

**AGENDA**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APRIL 14, 2015**  
**THE REGULAR MEETING CONVENES AT 2:00 P.M.**  
**IN THE GENERAL DISTRICT COURTROOM**  
**AT THE COURTHOUSE IN LOVINGSTON**

- I. Call to Order**
  - A. Moment of Silence
  - B. Pledge of Allegiance
  
- II. Consent Agenda**
  - A. Resolution – **R2015-25** Minutes for Approval
  - B. Resolution – **R2015-26** FY15 Budget Amendment
  - C. Resolution – **R2015-27** April is National Government Month
  - D. Resolution – **R2015-28** Recognition of JABA’s 40<sup>th</sup> Anniversary
  - E. Resolution – **R2015-29** April is Child Abuse Prevention Month
  - F. Resolution – **R2015-30** April is Fair Housing Month
  - G. Resolution – **R2015-31** Authorization to Execute Piedmont Workforce Network, Chief Local Elected Official Agreement
  
- III. Public Comments and Presentations**
  - A. Public Comments
  - B. VDOT Report
    - 1. Abandonment of Segments of Route 641, Dutch Creek Lane
  - C. Presentation – Sturt Property Study, Wintergreen Nature Foundation (D. Coleman)
  
- IV. New Business/ Unfinished Business**
  - A. Establishment of 2015 Tax Rates (**R2015-32**)
  - B. Establishment of 2015 Personal Property Tax Relief (**R2015-33**)
  - C. Lovingston Health Care Center Building Status
  - D. South Rockfish Valley Historic District - Nomination Funds Request
  
- V. Reports, Appointments, Directives, and Correspondence**
  - A. Reports
    - 1. County Administrator’s Report
    - 2. Board Reports
  - B. Appointments
  - C. Correspondence
  - D. Directives
  
- VI. Adjourn and Reconvene for Evening Session**

**EVENING SESSION**

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

**I. Call to Order**

**II. Public Comments**

**III. Public Hearings and Presentations**

**A. Public Hearing** – Proposed Ordinance to Repeal and Re-Enact Article V, Agricultural and Forestal Districts, Sections 9-150 through Sections 9-154 and Sections 9-200 through Sections 9-207 of the Code of Nelson County, Virginia to Include new state Provisions. **(O2015-01)**

**B. Public Hearing** – Proposed Amendments to Appendix A, Zoning Ordinance, regarding the proposed provision of a new type of land use. The proposed new land use, “artist community,” would be permissible as a special use in the (A-1) Agricultural District. **(O2015-02)**

**IV. Other Business**

**A.** Agricultural and Forestal District (AFD) Applications to Expand the Davis Creek AFD and the Dutch Creek AFD and to Create a new Greenfield AFD. (Authorization for Public Hearing **R2015-34**)

**V. Adjourn and Continue Until \_\_\_\_\_ for the Conduct of an FY16 Budget Work Session**

**RESOLUTION R2015-25**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MEETING MINUTES**  
**(March 10, 2015, March 19, 2015, March 26, 2015, and March 31, 2015)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 10, 2015, March 19, 2015, March 26, 2015, and March 31, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

March 10, 2015

**Virginia:**

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

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

Absent: None

**I. Call to Order**

Mr. Saunders called the meeting to order at 2:00 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. Consent Agenda**

Ms. Brennan 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 – **R2015-13** Minutes for Approval

**RESOLUTION R2015-13  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MEETING MINUTES  
(February 10, 2015)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board's meeting conducted on **February 10, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

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B. Resolution – **R2015-14** COR Refunds

**RESOLUTION R2015-14  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF COMMISSIONER OF REVENUE REFUNDS**

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

<u>Amount</u>	<u>Category</u>	<u>Payee</u>
\$304.92	2014 RE Taxes	Sandra Hoffman & Deborah Bowling 817 Centenary Dr. Arrington, VA 22922
\$46.75	2012-2014 PP Taxes	Stuart L. Smith & Elizabeth L. Smith 160 Rutile Lane Roseland, VA 22967

C. Resolution – **R2015-15** FY15 Budget Amendment

**RESOLUTION R2015-15  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET  
NELSON COUNTY, VA  
March 10, 2015**

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

I. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$5,000.00	4-100-999000-9905	4-100-031020-1009

D. Resolution – **R2015-16** Jefferson Madison Regional Library -The Big Read 2015

**RESOLUTION R2015-16  
NELSON COUNTY BOARD OF SUPERVISORS  
JEFFERSON-MADISON REGIONAL LIBRARY'S  
THE BIG READ 2015: "THE NAMESAKE" BY JHUMPA LAHIRI**

March 10, 2015

**WHEREAS**, The Big Read is designed to restore reading to the center of American culture and provides our citizens with the opportunity to read and discuss a single book within our community; and

**WHEREAS**, the Jefferson-Madison Regional Library invites all book lovers to participate in the Big Read that will be held throughout March 2015. The Library's goal is to encourage all residents of Central Virginia to read and discuss "The Namesake" by Jhumpa Lahiri; and

**WHEREAS**, the novel follows the Ganguli family from their traditional life in Calcutta through their fraught transformation into Americans; and

**WHEREAS**, the Big Read is an initiative of the National Endowment for the Arts in partnership with Arts Midwest; and is supported by the Art and Jane Hess Fund of the Library Endowment;

**NOW, THEREFORE**, be it resolved by the Nelson County Board of Supervisors, that The Big Read be observed during March 2015 and all residents are encouraged to read "The Namesake" by Jhumpa Lahiri during this time.

E. Resolution – **R2015-17** FY15-16 VCA, Local Government Challenge Grant

**RESOLUTION R2015-17  
NELSON COUNTY BOARD OF SUPERVISORS  
VIRGINIA COMMISSION OF THE ARTS  
2015-2016 LOCAL GOVERNMENT CHALLENGE GRANT**

**BE IT RESOLVED**, By the Nelson County Board of Supervisors that the County Administrator is hereby authorized to execute and submit an application for 2015-2016 Local Government Challenge Grant funding to the Virginia Commission of the Arts.

**BE IT FURTHER RESOLVED**, said application is to include a local match of \$5,000.00 to be confirmed upon formal adoption of Nelson County's Fiscal Year 2015-2016 Budget by the Board of Supervisors.

**III. Public Comments and Presentations**

A. Public Comments

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

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B. Presentation – Blue Ridge Medical Center Programs (P. Whitehead) (R2015-23)

Ms. Whitehead addressed the Board and noted that this year was the Medical Center’s 30th anniversary; they opened July 1985. She noted that she would show a brief PowerPoint that would update them on the services they provide, she would discuss the impending funding crisis they may be faced with, and would request a resolution from the Board advocating for keeping federal funding in place that she could take to legislators.

She thanked the Board for their support over the years and also related how the Center had expanded.

She then gave the following presentation:

Blue Ridge  
MEDICAL CENTER

30  
ANNIVERSARY  
1985 - 2015

Nelson County  
Board of  
Supervisors

March 10, 2015

1. BRMC Programs and Services Update
2. Federal Funding Update
3. Resolution Request

2015 Calendar

BRMC's Grand Opening in the summer of 1985

Thank you, Nelson County, for your support through 7 expansions, and the development of important service programs, including school nursing, transportation, and dental care.

Thank You!

Blue Ridge  
MEDICAL CENTER

### Services and Programs

- Primary care services
  - Family Medicine
  - Pediatrics
- Behavioral Health
- Dentistry
- Pharmacy
- X-ray
- Physical Therapy
- Rural Health Outreach community based services
- School Nursing
- Outreach and Enrollment
- Patient Centered Medical Home
- Medical interpretation
- Quality Assurance and Quality Improvement
  - Joint Commission Accreditation
  - Clinical measures accountability



Ms. Whitehead noted that they had two Pediatricians, one who was full time and one who was part time. She noted that they were offering mental health services and would add a Social Worker to provide a complete holistic approach to medicine. She noted that they had added dentistry thanks to the support of the dental program through a CDBG grant awarded in 2013. She noted that they had one dentist and one hygienist and would add a part time dentist to help serve children. She also noted that they had a full pharmacy with a sliding scale and they offered a medication assistance program. Ms. Whitehead then noted that the Rural Health Outreach Program (RHOP) was supported by the Board and was a free services to the community that depended upon grants and donations. She then noted that they administered the School Nursing program, which had been Board supported since the mid 1990's.

Ms. Whitehead advised that they provided outreach and a marketplace for the Affordable Care Act. She added that they were recognized as a patient centered medical home and was Level 3 which was the highest status. She noted that they provided medical interpretation to prevent disparities in healthcare and provide outcomes in demographics of all kinds.

## What's Next??

<p style="text-align: center;"><u>Near Term</u></p> <ul style="list-style-type: none"><li>• Adding a patient education center in unfinished space in our lower level</li><li>• Improving privacy at check in</li><li>• Adding telemedicine services</li><li>• Reach Out &amp; Read program</li></ul>	<p style="text-align: center;"><u>Long Term</u></p> <div style="text-align: center; font-size: 48px; color: #0056b3;">?</div> 
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Ms. Whitehead noted that they had diabetes self-management groups and would be providing a meeting space for staff and community groups.

Ms. Whitehead then noted that they intended to improve privacy at check in by installing sound barriers.

She then noted that through the implementation of telemedicine, they could provide access to providers in remote places and that this equipment was coming in April.

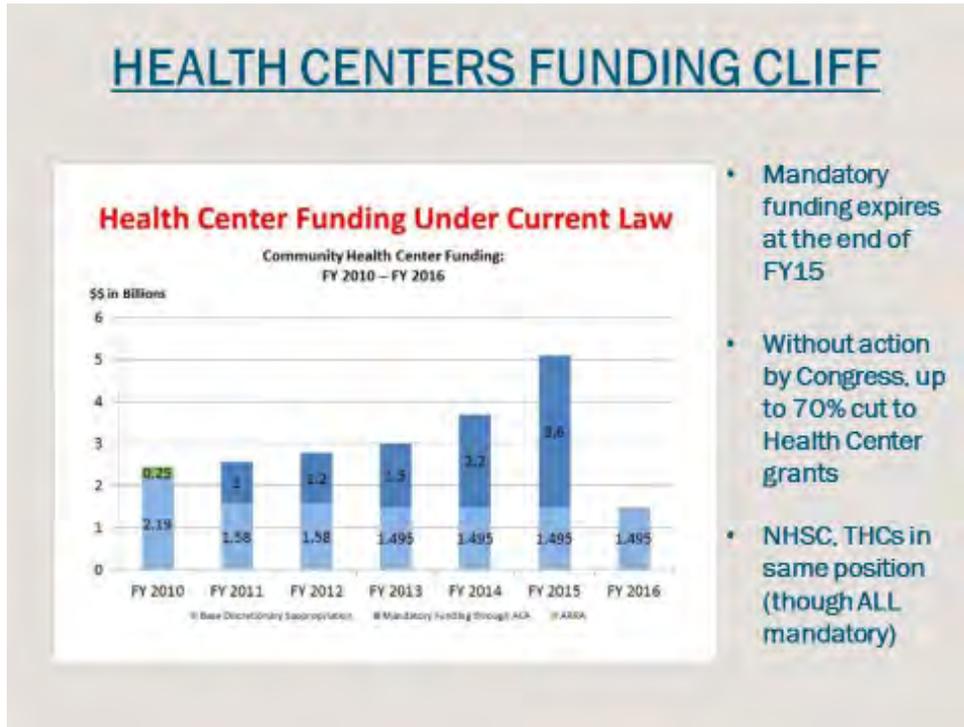
Ms. Whitehead then explained that the Reach Out and Read program was a collaborative effort with the Library to provide bookcases and books for the lobby and they would also give books out at all well child checkups. She added that this was a proven program that has led to improved reading.

## Health Center Funding Cliff

<p style="text-align: center;"><b>BRMC is an FQHC. What is an FQHC?</b></p> <ul style="list-style-type: none"><li>• Serves a Medically Underserved Area or Population</li><li>• Non-profit</li><li>• Volunteer Board of Directors (majority must be patients)</li><li>• 19 program requirements</li><li>• Sliding Fee Scale</li><li>• Federal Funding</li></ul> 	<p style="text-align: center;"><b>What that means in our community</b></p> <ul style="list-style-type: none"><li>• 10,950 active patients<ul style="list-style-type: none"><li>– 5454 have received sliding scale benefits</li><li>– 2310 are uninsured</li></ul></li><li>• Community-based &amp; enabling services are free of charge for low income uninsured local residents.</li><li>• We have a direct impact on the health of the community, and the local economy.</li></ul>
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Ms. Whitehead related the above information and noted that in order to use the sliding fee scale, a patient must be at or below 200% of the federal poverty level and that federal funding was 17-20% of their \$7 million dollar budget. She added that the Medical Center had a direct impact on the local economy being the 6th largest employer in the county employing ninety (90) people.



Ms. Whitehead discussed the above funding cliff bar graph, noting that the light blue bars represented base discretionary federal funding, the green bar in 2010 was ARRA funding, and the dark blue bars represented the funding provided through the Affordable Care Act all in Billions of dollars. She noted that this peaked in 2015 and was shown to disappear in 2016. She noted that this affected many community health center facilities across the nation, not just them. She noted that with the Affordable Care Act funding ending, they would lose 70% of their federal funding in 2016.

**Funding Cliff Effect at BRMC**

<b>For The Center</b> <ul style="list-style-type: none"><li>• Significant staffing reductions</li><li>• Sliding Scale restructuring to significantly limit the number of people who qualify</li><li>• Reduced capacity</li><li>• Fewer services—eliminate dental care, reduce behavioral health.</li></ul>	<b>For Patients</b> <ul style="list-style-type: none"><li>• Reduced access to care for local residents</li><li>• Tendency to wait to come to the doctor until problems have escalated and require more expensive care</li></ul>
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**For the County**  
Negative economic impact.

 Blue Ridge  
MEDICAL CENTER

Ms. Whitehead then explained that loss of this funding would require them to have to reduce staff by three (3) family practice providers, the dental program would be in jeopardy, and behavioral health programs would be reduced. She noted that patient revenues would reduce by another million dollars.

Ms. Whitehead then noted that she was asking the Board to pass the provided resolution so that she could take it to Congressman Hurt and the Senators to help them understand the funding issue. She added that she had been talking to them all along about this and that the issue had enjoyed bipartisan support; however no leadership of either party was willing to take the issue on.

Ms. Whitehead then asked for the Board's agreement and read the last paragraph of the proposed resolution as follows:

Be it further resolved, that the Nelson County Board of Supervisors does hereby support the continuation of Federal support at levels necessary to continue health care services that are affordable for low income members of our communities.

Ms. Whitehead then noted she would answer any questions the Board had.

Mr. Bruguiere asked that if citizens were supposed to have insurance, wouldn't that take up some of the slack of reduced revenue. Ms. Whitehead noted that there was a large group of people who did not qualify for Affordable Care Act healthcare because they made too little money and could not qualify for Medicaid. She added that since Virginia did not participate in Medicaid expansion, this would not allow them to qualify and there were still a lot of uninsured people. She further clarified that they did not get a subsidy if they did not qualify and they could not afford Obamacare insurance. She added that the premise was that with Medicaid expansion, that would expand to cover these people not eligible for Obamacare and the Medicaid expansion did not happen in 33 states.

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It was noted that there were still many uninsured, and there were many who did not sign up for Obamacare and would have to pay a penalty.

Ms. Brennan then moved to approve resolution **R2015-23**, Supporting Blue Ridge Medical Center and Other Federally Qualified Health Centers in the United States and Mr. Hale seconded the motion.

Ms. Brennan noted how valuable the Health Center was to Nelson County and Amherst. Ms. Whitehead noted that 30% of their patrons were from Amherst and it was suggested that Ms. Whitehead seek the same resolution from the Amherst County Board. Supervisors agreed that they provided a great service to all patrons.

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

**RESOLUTION R2015-23  
NELSON COUNTY BOARD OF SUPERVISORS  
SUPPORTING BLUE RIDGE MEDICAL CENTER  
AND OTHER FEDERALLY QUALIFIED HEALTH CENTERS  
IN THE UNITED STATES**

**WHEREAS**, Blue Ridge Medical Center has been providing quality, patient centered, cost-effective health care for residents of Nelson County and surrounding communities for thirty years, and

**WHEREAS**, the County of Nelson has invested considerable support for Blue Ridge Medical Center in the form of direct funding for its School Based Health Care program and other programs, and

**WHEREAS**, the County of Nelson applied for and received a Community Development Block Grant to assist with the establishment of a dental facility for Blue Ridge Medical Center, and

**WHEREAS**, Blue Ridge Medical Center has over 11,000 active patients and provided care in over 59,000 patient visits in 2014,

**WHEREAS**, Blue Ridge Medical Center provides primary care, dental care, behavioral health care, a pharmacy, and a variety of support services for the people of Nelson County and surrounding communities, and

**WHEREAS**, Nelson County is a designated Health Professional Shortage Area (HPSA) and has a “Medically Underserved Population” (MUP), and

**WHEREAS**, it is imperative that health centers across the country like Blue Ridge Medical Center have funding stability so they can continue to meet the pressing needs of those who would otherwise go without access to basic primary care, and

**WHEREAS**, health centers are currently facing a significant loss of federal funding in the years ahead, something that would immediately reduce access to care in our community, and

**WHEREAS**, limited access to primary care has an impact on health at significant cost to taxpayers since lack of access often causes people to delay seeking health care until they are seriously ill and require inpatient or emergency department care at a much higher cost to all payers, local and federal, and

**WHEREAS**, health centers play a vital role in preserving and expanding access to care in the communities they serve, and

**WHEREAS**, health centers have enjoyed bipartisan support for 50 years and have continued to provide a safety net for those in need throughout a continually changing health care environment,

**NOW THEREFORE BE IT RESOLVED**, that in this 50<sup>th</sup> year of health center service nationally and in this 30<sup>th</sup> year of local service by Blue Ridge Medical Center, there remains a vital need for uninterrupted quality, patient-centered, cost effective care provided by Federally Qualified Health Centers including Blue Ridge Medical Center, and

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors does hereby support the continuation of Federal support at levels necessary to continue health care services that are affordable for low income members of our communities.

#### C. VDOT Report

Mr. Don Austin reported the following:

1. The Laurel Road intersection was being looked at by traffic engineers and there was no word on whether or not it would be blocked off or opened up.
2. Traffic engineers still to look at the passing zone near the collection site in Shipman.
3. They had delayed work on the abandonment for Robert McSwain due to weather; however they would resume working on this.
4. SSYP funding was close to last year at \$237,000 for unpaved roads in 2016, and was slated to be \$289,000, \$351,000, \$356,000, and \$342,000 in successive years. He added that the County would still have around \$50,000 in Telefees coming in and a public hearing on this would be held in May or June. He added he would get a priority list from Mr. Carter and possibly schedule a work session with the Board.
5. HB2 was the new transportation plan last year and HB1887 was passed this year. He noted he would update Mr. Carter on this when details were available. He noted briefly that HB2 put all money in a pot and projects would compete for it statewide. HB1887 redistributed the state funding with a certain percentage for competitive

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projects statewide, a certain percentage for bridges and pavements, and a certain percentage of projects were now competitive within districts and then within a ten (10) county area. He added he would advise staff on that as it became clear. He noted the biggest issue would be which types of roads would be eligible for the local funding.

6. Rt. 654 would be closed for pipe replacement beginning March 16<sup>th</sup> for 3-4 weeks.

Supervisors then related the following VDOT issues:

Ms. Brennan noted that VDOT had done a great job on snow removal and she thanked them.

Mr. Bruguere asked if there was still a pot of money for paved secondary roads for maintenance such as trench widening etc. Mr. Austin noted that this was considered improvement and he did not know if it would be eligible in the new program; however it did not appear to be funded for now. He added that the only funding was unpaved road funds; however Telefees could be used for this. Mr. Bruguere asked if Mr. Austin's office could provide estimates for trench widening and Mr. Austin noted it could and he would look at some places with Mr. Bruguere in the spring.

Mr. Hale reported that on Laurel Road, up the hill but before the Y intersection heading north and on the east side, there was a lot of gravel washed out there and the shoulder was sloping off.

Mr. Harvey noted to Mr. Austin that he was ready when he was for the speed limit study and he would speak to him later on that.

Ms. Brennan inquired about the status of the safety projects and Mr. Austin noted that they should be close to doing the right of way phase. He noted he thought the design public hearings had been held and they were in the approval process. Mr. Harvey asked if the right of way had shifted west and Mr. Austin noted he was not aware of that. Mr. Harvey noted he thought a person's septic system was in the right of way. He noted that they would have to work with that but he was not aware of it and would check.

In response to Mr. Bruguere's question, Mr. Austin noted that right of ways had to be purchased for a primary road.

Mr. Austin then noted to Supervisors that if they were getting complaints on rural rustic or unpaved roads, he advised that they were falling apart right now from freezing and thawing and loggers; and they would do the best they could.

#### **IV. New Business/ Unfinished Business**

- A. Virginia Department of Health, Pump and Haul Septic Permit (**R2015-18**)

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Mr. Carter noted that staff had prepared a resolution that would authorize the County to apply to VDH for a permanent pump and haul permit. He noted this would be a blanket authorization to allow businesses or anyone else who wanted to use this solution to seek that approval from the County. He added that this was prompted by the expansion at Wild Wolf to add an event center and in working with the Health Department to address waste water system issues, it was determined that the pump and haul solution was the most feasible for the expansion. He added that the business had requested to fall under the County's permit, and the County did not yet have a permit. He added that the only way this solution could be approved by VDH is if the local government has a permit for them to be approved under. He added that it would then follow that the County would have a contract with the permitted entity where the operating rules and bonding would be established. He noted that once the permit was in place, VDH monitored it and the County was responsible for it including correcting any deficiencies or violations. He then concluded that in order for someone to have this solution, the County had to be the permit holder.

Mr. Harvey questioned how Wild Wolf could get to the point of expansion and realize there was not enough sewer capacity. He questioned the process that Wild Wolf had gone through since there was a change of use and they had added 156 seats without going through the site plan review process. Mr. Carter noted he understood the Health Department was reviewing their rework of their existing sewer systems. Mr. Harvey again questioned why it did not go through the review process.

Mr. Padalino in attendance spoke to this and noted that since they were dealing with existing buildings, there was no requirement to go through the site plan process. He added that he had been notified by the Building Official of their plans, had received a zoning or site plan approval form and he had conducted a site visit, where he looked at the existing parking and existing facilities and determined that everything was fine. He noted that they were dealing with an existing structure and there was nothing in the project that triggered the site plan requirements. He reiterated the use of an existing building and added that new construction triggered a site plan review. Mr. Harvey noted that he thought that the increased seating at a restaurant triggered the review by all of the normal agencies. Mr. Padalino noted that in looking at seating it was about parking on the site and not about the highway or turn lanes. Mr. Harvey noted that in evaluating entrances, VDOT looked at number of seats and Mr. Padalino noted that they could look at that or use floor space or traffic counts to evaluate that. Mr. Padalino then noted that there was nothing in the ordinance that required a site plan and he could not require a site plan if there was no basis for it. He added that the space changed from retail and was considered a change in use according to the building code etc. however there was no new development and he could not require a site plan.

Mr. Carter then continued, noting that anyone wanting to pump and haul would have to fall under the umbrella of the County's permit. He noted that Wild Wolf had requested this and in order for it to be done, the County's application had to be authorized by the Board and submitted to VDH. He added once approved, they would be able to proceed. He related that he had reached out to Ms. Wolf about the alternatives that they had considered and she had advised him that these were not feasible to pursue at present.

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Mr. Harvey was hesitant given that this was a big project, had never been done, and would open the door to anyone who could not provide the necessary sewer. He added that he needed more than a few days to consider this. Mr. Carter advised that the application would take approximately sixty (60) days for VDH review.

Mr. Bruguere noted that it seemed like VDH should make a recommendation to them before approving the application. Mr. Carter advised that the County could apply for the permit and then bring in those covered if the Board wanted.

Ms. Brennan then inquired that if the County got the permit, would it mean that anyone could automatically use it. Mr. Carter advised that it did; however each applicant would have to be individually authorized under the permit and if a violation occurred, the offender could be removed. Ms. Brennan then asked if the business requesting to use the permit could be asked to pay the fees and Mr. Carter noted these fees would be waived for the County; however the County could require the applicant to pay whatever fees it decided. He added that the agreement between the County and the business would likely provide for bonding etc. He added that the permit would not cost the County any money; however, the County would have the first level of liability if there was a problem. He noted though that the County would address this through the agreement provisions.

Mr. Saunders then questioned if anyone could go out and start a business without sewer and then apply for coverage under the pump and haul permit. Mr. Carter indicated they could and that in doing this, the County would be getting involved in individual business issues.

Mr. Bruguere questioned how this was different than what occurred with the LOCKN Festival and Mr. Carter noted that they get a temporary pump and haul permit directly from VDH; whereas Wild Wolf was seeking a permanent facility for pumping and hauling and the County had to hold that permit.

Mr. Saunders questioned why connecting to the Stoney Creek system was not an option and Supervisors noted that it could be once the new owners took over.

Ms. Brennan asked if a temporary permit could be issued to Wild Wolf and Mr. Carter noted he was not sure and would have to ask VDH.

Mr. Harvey questioned the timing of things related to the sewage issue. Mr. Carter noted that there was a compliance matter with the existing business that was under review by VDH and was presently being addressed. He noted that there was time for the County to pursue this and not have an impact on Wild Wolf's intended start up; given that VDH would likely take sixty (60) days to approve the County's application.

Ms. Brennan noted that since this was the first time this had come up in the County, she would have liked to have known about this earlier and had VDH present at the meeting. Mr. Hale noted that this has been a problem in the past down there and businesses could not expand. He added that he preferred to study the matter further and not take any action.

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Mr. Bruguere inquired as to the location of the Stoney Creek sewer line and Mr. Saunders noted that he installed and connected it and it went in front and behind the shopping center. He noted that it was gravity fed at the shopping center and there was pressure sewer at Rosewood.

Mr. Saunders asked again if they could operate similarly to LOCKN on a temporary pump and haul permit and Mr. Carter reiterated it would be up to VDH. He added that he understood that what has been proposed has been a permanent restroom facility until something else was in place; which tipped the County into having to be the permit holder. Mr. Carter advised that staff had moved this forward quickly to try to help Wild Wolf and he would follow up on the question of the temporary permit.

Ms. Brennan inquired if the Stoney Creek system had the capacity to accept more waste and Mr. Saunders noted he thought they could expand pretty easily.

Mr. Bruguere noted he thought there must be less costly alternatives and Mr. Carter noted he could not speak to that; and that he just looked at the laws and moved the request forward. Mr. Bruguere suggested that doing this could potentially open Pandora's Box.

Mr. Hale then suggested delaying action. He noted that inaction would not preclude what was happening there since they could get a temporary permit if they had a temporary facility.

Mr. Carter advised that VDH and Wild Wolf would be having a meeting on this and the County had requested to participate.

Mr. Bruguere then inquired as to where the extra seating would be and Mr. Carter advised that it would be in existing structures that were formerly retail space. He added that they were not adding any structures there.

Mr. Bruguere then inquired as to the length of time the permit held by the LOCKN Festival was for and Mr. Carter noted for as long as the event.

Mr. Saunders then asked when action would be taken by the Board if no action was taken then. Mr. Carter noted that he could report back on this during budget work sessions coming up.

Supervisors then agreed by consensus to have staff gather more information and report back and no action was taken.

- B. Authorization for Public Hearing: Proposed Ordinance to Repeal and Re-Enact Article V, Agricultural and Forestal Districts to Include new State Provisions **(R2015-19)**

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Mr. Padalino noted that the Ag Forestal District Advisory Committee had recommended amendments to the County Code to align it with 2011 changes to the State Code and he gave the following report:

The Advisory Committee members and AFD participants have worked with the County Administrator and County Attorney to draft proposed amendments that, if enacted, would make the County Code closely match the Code of Virginia. These proposed amendments are presented to the BOS as a “repeal and replacement” of the existing AFD Article of the County Code.

The proposed changes would result in the Nelson County AFD program more closely matching the state’s language in the following important ways:

1.) *An AFD “program administrator” role would be established.* The program administrator would be appointed by the BOS, and would result in a simplified and expedited AFD application process.

- See Section 9-151 “Definitions” and Section 9-201 “Procedure – Creation of district – Initiation of application review.”

2.) *The application requirements would be modernized to allow for maps to be created using GIS and/or other electronic data.* Currently, the local program still uses the original application requirements, which require that maps of the proposed district be drawn by hand onto USGS topo maps and VDOT road maps. That outdated requirement is a time- and labor-intensive process, and results in maps of limited accuracy.

- See Section 9-153 “Application forms, maps, and required notice.”

3.) *The criteria for the minimum size and location of each agricultural and forestal district would be modified.* In addition to the existing criteria, the proposed update would allow for properties located more than one mile from the district “core” to be included in an AFD application, if the parcel “contains agriculturally and forestally significant land.”

- See Section 9-200 “Minimum size and location of district.”

**Requested Actions:**

In order for the proposed amendments to proceed, the Board would need to conduct a public hearing and then adopt a resolution to repeal and replace Article V. “Agricultural and Forestal Districts” of Chapter 9. “Planning and Development.”

The first step in that process would be to authorize County staff to advertise for a public hearing for “R2015-19” – “Proposed Ordinance to Repeal and Re-Enact Article V, Agricultural and Forestal Districts to Include new State Provisions.”

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Mr. Padalino added that this would be an amendment to County Code not to the Zoning Ordinance; which meant the Planning Commission was not involved.

Mr. Bruguere asked what the parcel size requirement was for a parcel that was distant from the contiguous parcels and it was noted there was none; however the parcel had to be deemed to be of agricultural or forestal significance.

Mr. Robert McSwain, in attendance and a member of the Ag Forestal Advisory Committee, noted that the core had to be 200 acres but other parcels could be smaller.

Mr. Bruguere then suggested that if the satellite parcel was smaller, it should be the same size as those eligible for land use.

Ms. Susan McSwain, in attendance and a member of the Ag Forestal Advisory Committee, noted that some counties did not have land use taxation and the code provisions would allow those in Ag Forestal Districts to get it as long as the requirements in the State Code were met.

Supervisors and staff briefly discussed whether or not this was automatic per the Ordinance and it was noted that it was.

Ms. Brennan then moved to approve resolution **R2015-19** Authorization to Hold a Public Hearing to Repeal and Re-enact Article V, Agricultural and Forestal Districts, of the Code of Nelson County, Virginia to Incorporate State Code Changes to Section 15.2-4300 “Agricultural and Forestal Districts Act:.

Mr. Bruguere 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 resolution was adopted:

**RESOLUTION R2015-19**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION TO HOLD A PUBLIC HEARING**  
**TO REPEAL AND RE-ENACT ARTICLE V, AGRICULTURAL AND FORESTAL**  
**DISTRICTS, OF THE CODE OF NELSON COUNTY, VIRGINIA**  
**TO INCORPORATE STATE CODE CHANGES TO SECTION 15.2-4300**  
**“AGRICULTURAL AND FORESTAL DISTRICTS ACT”**

**WHEREAS**, Section 15.2-4300, “Agricultural and Forestal Districts Act” of the Code of Virginia, 1950 as amended has been amended:

**NOW THEREFORE 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 Tuesday, April 14, 2015 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an ordinance proposed for passage to repeal and re-enact Article V, Agricultural and Forestal

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Districts the Code of Nelson County, to incorporate changes made to Section 15.2-4300 of the Code of Virginia, 1950 as amended. These changes primarily affect revisions to County Code Sections: 9-150 Purpose and Intent, 9-153, Application forms, maps, and required notice, 9-200, Minimum size and location of district, 9-201, Creation of district, 9-204, Review of district, continuation, modification, or termination, and 9-205, Withdrawal of land from district.

C. Referral to the Planning Commission of Proposed Amendments to Zoning and Subdivision Ordinances to Incorporate the Designation of DEQ as Administrator of the Local Stormwater Management Program **(R2015-20)**

Mr. Padalino noted that originally the County was going to have a local VSMP and last year the state said that DEQ could administer the program if Counties opted out. He advised, that last March, the Board did vote to opt out and DEQ was now administering the local storm water program. He added that because of this, the local Ordinance needed to reflect that there was a state program. He noted that attorneys at Sands Anderson had modified the ordinance through a grant program and the County had never acted upon it. He noted that there were also a few language changes to have consistent formatting within the document.

Mr. Padalino reiterated this was a housekeeping measure to make sure this was reflected in the Zoning and Subdivision Ordinances and needed to be referred to the Planning Commission for public hearing and recommendation to the Board.

Ms. Brennan then moved to approve resolution **R2015-20** Referral of Amendments to the Nelson County Zoning and Subdivision Ordinances to the Nelson County Planning Commission, Incorporating the Designation of the Department of Environmental Quality as Administrator of Local Stormwater Management Program.

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 resolution was adopted:

**RESOLUTION R2015-20**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**REFERRAL OF AMENDMENTS TO NELSON COUNTY ZONING &**  
**SUBDIVISION ORDINANCES TO NELSON COUNTY PLANNING COMMISSION**  
**(INCORPORATING THE DESIGNATION OF THE DEPARTMENT OF**  
**ENVIRONMENTAL QUALITY (DEQ) AS ADMINISTRATOR OF LOCAL**  
**STORMWATER MANAGEMENT PROGRAM)**

**WHEREAS**, the Nelson County Board of Supervisors (the Board) has received and reviewed in public session conducted on March 10, 2015 a staff report on changes proposed to Appendix A-Zoning (Nelson County Zoning Ordinance) and Subdivision Ordinance of the Code of the County of Nelson, Virginia; and,

**WHEREAS**, the staff report proposed changes to the Zoning and Subdivision Ordinance in order for these Ordinances to reflect the County's decision to have the Virginia Department of Environmental Quality (DEQ) administer the Local Stormwater Management Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors, pursuant to the applicable provisions of Title 15.2 Chapter 22, Planning, Subdivision of Land and Zoning of the Code of Virginia, 1950 with specific reference to §15.2-2285 of said Code, that the proposed amendments of the Code of Nelson County to incorporate local Stormwater Management Program administration components be referred to the Nelson County Planning Commission for review and development of a report on the Commission's findings and recommendations to the Board in accordance with §15.2-2285 of the Code of Virginia.

D. Authorization for Public Hearing: Proposed Amendments to Zoning Ordinance, Addition of Artist Community (**R2015-21**)

Mr. Padalino presented the following staff report:

The Nelson County Planning Commission has recently initiated a proposed amendment to the Zoning Ordinance, pursuant to Zoning Ordinance §16-1-3. The proposed amendment would establish a new provision for conducting an "Artist Community" land use in the Agricultural (A-1) District. This issue was initially introduced by Mr. Gregory A. Smith, Executive Director for the Virginia Center for the Creative Arts (VCCA), which is currently located in Amherst County at Sweetbriar College, and which has expressed interest in potentially relocating to Nelson County.

This report contains a detailed description of the proposed amendments; a summary of the review process to date; and requests for further action by the Board of Supervisors (BOS).  
Summary of Amendment Process To-Date

- 11/19: At the November Planning Commission (PC) meeting, Mr. Smith of VCCA presented a request to the Nelson County Planning Commission to consider the possibility of initiating a Zoning Ordinance amendment that would create a new "Artists Community" land use and definition, as a permissible use in the Agricultural (A-1) District.
- 12/17: At the December PC meeting, (draft) recommendations were reviewed among PC members, County staff, and Mr. Smith.
- 1/28: At the January PC meeting, PC members and County staff discussed recommendations that had been revised to reflect the previous requests and suggestions made at the December PC meeting. The PC also directed staff to prepare for a public hearing to be conducted on this matter at the February 25th PC meeting.
- 2/25: At the February PC meeting, the Planning Commission conducted a public hearing in accordance with all applicable Code of Virginia and County Code requirements. The Legal

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Notice was advertised in the February 12th and 19th editions of the Nelson County Times. The only comments received during the public hearing were from Mr. Smith of VCCA; no other members of the public provided comments or posed questions. The PC voted unanimously (5-0) to recommend that the Board of Supervisors conduct a public hearing on the proposed amendments, and consider adopting the amendments as proposed.

Proposed Amendments (as reviewed at February 25th PC public hearing)

Article 2: "Definitions"

**Add the following definitions:**

*Artist Community:* A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. An artist community shall be a not-for-profit organization governed by a Board of Directors, managed by a professional staff, and focused on a specific mission.

*Artist Community Residencies:* time and space scheduled for resident artists to create work not at the artists' home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, and scheduled for a period not to exceed ninety-five (95) consecutive days.

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

Article 4: "Agricultural District (A-1)"

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

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

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

**Additional Details & Considerations:**

After the PC public hearing, Mr. Smith provided an email containing the following updates regarding various details and considerations of the Virginia Center for the Creative Arts (VCCA):

A. (Regarding taxation and economic impacts): The VCCA is a 501 (c) 3 not-for-profit organization. While the benefits to the County would not be in property taxes, the VCCA has at least three means of impact on the local economy:

1. The VCCA employs 20 people; about a third of whom are professionals, and two-thirds work in our food service, buildings & grounds, and clerical work – and are therefore drawn from the local population;

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2. Our employees, as well as the 400 resident artists (called “Fellows”), purchase goods and services such as: groceries, art supplies, haircuts, beer and wine, snow plowing services, gasoline & propane, building supplies, etc.; and

3. Some artists have bought properties in Central Virginia after spending time in residence at the VCCA.

While it would be difficult to quantify these impacts, the VCCA's annual operating budget is about \$1 million, and there are occasional capital purchases and projects on top of that. So we probably would have a similar impact to the [Ligmincha] Buddhist Center or Monroe Institute.

B. (Regarding specific properties in Nelson County): We [VCCA] are talking with a property owner about a possible gift of her 79-acre parcel, and are alternatively considering buying a site. Until the Zoning Text Amendment goes through the BOS, the VCCA won't act on either option.

**Requested Actions:**

In order for the proposed amendments to proceed, the Board would need to conduct a public hearing and then adopt a resolution to amend the Zoning Ordinance.

The first step in that process would be to authorize County staff to advertise for a public hearing to be conducted by the Board in accordance with all applicable Code of Virginia and County Code requirements. The next available Board meeting date for such a public hearing is April 14th.

Mr. Padalino noted that the amendment was driven by a tentative interest and there was no specific deal in place.

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Mr. Bruguere questioned why “nonprofit” was included in the definition and Mr. Padalino noted that this was included because if applied to a commercial interest, they could circumvent the ordinance and be a hotel etc. He added it was meant to be narrow.

Mr. Bruguere noted he was not in favor of the nonprofit requirement and Mr. Padalino advised that less than 20% of these were for profit. He added that this was a well-defined approval process etc. and was a quality control measure to keep out things that would disrupt A-1. Mr. Bruguere noted he thought this was similar to a conference center.

Ms. Brennan suggested that they hold a public hearing and get input on this; noting that it could be changed afterwards.

Ms. Brennan then moved to approve resolution **R2015-21**, Authorization for public hearing to Amend the Code of Nelson County, Virginia Appendix A, Zoning Ordinance, Article 2 (Definitions) and Article 4 (Agricultural A-1) to Include “Artist Community”

Mr. Hale seconded the motion and the following discussion ensued:

Mr. Bruguere questioned the difference between this and a conference center where participants were doing artist work. Mr. Padalino supposed that the main difference was the duration of stay; noting that twenty-one days was longer than the typical conference.

The Board then invited Mr. Smith, Executive Directive for Creative Arts VCCA to speak to the issue. He noted that the purpose of a Conference Center was to make money and educate attendees; whereas the purpose of an Artist Community was to create new art. He noted that 60% of the patrons were writers and that works of art go into the public domain and culture. He noted that there was no for profit interest in this as there was no profit to be made; it was only for the public good through the creation of art.

Mr. Bruguere reiterated that the designation bothered him as a requirement. It was noted that since VCCA was the only one in the state, and they had asked to start the process in Nelson; the way that they operated had been related and the definition came from that; they were non-profit so this was stipulated.

Mr. Carter asked if VCCA was tax exempt under the State Regulations and Mr. Smith noted that he thought so; however in terms of property taxes, they were located on property owned by Sweetbriar College and taxes were not paid.

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

**RESOLUTION R2015-21**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING**  
**TO AMEND THE CODE OF NELSON COUNTY, VIRGINIA**  
**APPENDIX A, ZONING ORDINANCE, ARTICLE 2 (DEFINITIONS) AND**  
**ARTICLE 4 (AGRICULTURAL DISTRICT A-1) TO INCLUDE**

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**“ARTIST COMMUNITY”**

**WHEREAS**, the Planning Commission has completed its review, held a public hearing, and has made its recommendation to the Board of Supervisors regarding proposed amendments to the Code of Nelson County, Appendix A, Zoning Ordinance, Article 2 (Definitions) and Article 4 (Agricultural District A-1) to include “Artist Community”,

**NOW THEREFORE BE IT RESOLVED**, that pursuant to §15.2-1427, §15.2-2204, and §15.2-2285 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on Tuesday, April 14, 2015 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an ordinance proposed for passage to amend Appendix A, Zoning Ordinance, Article 2 Definitions and Article 4 Agricultural District A-1 to include items regarding “Artist Community”.

E. Nelson County Animal Control Use of Force Policy (**R2015-22**)

Mr. Carter noted that the County had been operating the Animal Control department with the use of catch poles and padding etc. and as time had progressed, the Animal Control Officers (ACOs) had become certified in the use of pepper spray and batons. He noted that staff with Mr. Payne’s input had now established a use policy based on those used by other localities.

He added that the policy would authorize the use of pepper spray and batons and when certified, the use of Tasers. Mr. Carter then advised that the two current ACOs were certified in the use of pepper spray and batons, but not Tasers. He reiterated that this part of the policy would not apply until the ACOs were certified.

Ms. Brennan noted she was surprised to see Tasers included, however she noted it made sense and it permitted use on humans if necessary.

Mr. Carter noted that staff has had safety concerns over the years and that firearms may be in the future; however they would start with this.

Mr. Bruguere noted his approval, given that ACOs were often on site by themselves.

Mr. Hale noted that he thought that the section on knives could be removed.

Mr. Bruguere then moved to approve resolution **R2015-22** Approval of the Nelson County Animal Control Use of Force Policy.

Mr. Harvey questioned whether or not this policy should be maintained and the ACOs trained through the Sheriff’s Department. Mr. Carter advised that the ACOs received training through the Animal Control Academy and it was the same level of training as the Sheriff’s personnel.

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Mr. Hale then suggested that the OC in OC Spray be spelled out in the policy and that section D. on knives should be removed. He explained that this section was too restrictive and did not include a belt knife. It was noted that OC stood for Oleoresin Capsicum and Mr. Payne noted no objection to these changes. Mr. Hale then read aloud Section D. on Knives as follows:

“Knives are not issued by the Animal Control Division. However, officers are authorized to carry a folding knife in a pocket or in a sheath on the belt.”

Ms. Brennan suggested keeping this section, but removing the folding part of the description. Mr. Hale then also suggested keeping the knife section and simply saying “ACOs are authorized to carry knives”.

Mr. Bruguere then amended his motion to include Mr. Hale’s suggestions regarding OC spray and the section on knives.

Mr. Hale seconded the amended motion with these changes and Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2015-22  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF THE NELSON COUNTY ANIMAL CONTROL  
USE OF FORCE POLICY**

**WHEREAS**, Nelson County Animal Control does not currently have a policy on the use of force by Animal Control Officers, and

**WHEREAS**, a standard operating policy on the use of force by Animal Control Officers would provide guidance on the use of physical force, would ensure that members of Animal Control use only the force reasonably necessary to accomplish lawful objectives, and would explain the issued equipment that may be used in response to physical threats,

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that the Nelson County Animal Control Use of Force Policy be approved as attached and is hereby incorporated by reference as a part of this resolution.

**NELSON COUNTY ANIMAL CONTROL  
USE OF FORCE POLICY  
ADOPTED MARCH 10, 2015**

I. Purpose

The purpose of this Standard Operating Policy is to provide guidance on the use of physical force and to ensure that members of Animal Control use only the force

reasonably necessary to accomplish lawful objectives and to explain issued equipment that may be used in response to physical threats.

## II. Policy

Nelson County Animal Control Officers shall exert only the minimum amount of force necessary to reduce the level of resistance to law enforcement efforts. Use of Force applies to the equipment issued by Nelson County, as well as any other items which could be used as a weapon, including a motor vehicle.

## III. Procedure

- A. The use of physical, non-deadly force is authorized in circumstances when:
  - 1. An escalation of force is justified by the actions of a subject.
  - 2. In self-defense of a third party or if circumstances warrant the immediate use of force.
- B. When use of physical force results in injury, it shall be reported appropriately and the injury treated
- C. Only equipment issued or approved by the County Administrator may be carried by officers.
- D. Equipment will be issued to Officers who have completed the required initial training in the proper operation and maintenance of each type of equipment issued to them.

## IV. Approved Equipment

- A. O/C -Oleoresin Capsicum Spray (Pepper Spray)
  - 1. All field officers are required to carry O/C spray while on duty.
  - 2. Officers are authorized to carry O/C spray while off duty.
  - 3. O/C spray should be discharged at a distance of three (3) to ten (10) feet from the intended subject.
  - 4. O/C spray should be discharged in two (2) one second bursts directed towards the eyes of the intended subject. No more than four (4) one (1) second bursts may be fired directly into the eyes, unless the officer is in immediate danger of serious injury or death.
  - 5. Medical treatment: Animals are not required to be transported to a veterinarian unless the animal is in need of medical treatment. Individuals who have been exposed to O/C spray in other than a controlled training environment, shall be transported to the hospital for treatment as soon as possible after exposure.

B. ASP Tactical Baton

1. Only non-lethal areas may be struck with the ASP Tactical Baton unless deadly force is justified.
2. Medical treatment: Any subject who has obviously been injured or any person who claims to have been injured shall be transported to a hospital for medical treatment. Any animal that has obviously been injured shall be transported to a licensed veterinarian for treatment.

C. Taser

1. Animal Control Officers will be issued Tasers after they have completed the required initial training in the proper operation and maintenance of the device, and they will receive re-certification annually.
2. All Animal Control Officers will conduct the appropriate testing as required or according to manufacturer's specifications of the Taser at the beginning of their shift and document the test was completed and any problems noted. Failure to complete a daily test will result in disciplinary action.
3. Use of Taser on Animals
  - a) Animal Control employees will use the lowest level of force necessary to capture or immobilize animals. Authorized Animal Control Officers may employ Tasers whenever they determine that it is the appropriate level of force necessary to capture animals and to protect the public or themselves from animals that may be aggressive or vicious. A Taser device should never be pointed at an animal unless there is justification for its anticipated use.
  - b) When an officer determines that an animal is going to be shot with the Taser, the following actions will be taken:
    - 1) Either another Animal Control Officer or a Nelson County law enforcement officer should be present and standing by with a Ketch-Pole.
    - 2) Prior to firing the Tasers, officers need to shout in a loud manner "Taser, Taser, Taser" to alert anyone in the area of the imminent deployment.
    - 3) Officers will be alert to human beings in the immediate vicinity to minimize the risk of human contact with the deployment of the Taser.

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- c) Once the animal has been shot with the Taser, it can be secured and controlled by use of the Ketch Pole. The only exception to this is when the Taser is used to protect the public or an officer from an imminent attack from an aggressive animal.
  - d) Officers should avoid directly aiming at the head or face of an animal. The projectiles may cause significant damage to the eye if they impact directly. Officers should rotate the Taser so it is perpendicular to the ground before discharging the weapon. This procedure will give the darts a greater probability of striking along the body of the animal avoiding the head and face area.
  - e) After an animal has been shot with the Taser, and secured by the Ketch-Pole if possible, the officer is to remove the hooks from an animal.
  - f) Once the animal has been secured in the Animal Control Vehicle, the officer must evaluate the animal to see if it is in any immediate distress as a result of the Taser use. This is done so that if the animal is in need of veterinary treatment, information can be provided regarding any medical concerns.
  - g) Whenever the Taser is discharged, Officers will notify a supervisor as soon as possible. The discharge incident will be documented on a special report describing the incident in detail. If there is an accidental discharge, this occurrence will also be documented on a special report. The spent cartridge should be removed from the Taser whenever it is fired, and will be given to a supervisor. Reports shall be completed by the end of the officer's shift.
  - h) In addition to the special report, a Taser Use Report must be completed and should include witness information, approximate distance from animal, distance between the two probes, whether the probes caused any visible injuries, number of cycles applied and animal's response to the use of the device, and the animal's condition immediately afterwards.
  - i) Tasers are to be utilized for smaller animals and are not intended for use against animals weighing over 200 to 300 pounds.
  - j) Officers are not permitted to carry Tasers while off duty.
4. Use of Tasers on Human Beings
- a) Officers will not discharge Tasers at people except in extreme circumstances. Officers may use any weapon, object or means available to defend their life in any situation where the degree of violence has progressed to the point where

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a reasonable officer in the same circumstances would have concluded that a threat existed justifying the particular use of force.

- b. A Taser should not generally be used against or around, pregnant women, elderly persons, young children, and visibly frail persons unless exigent circumstances exist.
- c. Individuals, who have been Tased, other than in a controlled training environment, shall be transported to the hospital for treatment as soon as possible after exposure. Officers will contact Dispatch to have medical personnel respond to the scene.

D. Knives

- 1. Knives are not issued by the Animal Control Department; however, Officers are authorized to carry them.

F. FY15-16 Budget Introduction

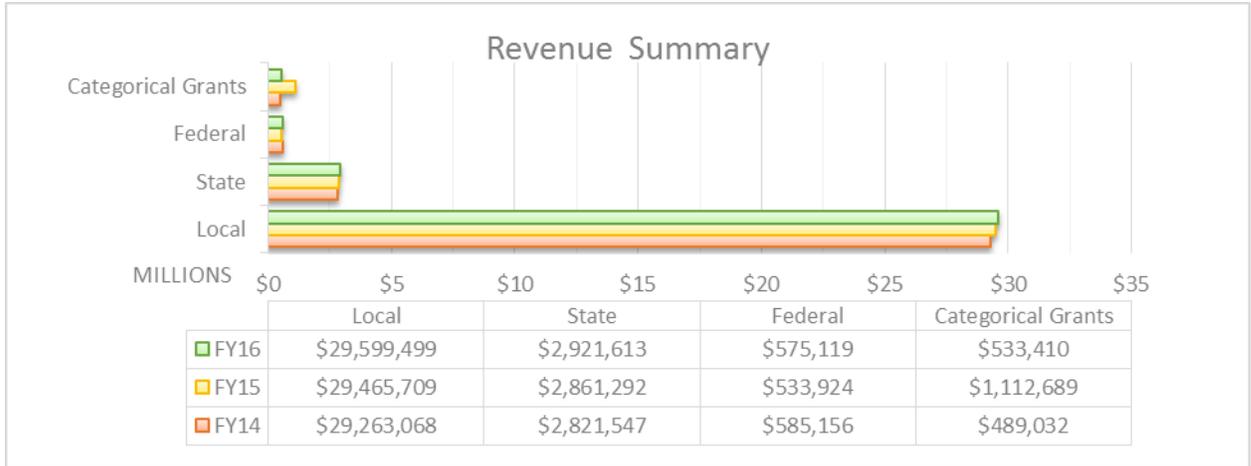
Ms. McCann distributed budget packets to the Board and then reviewed the following:

**March 10, 2015--FY16 General Fund Budget Summary**

**OVERALL REVENUES**

Overall, General Fund Revenues inclusive of use of fund balance are projected to increase by \$1.2 million (3.5%) over the current FY15 budget. Primary sources of revenue include local, state and federal.

The three year trend in the major sources of revenue are depicted in the graph below. Other than grants, which typically can show strong fluctuations, other types of revenue reflect only marginal increases. Average annual increases of revenue over the 3 year period is 3.2% for federal, 1.7% for state, and 1.4% for local.



**LOCAL REVENUE**

**General Property Taxes**

General Property taxes continue to represent the largest source of General Fund Revenues (66%). The FY16 projection reflects an increase of \$592,000 over the current budget. This increase represents 49% of the overall revenue increase. General Property Taxes include Real and Personal Property, Machinery and Tools tax, and Public Service tax. Also included is delinquent tax collections, penalties, and interest. Tax rates are established on a calendar year basis even though the county budget is presented on a fiscal year basis (July-June). For example, the FY16 budget will include the second half tax billing for calendar year 2015 and the first half billing for calendar year 2016.

