there have been over 100 travel related cases across the state.

## Transmission



Primarily transmitted by mosquitoes

- Mainly by *Aedes aegypti* (Yellow fever mosquito)
- Also by *Aedes albopictus* (Asian tiger mosquito)

Mosquitoes infected by feeding on infected persons

- No animal reservoir known

Individual with Zika carries virus in bloodstream about 1 week



## Zika Virus Transmission

### Transmitted from mother to child:

- During pregnancy or at time of delivery

### Transmitted by blood or sexual contact

- Both reported
- Recent travelers to Zika-affected areas may be asked to defer donating blood

Dr. Bonds related the following related to transmission:

- Zika virus can also be spread (rarely) from mother to child
  - A mother already infected with Zika virus near the time of delivery can pass on the virus to her newborn around the time of birth, but this is rare.
  - It is possible that Zika virus could be passed from mother to fetus during pregnancy. This mode of transmission is being investigated.
  - To date, there are no reports of infants getting Zika virus through breastfeeding. Because of the benefits of breastfeeding, mothers are encouraged to breastfeed even in areas where Zika virus is found.
- In addition, there have been reports of Zika virus transmission through blood transfusion and sexual contact.
- Virus has been found to persist for several weeks in saliva and blood.

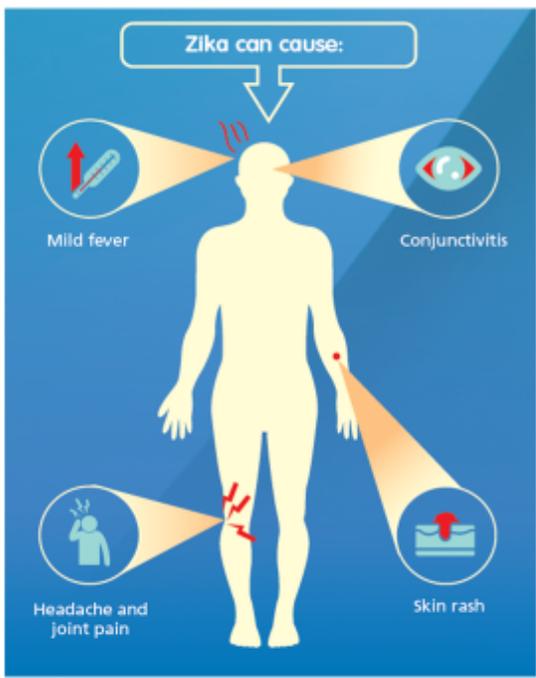
## Sexual Transmission of Zika Virus

24 cases of sexually transmitted Zika virus in U.S.

- ~~All cases spread by symptomatic man to partner~~
- Virus can stay in semen longer than blood
- CDC recommends that women with male partner that has traveled to area with Zika use condoms for
  - 8 weeks if no symptoms of Zika
  - 6 months if Zika/symptoms of Zika
  - Duration of pregnancy

Dr. Bonds reported the following related to the sexual transmission of the Zika Virus:

- On February 2, public health officials in Dallas reported 1 case of Zika virus infection that was acquired through sex.
- CDC performed testing to confirm the infection, but were not reportedly involved in the investigation.
- CDC continues to emphasize that primary mode of transmission is through bite of infected mosquito.
- We do not know how long Zika virus can remain in semen or if semen plays a role in transmission.
- Until more is known, for pregnant women: if she has a male sexual partner who has traveled to or lives in an area with active Zika virus transmission, then they should abstain from sex or use condoms the right way every time you have vaginal, anal, and oral sex for the duration of the pregnancy.



**Zika can cause:**

- Mild fever
- Conjunctivitis
- Headache and joint pain
- Skin rash

**Zika Symptoms:**

- About 80% of those infected do not have symptoms
- Those that do become ill generally have mild symptoms
  - Onset 2-7 days after bite
- Treatment supportive: rest, fluids, acetaminophen
- Small number can develop complications

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## Special Concerns for Pregnant Women and Zika

Zika virus can spread from pregnant woman to fetus

There have been reports of microcephaly (smaller than normal head size) and other poor pregnancy outcomes in babies of mothers who were infected with Zika virus while pregnant



In US:  
17 liveborn infants with birth defects  
5 pregnancy loss with birth defects

Dr. Bonds noted that other than microcephaly, calcifications in the brain and vision issues can occur, which are all neurological in babies with Zika.

## Guillain-Barre Syndrome and Zika

- Rare autoimmune disorder
  - Virus triggers person own immune system to damage nerve cells
  - Result muscle weakness and sometime paralysis
  - Most fully recover
    - some have permanent nerve damage
    - rare death
  - Not clear how Zika causes GBS

In the US: 7 cases of Guillain -Barre Syndrome

Not all mosquitoes are the same. Different mosquitoes spread different viruses and bite at different times of the day.

Type of Mosquito	Viruses spread	Biting habits
 <i>Aedes aegypti</i> , <i>Aedes albopictus</i>	Chikungunya, Dengue, Zika	Primarily daytime, but can also bite at night
 <i>Culex</i> species	West Nile	Evening to morning

Source: CDC



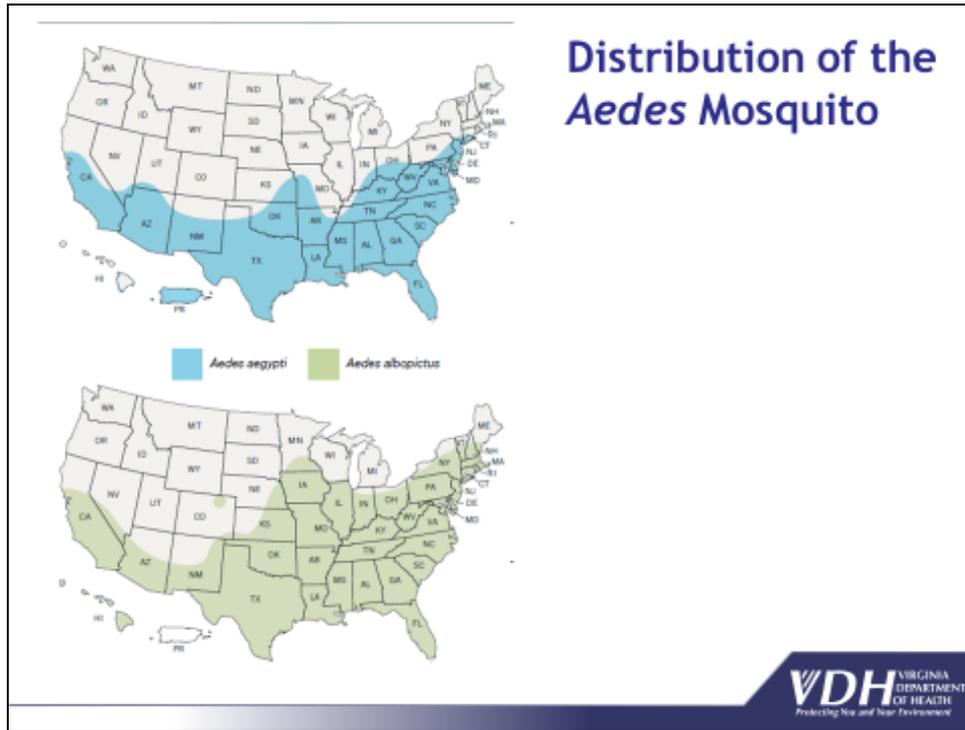
*Aedes* lay eggs exclusively in containers of water

They **do not** lay eggs in "ground" bodies of water

Develop into adults in 10 days

Spend life within 200 yards

Dr. Bonds reported that eggs can remain dormant for a long period of time.



## Aedes Mosquito Control

**TIP**  
Once a week empty or cover anything that holds water like:

- Tires
- Buckets
- Toys
- Pools and Pool Covers
- Birdbaths
- Trash, Trash Containers, and Recycling Bins

**TOSS**  
Throw away items not being used that could hold standing water.

**Keep mosquitoes outside**

- Keep screens on all windows
- Repair holes in screens

**COVER-UP**

- Wear long-sleeved shirts and pants
- Exposed skin

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Dr. Bonds noted that huge outbreaks would not be seen in rural areas. She noted this was because mosquitos spent their life within 200 yards and it was unlikely they would fly off and bite someone, return, and bite again. She added that the rural atmosphere provided

protection in this situation; but noted that a bottle cap was enough water for mosquitos to breed in.

Active ingredient	Some brand name examples*
Higher percentages of active ingredient provide longer protection	
<b>DEET</b>	Off!, Cutter, Sawyer, Ultrathon
<b>Picaridin</b> , also known as <b>KBR 3023</b> , <b>Bayrepel</b> , and <b>icaridin</b>	Cutter Advanced, Skin So Soft Bug Guard Plus, Autan (outside the United States)
<b>Oil of lemon eucalyptus (OLE)</b> or <b>para-menthane-diol (PMD)</b>	Repel
<b>IR3535</b>	Skin So Soft Bug Guard Plus Expedition, SkinSmart

- Do not use insect repellent on babies younger than 2 months of age; OLE or PMD on children less than 3 years
- Use permethrin treated clothing and gear but don't apply permethrin directly on your skin

\* The use of commercial names is to provide information about products; it does not represent an endorsement of these products by the Centers for Disease Control and Prevention or the U.S. Department of Health and Human Services.




In conclusion, Dr. Bonds noted some insect repellants that could be used effectively against mosquitos as shown above.

Mr. Hale then opened the floor for questions from the Board.

In response to how long this would be an issue, Dr. Bonds noted that mosquito season ended in October in VA; however it would continue to be an issue with travel to endemic areas.

Ms. Brennan then noted that if 80% of those infected had no symptoms it was hard to take precautions. Dr. Bonds noted that most would not and it was the reason it created problems with pregnancy planning. Her sensible advice was that if one has traveled or has a partner who has traveled, they should probably wait to become pregnant. She added that this was challenging and was the reason it was a problem in South America.

Ms. Brennan then noted that she had been told that Deet did not repel ticks and to use Permethrin. Dr. Bonds noted that one could buy treated clothing or spray it on. She added that the safest thing was to wear lightweight long sleeves and pants.

Mr. Bruguiere noted that Permethrin did not kill ticks, because it did not kill 8 legged critters. He added that he thought concerns about Zika Virus had been blown out of proportion in this country. Dr. Bonds then noted that there were many things that anyone

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could do to take personal responsibility to prevent Zika, which would also aid in keeping other nuisance issues at bay such as ticks.

C. Presentation - TJPDC 2017 Legislative Priorities (D. Blount)

Mr. Blount first noted that a Legislative Service Survey had been sent out and they had gotten a 40% response rate. He noted that there was good support for what they have been doing and some good suggestions such as: updates should come as needed rather than on a schedule, real time snippets of information would be helpful, and information on what was pending and needed any action would be good. He then noted that he tended to tailor his updates around the General Assembly timeline.

Mr. Blount presented the following legislative priorities for the TJPDC:



*2016 Legislative Priorities*

(Counties of Albemarle, Fluvanna, Greene, Louisa and Nelson & Charlottesville City)

**TOP LEGISLATIVE PRIORITIES**

**PUBLIC EDUCATION FUNDING:** We 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.

- Local governments boost education funding by \$3.6 billion more per year than required.
- K-12 policy changes since 2009 have reduced state funding obligations; school divisions have reduced staffing and increased class sizes and added duties for existing staff during that time.