**Real Estate Tax** is the largest source of revenue for the county and is expected to generate 17.5 million in FY16. This represents a \$342,641 increase over the FY15 budget amount. The FY16 projection assumes the current tax rate of \$0.72 per \$100 assessed value and 1% growth in value for both CY2015 and CY2016. The Calendar Year 2014 value of taxable real estate after Land Use deferrals and elderly/veteran tax relief is \$2.4 billion (\$2,428,764,250) which generates approximately \$230,500 of estimated collectible real estate tax revenues for each penny of the tax rate. Comparatively, the value of the penny using the 1% growth estimates would be \$232,800 for 2015 and \$235,100 for 2016.

**Public Service tax** is levied on the real estate and personal property owned by railroads, utilities, pipelines, and other businesses required to register with the State Corporation Commission (SCC). Public Service Corporation assessments are prepared by the Virginia Department of Taxation and the SCC. The Department of Taxation conducts an annual statewide sales study of real property to determine current fair market values. A ratio is established comparing the results of the annual sales study to locally assessed values which is then applied to public service values prepared by the SCC. Public Service tax is expected to generate \$770,000 in FY16 which reflects an increase of \$241,210 over the FY15 budget amount. The FY15 budgetary estimate was based on an assumption of reduced values

similar to the trend from the 2014 county reassessment. However, utility property maintained market value and experienced growth.

Ms. McCann added that the 2014 ratio should have been 100% because it was a reassessment year and this included real and personal property taxes. Mr. Hale noted that CVEC had upgraded its transmission lines also, and Ms. McCann added that the increase could also be attributable to the increase in the personal property tax rate. Mr. Carter noted that the NCBA towers were not taxable since they were owned by the County and leased to the NCBA; however he noted cell towers were taxed.

**Personal Property Tax** is levied on vehicles and other tangible non-real estate property. Qualified vehicles are eligible for a pro rata share of personal property tax relief (PPTR) which the state provides to the county as a fixed payment of \$1.7 million. Personal Property tax collections and the tax relief payment from the state in FY16 are projected to decrease by less than 1% from the FY15 budget amount. In fact, projections for FY15 are anticipated to come in \$33,000 less than budget. The current tax rate (CY2014) is \$3.45 per \$100 of assessed value which is an increase over the CY2013 rate of \$2.95. The FY16 budget assumes no change in the tax rate.

**Mobile Home Tax** is levied on manufactured homes not classified as real estate. Mobile Homes are assessed as tangible personal property, yet taxed at the real estate property tax rate. Mobile Home tax is expected to generate \$30,000 in FY16 which is no change from the FY15 budget amount.

**Machinery and Tools Tax** is levied on certain business equipment used in manufacturing and certain other commercial activities. This tax is anticipated to generate \$12,000 in FY16, an increase of \$2,000 over the FY15 budget. Machinery and Tools Tax represents less than ¼ percent of overall General Property Taxes. The statutory tax rate is \$1.25 per \$100 assessed value based on original cost. However, an assessment ratio is applied to the value as follows:

Tax Years	Ratio (%)	Effective Rate per \$100
1 to 5	40	\$0.50
6 to 10	30	\$0.38
11 to 15	20	\$0.25
16 plus	10	\$0.13

**Late Tax Penalties and Interest** is anticipated to generate \$355,000 in FY16 which is an increase of \$20,000 over the FY15 budget. A ten percent penalty is charged the day after the due date and ten percent annual interest is accrued beginning 25 days after the due date. Delinquent tax collections continue to be a significant portion of overall property tax collections and are reflected in the budget within each category of tax. Delinquent real estate collections are anticipated to be about \$960,000 in FY16. Personal Property delinquent collections are anticipated to be approximately \$385,000. Together delinquent

tax collections and associated penalty and interest make up 7% of all General Property Taxes.

Ms. McCann noted that a lot of the June tax billing did not get paid until July which was a new fiscal year and Mr. Carter noted the County had an aggressive collection program in place.

**Other Local Revenue**

In addition to property taxes, local revenue generally includes other local taxes (utility, vehicle license, recordation, meals, and lodging), permits and license fees, court fines and fees, interest earnings, and various recovered costs. Other local revenue is expected to generate over \$5.65 million in FY16 which is an increase of \$130,571 over the FY15 budget amount. Significant changes are noted in the chart below.

<b>FY15 to FY16</b>	<b>Changes</b>
Local Sales Tax	\$26,320
Utility Tax	\$12,289
Meals & Lodging Tax	\$133,500
Building Permits	\$15,000
Tax Sale Proceeds	\$25,000
Land Use Application Fees	-\$70,000
Colleen Connection Fees	-\$19,262

Ms. McCann noted that the decrease in Land Use Application revenues was because there was a surge in fees close to reassessment and then it dropped off. She noted that those in land use had to reapply every six (6) years and the majority of this revenue hits in the year of reassessment.

Ms. McCann then noted that there was a large Colleen connection fee in the current year that would not reoccur in next fiscal year.

**STATE REVENUE**

State revenues, excluding non-recurring grants, are anticipated to increase by \$20,056 in FY16 from the FY15 budget amount. State revenues include **non-categorical aid** from motor vehicle carriers tax, mobile home titling tax, deeds tax, and communications sales tax. Non-categorical aid is anticipated to generate \$645,000 in FY16 which is a decrease of \$8,000 from FY15.

**Categorical state aid** primarily provides for at risk youth programs (CSA) and public assistance and welfare programs. Increases in funding for public assistance is the most significant factor contributing to the overall increase expected in state revenues. The

County expects to receive \$875,000 in categorical state aid in FY16 which is an increase of almost \$15,000.

The largest source of state funding relates to **state shared expenses**. State shared expenses represent the State's share of activities that are considered to be a shared state and local responsibility. Shared responsibilities include Constitutional Offices and the Registrar/Electoral Board. State shared expenses are expected to be \$1.4 million which is an increase of \$13,000 from FY15.

Ms. McCann noted that this increase was due to the restoration of State Aid to Localities funding.

### **FEDERAL REVENUE**

Federal revenue, excluding non-recurring grants, is expected to provide \$575,000 in FY16. This is a \$42,000 or 7.9% increase over the FY15 budget amount. Federal funding includes payment in lieu of taxes and public assistance and welfare. Payments in lieu of taxes have historically been received for forest land located in Nelson County. These funds must be approved during the federal budget process. Federal funds are also received for public assistance and welfare programs and are the largest source of ongoing federal funding. Public assistance funds are expected to increase by \$42,000 accounting for the overall increase in federal revenue.

### **STATE AND FEDERAL GRANTS**

In FY16, the county expects to receive \$533,410 in non-recurring grants from state and federal sources. This reflects a decrease of \$70,714 from FY15. Grants are generally not budgeted until they are awarded. Some grants may be awarded mid-year and amended into the budget at the time of award.

### **USE OF FUND BALANCE**

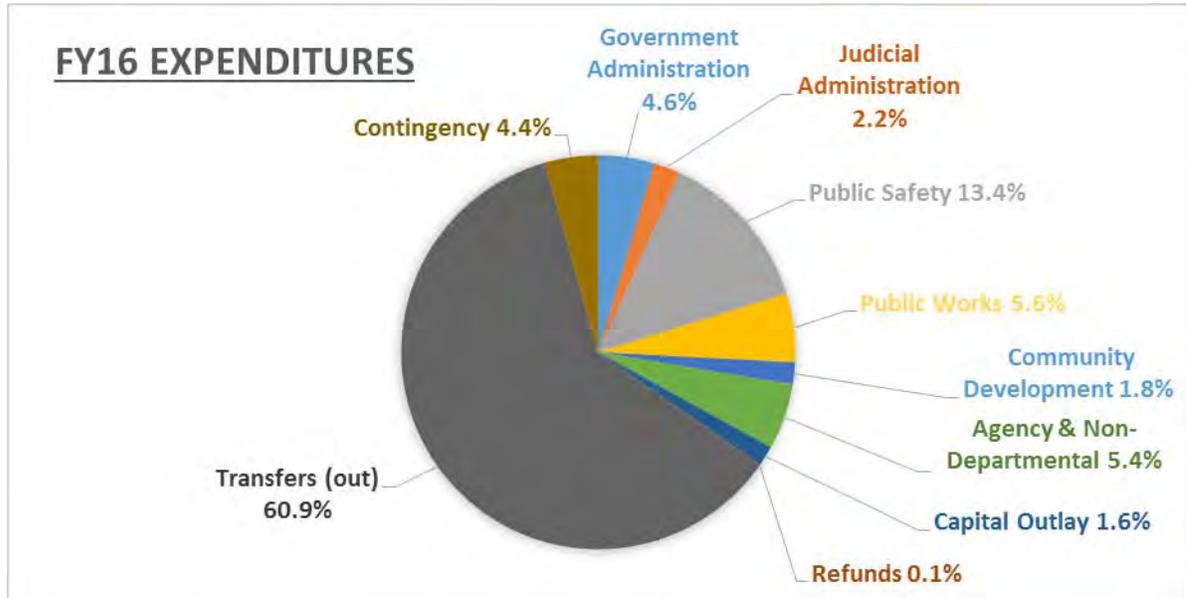
The FY16 proposed budget anticipates the use of \$2.8 million in fund balance which is an increase of about \$500,000 from the FY15 budget. Of the \$2.8 million, about \$1.4 million is carryover from FY15 resulting from \$60,500 in unexpended funds for Broadband Improvements and \$1,348,601 in unexpended contingency funding. The County also expects to use about \$1.4 million for the existing courthouse renovation project to reduce the amount of borrowed funds for the project.

Ms. McCann noted that the remaining part of the set-aside of \$2,000,000 was already in the Courthouse fund to cover Architectural and Engineering fees for the courthouse renovation project, so these funds did not have to be moved.

### **OVERALL EXPENDITURES**

Overall, recommended expenditures in FY16 are increasing by 1.2 million primarily due to the inclusion of fund balance to reduce the amount financed for renovation of the existing courthouse. Total recommended expenditures for FY16 is \$36.4 million as compared to the current FY15 budget of \$35.2 million. The graph below reflects the allocation of FY16 expenditures between the various categories of expense. Transfers is by far the largest

category of expense which includes funding for the School Division, Social Services, and Debt Service.



Supervisors inquired as to what percentage of the total Transfers was related to the transfer to Schools and Ms. McCann noted that she would have to look that up; however she noted that the total Transfers were \$22,000,000 and the transfer to schools for operations was approximately \$14,000,000.

### **Government Administration**

Government Administration includes the Board of Supervisors and the following departmental operations: 1)County Administration 2)County Attorney 3)Commissioner of Revenue 4)Treasurer 5) Finance & Accounting 6)Technology 7)Land Use Panel 8)Board of Elections 9)Registrar. Overall, governmental administration expenditures are recommended at \$1.68 million which reflects a decrease of \$61,000 from the FY15 current budget. An increase of 8.5% in health insurance premiums add \$9,900 to administration expenditures in FY16. The most significant decreases were within the Board of Supervisors, Finance & Accounting, and Technology budgets. These decreases are attributable to non-recurring expense items or changes in personnel from FY15 to FY16.

### **Judicial Administration**

Judicial Administration includes operational expense for General District Court, J&D District Court, Court Services Unit, Circuit Court, and the Commonwealth Attorney. Judicial Administration expenditures for FY16 are recommended at \$787,000 which is an increase of \$9,351 over the FY15 budget. The increases are primarily attributable to the health insurance increase within the Circuit Court Clerk and Commonwealth Attorney budgets.

## **Public Safety**

Public Safety includes operational expense for the Sheriff, Public Safety (Emergency Services), Emergency Services Council, E911 Program, Forest Fire Service, Paid EMS, Regional Jail, Building Inspections, Animal Control, and Medical Examiner. Public Safety expenditures for FY16 are recommended at just under \$4.9 million which is an overall increase of \$13,636 from the FY15 budget. The increase in health insurance adds about \$46,000 plus \$26,484 is added to make one part-time Animal Control Officer full-time. The E911 Program reflects an increase of \$114,000 which includes increased maintenance cost for the radio system and adds \$54,733 for upgrade of the recording system. However, the upgrade of the recording system is 100% offset by grant funds. Due to a lower jail population trend, the regional jail expense is expected to be \$114,000 less than in FY15. The Paid EMS program reflects an increase of \$45,000 which is primarily the impact of a 3% pay adjustment for employees with associated benefit costs and the purchase of an auto-CPR device. The Sheriff's Department budget reflects an overall reduction of \$62,000 which is primarily due to \$73,000 in non-recurring grants within the Sheriff's FY15 budget.

## **Public Works**

Public Works includes operation expense for Waste Management, Building and Grounds, and the Motor Pool. Public Works expenditure for FY16 are recommended at just over \$2 million which is an \$18,785 increase over FY15. This increase is reflective of the health insurance increase as well as anticipated increases in solid waste transportation cost and electric service expense. The Motor Pool budget includes the purchase of 2 police vehicles which is the same number of police vehicles purchased in FY15.

## **Recreation & Community Development**

Recreation and Community Development includes operation expense for Recreation, Planning, and Tourism/Economic Development. The overall budget for FY16 reflects a reduction of \$1,371. This sector had increased health insurance expense of \$3,500 and various other incremental reductions.

## **Agencies & Non-Departmental**

Agencies and other Non-Departmental expense increased by \$53,000. Agencies were level funded and no new agencies received funding. Non-Departmental funding includes \$135,000 for a 3% pay adjustment for county employees and reflects a reduction in the Crozet Tunnel Project budget.

## **Capital Outlay**

Capital Outlay expenditures in FY16 are expected to decrease by \$1.1 million. This is primarily due to the completion of the radio project in FY15. The following capital expense is proposed for FY16.

Voting Equipment	120,050
Callohill Bldg. Renovation	\$100,000
Emergency Services Vehicles	\$320,000
Broadband Network Improvements	\$60,500
Total Capital Outlay	\$600,550

Ms. McCann noted that the Board had approved to cover 50% of the cost of an ambulance and 80% on a fire truck, which accounted for the budgeted amount for Emergency Services Vehicles.

**Refunds**

Revenue refunds are anticipated to remain at \$30,000 in FY16.

**Transfers**

This category of expenditure reflects funds moved to various other accounting funds and is by far the largest category of expenditures. Transfers are proposed for the 1)Debt Service Fund 2)Reassessment Fund 3)Broadband Fund 4)VPA (Social Services) Fund 5)Piney River Water/Sewer 6)Courthouse Project Fund and 7)School Fund. Overall Transfer Expenditures in FY16 are proposed at \$22.2 million which is an increase of \$2.2 million from FY15.

Changes in Transfers are denoted in the chart below.

Fund Category	Change
Debt Service (new CH Debt)	\$100,721
Broadband (planning study)	\$50,000
CDBG Broadband Grant Match	\$100,000
Courthouse Project	\$1,426,225
VPA (Social Services)	\$70,148
School Operations (3% COLA)	\$517,300
School Capital	-\$58,221
Overall Increase	\$2,206,173

Ms. McCann noted that the Debt Service on the new Courthouse Debt was interest only, the increase in VPA funds was from Federal and State increases in funding; not local, and nothing had been allocated yet for School Capital since no request had been received yet from the Schools.

Please note that the School Board budget request will not be approved until March 12<sup>th</sup>. As such, the requested school budget is denoted using the FY15 approved budget amounts with the changes noted above as recommendations. Once the approved budget request is received, school funding will need to be reconsidered.

**Contingency**

Contingency Reserves are expected to be almost \$1.6 million (Recurring-\$1,256,700, Non-Recurring-\$340,051). This is an increase of about \$139,000 from FY15.

**Expenditure Considerations**

Attached is a list of considerations detailing the more significant changes requested within the various departments. The list indicates the cost for each item and whether or not funding is included in the draft budget.

**Considerations:**

<u>Department</u>		<u>1St Draft Budget</u>
<b>Sheriff</b>		
PT Clerical to Full Time	\$23,845	Not Funded
3 Ballistic Vests	\$1,740	Funded
<b>Emergency Services Council</b>		
New Cost of Fire Equipment Testing	\$5,678	Funded
Training & Supplies (FY14 funding was \$10,000)	\$15,000	Funded
Expense Reimbursement Savings FY14 to FY15	-\$8,766	
<b>E911 Program</b>		
Emergency Notification System	\$8,500	Not Funded
Increased Radio Maintenance	\$47,350	Funded
Recording System Upgrade {PSAP Grant}	\$54,733	Grant Funded
<b>Paid EMS</b>		
Additional Coverage 7A-5P Sat/Sun	\$41,600	Not Funded
3% Employee COLA	\$15,323	Funded
Additional Health Insurance Contribution	\$9,086	Funded
Auto CPR Device-County Ambulance \$	13,500	Funded
<b>Building Inspections</b>		
FT Asst. Building Code Official	\$58,576	Not Funded
<b>Animal Control</b>		
PT ACO to Full Time	\$26,484	Funded
PT Shelter Attendant to Full Time	\$20,446	Not Funded

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**Motor Pool**

2 Sheriff Vehicles (1 Dodge Charger/1 Ford)	\$64,350	Funded
2 Vehicle camera systems	\$7,868	Funded
2 Building Inspections Vehicles (Ford Explorers)	\$60,000	Not Funded

**Planning**

Summer Intern	\$3,869	Not Funded
FT Planner	\$56,584	Not Funded

**Non-Departmental**

3% COLA for County Employees & assoc.benefit cost	\$135,000	Funded
8.5% Health Insurance Increase (within each dept)	\$59,078	Funded

**Agencies Requesting Increased Funding**

Health Department	\$678	Not Funded
Region Ten	\$12,809	Not Funded
Regional Library	\$8,730	Not funded
JAUNT	\$16,740	Not Funded
MACAA	\$3,996	Not Funded
Shelter for Help	\$356	Not Funded
OAR	\$3,500	Not Funded
Nelson County EDA	\$3,400	Not Funded

**Fiscal Year 2015-2016 Proposed Budget Calendar**

- March 10, 2015 (Regular 2 PM Session): Budget Presentation and Overview
- March 17, 2015 (Tuesday, 4-6 PM): Budget Work Session
- March 24, 2015 (Tuesday, 1-5 PM): Overviews by Constitutional Officers and Dept. Heads
- March 31, 2015 (Tuesday, 4-6 PM): Overviews by Agencies
- April 7 or 9, 2015 (Tuesday/Thursday): Proposed joint meeting with School Board
- April 16, 2015 (Thursday, 4-6 PM): Budget Work Session
- April 21, 2015 (Tuesday, 4-6 PM): Budget Work Session
- April 28, 2015 (Tuesday, 4-6 PM): Budget Work Session/Schedule Public Hearing Date
- June 9, 2015 (Regular 2 PM Session): Adopt/Appropriate Fiscal Year 2015-2016 Budget

Supervisors and staff discussed the proposed budget calendar and Mr. Hale suggested meeting on Thursdays, the 19th, 26th, and 31st and then determining more dates after these.

Supervisors then agreed by consensus to meet for budget work sessions on Thursday, March 19th from 4-6pm, Thursday, March 26, 2015 from 1-5 pm, and Thursday March 31, 2015 from 4-6pm, all in the General District Courtroom.

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Staff noted that the School Board had listed April 9th for a joint meeting with the Board and they would check on this. Mr. Harvey noted he wanted to have a dedicated night to meet with them.

G. Closed Session Pursuant to State Code §2.2-3711 (A) (2), Consultation With Legal Counsel Pertaining to Actual Litigation

Mr. Hale moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code § 2.2-3711(A) (7): Consultation with legal counsel and briefing by staff members pertaining to actual litigation. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

The Closed Session was conducted and upon its conclusion, Ms. Brennan moved to come out of closed session and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Supervisors then reconvened in open session and Mr. Hale moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

H. *Introduced: Introduced Resolution R2015-24, Resolution Petitioning Atlantic Coast Pipeline LLC and the Federal Energy Regulatory Commission to Consider a Preferred Route That Minimizes the Use of Eminent Domain Takings of Personal Property.*

Ms. Brennan introduced resolution **R2015-24**, read it aloud and moved to approve the resolution. Mr. Hale seconded the motion and the Board discussed the following:

Mr. Harvey pointed out that he was not sure that people were seeing that Atlantic Coast Pipeline LLC was a brand new LLC and it was not Dominion Power. He added that the LLC had served the property owners with the lawsuits.

Mr. Bruguere inquired as to whether or not the existing utility right of way corridors could be identified and Mr. Hale and Ms. Brennan noted they could and sited the 300 foot wide easement at Jarmon's Gap and the 500 foot wide one across the Shenandoah National Park. They added that they had been investigated and did exist.

Mr. Hale then echoed Mr. Harvey's sentiments and added that one hardly knew who they were dealing with, noting that now there was Atlantic Coast Pipeline LLC.

There being no further discussion, Mr. Saunders called for the vote and Supervisors voted 3-1-1 to approve the motion, with Mr. Hale, Mr. Harvey, and Ms. Brennan voting Yes, Mr. Bruguere voting No, and Mr. Saunders abstaining.

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Ms. Brennan and Mr. Saunders debated whether or not Mr. Saunders could abstain without providing a reason and Mr. Saunders subsequently changed his abstention to a No vote.

Resolution **R2015-24** was adopted (3-2) with Mr. Hale, Mr. Harvey, and Ms. Brennan voting Yes and Mr. Bruguere and Mr. Saunders voting No as follows:

**RESOLUTION R2015-24**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION PETITIONING ATLANTIC COAST PIPELINE LLC AND THE**  
**FEDERAL ENERGY REGULATORY COMMISSION TO CONSIDER A**  
**PREFERRED ROUTE THAT MINIMIZES THE USE OF EMINENT DOMAIN**  
**TAKINGS OF PERSONAL PROPERTY**

**WHEREAS**, ninety-four percent (94%) of the Atlantic Coast Pipeline is proposed to be constructed on privately owned land potentially requiring the use of eminent domain against private property owners; and

**WHEREAS**, the proposed Atlantic Coast pipeline would cross the properties of over 200 landowners in Nelson County; and

**WHEREAS**, a preponderance of these property owners have denied Dominion and their agents permission to survey their land; and

**WHEREAS**, Dominion is prepared to initiate eminent domain proceedings against Nelson County property owners who oppose the construction of the Atlantic Coast Pipeline across their property; and

**WHEREAS**, Dominion has taken no action to minimize eminent domain takings in Nelson County by proposing a route using existing rights of way that would minimize or eliminate the need for use of eminent domain against property owners in Nelson County; and

**WHEREAS**, the majority of Nelson County citizens are opposed to the construction of the Atlantic Coast Pipeline across private properties in Nelson County;

**WHEREAS**, Federal law requires the consideration of route alternatives to minimize environmental impacts to communities along the path of the ACP; and

**WHEREAS**, co-location options with other utility easements are possible for the ACP, and

**WHEREAS**, the Nelson County Board of Supervisors has previously passed Resolution R2014-67 opposing the construction and operation of the Atlantic Coast Pipeline in Nelson County, and

**WHEREAS**, nothing in the newly proposed alternative routes through Nelson County has altered the concerns expressed in the previous resolution,

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**NOW, THEREFORE, BE IT RESOLVED** that the Nelson County Board of Supervisors reaffirms its opposition to the construction and operation of the Atlantic Coast Pipeline in Nelson County, and

**BE IT FURTHER RESOLVED**, that the Board hereby petitions the Atlantic Coast Pipeline LLC to create a preferred route for the ACP that co-locates within existing utility corridors to the maximum extent possible thus minimizing or eliminating the need for eminent domain against private property owners, and

**BE IT FINALLY RESOLVED**, that the Board hereby petitions the Federal Energy Regulatory Commission to require that Atlantic Coast Pipeline LLC proffer a preferred, responsible route and a corresponding cost analysis that minimizes the use of eminent domain and maximizes the use of existing rights of way and property easements.

Mr. Saunders then noted for the public that he thought that information in the resolution was incorrect and if it were corrected he would vote in favor of it. He added that he agreed with the resolution but disagreed with some of the facts it contained.

Mr. Carter then inquired as to whether or not the Board wanted to meet with Dominion.

Mr. Bruguiere noted that he thought it was up to the Board to meet with Dominion in an open forum to ask questions with no public participation. He added he would like to nail them down to the route and ask other questions. Mr. Harvey disagreed and stated that he thought meeting with them was acknowledging that they were wanted in the County and he did not want them here.

Mr. Hale then noted that it was not their responsibility to address specific properties. He added that he would want to ask any questions they wanted and was not against a public meeting with them. He added that he did not think doing this would change anything; however he would go along with it noting it would give the Board the opportunity to ask questions.

Mr. Harvey noted that they were not answering the Board's questions because they did not have to and Mr. Hale agreed.

Ms. Brennan indicated she was only willing to do it if they were going to answer questions, the meeting was held in the evening, and the public could submit their questions to the Board.

Mr. Saunders suggested the meeting could be held at the High School and noted he thought they should talk to them one more time.

Mr. Harvey noted that he had been pleased with the public, who have been courteous and have done their homework.

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Ms. Brennan noted that that Dominion had put out one more route only a week ago and Mr. Harvey noted that the pipeline had the potential to be the most devastating thing to the County ever.

Mr. Saunders noted that he has gotten many calls in favor of it. He noted that he was neutral himself and was not going to campaign for or against it.

Mr. Hale also noted that he had gotten a call from a constituent who was in favor of it; whose husband worked on pipelines and he noted no objection to further public discussion on this.

Mr. Carter advised that the County had received notice from FERC of their intent to prepare an environmental statement and he suggested that once the preliminary draft environmental impact statement (EIS) was drafted would be the time to meet and get closure on many of their questions given that it was presently indeterminate what they were going to do. Mr. Carter added that the EIS was prior to the submission of the application and specific questions would be answered. Supervisors disagreed and noted that they will have decided the route by then.

Mr. Saunders suggested that they should have the meeting sooner rather than later. Ms. Brennan noted they would have to pick a date that would suit everyone, giving the public at least two (2) weeks prior notice.

Supervisors agreed by consensus to hold the meeting with Dominion and allow enough time for proper notice and the submission of questions. They further agreed to decide the format of the meeting and date by the next meeting.

Ms. Brennan then noted that she thought the FERC scoping meeting would be moved to the end of April. She then asked the Board's interest in having Mr. Charlie Banks, the State Floodplain Program Manager, do a presentation on floodplains at the next Board meeting in April. Supervisors agreed by consensus to schedule Mr. Banks to report at the April Board meeting.

#### *I. Introduced: Request for Board Endorsement of TJSWCD Grant Application*

Mr. Hale noted that the Thomas Jefferson Soil and Water Conservation District was interested in outreach and cost share assistance in the Tye River Watershed for TMDL mitigation. He noted that they have asked if the County would support their grant application for funding that would reduce bacterial pollution there over the next two (2) years. He noted this to be an identical program to what had been done in the Rockfish River Watershed area.

Mr. Hale then moved that the Board approve the Chair signing the letter signifying their support of the program. Ms. Brennan seconded the motion.

Mr. Hale noted that they have had one year of the program in the Rockfish area.

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Mr. Bruguere noted that they had signed the same letter at the Farm Bureau and Mr. Hale added that the application needed to be in by March 20<sup>th</sup> which was why it was being requested at the last minute.

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

## V. Reports, Appointments, Directives, and Correspondence

### A. Reports

#### 1. County Administrator's Report

Mr. Carter reported the following:

**1. Courthouse Project Phase II:** Architectural Partners is in process with final project design. A projected bid date is early June 2015 with project financing to be obtained based upon an acceptable low bid proposal

**2. Broadband:** Development of the Local Innovation Grant Program funded project to add 8.1 miles to the fiber network is in early development. A project agreement with VA-DHCD is pending receipt.

**3. BR Tunnel and BR Railway Trail Projects:** a) **BRRT** – Project close out by VDOT is in process. b) **BRT** – Completion of Phase 1 is projected to be the first of May. Development of Phase 2 is in process. A decision on the County's Phase 3 TAP grant application is pending.

**4. Radio Project:** The project is operational. Additional system evaluation is in process.

Mr. Hale noted that the pagers were still not working properly and Mr. Harvey showed him a texting function that they could get on their phones. Mr. Hale noted that the patch was implemented and Faber could not hear anything on pagers. Mr. Harvey then advised that they use their walkies as there were a limited of folks that did not have these. He added that if the member had a cell phone, they could get the call and know the details.

It was also noted that the pagers were analog and digital pagers could not be bought; which meant they had to page on analog. It was also noted that once the patch was cut out, so was the interference.

Mr. Carter noted that the cell phone enhancement was just done and if squads had a problem, they should take it to their captain and bring it through proper channels. It was supposed that most of the folks complaining just wanted a scanner.

Mr. Bruguere noted that the radios were clear and there was no static. Mr. Harvey advised that the next step was to locate the call off of a map and then notify everyone else that you

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were going to the firehouse. Mr. Hale supposed this function was dependent upon whether a person had a smartphone and coverage.

Mr. Carter then advised that it would be good if these things were coordinated internally so everyone knew who was doing what on a call and Mr. Harvey added that duty crews could be established in the departments.

**5. Lovingson Health Care Center:** No update(s) to report.

**6. Solid Waste - Region 2000 Service Authority:** The Authority is proceeding with a state required update of its Solid Waste Management Plan. Authority staff are also in process with the permitting through VA-DEQ of a lateral expansion of the Authority's Livestock Road Landfill facility in Campbell County.

**7. FY 15-16 Budget:** Budget presented on 3-10 with Board work sessions to ensue.

**8. South Rockfish Valley Historic District Project:** In progress.

**9. 2015 Lockn' Festival:** Planning for the 2015 Festival is in process by its sponsors.

**10. 2015 General Assembly Session:** 2015 Session is concluded. Veto Session begins 4-8.

**11. Department Reports:** Included with 3-10-15 BOS agenda.

Mr. Carter added to his report noting that the sewer problem in the first floor of the new Courthouse had been fixed. He noted it was due to an installation problem that was causing repeated backups. He reported that Moore's had come back and corrected the problem and it was now working properly, it just took a while to identify the issue.

Mr. Harvey exited the meeting prior to Board Reports.

## 2. Board Reports

Mr. Hale, Ms. Brennan, and Mr. Saunders had no reports.

Mr. Bruguere reported that Montebello Rescue was no longer in service and he thought that Curtis Sheets bought their ambulance. Mr. Carter confirmed but noted that the ambulance was supposed to be rotated into the paid program. It was noted that Montebello had so few volunteers they could not continue to operate.

## B. Appointments

Ms. McGarry noted an application had been received from Ms. Gloria Ashley of Lovingson for the East District seat on the Library Advisory Council which had been vacant since 2014.

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Mr. Hale then moved to appoint Ms. Gloria Ashley to the Library Advisory Council and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion.

She then noted that there was still a vacancy on the Local Board of Building Code Appeals and no applications had been received.

C. Correspondence

There was no correspondence considered by the Board.

D. Directives

There were no directives given by the Board.

**VI. Adjournment – Evening Session Has Been Cancelled**

At 5:30 PM, Ms. Brennan moved to adjourn and continue the meeting until March 19, 2015 at 4:00 PM for the conduct of a budget work session. Mr. Hale seconded the motion and there being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 4:00 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 – Vice Chair  
Thomas H. Bruguire, Jr. West District Supervisor  
Larry D. Saunders, South District Supervisor – Chair  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Debra K. McCann, Director of Finance and Human Resources  
Maureen Kelley, Director of Tourism and Economic Development

Absent:

Constance Brennan, Central District Supervisor  
Thomas D. Harvey, North District Supervisor

**I. Call to Order**

Mr. Saunders called the meeting to order at 4:10 PM, with three (3) Supervisors present to establish a quorum and Ms. Brennan and Mr. Harvey being absent.

**II. FY15-16 Budget Work Session**

Mr. Carter noted that staff needed direction on where to start. He noted that the Board had been provided schedules and a listing of the attendees at ensuing work sessions. He noted that if an Agency's budget request was 0 or minimal, they were not included on the list for timing purposes.

Mr. Carter then noted that the next budget work session was with Department Heads and Constitutional Officers and Mr. Hale noted it looked fine to him. He then noted that he would like to look at the agency numbers a bit more and staff noted that they were not prepared to discuss the agencies at that time.

Mr. Carter suggested they could step through an overview or take questions from the Board. He added that the School Board and Administration would not approve their budget until March 26<sup>th</sup>. He added that he tried to coordinate with them to have a joint meeting; however the last date that would work for them was April 15<sup>th</sup>, the same date as the Board's meeting with Dominion. He noted that the School's request would be less than what was included in the budget if it came to pass.

Ms. McCann then noted that in order to schedule the agencies on the 31st, she needed to give them a week's notice. She suggested that the board look at the schedule and email her if they had additional ones to include as she had not contacted anyone yet to schedule them.

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Mr. Carter then suggested going through the revenues and expenditures and the Board and Staff discussed the following:

Local Revenues:

**Public Service Tax:** Difference between FY15 budgeted amount and FY16 proposed was an increase of \$241,210.

Ms. McCann noted that the FY15 budget estimate was skewed for this year and that it would be this much more this fiscal year. She added that she had assumed it would decline but it did not and in FY16 it was assumed to be the same. Mr. Carter added that this revenue was personal property taxes on utilities that flowed back from the State and that these were always estimated because the actual numbers were received after the fact.

**Machinery & Tools Tax:** Difference between FY15 budgeted amount and FY16 proposed amount was an increase of \$2,000.

Mr. Hale noted that this tax did not bring in much revenue and he was concerned that many were not being taxed. Mr. Carter noted that the County could look at more aggressive monitoring and tracking and that it was a matter of getting better accounting from businesses. He added that the tax rate was regressive and Ms. McCann noted that the County based the taxed values on original cost; however depreciation factored in. She noted that in years 1-5, businesses pay 40% of the tax rate, in years 6-10, businesses pay 30% of the tax rate, in years 11-15 it went down to 20%, and after 16 years it went down to 10%.

Mr. Hale noted he would give thought to eliminating it; especially since not everyone paid it and it was unfair to those that did and it did not bring in much revenue.

Mr. Carter noted that the business locating in the new business park would likely have some Machinery & Tools tax to report. Mr. Hale added that Wintergreen should have a lot of this and Mr. Carter agreed noting that they were probably the best reporter. He then explained that the Commissioner of Revenue's Office sent notices out to businesses to report their Machinery and Tools, however there was not a lot of follow up. Mr. Bruguieri then suggested that someone needed to go on site and see what was there.

Mr. Carter then noted that he could copy the section from the tax guide on this tax that compared what everyone else in the state was doing with this to provide the Board insight. He added that Nelson's tax had not changed in twenty (20) years.

Ms. McCann noted that the County had gained some in these revenues in recent years because of the breweries, however she noted that these declined rapidly. Mr. Hale noted that most of these revenues were collected from those making a product and Mr. Bruguieri supposed that some of the breweries and cidery would owe more than this total proposed amount of \$10,000.

Supervisors agreed by consensus to get a report from the Commissioner of Revenue on who was reporting what for this.

**Recordation Tax:** Difference between FY15 budgeted amount and FY16 proposed amount was a decrease of \$5,000.

Mr. Hale asked why there was no increase here and Ms. McCann noted that in FY14, there was one particularly large transaction that skewed those numbers. She added that in the current year, recordation tax was part of the reduction in aid to localities. Mr. Carter noted that this revenue ebbed and flowed with the number of recordations.

Mr. Hale supposed there would be a large amount for the Wintergreen Sale; noting he had checked and it was close to \$20,000. Staff noted that this revenue would be realized in this fiscal year.

**Meals Tax:** Difference between FY15 budgeted amount and FY16 proposed amount was an increase of \$43,500.

Ms. McCann noted the increase here and Mr. Saunders inquired about LOCKN revenues. Mr. Carter noted that he thought this to be around \$20,000 and staff could have the Commissioner of Revenue report on this.

**Dog Licenses:** Difference between FY15 budgeted amount and FY16 proposed amount was an increase of \$2,000.

Mr. Hale noted that there were problems with unlicensed dogs and that Animal Control needed to site those without licenses; noting that there were more dogs than people in the county.

Mr. Carter noted that a Part Time Animal Control Officer position had just been filled and that current staff had been more effective about this. He noted that usually, Officers will warn owners that they need a license for their dogs and then they will go back in a few days and ticket the owner if they still did not have them. It was noted that Veterinarians were required to report rabies vaccinations to the Treasurer's Office and the Animal Control Department could get this report and follow up with those without licenses.

State Revenue:

**Timber Sales (State Forests):** Difference between FY15 budgeted amount and FY16 proposed amount was level at \$0.

Mr. Bruguiere noted that the timber had been cut in the Lesesne Forest and he thought there should be some revenue there. Ms. McCann noted that this revenue took a while to trickle down from the state. She added that this may have been several years ago and this was not a regular source of revenue.

**ABC Profits:** Difference between FY15 budgeted amount and FY16 proposed amount was level at \$0.

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It was noted that the State kept this revenue now and that regular sales tax was in the sales tax line and that Lottery funding went to schools directly and they had a budget line item for it.

Staff noted that they had gotten the State Comp Board numbers including a 2% salary increase effective on September 1, 2015 and that these numbers would go up by about \$23,000.

Mr. Carter noted that staff had been hitting 90% + of the estimated revenue to actual revenue numbers as shown in the audits.

Federal Revenue:

***Payment in Lieu of Taxes (PILT):***

Difference between FY15 budgeted amount and FY16 proposed amount was level at \$54,000.

Mr. Carter noted that the PILT revenues were in jeopardy and this was almost an every year thing. He noted that staff had gotten another alert that it was back on the table and was uncertain.

Mr. Hale noted that this was not a huge amount and that the Federal Government should pay it; although he acknowledged it to be a larger issue in other states. Mr. Carter confirmed this and noted that the NACO newsletter had noted a western county commenting on how dependent on it they were. Mr. Hale then suggested that the Board should urge Congressman Hurt to support it.

Expenditures:

Ms. McCann noted the most County Departments asked for flat funding so there were not many unreasonable requests. She then referred to the Considerations list. She added that most changes in budgets were related to the overall health insurance increase of 8.5%; whereas there was no increase in this in the current year. She added that staff had learned that the Schools got a 0% increase in their premiums this year.

Ms. McCann then explained that for the County, 58% of the premium rate was based on actual claims experience and 42% was based on the Local Choice pool. She noted that the County's claims experience was higher than that of the pool, so that helped to lower rates. She reported that the County had five (5) or six (6) people in excess of \$25,000 with claims up to \$100,000 last year. She added that these were not necessarily employees; but could be dependents. Mr. Carter added that the County had been fortunate that its rates had been favorable over the years.

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Ms. McCann then suggested going through the list of considerations and noted that if they were included in the budget they were noted to be funded if not, they were noted to be not funded. Staff and Supervisors discussed this briefly as follows:

Ms. McCann noted that new positions had been requested in the Building Inspections Department, Planning and Zoning, and Animal Control.

Mr. Hale questioned where the OAR budget was and Ms. McCann noted it was contained within the budget department of Non-departmental, on page 20 of the budget detail. She noted that their full request was in the agency notebook and that the primary thing they had asked for was the Criminal Justice Planner. She noted that this had not been recommended to be funded at \$3,500.

Mr. Carter added that there was a Criminal Justice Planner currently in place which was grant funded or funded with other funds for several years. He added that he would check with the County's Probation person, however he did not think that adult probation conferred with the Charlottesville area and rather worked out of Lynchburg district. He added that this was a question of how much services the County would get out of it.

Ms. McCann then noted that staff had recommended funding their two (2) primary programs that had been funded in the past.

Supervisors then asked about the Summer Intern requested by the Planning and Zoning Department that would cost \$3,869. Ms. McCann noted that IRS governed whether or not this type of position was paid and it depended on whether or not the County was in control of what they did. She noted that if it were, then they had to be paid; however, if they were meeting a class requirement and the County allowed them to do it on the County's time, then they would not have to be paid.

Supervisors then asked about the Full Time Planner position and noted that the job description was very similar to that of the Director's. Staff noted that Mr. Padalino would address this at the next meeting and that the justification for this was attached to the list for them to look over. Mr. Carter then acknowledged that the Planner's position description did mimic that of the Director's.

Mr. Hale then noted that there was a 3% raise proposed for school employees and he did not understand the relationship between the County's budget and what the state did. Ms. McCann noted that when the budget was prepared, the State had not yet provided a raise and that now approximately \$65,000 from the state would go towards salaries. It was noted that because of the raise provided by the state, there was now a \$469,377 deficit in the School's budget. Ms. McCann added that the County's numbers would change based on this new information.

Ms. McCann reported that the State had given a 1.5% salary increase starting on August 16th for teachers; so localities would have to match this for 6 months and then would come up with a number to make it whole to the proposed 3%. She added that the State did not fund this for every position.

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Mr. Hale commented that for so many years the General Assembly has had financial challenges and the money had come from localities. Ms. McCann noted that even though there was a State Compensation Board raise given; there were still a lot of Constitutional Offices positions that were no longer funded at all by the Compensation Board.

Supervisors inquired if the Commissioner of Revenue's office would have to budget for a vacancy if an incumbent employee became the new Commissioner. Ms. McCann noted that staff had assumed the position would be filled and the Officer position would come in at the starting salary and thereafter would get county raises. She noted that this was accounted for in the budget and noted that both the Commissioner of Revenue's Office and the Sheriff's Department were affected by the upcoming elections. Mr. Carter added that the new Officers would have to come in at entry level or could possibly lobby for more based on experience. Ms. McCann noted that they had the same amount of salary money to work with; however they could reallocate it within their offices. It was noted that the objective was to not lose the money because the State would allocate it somewhere else.

Mr. Carter then noted that staff was confident with the revenues and Mr. Hale agreed that the County was fortunate with those and may even see some improvements. He then noted that he would not oppose a pay increase this year. Ms. McCann advised that she had provided information in the packet regarding cost of living increases and health insurance increases. She added that the County did pay Workers' Comp insurance and that cost was allocated in each department budget.

Mr. Carter noted that there was flexibility in the budget and the County was in a good position. He added that the Considerations could be funded if the Board wanted to do this; but they needed to decide where to go with it. He then inquired of the Board what they wanted to do that had not been proposed or what objective they wanted to pursue that staff was not aware of. He then noted that staff had proposed the build out study for the Broadband Authority and that funding for this had to be in General Fund.

Ms. McCann noted that the Paid EMS program manager had proposed additional services on the weekend at a cost of \$41,600. She added that the details on this were in the packet and it was currently not funded. Mr. Hale noted that he would like to know if it was critical and if so, they should seriously consider funding it. Mr. Carter advised that there was 24/7 coverage now and they have said this should be enhanced more on the weekends from 7am to 5pm. He added that Ms. Miller could report on calls etc. which were tracked on a monthly basis. Mr. Bruguiere noted it was not looking good for a lot of the rescue squads.

Ms. McCann then referred to the items in Capital Outlay for the Board to consider and pointed out the funds to be spent on the Calohill property and noted that quotes were received for work to be done. Mr. Carter noted that the property was cleared now and it could now be seen from Route 29. Mr. Carter noted that once purchased, staff decided that it should be fixed up and Mr. Saunders agreed.

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Mr. Hale then noted that the Board should also talk about what to do with the old cannery place since the back shed was about to fall down.

Mr. Saunders noted that the plan was still to complete fencing at the Calohill site to create an impoundment lot and staff confirmed this.

Mr. Carter noted that the budget included how to fund the Courthouse project and staff would overview that when the Board got to it. Mr. Hale noted he thought the Board was in agreement with paying it down with fund balance.

Mr. Saunders asked if Mr. Truslow was getting quotes to pave the Gladstone collection site and Mr. Carter noted he thought so; however he was not yet in a position to report on this. He added that he thought it could cost \$50,000; however this may be a guesstimate. Mr. Saunders noted that he thought it was a 60x60 area. Mr. Bruguere noted that the Farm Bureau office paving was around \$11,000. Mr. Saunders noted that the problem with the Gladstone site was that it was such a small area and it was fenced in so that it was hard to maneuver equipment around there. He noted because of this, a lot of it may have to be done by hand and nobody would want to take this on. Mr. Saunders and Mr. Carter then confirmed that there was one compactor there on a concrete pad. Mr. Carter noted that the problem coming into the site needed to be fixed and they would have to take some stone out and haul it away. It was noted that the site preparation was as costly as the paving.

### **III. Other Business**

#### **A. Report on EDA Issuance of an Industrial Revenue Bond (M. Kelley)**

This item was considered prior to the budget work session to accommodate staff in attendance.

Mr. Carter noted that the EDA has been working with Savvy Rest, a mattress manufacturer to purchase the rest of land in the Colleen Business Park and establish operations there. He advised that they were proposing to use an Industrial Revenue Bond for capital and that it allowed them to get Bank Qualified financing. He added that this did not require the full faith and credit of the County. He noted that staff wanted to be sure that the Board was okay with moving it along to fruition and it was a matter of getting the consensus of the Board.

Mr. Hale noted that he remembered doing this when he was on the EDA and he thought it would be a great thing if it came to pass. He then asked what side of the road the parcel was on and Mr. Carter noted it was on the left side.

Mr. Saunders then noted that he would be in favor of passing the resolution.

Mr. Carter reported that the fire suppression system would not be required and therefore they would not need the larger water connection. Ms. Kelley then added that Mr. Thompson had been immensely helpful in this area.

The Board agreed by consensus to proceed and Mr. Carter noted the approval resolution would be brought back on the Consent Agenda on April 14th.

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*B. Introduced: Status of Meeting with Dominion Resources*

Mr. Carter related receiving an email from Susan King of Dominion Resources indicating that they could meet with the Board on April 15<sup>th</sup> from 7pm to 9pm and he noted that the High School auditorium had been reserved. Mr. Carter then noted that staff needed clarification on taking remarks from the public and getting questions ahead of time to be prepared.

Mr. Saunders suggested that questions could come from the Board or the public before the meeting and only the Board should be able to ask questions of Dominion. He added that they could plan to go for two (2) hours with each member asking questions. He noted that he thought they could get better answers if the questions were given to Dominion ahead of time and also they would not be held up if a particular person was not there to answer.

Mr. Hale agreed and noted that anyone could send the Board members questions to be asked and there would be no questions directly from the public. He noted that questions should be routed through the County Administrator's office and copied to the Board so everyone knew what had been forwarded. Mr. Hale then noted that a question had been raised at the last meeting having to do with boring under the Blue Ridge Parkway and they did not know specifics; so they may be able to answer things like that if questions were given to them in advance.

Supervisors agreed by consensus to move forward with the meeting using the discussed format. A deadline for the public to submit questions was discussed and Supervisors agreed on April 10<sup>th</sup>. They then reiterated that the public's questions might not get answered.

**IV. Adjourn and Continue Until March 26, 2015 at 1:00 PM in the General District Courtroom for the Conduct of a FY15-16 Budget Work Session.**

At 5:20 PM, Mr. Hale moved to adjourn and continue the meeting until March 26, 2015 at 1:00 PM and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

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**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 1:00 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 – Vice Chair  
Thomas H. Bruguire, Jr. West District Supervisor  
Larry D. Saunders, South District Supervisor – Chair  
Constance Brennan, Central District Supervisor  
Thomas D. Harvey, North District Supervisor  
Stephen A. Carter, County Administrator  
Candice W. McGarry, Administrative Assistant/Deputy Clerk  
Debra K. McCann, Director of Finance and Human Resources  
Jackie Britt, Registrar  
Judy Smythers, Circuit Court Clerk  
Angie Johnson, Treasurer  
Anthony Martin, Commonwealth Attorney  
Ron Robertson, Captain, Sheriff's Department  
Jean Payne, Commissioner of Revenue  
Angie Rose & Allison McGarry, Department of Social Services  
Susan Rorrer, Information Systems  
Jaime Miller, Public Safety  
David Thompson, Building Inspections Department  
Maureen Kelley, Tourism and Economic Development  
Tim Padalino, Planning and Zoning Department  
Theresa Brooks, Animal Control Department

Absent: Emily Harper, Parks and Recreation Department

**I. Call to Order**

Mr. Saunders called the meeting to order at 1:05 PM, with all Supervisors present to establish a quorum. Mr. Saunders then noted that Mr. Bruguire would need to leave the meeting at 3:15 PM and got the Board's consensus to address Other Business, if any, as the first item of business.

**II. FY15-16 Budget Work Session (Constitutional Officers/Registrar & Departments)**

**Constitutional Officers/Registrar**

*Registrar/Electoral Board*

Jackie Britt - Registrar

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Ms. Britt noted that next fiscal year was going to be the most expensive in a while because there were three (3) different elections. She noted that they would have the largest ballot and would have seven (7) different ballot styles. She noted there would likely be March presidential primaries for both parties and also a June primary. She noted that the primaries were not budgeted for but the funding would come before the Board for approval as they occurred. She added her office was doing voter registrations now gearing up to the November local races.

Mr. Hale noted that the big ticket items was the voting machines and Ms. McCann advised that these were funded in the proposed budget and the most recent pricing information had been provided the Board for their consideration. Ms. Britt noted that they had conducted a demonstration day where the Electoral Board reviewed three (3) different systems and they found that the best equipment was provided by Election Services Online and this was a digital optical scan based system. Ms. McCann noted that the budgeted amount may need to increase slightly.

Ms. Britt noted again that this selection came from various factors, such as weight of the machines for one. She noted that some workers were elderly and this mattered. She added that they had a relationship with the company already from them programming the touch screens. She noted that their system had a touch screen component and would replace two (2) systems with one (1) that did both things. She added that all ballots would be paper based which would be very helpful when there was a recount. She further explained that with the new system, every voter would have a paper ballot that was printed out and fed into the same receiver that tallied them. She noted that the system would also provide one tape per precinct.

Mr. Hale inquired if this system was being used by others and Ms. Britt noted it was and it was approved by the State. She added that the ones using it were very pleased with it. She noted that this system would also save time in reporting results.

In response to questions about what would be done with the old equipment, Ms. Britt noted that they could try to sell the current equipment to other localities that were not prepared to get new systems yet.

Mr. Hale then asked how long the new system would be in use and Ms. Britt noted that the lifespan was estimated to be ten to twelve (10-12) years. She added that they would have a maintenance contract as they did currently on the Winvote machines.

Mr. Saunders asked about the lead time on ordering these and Ms. Britt noted it was approximately ninety (90) days. She noted that she wanted to get them ASAP so they could train on them before the first election and they also wanted to do public sessions to demonstrate them.

Mr. Carter noted that other than the new voting machines, the Registrar's budget was basically unchanged. Ms. Britt confirmed it was a flat lined budget; however she reminded them that she would come back to ask for primary expenses as they were held.

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*Circuit Court Clerk*

Judy Smythers-Circuit Court Clerk

Ms. Smythers noted that she had submitted a flat line budget. She thanked the Board for giving her more funding for Part Time help and she noted that it had helped tremendously. She noted that her office traffic had increased due to the Atlantic Coast Pipeline and noted that on April 28<sup>th</sup>, nineteen (19) parcels would be auctioned off and that generated a lot of public interest. She added that there would be the same amount auctioned off in August as well.

Ms. Smythers reported that on February 15, 2015, her office started using a new CIS system that allowed them to be able to scan in everything filed with them at no cost to the County. She added that the Judge could call documents up electronically from the bench now and did not need the paper file. She noted that eventually attorneys would be able to subscribe to the system and pull up documents from their offices and they were excited about that.

Ms. Smythers then noted that she was applying for another Library of Virginia grant to reconstruct and repair about ten (10) will books and there was no cost to the County for this.

Ms. Smythers also noted their excitement about the new judge coming on July 1st. She noted that it would be Judge Garrett, who was presently the Juvenile & Domestic Relations Judge in Amherst County.

She then noted that they were very excited about the upcoming renovations and that these were moving along. She noted that their intent was to have Circuit Court hearings in the General District courtroom and they would coordinate this with others. She noted that they may move jury trials to Amherst during construction; but were not sure. She added that the Architect did have a staging schedule worked out to accommodate them and that she had worked with them in Lynchburg and they were able to coordinate not having to close up shop while the work was going on.

Mr. Bruguiere noted that Judge Gamble had been involved in the renovation planning thus far and he inquired about including the new Judge. Ms. Smythers then advised that Judge Garrett had deferred to Judge Gamble on this so there was no stumbling block there.

Ms. Brennan asked when construction would begin and Mr. Carter advised that the bid date was anticipated to be early June; and mobilization would start sixty (60) days after that.

Ms. Smythers noted that they were working on integrating the Supreme Court data system into the County system and that it was good to have the Supreme Court involved from the start. She added that they would try to coordinate a central data room etc.

Mr. Hale then inquired as to whether or not deeds could be printed from her office and Ms. Smythers noted that this can be done now; however this was a paid subscription service. She

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added that they had around twenty-three (23) subscribers and the service had been offered since 2011. She noted that the \$400 annual fee was required by the Supreme Court and was paid quarterly. She added that this was economical for title examiners and attorneys and that the system did enable them to get plats if the plat was a scannable plat. She noted that this was not possible for the oversized plats; but if it was scanned into her system then the subscribers could get it. She explained that the user was given a username and password and this system did not interfere with her office operations at all.

*Treasurer*

Angie Johnson - Treasurer

Ms. Johnson noted that she had submitted a flat line budget as well.

She then reported that she had achieved certain goals she had set when she took office. She noted that mainly, the office was accredited with the State and the Treasurer's Association of Virginia. She noted that there were many requirements in order to reach this and it had enabled them to be more aggressive on collections. He noted that collections had to be above 95% for Real Estate taxes, above 90% for Personal Property taxes and that they were well above this for the current year taxes. She noted that they also had have information available to taxpayers and had to prepare and deliver reports to the Board of Supervisors each month.

Ms. Johnson then noted that she had also gotten her certification as a Master Governmental Treasurer and two of her Deputies were certified as Master Governmental Deputy Treasurers. She noted that in order to receive this certification, they had to learn the processes of collection. She noted that her office divided \$1,800 over the employees for this and it came back to the County through collections. She noted that they had brought in over \$1,000,000 in delinquent tax sales and in surplus funds. Ms. Johnson then noted that this was part of a career development program that was dependent upon funds appropriated by the General Assembly and that none had been approved this year.

She then noted that they did continuing education because it increased their knowledge of and proficiency in operations, giving employees a feeling of achievement and worth.

Ms. Johnson then noted that they have had successful tax sales and that she appreciated all that the Board had done for the office.

In response to questions, Ms. Johnson noted that it took four (4) years to get certified and that she and her staff had been working the classes in over time when they could.

Ms. Johnson then noted that they could garnish wages with a Treasure's lien which saved time and money because there was no court process involved.

Mr. Hale then inquired as to which Deputies were certified and Ms. Johnson noted that Ms. Leslie Carter and Ms. Neely Hull were certified and had been with the County for over seven (7) years. She noted that the other two (2) Deputies had been in the office for over

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three (3) years and were now eligible to receive certification training and would over the next few years.

*Commonwealth Attorney*

Anthony Martin – Commonwealth Attorney

Mr. Martin noted that he had submitted a flat line budget and he appreciated the funding for last fiscal year. He noted that the part time salary increase had allowed them to increase efficiency and he would possibly be able make some decreases in other lines in the future.

Mr. Martin noted that they were trying to move traffic cases to local ordinance to improve county revenue. He added that since he had taken office, they have had joint trainings with Sheriff's office and had increased efficiencies there. He noted that they now run their own driving transcripts etc. whereas dispatchers previously did this. He noted that had partnered with several agencies to establish a child sexual assault team and were required to have one by July 2015. He added that they had to meet and review cases every sixty (60) days and the purpose was to improve response times in these cases. He noted that one existed already for adults and the new one was specifically for children.

Mr. Hale inquired as to how they liked their new office and Mr. Martin noted that they loved it. He added that everyone that comes in is amazed at how good it looks and the humidity issues were being resolved.

*Sheriff*

Ron Robertson - Captain

Captain Robertson confirmed that they were training continuously and that the last two (2) deputies would be out of training in April and they would have a full staff. He noted that they tried to offset training costs with grants.

Captain Robertson noted that one thing was not budgeted. He noted that since 2008, the demand for their services had increased about 1-2% per year which had resulted in overtime. He noted that they were trying to deal with problem now by altering work schedules; however it was a vicious cycle that they seemed to not be able to win. He noted that a full staff was not enough. He added that this created more paperwork and the Sheriff was requesting that their part time secretary be made full time. He noted that this was necessary for a smooth operation and was vital for the input of reports and other information into the criminal justice system. He added that he thought it was unnecessary to wait until the new Sheriff was elected as was advised by the Finance Department.

He noted that he was happy with rest of the budget as recommended and thanked the Board for the extra funding last year.

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*Commissioner of Revenue*

Jean Payne – Commissioner of Revenue

Ms. Payne noted that she had requested a flat line budget.

She then noted that she understood the Board wanted an update on the 2014 LOKN Revenues. She reported receipt of the following: meals tax: \$25,306, lodging: \$45,411, Business Licenses for food vendors (54) \$1,620 and craft vendors (75) \$2,250. She noted that the State Sales tax was not known yet; but she was still receiving funds this month. It was noted that the total was right around \$75,000; however this did not count indirect lodging revenue but was for tents, campers etc. at LOCKN.

Ms. Payne noted that in order to collect lodging taxes, she went to websites and has gotten more lodging tax from those who were advertising.

Mr. Hale then asked how one managed taxes paid by vendors who pay taxes in the locality where their business was located. Ms. Payne noted that the State had a form that they filled out and when they went to a different locality, they were supposed to pay a portion to that locality. Mr. Hale supposed that a lot of this was lost. Ms. Payne then confirmed that the vendors at farmer's markets here paid taxes here. She noted that she had been told that they collected the sales tax there at the market and remitted it as a lump sum from the farmers' market.

Ms. Brennan inquired as to the revenues received from the FESTY and other festivals and Ms. Payne noted she would look this up.

Ms. McCann noted that she had provided tax information on the Machinery and Tools and the last page listed what had been assessed. It was noted that the rate was \$1.25 per hundred and was prorated.

Mr. Hale noted that this was collected on some and not all and that perhaps the County should do away with it. He noted it was only \$13,000 in revenue and that it was rare to see a governing body eliminate a tax and they should set a precedent here.

**Supervisors took a Five Minute Break**

**County Departments**

*Social Services*

Angie Rose (Director) and Allison McGarry (Administrative Services Manager)

Ms. Rose introduced herself as the new Director of Social Services and then introduced Ms. Allison McGarry, Administrative Services Manager) to present their budget request.

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Ms. McGarry introduced herself as the Administrative Services Manager and CSA Coordinator for the County.

She noted that they had not requested an increase in local money, and that the increases in their budget were due to increases in state and federal funding with no local match.

Ms. McGarry reported an increase in adoption subsidies this year because they had adopted out five (5) children. She noted that these kids were in foster care and were adopted by their foster care families. She added that most parents voluntarily terminated their rights and allowed them to be adopted. She noted that there have been more of these in the last several years and that most were taken into care due to drug issues. She noted that these children received a monthly subsidy until they turned eighteen (18).

Ms. McGarry noted that they had submitted a second amended budget to account for the projected 8.5% increase in Health Insurance and the 3% salary increase; which amounted to a \$16,000 increase in local money for the year. She added that this would be incorporated into the budget and that Social Services would not have a salary increase of 3% for the entire year because 2% would be funded by the state at September 1, 2015.

Ms. Brennan then noted that Social Services was doing a good job of managing funding and providing services to the elderly and children.

Mr. Bruguiere inquired as to the need for more service workers that had been suggested by the previous Director. Ms. McGarry explained that there had been no Medicaid expansion that had necessitated more workers; however caseloads had increased, making it possible that they would need another benefit program specialist in the future.

Ms. McGarry noted that their staff dealt with Medicare for Adults for certain programs; however they did not issue Medicare.

Ms. McGarry then reported that in the CSA budget, expenditures were higher this year than they had been; however there was nothing pressing to report.

#### *Finance and Human Resources*

Debbie McCann -Director of Finance and Human Resources

Ms. McCann noted her budget decreased due to the change in personnel. She noted that \$10,520 was related to this and \$2,300 was in operational expenses. She noted that her department had eliminated the maintenance agreement for the larger printer that was no longer being used.

Ms. McCann then reported that the County had one hundred and fifty-two 152 employees including DSS and that sixteen (16) of those were on elected boards. She noted that there were forty-one (41) full time and eight (8) part time employees in Constitutional Offices, thirty-nine (39) full time and thirty-nine (39) part time or seasonal County employees. She noted that these were primarily solid waste and recreation employees. She added that there were nine (9) full time employees at the Department of Social Services.

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Ms. McCann then reported that her departmental challenges centered on payroll and Health insurance with the implementation of the Affordable Care Act. She added that the IRS changed the definition of spouse and because of that, every time an employee wanted to claim a spouse, they had to provide documentation of this. She added that they had found out that Local Choice will pass along a fee to the County called Patient Center Outreach Trust Fund fee. She noted this was a Nonprofit agency authorized to investigate the effectiveness of medical treatment and that they would assess \$2 for every person covered under their plan. She noted that this fee was estimated to be \$320 total per year. She noted that they would have to report to the IRS along with paying the fee. Ms. McCann then noted that in 2015, the County would be required to issue a 1095B to employees that showed employee and dependents etc. and that this was information that was not currently maintained in the County's system. She noted that the software was being revised to facilitate the collection of this information so that they could generate these forms at the end of the year. She added that this was the IRS's means of collecting information on who had Health Insurance.

Ms. McCann then reported that the High Cost Insurances Tax (Cadillac tax) went into effect in 2018. She noted this was a 40% tax if the IRS limit of \$850 per month for single coverage was exceeded and that taxes would be assessed on the excess. She noted that the County would want to ensure that its offerings did not exceed these limits and have to pay this tax. She noted that an impact of this is that Local Choice was encouraging discontinuing the Key Advantage Expanded plan. She noted that the premiums for single of this plan was \$650 per month, which was still under the limit. She added that all of the County's plans were still under the limits; however she would be monitoring it and she would not be surprised if the expanded plan was eliminated by them.

Ms. McCann then reported that the County had four (4) Family Medical Leave Act (FMLA) applications in the last four (4) months. She noted that these required a lot of tracking of leave and paperwork. She noted that they consisted of mostly intermittent leave, so this was less disruptive than large blocks of time.

Ms. McCann then noted that there were seven (7) employees on the Hybrid VRS plan, which also required extensive record keeping and employees had to set up a portal to make changes to their contributions. She noted that these people were coming to Finance to get help with this.

Supervisors then asked if Ms. McCann would email the Board with the breakdown of employees.

### *Technology/E911*

Susan Rorrer – Director of Information Systems

Ms. Rorrer noted that a new emergency notification system was not funded in the proposed budget. She noted that the current product would be discontinued by the mapping vendor and if the Board was still interested in having this, she recommended using EverBridge which was on State Contract and was used by the state and many of other localities. She

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noted that system was not as robust with land-line phones but would meet the need of those who would not be likely to self-enroll. She noted that the EverBridge system would cost \$7,500 per year and this cost would be offset by the \$3,700 in savings from discontinuing the Geocomm system annual maintenance. She added that the new system would offer greater functionality and she noted that every time they current system was used, the County was paying \$1,000 in fees. She noted that the EverBridge system was more versatile and would be used more. She then noted that she would not encourage the Board to abandon having a notification system. She reiterated that this would cost approximately \$3,800 per year more than what was budgeted now. She added that the first year there would be an \$8,500 set up cost and then it would go to \$7,500 annually.

Ms. Rorrer then explained this had a web interface and people could enroll themselves and take themselves out with there being no staff time taken up by this. She added that it could send notifications to both Cellular lines and landlines and had a texting function.

In response to questions about GIS, Ms. Rorrer noted that it was okay, but could not be used to make pretty maps. She noted that the County was doing a data audit to make sure that the GIS topography was matching up with the tax database. She added that they wanted to keep this current and it was a constantly changing product.

Ms. Rorrer noted that printing a new map book was on the to-do list. She noted that the most recent one was nine (9) years outdated right now; however people were still asking for it. She noted that this should be done in the current fiscal year as well as the County road map product.

#### *Public Safety*

Jaime Miller -Emergency Services Coordinator

Ms. Miller noted that her department had not had any significant complications other than the health of dispatchers. She noted that one had been in a major accident and they had sickness that hit eleven (11) out of twelve (12) dispatchers.

Ms. Miller noted that she had two (2) major updates. One, they were in 100% compliance with Region Ten and Mental Health training and were all trained to handle these calls now. She added that there was one (1) new dispatcher to be certified who was still in their probationary period. Two, they were conducting monthly in house training that was boosting the personal health and self-confidence of the dispatchers.

Ms. Miller noted that the new radio system bumps had been overcome and they had worked with the Information Systems Department on it.

Ms. Brennan asked if she knew how many Sheriff's Department employees were CIT trained and Ms. Miller noted she was not sure.

Mr. Harvey asked if the Dispatchers pay was in line with other employees in the County and Mr. Carter noted that his had been studied before and Nelson was middle of the pack in the

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region. Mr. Harvey noted that Dispatchers were some of the lowest paid employees in the County and it needed to be looked at.

Mr. Harvey then noted that there were some innovative people in dispatch working with new things such as putting texts over the phones. He noted that they can send out the original page and then can go back later and add more details such as updating the patient's age etc. Ms. Miller added that they had changed the call types to be more descriptive so that responders could have a better idea of the type of call it was. She added that dispatchers had worked with those who were working in the field to come up with these.

Mr. Bruguire noted that the radios were much better now and many of the issues came from people talking before pushing the buttons on the radio. He added that there was better coverage and they were clearer. It was noted that coverage was still bad in the Rockfish and Nellysford areas.

### *Building Inspections*

David Thompson -Building Code Official

Mr. Thompson noted that the main issue facing his office was a manpower problem. He noted that when they had someone on vacation, there was no one to fill in. He added that Ms. Slough did residential and light commercial inspections and that he was the only one certified to do E&S and plan reviews.

Mr. Thompson noted that 100 days out of 250 days they were short staffed and this had been difficult. He noted that he would like an Assistant Building Code Official but would settle for another Inspector so he could be in the office more.

Ms. McCann noted that Mr. Thompson had originally submitted for an Assistant Building Official and she had now worked up the numbers for another inspector. She then noted how it would be broken up by inspections per employee.

Mr. Thompson noted that he would want to get someone certified and really needed someone else certified in E&S. He noted that DEQ had established a training module and it would be at least a year to complete (intermittently).

Mr. Carter noted that the challenge would be getting someone qualified to be an Assistant Building Official and he thought they could get a Building Inspector and work towards that. He added that they needed people in the field and he was not sure they needed another administrator.

Mr. Thompson added that the person should be able to talk to engineers.

Ms. Brennan noted that an Assistant Building Official could do inspections and more and for \$5,000 more, they could get a lot more.

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Mr. Hale noted he would need to see the volume of work of the office over the last three (3) years prior to making a decision adding that if the volume of work had not increased he was not sure. Mr. Thompson then distributed this information to the Board.

Mr. Carter noted that it had been four to six (4-6) years ago that the department had a consent agreement with DCR on the E&S program and they were required to check these permits frequently.

Mr. Thompson then reported that the Blue Ridge Tunnel trail was looking very good where the contractor had put down stone 15 ft. into the entrance.

### *Building and Grounds*

Paul Truslow -Buildings and Grounds Supervisor

Mr. Truslow noted the Capital Outlay budget that included funding for the needed repairs to the Calohill building and he noted there were some other smaller increases in his budget.

Mr. Truslow then noted that there were two (2) options to consider on the roof and this was the reason for the price difference. He noted that the \$30,000 option was a fifteen (15) year repair. He added that there was heat in the building but never any air and the HVAC solution would cost roughly \$15,000.

Mr. Harvey noted that they could get more efficient heaters than what was in there now. He added that the Firehouse had radiant heaters that were gas and had been very good. Mr. Truslow noted that was what was currently there.

Mr. Truslow then reiterated that roof Option 1 has a 15 year warranty and was a Carlisle membrane. He noted that he did not approve of this solution. He noted that Option 2 used a metal gauge roof and he felt good about that.

Mr. Saunders then asked if they would do an impoundment lot in that area and Mr. Carter noted that was the plan. Mr. Truslow added that the lot had been cleared off and they could see what was there now.

Mr. Hale noted that he assumed that he would move all of his operations over there and he asked what the thought was on the use of the old Cannery location. Mr. Truslow noted that he could eventually move over there and Mr. Carter noted the old building could be used for storage. It was noted that the roof there was very new and did not leak; however, the back shed was the problem and needed to come down. Mr. Carter iterated the need for records storage.

Mr. Truslow noted that he needed to get two (2) more quotes on the roof and then he could proceed. Supervisors agreed by consensus to fix the roof now in this fiscal year. Mr. Carter noted that the County had the funds now, they just weren't budgeted.

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Mr. Saunders asked about the paving at the Gladstone collection site and Mr. Thompson noted that Padgett was going to provide him with a paving quote ASAP so he could decide if they wanted to go forward. It was discussed that he should get pricing for paving and concrete; and Mr. Truslow noted he needed to recheck the site measurements.

Mr. Harvey noted that he thought that concreting the site might make more sense since there was so much twisting and turning in there with trucks. Mr. Truslow noted that there would be a cure time issue with concrete and it may take up to twenty-one (21) days. It was discussed that a temporary site may be able to be set up, possibly at the Gladstone Rescue Squad area, while the concrete was curing if they went this route.

*Recreation (Report submitted)*

Ms. McCann noted that Ms. Harper was not able to attend due to having some minor surgery and she noted that her budget was essentially the same and she had just shifted some lines.

Mr. Carter noted that he has encouraged Ms. Harper to work with the Schools on upgrading the NMS fields for their joint use.

*Community Development/Tourism*

Maureen Kelley -Director of Tourism and Economic Development

Ms. Kelley distributed figures from the Virginia Tourism Corporation (VTC) showing the past five years of revenue growth for Nelson.

She then noted that she had submitted a flat line budget. She noted that local tax receipts continued to incrementally increase and shown by the data provided by the state.

Mr. Harvey then questioned why the Board had not been notified that she was working with seven – eight (7-8) businesses that were not disclosed. Ms. Kelley noted that until the businesses were ready to announce then they did not have a disclosure. Mr. Harvey indicated that he would like to know what businesses the County was working with so that the Board could see if it was something they would want. Ms. Kelley noted that she would work with Mr. Carter on that.

Mr. Carter noted that regional and state economic development entities gave lists of prospects to localities that anyone could be working with at any time. Mr. Hale noted he did not really know what businesses she was talking to but agreed that it would be of value for them to know. He noted that there would be some prospects that he would be enthusiastic about and some that he would like to go somewhere else. He added that he just wanted the information.

Mr. Carter noted that using the Regional Economic Development Partnership as an example; if ten-twenty (10-20) prospects were reported, less than one would want to look at Nelson because the County does not have the needed infrastructure. He noted that he was not sure that seven or eight (7 or 8) were planning to come here.

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Ms. Kelley noted that she could provide the information regarding the businesses without naming them and Mr. Harvey noted that he just wanted improved communication on this.

*Planning and Zoning*

Tim Padalino- Director of Planning and Zoning

Mr. Padalino noted that he had requested a Planner position that was not funded in the proposed budget. He noted this to be an entry level position requested due to a feeling of necessity. He noted that his department was highly scrutinized and this was a function of how complicated things were and the legal aspects involved. He noted that there was a high level of work done to get things ready to go forward to the Planning Commission or the Board of Supervisors and that current development review alone would justify the position. He added that without it, there was an inability to do any long range planning as well and work needed to be done on the Comprehensive Plan to update it. He added that the Lovingson Revitalization Plans came up occasionally and there could be simple plans and a strategy put together in house if he had more manpower.

Mr. Saunders then questioned the need for a summer intern. Mr. Padalino noted he had requested this because it had come up in the past and a Nelson resident needed an internship for college and it was right around the time the budget requests were due. He noted that this person was a local person, however that may not always be the case. He added that the person who had inquired about it was conducting a study abroad since then so they have had no correspondence on this since then. He noted that this person could help get Planning GIS data more interactive which would be a very practical thing that would provide lasting value to the County.

Mr. Harvey inquired as to how many positions his department currently had and Mr. Padalino noted himself and Mr. Massie, who worked in Planning ten – fifteen (10-15) hours per week. He noted that this was mostly spot duty and had been very helpful. Mr. Carter explained that the County limited him to twenty-nine (29) hours per week total and that Mr. Massie also still worked as the Recycling Coordinator. Mr. Harvey noted he spent around fourteen (14) hours per week or so doing that. Mr. Carter confirmed and noted that Mr. Massie had a graduate degree in Planning as did Mr. Padalino and had been the former Planning Director in Amherst County.

Ms. Brennan noted she would like to see another Planner help with the Planning and she noted that the thought more work in that department would come with the Atlantic Coast Pipeline. She added that she would still like to see the Floodplain Manager come and report on this.

Mr. Hale then noted that he would like for Mr. Padalino to show the volume of work in the office for the last three (3) years so he could see if the level of work had gone up substantially and that he would like this to decide. He noted that they had asked Mr. Thompson for the same information.

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Mr. Padalino noted that at the moment, he could quantify his emails and noted that in looking at a 15 month average he sent approximately fifty-two (52) per week that contained substantive information. He noted that this was eleven (11) per day and it took up a lot of time. He noted that he meets a lot with prospective applicants and some applications never come to fruition. He noted that Mr. Massie had been very helpful with code enforcement. He noted that the future Planning impetus would be the continual increase in activity since he came on as a Planner and since LOCKN.

Mr. Harvey then questioned why there had not been anything to come to them from the Planning Commission in the last six months and Mr. Padalino noted that a lot of what the Planning Commission was getting was site plans and he was doing a lot of amended site plans. He then gave several examples of things the department was doing that did not go before the Planning Commission or the Board of Supervisors.

Mr. Carter added that plants did not go to the Board and there had been no rezoning requests lately. Mr. Padalino then added that there were 6-8 projects pending right now that may go forward.

Mr. Harvey then noted that his was a tough job and may be the worst one; however consistency and fairness was important. Mr. Padalino agreed and noted that a second Planner would certainly help in those areas.

#### *Animal Control*

Theresa Brooks – Animal Control Supervisor

Ms. Brooks noted that an item not funded in the proposed budget was for the part time Shelter Attendant to go to full time. She noted that they did have a new part time Animal Control Officer starting in April.

Ms. Brooks related that keeping the part time Shelter Attendant hours at twenty-nine (29) hours was hard. She noted that the Attendant worked five (5) hours a day per week with a day off and then three (3) hours on Saturday and Sunday. She noted that the challenge was that if the shelter was at 1/2 capacity, they were able to get basic essential functions done; however if it was at full capacity, someone had to come in from the field to help. She added that they were working more with other rescue groups, one in Roanoke and one in Richmond and when they came in to transfer animals, the paperwork could take up to forty-five (45) minutes if there were multiple animals. She added that they could not do animal reclaims and/or adoptions during week.

Ms. Brooks related that it was not just the daily routine, they were required to make an animal custody record every time an animal came in. She noted the animal had to be checked and evaluated for needed veterinary attention and then taken in if needed. She noted that once they were back, they may need to be medicated every eight or twelve (8 or 12) hours. She noted that currently, she did the medications in the morning and someone else came in to do the evening rounds. She then noted that keeping up with and picking up supplies was another duty.

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Ms. Brooks also noted that they had fourteen (14) runs for dogs, twenty (20) for cats, and could hold up to eight (8) in the isolation room. She noted that they have been full and on occasion have had to use carriers for cats; however when they got to that point, they called the SPCA to free up space. She added that in springtime, it got busy and would be until fall.

Ms. Brooks then reiterated that they were able to the basic essentials but this was taking away from the Officers' work on the road because they had to come in to assist with shelter duties.

Ms. Brennan asked what they did about vacation and sickness and Ms. Brooks noted that she had been out of the field with her surgery and Kevin had been on call for seven (7) days straight. She noted that they have been managing the afterhours calls over the phone and then can assist the callers the following day. She then noted that the only time they had to go out, was if an animal was injured or there was a bite case. She noted that bite cases required quarantine and follow up.

Ms. Brooks then distributed pictures of the new kennel run doors and sound proofing that had been installed at the shelter.

### **III. Other Business (As May Be Presented)**

This item was discussed as the first order of business as follows:

#### *A. Introduced: Report on FERC Scoping Meeting and Pipeline*

Ms. Brennan noted that she would like to report on the FERC Scoping meeting that was held the previous Wednesday at the Nelson County High School.

She noted that 203 people signed up to speak and a lot did not get to sign up because they were told they would not have a chance to speak due to time constraints. She noted that only 78 did get to speak. She reported that there were many irregularities in the meeting and in the materials that were distributed and there was a lot of public outrage over these irregularities. She added that she had sent information on this to Senator Warner and Senator Kaine and noted that these irregularities had also occurred in Augusta County at their FERC Scoping meeting. She noted that Senator Warner had written to FERC regarding this. She advised that FERC had served dinner to those that they had encouraged to come and signed these people up early to give comments. She noted that the first 17 speakers spoke in favor of the pipeline and were allowed to use up time that those opposed to it could have used. She added that they had also signed up people who were not there.

Ms. Brennan then noted that because so many others were not allowed to speak, she would like the Board to send a letter to FERC asking for another Scoping meeting. She added that Augusta County had done this as well. She also noted that since an alternate route had been proposed one week before the meeting, she suggested that the Board write to FERC to ask that they extend the comment period another 30 days to accommodate those on the new route. She added that Augusta County had done this as well.

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Ms. Brennan then reported that the Nelson 151 group had passed a resolution the previous day regarding the pipeline.

Ms. Brennan then asked if someone would make a motion to send the letter to FERC asking for another Scoping meeting and an extension of time for comments.

Mr. Hale moved that the Board of Supervisors send a letter to FERC requesting an additional Scoping Meeting in Nelson County due to the inability of many to speak to the subject.

Mr. Harvey noted that they could also ask them to provide their procedural rules in writing also.

Mr. Hale then amended his motion to include asking FERC to provide procedural details on how the meeting is conducted and Ms. Brennan seconded the amended motion.

Mr. Bruguiere noted he had no problem with it, but wondered if FERC would count the previous meetings as a scoping meeting. Staff noted that they had a presence at other meetings; however they were not as officials as at the scoping meeting. Mr. Carter added that they were at Dominion's meetings as observers.

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

Ms. Brennan then asked if anyone would ask for an extension of time to allow new folks on alternate routes time to comment. Supervisors suggested she make the motion and Ms. Brennan moved that the Board of Supervisors send a letter to FERC asking for an extension of the scoping period for another 30 days and Mr. Hale seconded the motion.

It was noted that the first comment period was to end on April 28, 2015. Mr. Saunders then noted that thirty days would be around May 28, 2015. Supervisors briefly discussed how many days were in May and the new deadline with the additional thirty days.

Ms. Brennan then amended her motion to make the new extension until May 28, 2015 and Mr. Hale seconded the amended motion.

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

*B. Introduced: Carter Smith Resigning from Electoral Board*

Ms. Brennan noted that Carter Smith was resigning from the Electoral Board and she would like a resolution for him thanking him for his 30 years of service.

*C. Introduced: Budget Meeting with Agencies*

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Ms. Brennan inquired as to the Agencies coming to the next budget work session the following week. Mr. Carter suggested that this be deferred from then and Ms. McCann noted that this could be decided that day. She added that she did not feel that it was feasible to do this next Tuesday now.

*D. Introduced: Meeting on Lovingston Healthcare Center*

Ms. Brennan reported that she and staff and some other met about the Lovingston Healthcare Center building and she inquired if there was any follow up by staff yet. Mr. Carter noted that it was on his to do list and he would follow up with Mr. Jones and have him base his response on using the building as is.

*E. Introduced: Meeting with Dominion Resources Scheduled for April 15th*

Mr. Saunders noted that he would like to defer the April 15<sup>th</sup> meeting with Dominion Resources to a later date. He added that he felt like the Board would not get the answers they wanted and there were a lot of unanswered questions.

Mr. Hale agreed that it was not necessary when the routes had not been decided.

Mr. Bruguere added that he would like for them to nail down a route and then the Board could ask questions. He added he would like to see them pick one.

Mr. Hale noted the difficulties that they have being on the outside of process and to his knowledge they had not been provided a criteria for their route selection. He added that he would like to see the rationale behind it and that it was appropriate for them to know and this was troublesome to him.

Mr. Bruguere noted that it was a requirement for them to provide alternate routes to FERC and Mr. Hale noted that he did not think the shifts in parts of the route in Nelson County consisted of an alternate route.

Mr. Carter noted that they could reroute differently but once it got to Lovingston, it would follow a similar path. He added that the alternate segments seemed to be there to avoid things and he agreed it was not completely different.

Ms. Brennan then noted that there was now a leg coming down from Tyro in the Western part of the county.

Mr. Saunders suggested that they have the meeting when the final route was determined and the application made. He added that this would eliminate questions that would not affect some people.

Mr. Carter noted that as the process moved to application, substantial input would be received from DEQ, Marine Resources, DHR etc. and Dominion would have to answer their

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questions. He added that there would be an extensive review process and questions should be addressed before their final submission to FERC.

Mr. Saunders noted that if something did come up then the Board could reconsider meeting with them.

Mr. Carter then noted the Forest Service's response to Dominion's request to survey in the National Forest. He related that they had given them a categorical exclusion because there was no significant impact; however within that submission, the Superintendent had to answer nine (9) questions with six to 8 (6-8) sub-questions and a lot of these answers were "to be determined".

Mr. Harvey noted that he thought they needed to meet with them and that they should not put this off for more than thirty (30) days. He added that he wanted the question answered of whether or not consumers along the route could tap into the line.

Mr. Hale noted that there may be answers that were accurate and some that were inaccurate. He added that it was not likely that they would have clear accurate answers that could ever be counted on.

Supervisors agreed by consensus to discuss this in the near future; however they would cancel the scheduled meeting with Dominion on April 15, 2015.

**IV. Adjourn and Continue Until March 31, 2015 at 4:00 PM in the General District Courtroom for the Conduct of a FY15-16 Budget Work Session.**

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 4:00 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 – Vice Chair
- Thomas H. Bruguiera, Jr. West District Supervisor
- Larry D. Saunders, South District Supervisor – Chair
- Constance Brennan, Central District Supervisor
- Thomas D. Harvey, North District Supervisor
- Stephen A. Carter, County Administrator
- Candice W. McGarry, Administrative Assistant/Deputy Clerk
- Debra K. McCann, Director of Finance and Human Resources

Absent: None

**I. Call to Order**

Mr. Saunders called the meeting to order at 4:00 PM, with all Supervisors present to establish a quorum.

**II. FY15-16 Budget Work Session**

Mr. Carter noted that staff had received the updated Schools budget proposal which was less than the first revision. He added that the School’s request was substantially lower than last year and they were requesting a \$381,000 increase over this year's amount. He noted that this change yielded savings of \$135,597. Ms. McCann then reported the following budgetary changes to expenditures and revenues:

Expenditures:	Current	Revised	Change
Approved School Board Request	\$14,688,407	\$14,552,810	-\$135,597
DSS Revision for 3% COLA and Health Insurance	<u>\$1,922,202</u>	<u>\$1,949,454</u>	<u>\$27,252</u>
	\$16,610,609	\$16,502,264	-\$108,345
Revenues:	Current	Revised	Change
Compensation Board (Pay Adjustment & Reduction in Aid To Localities)	\$1,364,490	\$1,387,546	\$23,056
State Revenue for Social Services (Pay Adjustment)	<u>\$347,413</u>	<u>\$358,442</u>	<u>\$11,029</u>
	\$1,711,903	\$1,745,988	\$34,085

Recurring Contingency Impact:

Previous Recurring Contingency:	\$1,256,708
Addition for Expenditure Savings:	\$108,345
Addition for Increased Revenues:	<u>\$34,085</u>
	\$1,399,138

Ms. McCann noted that the DSS Revision for 3% COLA and Health Insurance was a total increase of \$27,252; however the local increase was \$16,233.

Supervisors asked what the increase was in past School funding and Mr. Carter noted that he would have to look; however the increase from FY14 to FY15 was zero, because they were level funded. Mr. Harvey then confirmed that their request was \$135,597 less than before.

Mr. Carter reported that the Schools were retaining an architect to evaluate some of the CIP items and Dr. Comer was hopeful that some of these projected costs would be lower after evaluation. It was asked how the architects on the High School renovations were not aware of the ADA issues at the time and Mr. Carter noted he could not speak to that.

Mr. Hale suggested that a committee be formed to go over the school CIP and Mr. Harvey volunteered. He then suggested that for the Board's purposes, anything of the CIP that was funded would come out of contingency.

Ms. McCann noted that the CIP priority 1 included four (4) buses and that two (2) buses had already been funded in the budget. She noted that this left \$68,960 for the priority 1 list. She noted that the OCR items may decrease in pricing based on the architect's evaluation and that the school safety amount listed may also be a general number.

Mr. Carter noted that they may also look at transportation as they have the seventh (7<sup>th</sup>) highest transportation costs per pupil in the state. Mr. Hale noted that this was not surprising because of the low number of students and the size of the County.

Mr. Harvey noted that providing only two (2) buses would not meet their replacement schedule. He suggested analyzing the fleet and the life of the bus to determine how many to buy per year. He added that he thought it took four (4) buses to do this. Ms. McCann noted that the Board had previously purchased four (4) buses; however they had provided funding for two (2) in the last two (2) years.

Mr. Hale then reiterated that any more funding provided here would come from the contingency funds. Ms. McCann then noted that the Board had \$340,000 set aside in the capital fund for the Tye River Elementary School building envelope and this was available to be used. Mr. Hale then noted that the set aside was really not adequate since the cost to address the building envelope was around \$1.4 million. Mr. Carter suggested that the Board aggregate projects together for large ticket items and consider debt service. Mr. Hale noted he wanted to keep new debt down if they could.

Mr. Carter then suggested that staff could report on the change in the School’s budget request or could work through the budget based on the consideration list; which highlighted things that were and were not funded.

Mr. Harvey noted he did not think it was the Board’s responsibility to go through the School budget and that someone else besides him could be on a committee to look at the school CIP list.

The existence of empty buses on the roads was discussed and it was noted that buses must be able to handle the maximum amount of students per day, whether they actually did or not.

Supervisors then agreed by consensus to have Mr. Harvey and Mr. Bruguiera be on the CIP list committee and staff was to arrange a 2x2 meeting with School Board members.

Staff and Supervisors then reviewed the list of considerations as follows:

<u>Department</u>		<u>1St Draft Budget</u>
<b>Sheriff</b>		
PT Clerical to Full Time	\$23,845	Not Funded
3 Ballistic Vests	\$1,740	Funded
<b>Emergency Services Council</b>		
New Cost of Fire Equipment Testing	\$5,678	Funded
Training & Supplies (FY14 funding was \$10,000)	\$15,000	Funded
Expense Reimbursement Savings FY14 to FY15	-\$8,766	
<b>E911 Program</b>		
Emergency Notification System	\$8,500	Not Funded
Increased Radio Maintenance	\$47,350	Funded
Recording System Upgrade (PSAP Grant)	\$54,333	Grant Funded
<b>Paid EMS</b>		
Additional Coverage 7A-5P Sat/Sun	\$41,600	Not Funded
3% Employee COLA	\$15,323	Funded
Additional Health Insurance Contribution	\$9,086	Funded
Auto CPR Device-County Ambulance	\$13,500	Funded

**Building Inspections**

FT Asst. Building Code Official \$58,576 Not Funded

**Animal Control**

PT ACO to Full Time \$26,484 Funded

PT Shelter Attendant to Full Time \$20,446 Not Funded

**Motor Pool**

2 Sheriff Vehicles (1Dodge Charger/1Ford) \$64,350 Funded

2 Vehicle camera systems \$7,868 Funded

2 Building Inspections Vehicles (Ford Explorers) \$60,000 Not Funded

**Planning**

Summer Intern \$3,869 Not Funded

FT Planner \$56,584 Not Funded

**Non-Departmental**

3% COLA for County Employees & associated benefit cost \$135,000 Funded

8.5% Health Insurance Increase (within each dept.) \$59,078 Funded

**Agencies Requesting Increased Funding**

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Health Department \$678 Not Funded

Region Ten \$12,809 Not Funded

Regional Library \$8,730 Not funded

JAUNT \$16,740 Not Funded

MACAA \$3,996 Not Funded

Shelter for Help \$356 Not Funded

OAR \$3,500 Not Funded

Nelson County EDA \$3,400 Not Funded

ReadyKids (formerly Children Youth & Family Services) \$1,500 Not Funded

Piedmont Workforce Network \$2,255 Not Funded

**Capital Outlay**

Voting Equipment	\$120,050	*Funded
Calohill Maintenance Bldg. Renovation	\$100,000	*Funded
Emergency Vehicles (50% Ambulance/80% Fire Truck)	\$320,000	*Funded
Broadband Improvements (Carried Over from FY14)	\$60,000	Funded

**Transfer to Schools (Official Request Has Not Been Rec'd)**

School Nursing (BRMC requested increase)	\$20,000	Not Funded
3% COLA for School Employees & Associated Benefits	\$517,300	Funded
2 School Buses	\$190,000	*Funded
Capital Improvements	TBD	

**Transfer to Other Funds**

Increase to Debt Service Fund (Existing CH Renovations)	\$100,721	*Funded
Transfer to CH Project Fund (Balance needed for \$2M)	\$1,426,225	Funded
Transfer to Broadband Fund (for Operations)	\$100,000	Funded
Transfer to Broadband Fund (for Planning Study)	\$50,000	Funded
Transfer to CDBG Fund (CDBG Match for Broadband)	\$100,000	*Funded

<b>Total Funded</b>	<b>\$3,530,652</b>	
<b>Total Not Funded</b>	<b>\$347,384</b>	
	<b>\$3,878,036</b>	

**\*Funded from non-recurring Contingency**

**Sheriff:**

*Part Time Clerical to Full Time \$23,845 Not Funded*

Ms. McCann noted that the part time position was currently funded by the Compensation Board and that the office also had a full time clerical position. He noted that they would have turnover at the end of December when that person retired.

Mr. Hale suggested that the conversion of the part time position to full time not be funded at this time since there would be a new Sheriff and the clerical duties could be sorted out when the full time person retired.

Ms. McCann explained that if it were converted, the Compensation Board would pay what they paid now towards the position and the County would pay the rest including benefits. She also noted that the presented salary of \$23,000 was not equivalent to what that person

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was making now. She noted that the total cost of the equivalent position would be \$27,685 and \$12,500 of this would be paid by the State. She added that the current person worked six (6) hours per day now.

Mr. Harvey agreed with Mr. Hale and noted he thought changes were to come. Supervisors then agreed by consensus to not fund the request at this time with the thought that this could be changed at any time and would only affect six (6) months of the budget.

**Emergency Services Council:**

*Training and Supplies \$15,000 Funded:*

Ms. McCann pointed out that training was funded at \$10,000 in the past year. Mr. Harvey then noted that Nelson may get into training with Amherst County because of the low numbers in Nelson.

**E-911 Program:**

*Emergency Notification System \$8,500 Not Funded:*

Mr. Harvey confirmed with staff that the new system could call out to a district, street, etc. Ms. McCann noted that the current system would no longer be supported and that only \$4,000 would need to be added to the budget to fund this due to the fact that there were costs of the current system already budgeted that would offset this cost. She noted that staff would have to come back with a finalized number and she suggested coming back to this.

Mr. Hale questioned how beneficial this would be to the County to have and Mr. Harvey and Ms. Brennan noted it would be very beneficial in emergencies.

Supervisors then agreed by consensus to revisit the item once staff came back with the actual budgetary impact.

*Increased Radio Maintenance \$47,350 Funded:*

Ms. McCann noted that radio maintenance had increased by this amount and the total for this line item was a couple hundred thousand. Mr. Harvey noted that he did not think that work on the radio system was over and Mr. Carter noted that the Wintergreen paging issue may have been fixed that day. Mr. Harvey noted there were problems with coverage in Nellysford and Afton; but he was confident it was only Fire and Rescue frequencies. It was noted that there may be some reconfigurations that could be done to fix it and that Susan Rorrer was working on it daily.

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*Additional Funding Request: \$432 for Phone Line at Devil's Knob Tower*

Ms. McCann noted that Ms. Rorrer was also requesting a phone line at Devils Knob for Motorola technicians to use due to there being no cell service at the site. She noted that the cost for this was \$432 and Mr. Carter reported that he has instructed Ms. Rorrer to proceed.

**Paid EMS:**

*Additional Coverage 7A-5P Sat/Sun \$41,600 Not Funded:*

Ms. McCann noted that additional coverage was being requested that would entail adding two (2) employees on that shift at a cost of \$41,600. Mr. Carter noted that there was already coverage during this time but this would be additional people. He noted that there was currently 24/7 coverage and that he had asked them to make sure to have crews on both sides of the County on weekends.

Ms. McCann added that this would bring a second ambulance online during this shift. Mr. Carter noted that he had asked Mr. Sheets to move an ambulance over to the Route 29 corridor because calls were coming in from there; however there was more activity on the Route 151 side. Mr. Harvey noted he thought it was warranted because of the great potential for need on Route 151.

Ms. McCann reported that the overall budget increased because of a cost of living adjustment and an increase in health insurance costs. She noted that the budget also funded a requested Auto CPR device.

Mr. Bruguiere agreed that the additional coverage was necessary and Mr. Hale noted that this raised the question of continued funding for volunteer agencies if they were not answering calls. Mr. Harvey noted that they were still providing equipment etc.; however the Board may need to look at this in the future. Mr. Harvey noted that volunteerism was increasing on the firefighting side but not in rescue. Mr. Carter noted that roughly 73% of the calls were transported by the career crews.

Mr. Bruguiere asked if this additional coverage could start before July and it was noted it could. Mr. Carter advised that they were bumping the hours up and staff had asked them to stop until the Board decided on this.

Mr. Harvey noted that it was the County's responsibility to provide EMS services in the County and this did not have to be self-supporting as people paid taxes for this. He then added that he agreed with Mr. Hale that continued contributions to the volunteer agencies needed to be looked at. He noted that once the County was paying on ambulances he did not see a whole lot of reimbursement needed other than for maintenance.

Supervisors then agreed by consensus to start this additional coverage now and factor it in to the budget. Staff noted that they would confer with Mr. Sheets about costs.

**Building Inspections:**

*Full Time Assistant Building Code Official \$58,576 Not Funded:*

Ms. McCann noted that Mr. Thompson had requested an Assistant Building Code Official or a Building Inspector.

Ms. Brennan noted that per Jeff Goff, who does contract work at Wintergreen, construction was picking up which was good news.

Mr. Hale inquired as to how many inspectors were in the office before Mr. Thompson was promoted and it was noted that when Mark Bolt was the Building Code Official, there was Mr. Thompson as the Assistant Code Official and an inspector. It was noted that Paul Truslow was doing inspections part time prior to Mr. Bolt's employment, but was moved out thereafter. It was noted there were three (3) people doing inspections then and there were two (2) now.

Mr. Carter advised that Mr. Thompson was assigned to the Blue Ridge Tunnel project and would do the Courthouse project once that got going and he would be stretched thin.

Mr. Hale then inquired about hiring a part time inspector and staff noted that it would be hard to get someone part time as they would still have to be certified. Ms. McCann confirmed that it would be difficult to recruit for a part time Inspector. Mr. Saunders noted that Mr. Thompson was a few years away from retirement and he thought it would be good to have someone else that could be trained and do plan review etc. to take his place.

Mr. Hale noted that it was typical for Inspectors to become Code Officials and Mr. Carter noted that would be his hope and that if they hired an Inspector, they could become certified over time.

Ms. Brennan noted she thought the County ought to hire an Assistant Building Code Official now since there was not much more in cost and there was so much training involved. Ms. McCann advised that if the County got someone certified, they may not get them for the estimated salaries.

Supervisors then agreed to use the maximum funding amount projected and then see what could be recruited; noting that they were willing to pay for qualifications and staff should advertise for an Assistant Building Code Official/Building Inspector. Ms. McCann reiterated that these were hard positions to fill but that they could require the hire to obtain their plan review certification in a certain amount of time. Mr. Saunders suggested putting the funding in and leaving the advertising up to staff and Ms. McCann confirmed that they will advertise for either an Assistant Building Code Official/or Inspector.

**Animal Control:**

*Part Time Shelter Attendant to Full Time \$20,446 Not Funded:*

Ms. McCann noted that Ms. Brooks had requested that one of two part time Animal Control Officers (ACOs) become full time and this was funded in the budget. She noted that some data had been provided in the packet of considerations.

Mr. Hale suggested that rather than having one full time Shelter Attendant, the County hire another part time Shelter Attendant and Mr. Carter noted that this had been discussed by staff.

In reference to the Animal Control Officers helping in the shelter or picking up supplies, Mr. Harvey noted that money was not being spent wisely, when higher paid people were doing more menial tasks. He added that most people needed a full time job; but that they should look at what worked best.

Ms. McCann noted that the Shelter Attendants worked on the weekends without much if any oversight and they needed to be reliable. Mr. Harvey added that with part timers there was usually turnover.

Mr. Carter noted that there was another part time Animal Control Officer starting in April that was already funded.

Ms. McCann suggested that the Board could wait and see how the new part time ACO worked out as the department may rather have two full time ACOs rather than a full time Shelter Attendant. Staff then confirmed that these would be in addition to Ms. Brooks and that the department would have 2.5 ACOs including her.

Ms. McCann noted that weekend coverage was an issue. Mr. Harvey noted that they had a lot of regulations to follow and associated paperwork. Mr. Carter then noted that the department had come a long way in this area and Supervisors agreed.

Supervisors then agreed by consensus to approve the funding and to give staff the flexibility to decide which option would work.

**Motor Pool:**

*2 Sheriff Vehicles (1Dodge Charger/1Ford) \$64,350 Funded*

Mr. Saunders questioned the low mileage driven on several vehicles and it was noted that the Acura was a confiscated vehicle and the 2010 Ford Explorer driven 5,000 miles last year was the Sheriff's vehicle.

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Mr. Saunders pointed out that they had four to five (4-5) vehicles that they were putting less than \$5,000 on and were fairly new. Mr. Hale agreed that the current vehicles seemed underutilized and Ms. McCann noted that some were driving them from home to work.

Supervisors briefly discussed the Humvee being donated and it being used in snowstorms and that it still needed to be maintained.

*2 Vehicle camera systems \$7,868 Funded \$60,000 Not Funded*

Mr. Saunders commented that he would think that body cameras would be mandated soon and Ms. McCann noted that they did have some that had been purchased with grants.

Ms. McCann then advised that the two (2) camera systems that were requested were for the only cars without them.

Mr. Harvey noted he hoped these would go in the two new vehicles and Ms. McCann supposed that those costs could be included in the vehicle equipment budget line.

*2 Building Inspections Vehicles (Ford Explorers)*

Ms. McCann noted that these were not funded and that the Board had been provided vehicle information. She noted that they currently had three vehicles: a 2004 Ford Escape with 119,000 miles, and two (2), 2006 Chevy Pickups with mileage of 92,204 and 130,940. It was noted that the 2004 Escape was not used regularly because the annual mileage was low at 2,826. It was noted that Mr. Thompson did not like the Pickups and preferred the Escape.

Mr. Carter advised that he thought it could wait another year and Mr. Harvey noted that if another person was brought into the department, they may need one.

Mr. Hale suggested putting in \$30,000 and letting staff decide when to purchase a vehicle. Supervisors agreed by consensus to fund one vehicle for \$30,000.

**Planning:**

*Summer Intern \$3,869 Not Funded*

*FT Planner \$56,584 Not Funded*

Supervisors agreed by consensus to come back to these items.

**Non-Departmental:**

*3% COLA for County Employees & associated benefit cost \$135, 000 Funded*

*8.5% Health Insurance Increase (within each dept.) \$59,078 Funded*

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Ms. McCann noted that the Health Insurance increase was actually contained within each department and not in the non-departmental area of the budget.

Ms. McCann noted that typically when a pay increase was given as a COLA, the whole scale went up and employees never moved up the steps of the scale. She added then when new employees came in, they made the same salary as those that had been with the County for a few years. She noted that staff had considered raising the pay scale by .5% and then giving employees a step; which was equal to 2.5% for a total of 3.0%. She reiterated that this had not been done this way in the past and noted that the cost was the same.

Supervisors thought this made sense and agreed by consensus to implement a .5% COLA and a 2.5% step to equal the 3% raise that was funded.

Ms. McCann then noted that staff was looking at Dispatch salaries; which was brought up at the last budget meeting. She added that the County was in the middle of the mix when their salaries were adjusted last time and now they were near the bottom. She noted that this was the same across the board for all positions.

Ms. McCann noted that in evaluating Dispatcher salaries, the Sheriff Department side skewed the average salary; however the Compensation Board range was lower than that of the County range for those positions.

Ms. McCann noted that it had been enlightening when comparing Dispatch positions to other positions and when looking at federal and state rankings and the local MSAs. She noted that she thought Nelson was in the 25th percentile in these positions; which meant 75% of the other localities included in the analysis were paid more than those in Nelson. She added that this comparison did not take experience into account.

Ms. Brennan noted she thought this was terrible and suggested that the County may need to do a pay study.

Mr. Bruguere noted that Albemarle had a higher cost of living and that should be considered. Ms. McCann noted that they looked at Lynchburg for the comparison because salaries were typically lower there.

Mr. Harvey reiterated that the most important link in the EMS chain was Dispatch.

Ms. Brennan reiterated that it had been a while since the County had looked at overall compensation and Mr. Harvey noted that every time it was done, the County's salaries had to be leveled up. Ms. McCann then noted that the Schools wanted to do a compensation study together with the County.

Mr. Hale noted that he thought the Board was doing their part with the 3% raise. He added he liked the idea of raising up the lower salaries and he would consider looking at those that were paid less.

Mr. Bruguere then questioned the difference between County and Compensation Board Dispatchers and Ms. McCann reiterated that the Compensation Board pay range was lower; but the average incumbent's salary was higher.

Ms. Brennan then asked if that meant a County Dispatcher could potentially start at a higher salary. Ms. McCann noted not necessarily as the Compensation Board may not require them to start at the bottom of the range. She added that new ones had started around \$27,000. Mr. Carter noted that the Sheriff's Department needed to reallocate any salary savings they had so they did not lose the funding. He explained that if they had turnover or vacancy savings they could keep it and reallocate it to other employees so it was not lost. He added that this had been done for one of their Dispatchers. He added that this could be something they would hear about in the future as some of their employees were poorly paid.

Mr. Harvey noted that he had never been able to match the County raises for his employees. Mr. Saunders then noted that he believed in merit raises vs. a COLA. Mr. Harvey noted that the Service Authority did this and Mr. Hale confirmed that they had a range of merit increases. Mr. Carter noted that this could cause hard feelings and Mr. Saunders agreed with Ms. Brennan that the County ought to study it.

Ms. McCann noted that staff could do it in house; however it was time intensive to do a study. She then suggested that they bring it before them next budget cycle.

Mr. Hale then asked to what extent the County Administrator gave merit increases based on performance and Mr. Carter noted it had never been done because he had not been authorized to do this. He noted that per the personnel policy, he could give a bonus for exceptional work or certification and he had done this once. He added that this can be perceived as arbitrary. Mr. Carter then noted that he worked closely with everyone in the County and he felt that County staff was very outstanding and there were no slackers or he would be addressing it. He added that the County was fortunate to have the commitment and quality of employees.

Mr. Saunders noted that there were some School employees doing the same job as County employees that were making a lot more. Ms. McCann noted that staff could look at these to compare as well. Mr. Bruguiere noted that School Administrators were making 15% of the total budget and that was too high.

Supervisors then agreed by consensus to have staff work on a salary study within the next year.

**Agencies Requesting Increased Funding:**

*Health Department \$678 Not Funded*

*Region Ten \$12,809 Not Funded*

*Regional Library \$8,730 Not funded*

*JAUNT \$16,740 Not Funded*

*MACAA \$3,996 Not Funded*

*Shelter for Help \$356 Not Funded*

*OAR \$3,500 Not Funded*

*Nelson County EDA \$3,400 Not Funded*

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*ReadyKids \$1,500 Not Funded*

*Piedmont Workforce Network \$2,225 Not Funded*

Supervisors agreed by consensus to defer considering these.