**EQUALIZED REVENUE AUTHORITY:** We urge the governor and legislature to equalize the revenue-raising authority of counties with that of cities.

- State-level studies, as far back as 30 years, recommend this difference be eliminated.
- This proposal removes restrictions on meals, lodging, cigarette and admissions taxes.
- It would help diversify and broaden the revenue base of counties.

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

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- Unfunded mandates and shifted costs strain local ability to craft effective budgets.
- The State should examine how services are delivered and paid for in the future as a different economy takes hold in Virginia.

### **OTHER PRIORITY ITEMS**

**TRANSPORTATION: We support additional revenues for secondary/urban construction and unpaved roads, and we oppose secondary road devolution.**

**WATER QUALITY: We support financial and technical assistance from the federal and state governments for improving water quality, including for stormwater management.**

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

In terms of education funding, Mr. Blount reported that the State did add education funding in the biennium and on a per pupil basis it was back to an amount greater than FY2009 in FY2017. He added that they wanted the General Assembly to work to preserve this investment. He noted that the State was looking at a \$1.2 Billion dollar revenue gap; which would ripple through the next two (2) years. He noted however, that 2017 will be an easier challenge to address and the State would use salary increase set aside funds and the rainy day fund whereas FY18 would be the challenge.

Mr. Blount then reported that transient lodging was being worked on at the State level and he was monitoring it closely. He noted that there was a bill last year having to do with wireless infrastructure that allowed industry to do what it wanted without local approvals that was of concern to local governments and was also being studied.

Mr. Blount then referenced the Standards of Quality (SOQ) study, which had an emphasis on educational technology and a multi-year study of the Virginia Retirement System (VRS).

Mr. Blount then noted that the TJPDC draft legislative program would go out in October and would be back for approval by the Board in November.

In response to questions, Mr. Blount explained that \$270 million was the revenue shortfall for the past year just completed in FY16 and the General Assembly would build off of that in FY17-FY18. He added that in FY17 there was a \$560 million gap and the gap in FY18 was \$630 million to get to covering \$1.2 Billion.

He noted that he had not heard of cuts in Aid to Localities being discussed; however he would be monitoring it. He further noted that the proposed salary adjustment would not take place December 1, 2016 and the FY17 state salary supplements could also be affected.

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Mr. Hale inquired as to why the budget estimates were so far off and Mr. Blount supposed it was a symptom of the economy as a whole. He noted that with Federal defense spending tailing off in Virginia, the State lost those high paying public sector or contractor jobs that were paying more in payroll taxes and they were being replaced with lower paying jobs in the service industry; creating a gap in payroll tax withholdings. He added that the State would see less disposable income as well which affected sales tax revenues.

Mr. Carter then advised that staff had included a letter from York County asking the Board to make equalizing the taxing powers of Counties to that of Cities, with emphasis on the Meals Tax a legislative priority and he asked the Board to speak to its request. Mr. Hale noted that the TJPDC had addressed this priority on the front page and it was noted that VACO had seized upon endorsing the Meals Tax increase recommended and no action was taken by the Board.

Mr. Carter noted that what happened with Nelson and in so many other counties, was when the State implemented a raise in December, local Boards decided to do it as of July 1st (to coincide with the start of the fiscal year) and then the locality was stuck once it was approved because the Board did not want to take it away at that point. Mr. Blount noted that the State had also put a new certification requirement on the raise that was different and he questioned how that would really work. He added that the certification had raised a lot of concerns and he had sent out a letter to County Administrator's to send requests to the Governor that the certification language be removed. He noted that flexibility was needed with state supported local employees.

Ms. Brennan asked for clarification on the certification requirement and Mr. Blount explained that the Governing Body would have to certify that the increase had been awarded to its employees.

Mr. Blount then advised the Board that now was the time to bring up any local issues or legislation.

Mr. Bruguiere then inquired as to whether or not they could be made aware of who in the General Assembly opposed the equalizing authority and lobby them. Mr. Blount advised that they could and it had been done; however some of the opposition was down party lines but there was generally no appetite for it in the General Assembly. Mr. Carter added that the opposition was based on the premise that it would hurt cities if counties got it. It was noted that this issue had been lobbied by VACO forever and that there had been a bill brought forward on Excise Taxes, and it had not gone anywhere.

#### D. Presentation - Treasurer (A. Johnson)

Ms. Angie Johnson, Treasurer addressed the Board and thanked them for the opportunity for Constitutional Officers to share the status of their offices.

She then reported that the Board had recently adopted two resolutions, the first being related to citizens paying credit card fees. She advised that the resolution was adopted in March

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and the new payment processing began in April or early May. She noted that while taxpayers were not always happy about it, the implementation of it was going smoothly.

She then reported that the second resolution adopted by the Board related to refunds requested by the Commissioner. She noted that they had processed two of these, they were very easy and it was a great thing for citizens as the process only took a couple of days.

Ms. Johnson then noted that if the Board would like to see any other information included in her monthly report to let her know and she would include it. She added that the second half of the year tax bills would be going out the second week of October, the day after the Columbus Day holiday.

Ms. Brennan asked if there would be any inserts in the bills this time and Ms. Johnson noted she was not sure. She noted that there had been a Broadband insert done in June and Mr. Carter noted that it may be done again and he would check with Maureen on it.

Mr. Bruguiere then asked for clarification on the credit card fees and Ms. Johnson advised that these varied based upon the type of card used. She noted that a flat fee was paid for debit card transactions and 2.8% was charged for credit cards with a \$3.95 minimum.

There being no other questions, Ms. Johnson thanked the Board again for their graciousness to her office and employees.

#### E. VDOT Report

Mr. Don Austin reported that they were obtaining contracts to do repairs to the sidewalks in Lovington, they were starting on the Wheeler's Cove rural rustic project, and Dark Hollow Road should be open the last week of September or early October.

Mr. Harvey inquired how it took one month to replace a pipe and Mr. Austin noted that the new pipe would have end walls and it usually took six (6) weeks unless there were complications.

Mr. Austin then reported that the two turn lane projects were moving forward to be built next summer and he would report more details next month.

In response to questions regarding changing the speed limit all along Route 151 to 45 mph, Mr. Austin noted that the local traffic engineer was in charge of the speed studies and VDOT was reducing the speed to 45 mph on the .3 miles approaching Route 250.

Mr. Harvey then asked why Nelson VDOT would not participate monetarily with Albemarle in studying this area. Mr. Austin noted that the funds were there and it did not matter where it came from. He added that Albemarle had taken the lead on it and Nelson had Route 151 and they had Route 250. Mr. Harvey then asked who he would speak with that was above the local engineers and Mr. Hale suggested it would be the District Engineer. Mr. Austin agreed; however he advised that traffic studies were used to justify speed reductions.

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Mr. Harvey then noted that the flow of traffic on Route 151 was best when it was busy and was only moving at 45 mph. He added that it had proven to have saved lives on the other end and he wanted to make all of Route 151 from Route 250 to the Brent's Mountain area 45mph.

Mr. Austin noted he would speak to Mr. Harter again on next steps. He added that VDOT may do something during construction to lower it.

Mr. Austin then advised that VDOT had reviewed the passing zones on Route 6 and those would remain as is.

Mr. Harvey then advised that at Route 6 coming out at the Martin's Store substation looking south, one could not see because of overgrowth there.

The Board then discussed the following issues:

Mr. Bruguiere noted that across from the Fleetwood Community Center on Route 56 West, the road downhill had washed gravel alongside of it. He noted that barrels had been put up and nothing had been done about that.

Mr. Saunders asked about the status of Cedar Creek and Mr. Austin noted he would have to check, however he thought it would get done next year. He noted that he thought it was in its first year of funding. Mr. Saunders then thanked VDOT for cutting the trees back in Arrington and for picking up trash. Mr. Austin noted they had done some extra work because of the LOCKN Festival.

Ms. Brennan thanked VDOT for the paving at Buck Creek that fixed the pot holes. She added that she had gotten no calls about road issues.

Mr. Austin then noted that they would fix the pothole in the left lane going up to the Food Lion shopping center.

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

### **A. Comprehensive Fire & EMS System Study – VA Dept. of Fire Programs (R2016-61)**

Mr. Carter noted that studying the county's fire and EMS delivery system was a lower tier priority of the Board's. He noted that the county had the ability through the Virginia Department of Fire programs to do a comprehensive evaluation at no cost; if the governing body endorsed the study. He then advised that staff had prepared a resolution endorsing the study and that once accepted by the VFS, the County would have to complete a questionnaire and get in line behind those in the works. He added that they would do a comprehensive independent study involving the public and it would be completed within six (6) months at no cost.

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Mr. Hale asked if the questionnaire would have to be filled out with the application and Mr. Carter advised that it would. In response to questions, Mr. Carter noted that currently, the County referred everything to the State Fire Marshall.

Mr. Harvey noted that completing the study could have something to do with future grants and he thought it would not hurt to do an evaluation. Mr. Carter noted that the study recommendations did not have to be implemented. He then noted that the study would be conducted by the Virginia Fire Services Board that was comprised of the following independent agencies: Virginia Department of Fire Programs, Virginia Office of Emergency Medical Services, and Virginia Department of Forestry.

Mr. Harvey then moved to approve resolution **R2016-61** Request for initiation of a comprehensive analysis study of Nelson County's Fire/EMS System by the Virginia Fire Services Board and Mr. Saunders seconded the motion.

Mr. Bruguiere inquired if there was any outcome if things were not up to standards and the Board and staff supposed there could be some consequences.

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

**RESOLUTION R2016-61**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**REQUEST FOR INITIATION OF A COMPREHENSIVE ANALYSIS STUDY OF**  
**NELSON COUNTY'S FIRE/EMS SYSTEM BY THE**  
**VIRGINIA FIRE SERVICES BOARD**

**WHEREAS**, one of the Board's 2016 priority retreat objectives was review of the County's Fire and EMS service delivery system; and

**WHEREAS**, pursuant to §9.1-203 (4) of the Code of Virginia 1950 as amended, Fire and EMS studies are conducted by the Virginia Fire Services Board at the request of a local jurisdiction,

**NOW THEREFORE BE IT RESOLVED**, by the Nelson County Board of Supervisors that said Board hereby authorizes Stephen A. Carter, County Administrator to request on behalf of the Board, the services of the Virginia Fire Services Board in conducting an objective, complete, and thorough review of the County's Fire and EMS service delivery system and provide its recommendations for improvement; and

**BE IT FURTHER RESOLVED**, the requested areas of concentration of this study include: organization and administration, budget and central purchasing, training, operations and delivery of services, and fleet design and management.

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B. Proposed Amendment to the Code of Nelson County, Chapter 11, Article 2 Real Property Tax, Division 2 Exemptions for Elderly and Disabled (**R2016-62**)

Mr. Carter noted that the County had received a questionnaire from the Department of Taxation that led to Mr. Payne looking at this. He noted that two (2) things had changed in 2014 in the State law and now the County's ordinance did not specifically mirror the language. He added that the current language was not as specific as that of the State Code pertaining to whether or not a live-in caregiver's income (paid or unpaid) was counted towards the tax exemption.