### **Capital Outlay**

*Voting Equipment \$120,050 \*Funded*

Ms. McCann noted that amount needed was \$125,185, an increase of \$5,135 from what was budgeted.

Mr. Bruguere noted he saw the machines and liked that they all generated a paper ballot.

*Calohill Maintenance Bldg. Renovation \$100,000 \*Funded*

Supervisors agreed by consensus that more solid numbers were needed; however they noted to leave this funding in as is.

*Emergency Vehicles (50% Ambulance/80% Fire Truck) \$320,000 \*Funded*

Ms. McCann noted that this amount included what was done this past year at \$320,000. Mr. Harvey noted that Rockfish would be getting the fire truck this year and the ambulance contribution was 50% of what the state pays. Ms. McCann reiterated that this was based on the costs of what was done this year.

*Broadband Improvements (Carried Over from FY14) \$60,000 Funded*

Ms. McCann noted that these items were included in this year's budget and would not get done by the end of the year so they were being carried forward. She noted the items to be done and added that the Martin's Store paving quote was old and this could be more now. She noted that the County had received the money from AT&T to go towards this. Mr. Harvey suggested that this needed to be evaluated and that surface treating the road may be better.

Ms. Brennan asked if the tower in Massie's Mill was being used and Ms. McCann noted that the Authority had a contract with SCS; however he was not using the tower. Mr. Carter noted that the County had gotten several calls from citizens about getting service there. He added that SCS was currently paying tower lease fees.

### **Transfer to Schools (Official Request has not been received):**

*Capital Improvements TBD*

Supervisors agreed by consensus to defer this item.

**Transfer to Other Funds**

*Increase to Debt Service Fund (Existing CH Renovations) \$100,721 \*Funded*

Ms. McCann noted that this was to cover the interest only payment on the new courthouse renovation debt.

*Transfer to CH Project Fund (Balance needed for \$2M) \$1,426,225 Funded*

Ms. McCann noted that this was the balance of the \$2 Million in fund balance to be used for the courthouse project.

*Transfer to Broadband Fund (for Operations) \$100,000 Funded*

Ms. McCann noted that these funds were for operations; however staff had not yet looked at the Broadband budget. She noted that she thought this amount would cover it and it could be lower.

*Transfer to Broadband Fund (for Planning Study) \$50,000 Funded*

Ms. McCann noted the study would encompass how to extend Broadband in the County and was proposed by the NCBA Chair.

Mr. Harvey, Ms. Brennan, and Mr. Bruguere agreed a plan was needed; however Mr. Bruguere was not sure of the cost.

Mr. Harvey noted that someone needed to expand the fiber. He noted that BRI had not solicited and/or hooked up any of the other subdivisions and were not being aggressive at all. He noted that both subdivisions that were done were organized by the Homeowners Associations and brought to BRI. Mr. Bruguere suggested that they look at the overall initial hookup fees. Mr. Harvey then noted that the only area taking advantage of the fiber network was the northern Rockfish area. He added there was no one but the County on the system on Route 29 all the way to Colleen.

Supervisors discussed that the Edge Hill subdivision wanted the fiber and someone needed to go in there and get the package together.

It was noted that some of the issue was that if someone else installed the fiber, right now the County would own it. Mr. Carter noted that if someone else built out and they owned the fiber, then the customer was held hostage to that provider and there was no competition.

Mr. Saunders likened it to the water and sewer systems. He noted that the installer was provided with specifications which they installed by and then the County would own it. He added that the Service Authority did it this way now; granted not that often. It was noted that the tradeoff of this was that the County would maintain it forever.

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*Transfer to CDBG Fund (CDBG Match for Broadband) \$100,000 \*Funded*

Ms. McCann noted that these were the matching funds for the CDBG Broadband grant.

### **III. Other Business (As May Be Presented)**

*Introduced: Congressman Hurt's Luncheon*

Ms. Brennan reported attending Congressman Hurt's luncheon for elected officials. She noted that Esther Page asked if someone from the Board would come to the opening day of the Dixie Youth Baseball League on April 18th at the Nelson Lion's Field. Mr. Bruguere volunteered and asked that Ms. Harper send him the details and he would attend.

*Introduced: Scheduling next Budget Work Session*

Supervisors and Staff looked at the original schedule of dates and April 9<sup>th</sup> was suggested. It was noted that the School Board could not meet on that date so it would be a Board of Supervisors session.

It was then suggested that the Board could invite the Agencies on the 9<sup>th</sup> and it was suggested that they not hear from the ones that did not have an increase or had a small one. Mr. Hale noted that of the ones listed at the top, he thought the Health Department would be worth hearing from and he would like to also include those who received a substantial contribution from the County even if they did not request an increase. This added Jefferson Area Board for Aging (JABA) and the Health Department (VDH) to the list.

Ms. McCann noted that two more could be added if the Board started earlier or ended later and Mr. Hale confirmed that they were adding two (2) for a total of nine (9) agencies and would allow fifteen (15) minutes each.

Supervisors agreed by consensus to have the next work session on April 9<sup>th</sup> from 3:00 pm to 5:00 pm and the next date would be set at the April 14<sup>th</sup> regular meeting.

*Introduced: Board of Supervisors Pay Adjustment*

Ms. McCann distributed State Code information on the methods by which Boards of Supervisors may implement pay adjustments. She noted that the Board could pass a resolution before July 1st and the pay adjustment would go into effect the following January. She noted that the other method was by Ordinance and there were parameters involved.

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Mr. Saunders asked if in the future, the Board could tie their raise to County employee raises and Mr. Carter confirmed that they could do it annually. Mr. Hale stated he was not in favor of them getting a raise, period.

Mr. Carter noted that if they used the method of acting by July 1<sup>st</sup>, they could set the bar wherever they wanted to.

Mr. Hale then suggested that the matter should be discussed at a regular Board of Supervisors meeting and Supervisors agreed by consensus to add this to the April 14, 2015 meeting agenda.

#### **IV. Adjournment**

At 5:50 PM, Mr. Hale moved to continue meeting until April 9th at 3:00 pm and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.

**RESOLUTION R2015-26  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET  
NELSON COUNTY, VA  
April 14, 2015**

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

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

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 6,602.00	3-100-003303-0030	4-100-091030-5630

Adopted: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

## EXPLANATION OF BUDGET AMENDMENT

- I. The **Appropriation of Funds** includes an appropriation request of \$6,602 for the Blue Ridge Trail final expenditures. It was originally anticipated that the project would be fully expended in FY14 so the expenditures were not included in the current budget. The funds will be fully reimbursed by grant funding.

**RESOLUTION R2015-27  
NELSON COUNTY BOARD OF SUPERVISORS  
APRIL 2015 IS NATIONAL COUNTY GOVERNMENT MONTH  
COUNTIES MOVING AMERICA FORWARD: THE KEYS ARE  
TRANSPORTATION AND INFRASTRUCTURE**

**WHEREAS**, the nation’s 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe, vibrant and economically resilient communities; and

**WHEREAS**, counties move America forward by building infrastructure, maintaining roads and bridges, providing health care, administering justice, keeping communities safe, running elections, managing solid waste, keeping records and much more; and

**WHEREAS**, Nelson County and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

**WHEREAS**, through National Association of Counties President Riki Hokama’s “Transportation and Infrastructure” initiative, NACo is encouraging counties to focus on how they have improved their communities through road projects, new bridges, building new facilities, water and sewer improvements and other public works activities; and

**WHEREAS**, in order to remain healthy, vibrant, safe, and economically competitive, America’s counties provide transportation and infrastructure services that play a key role in everything from residents’ daily commutes to shipping goods around the world;

**NOW, THEREFORE, BE IT RESOLVED**, the Nelson County Board of Supervisors do hereby designate April 2015 as National County Government Month.

Adopted: April 14, 2015

Attest: \_\_\_\_\_, 2015  
Nelson County Board of Supervisors



APRIL 2015 **NATIONAL  
COUNTY  
GOVERNMENT  
MONTH**

COUNTIES MOVING AMERICA FORWARD:

THE KEYS ARE TRANSPORTATION  
AND INFRASTRUCTURE

# NATIONAL COUNTY GOVERNMENT MONTH | APRIL 2015

National County Government Month (NCGM), held each April, is an annual celebration of county government. Since 1991, the National Association of Counties has encouraged counties to actively promote the services and programs they offer. Counties can schedule activities any time during the month. NCGM is an excellent opportunity for your county to highlight effective county programs and raise public awareness and understanding about the various services provided to the community.

## **NACo'S VISION:**

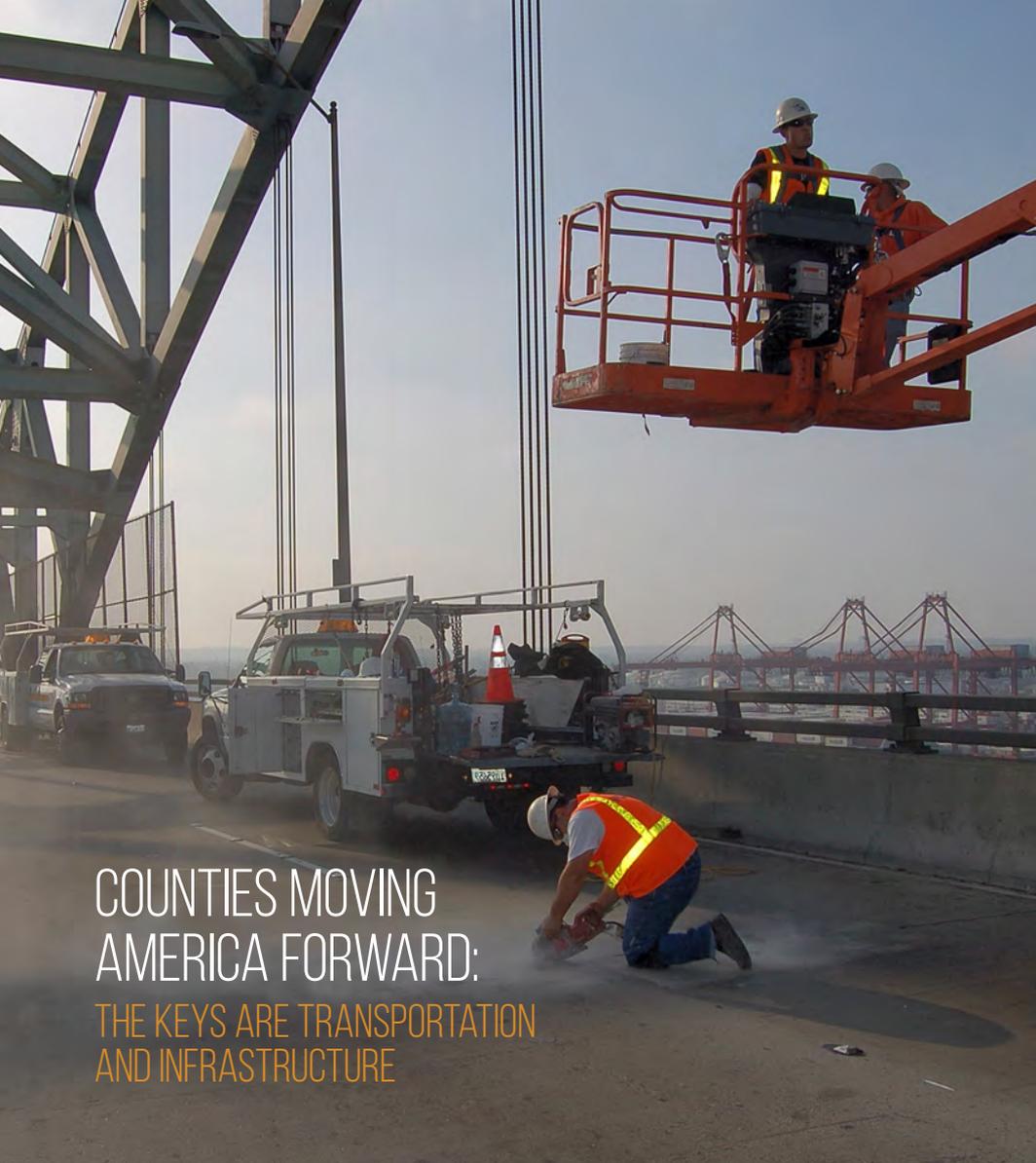
Healthy, Vibrant and Safe Counties Across America

## **NACo'S MISSION:**

The National Association of Counties (NACo) unites America's 3,069 county governments. Through NACo, county officials:

- Advocate with a collective voice on national policy
- Exchange ideas and build new skills
- Innovate transformational county solutions
- Enhance the public's understanding county government, and
- Implement trusted, value-added services that counties and the public money





COUNTIES MOVING  
AMERICA FORWARD:

THE KEYS ARE TRANSPORTATION  
AND INFRASTRUCTURE

## PRESIDENT'S MESSAGE

### Show how Counties Move America Forward using transportation and infrastructure



NACo President  
Riki Hokama

Dear Fellow County Leader,

A group of high school students was recently asked, “What is a county? What do counties do?” After some struggling, one student said, “Counties take care of important things no one else has time to do.” In some ways, she was right. But, the point is we need to do a better job of highlighting the role of county government, and April, National County Government Month (NCGM), is a perfect opportunity to do that.

Since 1991, NACo has encouraged counties to actively promote their programs and services during NCGM. This year’s theme is “Counties Moving America Forward: The Keys are Transportation and Infrastructure.” This is also the focus of my presidential initiative because counties are at the forefront of strengthening transportation and infrastructure fundamental to moving America forward. We play a key role in everything from moving people and goods to moving the economy forward.

County resources are the core building blocks for healthy, vibrant and safe communities. Nationwide, we invest more than \$100 billion each year in transportation, broadband services, water systems and public facilities. Counties run most of our nation’s local jails and courthouses, own the largest share of America’s road miles and operate more than 900 public hospitals and countless parks, libraries, firehouses and 911 call centers. As I’ve said all over the country, county transportation and infrastructure are vital to boosting economic competitiveness, moving our food efficiently and maintaining a strong national defense.

This booklet provides you with a variety of ideas of how you can join your colleagues in celebrating NCGM. April presents an opportunity to highlight key transportation projects like new bridges, roads, resurfacing projects or other infrastructure work. Even if your county does not have transportation responsibilities, you probably fund infrastructure projects, which you can highlight.

There are also other examples to show how your county plays a central role in your community and helps “move America forward.” Counties participate in NCGM by hosting a variety of community outreach events and activities, including tours of county facilities, recognition ceremonies for volunteers and county employees, outreach on county services and programs, sponsoring student essay or art contests and adopting resolutions.

One activity that you should pursue during NCGM is to meet with your members of Congress. When you meet stress to them that federal policy matters to counties and counties matter to America's local communities. They should know that county governments are responsible for the fundamental building blocks for healthy, safe and vibrant communities and that federal policy decisions have a major, cascading impact on county government.

With transportation and infrastructure as the theme for NCGM this year, you should also emphasize the need for Congress to approve a long-term reauthorization of Moving Ahead for Progress in the 21st Century Act (MAP-21) and fixing the Highway Trust Fund. You can find information on this issue in this booklet and also on the NACo website.

NACo wants to know what you are doing to celebrate NCGM. When you share photos, videos, articles and activities on social media, use the hashtag #NCGM. Include @NACoTweets on Twitter and tag NACo in your Facebook postings. Explore the wide range of resources at [www.naco.org/NCGM](http://www.naco.org/NCGM) to support your activities.

I look forward to celebrating NCGM with you this April, and thank you for your efforts to show how counties are moving America forward.



— Riki Hokama  
NACo President  
Maui County, Hawaii council member



# NACo PRESIDENTIAL INITIATIVE

National County Government Month is an ideal opportunity to advance President Riki Hokama's *Transportation & Infrastructure Initiative*.

## TRANSPORTATION & INFRASTRUCTURE

Under the leadership of President Riki Hokama, NACo is strengthening the capacity of leaders in the nation's 3,069 counties to deliver first-class transportation and infrastructure services to their communities.

A vast majority of the people and goods in the United States travel via county transportation infrastructure every day. Counties are responsible for building and maintaining 45 percent of public roads and nearly 40 percent of bridges and are involved in the operations of a third of the nation's transit systems and airports.

The decisions that county leaders make about transportation, infrastructure, land use and economic development policies and investments influence local and national economic opportunities, shape how communities grow and enhance Americans' quality of life. Through regional partnerships and collaboration with federal, state and other local governments, nonprofit organizations and private firms, counties connect residents, businesses and communities and strengthen local economies.

Within the initiative, NACo convenes public- and private-sector stakeholders, produces publications, develops webinars and podcasts, facilitates peer learning and hosts forums, workshops and roundtable events.

In December, NACo held the Symposium on America's County Transportation & Infrastructure in President Hokama's home county, Maui County, Hawaii. NACo released a special report, *Capital Investments: Counties Drive Economic Development with Transportation and Infrastructure Innovations*. This and other information is available at [www.naco.org/presidential-initiative](http://www.naco.org/presidential-initiative).

The Transportation & Infrastructure Initiative addresses the county role in promoting investments that support economic competitiveness, improve passenger travel, foster creative partnerships, ensure safety and enhance community quality of life. This initiative focuses on the fundamentals of today's county transportation and infrastructure needs and explores the future of America's infrastructure advancements, including broadband expansion and technology innovations.

What transportation and infrastructure projects has your county initiated? Use NCGM to let your citizens know about road improvements, new bridges, building projects and public works activities. Plan ribbon cuttings or tours to inform them about the improvements you have made.

Contact: *Kathy Nothstine* • [knothstine@naco.org](mailto:knothstine@naco.org) • 202.661.8807



# GETTING STARTED

This year's theme is "Counties Moving America Forward:  
The Keys are Transportation and Infrastructure."



National County Government Month (NCGM) is an annual celebration of county government held each April. Since 1991, the National Association of Counties has encouraged counties to actively promote the services and programs they offer. Counties can schedule activities any time during the month. NCGM is an excellent opportunity for your county to highlight effective county programs and raise public awareness and understanding about the various services provided to the community. Here are a few ideas on how to get started:

## **ESTABLISH A PLANNING COMMITTEE**

The committee will plan, organize and coordinate all activities relating to NCGM. Committee members should include representatives from the county board, administration, school system and each county department. In addition, a public information officer or county official experienced in media relations should be included. Consider including a County Extension Service representative. This could be a staff member, 4-H volunteer or 4-H member. All areas of county government and schools should be involved in the planning process.

## **DECIDE HOW EXTENSIVE YOUR ACTIVITIES WILL BE**

Plan activities throughout the month or organize just a few featured events. Hold fun, interactive and informative activities to reach different segments of your community including students, educators, senior citizens, young families, business leaders and community organizations. Activities should be designed to bring residents to county facilities such as the courthouse, parks, public safety building, and recycling/waste transfer station. Activities can be planned to deploy county officials to locations where residents are already assembled. Suggestions for activities such as open houses and public tours are described elsewhere in this booklet.

## **INVOLVE THE MEDIA**

Be sure members of the local news media are aware of NCGM and the activities your committee has planned. Consider involving a member of the news media in the planning process. Media outreach tips are described elsewhere in this guide. The following pages will provide you and your planning committee several ideas on what to include in your county's celebration of NCGM.

# WHY COUNTIES MATTER

## TRANSPORTATION & INFRASTRUCTURE

Transportation and infrastructure are critical components that support the economies of our counties and improve the standard of living for all Americans. By providing efficient transportation and transit options such as buses, trains, light rail and subway systems, counties are the driving force connecting communities. Counties invest in building the schools where students learn, the hospitals that treat and provide care to the community and the jails that house and rehabilitate wrongdoers. From cleaning up storm debris and restoring safety to the community to cleaning the water we drink by maintaining reservoirs, purification plants and pumping stations, counties provide the basic services that are often taken for granted.

### Services include:

- ★ Transit
- ★ Roads
- ★ Bridges
- ★ Airports
- ★ Construction of public facilities
- ★ Water and sewage systems
- ★ Solid waste management
- ★ Utilities like gas and electricity

COUNTIES ARE INVOLVED  
IN THE OPERATION OF  
**30%** of public  
airports

COUNTIES INVEST  
**\$52.3**  
BILLION  
in construction  
of public facilities  
annually

COUNTIES OWN  
**230,690**  
bridges

COUNTIES OWN AND MAINTAIN  
**45%** of America's  
roads

COUNTIES INVEST  
**\$106.3** BILLION  
IN BUILDING INFRASTRUCTURE  
AND MAINTAINING AND OPERATING  
PUBLIC WORKS ANNUALLY

COUNTIES ARE INVOLVED  
in **27%**  
of public  
transit  
systems

COUNTIES INVEST  
**\$18.6** BILLION  
in sewage and solid  
waste management  
annually

National County Government Month offers an opportunity to educate residents about county programs, services and responsibilities. It is also an opportunity to address misinformation about county government. In short, it's an opportunity to tell the public **Why Counties Matter**.

As part of NCGM, prepare and distribute county fact sheets. Some counties roll out a “County Fact of the Day” or distribute fact sheets representing key county departments, such as public safety, parks and recreation, public works and health. Tell them things many residents do not know about county services, but need to know.

Send the fact sheets to the media, post them on the county website and distribute via social media. Fact sheets can highlight county services and programs provided by your county:

## **TRANSPORTATION**

- How many bridges are owned and maintained by the county?
- How many miles of roads and highways are owned and maintained by the county?
- How many vehicles such as pavers, sweepers and snow plows are owned by the county?
- What public transportation systems does the county operate?
- What are the costs for maintaining the transportation system?
- Show the importance of the transportation systems to the county economy?

## **INFRASTRUCTURE**

- How many infrastructure projects were completed last year?
- How many projects are planned for the future?
- What are the greatest infrastructure needs?
- EMERGENCY RESPONSE, PUBLIC SAFETY AND JUSTICE
- How many trained emergency responders are employed by the county?
- How many trained volunteer emergency responders serve the county?
- How many emergency calls were responded to last year?
- How many bookings were processed at the county jail last year?
- What is the daily average jail population?

## **HEALTH**

- How many patients were served last year at county hospitals and clinics?
- How many health department inspections were conducted last year?
- How many vaccinations were administered last year?
- How many emergency room visits were made last year?

## **CHILDREN AND FAMILIES**

- How many children, senior citizens or veterans received county services last year?

## **EMPLOYMENT**

- How many residents received direct job training or unemployment services last year?
- How many businesses have been added to the county that bring in how many new jobs?

## **ELECTIONS**

- How many residents voted in the last election?
- How many poll workers were deployed on Election Day?
- What was the cost of running the last election?

# OPEN THE COUNTY TO THE PUBLIC

A great way to educate residents about county services is getting them to visit county facilities for an open house or public tour.



## **HOLD AN OPEN HOUSE**

Feature county departments showcasing the services provided. Arrange for county employees to be available to discuss the services. Schedule guided tours through the building. Use your local historical society or library to create presentations or displays to educate residents about the county's rich history. If the weather is nice, have the displays outside in the courtyard or a nearby parking lot. Have music, face painting, balloons, refreshments and entertainment for children. Make it a fun and interesting learning experience for the entire family.

## **OFFER TOURS**

Schedule public tours at county facilities such as health facilities, parks, libraries, courts, recycling/waste transfer stations, and public safety buildings. Reach out to community groups, such as service clubs, 4-H and scouts and encourage them to come as a group to see how various county facilities operate.

## **BRING INFORMATION TO RESIDENTS**

Hold public outreach events at the shopping mall, senior center, recreation center, county library or other location where people are expected to gather. Arrange to set up displays, provide county fact sheets and brochures and conduct presentations on county services. Work with the county extension service to spread the message about what counties do.

## **HOLD A JOBS FAIR**

Highlight your county's workforce development and employment services at a "county jobs fair." Partner with the Chamber of Commerce and local businesses to educate job seekers about the skills and education local employers are looking for.

## **ENCOURAGE VOLUNTEERISM**

Encourage residents to volunteer their time and talents to the community. Organize fellow county officials to spearhead a specific community service project and ask others to volunteer. Ask residents to volunteer their time to visit the elderly, disabled and ill in county hospitals and nursing homes. Ask residents to volunteer their services to assist area non-profit organizations such as those who serve veterans, seniors, juveniles, foster children, homeless persons, the mentally ill and domestic violence victims.



# COUNTY DAY OF RECOGNITION FOR NATIONAL SERVICE

# APRIL 7, 2015

Every day, in counties across America, national service is tackling tough problems and strengthening communities. On April 7, 2015, as part of National County Government Month, county leaders are encouraged to recognize the impact of national service and thank those who serve on the first annual County Day of Recognition for National Service.

## COUNTY DAY OF RECOGNITION FOR NATIONAL SERVICE

On this day, county executives and board chairs will hold public events and use media to highlight the impact of national service to the nation's counties and inspire more citizens to serve. The initiative is being led by the National Association of Counties (NACo) and the Corporation for National and Community Service (CNCS).

As the federal agency for national service and volunteering, CNCS annually engages five million citizens in service at more than 60,000 locations. Through AmeriCorps, Senior Corps, the Social Innovation Fund and other programs, CNCS leverages federal and private funds to support organizations that achieve measurable results where the need is greatest. Whether supporting food banks and homeless shelters, restoring parks, building homes, providing health services, strengthening public safety and juvenile justice services, and managing community volunteers, national service members help local leaders tackle tough problems.

County governments have a broad range of responsibilities to their residents, which matches CNCS's mission to improve lives, strengthen communities and foster civic engagement. A coordinated day of recognition presents a unique opportunity to spotlight the key role that national service plays in helping counties solve problems. Participating in the day will highlight the impact of citizen service, show support for nonprofit and national service groups, and inspire more residents to serve in their communities.

All county board chairs and county executives are encouraged to participate. Suggested activities include holding a thank you event, issuing a proclamation, visiting a national service program, joining a service project, taking a group photo with national service members and using social media to thank those who serve.



Corporation for  
**NATIONAL &  
COMMUNITY  
SERVICE** 

Contact: PJ Andrews, CNCS Office of  
Government Relations, 202-606-6613 or  
[pandrews@cns.gov](mailto:pandrews@cns.gov). To learn more and sign  
up your county, visit [www.nationalservice.gov/countiesforservice](http://www.nationalservice.gov/countiesforservice).



# SCHOOL INVOLVEMENT

Be sure to include schools in your National County Government Month activities to enable students to begin learning about county government.



## **PRESENTATIONS IN SCHOOLS**

Plan visits to schools by various elected and appointed county officials. Discuss interesting historic facts about the county, such as famous residents or important events. Discuss how county government is structured and define its roles and responsibilities. Explain how the county works in conjunction with the state and federal government. Consider organizing a panel discussion with residents who have been positively affected by county programs. Make information on county government available to teachers to use in presentations or as part of their lesson plans.

## **CAREER DAY**

Plan career days at local high schools. Share information about various occupations within county government such as sheriff deputies, police officers, social workers, nurses, court clerks, tax collectors, elections officials, parks and recreation employees, transportation department workers, librarians, corrections officers, firefighters and emergency dispatchers. Emphasize the essential services that these public servants provide each day to the community.

## **TOURS OF COUNTY FACILITIES**

Encourage schools to set up tours of county offices and facilities. The approach should be part of a class lesson plan on government structure, the legislative process, public safety, healthcare and other services.

## **COUNTY OFFICIAL FOR A DAY**

This is a popular activity for many students. High school students interested in government could be part of a program to become a county official for a day (i.e.: “shadow” a county official) and share the experience with other students.

## **CONTESTS**

For younger students, sponsor a poster, essay or coloring contest involving the “Counties Moving America Forward: Transportation and Infrastructure are the Keys” theme or other county government theme.

## **LECTURES**

Offer to teach a class at the community college or give a lecture. The topics could include healthcare, green government, economic development, technology, public safety, disaster preparedness, infrastructure and transportation, or careers in county government.

## DEBATES

Encourage college and high school students to address issues affecting local government through debates. Hold the debates in classrooms or as part of a high school assembly.

## COUNTIES WORK: ONLINE GAME FOR STUDENTS

As part of NCGM, tell students and educators in your county about “Counties Work,” an online game developed by NACo with iCivics. It was created to educate students, grades 6 through 12, about the important role and functions of county government. Players will learn about local government functions by letting them run their own county.

While playing the game, a student will be a county official responsible for providing services, dealing with citizen requests, setting and raising revenues, and working within a budget. Along the way, students will learn about the various services provided by county departments while having to make tough decisions.

This is a great opportunity for students to better understand the programs and services that counties provide. A curriculum and web quest is available to assist teachers with preparing lessons on county government.

iCivics was the vision of Justice Sandra Day O’Connor, who was concerned that students are not getting the information and tools they need for civic participation and that civics teachers need better materials and support. It is a web-based education project designed to teach students civics and inspire them to be active participants in our democracy.

Play the game yourself and encourage your fellow county officials to play it. Set up game demonstrations in conjunction with other NCGM events at schools and libraries where young people are gathered. Be sure to contact teachers, principals and school superintendents in your county to let them know the game is available.

NACo and iCivics have developed the sequel to Counties Work. It is County Solutions, a curriculum for teachers to encourage civic engagement. The County Solutions curriculum complements Counties Work. Tell school administrators and teachers about County Solutions and encourage them to use it. The curriculum allows students to use their own county or create a fictional county and develop a community action plan. In a series of lessons, students learn about current events, the role of local government and the outreach methods available to average citizens working to influence public policy. To assist teachers, the program offers a public policy flow chart that is helpful in showing the “bigger picture,” fun facts activity sheets, graphic organizers and other helpful resources.

*Contact: Tom Goodman • [tgoodman@naco.org](mailto:tgoodman@naco.org) • 202.942.4222*



# MEET WITH MEMBERS OF CONGRESS

National County Government Month is an ideal time to discuss national issues affecting county government with members of Congress who represent your county.

During NCGM, schedule a meeting with your Congressional representative(s) or key staff in your Congressional district office. Use the meeting to explain the great challenges facing your county and how Congress can help.

Many important issues are being debated nationally that affect counties. Be prepared with facts and information about how specific federal issues affect your county. Know where your member of Congress stands on important issues and on which committees he or she serves. Your message should be focused, compelling and relevant. To find out about NACo's 2014 Key Legislative Priorities and obtain fact sheets on current national issues important to counties, visit the Legislation and Policy section of the website.

*Contact: Deborah Cox • [dcox@naco.org](mailto:dcox@naco.org) • 202.942.4286*

# REAUTHORIZE MAP 21 AND FIX THE HIGHWAY TRUST FUND

The year's NCGM theme fits with one of NACo's top legislative priorities, the reauthorization of the federal surface transportation law known as Moving Ahead for Progress in the 21st Century Act, or MAP-21. This past summer, the Highway Trust Fund, which pays for the majority of MAP-21 programs, was heading toward insolvency. In order to avoid a funding crisis, Congress passed a stop-gap measure to keep the Highway Trust Fund solvent through May 2015 — when MAP-21 will expire. April is a critical time to advocate for long-term reauthorization of MAP-21 and fixing the Highway Trust Fund.

During meetings with members of Congress, it is important to show lawmakers why a federal investment in transportation is essential. Which transportation assets in your community would not have been possible without federal investment? Are there highways, bridges or other transportation projects that would benefit from MAP-21 and the Highway Trust Fund?

Short-term fixes and uncertainty significantly hinder counties' ability to plan and fund transportation projects. That is why we urge counties to seize NCGM as an opportunity to push Congress to take action — pass a six-year reauthorization of MAP-21 and a long-term solution for the Highway Trust Fund.

## RESOURCES:

Highway Trust Fund advocacy toolkit - <http://www.naco.org/legislation/policies/Documents/Transportation/NACo-HTF-Advocacy-Toolkit.pdf>

NACo priorities for MAP-21 reauthorization - <http://www.naco.org/legislation/policies/Documents/Transportation/NACoMAP-21ReauthorizationPriorities2014.pdf>

## Additional resources, one pagers and background documents

- <http://www.naco.org/legislation/Pages/MAP21.aspx>



# SAMPLE PROCLAMATION

## **National County Government Month - April 2015 “Counties Moving America Forward: The Keys are Transportation and Infrastructure”**

**WHEREAS**, counties move America forward by building infrastructure, maintaining roads and bridges, providing health care, administering justice, keeping communities safe, running elections, managing solid waste, keeping records and much more; and

**WHEREAS**, *[INSERT YOUR COUNTY'S NAME]* and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

**WHEREAS**, through National Association of Counties President Riki Hokama’s “Transportation and Infrastructure” initiative, NACo is encouraging counties to focus on how they have improved their communities through road projects, new bridges, building new facilities, water and sewer improvements and other public works activities; and

**WHEREAS**, in order to remain healthy, vibrant, safe, and economically competitive, America’s counties provide transportation and infrastructure services that play a key role in everything from residents’ daily commutes to shipping goods around the world; and

**WHEREAS**, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve; and

**WHEREAS**, *[INSERT COUNTY SPECIFIC INFO TO HIGHLIGHT]*

**NOW, THEREFORE, BE IT RESOLVED THAT I**, *[INSERT NAME & TITLE OF CHIEF ELECTED OFFICIAL]*, do hereby proclaim April 2015 as National County Government Month and encourage all county officials, employees, schools and residents to participate in county government celebration activities.

Contact: Brian Namey • [bnamey@naco.org](mailto:bnamey@naco.org) • 202.942.4220

# MEDIA RESOURCES KIT



Los Angeles County (Calif.) Supervisor Dan Knabe speaks about the problem of human sex trafficking during a news conference in Washington, D.C.

Be sure to check out the National County Government Month Media Resources Kit on the NACo website under About Counties/What Counties Do/National County Government Month. This is your one-stop online shop for NCGM design templates to produce your county's own posters, flyers, banners, proclamations and buttons.

These additions are sure to enhance the festive atmosphere of your NCGM events. Each template is specially designed for the 2015 theme, "Counties Moving America Forward: The Keys are Transportation and Infrastructure." Each template contains the NACo and NCGM logo. Plenty of space will be left available for you to add your county's logo or unique county government month slogan or message. If you find something you want to use, download the file onto a disc, add your county's local touch, and take the file to a local business to have the materials produced in the quantities you need.

Contact: Tom Goodman • [tgoodman@naco.org](mailto:tgoodman@naco.org) • 202.942.4222



Hennepin County (Minn.) Commissioner Peter McLaughlin speaks about transportation funding at a news conference in Washington, D.C.

# MEDIA RELATIONS STRATEGIES

## EDUCATE THE MEDIA

Inform local reporters, editors and broadcasters early and often about NCGM and your county's plans to celebrate it.

## PLAN TO MAKE NEWS

Coordinate newsworthy events or announcements. You can launch new initiatives, announce plans for new programs or recognize county employees for their excellent public service. Keep in mind that newspapers seek in-depth facts, television stations want good visuals and radio reporters want snappy sounds bites. All reporters seek good stories. They want access to knowledgeable and articulate sources to make their stories interesting and informative.

## PUBLISH A CALENDAR OF EVENTS

Publish a calendar of NCGM events on your county's website. Ask the local newspapers to publish the calendar. Ask the local television, cable and radio stations to air public service announcements about county services or events.

## SOCIAL MEDIA STRATEGIES

The emergence of social media in recent years provides tremendous opportunities to promote your NCGM events. If you already have a Facebook or Twitter account, use it to promote county government month activities. Coordinate a county government month "social media team" to plan social media outreach efforts.

## **WRITE MEDIA ADVISORIES**

Prepare and send media notices well in advance for specific NCGM events, such as the open house, tour of the hospital or visit to a local school. Describe who, what, where, when and why. Make it newsworthy.

## **WRITE NEWS RELEASES**

Have news releases ready to distribute to the media the day of special NCGM events. Highlight what's new, beneficial and cost-effective. Use lively, concise quotes from appropriate county officials. Provide contact information.

## **WRITE AN OP-ED**

Write and submit an op-ed column to your local newspaper(s) to highlight programs and services the county offers. You might focus on a new initiative or two, showcase top successes or address an important timely issue in your community. Op-eds are a great way to communicate with residents, and NCGM can provide a news hook to discuss a wide range of issues.

## **TAKE YOUR MESSAGE TO THE MEDIA**

Do not assume the news media will cover your events or announcements. Ask for a meeting with the newspaper's editorial board; volunteer to stop by the television station for an interview; be an in-studio guest on a local radio program. Be accessible, proactive and enthusiastic about county government and the services provided to the community.

## **ADDITIONAL RESOURCES**

The NACo Media Relations Guide for Counties contains helpful tips on speaking with reporters, writing news releases, planning press conferences, and much more. Look for upcoming NACo webinars or workshops on media relations and social media strategies.

*Contact: Brian Namey • [bnamey@naco.org](mailto:bnamey@naco.org) • 202.942.422*

# SAMPLE NEWS RELEASE

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← [ INSERT YOUR COUNTY'S LETTERHEAD ] →

**CONTACT:** Bea Candid  
123/456-7890  
bcandid@ablecounty.gov

## **Able County to Celebrate National County Government Month**

Leaders to highlight county transportation, infrastructure, other county programs

**Everytown, USA (April 1, 2015)** — Able County will celebrate National County Government Month (NCGM) during the month of April to showcase how the county is moving America forward through transportation and infrastructure projects and other county programs and services that help its communities to grow and prosper.

The theme for this year's celebration of NCGM is "Counties Moving America Forward: The Keys are Transportation and Infrastructure."

Featured NCGM events include public tours of Able County's most recent road, bridge and public works projects. Commissioners and department heads will visit local schools and senior citizen centers throughout the month of April. The popular "Able County Family Day" will be held on Friday, April 25, 2015, which will showcase essential county programs and services.

"Able County is proud of the programs and services provided to our residents," said Board Chair Tim Timmons. "Our efforts combined with efforts of counties across the country do help move America forward. I encourage all county residents to take advantage of National County Government Month outreach events to learn how the county can assist you and your loved ones."

Since 1991 the National Association of Counties (NACo) has encouraged counties across the country to raise public awareness and understanding about the roles and responsibilities of counties.

Able County NCGM public events include:  
[INSERT COUNTY SPECIFIC INFO TO HIGHLIGHT].

A full listing of NCGM events is available at: [www.ablecounty.gov](http://www.ablecounty.gov).

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Contact: Brian Namey • [bnamey@naco.org](mailto:bnamey@naco.org) • 202.942.4220



# NACo PROGRAMS HELP COUNTIES HELP COMMUNITIES

The National Association of Counties has many programs and initiatives available to assist counties.

**COSTS**

If your county participates in any of NACo's programs, National County Government Month is an excellent opportunity to inform the public about them. If your county does not participate in any of these programs, consider involving your county in one or more of NACo's programs and announce it during NCGM.

## **U.S. COMMUNITIES COOPERATIVE PURCHASING PROGRAM**

U.S. Communities, founded in 1996, is the leading national government purchasing cooperative, providing world class government procurement resources and solutions to local and state government agencies, school districts (K-12), higher education institutes and nonprofits looking for the best overall supplier government pricing.

The program offers:

- no costs or fees to participate
- access the best overall supplier government pricing by combining the potential cooperative purchasing power of up to 90,000 public agencies
- access to thousands of the best brands available in a wide variety of categories, services and solutions, and
- oversight by public purchasing professional who ensure that program pricing commitments are met.

*Contact: Sarah Lindsay • [slindsay@naco.org](mailto:slindsay@naco.org) • 202.942.4228*

## **PUBLIC FINANCE AUTHORITY**

The Public Finance Authority (PFA) partners with local governments to assist in the financing of public benefit projects that create temporary and permanent jobs, affordable housing, community infrastructure and improve the overall quality of life in local communities. PFA offers accelerated economic development opportunities and cost effective financing in all 50 states.

*Contact: Lisa Cole • [lcole@naco.org](mailto:lcole@naco.org) • 202.942.4270*

## **COMMUNITY AND ECONOMIC DEVELOPMENT**

To help counties implement innovative and effective local programs, NACo provides members with information, trainings and assistance to engage counties and their multi-sector partners who are bound by a common interest in growing stronger, more competitive, more equitable counties and communities. The *Community and Economic Development* practice area supports county leaders seeking to develop and implement creative, innovative, locally driven strategies that will foster economic growth and ensure long-term county resiliency.

Topics within this practice area include:

- economic visioning and diversification
- entrepreneurship and small business development
- workforce development
- infrastructure and transportation investments
- land use planning
- water resource protection and restoration
- energy management
- disaster mitigation, preparedness and response, and eco-efficient purchasing and facility management.

Contact: Kathy Nothstine • [knothstine@naco.org](mailto:knothstine@naco.org) • 202.661.8807

## **HEALTH, HUMAN SERVICES AND JUSTICE**

To help counties implement innovative and effective local programs, NACo provides members with information, training and assistance to create healthy and safe counties. The Health, Human Services and Justice practice area aims to build knowledge and capacity for successful policies and practices among the nation's counties and provide a closer examination of the need for intergovernmental collaboration and public private partnerships to create healthy, safe and resilient counties.

Topics in this practice area include:

- Public health
- Local health care delivery and financing systems
- County Health Rankings
- Early childhood development
- Aging
- Mental illness and substance use disorders
- Pretrial justice
- Jail to community reentry
- Intersection between health services and justice systems
- Jail population management
- Right to counsel
- Juvenile justice reform

Contact: Maeghan Gilmore • [mgilmore@naco.org](mailto:mgilmore@naco.org) • 202.942.4261

# NACo PRESCRIPTION, HEALTH AND DENTAL DISCOUNT PROGRAM

NACo has created one, unified health discount solution for counties and their residents by adding the dental program to the NACo Prescription health Discount Program. This change makes the programs easier for counties to administer and also help residents better understand what is available and how to take advantage of the great savings.

The program offers amazing discounts on prescriptions, vision care, LASIK & PRK vision procedures, hearing aids & screenings, prepaid lab work, prepaid diagnostic imaging, diabetic supplies and dental care. The prescription portion of the program provides average savings of 24 percent on thousands of medications. The savings range from 15 to 75 percent, and the free discount card is accepted at more than 65,000 pharmacies nationwide. Since the prescription program began, residents nationwide have saved \$590 million on 46 million prescriptions. The beauty of this program is that residents can begin saving on prescriptions as soon as they receive a free prescription discount card.

To receive savings on health services, memberships are available on a monthly or annual subscription basis for both individuals and families. The best part is that the discounts are available immediately upon enrollment. For individuals, the fees are \$6.95 a month or \$69 a year. For families, the fees are \$8.95 a month or \$79 a year.

Adding the dental discount program enables residents to save on all health services through one program. This program helps residents of NACo member counties save 15 to 50 percent on dental care, and is accepted by more than 110,000 participating providers nationwide. The dental discounts help people who are uninsured, but can also complement health insurance plans or work with health savings accounts and flexible spending accounts. Here are the details:

- Prescription Drug Discount Card: Free for Residents
- Dental Discount Program Fees: \$6.95 month or \$69 year for individuals; \$8.95 month or \$79 year for families
- Medical Service Fees: \$6.95 month or \$69 year for individuals; \$8.95 month or \$79 year for families

Counties benefit from the program by being able to offer their residents an affordable alternative to paying full price for health care. Residents benefit from the program by saving on auxiliary health care services that are not currently included in the Affordable Care Act. More information on all of these great programs is available at [www.naco.org/health](http://www.naco.org/health).

Contact: Andrew Goldschmidt •  
[agoldsch@naco.org](mailto:agoldsch@naco.org) • 202.942.4221



# TELL US ABOUT YOUR PROGRAM



Thank you for your interest in celebrating National County Government Month! NACo wants to know what activities and programs you have planned so we can share this information with other counties to help them have successful NCGM celebrations. Please e-mail your activities to Brian Namey at [bnamey@naco.org](mailto:bnamey@naco.org). Be sure to send NACo your proclamations, photos and videos of your county's celebrations.

If your county is on social media, please share your activities, photos and proclamations directly on NACo's Facebook Page at [www.facebook.com/NACoDC](http://www.facebook.com/NACoDC) or on Twitter at [www.twitter.com/NACoTweets](http://www.twitter.com/NACoTweets) using the hashtag #NCGM.

Thank you for your commitment to county government!

*Contact: Brian Namey • [bnamey@naco.org](mailto:bnamey@naco.org) • 202.942.4220*



# We're not just another pea in the pod.

Cooperative purchasing that is uniquely U.S. Communities.



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**RESOLUTION R2015-28**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RECOGNITION OF JEFFERSON AREA BOARD FOR AGING'S (JABA'S)**  
**FORTIETH (40<sup>TH</sup>) ANNIVERSARY IN 2015**

**WHEREAS**, the Jefferson Area Board for Aging (JABA) has, for 40 years, served the people of Nelson County by being a tireless advocate for healthy aging in community; and

**WHEREAS**, JABA has provided services that include an extensive information and assistance and options counseling network, socialization and nutrition at community centers, adult daycare services, health insurance counseling, and health services, home delivered meals, ombudsmen, and volunteer recruitment and coordination; and

**WHEREAS**, JABA had the vision to develop accessible and affordable senior housing, including Park View, Woods Edge, Ryan School Apartments and Timberlake Place; and

**WHEREAS**, JABA recognized the importance of intergenerational programming at our Adult Care Centers co-located with preschools and joint programming at its community senior centers; and

**WHEREAS**, JABA has been recognized by numerous local, state and national organizations for their innovative work and achievements on behalf of the elderly and people of all generations;

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors takes great pride and pleasure in recognizing and expressing profound gratitude to JABA for their vision, leadership and exemplary record of service on the occasion of their 40th Anniversary, and extends to JABA sincere best wishes for continued success.

Adopted: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**RESOLUTION R2015-29  
NELSON COUNTY BOARD OF SUPERVISORS  
APRIL IS CHILD ABUSE PREVENTION MONTH**

**WHEREAS**, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

**WHEREAS**, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

**WHEREAS**, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

**WHEREAS**, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

**WHEREAS**, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors do hereby recognize April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and neglect and strengthening the communities in which we live.

Adopted: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

## Candy McGarry

---

**From:** Allan Jamison <allan@cvcasa.org>  
**Sent:** Tuesday, March 03, 2015 8:41 AM  
**To:** Candy McGarry  
**Subject:** RE: Nelson County Proclamation

Ms. McGarry,

Thanks for getting back with me quickly! As soon as I receive our 2015 proclamation I will email you that document

Thanks,

Allan Jamison  
CASA Advocate manager  
CASA of Central Virginia



901 Church Street, Suite 101  
Lynchburg, Va.24504  
(434)455-5835 (Office)  
(434)420-2550 (Work Cell)  
(434)528-2551 (Fax)

[www.cvcasa.org](http://www.cvcasa.org)



---

**From:** Candy McGarry [mailto:[CMcGarry@nelsoncounty.org](mailto:CMcGarry@nelsoncounty.org)]  
**Sent:** Tuesday, March 3, 2015 8:36 AM  
**To:** [allan@cvcasa.org](mailto:allan@cvcasa.org)  
**Subject:** Nelson County Proclamation

Hi Mr. Jamison,

A phone message was forwarded to me regarding your request for a proclamation at the April 14<sup>th</sup> Nelson County BOS meeting. That should be fine and would likely go on the afternoon agenda at 2pm. Please send me the proclamation and anything else you want the Board to have when you have that available, thanks!

Regards,

Candy  
Candy McGarry  
Nelson County Administrator's Office  
Administrative Assistant/Deputy Clerk  
PH: (434) 263-7002  
Fax: (434) 263-7004



# PROCLAMATION



*By virtue of the authority vested in me,  
I hereby proclaim the month of April as*

## **CHILD ABUSE PREVENTION MONTH**

Whereas, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

Whereas, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

Whereas, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

Whereas, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

Whereas, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

*Therefore, I do hereby proclaim April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and neglect and strengthening the communities in which we live.*

**Now therefore I, \_\_\_\_\_ ,**

**do hereby recognize April 2015 as Child Abuse Prevention Month**

**in \_\_\_\_\_ and I call this observance**

**to the attention of all our citizens.**

**RESOLUTION R2015-30  
NELSON COUNTY BOARD OF SUPERVISORS  
APRIL 2015 IS FAIR HOUSING MONTH**

**WHEREAS**, April is Fair Housing Month and marks the 47th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and

**WHEREAS**, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness); and

**WHEREAS**, the Fair Housing Act supports equal housing opportunity throughout the United States; and

**WHEREAS**, fair housing creates healthy communities, and housing discrimination harms us all;

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year;

Adopted: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

**RESOLUTION R2015-31  
NELSON COUNTY BOARD OF SUPERVISORS  
AUTHORIZATION TO EXECUTE NEW PIEDMONT WORKFORCE  
NETWORK CHIEF LOCAL ELECTED OFFICIALS AGREEMENT**

**RESOLVED**, by the Nelson County Board of Supervisors that Larry D. Saunders, Piedmont Workforce Network Council member, is hereby authorized to sign the revised Chief Local Elected Officials Agreement that will become effective July 1, 2015 on behalf of Nelson County.

Approved: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

March 27, 2015

Nelson County  
County Attorney's Office  
84 Courthouse Square  
Lovingston, VA 22949

Dear Sir/Madam,

The Piedmont Workforce Network is the local workforce development board serving ten (10) counties plus the City of Charlottesville, including the counties of Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Nelson, Orange, and Rappahannock. The Piedmont Workforce Network has been implementing the Workforce Investment Act (WIA) since 1998, which was formerly known as the Job Training and Partnership Act (JTPA). In July 2014, the federal government reauthorized the Workforce Investment Act (WIA), creating the Workforce Innovation and Opportunity Act (WIOA).

This new legislation takes effect on July 1, 2015. In that regard, all agreements, policies, and procedures that are currently being followed by the Piedmont Workforce Network have to be amended to reflect the new act. The first agreement that needs to be amended is the Chief Local Elected Officials Agreement, or Interlocal Agreement, as it is titled today for the Piedmont Workforce Network. This agreement forms the local workforce development area and must be signed by all eleven (11) jurisdictions. The agreement spells out the responsibilities of the Chief Local Elected Officials, or the Piedmont Workforce Network Council, which is comprised of eleven (11) members, one from each jurisdiction. It also outlines the process for forming the Workforce Development Board and the process that the Council will use to appoint members.

The current members of the Piedmont Workforce Network Council, which include your representative, have been working diligently to derive the appropriate language for this new Chief Local Elected Officials Agreement. We have used many different sources to draft language which includes state policy, the federal legislation from the Workforce Innovation and Opportunity Act, and input from local county attorneys.

You will find behind this letter two documents:

- A copy of the Chief Local Elected Officials Agreement to go into effect July 1, 2015.
- A draft of the state policy that includes language for Chief Local Elected Official Agreements that will be finalized on April 16, 2015.

Please review the new Chief Local Elected Officials Agreement. If approved, please provide your Council representative with the authority to sign for your Board. Please call Morgan Romeo, Assistant Director for the Piedmont Workforce Network, at 434-979-5610 x 21 should you have any questions or concerns. We look forward to continuing to provide workforce development services to the region's job seekers and employers.

Thanks,



Steve Nixon  
Chair, Piedmont Workforce Network Council



**PIEDMONT**  
Workforce Network

**A Partner of Elevate Virginia**



**Chief Local Elected Officials Agreement**

Piedmont Workforce Network

Local Workforce Development Area 6 (LWDA 6)

Effective Date: July 1, 2015

# **CHIEF LOCAL ELECTED OFFICIALS AGREEMENT**

**AMONG LOCAL GOVERNMENTS IN LWDA 6:**

**ALBEMARLE COUNTY  
CITY OF CHARLOTTESVILLE  
CULPEPER COUNTY  
FAUQUIER COUNTY  
FLUVANNA COUNTY  
GREENE COUNTY  
LOUISA COUNTY  
MADISON COUNTY  
NELSON COUNTY  
ORANGE COUNTY  
RAPPAHANNOCK COUNTY**

## **Area Designation**

The localities named above agree to operate as Local Workforce Development Area 6 (LWDA 6) in the Commonwealth of Virginia, also known as the Piedmont Workforce Network (PWN). Each of the localities named above is a party to this Agreement.