He noted that the proposed changes were not overwhelming; however, Mr. Payne suggested it be amended to mirror the State language and he also suggested that the income limit chart be revisited.

Mr. Carter then advised that a person had to apply every year for the exemption.

Ms. Brennan then moved to approve Resolution **R2016-62**, Authorization for Public Hearing Amendment of the Code of Nelson County, Virginia, Chapter 11 Taxation, Article 2 Real Property Tax, Division 2 – Exemptions for Elderly and Disabled and Mr. Saunders seconded the motion.

Mr. Bruguere stated that he knew the County's ordinance had to mirror the State Code; however he thought it may end up having a negative impact for a few people. Mr. Hale then noted that the Board could hold the public hearing and would not be obligated to change it.

Mr. Carter advised that the County did comply with State Code provisions; however it would be best for the County Code to mirror the State Code language.

Mr. Hale advised that he was unsure as to exactly what would be changed; and Ms. Brennan advised that they should proceed with the public hearing regardless.

Supervisors then confirmed the public hearing would be held in October and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2016-62**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 11 TAXATION, ARTICLE 2 REAL PROPERTY TAX**  
**DIVISION 2. - EXEMPTIONS FOR ELDERLY AND DISABLED**

September 13, 2016

**BE IT RESOLVED**, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on October 11, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on an Ordinance proposed for passage to amend Chapter 11 Taxation, Article 2 Real Property Tax, Division 2 Exemptions for Elderly and Disabled

C. Class C Tower Permit Application #2016-08, Existing Site CV221,  
12979 Thomas Nelson Hwy (**R2016-63**)

Mr. Padalino noted that the request was from Shentel who provided equipment for the Sprint network and they wanted to replace an existing 97.5 high tower with one 130 ft. high on an existing site in Woods Mill.

Mr. Padalino noted that the application was received on May 17th, a balloon test was conducted on Monday, June 27th, and the Planning Commission met on July 27th and additional application materials were requested as follows: propagation maps showing anticipated levels of coverage under five (5) different scenarios, including some co-location scenarios; and a revised “Tree Survey” (Sheet C-4 of the Site Plans) that clearly identifies which trees will be removed or adversely impacted. These materials were received on Friday, August 15th. He noted that in the cover letter provided, the applicant explained the following optional scenarios for (potentially) achieving coverage objectives, which were evaluated at the August 24th Planning Commission meeting:

- Prop Maps A-1, A-2, and A-3 show the existing coverage of CV221 “as-is.”
- Prop Maps B-1, B-2, and B-3 show the expected coverage of CV221 as originally proposed in Class C Tower Permit #2016-08 (130’ height above ground level).
- Prop Maps C-1 and C-2 show that the addition of a “fill-in” site between Lovingson and CV221 would achieve coverage objectives and eliminate the “drop call” situation (either by collocating on the existing AT&T tower or Verizon tower, or by constructing a new tower site). However, the applicant also states: “Rather than collocating on either of these [existing] towers, SHENTEL would likely have to propose a new tower due to tree canopy and available tower space on these shorter poles” and, “SHENTEL is not proposing to add an additional site in this vicinity due to budgeting reasons.”
- Prop Map D-1 shows that coverage objectives could also be achieved by keeping the existing 97’ tower height at CV221 and constructing a new 120’ tower to replace the existing 75’ tower at CV150 in Lovingson (on cove Mountain Lane). The applicant states: “...replacing the 75’ tower with a 120’ tower at CV150 will result in an increase in visibility of this tower for the more populated Lovingson area vs. the more rural setting of CV221.”
- Prop Map E-1 shows that modifying the design of the proposed tower at CV221 by reducing it to a height of 120’ (instead of the originally-proposed 130’ height) would, “reduce the ‘drop call’ area on Route 29” – but would not be ideal.

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Mr. Harvey stated that it sounded to him like the Planning Commission was getting out of hand and he was not sure they had the authority to do all of this and he added that cell towers were part of a community. Mr. Padalino then explained that there were a series of cell phone towers between Woods Mill and Lovington and the strategy to date has been to approve smaller towers that were near the tree canopy and this tower would be a deviation from that pattern. He noted that this would be a 130 foot tower and would be at maximum height; whereas most towers between Lovington and Woods Mill were at tree canopy height. He noted that the applicant would like to forgo a second facility in that area by having the taller tower. He noted that the existing 98 ft. tower was 20 years old, was wooden and was in need of replacement and they either wanted to replace the tower at the same height; which was administrative, but their preferred alternative was a 130 foot tower at that site.

Mr. Padalino then advised that the Planning Commission discussed the possibility of them replacing a 75 foot tower near Lovington with a 120 foot metal monopole and keeping the one in question at 98 feet. He added that this was a scenario provided to them by Shentel and the Planning Commission was concerned this would be viewed as unfavorable by citizens. However; after lengthy discussion, the Commissioners informally agreed that this scenario was the most appropriate alternative (as opposed to the original request of constructing a new 130' tower at CV221).

He then noted that accordingly, the Planning Commission voted (3-2) to recommend denial of the Class C Tower Permit #2016-08, which sought to construct a 130' tower at CV221 in the Davis Creek area of Lovington; and instead recommended that the applicant pursue the scenario described above, which would not result in a taller tower at site CV221, but which would involve a new 120' tall tower at site CV150 in Lovington.

Mr. Saunders noted he thought people would rather have better service than worry about the trees.

Mr. Bruguere added that there were already two (2) towers at the existing site and the Planning Commission should only consider what was being requested.

Mr. Harvey noted that the tower at Woods Mill was not very visible and times were changing. Mr. Padalino agreed; however they had to evaluate the visual impacts of the request as well as impacts to service. He then noted the original condition of approval was the tower height so the application was being revisited because of that.

Mr. Bruguere then agreed that the visual impact might be different if there were not already two (2) cell towers there on site.

Mr. Hale then noted that the Board's immediate task was to decide on whether or not to have a public hearing on the matter.

Mr. Bruguere then moved to authorize a public hearing on the matter, thus resolving to adopt Resolution **R2016-63** and Mr. Saunders seconded the motion.

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Ms. Brennan noted that she was not well taken by the fact that there would not be improved coverage with the change and she was not sure in that case that they needed to impact the scenery. She added that wooden poles were not as visible as a metal one and she would be happy to hear what the public had to say about it.

Mr. Bruguiere noted that the taller tower could be an aid to wireless Broadband delivery and it was noted the public hearing would be held in October. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and resolved to adopt the following resolution:

**RESOLUTION R2016-63  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION FOR PUBLIC HEARING  
CLASS C COMMUNICATION TOWER  
PERMIT APPLICATION #2016-08, SITE CV221**

**BE IT RESOLVED**, that pursuant to §15.2-1427 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on October 11, 2016 at 7:00 PM in the General District Courtroom in the Courthouse in Lovingson, Virginia. The purpose of the public hearing is to receive public input on Class C tower permit #2016-08, Site CV221 at 12979 Thomas Nelson Hwy.

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

A. Reports

1. County Administrator's Report

**1. Courthouse Project Phase II:** Construction is proceeding well with emphases on completing the second floor renovation of the 1940s Addition, including the two story building expansion on the northwest side of the Courthouse (the addition expands the 1940s Addition) The most recent project meeting was conducted on August 31 with discussion focusing on project RFIs (Requests for Information), pending Change Orders and the project's completion schedule. Agreement was reached on many subjects but not on Jamerson-Lewis's revised completion schedule of 6-23-17 (from the original schedule of 1-27-17). The project's schedule will be a focus of the ensuing project meeting scheduled for September 28<sup>th</sup> at 1:30 p.m.

Mr. Carter reported that a Jamerson Lewis proposal proposed to change the project schedule to June 2017 and staffs' assumption all along was that they would catch up. He added that they have proposed a \$60,000 increase for extending the schedule and he advised that he was verbal about not doing that after looking at the contract, which favored the County's position. He noted that it would get resolved but that he was taken by surprise. He noted that otherwise the project was moving along well.

Mr. Hale then added that it was not so much acceptance of the delay but the County does not want to pay for that. Mr. Carter noted that there were liquidated damages in the contract and that they would maintain the schedule. Mr. Harvey then noted that this had been the best

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project so far. Mr. Carter then advised that there may be some responsibility on the part of the architect to address design issues and that it was a little complicated. Mr. Saunders then noted how unusual it was for the architect to take responsibility for some of the change orders.

Ms. Brennan then asked if the project was on budget so far and it was noted that change orders to date had been minimal and that the concern with the extension proposal was that the contingency amount was being dwindled.

Mr. Hale assured the Board that the County could work with them and Mr. Saunders added that the biggest surprise had been the cost of the courtroom equipment.

**2. Broadband:** See Attached Report to NCBA.

**3. BR Tunnel Project:** VDOT staffs in both the Lynchburg and Staunton District have provided comments on the construction plans and specifications for completion of the overall Tunnel Project, as prepared and submitted by Woolpert, Inc. Woolpert and County staff are in process with addressing the comments received to enable final review and approval of the construction documents to be completed by VDOT.

**4. Region 2000 Service(s) Authority:** The Authority's strategic planning project is in process. A Public Forum will be conducted on September 14 at 2 and 4 p.m. at the Hilton Garden Inn in Lynchburg. And, the planed Focus Group meeting is scheduled for September 28 at 9:30 a.m. at the Hilton Garden Inn in Lynchburg. To date, two Nelson residents, Ms. Eleanor Amidon and Mr. Larry Stopper have volunteered to participate in the Focus Group meet.

Ms. McGarry noted that the public forum would be conducted at 4pm and 6pm on the 14<sup>th</sup>.

Ms. Brennan asked Mr. Carter if he was in favor of keeping the landfill in Campbell County and he replied he was. He reported that he had looked at Campbell County's GIS in relation to the proposed payment plan and had made the point that the Campbell County Board had zoned the properties around the landfill heavy industrial or commercial and then had approved subdivisions with special use permits; essentially creating the problem themselves.

Mr. Harvey supposed that Nelson would be doing the same thing if the landfill was here.

Mr. Carter then advised that before Campbell County was in the Regional Authority, they had to subsidize their solid waste operations and now they got a windfall in excess revenue payments.

Mr. Saunders then noted that according to the Lynchburg paper, the complaints were down. Mr. Carter noted that the Authority had done studies on the odors and gas and have now implemented solutions costing \$1.3 million. He added that the consulting firm retained to do the studies reported that after testing, they could not find anything impacting anyone.

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Supervisors inquired as to whether or not the gas could be sold and Mr. Carter noted that ultimately it could be; however it was being burned off now.

Mr. Carter then noted that the County may have four (4) participants now for the focus group with the addition of Vicki Wheaton and possibly Susan McSwain.

Mr. Harvey questioned the selection of these individuals and their representation of the County and Mr. Carter noted that the County had solicited volunteers through advertisement in the newspaper and on the website and these were the ones that responded. Mr. Carter then re-invited the Board to select participants and refer them to the County for registration.