## **Purpose**

The purpose of this agreement is to create a Consortium of Chief Local Elected Officials (CLEOs) of the above-named local governments, and to set forth the process, procedures, and responsibilities for implementing the Workforce Innovation and Opportunity Act (WIOA) for Local Workforce Development Area 6 (LWDA 6). The WIOA requires Chief Local Elected Officials (CLEOs) to take certain responsibilities and actions which are enumerated in this document and to appoint and form a working relationship with a local Workforce Development Board.

## **Consortium of CLEOs formed**

By this agreement, the consortium created by this Agreement shall be known as the Piedmont Workforce Network Council (Council) for the purpose of implementing the tasks and performing the continuous oversight responsibilities set forth in the WIOA. Each party to this Agreement authorizes its CLEO to participate in the consortium and designates its CLEO as its authorized representative for purposes of this Agreement.

## **Grant Recipient**

The City of Charlottesville has been designated by the Council as the Grant Recipient of WIOA funds allocated to LWDA 6.

### **Fiscal and Administrative Agent**

The Council has designated the Central Virginia Partnership for Economic Development as the Fiscal and Administrative Agent (“Agent”) for WIOA funds allocated to LWDA 6. The Council shall require the Agent to make quarterly financial reports to the Council, in writing. An annual financial audit will be conducted in coordination with the Partnership’s audit, according to the requirements of all OMB and federal regulations. Further duties and responsibilities of the Agent will be outlined in the Piedmont Workforce Network Fiscal and Administrative Agent Agreement.

From time to time hereafter, the Council may designate a different agent, by affirmative majority vote of the Council. In the event a different agent is designated, the Council shall enter into a written Fiscal and Administrative Agent Agreement with the new agent. Once approved as set forth in this paragraph, the new designation and new Agreement shall supersede the designation referenced within this document, without the need for an amendment hereof.

### **Responsibility for use of funds and implementation of the Workforce Innovation and Opportunity Act:**

Under the WIOA, the final responsibility for use of the federal funds and for carrying out the tasks set forth in the Workforce Innovation and Opportunity Act rests with the CLEOs. The CLEOs, through the Council, shall enter into a contract with the Agent designated herein above, to perform certain tasks on behalf of the Consortium. Liability insurance will be provided by the Agent, with costs of such insurance to be paid out of the WIOA Administrative funds. The Council shall require that, prior to distribution of any funds under the WIOA, the Agent will obtain liability insurance satisfactory to the Council, providing coverage for each of the local governments and CLEOs forming the Consortium as additional insureds. Coverage shall be no less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

### **Piedmont Workforce Network Council Organization**

- The term “Chief Local Elected Official” means the mayor of a city or the chair of the Board of Supervisors of a county or another elected official from the Board or Council, as designated by the Board or Council. Documentation of the appointment to the PWN Council will be collected from each City Council or Board of Supervisors’ record clerk.
- The Council shall elect a Chair and Vice-Chair from its members. One officer shall be from each Planning District.
- The Chair shall serve on the PWN Board Executive Committee.
- The Vice-Chair shall serve on the PWN Board WIOA Committee.
- The Council will meet as a body, at least quarterly during each fiscal year.
- A quorum of at least 30% will be required for any action to be taken. No action shall be taken by the Council except at a meeting at which a quorum is present.
- Council members shall communicate the activities of the Council and Workforce Development Board to their respective governing bodies.

## **Piedmont Workforce Network Council Responsibilities**

In partnership with the Workforce Development Board, the Council's responsibilities include, but are not limited to the following:

- Developing a vision and goals for the local workforce development system that are aligned with both the economic development mission(s) for the local area and Virginia Board of Workforce Development's goals
- Development of the 4-year local strategic plan;
- Selection of One-Stop Operator(s) and locations;
- Selection of training providers;
- Approval of the local One-Stop Operation(s) budget;
- Program oversight;
- Development of a Memorandum of Understanding for each comprehensive One Stop Center in the region;
- Negotiations with the Governor to reach agreement on local performance accountability measures;
- Any other activities as required by the Workforce Innovation and Opportunity Act, Section 107(d), or by the Governor;
- Designation of an Administrative and Fiscal Agent to act on its behalf relative to the WIOA funds allocated to LWDA 6;
- Any other functions, responsibilities or actions referred to within this Agreement as requiring action by the Council.

## **Establishment of the Workforce Development Board**

The Council hereby establishes the Workforce Development Board for LWDA 6, which will be known as the Piedmont Workforce Network Board (PWN Board). The activities of the WIOA in LWDA 6 shall be carried out by the PWN Board. The membership of the PWN Board shall be determined and appointed by the Council, in accordance with the requirements of WIOA Section 107(b)(2) and in an effort to ensure the most effective, regional participation in the WIOA implementation for LWDA 6 by all participating jurisdictions, partners, and businesses.

### **1. Composition of the Workforce Development Board**

#### **A. Mandatory Members**

- The PWN Board will be composed of at least 51% private sector business and industry representatives that are located in the local area that represent a broad range of in-demand occupations available in the local labor market. This includes organizations representing businesses that provide employment opportunities, that at a minimum, include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local area.

- Not less than 20% of the members of the PWN Board must be made up of representatives of labor organizations, apprenticeship programs, or community based organizations. At least two (2) representatives must be from labor organizations. This includes representatives that have been nominated by local labor federations and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth can be included in this mix, as long as the aforementioned labor organization representatives are appointed to the local Board.
- At least one representative from the Virginia Employment Commission who administers WIOA Title III activities for the local area.
- At least one representative of eligible providers administering WIOA Title II Adult Education and Literacy activities locally. This includes a local representative from a secondary public school’s Career and Technical Education program.
- At least one representative from a local community college providing WIOA training services.
- At least one representative from a local economic and community development entity.
- At least one representative from the Department of Aging and Rehabilitative Services who administers WIOA Title VI activities for the local area.
- The approved composition of the PWN Board shall be as listed on *Attachment A: Piedmont Workforce Network Board Composition*.

B. Executive Committee

- The PWN Board will elect a Chair from among the private sector representatives. The Chair will serve as the Executive Committee Chair and selects the chairs for all standing committees and taskforces of the local Board. If the PWN Board elects Co-Chairs, both Planning Districts must be represented.
- The PWN Board will elect a Vice-Chair from among the private sector representatives. The Vice-Chair will sit on the Executive Committee as well as represent the PWN Board on the WIOA Committee.
- The Executive Committee will consist of the following members:
  - Chair (or Co-Chairs)
  - Vice-Chair
  - Immediate Past Chair
  - PWN Council Chair
  - All committee chairs

- One At-Large Member (can be private sector or non-business representatives)

#### C. Membership Terms

- All PWN Board members will have three (3) year terms, with the exception of Economic Development and Chambers of Commerce representatives, which will have one (1) year terms.
- Members of the PWN Board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- Members of the PWN Board should be appointed for staggered terms.
- Private sector representatives should be an appropriate mix of small, medium, and large employers that reflect the local labor market, i.e. the business representation should reflect the industry mix in the local labor market.
- Individuals serving on the PWN Board who subsequently retire or no longer hold the position that made them eligible Board members may not continue to serve on the PWN Board. The entity affiliated with the vacating PWN Board member may provide a new representative to the PWN Board.
- Vacancies resulting from resignations or removal of mandatory members must be filled within 90 days.

## 2. Appointments to PWN Board

**The PWN Council shall appoint members to the PWN Board from private sector businesses and industry.**

**Private Sector Business and Industry Representatives:** Private sector representatives can include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority (ex. Vice Presidents of Human Resources).

1. On behalf of the PWN Council, PWN staff will send correspondence to business and industry organizations (Chambers of Commerce, Economic Development Representatives, etc.) soliciting nominations to the Board.
2. An advertisement will be placed on the PWN website as well as distributed to local partners. PWN staff will also place a notice in a newspaper of general circulation in LWDA 6. The notice will include information on how to access a nomination form. Persons may nominate themselves.
3. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. The PWN Council must select from those nominated.
4. The PWN Council will select the number of business and industry appointments and their distribution throughout the member localities based on the composition of the PWN Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**The PWN Council shall appoint members to the PWN Board from local educational entities.**

**Local educational entity representatives** must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing secondary adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

1. On behalf of the PWN Council, PWN staff will send correspondence to the appropriate educational entities soliciting nominations to fill the vacancies on the PWN Board.
2. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. The PWN Council must select from those nominated.
3. The PWN Council will select the number of local educational entity appointments and their distribution throughout the member localities based on the composition of the PWN Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**The PWN Council shall appoint members to the PWN Board from local labor organizations, apprenticeships, or community based organizations.**

**Labor representatives** must be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations and/or the state AFL-CIO).

Apprenticeship Program Representatives must be selected from among individuals nominated by local economic development representatives or the Department of Labor and Industry.

Community Based Organizations must be selected from among individuals nominated for these PWN Board appointments.

1. On behalf of the PWN Council, PWN staff will send correspondence to the appropriate organizations soliciting nominations to fill the vacancies on the PWN Board.
2. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. The PWN Council must select from those nominated.
3. The PWN Council will select the number of appointments and their distribution throughout the member localities based on the composition of the local Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**The PWN Council may appoint other members to the PWN Board.**

**For all other members**, individual CLEOs should consult with the appropriate groups in the local area for possible individuals to serve including:

- Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.

- Representatives of local economic development agencies, including private sector economic development entities.
1. On behalf of the PWN Council, PWN staff will send correspondence to the appropriate organizations soliciting nominations to fill the vacancies on the PWN Board.
  2. Completed nomination forms will be sent to PWN staff for distribution to the PWN Council. By law, the PWN Council must select from those nominated.
  3. The PWN Council will select the number of appointments and their distribution throughout the member localities based on the composition of the local Board as outlined in *Attachment A: Piedmont Workforce Network Board Composition*.

**Vacancies** will be filled using the same procedure as for original appointments.

#### **Shared Responsibility among Members of LWDA 6**

While the City of Charlottesville is the Grant Recipient for LWDA 6, all of the local governments named in this Agreement hereby agree to share any and all responsibility for administration and implementation of the WIOA. Nothing herein shall be construed as a waiver of sovereign immunity of or by any participating member locality.

#### **Effective Dates of this Agreement**

This agreement shall take effect on July 1, 2015 and shall remain in effect until the WIOA is no longer in effect.

#### **Amendment of the Agreement**

This agreement may be modified by a written amendment approved by a majority vote of all members of the Council, following notice of (i) the specific language of the proposed amendment, and (ii) of the date, time and location of the meeting at which the amendment will be presented to Council for a vote. Notice shall be given in writing to the CLEO of each party to this Agreement.

**SIGNATURES**

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County of Albemarle

---

City of Charlottesville

---

County of Culpeper

---

County of Fauquier

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County of Fluvanna

---

County of Greene

---

County of Louisa

---

County of Madison

---

County of Nelson

---

County of Orange

---

County of Rappahannock

---

Fiscal and Administrative Agent  
Central Virginia Partnership for Economic Development

**ATTACHMENT A: Piedmont Workforce Network Board Composition  
Workforce Innovation and Opportunity Act**

<b>Business Representatives</b>		<b>Non-Business Representatives</b>	
Albemarle County	2	VEC	1
City of Charlottesville	2	DARS	1
Culpeper County	2	Adult Education	1
Fauquier County	2	Career and Technical Education (K-12)	1
Fluvanna County	1	Community College	2
Greene County	1	Economic Development	2
Louisa County	1	Labor Organizations	2
Madison County	1	Apprenticeship Program	1
Nelson County	1	Community Based Organizations	2
Orange County	1	Job Corps	1
Rappahannock County	1		
At Large Members	4		
<b>TOTAL</b>	<b>19</b>	<b>TOTAL</b>	<b>14</b>

**Business Representatives:**

Private sector representatives representing a broad range of in-demand occupations available in the local labor market. This includes organizations representing businesses that provide employment opportunities that at a minimum, include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local area. All appointments are three (3) year terms.

**Locality Representatives:**

- Locality representatives are nominated by the local Economic Development Entity in the area and appointed by the Board of Supervisors or City Council in each locality.
- Local Chambers of Commerce
- Representatives must represent employers based on the above definition.

**At Large Members:**

- 2 Representatives must be from PD-9
- 2 Representatives must be from PD-10
- Nominations will be solicited to all local business and industry organizations (including Economic Development representatives and Chambers of Commerce) in the Planning District and approved by the PWN Council.

**Non-Business Representatives:**

Representatives of One Stop Partners, Educational Partners, and Labor Organizations. All appointments are three (3) year terms with the exception of Economic Development and Community Based Organization representatives, which will have one (1) year terms.

Virginia Employment Commission (VEC) – local manager from office of the Virginia Employment Commission.

Department for Aging and Rehabilitative Services (DARS) – local manager from the office of the Department for Aging and Rehabilitative Services. Appointments must rotate between PD-9 and PD-10 local managers.

Adult Education – coordinator or manager or their designee of Adult Education services in LWDA6. Appointments must rotate between PD-9 and PD-10.

Career and Technical Education Representative – representative from a K-12 school system with an established Career and Technical Education Program. Appointments must rotate between PD-9 and PD-10.

Community College – President or VP of Workforce Development or their designee from two (2) of the three (3) community colleges in LWDA6 (Lord Fairfax Community College, Piedmont Virginia Community College, and Germanna Community College). Appointment must rotate between the three colleges.

Economic Development – Two (2) Local Economic Development Representatives from the region, one from PD-9 and one from PD-10. Appointments must rotate between the localities.

Labor Organizations – Two (2) Labor Organization representatives.

Apprenticeship Program – Apprenticeship Program representative from a registered apprenticeship program as designated by the Commonwealth of Virginia.

Community Based Organizations – Two (2) representatives of Community Based Organizations in LWDA6, one from PD-9 and one from PD-10. These are organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth. This does include Chambers of Commerce that have demonstrated experience and expertise in addressing the populations listed above.

Job Corps – One (1) representative from the regional Job Corps program.



**COMMONWEALTH OF VIRGINIA  
VIRGINIA BOARD OF WORKFORCE DEVELOPMENT**

**Policy Number \_\_\_\_\_**

**Effective Date: July 1, 2015**

**Title: State Certification of Local Workforce Development Boards**

**PURPOSE**

To describe the purpose of and criteria for establishing and certifying a local Workforce Development Board under the Workforce Innovation and Opportunity Act (WIOA).

**REFERENCES**

P.L. 113-128, Workforce Innovation and Opportunity Act, Section 107

[Place CFR Here When Published]

**POLICY**

Virginia Board of Workforce Development (VBWD) serves as the Governor's WIOA State Workforce Development Board. VBWD's goal is to assist and advise the Governor through recommendation of policies and strategies to increase coordination and thus efficiencies of operation between all workforce development programs.

Each WIOA local workforce area serving the Commonwealth is required to establish and maintain a Workforce Development Board. The chief local elected officials appoint the local Board, which is certified every 2 years by the Governor.

The local Board is part of a statewide workforce system which is business-driven, customer-centric, streamlined, and outcome oriented. The local Board is expected to carry out strategies and policies that support both the economic development mission(s) for the local area and VBWD's goals. The local Board sets policy for the local area, in the context of broader state policy, and is the regional strategic leader, or acts in partnership with a designated regional leader, in addressing workforce development issues, including but not limited to WIOA activities.

The local Board must be led by committed business leaders who can ensure that the local workforce system is responsive to current and projected labor market demand, will contain a broad range of partners needed to develop a comprehensive vision for the local workforce system, and will focus on strategic decisions, not operational management.

The local Board has responsibility for making the following critical decisions:

- How best to organize the regional workforce system to most effectively serve the needs of current and emerging private sector employers and job seekers.
- How best to provide comprehensive services to regional private sector employers;
- How best to deploy available resources to achieve negotiated local performance

- accountability measures and build capacity for continuous improvement;
- How to expand the resource base and service capability through the development of strategic partnerships, an integrated service delivery system, and generation of additional public and private funding.

The local Board carries out their responsibilities in partnership with local chief elected officials. The joint responsibilities include, but are not limited to the following:

- Developing a vision and goals for the local workforce development system that are aligned with both the economic development mission(s) for the local area and VBWD's goals.
- Development of the 4-year local strategic plan;
- In coordination with the Virginia Employment Commission, selection of one-stop operator(s) and locations;
- Selection of training providers;
- Approval of the local one-stop operation(s) budget;
- Program oversight;
- Negotiations with the Governor to reach agreement on local performance accountability measures; and
- Any other activities as required by the Workforce Innovation and Opportunity Act, Section 107 (d), or by the Governor.

A Chief Local Elected Official Agreement to deliver these responsibilities is required where a local area includes more than one unit of local government. The term "Chief Local Elected Official" means the mayor of a city or the chair of the board of supervisors of a county or another elected official from the Board or Council, as designated by the Board or Council. This agreement must specify which jurisdiction will serve as the fiscal and administrative agent, as well as the roles of the individual chief elected officials in regard to local Board nominations and appointments and carrying out all other responsibilities assigned to the Chief Local Elected Officials under WIOA.

An agreement between the Chief Local Elected Officials and the local Board is also required, and must be executed no later than June 30, 2015. This agreement must specify the roles of the Chief Local Elected Officials and the local Board and how each will carry out their partnership responsibilities under WIOA.

The attached guidelines for establishment of the local Board includes the following sections:

1. Composition of the Local Board
2. Local Board Appointment Process
3. Functions of the Local Board
4. Conflict of Interest
5. Certification of the Local Board

For technical assistance, please contact VBWD@VCCS.edu.

**APPROVED** \_\_\_\_\_  
Chair, Virginia Board of Workforce Development

**APPROVED**

Secretary, Commerce and Trade, Office of Governor Terence R. McAuliffe

**DATE: January 6, 2015**

**ATTACHMENT: Guidelines for Establishment of a Local Board**

**1. Composition of the Local Board**

A complete list of mandatory and optional local Workforce Development Board members can be found in Section 107 (b) of the Workforce Innovation and Opportunity Act. Please note there is no limit to the number of members that the local Board may have on its roster, but it must include all mandatory members.

**A. Mandatory Members**

- At least 51% of the members must be made up of private sector representatives located in the local area that represent a broad range of in-demand occupations available in the local labor market. This includes organizations representing businesses that provide employment opportunities, that at a minimum, include high-quality, work relevant training and development in in-demand industry sectors or occupations in the local area.
- Not less than 20% of the members of the local Board must be made up of representatives of labor organizations. This includes representatives who have been nominated by local labor federations and representatives from apprenticeship programs. Community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including veterans, persons with disabilities, and “out of school” youth can be included in this mix, as long as the aforementioned labor organization representatives are appointed to the local Board.
- At least one representative from the Virginia Employment Commission who administers WIOA Title III activities for the local area.
- At least one representative of eligible providers administering WIOA Title II Adult Education and Literacy activities locally. This includes a local representative from a secondary public school’s Career and Technical Education program.
- At least one representative from a local community college providing WIOA training services.
- At least one representative from a local economic and community development entity.
- At least one representative from the Department of Aging and Rehabilitative Services who administers WIOA Title IV activities for the local area.

**B. Optional Members**

- A representative from a regional planning entity.
- A representative of eligible providers administering WIOA Title I Adult and Dislocated Workers Employment and Training activities.
- A representative of eligible providers administering WIOA Title I Youth Workforce Investment activities.
- A representative of eligible providers administering the Social Security Act Title IV (Part A) activities.
- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Health & Human Services’ Community

#### Services Block Grant.

- A representative of eligible providers administering employment and training activities carried out through the U.S. Department of Housing and Urban Development's Community Development Block Grant.
- A representative of eligible providers administering Title V of the Older Americans Act programs for engaging low-income senior citizens in community service, employment, and volunteer opportunities.
- A representative of eligible providers administering Section 212 of the Second Chance Act offender reintegration activities.
- A representative of eligible providers administering Supplemental Nutrient Assistance Program Employment and Training activities.
- A representative of eligible providers administering Social Security Ticket to Work, Disability Employment Initiative, and other self-sufficiency programs.
- A representative of eligible providers administering Small Business Association Employment and Training activities.
- A representative of an entity that administers programs serving the local area relating to transportation, housing, and public assistance.
- A superintendent, or designated representative, of a local public school system (other than a representative from a local Career and Technical Education program).
- A representative of higher education providing WIOA activities.
- A representative of a philanthropic organization.
- Any other individual or representative of an entity as the chief elected officials in the local area may determine to be appropriate.

#### C. Chairperson

The members of the local Board will elect a chairperson from among the private sector representatives. The chairperson serves as the Executive Committee Chair and selects the chairs for all standing committees and taskforces of the local Board.

#### D. Membership Terms

- Members of the board must be individuals with optimum policy making authority within the organizations, agencies, or entities they represent.
- Members of the board should be appointed for staggered terms.
- Private sector representatives should be an appropriate mix of small, medium and large employers that reflect the local labor market, i.e., the business representation should reflect the industry mix in the local labor market.
- Individuals serving on the local Board who subsequently retire or no longer hold the position that made them eligible board members may not continue to serve on the local Board. The entity affiliated with the vacating board member may provide a new representative to the local Board.
- Vacancies resulting from resignations or removal of mandatory members must be filled within 90 days.

## **2. Local Board Appointment Process**

### A. Nominations & Selection

The Chief Local Elected Officials must contact the appropriate entities in the local area for nominations to appoint members and/or to fill vacancies on the local Board from business, local

educational entities, and labor representatives. Chief Local Elected Officials may also design a process for nominations of individuals and other types of representation the officials would like to include on the local Board. Vacancies subsequent to the establishment of the local Board must be filled in the same manner as the original appointments.

Private sector representatives are to be selected from among individuals nominated by local business organizations (ex. business trade associations, chamber of commerce, economic development agencies). Individual businesses may also nominate themselves or provide nominations of other businesses to the Chief Local Elected Officials. Private sector representatives can include owners of businesses, chief executives or operating officers of businesses, and other business executives with optimum policy making or hiring authority (ex. Vice Presidents of Human Resources).

Local educational entity representatives must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities including local school boards, entities providing vocational education, entities providing secondary adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist).

Labor representatives must be selected from among individuals nominated by local labor federations (or in a local area in which no employees are represented by such organizations, other representatives of employees, such as employee organizations and/or the state AFL-CIO).

For all other members, local chief elected officials should consult with the appropriate groups in the local area for possible individuals to serve including:

- Representatives of community-based organizations, including organizations representing individuals with disabilities and veterans where such organizations exist in the area.
- Representatives of local economic development agencies, including private sector economic development entities.

#### B. Public Participation

Chief Local Elected Officials must provide public notice of the intent to solicit nominations for local Board membership, including the process to be used for nominations and selection.

### **3. Functions of the Local Board**

#### A. Responsibilities

- The local Board shall enter into an agreement with the Chief Local Elected Officials clearly detailing the partnership between the two entities for the governance and oversight of activities under the WIOA.
- The local Board shall develop a budget for the purpose of carrying out the duties of the local Board. The Chief Local Elected Officials must approve the budget.
- The local Board may solicit and accept grants and donations from sources other than Federal funds made available under WIOA assuming it has organized itself in a manner to do so.

- The local Board, in partnership with Chief Local Elected Officials, shall develop the vision, goals, objectives, and policies for the local workforce development area. The vision should be aligned with both the economic development mission(s) for the local area and VBWD's goal.
- The local Board, in partnership with the Chief Local Elected Officials, shall develop and submit to the Governor, a local strategic plan that meets the requirements in Section 108 of the Workforce Innovation and Opportunity Act.
- In collaboration with the Virginia Employment Commission, the local Board, with the agreement of the Chief Local Elected Officials, shall designate or certify one-stop operator(s) and may terminate for cause the eligibility of one-stop operators.
- The local Board shall select eligible providers of youth activities by awarding grants or contracts on a competitive basis.
- The local Board shall identify eligible providers of training services for adults and dislocated workers.
- The local Board, in partnership with the Chief Local Elected Officials, shall conduct oversight with respect to local programs of youth, adult, and dislocated worker activities authorized under the WIOA.
- The local Board, in partnership with the Chief Local Elected Officials, will negotiate and reach agreement with the Virginia Board of Workforce Development on behalf of the Governor on local performance accountability measures.
- The local Board shall assist the Governor in developing a statewide employment statistics system.
- The local Board shall coordinate the workforce activities authorized under WIOA with local economic development strategies, and develop employer linkages with those activities.
- The local Board shall promote the participation of local private sector employers through the statewide workforce development system.
- The local Board may employ staff and/or utilize other options for carrying out these responsibilities.
- The local Board is responsible for any other activity as required by the Workforce Innovation and Opportunity Act, Section 107 (d) or by the Governor.

#### B. Restrictions

- The local Board may not provide training services unless granted a waiver by the Governor due to an insufficient number of eligible providers of training services to meet the local area demand. The waiver shall apply for not more than 1 year and may be renewed for not more than 1 additional year.
- The local Board may not mandate curricula for schools.
- The local Board may not be designated or certified as a one-stop operator unless an agreement is reached with the chief elected officials and the Governor.

#### C. Local Board Meetings

- Sunshine Provisions:
  - a. The local Board shall share information regarding its meetings and activities with the public subject to the provisions of the Virginia Freedom of Information Act.
  - b. The local Board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local Board, including

information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operator(s) consistent with the State plan, and the award of grants or contracts to eligible providers of youth activities, and minutes of formal meetings of the local Board.

- c. In order to comply with the Sunshine Provisions, each local Board and any subcommittee authorized to take official action on behalf of the local Board must do the following:
  - Take official action and engage in deliberations only at meetings open to the public. "Official action" includes making recommendations, establishing policy, making decisions, and/or voting on matters of local Board business. "Deliberations" are discussions of local Board business necessary in order to reach decisions.
  - Ensure that all meetings are held in an accessible location for the disabled and that all information is provided in accessible and alternate formats.
  - Give public notice of meetings in accordance with applicable state code provisions, including public notice in advance of any special meeting or rescheduled regular meeting. No public notice need be given of an emergency meeting called to deal with a real or potential emergency involving a clear and present danger to life or property.
  - Insure that votes of local Board members be publicly cast and, in the case of roll call votes, recorded.
  - Keep written minutes of all public meetings, including date, time and place of the meeting, members present, the substance of all official actions, a record of roll call votes, and the names of any citizens who appeared and gave testimony.
- d. Closed executive sessions may be used according to the provisions of the Virginia Freedom of Information Act. Such session may be held during or after an open meeting, or may be announced for a future time. If closed session is not announced for a specific time, local Board members must be notified 24 hours in advance of the date, time, location and purpose of the session. The reason for holding an executive session must be announced at the open meeting either immediately prior or subsequent to the executive session.
- e. Official action on any matter discussed at an executive session must be taken at an open meeting.

#### **4. Conflict of Interest**

- A. All members of the local Board serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the Board are to be based on promoting the best interest of the state and the public good. Accordingly:
  - All members of the Local Board are subject to the provisions of the State and Local Government Conflict of Interest Act.
  - The local Board shall adopt in its bylaws a conflict of interest policy meeting the minimum standards set forth in the State and Local Government Conflict of Interest Act. The conflict of interest standards shall apply to all board members (voting and non-voting).
  - A member of a local Board must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or by an organization that such member directly represents); nor on any matter that would provide any direct

benefit to such member or the immediate family of such member. Immediate family means (1) a spouse and (2) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. Dependent means any person, whether or not related by blood or marriage, which receives from the member, or provides to the member, more than one-half of his financial support.

- Any Board member (or specific entity represented by that member) who participates in the development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.
- Any Board member who participates in a Board decision relating to specific terms of a contract, the determination of specific standards for performance of a contract, the development of Invitations for Bid or Requests for Proposals or other such bid processes leading to a contract, or any similar decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the Board member who participated in this manner.
- Each local Board member shall file a statement of economic interest with the Local Workforce Development Board, as a condition of assuming membership and then, annually while serving as a Board member. The Chief Local Elected Officials shall determine the composition of the statement of economic interest.
- Any Board member with a potential or actual conflict of interest must disclose that fact to the local Board as soon as the potential conflict is discovered and, to the extent possible, before the agenda for the meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the member must verbally declare such conflict of interest, such declaration must be clearly noted in the minutes, and such member must excuse himself from the remainder of the discussion and voting on that item. Each Board member is responsible for determining whether any potential or actual conflict of interest exists or arises for him or herself during his tenure on the Board.
- If a contract or purchase is made by the local Board involving its own member with a conflict of interest, the local Board shall justify the terms and conditions of the contract or purchase and document that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable.
- Local Board members who are also one-stop center operators shall not serve on any committees that deal with oversight of the one-stop system or allocation of resources that would potentially be allocated to that member's program.
- All members of the Local Board are subject to all other provisions of the State and Local Government Conflict of Interest Act not outlined above.

## **5. Certification of the Local Board**

### **A. Local Level Responsibilities**

- The Chief Local Elected Officials must submit local Board Membership Nomination Forms for each Board member. Information to be included on the forms include the names of the individuals initially appointed as members of the local Board, their title, company or agency name, address, E-mail address, telephone, and fax numbers,

nominating entity (where applicable), appointment/term expiration date, and sector representation. For private sector representatives, the industry sector, whether the business is small or large, and whether the business is minority or female owned must be identified. The Nomination Forms, which are provided by the staff of the Virginia Board of Workforce Development, must be submitted to LWDB@VCCS.edu by April 30, 2015.

- The Chief Local Elected Officials must submit a local Board Membership Certification Form that lists the names of the individuals appointed as members of the local Board, their title, company or entity name, appointment/term expiration dates, and sector representation. The Certification Form, which is provided by the staff of the Virginia Board of Workforce Development, must be submitted to LWDB@VCCS.edu by April 30, 2015.
- The completed Nomination and Certification Forms must be kept on file at the local level.
- The Local Board must meet within 30 days after the Governor's notification of certification approval to elect a chairperson.
- The name and contact information for the chairperson, as well as any subsequent changes in the chairperson designation, must be submitted to LWDB@VCCS.edu within 10 days of the vote.
- The Chief Local Elected Officials must submit to the Virginia Board of Workforce Development every 2 years its updated local Board membership information.

#### B. Governor's Responsibility

- The Virginia Board of Workforce Development will recommend the certification of the local Board to the Governor upon its determination that the composition of the Board and the appointment of the individuals to the Board are consistent with the criteria established in Section 107 of the Workforce Innovation and Opportunity Act and this policy. The Governor will provide the certification to the local Board by June 30, 2015.
- Subsequent certification of the local Board is required once every 2 years by the Governor with the recommendation from the Virginia Board of Workforce Development.
- The Governor will notify the Chief Local Elected Officials within 30 days after the submission of the listing of the local Board members and supporting documents of the certification or denial of the proposed local Board. The criteria for initial certification or denial of certification will be based on the relevant composition requirements in Workforce Innovation and Opportunity Act, Section 107 and this policy.
- All initial certification requirements for local Boards must be met by July 1, 2015.
- If after a reasonable effort, the Chief Local Elected Officials in a multiple units of local government local area are unable to reach an agreement as described above, the Governor will appoint the members of the local Board from individuals nominated as described above.
- For subsequent certifications of the local Board, in addition to compliance with composition requirements, the Governor will consider the extent to which the local Board has ensured that workforce development activities carried out in the local area have enabled the local area to meet the local performance measures and the Board's success in carrying out the functions listed in these Guidelines.
- If a local Board fails to achieve certification, the Chief Local Elected Officials will be

required to reappoint and submit a membership listing following the procedures outlined above.

Stephen A. Carter  
Nelson County Administrator  
P.O. Box 336  
Lovingston, Virginia 22949

February 9, 2015

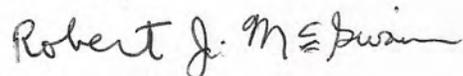
Dear Mr. Carter,

I am writing to amend my earlier request (January 27, 2015) to the County Board of Supervisors to abandon a portion of Rt. 641 at the end of Dutch Creek Lane on my property (TM 58 A 102A), to the end of my property (TM 58 A 96), close to the end of state maintenance on Eades Lane. One of the affected landowners (Paul Whitehead, Jr.) has had a change of heart about abandoning his portion of the road. Therefore, I am now requesting that the road be abandoned from the point (past the Whitehead property) where my property (TM 58 A 102A) meets the property of the James C Bridgewater Trust (TM 58 A 97).

Attached are maps to clarify the portion of the road that I am now requesting to be abandoned. The red dots on the map indicate the beginning and end of the portion of the road that I am requesting to be abandoned.

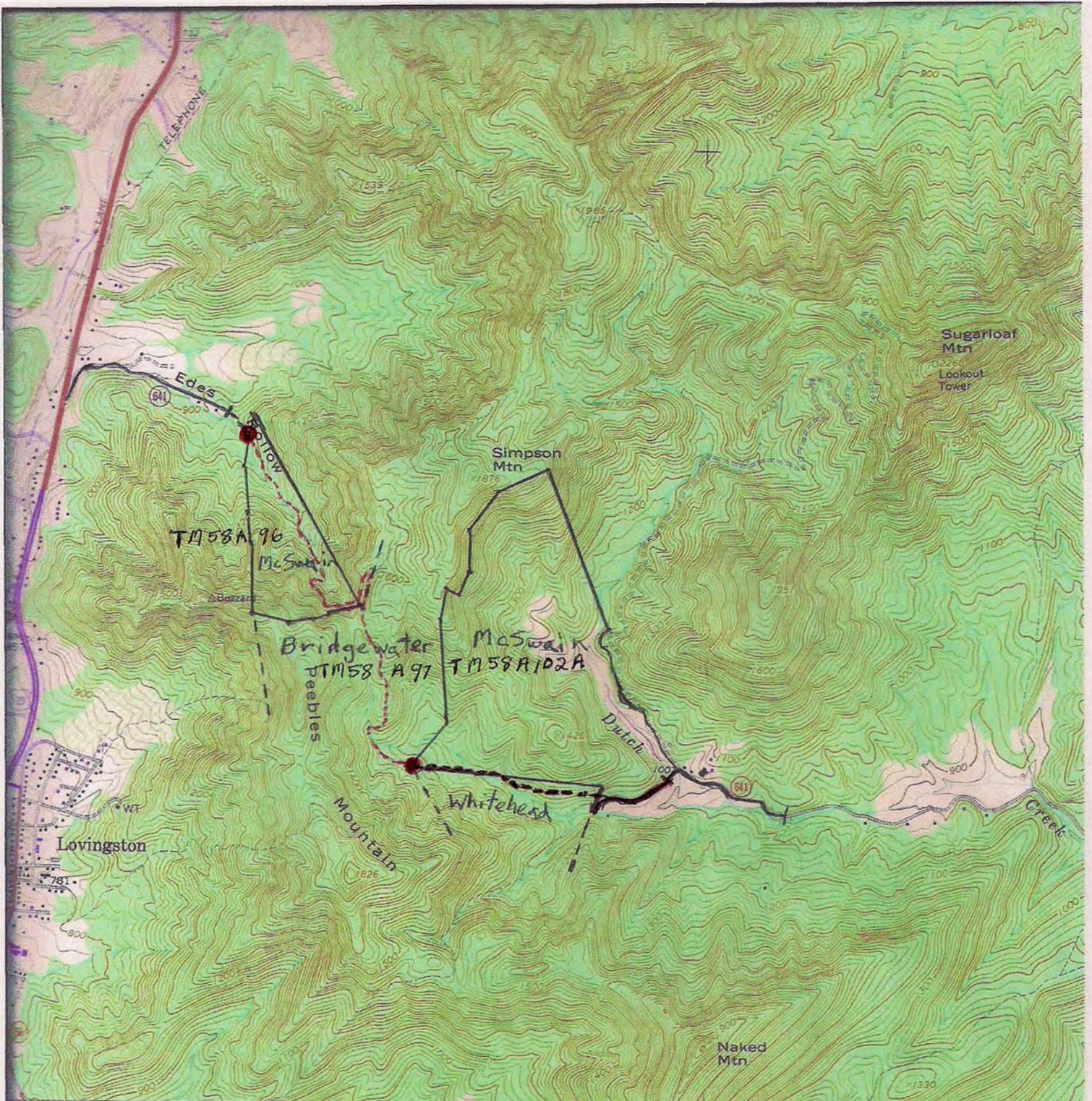
Since my last letter, I have also been able to contact Gene Wilhelm (TM 58 A 90), who has indicated that he has no objection to the abandonment process. Eugene and Joanne Wilhelm own the property to the northeast of my property in Eades Hollow, which includes the end of state maintenance turnaround for Eades Lane. However, this request does not include the approximately 300 feet of derelict road between my boundary with the Wilhelms and the end of state maintenance.

Sincerely,



Robert J. McSwain  
3254 Dutch Creek Lane  
Shipman, VA 22971

CC: Paul Whitehead, Jr; Billie Bridgewater; Gene Wilhelm; Don Austin, VDOT



SHIPMAN 3.5 MI. 1 900 000 FEET 50' 691 (SHIP 5259)

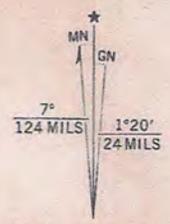
edited, and published by the Geological Survey  
USGS and NOS/NOAA

by photogrammetric methods from aerial photographs  
Field checked 1967

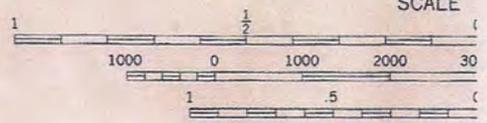
projection. 10,000-foot grid based on Virginia  
system, south zone. 1000-meter Universal Transverse  
grid ticks, zone 17, shown in blue. 1927 North  
datum. To place on the predicted North American  
83 move the projection lines 10 meters south and  
west as shown by dashed corner ticks

Dashed lines indicate selected fence and field lines where  
visible on aerial photographs. This information is unchecked

shown in purple compiled in cooperation with Commonwealth  
agencies from aerial photographs taken 1979 and other  
This information not field checked. Map edited 1981



UTM GRID AND 1981 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET



SCALE  
CONTOUR INTERVAL  
NATIONAL GEODETIC VE

THIS MAP COMPLIES WITH NATIONAL  
FOR SALE BY U.S. GEOLOGICAL SURVEY  
DENVER, COLORADO 80225,  
AND VIRGINIA DIVISION OF MINERAL RESOURCES  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS



N 0° 28' E 442.5

N 4° 13' W 500.8

N 20° 49' E 334.3

SEE D.B. 23 p 416

N 6° 24' E 334.5

N 21° 04' E 323.7

PT. 50' SW OF BIG SPRING ON MT.

N 12° 03' E 430.1

N 48° 45' W 229.5

OLD CAR ATLE ON EAST SLOPE OF RIDGE

S 71° 30' E 745.6

PT. BELOW RD. IRON & ROCKPILE

N 19° 15' E 126.5

N 64° 03' E 132.0

N 78° 04' E 150.0

N 78° 35' E 380.0

Grafton Tucker Est

N 32° 04' W 910.5

SEE D.B. 36 p 375

PLANTED ROCK & IRON ON EAST SLOPE RIDGE

N 14° 11' E 1588.4

IRON & POPLAR PTRS. 75' SW OF GAP

S 55° 49' E 100.0

IRON & ROCKPILE IN RAVINE

N 71° 15' E 58.0

N 81° 33' E 55.0

S 82° 11' E 98.0

MARY E

PEBBLES

SEE D.B. 27 p 390  
27 p 549  
45 p 15  
37 p 133

Frasher Tract

N 7° 48' W 2273.3

IRON AT POPLAR

IRON & ROCKPILE ON RIDGE

S 89° 22' W 287.5

S 57° 17' W 396.8

IRON AT LARGE DEAD WHITE

S 42° 53' W 400.8

IRON & ROCKPILE

S 51° 19' W 259.01

IRON & ROCKPILE ON SOUTH SLOPE

S 57° 42' W 788.0

IRON & ROCKPILE

N 68° 05' W 537.5

IRON & ROCKPILE

N 40° 31' W 348.5

IRON & ROCKPILE 70' ON SOUTHWEST SLOPE OF RIDGE

PAUL WHITEHEAD





**ROUTE 641 - DUTCH CREEK LANE – NELSON COUNTY  
ABANDONMENT /DISCONTIUAANCE PROPOSAL**

**(SECTION A)**

Route 641 (Dutch Creek Lane)

From: Route 640 (Wheelers Cove Rd)

To: 2.72 Mi. NW Route 640

Length 2.72 Mi. **(Remain in System)**

**(SECTION B)**

Route 641 (Dutch Creek Lane)

From: 2.72 Mi. NW Route 640

To: 3.57 Mi. N. Route 640 (South P/L McSwain/Bridgewater)

Length 0.85 Mi. **(Discontinue)**

**(SECTION C)**

Route 641 (Dutch Creek Lane)

From: 3.57 Mi. NW Route 640 (South P/L McSwain/Bridgewater)

To: 5.05 Mi. N. Route 640 (North P/L McSwain/Wilhelm)

Length 1.48 Mi. **(Abandon Road)**

**(SECTION D)**

Route 641 (Dutch Creek Lane)

From: 5.05 Mi. NW Route 640 (North P/L McSwain/Wilhelm)

To: Route 641 (Eades Lane- 0.96 Mi. E. Route 29)

Length 0.07 Mi. **(Discontinue)**

**(SECTION E)**

Route 641 (Eades Lane)

From: 0.96 Mi. E. Route 29

To: Route 29

Length 0.96 Mi. **(Remain in system)**

# MISCELLANEOUS

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## Abandonment of Secondary Roads

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There are two circumstances for abandoning a road that is a part of the secondary system of state highways.

1. When the Board of Supervisors decide that:
  - (a) "No public necessity exists for the continuance of the secondary road as a public road" (i.e., lack of public use), or
  - (b) "The safety and welfare of the public would be served best by abandoning the section of road."
2. When a new road "which serves the same citizens as the old road" has been constructed to Department standards and accepted into the secondary system. The abandonment is enacted by the Commissioner of Highways in relations to project related changes.

The first circumstance requires the Board of Supervisors to announce its intent to abandon a road, including providing formal notice to the Commissioner, and posting of a Willingness Notice to hold a public hearing.

Following a public hearing, assuming one is requested and properly held, the Board of Supervisors acts to either dismiss the abandonment or to abandon the road within a prescribed time frame.

For roads that have only a prescriptive easement for right of way, a lawful abandonment, under either of the above circumstances, extinguishes the prescriptive easement and the road ceases to be a public road.

For roads that have right of way dedicated to public use, abandonment has the effect of closing the road to public use, but interests in the real property dedicated for right of way may only be transferred by a separate conveyance; right of way dedicated to a county government may be conveyed by the county after the Commissioner certifies that the right of way is no longer necessary for transportation purposes; right of way dedicated to the Commonwealth may be conveyed only by the Department. The conveyance of right of way may follow abandonment, but may not precede abandonment.

If the intent is to cease VDOT maintenance and responsibility but retain public road status, discontinuance should be considered.

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## **Discontinuance of a Secondary Road**

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Discontinuance is an act reserved for the Commonwealth Transportation Board (CTB) that terminates VDOT's maintenance responsibility and jurisdiction for a road, returning the road to the jurisdiction of the local government. The basis for discontinuance is a determination by the CTB that the road no longer provides a public service warranting its maintenance at public expense.

Non-project related discontinuances procedures:

The Department or the CTB may, in response to a petition of the local governing body or on its own motion, initiate the discontinuance of a section of roadway as part of the secondary system of state highways maintained by the Department.

VDOT will either issue a public notice of intent to discontinue maintenance and advise the County Board of Supervisors and all adjacent property owners of its willingness to hold a public hearing or skip the willingness step and go directly to a public hearing. A public hearing will be conducted if requested by the local governing body, an affected property owner, a citizen at large, or as a Department option in lieu of a willingness in order to expedite the process.

Following the willingness period or public hearing if one is requested, the Residency Administrator or other designated local VDOT manager prepares a discontinuance report with a recommendation and submits it to the Maintenance Division for a final recommendation and submission to the Commonwealth Transportation Board for approval.

The public involvement process associated with project development is considered to satisfy the public involvement needs for project related discontinuances and a public involvement process is not normally held after a project is completed.

**Candy McGarry**

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**From:** Anna Birkner  
**Sent:** Friday, March 13, 2015 1:07 PM  
**To:** Candy McGarry; Steve Carter  
**Subject:** FW: from doug coleman at Wintergreen re Sturt Park

Please see the e-mail below from Doug Coleman, Executive Director from the Wintergreen Nature Foundation, concerning being put on the 4/14 BOS agenda to present his findings of the Sturt property.

Thank You

*Anna Birkner*  
*Nelson County Administrators Office*  
*Secretary III*  
*(434) 263-7003 (P)*  
*(434) 263-7004 (F)*

**From:** Doug Coleman [<mailto:director@tnwf.org>]  
**Sent:** Friday, March 13, 2015 11:38 AM  
**To:** 'abirkner@nelsoncouounty.org'  
**Cc:** 'Josh Palumbo'; Heather Haaga ([heather@heatherhaaga.com](mailto:heather@heatherhaaga.com)); Allen M. Hale, Buteo Books ([allen@buteobooks.com](mailto:allen@buteobooks.com))  
**Subject:** from doug coleman at Wintergreen re Sturt Park

Ms. Birkner, The Nature Foundation at Wintergreen is in the process of completing the study done on the Daniel Sturt property that was donated to Nelson County. Daniel Sturt's daughter met with us last spring and contracted with the Nature Foundation to perform a study of the 3412 acre parcel that defined the ecosystem components and the cultural history associated with the property. This study is designed to be a planning assist document that could serve as a baseline for creating a hiking and a cultural and natural history themed park.

County Supervisors and Daniel Sturts daughter, Heather have requested that I present a summary of this study to the Board and it is my hope to be included in the April 14th Board meeting agenda. At that meeting I will have bound copies of the study for supervisors and county officials. The presentation may or may not include a power point presentation (the short talk can simply be a walk through the pages together if a power point is too much trouble.) I would hope to have 15 minutes and time for questions from the board. Feel free to contact me with questions or suggestions as to details.

Doug Coleman  
Biologist/Executive Director  
The Wintergreen Nature Foundation  
PO Box 770  
Roseland, VA. 22967  
434-325-7452



# **Sturt Park**

## **A Cultural and Ecological Overview (2014-15)**

By Doug Coleman – Biologist

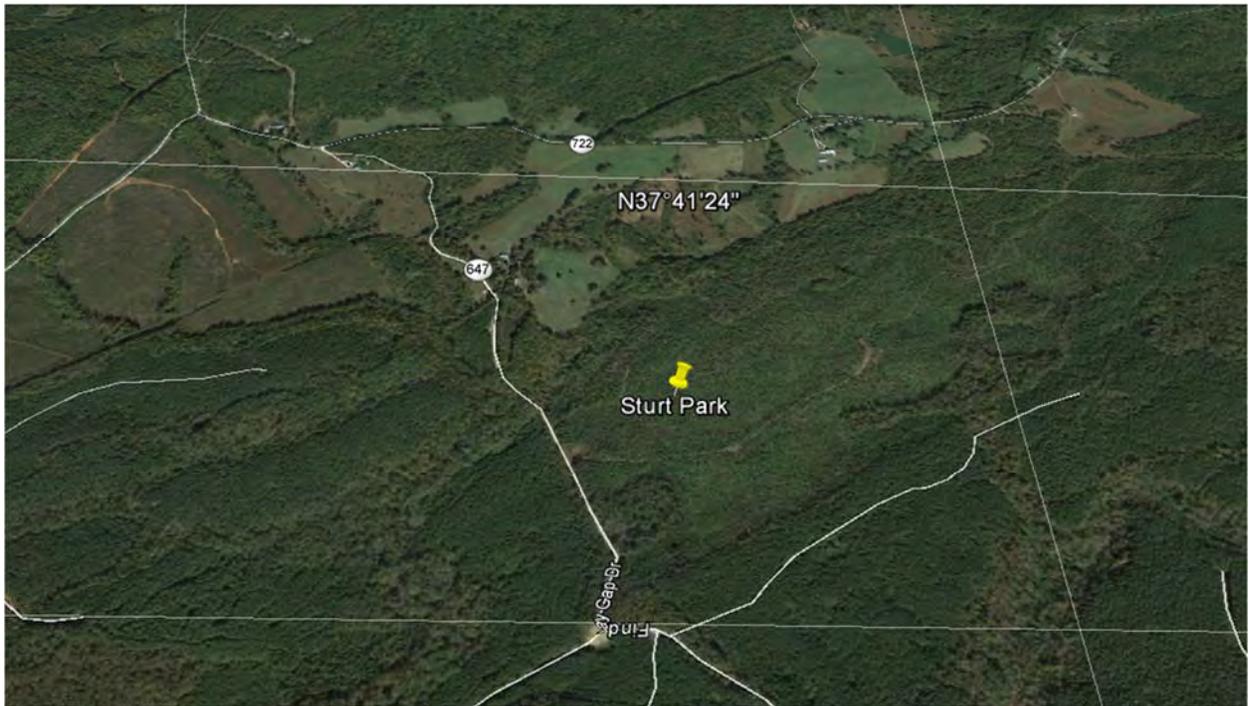
Josh Palumbo – Forester

Jessica Heiser – Sweet Briar College Biology Intern

Provided for The County of Nelson

Sponsored by a grant from The Sturt Family

## Park Location Map



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20.....	Selected References

## **STURT PARK-PROJECT OVERVIEW**

Sturt Park is a 341 acre land parcel given by Daniel Webster Sturt to foster natural land conservation in the state he loved so much. It is located approximately 4 miles east and south of Shipman, Virginia on Virginia State route 647. The approach is a right turn off state route 56 onto State route 722 (Findlay's Mountain Road) one mile east of the Shipman railroad crossing.

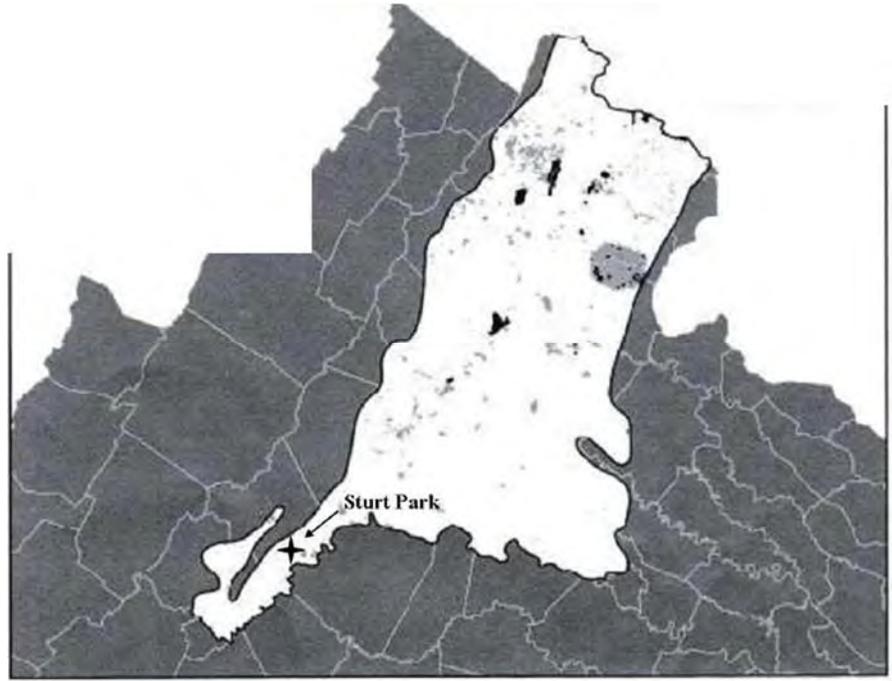
It is the desire of family members that the park be used as a natural area park rather than a traditionally developed sports and multi-use park. This study is based on that assumption.

The study's main focus is on the areas unique natural and cultural history. The research done will make it relatively easy for park managers, teachers, and researchers and volunteers to develop interpretive exhibits, hiking guides and promotional material associated with the park. It may also be used to encourage Nelson County schools, and college students better understand biology and the natural sciences as well as the parks local connection to the nation's colonial history.

Ecosystems are defined within the park and there are overview summaries of plants and animals observed. Historical significance is given special attention as the study proved important colonial connections.

Associated management recommendations are also made where applicable; both in the text and in a separate section and any potential liability or hazard issues noted are reviewed.

## Physiography and Forest Ecosystem Pre-History



Sturt Park is a unique biological land feature in that it represents a tiny peninsula of northern piedmont physiographic province that reaches its southern terminus in Nelson County.(refer to map) It is less than a mile east of the Blue Ridge and therefore represents a boundary, or ecotone, of two major physiographic ecosystems with species common to both. This would indicate a high degree of diversity in both plant and animal communities. Based on general observations of plant species in both the tree canopy and forest floor which we have listed in this study, as well as the variety of ecosystems listed in this document, the site represents uniqueness and diversity that would be attractive to college and university researchers as well as volunteer naturalists, historians, and hikers.

**Prehistoric archaeology** While a prehistoric archaeological study was not part of this project, the topography indicates a good likelihood that the region was a prehistoric pathway for Native Americans across the park and on through nearby Findlay’s Gap to the Blue Ridge beyond. This concept fits within the research of Dr. Carole Nash (James Madison University) as she makes new progress defining Native American pathways between the James River and the Blue Ridge. Sturt Park and Findlay’s Gap would have been a natural pathway and would have connected the known Monacan village site in Wingina with the Blue Ridge, but there currently

has been no recent research done to prove the route. Several older sources (Frances Walker et al) make note of an “old Indian trail through the Gap.”

## Historic Uses

While a significant portion of the 341 acre property is adjacent to and occupied by planted loblolly pine plantation (*Pinus taeda*), it is only the southeast end that is currently dominated by planted forest. The central part of the property may have had some grazing activity but, because of compacted soil type (clay yielding hardpan) and geology (rocky surface in some areas-alligator back formations to the east and crystalline rock to the west with hardpan clay in the center section), has not likely been successfully farmed for any length of time. Pines have also been planted in a large block in the central part of the property but are not old enough to shade or dominate the natural vegetation. It is to be noted that the natural vegetation is heavily punctuated by non-native species, some of which are invasive such as Japanese honeysuckle (*Lonicera japonica*). This may indicate a previous period of livestock grazing, orchard attempts, cropping, or old home site/ subsistence farming. While no foundation structures were observed on the property, some anthropogenic depressions were noted and it is likely that structures existed. At least one area near the northwest corner showed vegetation, barberry (*Berberis thunbergii*) as well as Japanese Spirea (*Spirea Japonica*) for example, often associated with an anthropogenic clearing or home sites.

## Historic Significance of Site

Unpublished research clearly shows that Sturt Park lies almost directly adjacent to the intersection of (possibly as many as 6-Dick Whitehead personal communication) well-traveled colonial roads. (722 is currently called Findlay’s Mt Rd. West of Fairmont Baptist Church and Keys Church Rd. east of Fairmont B. Church-The park is actually on Findlays Gap Drive rt. 647-see map) State route 722, which passes by Fairmont Baptist Church and through Findlay’s Gap, was likely part of what Mason Paulette (Historic roads of Albemarle County-VDOT publication) describes as the extension of the Lower Secretary’s Road to his Tye River Quarter. Findlays Gap Drive ,647, leads from Fairmont Church past the park to the James River near Norwood.

Several noted authors: Gene Crotty, (Jefferson’s Western Travels-map and text) and Michael Kranish,( Flight from Monticello) – both of which further refer to Jefferson’s diaries and Dumas Malone’s work, note several occasions when Jefferson passed through Findlay’s Gap in route from Monticello to Poplar Forest or vice versa. This is further supported by the research of professional historian Lee Marmon (mid 1970s) in his manuscripts. Based on what

we currently know of old road systems here in what was Albemarle County (until 1761) and Amherst County (until 1807 when it became Nelson), this would have likely lay along one of Jefferson's routes between Monticello and Poplar Forest and as such, he likely used it a number of times. One of these trips was dramatic as it was the escape route when Tarleton attempted Jefferson's capture at Monticello. This route lies less than half mile northwest of the park boundary.

Findlay's Gap has also been formerly referred to as Key's Gap and Gleason's Gap. It is known from numerous sources that there was a Key's Ordinary where the first Amherst Court was held (approx. 1761-2) and the record shows that Jefferson was a somewhat regular visitor in performing legal work at the Ordinary when the Albemarle County Courthouse was still at Scottsville before 1761. (Lee Marmon Manuscripts et al). Key's Ordinary has in some documents apparently been wrongly located as some early historians place it near the old Amherst Courthouse in Cabellsville (near today's Colleen-some say Arrington) This may be from a misinterpretation of Alexander Brown's work that connect the two places in the same paragraph but do not necessarily say that the location is in close proximity. Most working historians at the current time acknowledge the earlier mistake and place Keys Ordinary in Findlay's Gap within one mile of Sturt Park. The extant ruins present in Findlay's Gap today may or may not have been the remnants of this tavern. The name Key is connected with Henry Key who was an early patentee of large tracts of land in the Key's, Findlay's, or Gleason's Gap which seem to be one and the same. Other early patentees of nearby land were Colonel James Nevil and William Cabell. The names Findlay and Gleason were not researched.

Note :\*These references pertain to colonial activity happening in the vicinity (1/2 to 1 mile radius) of Sturt Park.

There is an old road that shows up on an early plat of the Sturt Park property (portions still visible) that followed its northeastern boundary. Pete Rose (caretaker for Daniel Sturt) remembers his grandfather mentioning walking this road to get to other communities and ultimately to the James River (only about 3 miles away).

The current Fairmont Baptist Church site nearby (1/2 mile northwest of the park) is significant in colonial history since it is near the site of an older structure called Key's Church. While the exact site of Keys Church is not confirmed, it is opined that the walled cemetery in the Fairmont churchyard may be associated with the original Key's church site. Some early research also refers to an earlier log church-prior to 1745( Albemarle County), when Robert Rose was assigned to St. Anne's Parish. This may have been the first of three churches mentioned near Findlay's Gap and Sturt Park(Diary of Robert Rose). Dr. William Cabell donated lumber in 1765 for the framing of Keys Church -This may have been the successor to an earlier log church that some researchers mention.. Local Historian Lew Southard (former county

forester) states that at the intersection of the Williamsville Road (Also state route 647), some 200 meters west of the church, he remembers some old structural foundations that were part of a community known as Keysville. More research is currently being done to confirm this.

The citation for Key's Church, (denomination-Church of England) is on page 61 of Alexander Brown's Cabells and their Kin . Alexander Brown makes numerous references to it (Cabells and Their Kin pp 61, 62, 178, 193, 365). He clearly states that Dr. William Cabell "furnished the timber for the framing of Key's Church" in 1765 . This would be the original Dr. William Cabell (b.1687 d.1774) who came from Warminster England and was one of the regions earliest settlers (circa 1734).

In the interest of clarity for a future researcher, there were three later William Cabells (Dr. William Cabell's son, grandson and nephew William H. who was governor of Virginia when Nelson County became a county in 1807.)

REPEATED NOTE for clarity: Nelson County was part of Goochland County till 1744, Albemarle County till 1761, and Amherst County till 1807 when it was partitioned off as Nelson County. Repositories of historic records may be in those respective counties associated with the above dates. Example: When Jefferson made his escape thru Findlay's Gap from Tarleton he would have crossing Amherst County.(Nelson was part of Amherst then.)

Another of Dr. William Cabell's grandsons, Samuel Jordan Cabell on Feb. 5th 1775, was selected as Captain of the Amherst militia(American Revolution) and was required to recruit a "company of expert riflemen" ready for marching orders by March, 1776. The "rendezvous" for this company was at "old Key's Church" within a half mile of the current Sturt Park property. (Ref. Cabells and their Kin p.178.) The company left the area on March 12th, marched east and twelve days later arrived in Williamsburg, Virginia. Both the current Sturt Park property and the current Fairmont Church site would have likely been close to common Cabell land holdings at the time. Three prominent land holders are noted from the researched records shown on Michael Krabill's map. The names are Key, Nevil and Cabell, all colonial patentees of land in the area. Sturt Park is approximately 3 miles from the James River and as such would likely have been in close proximity to Cabell land holdings as well as the other two patentees mentioned. The fact that Cabell donated lumber for Keys church also serves as circumstantial evidence of this.

Reference is also made (from various interviews and local stories) to the" Purgatory Swamp" as a recognized colonial physiographic feature in the immediate vicinity of what is now Sturt Park. It is likely that the current state route 647 (Findlay's Gap Rd) fords in Joe's creek and Little Joe's Creek as well as the tiny permanent wetland located on the southeast end of the Sturt Park property may have been part of the headwaters of Purgatory Swamp. They are all on

or directly adjacent to the property and are likely part of the drainage or supply of that pre-historic feature of the region.

There is also correspondence from Hugh Rose (Son of Rev Robert Rose, early patentee and renaissance man of old Albemarle County for which Roseland is named) making reference to Key's Gap as a subsequent militia meeting spot as the Revolutionary War came home to Virginia in about 1780 (letter from Hugh Rose to William Cabell Jr-June 9 1780-Alexander Brown, Cabells and their Kin p. 193). While it seems that the connection with the potential non-extant Keysville site and Key's Church site lead to the likely possibility of Key's Gap and Findlay's Gap being the same or in close proximity to each other, more research needs to be done. We know that Findlay's Gap was also referred to Gleason's Gap at one point (pers. communication with Cliff Wood, local James River historian) and is listed as such in the Va. Atlas and Gazetteer). FUTURE RESEARCH SHOWING A MAP OF THIS HISTORIC ROAD ACROSS THE COUNTY AND LIKELY SITES WOULD BE HELPFUL HERE.

It is also likely that the gravel state road, (State Rt. 647-Findlays Gap Drive) leading from the Fairmont Church intersection to the park, is also a colonial road; being a logical connection to the James River( approximately 3 miles away) joining the "river road"(State Rt.626) near the current community of Norwood(colonial name –New Market) which was a major colonial shipping community for double dugout canoes and batteaus in pre-revolution times and following through the Canal Era.

Recommendation: The above is included because it promotes the site as a historic part of Nelson/Amherst County history and encourages potential corrections to this document associated with detailed future historical research in the area. Two Commonwealth of Virginia state highway markers would be entirely appropriate. One of these would mark the apparent site of Key's Church at the intersection of State Route 722 and the road to Sturt Park (Findlay's Gap Drive SR 647). Marker content could focus on Jefferson's travels, his escape route from Tarleton, and the significance of the transportation route in colonial times. The marker could also be put in the passage of the Gap itself near some old ruins that may be part of the story. The other marker might be placed nearer to the park boundary and could commemorate Samuel Cabell's Amherst Company of riflemen and the headwaters of the Purgatory Swamp which was apparently a known colonial landmark. (Text for both would be general based on information that is currently documented.)

Samuel Jordan Cabell's character is interesting and deserving of recognition in itself. He was imprisoned in Charleston during the war by British troops, and was falsely charged for sedition under the Alien and Sedition Acts of John Adam's presidency (Alexander Brown; Cabells and their Kin pp. 179-183). He was subsequently pardoned by Jefferson. He was a post war member of the House of Representatives representing Jefferson's home district. Legend

has it that he slept on the House floor overnight so as not to miss the presidential vote for Jefferson in the tie election runoff against Aaron Burr in 1800. His home, Soldiers Joy, still stands as a private residence nearby. If both markers were placed near the park at the Fairmont Church intersection, more detail of these historic stories could be told on a brochure or interpretive signs and maps at the Sturt Park entrance, at a picnic/parking site, or other associated interpretive facility there. Any marker content placed to commemorate Sam Cabell should also not take away the possibility of such a marker near Soldier's Joy on 626 along the James which is his extant home.

## **Current Ecosystems**

### Piedmont Hardpan Forest

A large acreage within Sturt Park (the central portion) fits the Virginia Division of Natural Heritage's Eastern Hardpan Forest description. This is due to geologic history that has resulted in a layer of clay in the soil, impacting its density and porosity. Hosting a predominately Piedmont flora (trees, shrubs and other plants), the ecosystem is punctuated with seasonal wetlands whose water levels seem to decline by evaporation rather than absorption. This leads to many small semi-permanent wetlands scattered across the property, some of which are associated with depressions in the old rutted vehicle roadways. There are three natural wetlands on the property, two of which are fully covered by canopy and one of which seems to have some water source dammed by State Route 647 to which it is directly adjacent.

### Pine Plantation

A young pine plantation exists on much of the central part of the park site (see map) but the height of the loblolly pines in 2014 is in many cases too young to shade the young hardwood stump sprouts, vines and shrubs of the previous hardwood forest. Some piedmont plant species were observed in this area which included: Trumpet Honeysuckle (*Lonicera sempervirens*), Bride's Feather (*Liatris squarrosa*), Serviceberry (*Ammelanchier canadensis*), Scarlet Oak (*Quercus coccinea*), Mockernut Hickory (*Carya tomentosa*) and Old Field Goldenrod (*Solidago nemoralis*) among others. While some of these species exist along the edge of the Blue Ridge province, they are much more common in Piedmont forests and they are common on the Sturt Park site. The proximity to the Blue Ridge province is evident in the oak diversity. Northern Red Oak (*Q. rubra*), Scarlet Oak (*Q. coccinea*), Pin Oak (*Q. palustris*), and Black Oak (*Q.*

*velutina*) are all found on the property. The overview list in this document shows that both mountain and piedmont species are present.

### Northern Slope Hardwood Forest

A band of relatively undisturbed hardwood forest extends along the north-facing slope leading down to Joe's Creek on the north side of the property. While there is old evidence of some timbering, the forest floor appears to be relatively undisturbed as evidenced by some mature fern populations. Northern Maidenhair Fern (*Adiantum pedatum*), large populations of New York Fern (*Thelypteris noveboracensis*), Silvery Glade Fern (*Athyrium asplenoides*) and numerous mountain wildflower species and shrubs are present and the canopy in this area includes a number of Northern Red Oaks (*Quercus rubra*).

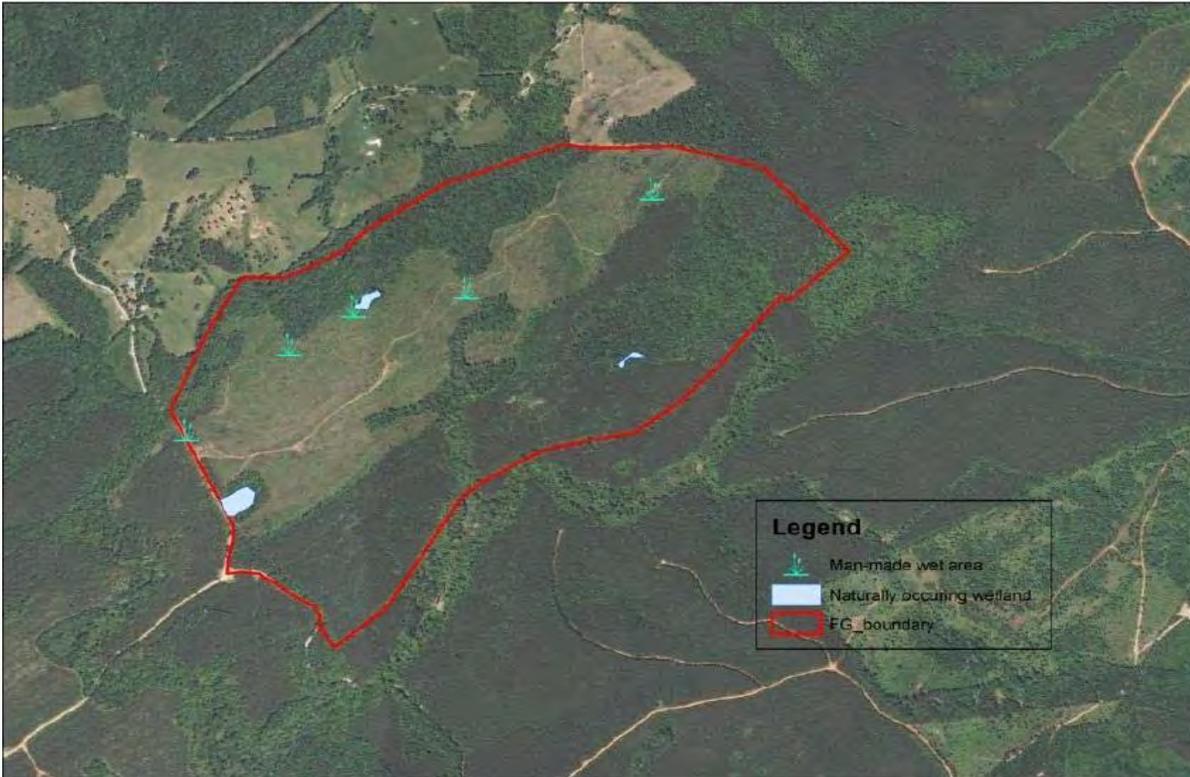
### Alluvial Woodland

At the base of the afore mentioned north-facing slope woodland is Joe's creek, a permanent stream that forms a partial boundary between Sturt Park and the Ligon property to the north. Although the park side flood plain is very narrow, it is wide enough to contain the familiar flood plain species such as Paw Paw (*Asimina triloba*), Alder (*Alnus serrulata*), Sensitive Fern (*Onoclea sensibilis*) and other alluvial forest species.

### Permanent and Seasonal Wetlands

Perhaps the closest approximation to a permanent wetland exists near the east end of the park and along State Route 647. This is exemplified by a roadside depression that had water throughout the study period. Frogs were observed calling there in the evening, a northern water snake was observed, and wood ducks were observed coming in at dusk. The best permanent wetland indicator is the plant community which is composed of what appear to be very old populations of Marsh Rose (*Rosa palustris*) and Winterberry Holly (*Ilex verticillata*). Other wetland associated species such as Wool Grass (*Scirpus cyperinus*), and Alternate-Leaved Seedbox (*Ludwigia alternifolia*) are present in some abundance as well.

There are two other canopied wet depressions in the park. Both are on higher elevations within the park and may have water sources other than rain, but both showed some sign of late season evaporative drying. Assuming the year 2014 has been wetter than average ,



the length of time that these water levels have remained will likely be different during a dry year.(CAPTURING HISTORICAL DATA FROM THE NEAREST WEATHER STATION WOULD LEND ANOTHER ELEMENT TO RESEARCH AND DIVERSITY)

It is to be noted that both the permanent and seasonal wetlands harbor high amphibian diversity as they provide perfect mating pools for late winter/early spring salamander and frog activity. A mid- March visit to Sturt Park with Dr. Steve Robley , biologist from the Commonwealth's Division of Natural Heritage confirmed the value of these sites as critical habitat for amphibians.

A high percentage of all wetland areas in the park showed significant evidence of amphibian breeding populations in large numbers. Species included upland chorus frogs(*Pseudacris feriarum*) wood frog (*Lithobates sylvaticus*) , spring peeper frog (*Pseudacris crucifer*), spotted salamander(*Ambystoma maculatum*), marbled salamander (*Ambystoma opacum*-only one other known location in Nelson) Other more common species were also present in large numbers.

A significant number of aquatic insect larvae also were present indicating “type specimen “ habit for breeding and larval development. Interestingly there was little evidence of mosquito presence during the year of the study. This may be due to the healthy populations of predatory insects.

NOTE: The vernal and seasonal wetlands in this narrow band of extended Northern Piedmont ecosystem may make the park a good candidate for Amphibian research. Healthy amphibian populations are currently considered one of the best indicators of good environmental integrity

## Management/Maintenance Recommendations

Cover Type Map: Nelson County 341 Acre Findley Gap Dr.



**15 Yr. Loblolly Pine** – This 100 acre loblolly pine stand was planted in 1999. The pine is approaching the age to consider thinning in order to increase growth for the remaining trees. Trees cored within the stand show signs of reduced growth rate due to intense site competition. Strip/row cutting is the traditional method for a loblolly pine thinning. Thinnings rarely produce revenue for the landowner. Revenue is realized upon the final over story removal. A patch clear-cut method might be used to promote wildlife habitat. (revenue from thinning/final cut)

\*see county forester for value

**Pine Sapling** – This 20 acre stand was planted in 2005 and features pine sapling with heavy hardwood competition. It may be available for thinning by 2020. A natural hardwood piedmont forest can be achieved cutting portions of the planted loblolly pine to allow for hardwoods to establish.

**Oak/Hickory** – These two stands combine to approximately 90 acres. It is a mixture of red and white oak, hickory, yellow poplar with patches of Virginia pine. It tends toward lower grade pulpwood with some log producing trees. The best management options would be to either leave the stand as is or use select patch clear-cuts, targeting the patches of pine, to enhance wildlife opportunities.

**Oak/Pine** – These two stands combine for approximately 30 acres of a mixture of planted loblolly pine, Virginia pine and the occasional shortleaf pine. The hardwood component is primarily lower grade oak and maple. Harvesting on this stand should be strictly for removal of the mature pine species.

#### Potential Issues or Hazards:

**Approach:** The approach to Sturt Park on SR 647 crosses two shallow stream fords. They currently present no problem for most passenger vehicles but could become hazardous crossings during heavy rains.

During the survey there was seasonal logging going on in the area and heavy log truck(tractor trailer) traffic with no” Log Trucks” signs posted. It is presumed with the pine plantations that this may occur seasonally. Passenger vehicles will need to pull to one side and stop.

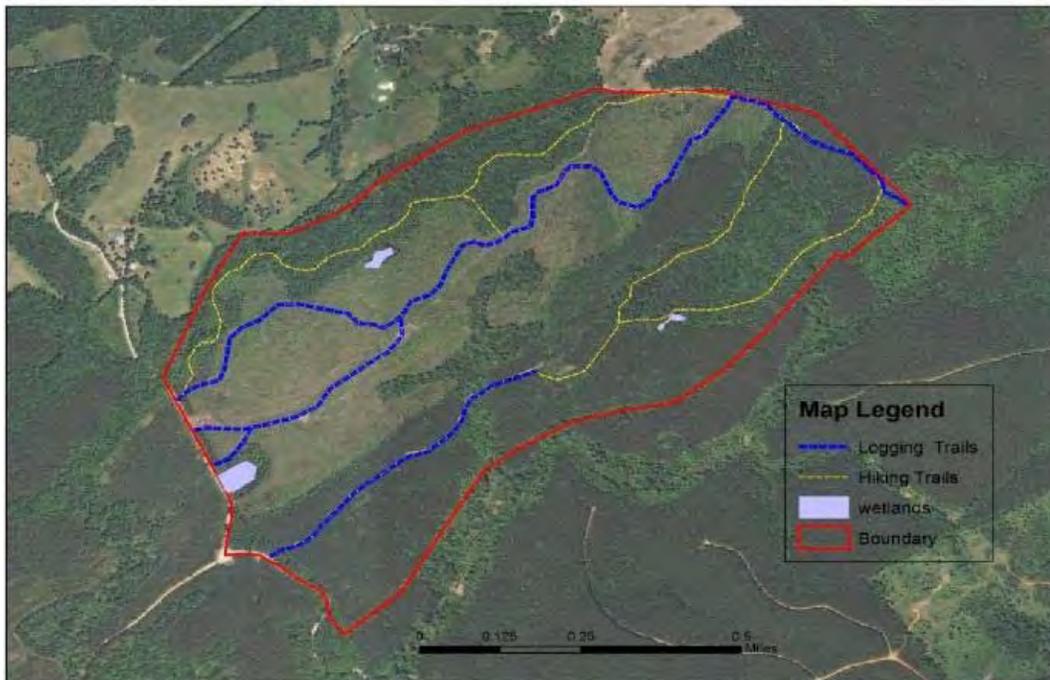
**Hiking:** Sturt Park is in a relatively isolated part of the county. It may be best advised to not hike alone. During the spring and early summer season, hikers need to use tick and chigger repellent. Two of the survey workers became sick and had to be treated for temporary but confirmed tick related illnesses. ( It is to be noted that staff was in tall vegetation and this may not have happened with maintained trails.)

Other potential hiking hazards could be ground bees and one species of poisonous snake, but these dangers occur on most hiking trails within the region. Maintained trails will also help in this regard.

**Hunting:** Hunting currently occurs within the park. It appears to be on a limited basis and no damage associated with hunting was observed. Hunting is the best way to manage for overpopulation of white-tailed deer, but hunting would need to be managed. Few trusted hunters and temporary closure of the park during a defined hunting period may be acceptable if managed properly.

**Hazardous materials or materials sites:** Neither hazardous materials nor sites were noted within the park.

## Hiking Options



**Hiking Trails—** The trails demarcated in yellow would be ideally designed as hiking/jogging trails. These trails would be single path foot trails providing recreational opportunities such as hiking, jogging and bird watching. This portion of the trail system would range from 2.7 miles to 3.5 depending on layout preferences.

The creation of these trails would be the most labor intensive part of creating and maintaining a hiking trail system. Once created, the dense canopy sections should keep plant growth at a minimum. It would require a minimum of 2 site visits a year for weed and footpath management.

**Multi-use Trails—** The trails demarcated in blue are existing logging roads. These established logging roads would be ideal for a multi-use trail system including such activities as

hiking, biking, and horseback riding. The existing logging road system is approximately 2.5 miles.

The management of the multi-use paths would require a minimum of 2 site visits per year for weed management. A use of a tractor and “bushhog” would be the ideal management tool for multi-use trails.

**Parking.** Parking was not mapped, but can easily be placed parallel with gravel at the park boundary along 647.

## Plant List.

Notes: Few species were preserved and collected. This list is based on approximately 10 walks through the property, listing what was observed. Total number of vascular plants should be in the 350- 400 species range. This list when finished will likely comprise about half the species. Since species within a genus with microscopic differences were not studied in detail, the list should be considered 95% accurate for the species listed but near 100% accurate for genus.

The list does show high diversity comprising both mountain and piedmont species due to its unique extension of piedmont forest into Blue Ridge woodland. A complete list would be a good project for a student intern or Master Naturalists.

- Asian Stilt-grass *Microstegium viminium*(exotic invasive)
- Alder *Alnus serrulata*
- Alternate-leaved Primrose Willow *Ludwigia alternifolia*
- American Hazelnut *Corylus americana*
- Angelica *Angelica triquinata*
- White Heath Aster *Symphyotrichum pilosum*
- Autumn Bent Grass *Agrostis perennans*
- Autumn Sneezeweed *Helenium autumnale*
- Barberry (non-native) *Berberis thunbergii*
- Barn Yard Grass *Echinochloa crus-galli*(?)
- Beaked Panic Grass *Coleataenia anceps*
- Big Bluestem *Andropogon gerardii*
- Big Leaf Panic Grass *Dichanthelium spp*
- Black Cherry *Prunus serotina*
- Black Gum *Nyssa sylvatica*
- Black Haw Viburnum *Viburnum prunifolium*

- Black Locust *Robinia pseudoacacia*
- Black Oak *Quercus velutina*
- Black Walnut *Juglans nigra*
- Blackberry *Rubus Rubus spp.*
- Bladdernut *Staphylea trifoliata*
- Blazing Star *Liatris squarrosa*
- Boneset *Eupatorium perfoliatum*
- Box Elder *Acer negundo*
- Bracken Fern *Pteridium aquilinum*
- Broom Sedge *Andropogon virginicus*
- Button Bush *Cephalanthus occidentalis*
- Buttonweed *Diodia teres*
- Canada Goldenrod *Solidago canadensis*
- Carolina Rose *Rosa caroliniana*
- Christmas Fern *Polystichum acrostichoides*
- Cinnamon Fern *Osmundastrum cinnamomeum*
- Common Thistle *Cirsium spp*
- Coral Berry *Symphoricarpos orbiculatus*
- Creeping Lespedeza *Lespedeza procumbens*
- Cudweed *Gnaphalium uliginosum*
- Deer Berry *Vaccinium stamineum*
- Devil's Walking Stick *Aralia hispida*
- Dew Berry *Rubus hispidus*
- Dogbane *Apocynum cannabinum*
- Early Goldenrod *Solidago juncea*
- Eastern Red Cedar *Juniperus virginiana*
- Ebony Spleenwort Fern *Asplenium platyneuron*
- Flowering Dogwood *Cornus florida*
- Flowering Spurge *Euphorbia corollata*
- Fringe Tree *Chionanthus virginicus*
- Gaura *Gaura biennis*
- Goldenrod *Solidago gigantea*
- Green and Gold *Chrysogonum virginianum*
- Greenbriar *Smilax rotundifolia*
- Hoary Mountain Mint *Pycnanthemum incanum*
- Hollow Stemmed Joe Pye Weed *Eupatorium fistulosum*
- Horse Balm *Collinsonia canadensis*

- Horse Nettle *Solanum carolinense*
- Indian Grass *Sorghastrum nutans*
- Indian Tobacco *Lobelia inflata*
- Interrupted Fern *Osmunda claytoniana*
- Ironwood *Carpinus caroliniana*
- Japanese Honeysuckle *Lonicera japonica*(non-native invasive)
- Japanese Spirea *Spirea japonica* (escape)
- Joint-head Grass *Arthraxon hispidus*
- Knapweed *Centaurea spp.*(non- native)
- Lady Fern *Athyrium filix-femina*
- Lespedeza *Lespedeza cuneate* (introduced non-native)
- Loblolly Pine(planted) *Pinus taeda* ( generally not native to inner piedmont nor Blue Ridge)
- Long-leaved Bluet *Houstonia longifolia*
- Low-bush blueberry *Vaccinium vascillans*
- Maidenhair Fern *Adiantum pedatum*
- Maleberry *Lyonia ligustrina*
- Marsh Pink (Rose Pink) *Sabatia angularis*
- Marsh Rose *Rosa palustris*
- Milkweed *Asclepias syriaca*
- Mockernut Hickory *Carya tomentosa*
- Mountain Laurel *Kalmia latifolia*
- Mountain Mint *Pycnanthemum virginianum*
- Mullein *Verbascum thapsus*
- New Jersey Tea *Ceanothus americana*
- New York Fern *Thelypteris noveboracensis*
- New York Iron Weed *Vernonia noveboracensis*
- Northern Red Oak *Quercus rubra*
- Old Field Goldenrod *Solidago nemoralis*
- Old Man's Beard, Virgin's Bower *Clematis virginiana*
- Orange Coneflower *Rudbeckia fulgida*
- Partridge-pea *Chamaecrista nictitans*
- Path Rush *Juncus tenuifolius*
- Paw Paw *Asimina triloba*
- Pencil Flower *Stylosanthes biflora*
- Persimmon *Diospyros virginiana*
- Pin Oak *Quercus palustris*

- Plantain *Plantago aristida*
- Poison Ivy *Rhus toxicodendron*
- Prairie Three-awn *Aristida oligantha*
- Privet *Ligustrum vulgare*(non-native escape)
- Queen Anne's Lace *Daucus carota*
- Ragweed *Ambrosia artemisifolia*
- Rattlesnake Fern *Botrypus virginianus*
- Rattlesnake Plantain (orchid) *Goodyera pubescens*
- Red Elm *Ulmus rubra*
- Red Maple *Acer rubrum*
- Red Oak *Quercus rubra*
- Red Top *Tridens flavus*
- Redbud *Cercis Canadensis*
- Rice Cutgrass *Leersia oryzoides*
- Rush *Juncus secundus*
- Russian Olive (Autumn Olive) *Elaeagnus umbellate* (exotic invasive)
- Sassafras *Sassifras albidium*
- Scarlet Oak *Quercus coccinea*
- Sedge *Carex lupulina*
- Sedge *Carex lurida*
- Sedge *Carex vulpinoides*
- Self-heal *Prunella vulgaris*
- Sensitive Fern *Onoclea sensibilis*
- Serviceberry *Ammelanchier canadensis*
- Short-husk Grass *Brachyeletrum erectum*
- Silky dogwood *Cornus ammomum*
- Silverrod *Solidago bicolor*
- Skullcap *Scutellaria spp.*
- Smooth Sumac *Rhus glabra*
- Spanish needles *Bidens bipinnata*
- Spicebush *Lindera benzoin*
- Spike rush *Eleocharis ciliaris*
- Spike rush *Eleocharis obtusa*
- Splitbeard bluestem *Andropogon ternarius*
- Spring beauty *Claytonia virginica*
- St. Andrew's Cross *Hypericum hypericoides*
- Sycamore *Platanus occidentalis*

- Thimbleweed *Anemome virginiana*
- Three leaved Rosenweed *Silphium trifoliatum*
- Tickseed *Bidens polylepis*
- Treefoil *Desmodium spp.*
- Trefoil *Desmodium (spp.)*
- Trumpet honeysuckle *Lonicerea sempervirens*
- Tulip tree *Liriodendron tulipifera*
- Virginia Pine *Pinus virginiana*
- Water plantain *Alisma subcordata*
- Wavy –leaved Aster *Symphyotrichum undulatum*
- White Oak *Quercus alba*
- White pine *Pinus strobus*
- White sweet clover *Melilotus alba*
- Whorled coreopsis *Coreopsis verticillata*
- Wild Bergamot *Mondarda fistulosa*
- Wild lettuce *Lactuca spp*
- Wild quinine *Parthenium integrifolium*
- Willow *Salix caroliniana*
- Winged Sumac *Rhus copallina*
- Winterberry *Ilex verticillata*
- Witch grass *Panicum capillare*
- Witch hazel *Hamamelis virginiana*
- Woodland Sunflower *Helianthus divaricatus*
- Wool grass *Scirpus cyperinus*
- Wrinkled –leaf goldenrod *Solidago rugosa*
- Yarrow *Achillea millefolium*
- Yellow foxtail *Setaria pumila*

Survey Plant List DRAFT THROUGH 9/25/2014

154 species as of 9/25/14

## **Wildlife General**

While no specific study was done on wildlife, tracks, scat and sightings indicated high diversity. Tracks and scat of black bear, coyote, white-tailed deer, and raccoon were sighted. A red fox was seen during the field survey and bird diversity was noted as high. (Allen Hale to contribute breeding bird list for the area) Two night trips were made to listen to amphibians and investigate the wetlands, (results covered in wetlands description). During a late May night trip, the whip-poor-will calls were deafening. This bird is not as common in large numbers west of the Virginia Piedmont.

Note :Wintergreen just participated in a Smithsonian an E-mammal study on the mountain. This involved heat seeking /infra-red cameras. The project involved a number of trained volunteers who set and monitored cameras. Too much for this study but the site could be a candidate for a similar future study by a grant or college student's independent study.

## **Selected References used and recommended for further research**

### **Ecology**

Map: [Physiographic Provinces of Virginia, Virginia Division of Natural Heritage](#)

Geologic map [The Virginia Department of Mines and Minerals](#)

Virginia Division of Forestry-[Nelson County pine plantings map.](#)

Albemarle, Amherst, Nelson Courthouse Deed books:...

[The Flora of Virginia](#): The plant communities of Virginia , Gary Fleming

[The Flora of Virginia](#) : Plant Id and keys

[Digital Atlas of the Virginia Flora](#): species distribution maps

Herpetological Society of Virginia

Hale Allen, NC, BOS, [VSO Breeding Bird Survey](#)

### **Historical information:**

**Further research should start with records of the Nelson County Historical Society where most of these publications can be found**

Brown, Alexander, Cabells and their Kin

Crabill Michael- Map, Nelson County Patents and Land Grants 1730-1800

Crotty, Gene: Jefferson's Western Travels

Fall, Ralph The Diary of Robert Rose

Kranish Michael –Flight from Monticello

Marmon, Lee (Compiled by Kathryn Seaman) The Marmon Manuscripts

Nash, Dr. Carole- Anthropologist, James Madison University (Native Americans)

Nelson County Historical Society files. Nelson County Cemeteries

Paulette, Mason-Early roads of Albemarle County (VDOT publication)

Walker, Frances, Episcopal Churches of Saint Anne's Parrish

### **Interviews:**

Robley, Dr. Steve, Herpetologist, The Virginia Division of Natural Heritage-Amphibian and wetland specialist

Southard, Lewis -former county forester: in regard to the non-extant town of Keysville near Fairmont church.

Whitehead Dick--co-research with author (Coleman) on finding and mapping Thomas Jefferson's escape route across Amherst County from Tarleton's troops in 1781.

Wood, Clifford- Nelson County Historical Society, in regard to Keys church and Samuel Cabell's revolutionary war regiment.

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**RESOLUTION R2015-32  
NELSON COUNTY BOARD OF SUPERVISORS  
ESTABLISHMENT OF TAX RATES**

**RESOLVED**, by the Nelson County Board of Supervisors, pursuant to and in accordance with Section 58.1-3001 of the Code of Virginia, 1950, that the tax rate of levy applicable to all property subject to local taxation, inclusive of public service corporation property, shall remain as currently effective until otherwise re-established by said Board of Supervisors and is levied per \$100 of assessed value as follows:

Real Property Tax	\$0.72
Tangible Personal Property	\$3.45
Machinery & Tools Tax	\$1.25
Mobile Home Tax	\$0.72

Adopted: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

§ 58.1-3001. When boards of supervisors to fix and order county and district taxes; funds not available, allocated, etc., until appropriated.

The governing body of each county shall, at its regular meeting in the month of January in each year, or as soon thereafter as practicable not later than a regular or called meeting in June, fix the amount of the county and district taxes for the current year. Any such governing body may provide that if any taxpayer owns tangible personal property of such small value that the local levies thereon for the year result in a tax of less than fifteen dollars, such tax may be collected as provided by ordinance or such property may be omitted from the personal property book and no assessment made thereon.

The imposition of taxes or the collection of such taxes shall not constitute an appropriation nor an obligation or duty to appropriate any funds for any purpose, expenditure or contemplated expenditure. No part of the funds raised by the general county taxes shall be considered available, allocated or expended for any purpose until there has been an appropriation of funds for that expenditure or purpose by the governing body either annually, semiannually, quarterly, or monthly. There shall be no mandatory duty upon the governing body of any county to appropriate any funds raised by general county taxes except to pay the principal and interest on bonds and other legal obligations of the county or district and to pay obligations of the county or its agencies and departments arising under contracts executed or approved by the governing body, unless otherwise specifically provided by statute. Any funds collected and not expended in any fiscal year shall be carried over to the succeeding fiscal years and shall be available for appropriation for any governmental purposes in those years.

(Code 1950, § 58-839; 1950, p. 416; 1952, c. 423; 1958, c. 35; 1959, Ex. Sess., c. 52; 1984, c. 675; 1988, c. 430; 1989, c. 81; 1994, c. [252](#).)

**RESOLUTION R2015-33  
NELSON COUNTY BOARD OF SUPERVISORS  
2015 PERSONAL PROPERTY TAX RELIEF**

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3524 has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

**WHEREAS**, the Nelson County Board of Supervisors has adopted an Ordinance for Implementation of the Personal Property Tax Relief Act, Chapter 11, Article X, of the County Code of Nelson County, which specifies that the rate for allocation of relief among taxpayers be established annually by resolution as part of the adopted budget for the County.

**NOW THEREFORE BE IT RESOLVED** that the Nelson County Board of Supervisors does hereby authorize tax year 2015 personal property tax relief rates for qualifying vehicles as follows:

- Qualified vehicles with an assessed value of \$1,000 or less will be eligible for 100% tax relief;
- Qualified vehicles with an assessed value of \$1,001 to \$20,000 will be eligible for 39% tax relief;
- Qualified vehicles with an assessed value of \$20,001 or more shall be eligible to receive 39% tax relief only on the first \$20,000 of assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicle, farm use vehicle, motor homes, etc.) will not be eligible for any form of tax relief under this program.

**BE IT FINALLY RESOLVED** that the personal property tax relief rates for qualifying vehicles hereby established shall be effective January 1, 2015 through December 31, 2015.

Adopted: April 14, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

§ 58.1-3524. Tangible personal property tax relief; local tax rates on vehicles qualifying for tangible personal property tax relief.

A. For tax year 2006 and all tax years thereafter, counties, cities, and towns shall be reimbursed by the Commonwealth for providing the required tangible personal property tax relief as set forth herein.

B. For tax year 2006 and all tax years thereafter, the Commonwealth shall pay a total of \$950 million for each such tax year in reimbursements to localities for providing the required tangible personal property tax relief on qualifying vehicles in subsection C. No other amount shall be paid to counties, cities, and towns for providing tangible personal property tax relief on qualifying vehicles. Each county's, city's, or town's share of the \$950 million for each such tax year shall be determined pro rata based upon the actual payments to such county, city, or town pursuant to this chapter for tax year 2005 as compared to the actual payments to all counties, cities, and towns pursuant to this chapter for tax year 2005, as certified in writing by the Auditor of Public Accounts no later than March 1, 2006, to the Governor and to the chairmen of the Senate Committee on Finance and the House Committee on Appropriations. The amount reimbursed to a particular county, city, or town for tax year 2006 for providing tangible personal property tax relief shall be the same amount reimbursed to such county, city, or town for each subsequent tax year.

The reimbursement to each county, city, or town for tax year 2006 shall be paid by the Commonwealth over the 12-month period beginning with the month of July 2006 and ending with the month of June 2007, as provided in the general appropriation act. For all tax years subsequent to tax year 2006, reimbursements shall be paid over the same 12-month period. All reimbursement payments shall be made by check issued by the State Treasurer to the respective treasurer of the county, city, or town on warrant of the Comptroller.

C. For tax year 2006 and all tax years thereafter, each county, city, or town that will receive a reimbursement from the Commonwealth pursuant to subsection B shall provide tangible personal property tax relief on qualifying vehicles by reducing its local tax rate on qualifying vehicles as follows:

1. The local governing body of each county, city, or town shall fix or establish its tangible personal property tax rate for its general class of tangible personal property, which rate shall also be applied to that portion of the value of each qualifying vehicle that is in excess of \$20,000;

2. After fixing or establishing its tangible personal property tax rate for its general class of tangible personal property, the local governing body of the county, city, or town shall fix or establish one or more reduced tax rates (lower than the rate applied to the general class of tangible personal property) that shall be applied solely to that portion of the value of each qualifying vehicle that is not in excess of \$20,000. No other tangible personal property tax rate shall be applied to that portion of the value of each qualifying vehicle that is not in excess of \$20,000. Such reduced tax rate or rates shall be set at an effective tax rate or rates such that (i) the revenue to be received from such reduced tax rate or rates on that portion of the value of qualifying vehicles not in excess of \$20,000 plus (ii) the revenue to be received on that portion of the value of qualifying vehicles in excess of \$20,000 plus (iii) the Commonwealth's reimbursement is approximately equal to the total revenue that would have been received by the county, city, or town from its tangible personal property tax had the tax rate for its general class of tangible personal property been applied to 100 percent of the value of all qualifying vehicles.

D. On or before the date the certified personal property tax book is required by § [58.1-3118](#) to be provided to the treasurer, the commissioner of the revenue shall identify each qualifying vehicle and its value to the treasurer of the locality.

E. The provisions of this section are mandatory for any county, city, or town that will receive a reimbursement pursuant to subsection B.

(1998, Sp. Sess. I, c. [2](#); 2004, Sp. Sess. I, c. [1](#).)

Nelson County Board of Supervisors  
April 14, 2004

Agenda Item IV.C – Lovington Health & Rehabilitation Center Status

Nelson County was advised in the summer of 2011 by the VA Department of Health (Office of Licensure & Certification - Division of Certificate of Public Need) of the application for a Certificate of Public Need by Albemarle Health Care Center, LLC (understood to be a subsidiary of Medical Facilities of America/MFA) for a new facility (presently under construction) in Albemarle County. Approval by VDH of the COPN would also result in the closing of MFA's Lovington Health and Rehabilitation Center in Nelson County, leaving the County (Nelson) without any "local" nursing home facility. The County intervened in the COPN process to endeavor to block the approval of the COPN. However, in the ensuing interactions with VDH staff the County recognized that it could not prevent the loss of the LHRC. In its efforts to address the County's intervention in its COPN application for the proposed center in Albemarle County, MFA offered to transfer ownership of the LHRC to the County following the completion and operational startup of its Albemarle center. Recognizing the inability to prevent the closing of the LHRC, Nelson County entered into agreements with MFA (September 2011) for the LHRC to be donated to the County.

Since the 2011 donation agreement, Nelson County has been working to identify new ownership of the LHRC and, because of state regulation that will not enable the Lovington Center to be re-licensed as a health and rehab (nursing home) center, the County also undertook in partnership with the Jefferson Area Board for Aging the commissioning of a market study to determine the feasibility of the LHRC to be licensed and viably operated as an assisted living center inclusive of a memory care (dementia/Alzheimer's) facility. A Maryland based consultant, Evelyn Howard and Associates was retained to complete the feasibility study and the firm issued its report in November 2012.

Using the report and its experience with operating similar facilities, JABA staff were able to work with an architectural firm, Jones and Jones to complete a preliminary floor plan for an expansion of the LHRC and JABA staff also completed a pro forma financial projection for the operation of an expanded LHRC as an assisted living and memory care facility with the premise that a partner entity would be identified to work with JABA and/or the work completed by JABA could be used by the County to assist with securing new ownership and operation of a re-licensed LHRC for assisted living and memory care. Subsequent to this work, an update of the market study was completed (March 2014) by E. Howard and Associates with the study's emphasis being memory care with an assisted living component based upon the premise that there may be a greater demand for memory care services and, therefore, operational viability for a re-licensed LHRC.

Unfortunately, to date, the efforts made by the County and JABA have not resulted in the identification of a new owner and operator of the LHRC. JABA has previously advised the County that it would no longer be able to be a partner in the project but that it would continue to assist the County in locating new ownership. County staff has contacted several companies to seek interest in ownership and operation of the Center, including providing them with the two market studies, facilitated tours of the LHRC, etc. but, to date, there have been no tangible

outcomes. **A second effort to maintain the LHRC as a license nursing home was completed in the past two weeks but VDH staff responded to County staff that the Center could not and would not be re-licensed as a nursing home center and the prospect of this occurring in the future was also likely remote.**

The exception to possible new ownership and operation of the LHRC has been the Region Ten Community Services Board, which has communicated its interest in negotiating with the County to own and operate the Center as an assisted living center. To date, negotiations with Region Ten have not been conducted but as recently as April 9<sup>th</sup> (2015), Region Ten's administrative staff have directly communicated the CSB's interest to the Board of Supervisors in ownership and operation of the LHRC and willingness to negotiate an agreement with the County to do so.

A next step proposed by Supervisor Brennan to the Board has been the formation of a citizens committee to further study this subject and subsequently report its findings and recommendations to the Board. Action on establishing the committee was deferred during a Board work session on 4-9, per consensus that the Board had previously not discussed this subject in depth and such a review needed to be done prior to any next steps being determined.

From staff's participation in this project (from the intervention in 2011 to the present) the information developed to date provides for the following conclusions:

1. Expansion of the LHRC is required to enable an assisted living and memory care facility to be operated successfully. However, the capital cost for an expansion (which would likely require financing) combined with the Center's operational expenses result in concern for the financial viability of a re-licensed LHRC.
2. The E. Howard market study's take rate (i.e. ability to attract use of the Center) is based upon a region encompassing Nelson, Amherst, Appomattox, Albemarle and Buckingham counties, and the Wintergreen Community. Industry operators have advised the County that the projected take rate is significantly overstated and should be re-assessed.
3. A re-licensed LHRC may have significant difficulty in attracting a sufficient number of "private pay" users in addition to "auxiliary grant" (Medicaid) users of the Center. Industry operators have advised the County that the above stated expansion and/or significant renovation of the LHRC to provide more private pay beds is necessary, otherwise, the Center could not be operated in a financially viable condition.
4. There has been no definitive interest from any of the operational entities that have been contacted other than the Region Ten CSB. A Harrisonburg, VA based company has recently been provided the two E. Howard studies and the work developed by JABA and has asked to tour the Center (pending) but this is the only other "lead" related to a new owner/operator of the Center.
5. MFA's new Albemarle center is projected to be open by the end of 2015, which will result in the closing of the LHRC, including the loss of approximately 80 local jobs.

6. The LHRC cannot obtain a COPN from VDH to continue to operate as a nursing home.
7. The Center has also been considered for use as a County office facility but this too would likely require a capital cost to renovate the facility for this use and the County is currently in process with a Courthouse Renovation Project that is projected to cost \$7.2 million.
8. Staff has concern with appointment of a Citizens Committee unless the scope of the Committee's task(s) is well defined, including a short operational period (90 days or less), as the project is now 3+ years in progress with no real progress being made towards new ownership.
9. Region Ten CSB has stated its definitive interest in ownership and operation of the Center, including use of the Center as is and no expression of concern with operational viability.

**Recommendation:** Begin negotiations with Region Ten while exploring the lead with the Harrisonburg based company and any other companies that can be identified during the period of negotiations with Region Ten. Endeavor to make a final decision by not later than August-September 2015 (sooner, if possible) to afford minimum lead time for Region Ten, if negotiations are successful or another owner/operator to assume ownership and undertake responsibility for the LHRC.

Nelson County Board of Supervisors  
April 14, 2004

Agenda Item IV.D. (S. Rockfish Valley Historic District Grant Application & Matching Funds) – Summary

In 2014 the Board of Supervisors approved, per the request of the Rockfish Valley Foundation, Nelson County being the applicant for a cost share grant proposal to the VA Department of Historic Resources. The purpose of the application was to complete a survey (inventory) of historic resources within a defined area of the Rockfish Valley for the subsequent establishment of a South Rockfish Valley Historic District, including formal state and federal recognition of the district through a nomination application to VA-DHR and subsequently to the federal Department of the Interior. The RVD included in its request for the County's sponsorship of the grant application, which only local governments are eligible to apply for, the Foundation's commitment to complete the application to DHR and to pay the \$5,000 in matching funds required of successful grant applicants.

The grant application to DHR was successful. The project is in process and being administered by VA-DHR, per new administrative processes the Department has previously established. DHR staff has advised County staff (4-8-15) that the project (survey) will be completed by 6-30-15 and that there will be sufficient historic resources to establish a South Rockfish Valley Historic District.

The ensuing step for formal recognition of the SRVHD is completion of the nomination (application) to DHR and the Department of the Interior. The current cost share grant did not include funding for the nomination(s) only the survey work. As such the RVF has requested (via email communications) the County's consent to submit a second cost share grant application to VA-DHR for funding to complete the nomination of the proposed historic district for formal state and federal recognition, which can bring with it the ability for property owners within the proposed district to seek state and federal historic tax credits for renovation/rehab work at their properties (in conformance with state/federal standards with the use of historic tax credits being discretionary not obligatory upon property owners).

The projected expense of the nomination project is \$6,000 - \$10,000. The cost would be shared equally by DHR and the applicant and the Foundations' request for the County's sponsorship of the application includes the County providing up to the \$5,000 local match requirement. Applications are due to DHR by 4-24-15.

Included with this summary is a summary of the County's past financial support of other historic district projects that have been completed pursuant to the cost share grant program with DHR.

DHR staff has confirmed eligibility for grant funding for the nomination work and it is understood that the project has a significant ability to be funded.

**Recommendation:** Approve the County's sponsorship of the cost share grant application to VA-DHR (with the application to be completed by RV) and the County's commitment to provide up to \$5,000 in local funding to match an approved cost share grant by DHR. Justification includes the completion of the survey work, the ability of the proposed historic district to be formally recognized (state and federal) but not so without the nomination being completed, the use of grant funds to support this initiative, the County's past support, including funding for several historic district projects including project sponsorship by the County and the ability for residents in the district to pursue historic tax credits once the district is officially recognized should they decide to do so and there being no local restrictions incumbent upon property owners in the proposed historic district following official recognition unless the Board of Supervisors enacts historic district zoning restrictions which is not proposed to be done.

## Candy McGarry

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**From:** Steve Carter  
**Sent:** Friday, April 10, 2015 8:40 AM  
**To:** Peter Agelasto; larrya5819@aol.com  
**Cc:** Connie Brennan; Lou Southard (rivrbluff@aol.com); Robert Carter; Candy McGarry  
**Subject:** RE: request to be on April 14 BOS Agenda

Larry,

This subject can be added to the agenda using Mr. Agelasto's email message as the basis of the Rockfish Valley Foundation's request in lieu of a formal presentation by the Foundation. If Mr. Agelasto or other representative of the Foundation is present for the Board's meeting on 4-14, the Board could direct any question to the representative, as necessary, as County staff have sufficient background on this subject to present it to the full Board.

The two decisions to be made by the Board of Supervisors, include: 1) Approval of the submittal of the grant application to VA-DHR (written by the Foundation with Nelson County as the applicant, as only local governments can apply for this funding) and, 2) Approval of up to \$5,000 from the County to match the \$5,000 that will be requested in the grant application.