Supervisors then inquired as to the purpose of the focus group and Mr. Carter deferred to Ms. McGarry on this. Ms. McGarry then advised that the focus group participants would give their thoughts on what criteria was important to them in evaluating potential future solid waste disposal options. She noted that the group would not have any decision making power and their input would be used by the working group to develop criteria by which to evaluate future options. This would then be presented to the Solid Waste Authority who was the decision-making body. She noted that the Focus Group would meet on September 28<sup>th</sup> at the Hilton Garden Inn, Lynchburg from 8:00am to 9:30am with breakfast provided at 7:30am. She noted that the format would be a general introduction and overview of the meeting process and then the groups would break out into each locality's group and would work with a facilitator to go through a list of questions. She noted the groups would then reconvene and the meeting would wrap up.

**5. Radio Project: Motorola, Inc.:** A meeting with Motorola staff is scheduled for 9-9 at 10:30 a.m. to provide for completion of the details and costs for the installation of equipment and testing necessary to incorporate the tower at the RVVFD into the County's radio network.

Mr. Carter noted that staff was waiting for Motorola to produce coverage maps showing the effectiveness of the tower before going forward. Ms. Brennan inquired if there were any problem areas of coverage and Mr. Carter noted that there were very few white spots.

**6. 2016 Lockn' Festival:** The Festival's operational plan resulted in what from an outside perspective was the most efficient and trouble free festival to date. A post show assessment meeting is pending being scheduled but planned. Specific outcomes with respect to the County (i.e. financial impact, law enforcement, etc.) are pending completion.

Mr. Carter reported that the County did not have financial outcomes yet from the festival; however the Commissioner of Revenue had been proactive in participating with the vendors.

Mr. Harvey then noted that he did not think the numbers from last year had been reported. Mr. hale advised that the Commissioner of Revenue did not have numbers yet and that some of those that would provide them were uncooperative. He added that LOCKN has not provided reports on this. Mr. Carter noted that a post-festival assessment meeting would be coming up.

**7. 2018 General Reassessment:** Two proposals were received in response to the County's RFP solicitation. The respondent firms are Pearson's Appraisal Service, Inc. and Wampler-Eanes Appraisal Group, Ltd. A staff meeting, inclusive of the Commissioner of Revenue (P. Campbell) to discuss the responses and to decide next steps (i.e. interviews) is scheduled of 9-12 at 2 p.m. Participation from the Board of Supervisors (one or two Board members) is welcomed.

Mr. Carter reported that reassessment firm interviews would be held on September 22, 2016 and members of the Board were invited to participate. He noted the interview panel was himself, the Commissioner of Revenue, Ms. McGarry, and Ms. McCann.

He noted that selection was based on competitive negotiation, where the best firm was chosen and then a price was negotiated with them. He noted that staff was working on the four year cycle as prescribed by Ordinance; however the Board could change the Ordinance if they wanted to change the timeframe. He added that the process would begin now and it would be effective 2018.

**8. Route 29 Corridor Plan:** TJPDC will complete an economic develop strategy and plan for the Route 29 Corridor, inclusive of a marketing plan through a sub-contract with 310 Ltd. Project completion is scheduled for February 28, 2017. Two public participation sessions are included in the project. Possible offsets for the project's \$28,788 expense include a \$20,000 grant from AEP and the return of approximately \$24,343 in year end (FY15-16) net revenues from ACRJA.

**9. Department Reports:** Included with the BOS agenda for the 9-13-16 meeting.

**Attachment: Report to NCBA:**

**1. Broadband Planning Project:** The planning project is nearing completion. Specific outcomes/recommendations will be presented to the Authority on 9-13 by Dr. Andrew Cohill of Design Nine, the project's Blacksburg based consultant firm. The agenda includes a five page Executive Summary, which Dr. Cohill will reference in his presentation. The project has been a significant, multi-faceted undertaking. **It is recommended that the Authority schedule a work session(s) (through a continuation of the 9-13 meeting) to discuss in detail the project's recommendations and to provide County staff with direction/guidance on next steps associated with the completion of the planning project. The proposed work session is deemed a critical next step in completing the planning project and, more importantly, in the Authority's ensuing operations.**

**2. Middle Mile Expansion (CDBG) Project:** Phase 1 and, most recently, Phase 2 have been completed with requests for service being received and addressed. The VDOT permit for Phase 3 (Intersection of Route 6 and 151 at Avon west on Route (Afton Mountain Road) to Saddleback Farm (entrance to Veritas Winery and Saddleback Subdivision) was approved on 9-7. CCTS the project's installation contractor will begin work to complete Phase on 9-13. A 2 to 4 week completion schedule is anticipated.

**3. Subscription Levels:** Staff will endeavor to report on current and projected subscriber levels at the session on 9-13.

**4. Shentel:** The company has not provided any additional information on its previous phone and email inquiries proposing to lease space in the fiber network's conduit infrastructure. The most recent communication was 2+ weeks ago and pertained to input from Shentel staff that they would be conferring with CCTS, NCBA's Outside Plant Contractor, on the capacity of the conduit infrastructure to contain two additional 144 count fiber optic cables. Input from County staff to Shentel was to caution them on concluding that the company's proposal (a formal proposal has not been received) would be accepted and to remind Shentel staff that the amount of the cost per foot proposal to utilize the local network's conduit was much lower than what the County had proposed to Shentel.

**5. CVEC RFI:** The Central VA Electric Cooperative issues a Request for Information on July 25<sup>th</sup> to solicit input from providers of internet/broadband services for a possible partnership that would provide universal broadband network services "for the membership of CVEC" (some 38,000 possible subscribers within the Cooperative's multi-jurisdictional service area). County staff submitted on 9-8 the RFI's initial request for "Letters of Intent" from interested providers. The deadline for a full (and very detailed, in-depth) and final response to the RFI is November 11, 2016. The letter drafted by County staff included a request for a meeting with CVEC staff to discuss possible strategies for a partnership between NCBA and CVEC with the input received from the discussion a determining factor in a decision to submit a final response to the Cooperative's RFI, which is more than a significant undertaking. Next steps, if any, are TBD.

## 2. Board Reports

Ms. Brennan had no report.

### Mr. Bruguere:

Mr. Bruguere reported that the caving in pipe at the Montebello collection site had been taken care of and Mr. Carter noted that several tons of gravel had been added at the site.

Mr. Bruguere then reported that the Planning Commission had discussed the tower application for most of their previous meeting and he asked why it did not go to public hearing that night for the Board. Mr. Carter noted that it was the practice of staff to have the Board authorize public hearings on things that were somewhat controversial.

### Mr. Saunders:

Mr. Saunders reported attendance of the TJPDC meeting where it was decided to give Mr. Boyles, the Director, a raise.

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Mr. Saunders then questioned why, when the Nelson United Methodist Church took their trash to the Shipman collection site, they were told they had to go to the transfer station. Mr. Hale and Mr. Carter advised that was a standard rule; it was considered commercial trash. He noted that the attendant told them several times they could not bring it there. He noted that the church had furnished lunch to several agencies working LOCKN and it was the trash from that.

Mr. Harvey:

Mr. Harvey noted he attended the Service Authority meeting and things were operating well.

Mr. Hale:

Mr. Hale then asked if the Service Authority would replace a malfunctioning fire hydrant nut. He noted that one had been worn down and the fire department had to use a pipe wrench on it. He added that they could not use the tool designed for it and Mr. Saunders supposed that they needed to replace the stem in the hydrant.

Mr. Hale then reported attending the 40th anniversary of the Rockfish Gap Hawk Watch at the Inn at Afton. He noted that there was a large crowd in attendance, they had the highest count of bald eagles, and spectators could see a maximum count of 10,000 migrating hawks.

Mr. Hale then reported attending the NCHS Football game and noted that the marching band did well.

Mr. Hale reported that tours of the Blue Ridge Tunnel had been covered by Emily Brown and the story had also made the Richmond Times Dispatch.

## B. Appointments

Ms. McGarry reported that there were no appointments to be made and she noted that Ms. Janice Jackson did not wish to be reappointed to the JAUNT Board. She added that Ms. Jackson felt that she was travelling too much to be able to continue. Ms. McGarry noted that the seat would be advertised along with the current Local Board of Building Appeals vacancy.

## C. Correspondence

### 1. Humane Society Request for Funding

Mr. Hale noted that the Humane Society (Almost Home Pet Adoption Center) made a request for funding of \$5,000 to be included in the annual budget. He noted that the organization has done a wonderful job in the county and they were asking for financial help. He then proposed that the Board put their funding in the budget annually in the amount of \$5,000 for spay and neutering done by a local provider. He added that he would be in favor of including it in this fiscal year's budget and Ms. Brennan agreed.

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Mr. Carter advised that the County and the Humane Society worked very closely together and the County had dramatically reduced euthanasia due to its partnership with them.

Mr. Harvey then related that Albemarle County Provided funding of \$500,000 to their SPCA every year.

Ms. Brennan then moved to approve the request for annual funding of \$5,000 in the County's budget inclusive of the current year and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

#### D. Directives

Ms. Brennan, Mr. Saunders, and Mr. Bruguire had no directives.

Mr. Harvey noted that he would like to see the Board frame a nice picture of Cliff Wood, similar to the one of Mr. Harris, to be hung in the courthouse. He suggested possibly a flood picture and that staff could check with Paul Saunders, the Historical Society, and family. Supervisors and staff agreed that would be appropriate.

Mr. Hale then asked staff to find out how much revenue was realized from the LOCKN Festival. He added that this was a common question from citizens. He then reported that he had gone with Reagan Thompson on a tour of LOCKN operations pertaining to Fire, EMS, and the Sheriff's Department. He noted that the expenses related to that were paid for by LOCKN including the hired deputies. It was noted that LOCKN also paid for use of the cars and gas this year. Mr. Hale then advised that the medical set up was amazing.

In relation to revenues, Mr. Carter noted that all vendors were required to get a local business license and that LOCKN had some means of tabulating it all and should report back to the Commissioner of Revenue. He noted there would be lodging tax receipts from tents also. Mr. Bruguire noted that a lot of the revenue was food and lodging and it was hard to track until a comparison could be made to the previous year.

Mr. Saunders added that people came in weeks ahead of time and spent money locally and Mr. Harvey agreed that local businesses got a lot of business during that time.

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

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

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

**I. Call to Order**

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

Mr. Hale then noted that item E. Addition to the Greenfield AFD would be the first public hearing considered by the Board. He then asked the public to reserve public comments for the public hearing items during the public hearings and to keep their remarks to three minutes or less. He added that the public hearing comments would not be a discussion with the Board and they would not debate or respond to questions during the comment period.

**II. Public Comments**

Mr. Hale then opened the floor for public comment on any other issue besides those being considered under public hearings and the following persons were recognized:

1. Kim Peele, JABA

Ms. Peele thanked the Board for its support of their key programs and noted that Medicare open enrollment was occurring and a mobile unit was coming down to Nelson. She added that Medicare Part D should be revisited every year and she would leave flyers with staff. She added that they had saved about \$400 per person last year on premiums and prescription costs and they were having counseling sessions at Blue Ridge Medical Center, JABA, and Rockfish Senior Center.

Ms. Peele then noted that the Fish program was in place and they have had a great welcoming from administrators. She added that Debbie Harvey, School Board member was a Fish volunteer and was helping with outreach.

Ms. Peele then noted that the JABA Community Center would be renamed the Cecelia Epps Community Center. She noted that Ms. Epps was the "Face of Nelson" for forty (40) years and they would get the information out to everyone in mid-November.