As I understand it, the grant application will entail the work required to nominate the proposed historic district on state and federal registries, which is formal recognition of the district and would enable property owners therein to seek historic tax credits for work that would be eligible for such credits.

Please advise on this.

Thanks,

Steve

Stephen A. Carter  
Nelson County Administrator  
P. O. Box 336  
84 Courthouse Square  
Lovingston, VA 22949  
Ph. (434) 263-7001  
Fx. (434) 263-7004

**From:** Peter Agelasto [mailto:info@rockfishvalley.org]  
**Sent:** Wednesday, April 08, 2015 1:59 PM  
**To:** larrya5819@aol.com  
**Cc:** Steve Carter; Connie Brennan; Lou Southard (rivrbluff@aol.com); Robert Carter  
**Subject:** request to be on April 14 BOS Agenda

Larry

We respectfully request to be placed on the agenda for the April 14, Board of Supervisors meeting for consideration of a grant request to VA Department of Historic Resources for a matching grant of \$5,000.

About a year ago, we requested the county seek a grant to undertake research of over 100 historic properties identified in the South Rockfish Valley as a step in recognition of the South Rockfish Rural Historic District by

Virginia and the Federal government. That grant request came with a commitment of \$5000 as a matching grant. It was successful for \$5000 and the Rockfish Valley Foundation raised and contributed \$5000 to the county as the match required. The work is to be completed by June 5. It was timed for completion to allow a second grant request be timely made for support in drafting and submitting the final application. We would again request that a matching grant be requested of \$5000 from VA DHR and that the county agree to match the amount of the award. We have investigated the cost of this last part of the district creation and been told that it should be contracted for between \$4000 and \$6000 in a public bid. That would mean that the match would be between \$2000 and \$3000, But we do not know as it is a public bidding process. That is the reason our request is for a match up to \$5000. Staff at VA DHR has said this project was near if not at the top of their list for support.

If you have any other questions please let me know. We are pleased to have been working on this since 2009 and see this major effort to its finish. We all know that Nelson County is full of historic and cultural resources. It is wonderful that a number of areas are getting the recognition. We will join Lovingston, Norwood, Shipman and others.

thanks for your support.

Peter

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Peter A. Agelasto, III  
President  
Rockfish Valley Foundation  
(434) 226-0446  
[info@rockfishvalley.org](mailto:info@rockfishvalley.org)

## Past County Funding for Historic Districts

**Lovington Historic District 2004/2005:** County matched DCR grant with \$10,000 and this included survey, planning, and nomination work.

**Schuyler Historic District 2006/2007:** County funded \$9,449 and DCR funded \$10,000 for survey, planning and nomination work.

**Afton/Greenwood Historic District 2010/2011:** DCR grant funded with no local match. No record of a funding request was found.

**Norwood Historic District (In Process) 2012 & 2014:** County funded \$2,000 for survey and planning and \$3,000 for nomination work.

**South Rockfish Rural Historic District (In Process) 2014 & 2015:** No County funding requested or provided for planning and surveying (Rockfish Valley Foundation provided the \$5,000 local match to DCR grant for this). *Up to \$5,000 in local match for DHR grant to complete the nomination process is requested by the Rockfish Valley Foundation.*



BOARD OF ZONING APPEALS

Board Appoints & Recommends Certification by the Circuit Court

<u>Name &amp; Address</u>	<u>Term Expiration Date</u>
Goffrey E. Miles 146 Miles Lane Faber, VA 22938 (434) 263-5339	November 11, 2016
John J. Bradshaw 412 Hickory Creek Rd. Walnut Valley Farm Faber, VA 22938 (434) 263-4381	November 9, 2018
Gifford Childs 5596 Taylor Creek Rd. Afton, VA 22920 (434) 361-9147	November 11, 2017
Mary Kathryn Allen (Active PC Member) 1115 Gladstone Rd. Gladstone, VA 24553 (434) 933-8214	November 1, 2019
Kim T. Cash P.O. Box 14 Montebello, VA 24464 (540) 377-6409	November 10, 2015
Ronald L. Moyer (Appointed 3/30/10 Alternate) P.O. Box 94 Shipman, VA 22971 (434) 263-5947 (h) (434) 263-5031 (w)	March 30, 2015

## **BOARD OF ZONING APPEALS**

Board Recommends Appointment to the Circuit Court.

Established: by Article 14 of the Nelson County Code,

Composition: 5 members and an alternate recommended by the BOS and appointed by the Nelson Circuit Court, 1 of which is an active Planning Commission member.

Term of Office: 5 years; No Term Limits

### Summary of Duties:

To hear and decide applications for Special Use Permits where authorized by Ordinance including deciding interpretation of the district map where there is uncertainty as to location or boundary. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to public interest.

### Meetings:

Meetings are held at the call of the Chairman or at such times as a quorum of the board may determine. Members serve on a volunteer basis without pay other than for travel expenses.

April 14, 2015 BOS PUNCH LIST

VD

<u>Directives</u>	<u>Member</u>	<u>Status</u>	<u>Progress/Comments</u>
<b><u>Directives from March 12, 2013</u></b>			
<i>Relook at Ways of Doing Reassessments Including In-House</i>	C. Brennan	In Process	Finance Department Gathering Data
<b><u>Directives from February 11, 2014</u></b>			
<i>Create Computer Interaction Between COR, Clerk, P&amp;Z , and TR Offices</i>	T. Bruguiere	Pending	
<b><u>Directives from November 13, 2014</u></b>			
<i>Continue to CC Mr. Hale on E-mails with Woolpert</i>	A. Hale	Ongoing	
<i>Check Into Getting a Boat Ramp at Nelson Wayside</i>	C. Brennan	In Process	Emily Harper Working On
<b><u>Directives from January 13, 2015</u></b>			
<i>Proceed With Historic Marker Replacement at Nelson Wayside and Colleen</i>	Consensus	In Process	Markers Ordered-At VDOT in 8-9 wks (3/25/15)
<i>Follow Up on Collection Options For The EMS Revenue Recovery Program</i>	C. Brennan	In Process	Staff Reviewing Collections Proposals
<b><u>Directives from February 10, 2015</u></b>			
<i>Have Woolpert Respond to Phase II Concerns well before bidding out in April</i>	A. Hale	In Process	Woolpert Responding
<i>Get Cost Estimate for Paving the Gladstone Collection Site; Monitor and Clean Once a Month</i>	L. Saunders	Complete	\$28,000 Paving Estimate
<b><u>Directives from March 10, 2015 - Deferred Until March 26th</u></b>			
<i>Draft Resolution for Carter Smith Who Is Resigning from the Electoral Board</i>	C. Brennan	In Process	C. McGarry working on with J. Britt

DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors (BOS)

CC: Mr. Stephen A. Carter, County Administrator, Clerk of the Board of Supervisors

From: Tim Padalino, Director of Planning & Zoning

Date: March 4, 2015

**Subject: Proposed Repeal and Replacement of “Agricultural and Forestal District” Program in Code of the County of Nelson, Virginia (County Code)**

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Members of Nelson County’s Agricultural and Forestal District (AFD) Advisory Committee have recently identified discrepancies between the Code of Virginia and County Code, regarding the AFD program. These discrepancies are a result of amendments made to the Code of Virginia in 2011 which were never incorporated into the County Code.

Those Advisory Committee members and AFD participants have worked with the County Administrator and County Attorney to draft proposed amendments that, if enacted, would make the County Code closely match the Code of Virginia. These proposed amendments are presented to the BOS as a “repeal and replacement” of the existing AFD Article of the County Code.

The proposed changes (attached, dated 2/12) would result in the Nelson County AFD program more closely matching the state’s language in the following important ways:

- 1.) *An AFD “program administrator” role would be established.* The program administrator would be appointed by the BOS, and would result in a simplified and expedited AFD application process.
  - See Section 9-151 “Definitions” and Section 9-201 “Procedure – Creation of district – Initiation of application review.”
- 2.) *The application requirements would be modernized to allow for maps to be created using GIS and/or other electronic data.* Currently, the local program still uses the original application requirements, which require that maps of the proposed district be drawn by hand onto USGS topo maps and VDOT road maps. That outdated requirement is a time- and labor-intensive process, and results in maps of limited accuracy.
  - See Section 9-153 “Application forms, maps, and required notice.”
- 3.) *The criteria for the minimum size and location of each agricultural and forestal district would be modified.* In addition to the existing criteria, the proposed update would allow for properties located more than one mile from the district “core” to be included in an AFD application, if the parcel “contains agriculturally and forestally significant land.”
  - See Section 9-200 “Minimum size and location of district.”

## **Requested Actions**

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In order for the proposed amendments to proceed, the BOS would need to conduct a public hearing and then adopt a resolution to repeal and replace Article V. "Agricultural and Forestal Districts" of Chapter 9. "Planning and Development."

The first step in that process would be to authorize County staff to advertise for a public hearing for "R2015-19" – "Proposed Ordinance to Repeal and Re-Enact Article V, Agricultural and Forestal Districts to Include new State Provisions."

Thank you for your attention to this issue regarding the Agricultural and Forestal District program. Please contact County Administration and/or Planning & Zoning staff with any questions you may have regarding the information contained in this report, and/or the proposed amendments to the County Code.

**NOTICE OF PUBLIC HEARING  
NELSON COUNTY BOARD OF SUPERVISORS  
REPEAL AND RE-ENACTMENT OF ARTICLE V, AGRICULTURAL AND  
FORESTAL DISTRICTS OF THE CODE OF NELSON COUNTY, VIRGINIA**

Pursuant to §15.2-1426 and §15.2-1427 of the Code of Virginia 1950 as amended, the Nelson County Board of Supervisors will conduct a public hearing to be held on Tuesday, April 14, 2015 at 7:00 p.m. in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an ordinance proposed for passage to repeal and re-enact Article V, Agricultural and Forestal Districts of the Code of Nelson County, to incorporate changes made to Section 15.2-4300 of the Code of Virginia, 1950 as amended. The proposed ordinance in its entirety is available for public inspection at the Courthouse in Lovingston, 84 Courthouse Square, in the Office of the County Administrator.

**BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS**

**2/12/15 draft**

**ARTICLE V. - AGRICULTURAL AND FORESTAL DISTRICTS**

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Sec. 9-151. - Definitions.

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Sec. 9-206. - Fees.

Sec. 9-207. - Mailing of notices.

Secs. 9-208—9-210. - Reserved.

**DIVISION 1. - GENERALLY**

**Sec. 9-150. - Purpose and intent.**

(a) The policy of the county is to conserve, protect, and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural or forestal products. It is also the policy of the county to conserve and protect agricultural and forestal lands as valued natural **and ecological** resources which provide essential open spaces for improvement of air quality, watershed protection, wildlife habitat, and aesthetic benefits for residents and visitors.

(b) It is the purpose and intent of this chapter to provide a means **for a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the economy, and as an important economic and environmental resource.**

(c) **This ordinance enables the use of Agricultural and Forestal Districts as one of four tools itemized in the Nelson County Comprehensive Plan that should be utilized for land use planning.**

**State law reference—** Va. Code § 15.2-4301

**Sec. 9-151. - Definitions.**

As used in this article, unless the context requires a different meaning:

*Advisory committee* means the agricultural and forestal districts advisory committee.

*Agricultural products* means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

*Agricultural production* means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

*Agriculturally and forestally significant land* means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

*Application* means the set of items a landowner or landowners must submit to the board of supervisors when applying for the creation of a district or an addition to an existing district.

*District* means an agricultural, forestal, or agricultural and forestal district.

*Forestal production* means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. *Forestal products* include, but are not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

*Landowner* or *owner of land* means any person holding a fee simple interest in property but does not mean the holder of an easement.

*Program administrator* means the local governing body or local official appointed by the local governing body to administer the agricultural and forestal districts program.

**State law reference**— Va. Code §15.2-4302.

#### **Sec. 9-152. - Districts may be created, modified, renewed, continued and terminated.**

The board of supervisors may create, modify, renew, continue and terminate agricultural and forestal districts and authorize the withdrawal therefrom, as provided in Chapter 43 of Title 15.2 of the Code of Virginia. The board of supervisors may promulgate application forms and may charge a reasonable fee for each application submitted pursuant to this chapter.

**State law reference**— Va. Code § 15.2-4303.

#### **Sec. 9-153. - Application forms, maps, and required notice.**

The program administrator shall prescribe *application forms* for districts that include but need not be limited to the following information:

1. The general location of the district;
2. The total acreage in the district or acreage to be added to an existing district;
3. The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
4. The conditions proposed by the applicant pursuant to Virginia Code § 15.2-4309;
5. The period before first review proposed by the applicant pursuant to Virginia Code § 15.2-4309; and
6. The date of application, date of final action by the local governing body and whether approved, modified or rejected.

The application form shall be accompanied by *maps or aerial photographs*, or both, that clearly show the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant, and any other features as prescribed by the board of supervisors.

For each *notice* required by this chapter to be sent to a landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission shall make affidavit that such mailing has been made and file such affidavit with the papers in the case.

**State law reference**— Va. Code § 15.2-4303.

#### **Sec. 9-154. - Advisory committee established; powers and duties.**

An advisory committee is hereby established, as provided herein:

- (1) The committee shall consist of ten (10) members appointed by the board of supervisors. The committee shall be comprised of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the county, the commissioner of revenue, and one (1) member of the board of supervisors.
- (2) The members of the committee shall serve at the pleasure of the board of supervisors.
- (3) The members of the committee shall serve without pay, but the board of supervisors may, at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of his duties.

(4) The committee shall elect a chairman, vice-chairman and secretary at the first meeting of the committee each calendar year. The secretary need not be a member of the committee.

(5) The committee shall advise the planning commission and the board of supervisors on matters that it considers pursuant to this article, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the county.

(6) The committee shall advise the planning commission and the board of supervisors on matters pertaining to the rural areas of the county which may affect agriculture or forestry.

**State law reference**— Va. Code § 15.2-4304.

**Secs. 9-155—9-199. - Reserved.**

## **DIVISION 2. – PROCEDURE**

### **Sec. 9-200. - Minimum size and location of district.**

Each agricultural and forestal district shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one (1) mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district, the nearest boundary of which is within one (1) mile of the core, or (iii) if the board of supervisors finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. The land included in such a district may be located in more than one (1) locality provided that the requirements of Virginia Code §15.2-4305 for such districts are satisfied. All included tracts shall be shown as separate parcels in the county real estate records.

**State law reference**— Va. Code §15.2-4305.

### **Sec. 9-201. - Creation of district.**

Each agricultural and forestal district shall be created as provided herein:

(1) *Application.* On or before June first of each year, an owner or owners of land may submit an application to the planning department for the creation of a district. An application shall be signed by each owner of land to be included within the district. Parcels of land owned by sole owners, co-owners, partnerships, trusts or corporations shall be eligible for inclusion in a district so long as all involved owners sign the application indicating their desire that the parcel be included in the district.

(2) *Initiation of application review.* Upon receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee. The advisory committee shall review and make recommendations concerning the application or modification thereof to the planning commission.

*The planning commission shall:*

1. Notify, by first-class mail, adjacent property owners, as shown on the maps of the locality used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain (i) a statement that an application for a district has been filed with the program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the board of supervisors; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the planning commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application within thirty days from the date of the notice or, with the consent of the board of supervisors, at any time before the public hearing the board of supervisors must hold on the application; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with

the board of supervisors, at any time before the board of supervisors acts, pursuant to Virginia Code § 15.2-4309; and (vi) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;

2. Hold a public hearing as prescribed by law; and

3. Report its recommendations to the board of supervisors including but not limited to the potential effect of the district and proposed modifications upon county planning policies and objectives.

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

a. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;

b. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;

c. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;

d. Local developmental patterns and needs;

e. The comprehensive plan and, if applicable, zoning regulations;

f. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and

g. Any other matter which may be relevant.

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

(4) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided by law, and, after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.

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

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

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

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

**State law reference—** Va. Code §§15.2-4303 through 15.2-4309.

**Sec. 9-202. - Effect of district creation.**

The land within an agricultural and forestal district shall be subject to the following upon the creation of the district.

*(1) Prohibition of development to more intensive use.*

a. The board of supervisors may require, as a condition to creation of the district, that any parcel in the district shall not, without the prior approval of the board, be developed to any more intensive use or to certain more intensive uses, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. The board of supervisors shall not prohibit as a more intensive use, construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, or for one (1) dwelling unit for the purpose of a guest cottage, or divisions of parcels for such family members, unless the board finds that such use in the particular case would be incompatible with farming or forestry in the district.

b. To further the purposes of this chapter and to promote agriculture and forestry and the creation of districts, the board of supervisors may adopt programs offering incentives to landowners to impose land use and conservation restrictions on their land within the district. Programs offering such incentives shall not be permitted unless authorized by law.

*(2) Applicability of comprehensive plan and zoning and subdivision ordinances.* The comprehensive plan and the zoning and subdivision ordinances shall apply within each district to the extent that the ordinances do not conflict with conditions of creation or continuation of the district, or the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia.

*(3) Limitation on restricting or regulating certain agricultural and forestal farm activities.* The county shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices in a manner which is contrary to the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia unless such restriction or regulation is directly related to public health and safety. The county may regulate the processing or retail sales of agricultural or forestal products, or structures therefore, in accordance with the comprehensive plan and any county ordinances.

*(4) Consideration of district in taking certain actions.* The county shall take into account the existence of a district and the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia in its comprehensive plan, ordinances, land use planning decisions, and administrative decisions and procedures affecting parcels of land adjacent to the district.

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

*(6) Review of proposals by agencies of the Commonwealth, political subdivisions and public service corporations to acquire land in district.*

a. Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the state corporation commission, provided that the proposed acquisition from any one (1) farm or forestry operation within the district is in excess of one (1) acre or that the total proposed acquisition within the district is in excess of ten (10) acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures, shall at least ninety (90) days prior to such action notify the board of supervisors and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the board of supervisors shall be filed in the form of a report containing the following information:

1. A detailed description of the proposed action, including a proposed construction schedule;
2. All the reasons for the proposed action;

3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures are to be constructed;
  4. An evaluation of anticipated short-term and long-term adverse impact on agricultural and forestal operations within the district and how such impact is proposed to be minimized;
  5. An evaluation of alternatives which would not require action within the district; and
  6. Any other relevant information required by the board of supervisors.
- b. Upon receipt of a notice filed pursuant to subsection a., the board of supervisors, in consultation with the planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impact on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the director of the department of conservation and recreation, or his designee, may advise the board of supervisors on the issues listed in clauses (i), (ii) and (iii) of this subsection.
- c. If the board of supervisors finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of one hundred fifty (150) days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the board of supervisors usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the board of supervisors shall issue a final order on the proposed action. Unless the board of supervisors, by an affirmative vote of a majority of all the members, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the board of supervisors, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the state corporation commission, an appeal shall be to the state corporation commission.

(7) *Parcel created by division remains in district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

**State law reference**— Va. Code §§15.2-4309, 15.2-4312, 15.2-4313.

**Sec. 9-203. - Addition of land to district.**

One (1) or more parcels may be added to an existing agricultural and forestal district. The procedure for adding such parcels shall be as provided for the creation of a new district. Such additions shall be reviewed at the time previously established for the review of the district to which they are added.

**State law reference**— Va. Code §15.2-4310.

**Sec. 9-204. - Review of district; continuation, modification or termination.**

Each agricultural and forestal district may be reviewed as provided herein:

(1) *Review period.* Each district may be reviewed within the period set forth in the ordinance creating the district, which period shall not be less than four (4) years nor more than ten (10) years from the date of its creation, and may thereafter be reviewed within each such subsequent period.

(2) *Initiation of district review.* If the board of supervisors determines that a review is necessary, it shall

begin such review at least ninety (90) days before the expiration date of the period established when the district was created. In conducting such review, the board of supervisors shall ask for the recommendations of the advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board of Supervisors at any time before it acts to continue, modify or terminate the district.

(3) *Advisory committee review.* Upon referral of the district by the board of supervisors, the advisory committee shall review the district and report to the planning commission its recommendations as to whether to terminate, modify or continue the district.

(4) *Planning commission review.* Upon receipt of the report of the advisory committee on a district, the planning commission shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. Notice of the public meeting shall be provided to the owners of the land within the district as required by Virginia Code § 15.2-4311. The planning commission shall report to the board of supervisors its recommendations, together with the advisory committee's recommendations, as whether to terminate, modify or continue the district.

(5) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the district as provided by law.

(6) *Action on review.* After the public hearing, the board of supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the board of supervisors, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created. If the board of supervisors determines that a review is unnecessary, it shall set the year in which the next review shall occur.

(7) *Effect of failure to complete review by review date.* A district shall not terminate by the failure of the board of supervisors to take action pursuant to paragraph (6) by the review date set forth in the section of this chapter pertaining to the district.

**State law reference—** Va. Code §15.2-4311.

### **Sec. 9-205. - Withdrawal of land from district.**

(1) At any time after the creation of a district, any owner of land lying in such district may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause.

a. Procedure. The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the local governing body. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of § 9-201 (2) or § 9-204 (2).

b. Criteria for Review.

1. The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district;
2. The proposed new land use is consistent with the comprehensive plan;
3. The proposed land use is consistent with the public interest of the county in that it promotes the health, safety, or general welfare of the county rather than only the proprietary interest of the owner; and,
4. The proposed land use was not anticipated by the owner at the time the land was placed in the district and there has been a change in circumstances since that time,

(2) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this Article, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in Virginia Code § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in Virginia Code § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

(3) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of § 9-202.

(4) Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the Board of Supervisors and the commissioner of the revenue within two years of the date of death of the owner.

(5) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the Board of Supervisors shall submit a copy of the ordinance or notice of withdrawal to the commissioner of revenue, the State Forester, and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the Board of Supervisors shall delete the identification of such parcel from the zoning map, where applicable.

(6) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to § 9-204.

State law reference—Va. Code § 15.2-4314

~~An owner of land within an agricultural and forestal district may request that his land be withdrawn from the district, as provided herein:~~

~~(1) *Withdrawal by right by owner.* When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the board of supervisors at any time before it acts to continue, modify or terminate the district.~~

~~(2) *Withdrawal by right by certain successors to deceased owner.* Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the board of supervisors and the commissioner of the revenue within two years of the date of death of the owner.~~

~~(3) *Withdrawal at the discretion of the board of supervisors.* At any time after the creation of a district, an owner of land may request the board of supervisors to withdraw all or part of the land from the district for good and reasonable cause, as provided herein:~~

~~a. *Filing of written request.* The owner shall file a written request for withdrawal with the program administrator. The request shall identify the owner of the land, identify the land or part thereof proposed to be withdrawn, state the reason for the request, and address the criteria for review set forth in paragraph (3)b. The request shall be accompanied by the fee required in section 9-206.~~

~~b. *Criteria for review.* A request to withdraw land from a district may be approved only if the withdrawal is for good and reasonable cause, to include, but not limited to:~~

~~1. The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district;~~

~~2. The proposed new land use is consistent with the comprehensive plan;~~  
~~3. The proposed land use is consistent with the public interest of the county in that it promotes the health, safety or general welfare of the county, rather than only the proprietary interest of the owner; and~~  
~~4. The proposed land use was not anticipated by the owner at the time the land was placed in the district, and there has been a change in circumstances since that time.~~  
~~e. *Advisory committee review.* Upon receipt of a request to withdraw, the advisory committee shall review the request and report to the planning commission its recommendations. In conducting its review, the committee shall evaluate the request as provided in paragraph (3)b.~~  
~~d. *Planning commission review.* Upon receipt of the report of the advisory committee on a request, the planning commission shall hold a public hearing and evaluate the request as provided in paragraph (3) b. The planning commission shall report to the board of supervisors its recommendation, together with the advisory committee's recommendations.~~  
~~e. *Hearing by board.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the request. The landowner seeking to withdraw land from a district, if denied favorable action by the board of supervisors, shall have an immediate right of appeal de novo to the circuit court serving Nelson County. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of § 15.2-4307 or § 15.2-4311 of the Code of Virginia.~~  
~~(4) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the board of supervisors shall submit a copy of the ordinance or notice of withdrawal to the local commissioner of revenue, the state forester and the state commissioner of agriculture and consumer services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the local governing body shall delete the identification of such parcel from the zoning map, where applicable.~~  
~~(5) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to § 15.2-4311 of the Code of Virginia.~~  
~~**State law reference**— Va. Code §§15.2-4307, 15.2-4314.~~

**Sec. 9-206. - Fees.**

The following fees for actions related to an agricultural and forestal district are hereby established. The fees shall be paid at the time the application is filed, and shall be in the form of cash or of a check payable to the "County of Nelson." A fee shall not be charged for the addition of land to a district or for the review of a district.

- (1) Application to create a district pursuant to section 9-201: Three hundred dollars (\$300.00) or the costs of processing and reviewing the application, including notice publication costs, whichever is less.
  - (2) Requests to withdraw land from a district pursuant to section 9-205: Three hundred dollars (\$300.00) or the costs of processing and reviewing the application, including notice publication costs, whichever is less.
- State law reference**— Va. Code §15.2-4303.

**Sec. 9-207. - Mailing of notices.**

For each notice required by this chapter to be sent to the landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application or on the current real estate tax assessment books or maps. A representative of the planning commission or the board of supervisors shall make affidavit that such mailing has been made and file such affidavit with the papers in the proceeding.

**State law reference**— Va. Code §15.2-4307.

**Secs. 9-208—9-210. - Reserved.**

**ORDINANCE O2015-01  
NELSON COUNTY BOARD OF SUPERVISORS  
THE REPEAL OF SECTIONS 9-150 THROUGH 9-154  
AND SECTIONS 9-200 THROUGH 9-207 OF ARTICLE V,  
AGRICULTURAL AND FORESTAL DISTRICTS  
OF THE CODE OF NELSON COUNTY VIRGINIA, AND  
THE ENACTMENT OF REPLACEMENT SECTIONS AS FOLLOWS:**

**BE IT HEREBY ORDAINED**, that the Nelson County Board of Supervisors does hereby repeal Sections 9-150 through Sections 9-154 and Sections 9-200 through Sections 9-207 of Article V, Agricultural and Forestal Districts of the Code of Nelson County, Virginia and re-enacts replacement Sections 9-150 through 9-154 and 9-200 through 9-207 as follows:

**ARTICLE V. - AGRICULTURAL AND FORESTAL DISTRICTS**

**DIVISION 1. - GENERALLY**

Sec. 9-150. - Purpose and intent.

Sec. 9-151. - Definitions.

Sec. 9-152. - Districts may be created, modified, renewed, continued and terminated.

Sec. 9-153. - Application forms, maps, and required notice.

Sec. 9-154. - Advisory committee established; powers and duties.

Secs. 9-155—9-199. - Reserved.

**DIVISION 2. - PROCEDURE**

Sec. 9-200. - Minimum size and location of district.

Sec. 9-201. - Creation of district.

Sec. 9-202. - Effect of district creation.

Sec. 9-203. - Addition of land to district.

Sec. 9-204. - Review of district; continuation, modification or termination.

Sec. 9-205. - Withdrawal of land from district.

Sec. 9-206. - Fees.

Sec. 9-207. - Mailing of notices.

Secs. 9-208—9-210. - Reserved.

**DIVISION 1. - GENERALLY**

**Sec. 9-150. - Purpose and intent.**

- (a) The policy of the county is to conserve, protect, and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural or forestal products. It is also the policy of the county to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for improvement of air quality, watershed protection, wildlife habitat, and aesthetic benefits for residents and visitors.

- (b) It is the purpose and intent of this chapter to provide a means for a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the economy, and as an important economic and environmental resource.
- (c) This ordinance enables the use of Agricultural and Forestal Districts as one of four tools itemized in the Nelson County Comprehensive Plan that should be utilized for land use planning.

**State law reference—** Va. Code § 15.2-4301

**Sec. 9-151. - Definitions.**

As used in this article, unless the context requires a different meaning:

*Advisory committee* means the agricultural and forestal districts advisory committee.

*Agricultural products* means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

*Agricultural production* means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

*Agriculturally and forestally significant land* means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

*Application* means the set of items a landowner or landowners must submit to the board of supervisors when applying for the creation of a district or an addition to an existing district.

*District* means an agricultural, forestal, or agricultural and forestal district.

*Forestal production* means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. *Forestal products* include, but are not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

*Landowner or owner of land* means any person holding a fee simple interest in property but does not mean the holder of an easement.

*Program administrator* means the local governing body or local official appointed by the local governing body to administer the agricultural and forestal districts program.

**State law reference**— Va. Code §15.2-4302.

**Sec. 9-152. - Districts may be created, modified, renewed, continued and terminated.**

The board of supervisors may create, modify, renew, continue and terminate agricultural and forestal districts and authorize the withdrawal therefrom, as provided in Chapter 43 of Title 15.2 of the Code of Virginia. The board of supervisors may promulgate application forms and may charge a reasonable fee for each application submitted pursuant to this chapter.

**State law reference**— Va. Code § 15.2-4303.

**Sec. 9-153. - Application forms, maps, and required notice.**

The program administrator shall prescribe *application forms* for districts that include but need not be limited to the following information:

1. The general location of the district;
2. The total acreage in the district or acreage to be added to an existing district;
3. The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
4. The conditions proposed by the applicant pursuant to Virginia Code § 15.2-4309;
5. The period before first review proposed by the applicant pursuant to Virginia Code § 15.2-4309; and
6. The date of application, date of final action by the local governing body and whether approved, modified or rejected.

The application form shall be accompanied by *maps or aerial photographs*, or both, that clearly show the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant, and any other features as prescribed by the board of supervisors. For each *notice* required by this chapter to be sent to a landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission shall make affidavit that such mailing has been made and file such affidavit with the papers in the case.

**State law reference**— Va. Code § 15.2-4303.

**Sec. 9-154. - Advisory committee established; powers and duties.**

An advisory committee is hereby established, as provided herein:

- (1) The committee shall consist of ten (10) members appointed by the board of supervisors. The committee shall be comprised of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the county, the commissioner of revenue, and one (1) member of the board of supervisors.
- (2) The members of the committee shall serve at the pleasure of the board of supervisors.
- (3) The members of the committee shall serve without pay, but the board of supervisors may, at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of his duties.
- (4) The committee shall elect a chairman, vice-chairman and secretary at the first meeting of the committee each calendar year. The secretary need not be a member of the committee.
- (5) The committee shall advise the planning commission and the board of supervisors on matters that it considers pursuant to this article, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the county.
- (6) The committee shall advise the planning commission and the board of supervisors on matters pertaining to the rural areas of the county which may affect agriculture or forestry.

**State law reference—** Va. Code § 15.2-4304.

**Secs. 9-155—9-199. - Reserved.**

## **DIVISION 2. – PROCEDURE**

**Sec. 9-200. - Minimum size and location of district.**

Each agricultural and forestal district shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one (1) mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district, the nearest boundary of which is within one (1) mile of the core, or (iii) if the board of supervisors finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. The land included in such a district may be located in more than one (1) locality provided that the requirements of Virginia Code §15.2-4305 for such districts are satisfied. All included tracts shall be shown as separate parcels in the county real estate records.

**State law reference—** Va. Code §15.2-4305.

**Sec. 9-201. - Creation of district.**

Each agricultural and forestal district shall be created as provided herein:

- (1) *Application.* On or before June first of each year, an owner or owners of land may submit an application to the planning department for the creation of a district. An application shall be signed by each owner of land to be included within the district. Parcels of land owned by sole owners, co-owners, partnerships, trusts or corporations shall be eligible for inclusion in a district so long as all involved owners sign the application indicating their desire that the parcel be included in the district.
- (2) *Initiation of application review.* Upon receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee. The *advisory committee* shall review and make recommendations concerning the application or modification thereof to the planning commission.

The *planning commission* shall:

1. Notify, by first-class mail, adjacent property owners, as shown on the maps of the locality used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain (i) a statement that an application for a district has been filed with the program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the board of supervisors; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the planning commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application within thirty days from the date of the notice or, with the consent of the board of supervisors, at any time before the public hearing the board of supervisors must hold on the application; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the board of supervisors, at any time before the board of supervisors acts, pursuant to Virginia Code § 15.2-4309; and (vi) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;
2. Hold a public hearing as prescribed by law; and
3. Report its recommendations to the board of supervisors including but not limited to the potential effect of the district and proposed modifications upon county planning policies and objectives.

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

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

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

(4) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided by law, and, after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.

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

Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four (4) years but not more than ten (10) years from the date of its creation. In prescribing the period before the first review, the local governing body shall

consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.

- b. The board of supervisors shall act to either adopt the ordinance creating the district, with or without modification, or reject the application, no later than one hundred eighty (180) days from the date by which the application was received.
- c. Upon the adoption of an ordinance creating a district or adding land to an existing district, the board of supervisors shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the state forester, and the commissioner of agriculture and consumer services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the board of supervisors shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

**State law reference—** Va. Code §§15.2-4303 through 15.2-4309.

**Sec. 9-202. - Effect of district creation.**

The land within an agricultural and forestal district shall be subject to the following upon the creation of the district.

(1) *Prohibition of development to more intensive use.*

- a. The board of supervisors may require, as a condition to creation of the district, that any parcel in the district shall not, without the prior approval of the board, be developed to any more intensive use or to certain more intensive uses, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. The board of supervisors shall not prohibit as a more intensive use, construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, or for one (1) dwelling unit for the purpose of a guest cottage, or divisions of parcels for such family members, unless the board finds that such use in the particular case would be incompatible with farming or forestry in the district.
- b. To further the purposes of this chapter and to promote agriculture and forestry and the creation of districts, the board of supervisors may adopt programs offering incentives to landowners to impose land use and conservation restrictions on their land within the district. Programs offering such incentives shall not be permitted unless authorized by law.

(2) *Applicability of comprehensive plan and zoning and subdivision ordinances.* The comprehensive plan and the zoning and subdivision ordinances shall apply within each district to the extent that the ordinances do not conflict with conditions of creation or continuation of the district, or the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia.

(3) *Limitation on restricting or regulating certain agricultural and forestal farm activities.* The county shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices in a manner which is contrary to the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia unless such restriction or regulation is directly related to public health and safety. The county may regulate the processing or retail sales of agricultural or forestal products, or structures therefore, in accordance with the comprehensive plan and any county ordinances.

(4) *Consideration of district in taking certain actions.* The county shall take into account the existence of a district and the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia in its comprehensive plan, ordinances, land use planning decisions, and administrative decisions and procedures affecting parcels of land adjacent to the district.

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

(6) *Review of proposals by agencies of the Commonwealth, political subdivisions and public service corporations to acquire land in district.*

- a. Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the state corporation commission, provided that the proposed acquisition from any one (1) farm or forestry operation within the district is in excess of one (1) acre or that the total proposed acquisition within the district is in excess of ten (10) acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures, shall at least ninety (90) days prior to such action notify the board of supervisors and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the board of supervisors shall be filed in the form of a report containing the following information:

1. A detailed description of the proposed action, including a proposed construction schedule;

2. All the reasons for the proposed action;
  3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures are to be constructed;
  4. An evaluation of anticipated short-term and long-term adverse impact on agricultural and forestal operations within the district and how such impact is proposed to be minimized;
  5. An evaluation of alternatives which would not require action within the district; and
  6. Any other relevant information required by the board of supervisors.
- b. Upon receipt of a notice filed pursuant to subsection a., the board of supervisors, in consultation with the planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impact on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the director of the department of conservation and recreation, or his designee, may advise the board of supervisors on the issues listed in clauses (i), (ii) and (iii) of this subsection.
- c. If the board of supervisors finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of one hundred fifty (150) days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the board of supervisors usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the board of supervisors shall issue a final order on the proposed action. Unless the board of supervisors, by an affirmative vote of a majority of all the members, determines that the proposed action is necessary to provide service to the public in the most economic and

practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the board of supervisors, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the state corporation commission, an appeal shall be to the state corporation commission.

(7) *Parcel created by division remains in district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

**State law reference**— Va. Code §§15.2-4309, 15.2-4312, 15.2-4313.

**Sec. 9-203. - Addition of land to district.**

One (1) or more parcels may be added to an existing agricultural and forestal district. The procedure for adding such parcels shall be as provided for the creation of a new district. Such additions shall be reviewed at the time previously established for the review of the district to which they are added.

**State law reference**— Va. Code §15.2-4310.

**Sec. 9-204. - Review of district; continuation, modification or termination.**

Each agricultural and forestal district may be reviewed as provided herein:

- (1) *Review period.* Each district may be reviewed within the period set forth in the ordinance creating the district, which period shall not be less than four (4) years nor more than ten (10) years from the date of its creation, and may thereafter be reviewed within each such subsequent period.
- (2) *Initiation of district review.* If the board of supervisors determines that a review is necessary, it shall begin such review at least ninety (90) days before the expiration date of the period established when the district was created. In conducting such review, the board of supervisors shall ask for the recommendations of the advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board of Supervisors at any time before it acts to continue, modify or terminate the district.
- (3) *Advisory committee review.* Upon referral of the district by the board of supervisors, the advisory committee shall review the district and report to the planning commission its recommendations as to whether to terminate, modify or continue the district.

- (4) *Planning commission review.* Upon receipt of the report of the advisory committee on a district, the planning commission shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. Notice of the public meeting shall be provided to the owners of the land within the district as required by Virginia Code § 15.2-4311. The planning commission shall report to the board of supervisors its recommendations, together with the advisory committee's recommendations, as whether to terminate, modify or continue the district.
- (5) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the district as provided by law.
- (6) *Action on review.* After the public hearing, the board of supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the board of supervisors, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created. If the board of supervisors determines that a review is unnecessary, it shall set the year in which the next review shall occur.
- (7) *Effect of failure to complete review by review date.* A district shall not terminate by the failure of the board of supervisors to take action pursuant to paragraph (6) by the review date set forth in the section of this chapter pertaining to the district.

**State law reference—** Va. Code §15.2-4311.

**Sec. 9-205. - Withdrawal of land from district.**

- (1) At any time after the creation of a district, any owner of land lying in such district may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause.
  - a. *Procedure.* The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the local governing body. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court. This section shall in no way affect the ability of an owner to withdraw an application for a proposed

district or withdraw from a district pursuant to clause (v) of subdivision 1 of § 9-201 (2) or § 9-204 (2).

*b. Criteria for Review.*

1. The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district;
  2. The proposed new land use is consistent with the comprehensive plan;
  3. The proposed land use is consistent with the public interest of the county in that it promotes the health, safety, or general welfare of the county rather than only the proprietary interest of the owner; and,
  4. The proposed land use was not anticipated by the owner at the time the land was placed in the district and there has been a change in circumstances since that time,
- (2) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this Article, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in Virginia Code § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in Virginia Code § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.
- (3) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of § 9-202.
- (4) Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the Board of Supervisors and the commissioner of the revenue within two years of the date of death of the owner.
- (5) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the Board of Supervisors shall submit a copy of the ordinance or notice of withdrawal to the commissioner of revenue, the State Forester, and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the Board of Supervisors shall delete the identification of such parcel from the zoning map, where applicable.
- (6) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in

effect and be subject to review as to whether it should be terminated, modified or continued pursuant to § 9-204.

**State law reference**—Va. Code § 15.2-4314

**Sec. 9-206. - Fees.**

The following fees for actions related to an agricultural and forestal district are hereby established. The fees shall be paid at the time the application is filed, and shall be in the form of cash or of a check payable to the "County of Nelson." A fee shall not be charged for the addition of land to a district or for the review of a district.

- (1) Application to create a district pursuant to section 9-201: Three hundred dollars (\$300.00) or the costs of processing and reviewing the application, including notice publication costs, whichever is less.
- (2) Requests to withdraw land from a district pursuant to section 9-205: Three hundred dollars (\$300.00) or the costs of processing and reviewing the application, including notice publication costs, whichever is less.

**State law reference** — Va. Code §15.2-4303.

**Sec. 9-207. - Mailing of notices.**

For each notice required by this chapter to be sent to the landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application or on the current real estate tax assessment books or maps. A representative of the planning commission or the board of supervisors shall make affidavit that such mailing has been made and file such affidavit with the papers in the proceeding.

**State law reference**— Va. Code §15.2-4307.

**Secs. 9-208—9-210. - Reserved.**

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

Adopted: \_\_\_\_\_, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors

From: Tim Padalino | Director | Department of Planning & Zoning

Date: April 9, 2015

**Subject: Public Hearing for Proposed “Artist Community” Ordinance Amendment**

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The Board of Supervisors (BOS) will conduct a public hearing at the April 14<sup>th</sup> meeting, regarding proposed amendments to the Zoning Ordinance to provide for an “Artist Community” land use, as a “special use” in the Agricultural (A-1) District. This use is currently not provided for in any district in the Nelson County Zoning Ordinance. These proposed amendments originate with meetings held in 2014 between County staff and Mr. Greg Smith, Executive Director of the Virginia Center for the Creative Arts (VCCA).

Page 2 of this report contains the proposed amendment language to be reviewed at public hearing. Please also see the attached correspondence, originally conveyed by Mr. Greg Smith via email to Mr. Steve Carter on Wednesday, April 8<sup>th</sup>. In this email, Mr. Smith was very forthcoming with details regarding the following issues and questions:

1. Current lease agreement between VCCA and Sweet Briar College;
2. Current status of VCCA plans or interests in relocating to Nelson County;
3. Questions about VCCA’s current tax-exempt status, and questions about VCCA’s eligibility for retaining such status if relocation to Nelson County were to occur; and
4. VCCA’s previous and/or ongoing efforts to relocate to Albemarle County

For your reference, please also note the following summary of previous activity to date:

**11/19/2014:** At the November Planning Commission (PC) meeting, Mr. Smith of VCCA presented a request to the PC to consider the possibility of initiating a Zoning Ordinance amendment that would create a new “Artists Community” land use and definition, as a permissible use in the Agricultural (A-1) District.

**12/17/2014:** At the December PC meeting, draft recommendations for a possible amendment proposal were reviewed between PC members, County staff, and Mr. Smith.

**1/28/2015:** PC members and County staff discussed revised recommendations that incorporated requests and suggestions made at the December PC meeting. The PC also directed staff to prepare for a public hearing to be conducted on this matter at the February 25<sup>th</sup> meeting, in accordance with all applicable Code of Virginia and County Code requirements.

**2/25/2015:** The PC conducted a public hearing on the proposed amendments (as shown below). The only comments received from the public were from Mr. Greg Smith, who spoke in favor of the proposed amendments. After the public hearing, the PC then voted 5-0 in favor of recommending to the BOS approval of the proposed amendments regarding “Artist Community” as advertised in the legal notice and as shown in the staff report.

## **Proposed Amendments:**

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### **Article 2: Definitions**

Add the following definitions:

*Artist Community:* A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. An artist community shall be a not-for-profit organization governed by a Board of Directors, managed by a professional staff, and focused on a specific mission.

*Artist Community Residencies:* time and space scheduled for resident artists to create work not at the artists’ home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, and scheduled for a period not to exceed ninety-five (95) consecutive days.

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

### **Article 4: Agricultural District (A-1)**

Add the following provisions to “*Section 4-1-a Uses – Permitted by Special Use Permit only.*”

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

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

## **Conclusion:**

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Thank you for your attention to this upcoming public hearing regarding proposed amendments to establish a new “Artist Community” land use in Nelson County’s Agricultural District. Please contact me with any questions you may have regarding the information contained in this report, or the information contained in the attached email correspondence.

**LEGAL NOTICE**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**NOTICE OF PUBLIC HEARING**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-1427 and §15.2-2204, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, April 14, 2015** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston, Virginia. The purpose of said public hearing is for the Board of Supervisors to receive public input on an Ordinance proposed for passage to amend the Code of Nelson County, Virginia, Appendix A, Zoning Ordinance, regarding the proposed provision of a new type of land use. The proposed new land use, “artist community,” would be permissible as a special use in the Agricultural District. The full text of the proposed Ordinance amendments is as follows:

**Proposed Amendments to Nelson County Zoning Ordinance, Article 2 (Definitions) and Article 4 (Agricultural District A-1) – “Artist Community”**

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

a) Add the following new definitions:

*Artist Community:* A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. An artist community shall be a not-for-profit organization governed by a Board of Directors, managed by a professional staff, and focused on a specific mission.

*Artist Community Residencies:* time and space scheduled for resident artists to create work not at the artists’ home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, and scheduled for a period not to exceed ninety-five (95) consecutive days.

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

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

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

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

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

Copies of the proposed Ordinance amendments are available for public inspection in the Office of the County Administrator, 84 Courthouse Square, in Lovingson, VA, 22949, from Monday through Friday, between 9:00 a.m. and 5:00 p.m. Telephone inquiries may also be directed to (434) 263-7000.

**BY AUTHORITY OF THE NELSON COUNTY BOARD OF SUPERVISORS**

## Candy McGarry

---

**From:** Gregory Allgire Smith <gsmith@vcca.com>  
**Sent:** Wednesday, April 08, 2015 4:23 PM  
**To:** Steve Carter  
**Cc:** Anna Birkner; Tim Padalino; Candy McGarry; Debbie McCann; Bob Satterfield  
**Subject:** Re: Nelson County Board of Supervisors Meeting on 4/14/15: Artist Community

Dear Mr. Carter,

Thank you for replying to my inquiry about meeting with you prior to the Nelson County's Board of Supervisors' public hearing on April 14th.

I will try to address your questions as best I can. Overall, you should know that the VCCA Board of Directors and I have been exploring for the past three years options for its location in the future, both with the administration of Sweet Briar College and other property owners. We also learned that County zoning would be an issue as the VCCA is the only "Artists Community" in Virginia and therefore counties do not have provisions in their zoning codes for one.

1) SBC--VCCA Lease: Our 15-year "evergreen" lease just automatically renewed on February 28th and is therefore in full effect. SBC has neither cancelled the lease nor exercised its right to terminate early, under an early notice of termination 5-year provision. With the announcement of SBC's closure and expected dissolution of it as a corporation, I have requested a meeting with its President to understand the impact upon the VCCA. He has let us know that the College must sort through various financial and legal issues before he would have answers for the VCCA and that we will meet thereafter.

At this point, I expect that the shortest period of time the VCCA would be able to stay in its current location would be five years. We can relocate in less time if we wish.

2) The VCCA has been offered a property in Nelson County as a gift but we are unsure about its suitability to our program at this point in our exploration. We are also considering the purchase of property in the County to which to relocate. We would not proceed with buying any property or committing to a donated property until the issue of zoning for an "Artists Community" is concluded with the County.

3) The VCCA is recognized by the IRS as a not-for-profit organization under section 501 (c) 3. However, I understand that, in the Commonwealth of Virginia, status on paying county property taxes is a distinctly different issue. Of course, the VCCA will investigate any steps which will reduce our operating expenses, including property taxes. Nonetheless, I would not expect that the payment of such taxes would be a make-or-break factor in our decision on the VCCA's future location.

4) Before I began the discussion with Tim Padalino about the possibility of relocating to Nelson County, we began investigations with Albemarle County and learned that any consideration of a location there was dependent upon our applying for a zoning text amendment and successful conclusion of that process through approval by its BOS. I worked with Albemarle County staff through recent completion of that process which will add a provision for "Artists Community" to its Comprehensive Plan for Rural Areas.

However, Albemarle has included several restrictions which would make it extremely difficult for the VCCA to operate as it does currently. In our work to date with Nelson County, the language under consideration for next week describes the VCCA as it currently operates.

I hope I have fully addressed your questions. If there is anything still outstanding, please let me know.

In conclusion, I would like to assure you and the Board of Supervisors that the VCCA's interest in Nelson County is serious for several reasons:

- 1) We do not yet know whether remaining at this current location in Amherst County (zoned A-1, by the way) will be possible.
- 2) We find that consideration of relocating to Albemarle has significant, possibly overwhelming, challenges.
- 3) Nelson County has beautiful, inspirational landscape which is the top priority for the artists who come for time to create new work. The County has demonstrated an openness to the Monroe Institute, Synchronicity, and the Buddhist Retreat Center which apparently have thrived in their locations. Although the VCCA is different from these organizations in some critical respects, we do share similarities and therefore are impressed with their successful pursuit of their missions within Nelson County.

Thank you,  
Greg Smith

On Wed, Apr 8, 2015 at 1:02 PM, Steve Carter <[SCarter@nelsoncounty.org](mailto:SCarter@nelsoncounty.org)> wrote:

Mr. Smith,

Thank you for your message and the offer to meet. My thought is the important questions to ask you include:

1. What is the status of VCCA's lease agreement with Sweetbriar College and if it is still in a pending status, what is the projected time line for a final decision?
2. Does VCCA have a property identified in Nelson County and, if so, what is the status of acquiring or leasing the property?
3. Will VCCA assert or seek tax exempt status if it re-locates to Nelson County (the County's current position is that VCCA would not have tax exempt status if it relocates to Nelson County)?
4. What is VCCA's status with locating in Albemarle County, as it is understood that VCCA has similarly endeavored with that locality to relocate there, including requesting or assisting with comprehensive plan and zoning ordinance amendments?

I am certainly open to meeting with you but, as you've noted, the background on what VCCA does, etc. is seemingly well documented. The above questions from my perspective are key information that VCCA should speak to and having this information prior to the public hearing on 4-14 would also be very helpful.

Thanks,

Steve Carter

Stephen A. Carter

Nelson County Administrator

P. O. Box 336

84 Courthouse Square

Lovington, VA 22949

Ph. [\(434\) 263-7001](tel:(434)263-7001)

Fx. [\(434\) 263-7004](tel:(434)263-7004)

**From:** Gregory Allgire Smith [mailto:[gsmith@vcca.com](mailto:gsmith@vcca.com)]

**Sent:** Tuesday, April 07, 2015 11:22 AM

**To:** Steve Carter

**Cc:** Anna Birkner; Tim Padalino

**Subject:** Nelson County Board of Supervisors Meeting on 4/14/15: Artist Community

Dear Mr. Carter,

Now that the BOS agenda is set for next Tuesday and includes the public hearing on the proposed land use for "Artist Community", I wanted to check with you to learn if a meeting beforehand with you would be beneficial.

I would be happy to meet with you and Tim Padalino to inform you of the VCCA's history and current residency program for writers, visual artists, and composers and to answer any questions you might have. Of course, Tim is very familiar with these topics as the County's point person who has visited the VCCA and represented the County's interests through the Staff's and Planning Commission's reviews.

If it is not necessary to meet, I will see you and Tim on the evening of Tuesday, April 14th.

Thanks,

Greg Smith

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Gregory Allgire Smith

Executive Director

VCCA

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Gregory Allgire Smith

Executive Director

VCCA

## Candy McGarry

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**From:** Steve Carter  
**Sent:** Thursday, March 26, 2015 12:08 PM  
**To:** Tim Padalino; Phillip Payne; Candy McGarry  
**Subject:** FW: Nelson County - Inquiry Re: VA Center for the Creative Arts

FYI.

SAC

Stephen A. Carter  
Nelson County Administrator  
P. O. Box 336  
84 Courthouse Square  
Lovingston, VA 22949  
Ph. (434) 263-7001  
Fx. (434) 263-7004

---

**From:** Tom Foley [mailto:tfoley@albemarle.org]  
**Sent:** Thursday, March 26, 2015 9:04 AM  
**To:** Steve Carter  
**Subject:** RE: Nelson County - Inquiry Re: VA Center for the Creative Arts

Steve,

Sorry for the delay in getting this to you, but here's all the background on this issue – which is fairly extensive. Let me know if this is what you need or if there's anything else we can provide.

*Thanks,  
Tom*

*Thomas C. Foley  
County Executive  
Albemarle County, VA  
(434) 296-5841*

**From:** Mark Graham  
**Sent:** Thursday, March 19, 2015 10:56 AM  
**To:** Tom Foley  
**Cc:** Doug Walker  
**Subject:** RE: Nelson County - Inquiry Re: VA Center for the Creative Arts

Sorry this is a little long, but relying on planners to explain things.

### **Background**

In 2012, the County was approached by the Virginia Center for the Creative Arts (VCCA), about the possibility of relocating to a property in the County's Rural Area which has Rural Area (RA) zoning. Because a resident artist community is not permitted in the Rural Area (RA) zoning district, the applicant submitted a Zoning Text Amendment application to add "artists community" as a permitted use by special use permit in the RA zoning district.