2. Thomas Nelson, Jr. Roseland

Mr. Nelson advised the Board that he re-enacts the namesake for the County and goes to civics classes to introduce himself. He noted that he had the desire to educate everyone about Thomas Nelson and he would like to introduce him to more organizations. He noted that he did not charge for his services and he enjoyed sharing this history. He noted he was a member of the Massies Mill Ruritan Club and they could feel free to contact him to assist the County in any way.

### III. Public Hearings

A. **Special Use Permit #2016-03 J. Bradshaw, Jr.:** Pursuant to Zoning Ordinance, Article 8, Section 1-10a; request to continue to allow an apartment use in a Business (B-1) zoned building in Lovington, Tax Map Parcel #58B-3-32.

Mr. Padalino noted that the application requested the continued use of an apartment in a Business (B-1) zoned building in Lovington. He then noted the physical location of the property on a county map and a street level map. He noted that dwellings in a Business District required a Special Use Permit and the property has been historically used for a dwelling and transient lodging. He noted that the building was more commonly known as the Bradshaw building and it actually occupied three (3) tax map parcels. He added that the request was specific to parcel 58-b-32 which was the taller multi-story area only and not the wings on either side.

Mr. Padalino noted that the Planning Commission held a public hearing and unanimously recommended approval. He noted that the ProVal information included was not complete and the approval should go to the tax map parcel and not the address.

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

1. Joe Lee McClellan, Lovington

Mr. McClellan noted his support for the application noting that the building has been used for residences in the past and also housed other businesses; however the upstairs had always been residential.

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

Mr. Bradshaw, who was in attendance had no comment. He did note that he had not gone through building inspections yet and that approval of the Special Use Permit would allow him to do that. He added that he was presently trying to make the building water tight and this approval would allow him to pursue the possibility of renovation.

Mr. Harvey then moved to approve special use permit #2016-03 J. Bradshaw, Jr. request to continue to allow an apartment use in a Business (B-1) zoned building in Lovington, Tax Map Parcel #58B-3-32 and Ms. Brennan seconded the motion.

Mr. Hale noted it was gratifying to see Mr. Bradshaw Jr.'s efforts to bring the building back from decline. He noted it was curious that the zoning map there was all Business B-1 when it was really all Residential R-1.

Mr. Harvey noted that the property across the street was identical in that it was business below and residential above.

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

**A. Conditional Rezoning #2016-01 Old Hickory Buildings, LLC:**

Pursuant to Zoning Ordinance, Article 16, Sections 1-1 and 4; request to rezone property from Business (B-1) to Limited Industrial (M-1) Conditional, to allow for the manufacturing, storage, and display for the storage buildings for sale to the general public; with proffers. Property is located in Colleen, 3907 and 3965 Thomas Nelson Hwy, Tax Map #76-A-1

Mr. Padalino noted that the subject property was located in Colleen, tax map parcel #76-A-1. He noted that Old Hickory Buildings, LLC was the applicant and he showed the parcels' physical location on some maps. He added that this was a Business B-1 zoned parcel that adjoined some industrial properties on the left. He further noted that the subject parcel was beside the old Mays Farm supply and the tire shop. Mr. Padalino noted the application to rezone was made subject to the proffers as noted in the letter signed and dated July 20<sup>th</sup> as follows: (i) To use the property as outside storage, display and manufacturing: of storage buildings for sale to the general public. (ii) Any new or additional outside lighting will be glare-shielded, and (iii) the underground storage tanks shown on the plan will be removed.

Mr. Padalino then clarified that Mr. Berryman, agent for the application, has indicated that the letter was meant to say above ground tanks, since no underground tanks existed. He added this was a mistake made in writing the letter.

Mr. Padalino noted that the property had a long history of commercial uses and was adjacent to multiple parcels zoned M-1. He reported that the parcel was served by the Service Authority for water and sewer and the requested use was supported by the Comprehensive Plan. He noted that a minor site plan had been prepared and VDOT required that: the southern entrance would have to be reconstructed, the middle entrance would have to be removed, and the northern entrance could remain as is. He then showed pictures of the above ground storage tanks.

He also noted that VDOT would require that access management measures be done and an access easement be established with an adjoining parcel. He added that Building Inspections noted a change in use would be required if there was re-use of the building. Mr. Padalino noted there were no comments from the Soil and Water Conservation District other than the owners would be required to submit an erosion and sediment control plan and a Virginia stormwater management plan if more than 10,000 square feet was disturbed.

Mr. Padalino then noted that the Planning Commission had held a public hearing, there were no comments from the public and they had recommended approval.

The Board then had the following questions/discussion:

Ms. Brennan inquired if the conditions proffered went with the property if sold and Mr. Padalino noted that yes they did as they were integral to the zoning itself. She then asked

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about the northern entrance being left as is and Mr. Padalino noted that yes it would be based upon VDOT's review. He reiterated that the southern entrance would have to be upgraded even though it was not required to be used.

It was then asked where the manufacturing was going to occur and Mr. Padalino noted it would take place in the existing building. He added that the rezoning would allow them the right to use the land for the use listed. He noted that if they could manufacture in the existing building, they would coordinate with Building Inspections to determine what was required; however, if they built a new building, this would require a site plan, Building permit etc. He noted that his department was only looking at the use and any development would be subject to the Building Code. Supervisors then questioned the other entrance to access another property and Mr. Padalino noted this was required by VDOT because the adjacent property could not safely install an entrance and this would prevent them from becoming landlocked.

Mr. Harvey further questioned how VDOT could require them to give another property access and Mr. Padalino supposed it was tied to VDOT regulations and he was not the best person to answer that question. Mr. Hale supposed their reasoning would be they did not want another commercial entrance onto Route 29 and in order to grant this property the entrance, they have asked them to provide access to the other property. Mr. Saunders thought it was because of the building on the corner being owned by someone else and using the southern driveway. He noted that their driveway could not be cut out, so the applicants had to give them an easement to the property.

Mr. Hale then invited Thomas Brooks, Jr. licensed surveyor representing Old Hickory Buildings LLC to address the Board.

Mr. Brooks noted that VDOT implemented access management rules in 2007-2008 and they took into account the heavy usage of the road. He noted that when there was a rezoning or conditional use action, VDOT got involved and could dictate how access was managed. He then reiterated the entrance requirements noted by Mr. Padalino and stated that the northern entrance was considered shared because the property line went out into the middle of the road. He added that the adjoining owner on the north could use that entrance but it was not required to be improved. Mr. Brooks also noted that it was true that the southern parcel had been provided an access easement because if the land owners applied for an entrance at the intersection, it would be denied. Mr. Brooks then noted that his client was willing to meet the VDOT requirements. He agreed that VDOT was trying to force people to use one common entrance for multiple properties.

Mr. Harvey noted his disagreement that access management still existed and Mr. Bruguiere advised that Jeff Kessler of VDOT had quoted those regulations, they had complete control over it, and the applicants were just trying to comply.

Mr. Bruguiere then stated that he would like to see the tire shop continue to be able to rent there as they provided a valuable service working on truck tires. Mr. Brooks noted he would discuss this with his client and the Board reiterated that they wanted that business to continue their service there.

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Ms. Brennan asked for clarification regarding the joint northern entrance and Mr. Harvey and Mr. Bruguere noted that some of the driveway was the property line.

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

1. Joe Lee McClellan, Lovingston

Mr. McClellan noted that he used to operate a business on the property in the 70s and he thought it was a no brainer to approve the request and it would improve the County.

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

Mr. Bruguere moved to approve Conditional Rezoning #2016-01, Old Hickory Buildings, LLC to rezone property from Business (B-1) to Limited Industrial (M-1) Conditional, to allow for the manufacturing, storage, and display for the storage buildings for sale to the general public.

Ms. Brennan seconded the motion and Mr. Bruguere noted he thought it was a good reuse of the property. Mr. Carter clarified for the record that the motion to approve was inclusive of the proffers as stated and there being no further discussion Supervisors voted (4-0-1) by roll call vote to approve the motion with Mr. Saunders abstaining because of his status as an adjoining property owner.

**B. Ordinance O2016-04 Temporary Events, Festival Grounds & Out-of-Door Accessory Uses:** Pursuant to §15.2-1427 and §15.2-2204 the Code of Virginia, 1950 as amended; consideration is proposed Ordinance Article 24, Temporary Events, Festival Grounds, and Out-of-doors Accessory Uses and associated uses in Article 2 Definitions, Article 4 (A-1), Article 5 (R-1), Article 8 (B-1) Article 8A (B-2), and Article 8B (SE-1). **(O2016-04)**

Mr. Padalino noted that he has tried to consolidate his remarks into topics rather than by Ordinance language.

He then began by noting that the proposed Ordinance created a new Article 24, modified the existing Article 2, and land use regulations for certain zoning classes. He noted the extensive work done by the Planning Commission and the Work Group and noted that the Ordinance was certainly not perfect; however it was a good starting point for Board discussion. He added that he believed it was a good balance of code definitions and statewide protections with local details and context. He noted it to be an honest attempt in supporting economic vitality and preserving rural character.

Mr. Padalino then noted the proposed amendments to establish exempt events as follows as the County did not wish to regulate every activity happening in the County:

**Proposed Amendments – Exempt Events**

- Private non-commercial functions conducted on property of the host
- “Social Temporary Events” (weddings, etc.) where permitted by-right  
**Note:** Permissible by-right in A-1 up to 12 times per year (A-1 properties wanting to host more than 12 Social Temp. Events in a calendar year would need to obtain a SUP)
- “Non-Profit Temporary Events” having up to 500 attendees
- “Out-of-Door Accessory Uses”  
**Note:** Permissible at properly-permitted commercial establishments; up to 500 attendees at any time; includes P.M. time limits on outdoor amplification of music)
- “Farm Winery” activities and “Agritourism” activities that, “do not cause any substantial impact (s) on the health, safety, or general welfare of the public.”

Mr. Padalino noted that in relation to “Social Temporary Events”, farm wineries and agritourism activities were not subject to the number of events restriction.

Mr. Padalino noted that the amendments would establish three separate categories of events determined by number of attendees, with a separate application fee for each category that would replace the \$25 fee which was currently in effect for all Special Event Permit applications.

Mr. Padalino then noted the three (3) event categories and associated fees proposed as follows:

**Proposed Amendments – Event Categories**

- **Category 1:** Up to 500 attendees at a time (or “Non-Profit Temporary Events” between 500 and 1,000 attendees)  
*Application fee = \$100*
- **Category 2:** Between 500 and 10,000 attendees at a time (or “Non- Profit Temporary Events” between 1,000 and 10,000 attendees)  
*Application fee = \$500*
- **Category 3:** Having or projecting more than 10,000 attendees at a time  
**Note:** before a Category 3 Temporary Event Permit application can be accepted, reviewed, or approved, it would require a “Festival Grounds” Special Use Permit from the BOS and require a Site Plan approved by the PC

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*Application fee = \$2,500*

Mr. Padalino then noted the proposed non-temporary land uses for temporary events as follows:

**Proposed Amendments - Non-Temporary Land Uses for Temp. Events:**

- The proposed definition for “**Festival Grounds**” land use would require a Special Use Permit to be issued by the BOS, and a Site Plan to be approved by the PC, for any properties wishing to host events with 10,000 or more attendees at any one time.
  - Permissible with SUP in Ag (A-1) District
- The proposed definition for “**Outdoor Entertainment Venue**” land use would require a Special Use Permit to be issued by the BOS, and a Site Plan to be approved by the PC, for any properties wishing to develop non-temporary infrastructure and/or structures for the hosting of Category 1 and Category 2 Temporary Events.
  - Permissible with SUP in Ag (A-1), Residential (R-1), and Business (B-1) and (B-2), Service Enterprise (SE-1)

Mr. Padalino noted that the definitions would allow property owners to request County permission to construct/operate a non-temporary venue for hosting Category 1 or Category 2 Temporary Events (and Exempt Events). This definition was a counterpoint to “Festival Grounds,” which also involved non-temporary infrastructure but which is specific to Category 3 events. He noted this was also a counterpoint to events that typically required the temporary installation of infrastructure (stage, tents, bathrooms, etc.) before an event, and the prompt removal of that infrastructure shortly after the event ended.

Mr. Padalino noted that the typical temporary event required temporary elements such as bathrooms, structures etc. so it was prudent to include non-temporary definitions and he referred to the proposed definitions for Festival Grounds and Outdoor Entertainment Venue.

Mr. Padalino then encouraged the Board to consider establishing a Festival Grounds use in RPC-Residential Planned Community, which was an oversight and not reflected in the advertised language. He added that Wintergreen held events that approached 10,000 people.

Mr. Padalino then discussed Farm Wineries and Agri-tourism Locations as follows:

**Proposed Amendments – Farm Wineries and Agri-tourism Locations:**

- Code of Virginia is vague on what specific types of events/activities are permissible as “agritourism” on bona fide ag operations (farms)
- The proposed amendments would establish agritourism activities and farm winery activities as “Exempt Events,” if they “*do not cause any substantial impact(s) on the health, safety, or general welfare of the public*” by virtue of “*the number of attendees, size and location of property, or hours of conduct.*”
- This is a permissive approach, and allows farms and wineries a lot of flexibility to conduct events...
- But it also gives the County the authority and flexibility to get involved and address/resolve any problematic patterns that might potentially happen, as they arise on a case-by-case basis

Mr. Padalino noted that these amendments would establish agritourism activities and farm winery activities as “Exempt Events,” as long as they “do not cause any substantial impact(s) on the health, safety, or general welfare of the public” by virtue of “the number of attendees, size and location of property, or hours of conduct.” He noted that this was a permissive approach, and allowed farms and wineries a lot of flexibility to conduct events – but it also gave the County the flexibility to get involved to address and resolve any problematic patterns that could potentially happen, as they arose on a case-by-case basis.

Mr. Padalino reiterated that the language allowed them a lot of flexibility to hold events and the County the flexibility to get involved and address problematic patterns.

Mr. Padalino then discussed Weddings or "Social Temporary Events" as follows:

**Proposed Amendments – Weddings or Social Temporary Events:**

- Weddings (and similar events like receptions) would be exempt...
  - If conducted on private property with no compensation for use of the land
  - If conducted on a farm winery or if conducted as an agritourism activity
- If not conducted on a farm winery or as an agritourism activity, weddings would be permissible in Ag (A-1) District, as follows:
  - By-right up to 12 times per calendar year and with a Special Use Permit if conducted more than 12 times per calendar year.

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Mr. Padalino noted that Weddings and related private events like receptions would be exempt, if conducted on private property with no compensation for use of the land. He noted that they would be permissible by-right in Ag (A-1) District, up to 12 times per calendar year. They would require a SUP in the Ag (A-1) District if conducted more than 12 times per year. He then noted that “Banquet Hall” and “Conference Center” were similar existing land uses which would allow a property owner to conduct private social functions such as weddings, receptions, etc.; both “Banquet Hall” and “Conference Center” required a SUP in the Ag (A-1) District.

Mr. Padalino reiterated that the number of times per year restrictions did not apply to wineries and agritourism uses.

Mr. Padalino then discussed proposed amendments related to Community Centers as follows:

**Proposed Amendments - Community Centers:**

- The amendments would modify the existing definition of Community Centers to allow the following:
  - the hosting of Temporary Events (subject to Temporary Event Permit requirements)
  - outdoor signage related to temporary events (subject to all applicable sign regulations; see Z.O. 12-11)
  - additional signage related to non-temporary uses (currently only one principal sign is permissible)
- The amendments would allow Community Centers to apply for a Special Use Permit to develop/operate an “Outdoor Entertainment Venue”
  - subject to BOS-approval of SUP and PC-approval of Site Plan

Mr. Padalino then discussed the proposed Maximum number of Events per property/per year as follows:

**Proposed Amendment – Maximum Number of Events Per Property/Per Year:**

- Original staff recommendations: establish a maximum number of Temporary Events a property can conduct per calendar year
- PC recommendations: set a limit for the number of by-right Temporary Events per year, with the ability to request the BOS for permission to conduct additional Events

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- Work Group recommendations: eliminate any such limitation on the maximum number of Temporary Events that can be conducted in a calendar year

Mr. Padalino explained that the original recommendations included a maximum and the Planning Commission recommended there be a limit with the ability to hold more with Board of Supervisor approval. He noted that the Work Group eliminated this limitation and therefore the resulting version did not contain yearly limitations.

Mr. Padalino then discussed the Updated Process for Permit Application Submission, Review, and Approval as follows:

**Proposed Amendment -Processes for Permit Application Submission, Review, and Approval:**

The amendments would establish the following:

- clear instructions for submitting a complete application; these requirements are listed in (proposed) Section 24-3-D
- clear guidelines for reviewing all Temporary Event Permit applications; these factors are listed in (proposed) Section 24-3-A
- clear authority for the Planning and Zoning Director to modify the terms of permit approval in the event of unforeseen circumstances (hazardous weather, traffic accidents, etc.) and/or in the event of other factors which may be necessary to protect public health safety, and welfare; these modifications are listed in (proposed) Section 24-3-B and 24-3-E

Mr. Padalino advised that there was no set criteria set now and that was important for decision making. He reiterated that the proposed language would provide clear instructions to applicants in 24-3-B and would set clear guidelines for approvals and modifications by the Zoning Director as necessary in response to events etc.

Following Mr. Padalino's presentation, the Board had the following Discussion:

Mr. Bruguere inquired as to how this applied to "pick your own" agritourism activities and Mr. Padalino noted they would be exempt as an on-farm activity. He added that things like fall festivals to celebrate apple harvest etc. would also be exempt. He noted that the idea was that it was customary with the farm itself.

Ms. Brennan inquired as to the Work Group being happy with the final recommendation and Mr. Padalino noted he thought they were. He added that the work was done as transparently as possible and Mr. Hale agreed.

Mr. Bruguere then inquired about the reasoning behind the Work Group's elimination of limits. Mr. Hale responded that the table of limits originally provided was the primary bone

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of contention. He added that the feeling of the group was that if it became a problem, changes could be made to the Ordinance; however it was deemed not appropriate at the present time.

There being no other questions from the Board, Mr. Hale opened the public hearing and noted he would read the order of speakers from the sign-up sheet; however that did not limit anyone else from speaking on the subject. The following persons were then recognized to speak during the public hearing:

1. Rhonda Holland, Oak Ridge Estate - Arrington

Ms. Holland noted that she was on the Work Group and requested to be due to her concerns. She added that the current process concerned her and she wanted to be involved with something that made sense; so the County could have some say so in the process. She noted that the proposed language gave the County some say so with limits on amplification and times. She added that the County would also have more authority given any negative impacts. She then encouraged the Board to consider it favorably, noting that it was not perfect; however it was much better than the current regulations. She noted that it empowered all to be involved in a way that has not been done before.

2. Robert Yoder, Nellysford- VP of Rockfish Valley Community Center

Mr. Yoder noted that Mr. Padalino has done a great job in bringing the County's Zoning Ordinances into the 21st century. He added that he considered the Ordinance as a living document and the Board could tweak it over time. Mr. Yoder then noted that the Community Center definition allowed the Rockfish Valley Community Center to continue their service to the community with fundraising that was not specific to their principle projects. He added that most grant funds were dedicated and they could not spend it to pay staff etc. He noted that the revised definition would allow them, with the Board's approval, to have more outdoor events and festivals. He added that most were smaller than allowed and a 250 maximum attendance would be customary. He concluded by noting he appreciated the Board's consideration in approving this.

3. Robert Taylor, Afton

Mr. Taylor stated he has lived in the County for forty (40) years now and he has long thought that recreation and tourism was the ideal industry in the county. He added that it has been the most beneficial with the least impact. He added that he thought the Work Group had done an excellent job and had taken a lot into consideration in their efforts. He further noted that as an example, the County's vineyards, breweries, and distilleries, have had limited impact with great benefit.

4. Janet Lychock, Rockfish School Lane - Afton

Ms. Lychock noted that she lived near the Rockfish Valley Community Center (RVCC) and she was speaking as a resident there. She noted she was speaking against the loosening of

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restrictions as she was concerned about the noise generated by events at RVCC. She noted that they have held events that have gotten longer and louder. She noted that they were looking to rent outside spaces; which would mean residents would have to listen to random music, talking etc. that would reverberate due to the mountains and it would be impossible to violate the noise ordinance. She then noted that those running RVCC did not live in the neighborhood and she objected to any more signage at the intersection of Route 151 and Route 635. She concluded by stating that their rights should be protected when their quality of life and property values were affected.

5. John Huggard, Rhue Hollow Road – Roseland

Mr. Huggard noted he lived on Route 151 and Route 628 near Devil’s Backbone Brewery and he added that several of his neighbors were present also. He noted that since the brewery had come in, the current ordinances were ignored and not enforced. He added that given this, the Board should not be expanding them. He then noted that his problems included huge lights that were on until 2 am or 3 am and loud applause for music until 2 am. He noted that a stream divided his property from Devil’s Backbone and he routinely saw people relieving themselves in the stream or on their property. He noted another issue was that Port-o-johns sat out there for lengths of time. He then stated that the biggest problem was the traffic being tied up and sometimes it was backed up from Route 634 at Devil’s Backbone all of the way up to the intersection with Route 250. He then reiterated if the County was going to ignore and not enforce its current regulations, it should not expand them. He then noted that the next thing that would happen would be a private nuisance lawsuit. He concluded by stating that they had been good neighbors and now the festivals were up to two (2) per year and it was to the point where it was negatively affecting them.

6. Allan Adell, Old Orchard Lane - Roseland

Mr. Adell stated he applauded the efforts going into this and the fact that it was protecting agricultural community events. He noted his concern was that the County was acquiescing to bringing in major festivals into residential areas. He added that this was a new culture and they needed to think about where Nelson County was going. He then noted that in the outdoor accessory use section, music was restricted at restaurants until 10 pm or 11 pm but was subject to the noise ordinance. He added that he has measured discussion at 60 decibels and the noise ordinance suggested that sound levels across property lines be zero. He suggested that noise directional apparatus be used to measure it.

He then noted that in Section 24-2-A, there was nothing stipulated there that required them to stay within the noise ordinance.

He then addressed the definitions of Categories, noting that all 3 categories had hours of operations listed. Sun-Wed until 11 pm and he thought that was outrageous. He noted that this was acquiescing to those who were getting greedy and residents were being squished. He reiterated that the durations allowed with no limitations was outrageous. He then noted that if there were multiple events held, it was no longer temporary and the charges for permits were outrageously low. He also noted concern that Section 24-3-D required a safety

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plan but there was no mention of requiring security; which was needed to protect surrounding residents.

He then noted that the definition of Outdoor Entertainment Venue was confusing and he questioned if it would allow Devil's Backbone to put buildings on A1 property; which if allowed was essentially a zoning change.

Mr. Adell concluded his remarks by reiterating that Category 1, 2, 3 Events did not have noise limits and he was concerned about who would enforce this, and there was no restriction of the number of events. He then encouraged the Board to make the restrictions stronger.

#### 7. Ron Bush, Rhue Hollow Road - Roseland

Mr. Bush noted he has lived in Nellysford for fifteen (15) years now. He noted that the Glen Mary subdivision next to Devil's Backbone was beautifully laid out with million dollar homes but has seemingly failed. He added that Devil's Backbone owner Steve Crandall had showed him the plans for Devils Backbone and he had stated it would be a low impact shopping village. He noted that festivals and music with intoxicated campers was hardly low impact. He noted that he was opposed to this and was concerned about security there. He then noted that there were after hour's parties at the campground, they were negatively impacted by this, and should have some rights. He added that he did not understand how these SUPs come about with no notice to surrounding property owners.

#### 8. Stu Mills, Executive Director Rockfish Valley Community Center (RVCC)

Mr. Mills noted that the most important thing to them in developing RVCC has been the struggle with the ability to generate operating revenue. He noted they have done this through memberships, the thrift store, short term leases, and fundraisers. He added that their ability to raise funds had plateaued and they were restricted by the current definition of Community Center. He noted they would like to be able to generate income to by using outside programming. Mr. Mills then stated they wanted to be good neighbors and had never received complaints because all events ended by 9 pm even on weekends. He then stated that they may want to extend this to 10 pm on weekends in the future. Mr. Mills noted that the community center sat a far distance from residential areas and they were sensitive that they would need to orient things to project sound away from them.

Mr. Mills then noted that the language related to sign-age was helpful to them and they were sensitive to concerns about this and have worked with the County and VDOT to incorporate regulations that engendered the VA byway standards and regulations. He added that they did use temporary event banners that were taken down after sixty (60) days. He noted they currently had a removable letter sign and have asked for directional sign-age outside the building that denoted what was where inside the building.

Mr. Mills then noted that their outdoor programs had averaged under 200 people and they had no desire to be larger than that; however they would like the ability to rent outdoor

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space to others to use. He noted that they understood that they had neighbors to honor and he appreciated the community's support over the past few years. Mr. Mills then concluded by noting that they wanted the Board's support to be able to expand their outdoor programming and hold temporary events without the current restrictions.

9. Billy Mason, Rhue Hollow Road - Roseland

Mr. Mason thanked the Board for the opportunity to speak. He noted he lived near Devil's Backbone and had experienced problems for the last six (6) years. He noted that his wife managed events in Northern Virginia and was acutely familiar with the hoops to go through with these. He noted that the Board had to be solution oriented and had to say that the Ordinance was a starting point and was not perfect; however he was opposed to it. He noted this was because the ordinance answered test world questions but not real world questions. He then questioned what the remedy was for neighbors who had to alter their life plans because of an event. He noted that every citizen had rights as much as commercial interests. Mr. Mason then noted that Devil's Backbone was anything but a low impact shopping village. He added that he traveled Route 151 every day and the intersection of Route 634 and Route 151 was an accident waiting to happen. He noted that there would be exponential growth in auto accidents and at a minimum, a roundabout should be put there.

10. Wisteria Johnson, Shipman

Ms. Johnson noted that it was obvious to her that Nelson needed to get ahead of the eight ball and needed a task force to work on this. She added that many concerns were being raised that needed to be addressed and if they did not, another culture and movement was afoot. She reiterated that listening to these public comments was telling her that an entity was needed to monitor the situation and the County must do something.

11. Joannie Saunders, Freshwater Cove - Lovington

Ms. Saunders noted that she had concerns with the LOCKN festival noise that was out of control. She added that the music went on until 1 am and 4 am and what was currently in place was not working. She added that she was not sure if she was in favor of the new ordinance or not; however she noted again that the current one was not working. She then stated she was all for people doing what they wanted with their property if it did not affect others. She noted she was concerned about her children when they cannot get out and thought that schools should be closed during the festival or they should have it when school was out.

12. Jennifer Huggard, Rhue Hollow Road – Roseland

Ms. Huggard noted that she appreciated the work done but she failed to see where the County was putting things in place that businesses had to do to protect homeowners. She added that these events had to be contained; they needed fences and berms etc. to keep people, lights, and noise on the event property. She added that business owners were not responsive to complaints and the County was not doing anything to regulate these events

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and rules were needed to protect homeowners. She noted she understood the benefits of the events; however the County should make them invest in protecting Nelson County and its residents and the proposed ordinance did not include anything that asked them to be a good neighbor.

13. Hank Thiess, Wintergreen Resort

Mr. Thiess asked to be included in the ordinance Work Group as he thought there could be some unintended implications and he would like to be included.

14. Robert Canody, Lovington

Mr. Canody noted he lived 2.5 miles from the Oak Ridge horse track and he was still in the sound cone from LOCKN. He noted that he has attended many concerts and has never been to a venue that has gone past 11 pm. He noted that the noise levels needed to be addressed and he did not think they had any measurements of the shell at LOCKN. He noted that he felt the vibrations from the music. In conclusion, he noted the proposed ordinance was a great start and more work needed to be done. He added that they must address the noise level and events did not need to go past 11 pm.

15. Heather Goodwin, Arrington

Ms. Goodwin noted that she could account for approximately seventeen (17) loopholes in the proposed ordinance. She added that she thought it was a problem that the system was already broken, was selectively enforced, and the Board was adding more that was open to interpretation. She then noted that the process was misunderstood by most and that currently, the event holder was allowed to adjust to complaints. She then stated she thought the Board should create a board for approval where events were presented, the community could share concerns, and it was determined if it could continue.

16. Michael Allenby, Festy (Festival)

Mr. Allenby apologized to neighbors for any incidents related to the Festy at Devil's Backbone and noted the event had been moved to LOCKN Farm. He noted that community events were important to him and he started the Festy to promote a certain lifestyle. He noted that the Festy has had a free Nelson County Day and this would continue. Mr. Allenby noted that events were complicated to coordinate and to evaluate their impacts. He then thanked the Board for considering those.

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

The Board and staff then had the following discussion:

Mr. Bruguiere stated that they needed to have a work session and take the recommendations of staff and the Work Group to work on. He noted he thought the ordinance was a work in progress and it would take time to work through all of the concerns. He then noted that

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many events were tourism generated and were an economic force in the County. He noted that these were needed; however they should comply with County regulations.

Mr. Harvey noted he was concerned that the proposed ordinance took the guts out of Zoning as the Residential R-1 district was supposed to be the safest zone in the County. He added that he thought they had a long way to go on this and he was glad to see that the other side had finally come out and spoken. He noted he thought that this same group of people had been absent from the Work Group. He added it should be reorganized so that the group was a mix in order to come up with something better.

Ms. Brennan noted that she had heard good comments from the public on the ordinance and she acknowledged it would not answer all of the questions raised. She added that some issues may be separate and not addressed in the ordinance. She noted she thought they should have a work session and decide where to go from there as more needed to be done. She added that the County needed to do something.

Mr. Harvey reiterated his position that it needed to be fixed before it was adopted.

Mr. Hale noted he was not convinced that any amount of work would solve all of the problems that temporary events engendered. He added he did not agree that members of the Work Group were there to protect their own necks and the current Ordinance had only one paragraph that dealt with temporary events.

Mr. Hale then noted that there was consensus to have a Board work session to see if the issues could be addressed. He added that the Board would not be adopting the presently proposed ordinance and they would revisit the whole subject.

Ms. Brennan then thanked staff and everyone that worked on it and noted their effort was appreciated. She added that it was the basis by which to move forward.

Mr. Saunders then noted that the Board had taken note of those who indicated they would like to be part of a committee.

C. **Disposition of Public Property**: Pursuant to §15.2-1800 of the Code of Virginia 1950 as amended; proposed disposition of County Property located at 393 Front Street, Lovingson, Virginia 22949, Tax Map #58-A-38a, known as the former Lovingson Healthcare Center.

Mr. Carter presented the following background information regarding the former Lovingson Healthcare Center. He noted that three (3) years ago staff became aware of Medical Facilities of America's (MFA) application for a Certificate of Public Need (COPN) to close the facility in Nelson and to move the nursing home beds to their new facility to be built in Albemarle County. He then noted that thereafter, County Staff intervened in the COPN process of approval and determined that the County could not block the application for the move of the beds out of Nelson County. The County then met with MFA and they proposed a settlement that if the County would not intervene, they would give the building to the County and pay the County \$10,000. He further noted that had transpired and since then

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two (2) studies had been commissioned in partnership with JABA to explore assisted living and dementia care, but to no avail. He then noted that Region Ten was the only for profit or nonprofit organization that had made a proposal to use the building and the only other discussion had been to retain the building for County Offices. He concluded by noting that State Code required a public hearing prior to the disposition of real public property to a non-governmental entity.

Ms. Brennan then noted that it was important to impart that MFA took away the ability to have a nursing home in the County when they moved the beds and the County was left with a building that could no longer be a nursing home. She added that the Board and staff have looked for two (2) years to find someone to do an assisted living facility and that has failed.

It was then clarified that the Board did not have to make a decision right now on what to do with the building.

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

1. Joe Lee McClellan, Lovington

Mr. McClellan noted he knew a realtor who specialized in commercial properties and on occasion he leased property and he would like to provide that name to the Board for follow up.

2. Wisteria Johnson, Shipman

Ms. Johnson asked the Board to consider moving all of the County offices into the building. She noted that centralizing things would make it easier for citizens and made a better impression on those wanting to move here. She added that it would be easier for those working for the County as it would enhance communication between offices. She noted that she had not seen the budget or costs of doing this, however she had seen the demonstration of innovation and creativity in Nelson.

3. Joe Williamson, Department of Social Services Board Chair

Mr. Williamson advised that the Department of Social Services (DSS) was inadequately housed in two (2) trailers that were supposed to be temporary. He noted that they were poorly constructed, inefficient, and should be temporary. He also noted that the Department was crowded, had no storage or room for another employee, and caseloads were growing. He reported that the Director has had to decline internships because of the lack of space and that could be free help. He noted that the DSS building also hosted Community Policy Management Team (CPMT) and Family Assessment and Planning Team (FAPT) meetings in very small spaces. Mr. Williamson further noted that the space was not conducive to privacy for those served, as the building was often used for court ordered meetings and supervised visits. He added that the building's physical layout was a concern when

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contentious parties met there. Mr. Williamson concluded by asking the Board to consider the immediate and projected needs of DSS in this matter.

4. Angela Rose, DSS Director

Ms. Rose advised that she has been employed with DSS since 1983 and has been housed in two (2) temporary buildings now. She noted she supported Mr. Williamson's comments. She added that as the Department's Director, she was constantly looking at the provision of their services and how best to provide those services. She noted that they were limited by the space and could not have forensic interviews there and could not have a child friendly room in which to interview young victims of abuse and neglect. Ms. Rose noted that Child Protective Services (CPS) was growing due to the growth in substance abuse in the county and she envisioned their services growing. She then asked the Board to consider moving their department to a permanent location.

5. Morgan Lanier, Region Ten

Mr. Lanier noted he lived in Nelson County and worked for Region Ten who proposed to purchase the building for an assisted living facility. He noted that he believed that made sense for the County and allowed them to bolster their services offered in the County. He then advised that he was there making an offer for Region Ten in a public setting. He advised that they had built out the third floor of their building and had moved some case workers up there and doctors would soon be moving in. Mr. Lanier then noted that their assisted living clients would be able to participate in the daily activities at Horizon's House. He added that Region Ten has been in assisted living before and has supervised residential care in Charlottesville. Mr. Lanier then advised that the facility would be for Region Ten clients with one wing being open for non-Region-Ten clients.

6. Sara Turner, Davis Creek

Ms. Turner proposed that the building be used to benefit all residents as a licensed day care facility including infant care. She suggested that the County maintain ownership of the building and lease it to a daycare provider that would offer a rate structure appropriate for the area. She noted that there were no licensed facilities in the county for infant care and after school care was limited and cost prohibitive. She added that having this could enhance County employment, recruitment, and retention and the after school care component could give High Schoolers experience in childcare. She noted that this would also allow movement of County departments into the building. She concluded by noting this was a necessity in the county and she thanked them for their consideration.

7. Heather Goodwin, Arrington

Ms. Goodwin noted that she has witnessed six (6) County-owned buildings being given away with good intentions. She noted that the Board presently had an opportunity to maintain the building and she was thrilled that Region Ten had made a proposal. She noted that if the proposal by Region Ten did not pan out, she would take two (2) of the previously

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proposed elements and put them together. She noted that children needed assistance and needed a good environment and they could provide DSS space and accommodate the current School Board who worked in the same element - with children. She added she did not see the building as an asset to be given away when the County rented buildings all over and tax dollars were going away. She concluded by stating the Board should use its available assets for the betterment of the community.

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

Ms. Brennan noted that she thought they should study the matter a little more and it was clear they could not have an assisted living facility; however they may be able to compromise. She added that there were many needs to be looked at and the aspects of costs related to benefit.

Mr. Saunders noted that the County was paying over \$120,000 in rent if they counted the full rent that the Health Department paid at Blue Ridge Medical Center and if the County borrowed \$2.0 Million dollars at 2.9%, the annual debt would be approximately \$131,000.

It was noted that the Building Inspections office was for sale and if it sold, they would have to move. Supervisors added that DSS was in need of repair and expansion and it was not the best time to incur debt, but they had to decide and these were the facts.

Mr. Hale asked for clarification on the rent amounts and it was noted that the local share of the Health Department was \$25,500 and it would be more if the State portion was included. Mr. Saunders then noted that Blue Ridge Medical Center may not renew the lease with the Health Department because they may need the space.

Mr. Bruguere noted that hearing the public comments had made the decision more complicated. He noted that he has heard many residents complain that the County lost the nursing home and they could not get to Charlottesville. He added that most of the former workers, for whatever reason, did not have a job now and that was unfortunate. He then added that he thought the School Board had enough space. Mr. Harvey then noted that the point regarding the School Board was that common elements could be put together.

Mr. Bruguere stated that he thought the County was better off selling the building to Region Ten and building another building on property the County already owned. He added that a prime example of overspent money was the new courthouse building.

Mr. Harvey noted he would be more in favor of tearing the building down and rebuilding it because it was a nice piece of property.

Ms. Brennan noted she would like to create jobs for citizens.

Mr. Saunders noted the County would need to have a new or expanded library at some point and if the building were sold, the taxes would only be \$15,000.

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Mr. Hale then noted that he was concerned about the County spending money for holding County staff and he thought the opportunity with Region Ten needed to be carefully considered. He noted that they also needed to evaluate the property adjoining the current courthouse. He noted that the whole courthouse complex was \$9 Million and the current project was \$4-5 Million just to add space for County staff.

He then conclude the matter by noting that the Board needed to consider options not previously considered and they may need to call in a consultant to assess it before making a decision.

**D. Ordinance O2016-05 Addition to Greenfield AFD:** Pursuant to Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts” of the Code of Nelson County; proposed Ordinance includes application #2016-01, M. Chanin, requesting voluntary expansion of the existing Greenfield AFD by 13.88 total acres, Tax Map Parcel #13-10-1 & #13-10-3 (zoned A-1). **(O2016-05)**

Mr. Hale introduced the item for consideration and then turned the presentation over to Mr. Padalino.

Mr. Padalino reiterated the request of the application to expand the existing Greenfield Ag Forestal District with the addition of two (2) parcels of 13.88 total acres, Tax Map Parcels #13-10-1 and #13-10-3 zoned A-1. He then noted the parcels’ location on the county map and then zoomed in to their location on Greenfield Road. He noted that the addition of these parcels would fill in interior gaps of the existing district. He then noted that the application was received and then referred to the Ag Forestal District Advisory Committee who recommended approval and forwarded it to the Planning Commission. He noted the Planning Commission held a public hearing, there were no comments, and they recommended approval.

There were no questions for Mr. Padalino and Mr. Hale opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Ms. Brennan then moved to approve Ordinance **O2016-05**, Amendment of the Code of Nelson County, Virginia, Chapter 9 Planning and Development, Article V, Agricultural and Forestal Districts, Expansion of the Greenfield Ag Forestal District.

Mr. Bruguiere 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 Ordinance was adopted:

**ORDINANCE O2016-05**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**CHAPTER 9 “PLANNING AND DEVELOPMENT,” ARTICLE V,**  
**“AGRICULTURAL AND FORESTAL DISTRICTS”**

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**EXPANSION OF THE GREENFIELD AGRICULTURAL AND FORESTAL DISTRICT**

**WHEREAS**, Mr. Marc Chanin has filed application #2016-01 to expand the Greenfield Agricultural and Forestal District centered along Greenfield Road (Rte. 635) near Shannon Farm Lane (Rte. 843), roughly following the route of the North Fork of the Rockfish River starting near the intersection of Rte. 151 and Pounding Branch Road (Rte. 709), extending due south in a nearly continuous swath for approximately 5.1 miles, and ending just south of the river's North/South Fork confluence (near the intersection of Rte. 6 and Hill Hollow Road/Rte. 81 0) and extending NW and SE to include properties flanking Rte. 633 (Blundell Hollow and Taylor Creek Roads) for a total addition of **13.88** acres; and

**WHEREAS**, the new parcels to be added to Greenfield Agricultural and Forestal District are as follows:

Parcel #13-10-1- 2.43 acres zoned A-1  
Parcel #13-10-3– 11.45 acres zoned A-1, and

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

- a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
- b. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and
- c. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal; and
- d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.
- e. The period before first review is four (4) years; and

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

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**WHEREAS**, after reviewing the Planning Department’s report, the Agricultural and Forestal Districts Advisory Committee’s recommendation, and considering the comments from the public received at its public hearing held on **July 27, 2016** it is the Board’s finding that there are significant agricultural and forestal lands within the proposed expanded Districts and the newly proposed District and that they meet the requirements for such designation;

**NOW THEREFORE BE IT ORDAINED**, by the Nelson County Board of Supervisors that the Code of Nelson County, Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts” be amended to expand the Greenfield Agricultural and Forestal District as proposed with the conditions (restrictions) as stated in the application; which each property owner voluntarily agreed to place on his and/or her property; and

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

**E. Ordinance O2016-06 Unclaimed Property Held by the Sheriff:**  
Pursuant to §15.2-1719, §15.2-1720, and §15.2-1721 of the Code of Virginia, 1950, as amended, proposed Ordinance provides for the disposition of unclaimed property held by the Sheriff. **(O2016-06)**

Mr. Carter noted that the Ordinance provided for the disposition of unclaimed property acquired by the Sheriff’s Department inclusive of personal property, bikes, mopeds, electric assisted mobility devices, and firearms or other weapons. He noted that the issue presented by the Sheriff was that the department had acquired property, they have had a difficult time disposing of it, and it has accumulated taking up storage space. He noted the Ordinance would give them a process by which to be able to dispose of this property.

There being no questions for Mr. Carter, Mr. Hale opened the public hearing. There being no persons wishing to be recognized, the public hearing was closed.

Mr. Bruguiere then clarified that the Ordinance allowed for the disposal of unclaimed property and Ms. Brennan added that it mirrored the State Code language.

Mr. Bruguiere then moved to approve Ordinance **O2016-06**, Disposition of Unclaimed Property Held by the Sheriff and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

**ORDINANCE O2016-06**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**DISPOSITION OF UNCLAIMED PROPERTY HELD BY THE SHERIFF**

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**BE IT ORDAINED**, pursuant to the Code of Virginia §§ 15.2-1719, 15.2-1720, and 15.2-1721, that the Nelson County Board of Supervisors does hereby amend the Code of Nelson County, Virginia 1950 as amended; as follows:

County Unclaimed property ordinance

Sec. \_\_\_\_\_. Unclaimed Personal Property Held by the Sheriff.

(a) Disposition of Certain Unclaimed Personal Property.

(1) In connection with unclaimed personal property held by the sheriff, other than personal property disposed of pursuant to subsections (b) and (c) of this ordinance, the sheriff is authorized to either (i) conduct a public sale in accordance with the provisions of this section or (ii) retain for use by the sheriff's department any such unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Va. Code § 55-210.1 *et seq.*).

(2) Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in Nelson County once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the County served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

(3) If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the

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County and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the County within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

(b) Optional Disposition of Unclaimed Bicycles, Electric Power-Assisted Bicycles, Mopeds, and Electric Personal Assistive Mobility Devices.

(1) The sheriff is authorized to provide for the public sale or donation to a charitable organization of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped that has been in the possession of the sheriff's department, unclaimed, for more than thirty days. The procedures for sale shall be the same as provided in Subsection (a) above.

(2) Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the sheriff's department by a private person that thereafter remains unclaimed for thirty days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation within the County. In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, or moped, the record owner shall be notified directly.

(c) Optional Disposal of Unclaimed Firearms or Other Weapons in Possession of the Sheriff.

(1) The sheriff may elect to destroy unclaimed firearms and other weapons which have been in the possession of law-enforcement agencies for a period of more than 120 days. For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (Va. Code § 55-210.1 *et seq.*).

(2) At the discretion of the sheriff, or his duly authorized agents, unclaimed firearms and other weapons may be destroyed by any means which renders the firearms and other weapons permanently inoperable. Prior to the destruction of such firearms and other weapons, the sheriff, or his duly authorized agents shall comply with the notice provision contained in subsection (a) above.

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(3) In lieu of destroying any such unclaimed firearm, the County may donate the firearm to the Department of Forensic Science, upon agreement of the Department.

**State law reference--**Virginia Code §§ 15.2-1719, 15.2-1720, and 15.2-1721.

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

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

There was no other business considered by the Board.

**V. Adjournment**

At 9:40 PM, Mr. Harvey moved to adjourn the meeting. There was no recorded second and Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.