The applicant spoke to the Board of Supervisors at a Comprehensive Plan work session on September 9, 2014 and the Board sent the request to the Planning Commission for review from a policy standpoint. At their meeting on September

16, 2014, the Planning Commission concluded that further research was needed on how other communities regulate this type of use and adopted a resolution of intent to study whether such a use is consistent with the goals and policies of the Rural Area.

The Commission asked staff for research on how other localities deal with this use. Staff's research revealed that very few, if any, localities have specific use definitions or standards related to resident artist communities and typically group them within a broader retreat center use category. Approaches to regulating retreat centers in rural settings vary, but often address the percentage of land to be occupied by buildings, parking and accessibility, the maximum number of occupants, and the maximum time that occupants are able to stay.

Staff brought this information and its conclusions to the December 2, 2014 Commission meeting. A link to the staff report may be found here:

[http://www.albemarle.org/upload/images/forms\\_center/departments/community\\_development/forms/PC\\_Reports/2014/ZT A-14-5\\_December\\_2\\_Staff\\_Report.pdf](http://www.albemarle.org/upload/images/forms_center/departments/community_development/forms/PC_Reports/2014/ZT A-14-5_December_2_Staff_Report.pdf)

The Commission concluded that:

A residential artist community is not agricultural or forestal or a Rural Area use in and of itself. It should only be allowed in the Rural Area if it can provide adaptive reuse of a historic building or buildings.

Building alterations are expected, but should not compromise the historic integrity of the buildings.

Additions could be allowed, provided they are proportionate to the building and the site. For example, additions should not be bigger than or overwhelm the historic structure.

The nature of the addition and any additional construction should be such that the building(s) could revert to a by-right use should the resident artist community vacate the property in the future.

A future location may be most appropriate near a crossroads community or town or place where goods and services can be obtained without major travel.

The Commission agreed that further discussion was needed on:

The amount of additional construction that should be allowed on sites with historic buildings.

Whether construction of dorms should be allowed because of limited reversibility options.

Ways in which setbacks and screening from the road and adjacent properties might make its location more acceptable within a particular context.

Expectations for additional resource conservation and/or diminished development rights.

Whether building changes should be allowed that could enable special uses, such as camps and boarding schools, should the resident artist community abandon a site.

On January 27, 2015, the Commission discussed the issues identified above. A copy of the staff report may be found here:

[http://www.albemarle.org/upload/images/forms\\_center/departments/community\\_development/forms/PC\\_Reports/2015/SR\\_Artist\\_1-27-15.pdf](http://www.albemarle.org/upload/images/forms_center/departments/community_development/forms/PC_Reports/2015/SR_Artist_1-27-15.pdf)

The Commission provided a thorough and thoughtful discussion. They wanted to support the arts in Albemarle, but had major concerns over the ZTA applicant's desire to build a residence hall for 25 – 30 artists – each having their own bedroom and bathroom. They were most worried that this type of use would not be reversible except for a private boarding school, convent or monastery, farm worker housing in excess of 10 rooms, boarding camp, or group home. They concluded that construction of a new residence hall for artists in conjunction with a resident artist community is not appropriate. The Commission said that additions, alterations, and new construction on a property with a historic structure would be appropriate if the integrity of the historic building and site could be retained and the design resulted in retention of the rural character of the site. They also said that preservation of natural resources and habitat is also essential.

### **Recommended Language for Comprehensive Plan**

The Commission reviewed staff's recommended language and asked for modifications, which have been captured below:

**Strategy 5c:** Consider amending the Zoning Ordinance to allow for resident artist community in historic buildings (as defined in the Historic Resources section of the Plan [hyperlink]).

A resident artist community is a place where artists are afforded time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of resident artist communities is to promote art as a critical cultural and societal resource. Resident artist communities are neither commercial endeavors nor tourist destinations: in a resident artist community, artists seek privacy and solitude. Participation in a resident artist community is by invitation only. Resident artist communities may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as, but not limited to, natural resource conservation.

Resident artist communities can provide a unique use of historic buildings and sites. While they should attempt to maximize use of existing structures, additions, alterations, and construction of additional buildings may be approved provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings and the site and should not overwhelm them in terms of size, scale, and massing. Any additional development should be clustered in order to minimize disturbance to natural resources and habitat. Design review should take place to ensure that the integrity of the historic resource will remain intact and that overall arrangement of new buildings and uses on the site preserves rural character.

Resident artist communities should only be available by special permit. In addition to other factors reviewed for special uses in the Rural Area, consideration should be given to locations in or near crossroads communities, near Development Areas or Scottsville, or properties of significant acreage. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area.

Staff notes that the VCCA may or may not be able to accomplish its goals within the framework that this Comprehensive Plan language affords.

The Board's direction on February 10<sup>th</sup> in response to this information was:

### **Direction from the Board – Artist Communities CPA**

Add the text below as recommended by the Planning Commission to the Rural Area Chapter:

**Strategy 5c:** Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings (as defined in the Historic Resources section of the Plan [hyperlink]).

An artist residency is a facility where individuals are provided time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of artist residencies is to promote art as a critical cultural and societal resource. Participation in an artist residency is by invitation only. Artist residencies are neither commercial endeavors nor tourist destinations. They may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as, but not limited to, natural resource conservation.

Additions, alterations, and construction of additional buildings may be approved for artist residencies, provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings and the site and should not overwhelm them in terms of size, scale, and massing. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. Artist residencies should only be available by special permit and consideration should be given to locations in or near crossroads communities or Development Areas.

**Board Comments - Artists Community CPA:**

When the Planning Commission discussed this use they tried to come up with many similar scenarios to this use and how it would look. I don't think we will be overwhelmed with this type of use in the County since they are the only group like this statewide. It does not seem that this one use should even warrant a Comp Plan amendment.

The other side of the argument is that we should not be making things up as we go along and having the use in the Comp Plan helps prevent that.

The residence hall could be convertible to other Rural Area uses. Some examples of uses could be farm worker housing, a private school or a monastery. I would love to hear more about ways we can require this use to be convertible.

Where do you draw the line between a hotel in the RA and a residence hall?

The artist community is different than tourist lodging because it is longer term stay and there is less of a traffic impact.

Will the applicant will be raising money and having sales or fundraising events? This could have traffic impacts.

We should focus our discussion of this use on a need for consistency. The attractiveness of this particular user needs to be abandoned and we should focus specifically on use and impacts.

Convertibility of new construction would be difficult to enforce. How would we determine convertibility?

**From:** Tom Foley

**Sent:** Wednesday, March 18, 2015 3:06 PM

**To:** Mark Graham

**Cc:** Doug Walker

**Subject:** FW: Nelson County - Inquiry Re: VA Center for the Creative Arts

Mark,

Can you share any information that might be helpful to Nelson?

*Thanks,*

*Tom*

*Thomas C. Foley*

*County Executive*

*Albemarle County, VA*

*(434) 296-5841*

**From:** Steve Carter [<mailto:SCarter@nelsoncounty.org>]

**Sent:** Tuesday, March 17, 2015 10:21 AM

**To:** Tom Foley

**Cc:** Candy McGarry

**Subject:** Nelson County - Inquiry Re: VA Center for the Creative Arts

Tom,

Good morning. I hope you're doing well.

As you may or may not know, the VA Center for the Creative Arts has been working with Nelson County's Department of Planning and Zoning on a proposed zoning amendment to include therein a definition for Artist Community and provisions within the ordinance to allow this type use to be authorized by Special Use Permit. This consideration have moved through the Planning Commission and the BOS has now authorized a public hearing for formal consideration in April.

We have noted In the past week that VCCA has signed a 15 year lease renewal with Sweet Briar College and that VCCA is working with Albemarle County on something likely similar to what they have sought from Nelson County.

Are you in a position to advise me on what if any steps Albemarle has taken to assist VCCA in being able to locate in the County and whether or not VCCA has identified a location, including negotiations with the property owner. Or, anything/everything you can advise on this subject.

The Exec. Director of VCCA, Greg Smith, has noted to the County's Director of Planning and Zoning that the lease agreement with SBC might be tentative (perhaps tenuous) given the College's recent announcement but there is also, per Mr. Smith, an increase in the annual lease payment from \$1.00 to \$100,000, which is certainly a consideration for VCCA. That their spokesperson in a recent interview only made reference to working with Albemarle County also gave us pause in Nelson.

That Mr. Smith was not overly responsive at our BOS meeting last week when I asked him the question of tax status (we don't believe they would be exempt in Nelson even if they are not paying taxes in Amherst), also is a basis of consideration for Nelson (VCCA is a 501 C 3 non-profit entity).

Any input you can provide on this subject is much appreciated.

Best regards,

Steve

Stephen A. Carter  
Nelson County Administrator  
P. O. Box 336  
84 Courthouse Square  
Lovingston, VA 22949  
Ph. (434) 263-7001  
Fx. (434) 263-7004

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**From:** Steve Carter [<mailto:SCarter@nelsoncounty.org>]  
**Sent:** Wednesday, March 18, 2015 4:08 PM  
**To:** Tom Foley  
**Subject:** RE: Nelson County - Inquiry Re: VA Center for the Creative Arts

Tom,

Thanks for the follow up. Our BOS has set a 4-14 public hearing date to consider proposed zoning amendments that would enable the VCCA to be able to locate in Nelson. So, input from Albemarle is not time sensitive at the moment but is welcomed at your earliest ability to follow up. I can also forward you the amendments the BOS will be considering if you're interested in seeing this work, etc.

Thanks again,

Steve

Stephen A. Carter  
Nelson County Administrator  
P. O. Box 336  
84 Courthouse Square  
Lovingston, VA 22949

Ph. (434) 263-7001

Fx. (434) 263-7004

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**From:** Tom Foley [<mailto:tfoley@albemarle.org>]

**Sent:** Wednesday, March 18, 2015 3:04 PM

**To:** Steve Carter

**Subject:** RE: Nelson County - Inquiry Re: VA Center for the Creative Arts

Steve,

Hope you're doing well also. I've asked for some input on this and will get with you as soon as possible. Do you have a date that's critical for some feedback?

Thanks,

Tom

*Thomas C. Foley*

*County Executive*

*Albemarle County, VA*

*(434) 296-5841*

---

**From:** Steve Carter [<mailto:SCarter@nelsoncounty.org>]

**Sent:** Tuesday, March 17, 2015 10:21 AM

**To:** Tom Foley

**Cc:** Candy McGarry

**Subject:** Nelson County - Inquiry Re: VA Center for the Creative Arts

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We have noted in the past week that VCCA has signed a 15 year lease renewal with Sweet Briar College and that VCCA is working with Albemarle County on something likely similar to what they have sought from Nelson County.

Are you in a position to advise me on what if any steps Albemarle has taken to assist VCCA in being able to locate in the County and whether or not VCCA has identified a location, including negotiations with the property owner. Or, anything/everything you can advise on this subject.

The Exec. Director of VCCA, Greg Smith, has noted to the County's Director of Planning and Zoning that the lease agreement with SBC might be tentative (perhaps tenuous) given the College's recent announcement but there is also, per Mr. Smith, an increase in the annual lease payment from \$1.00 to \$100,000, which is certainly a consideration for VCCA. That there spokesperson in a recent interview only made reference to working with Albemarle County also gave us pause in Nelson.

That Mr. Smith was not overly responsive at our BOS meeting last week when I asked him the question of tax status (we don't believe they would be exempt in Nelson even if they are not paying taxes in Amherst), also is a basis of consideration for Nelson (VCCA is a 501 C 3 non-profit entity).

Any input you can provide on this subject is much appreciated.

Best regards,

Steve

Stephen A. Carter  
Nelson County Administrator  
P. O. Box 336  
84 Courthouse Square  
Lovingston, VA 22949  
Ph. (434) 263-7001  
Fx. (434) 263-7004

**ORDINANCE O2015-01**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF ARTICLE 2 AND ARTICLE 4 OF APPENDIX A, ZONING**  
**ORDINANCE, OF THE CODE OF NELSON COUNTY VIRGINIA**  
**TO INCLUDE NEW LAND USE –ARTIST COMMUNITY**  
**IN (A-1) AGRICULTURAL DISTRICT**

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

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

a) Add the following new definitions:

*Artist Community*: A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. An artist community shall be a not-for-profit organization governed by a Board of Directors, managed by a professional staff, and focused on a specific mission.

*Artist Community Residencies*: time and space scheduled for resident artists to create work not at the artists' home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, and scheduled for a period not to exceed ninety-five (95) consecutive days.

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

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

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

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

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

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

Adopted: \_\_\_\_\_, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

DEPARTMENT OF  
PLANNING & ZONING



PLANNING COMMISSION  
BOARD OF ZONING APPEALS

To: Chair and Members, Nelson County Board of Supervisors  
From: Tim Padalino | Director | Department of Planning & Zoning  
Date: April 9, 2015  
**Subject: Applications for Agricultural and Forestal Districts**

This report provides a detailed summary of the four (4) pending AFD applications that have been received since January 1<sup>st</sup>, 2015, as well as detailed information about the review procedures.

- Pages 1-3 contain a detailed summary of each AFD application.
- Pages 4-6 contain an overview of the application review process, as well as the “evaluation criteria” to be considered when reviewing AFD applications.
- Pages 7-9 contain maps depicting the properties that have applied for AFD designation.

### **Summary of AFD Applications:**

#### **▪ AFD Application #2015-01: Addition to Davis Creek AFD (Bolton)**

- *Date received:* 1/12/2015 (modified and resubmitted on 1/20)
- *Total size of proposed expansion:* originally 137.99 acres (modified total = 216.89 acres)
- *Parcels and property owners in proposed addition:* 6 total property owners / 7 total parcels
  - o Please see Map 1 on page 7.
  - o Tax Map Parcel #44-A-28 – Earnest John Fritschi – 37.86 acres
  - o Tax Map Parcel #44-A-30A – Bernard F. Haxel – 18.61 acres
  - o Tax Map Parcel #44-A-26C – Jeanne Shreves – 10.0 acres
  - o Tax Map Parcel #44-A-26A – Jeanne Shreves – 15.69 acres
  - o Tax Map Parcel #44-A-30 – James R. Bolton & Marcia G. Gibbons – 37.22 acres
  - o Tax Map Parcel #44-A-30B – Carol Scott Life Estate – 18.61 acres
  - o **Recent modifications / additional parcels:**
    - Tax Map Parcel #44-1-2 – Helen Chapman – 78.9 acres
- *AFD Advisory Committee Recommendation:* The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the addition of all parcels to the Davis Creek AFD.
- *Planning Commission Recommendation at 3/25 Public Hearing:* No comments were received from members of the public. The Planning Commission (PC) voted to recommend that the Board of Supervisors (BOS) approve AFD #2015-01 to add these seven (7) total parcels to the existing Davis Creek AFD.

### ▪ AFD Application #2015-02: Addition to Davis Creek AFD (Derdeyn)

- *Date received:* 1/9/2015
- *Total size of proposed expansion:* 11.04 acres
- *Parcels and property owners in proposed addition:* 2 total property owners / 3 total parcels
  - Please see Map 1 on page 7.
  - Tax Map Parcel #45-A-10H – Virginia Anne Evans Trustee – 5.34 acres
  - Tax Map Parcels #45-A-15; #45-A-15A – Derdeyn Revocable Trusts – 5.7 acres
- *Advisory Committee Recommendation:* The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the addition of all parcels to the Davis Creek AFD.
- *Planning Commission Recommendation at 3/25 Public Hearing:* No comments were received from members of the public. The PC voted to recommend that the BOS approve AFD #2015-02 to add these three (3) total parcels to the existing Davis Creek AFD.

### ▪ AFD Application #2015-03: Addition to Dutch Creek AFD (Wright)

- *Date received:* 1/15/2015 (modified and resubmitted prior to 2/12 Advisory Committee review)
- *Total size of proposed expansion:* originally 731.87 acres (modified total = 746.74 acres)
- *Parcels and property owners in proposed addition:* 4 total property owners / 12 total parcels
  - Please see Map 2 on page 8.
  - Tax Map Parcels #69-A-38; #69-A-38D – John & Jonna Clarkson – 49.84 acres
  - Tax Map Parcel #58-A-102A – Robert & Susan McSwain – 278.78 acres
  - Tax Map Parcels #58-A-45; #68-A-137; #68-A-138; #68-A-139A; 68-A-139C; 69-A-1; 69-A-38A; #69-A-38F – John E. & Ruth S. Purvis – 403.25 acres
  - **Recent modifications / additional parcels:**
    - Tax Map Parcel #69-14-6 – Barbara & Jon R. Green – 14.87 acres
- *Advisory Committee Recommendation:* The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the addition of all parcels, totaling 746 acres, to the Dutch Creek AFD.
- *Planning Commission Recommendation at 3/25 Public Hearing:* No comments were received from members of the public. The PC voted to recommend that the BOS approve AFD #2015-03 to add these twelve (12) total parcels to the existing Dutch Creek AFD.

### ▪ AFD Application #2015-04: Creation of Greenfield AFD (Burton)

- *Date received:* 1/16/2015 (modified and resubmitted on 2/6/2015)
- *Total size of proposed new district:* originally 2,304 acres (modified total = 2,343.7 acres)
- *Parcels and property owners in proposed addition:* 40 total property owners / 64 total parcels
  - Please see Map 3 on page 9.
  - Tax Map Parcels #13-4-2; #13-A-67 – Shannon Farm Association – 518.3 acres
  - Tax Map Parcel #13-A-67A – Marion Kanour & Barbara Heyl – 15.06 acres
  - Tax Map Parcel #13-10-7 – Marc Chanin – 43.98 acres
  - Tax Map Parcel #13-10-2 – Thomas Michael & Jean L. McConkey – 2.5 acres
  - Tax Map Parcel #13-10-4 – Deborah Ann Harkrader – 7.68 acres
  - Tax Map Parcels #13-A-21G; #13-A-23C – Ellwood R. Hood II – 22.83 acres

- Tax Map Parcels #13-A-21; #13-A-24A – Arthur T. Goodloe – 26.52 acres
- Tax Map Parcel #13-A-25 – James W. Carter Jr. & Diane M. – 75.25 acres
- Tax Map Parcel #13-2-1A – William & Lynn Stevenson – 6.61 acres
- Tax Map Parcel #13-A-76 – Curtis M. Pleasants Jr. & Alexandra – 102.38 acres
- Tax Map Parcel #23-1-4A – Lois S. Patkin – 125.11 acres
- Tax Map Parcel #13-9-B – Victor Stefanovic – 90.88 acres
- Tax Map Parcels #13-A-23; #13-A-21E; #13-A-20; #13-A-21C; #13-A-21D – Rita Mae Brown – 100.66 acres
- Tax Map Parcel #24-4-A – John Nelson & Elizabeth Greenleaf – 38.5 acres
- Tax Map Parcel #13-A-69A – Clarence G. Nicklas Jr. & Rita S. – 22.79 acres
- Tax Map Parcel #13-A-63 – Meadowbrooke Associates Inc. – 20.95 acres
- Tax Map Parcel #13-A-63A – Meadowbrooke Partners – 28.30 acres
- Tax Map Parcels #12-A-131C; #12-A-131E – Jeffrey & Christy Howe – 17.73 acres
- Tax Map Parcel #12-A-131 – Cynthia Chandler – 27.33 acres
- Tax Map Parcel #12-A-17 – Karen Kartheiser – 41.42 acres
- Tax Map Parcel #12-A-27 – Neal Showstack & Toni Ranieri – 23.82 acres
- Tax Map Parcel #12-A-27A – Thomas Michael & Jean L. McConkey – 23.82 acres
- Tax Map Parcels #12-A-72A; #12-A-19 – Brian & Amy Webb – 25.42 acres
- Tax Map Parcels #13-1-2A; #13-1-2B – Bonnie C. Cady – 9.13 acres
- Tax Map Parcels #13-1-1A; #13-1-3; #13-1A-11A – Charlotte L. Rea – 29.51 acres
- Tax Map Parcel #13-1-1 – Joanna Salidis & Galen Staengl – 17.31 acres
- Tax Map Parcel #13-A-6 – Samuel A. Young – 44.6 acres
- Tax Map Parcel #13-A-4B – George & Esperanza Wulin – 39.77 acres
- Tax Map Parcels #13-A-1; #13-A-1A; #7-A-87; #7-A-88; #7-A-93A; #6-A-158B – James & Joan Klemic – 196.38 acres
- Tax Map Parcels #23-A-45; #23-A-8 – Samuel Bloom & Constance Visceglia – 45.35 acres
- Tax Map Parcel #23-A-10 – David & Barbara Thomas – 20.00 acres
- Tax Map Parcels #22-A-68A; #22-A-68D – David Thomas – 23.08 acres
- Tax Map Parcel #23-A-6A – Henry & Bridget Sprouse – 1.76 acres
- Tax Map Parcel #23-A-8A – Steve Bliley – 6.42 acres
- Tax Map Parcels #23-A-9A; #23-A-2 – Paukert Irrevocable Trust (Edwin Paukert) & Maria C. Gaticales-Paukert – 159.46 acres
- Tax Map Parcel #23-A-4 – Barton W. Biggs & Corry C. Andrews – 170.02 acres
- Tax Map Parcel #23-A-19 – Peter & Karen Osborne – 101.2 acres
- Tax Map Parcel #23-A-4D – James Wright – 14.69 acres
- Tax Map Parcel #23-A-4A – John Wright – 18.13 acres
- **Recent modifications / additional parcels:**
  - Tax Map Parcels #24-A-1; #24-1-1A; #24-1-1B; #24-1-3A – William E. & Wendy R. Hess – 30.20 acres
  - Tax Map Parcel #7-A-86E – Virginia Lee & Richard E. Staron – 9.50 acres

– *Advisory Committee Recommendation:* The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the creation of the Greenfield AFD, including both the 2,304 acres in the original application as well as the 40 acres in the subsequent application, for a total of 2,344 acres.

– *Planning Commission Recommendation at 3/25 Public Hearing:* Mrs. Joyce Burton of Shannon Farm was the only member of the public to provide comments during the public hearing. She spoke in favor of the creation of the Greenfield AFD. The PC then voted to recommend that the BOS approve AFD #2015-04 to create a new Greenfield AFD comprised of these sixty-four (64) parcels.

## **County Code Requirements for Reviewing AFD Applications: “Evaluation Criteria”**

All AFD applications are to be reviewed and evaluated using the he following factors, as contained in Nelson County Code Section 9-201, “Creation of District.”

- (5) *Evaluation criteria.* The following factors should be considered by the planning commission and the advisory committee, and at any public hearing at which an application is being considered:
- a. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
  - b. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
  - c. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
  - d. Local developmental patterns and needs;
  - e. The comprehensive plan and zoning regulations;
  - f. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
  - g. Any other matter which may be relevant.

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

## **County Code Requirements for Reviewing AFD Applications: “Review Process”**

The review process for all AFD applications requires the following steps (below) as prescribed by Nelson County Code Section 9-201, “Creation of District.” I have provided a brief summary of each step of the review process, with status updates (top); and have also included an excerpt of the full County Code language for the Board of Supervisors’ portion of the review process (bottom).

### **▪ [Summary of overall AFD review process with status updates]:**

#### **– Planning Commission (PC) initiates application review process:**

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

#### **– AFD Advisory Committee receives applications via PC referral:**

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

- Planning Commission (PC) receives Advisory Committee recommendations:
  - o PC directs staff to proceed with advertising legal notice for public hearing
  - o Status: **COMPLETED (2/25)**
- Planning Commission (PC) conducts review of applications:
  - o PC conducts public hearing on the applications and Advisory Committee recommendations
  - o PC provides the Board of Supervisors (BOS) with recommendations
  - o Status: **COMPLETED (3/25)**
- Board of Supervisors (BOS) conducts review of applications:
  - o BOS conducts public hearing
  - o BOS takes action to:
    - create (or expand) a district (as applied for) or (with any modifications it deems appropriate); or
    - reject the application, no later than one hundred eighty (180) days from the date the application was received
  - o Status: **PENDING**

▪ **[County Code excerpt of BOS responsibilities when reviewing AFD applications]:**

- (8) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided in Virginia Code §15.2-4309.
- (9) *Action on application.* After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provided herein.
- a. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309, and shall be subject to section 9-202(1). Virginia Code § 15.2-4309 provides, in part:
- Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribed the period before the first review of the district, which shall be no less than four (4) years but not more than ten (10) years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.
- b. The board of supervisors shall act to either adopt the ordinance creating the district, with or without modification, or reject the application, no later than one hundred eighty (180) days from the date by which the application was received.
- c. Upon the adoption of an ordinance creating a district or adding land to an existing district, the board of supervisors shall submit a copy of the ordinance with maps to the local

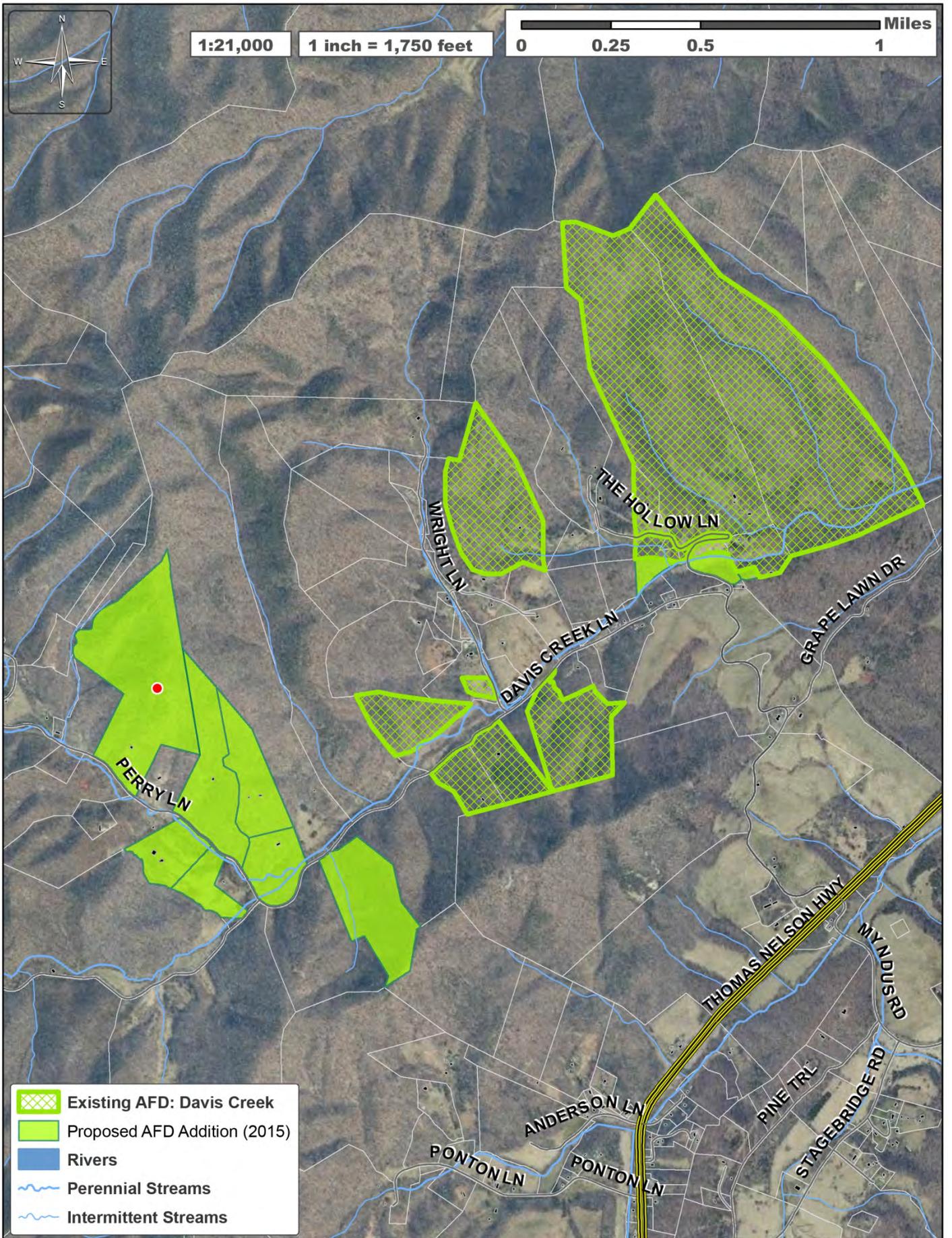
commissioner of the revenue, and the state forester, and the commissioner of agriculture and consumer services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the board of supervisors shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

## **Conclusion**

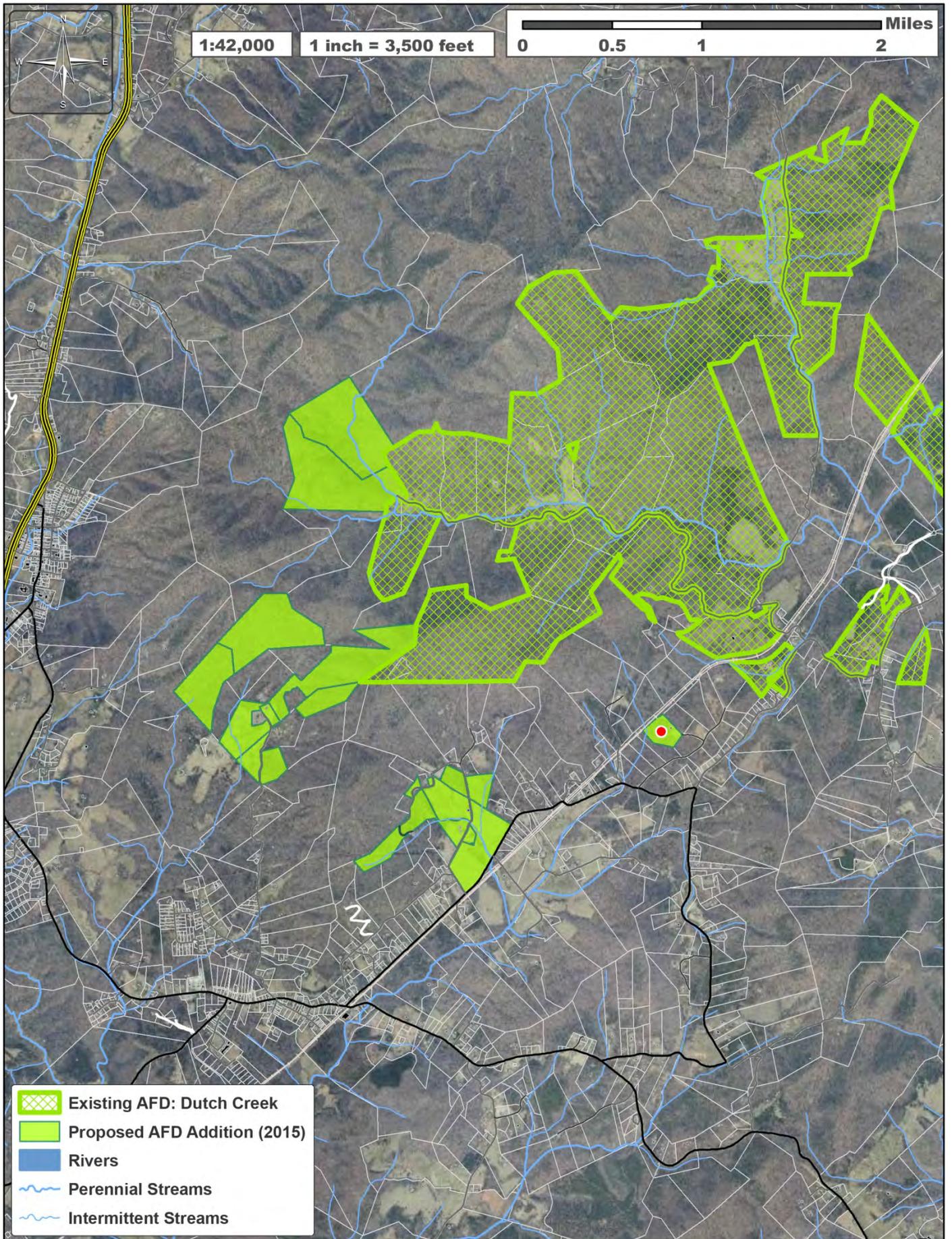
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Thank you for your attention to these four (4) AFD applications. Please reference the attached maps for more details, which have been updated to include the properties which were recently added to the modified applications. Those properties are marked with a red dot.

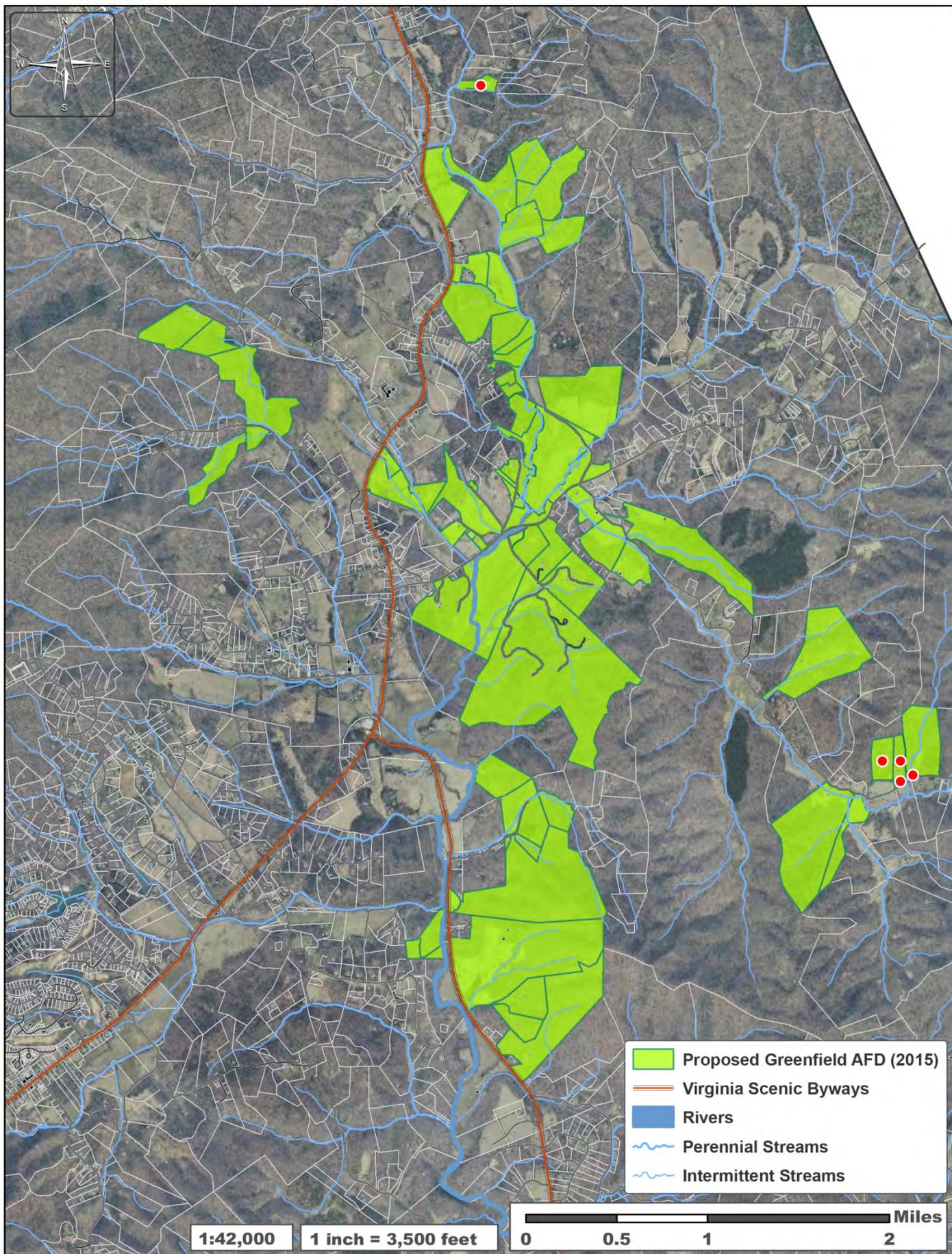
Please feel free to contact me prior to the public hearing on the 14<sup>th</sup> with any questions you may have regarding the information contained in this report or in the AFD applications.



**Map 1.** Existing Davis Creek AFD with proposed additions (with recently-added properties highlighted by a red dot).



**Map 2.** Existing Dutch Creek AFD with proposed additions (with recently-added properties highlighted by a red dot).



**Map 3.** Proposed Greenfield AFD (with recently-added properties highlighted by a red dot).

**APPLICATION FOR ADDITION TO AN EXISTING AGRICULTURAL AND FORESTAL DISTRICT**

This completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first of the calendar year in which additions to an existing District are to be effective. This form shall be accompanied by a United States Geological Survey 7.5 minute topographic map that clearly shows the boundaries of the District and the boundaries of each individual parcel that is to be added to the District. A Department of Transportation highway map that shows the general location of the District and addition(s) shall also accompany this form.

**TO BE COMPLETED BY APPLICANT**

1. *Name of the District:*

Davis Creek Agricultural and Forestal District

2. *General Location of the District:*

Along Grape Lawn Drive, Huffman Way, Davis Creek lane and onto Perry Lane

3. *Total Acreage of the Addition(s):* 216.89 acres

4. *Landowners applying for the District:* See attached list with signatures

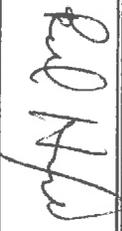
5. *Designated Landowner Contact:* Name, Address, & Telephone Number (Email optional)

James R. Bolton  
312 Perry Lane  
Lovingson, VA 22949  
434-263-4968  
jrb5d@virginia.edu

6. *Conditions for Addition to the District Pursuant to §15.2-4309 of the Code of Virginia:*

As a condition for the addition of parcels to the Davis Creek Agricultural and Forestal District, the requirements stated in Chapter 9, Article V, Section 202 of the Code of Nelson County will apply. Any additional conditions currently in effect for the District will also apply. The date of review for additional parcels will be the same as for the already established District.

6. *Date of Application:* 01/20/2015

NAME	ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	TAX MAP & PARCEL NUMBERS
Fritsch, Earnest John	2625 Davis Creek Lane			37.86	44 A 28
Haxel, Bernard F.	76 Perry Lane			18.61	44 A 30A
Shreyes, Jeanne	203 Perry Lane			10 15.69	44 A 26C 44 A 26A
Bolton, James R. & Marcia G. Gibbons	312 Perry Lane	 		37.22	44 A 30
Scott, Carol Life Estate	42 Perry Lane			18.61	44 A 30B
					

44 A 30

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>	<u>WITNESS</u>	<u>TOTAL ACREAGE</u>	<u>TAX MAP &amp; PARCEL NUMBERS</u>
Fritschi, Earnest John	2625 Davis Creek Lane			37.86	44 A 28
Haxel, Bernard F.	76 Perry Lane			18.61	44 A 30A
Shreves, Jeanne	203 Perry Lane			10 15.69	44 A 26C 44 A 26A
Bolton, James R. & Marcia G. Gibbons	312 Perry Lane			37.22	44 A 30
Scott, Carol Life Estate	42 Perry Lane			18.61	44 A 30B
Chapman, Helen	452 Perry Lane	<i>Helen Chapman</i>	<i>James R. Bolton</i>	78.9	44 1 2

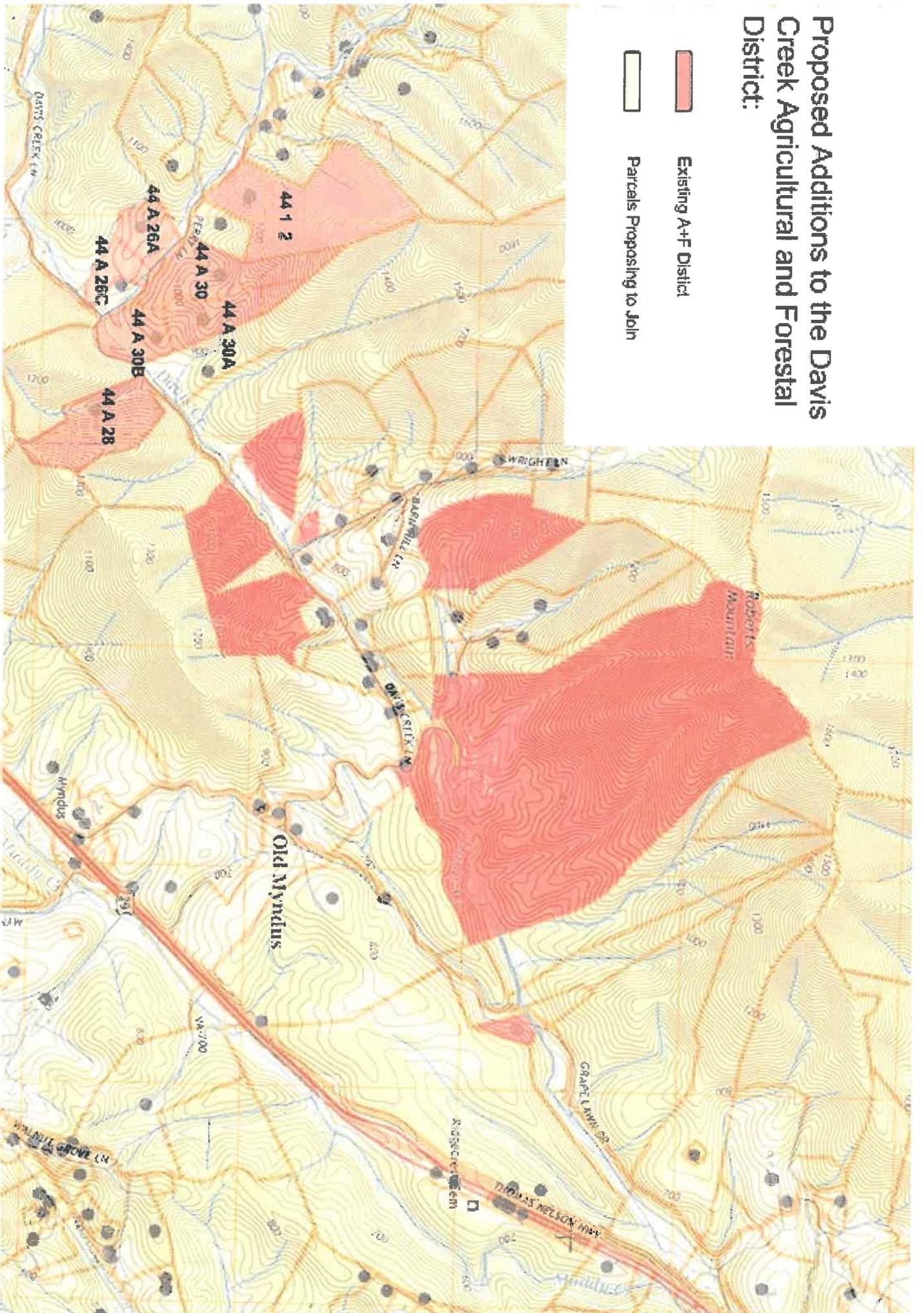
# Proposed Additions to the Davis Creek Agricultural and Forestal District:



Existing A+F District



Parcels Proposing to Join



**APPLICATION FOR ADDITION TO AN EXISTING AGRICULTURAL AND FORESTAL DISTRICT**

This completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first of the calendar year in which additions to an existing District are to be effective. This form shall be accompanied by a United States Geological Survey 7.5 minute topographic map that clearly shows the boundaries of the District and the boundaries of each individual parcel that is to be added to the District. A Department of Transportation highway map that shows the general location of the District and addition(s) shall also accompany this form.

**TO BE COMPLETED BY APPLICANT**

1. Name of the District:

*Davis Creek Agricultural and Forestal District*

2. General Location of the District:

*Along Davis Creek; at the intersection of Davis Creek Lane and Huffman Way and on The Hollow Lane*

3. Total Acreage of the Addition(s): 11.04 acres

4. Landowners applying for the District: See attached list with signatures

*Virginia Anne Evans*

*Andre and Marie Jose Derdeyn*

5. Designated Landowner Contact: Name, Address, & Telephone Number (Email optional)

*Evans 234 The Hollow Lane, Louington, VA 22949 434 263 4899*

*Derdeyn 6 The Hollow Lane, Louington, VA 22949 434 263 6848*

6. Conditions for Addition to the District Pursuant to §15.2-4309 of the Code of Virginia:

As a condition for the addition of parcels to the Davis Creek Agricultural and Forestal District, the requirements stated in Chapter 9, Article V, Section 202 of the Code of Nelson County will apply. Any additional conditions currently in effect for the District will also apply. The date of review for additional parcels will be the same as for the already established District.

6. Date of Application: ~~6 November 2014~~

~~9 D~~

APD

9 January 2015

NAME	ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	TAX MAP & PARCEL NUMBERS
Virginia Anne Evans Trustee	234 The Hollow Lane Lovington, VA 22949	Virginia Anne Evans	Margaret Dudley	<del>11.50</del>	<del>45 A 12</del>
"	"	"		<del>1.21</del>	<del>45 A 12A</del>
"	"	"		5.34	45 A 10H
Dorleyn Revocable Trusts	#6 The Hollow Lane Lovington VA 22949	Antle P Butler	Margaret Dudley	5.7	45 A 15 45 A 15A

★

★ New Purchase





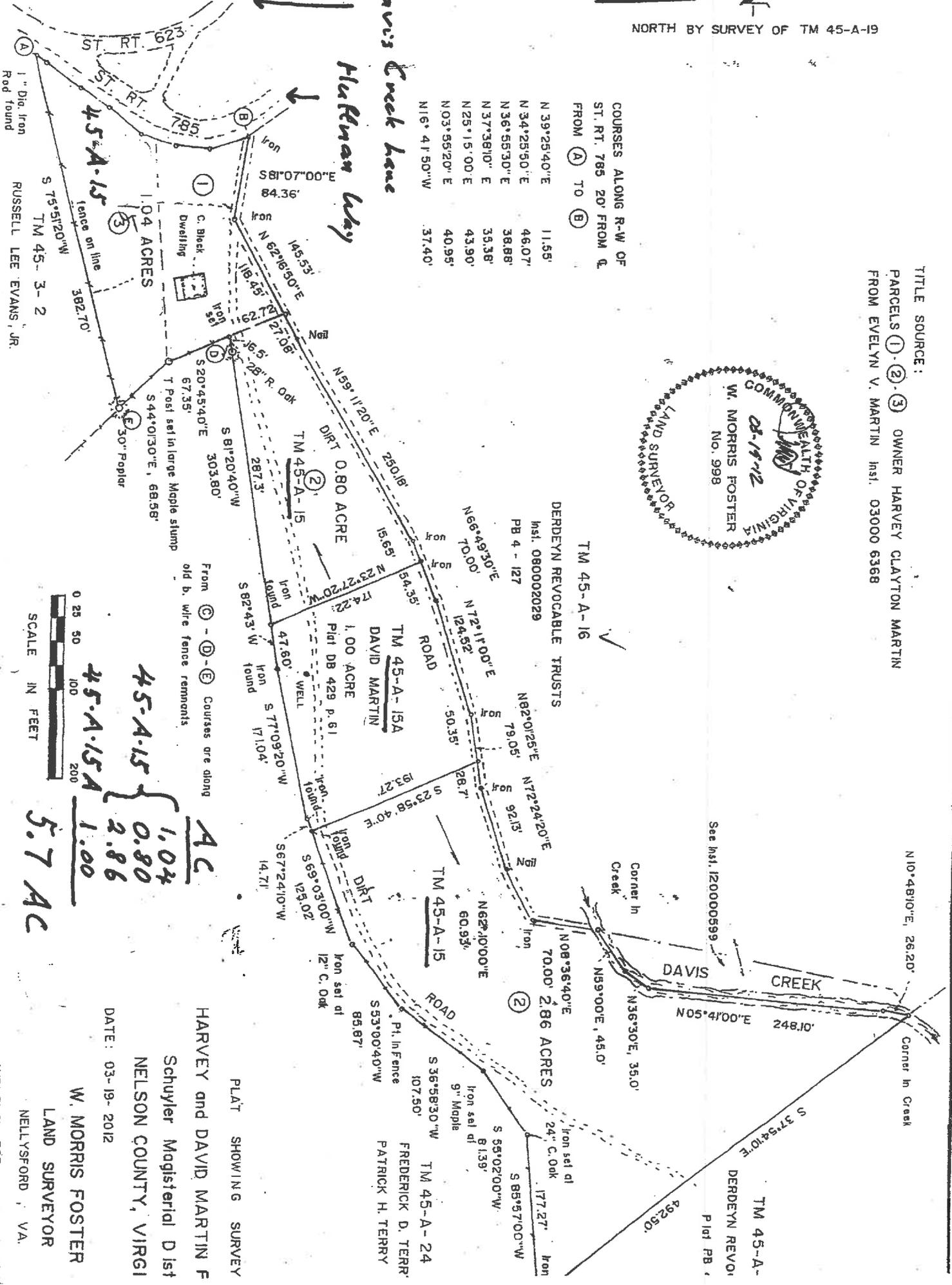
TITLE SOURCE:  
 PARCELS ①-②-③ OWNER HARVEY CLAYTON MARTIN  
 FROM EVELYN V. MARTIN Insl. 03000 6368



COURSES ALONG R-W OF ST. RT. 785 20' FROM Q.	FROM (A)	TO (B)
N 39°25'40" E	11.55'	
N 34°25'50" E	46.07'	
N 36°55'30" E	36.88'	
N 37°38'10" E	35.38'	
N 25°15'00" E	43.90'	
N 03°55'20" E	40.95'	
N 16°41'50" W	37.40'	

Davis Creek here

Huffman Way



TM 45-A-16

DERDEYN REVOCABLE TRUSTS  
 Insl. 0800020229  
 PB 4 - 127

TM 45-A-15A  
 DAVID MARTIN

1.00 ACRE  
 Plat DB 429 p. 61

TM 45-A-15

TM 45-A-16  
 2.86 ACRES

TM 45-A-24  
 FREDERICK D. TERR  
 PATRICK H. TERRY

TM 45-A-2  
 DERDEYN REVOCABLE TRUSTS  
 Plat PB 4

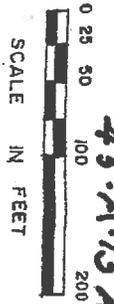
From (C) - (D) - (E) Courses are along old b. wire fence remnants

PLAT SHOWING SURVEY  
 HARVEY and DAVID MARTIN F  
 Schuyler Magisterial Dist  
 NELSON COUNTY, VIRGI

W. MORRIS FOSTER  
 LAND SURVEYOR  
 NELLYSFORD, VA.

DATE: 03-19-2012

AC  
 1.04  
 0.80  
 2.86  
 1.00  
 5.7 AC



ST RT. 623  
 ST RT.  
 45-A-15  
 1.04 ACRES  
 1" Dia. Iron Rod found  
 S 75°51'20" W  
 TM 45-3-2  
 RUSSELL LEE EVANS, JR.

## APPLICATION FOR ADDITION TO AN EXISTING AGRICULTURAL AND FORESTAL DISTRICT

This completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first of the calendar year in which additions to an existing District are to be effective. This form shall be accompanied by a United States Geological Survey 7.5 minute topographic map that clearly shows the boundaries of the District and the boundaries of each individual parcel that is to be added to the District. A Department of Transportation highway map that shows the general location of the District and addition(s) shall also accompany this form.

### TO BE COMPLETED BY APPLICANT

1. *Name of the District:* Dutch Creek Agricultural and Forestal District
  
2. *General Location of the District:* East from Purvis Cove and the headwaters of Dutch Creek thence along Dutch Creek to near the Rockfish River, and including Harris Cove.
  
3. *Total Acreage of the Addition(s):* 746.74 acres
  
4. *Landowners applying for the District:* See attached list with signatures
  
5. *Designated Landowner Contact:* Name, Address, & Telephone Number (Email optional)  
W. A. Wright  
1315 Dutch Creek Lane  
Shipman, Va 22971  
434-263-8938  
dutchcreekfarm@aol.com
  
6. *Conditions for Addition to the District Pursuant to §15.2-4309 of the Code of Virginia:*  
As a condition for the addition of parcels to the Dutch Creek Agricultural and Forestal District, the requirements stated in Chapter 9, Article V, Section 202 of the Code of Nelson County will apply. Any additional conditions currently in effect for the District will also apply. The date of review for additional parcels will be the same as for the already established District. Those additional conditions are:
  - 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;

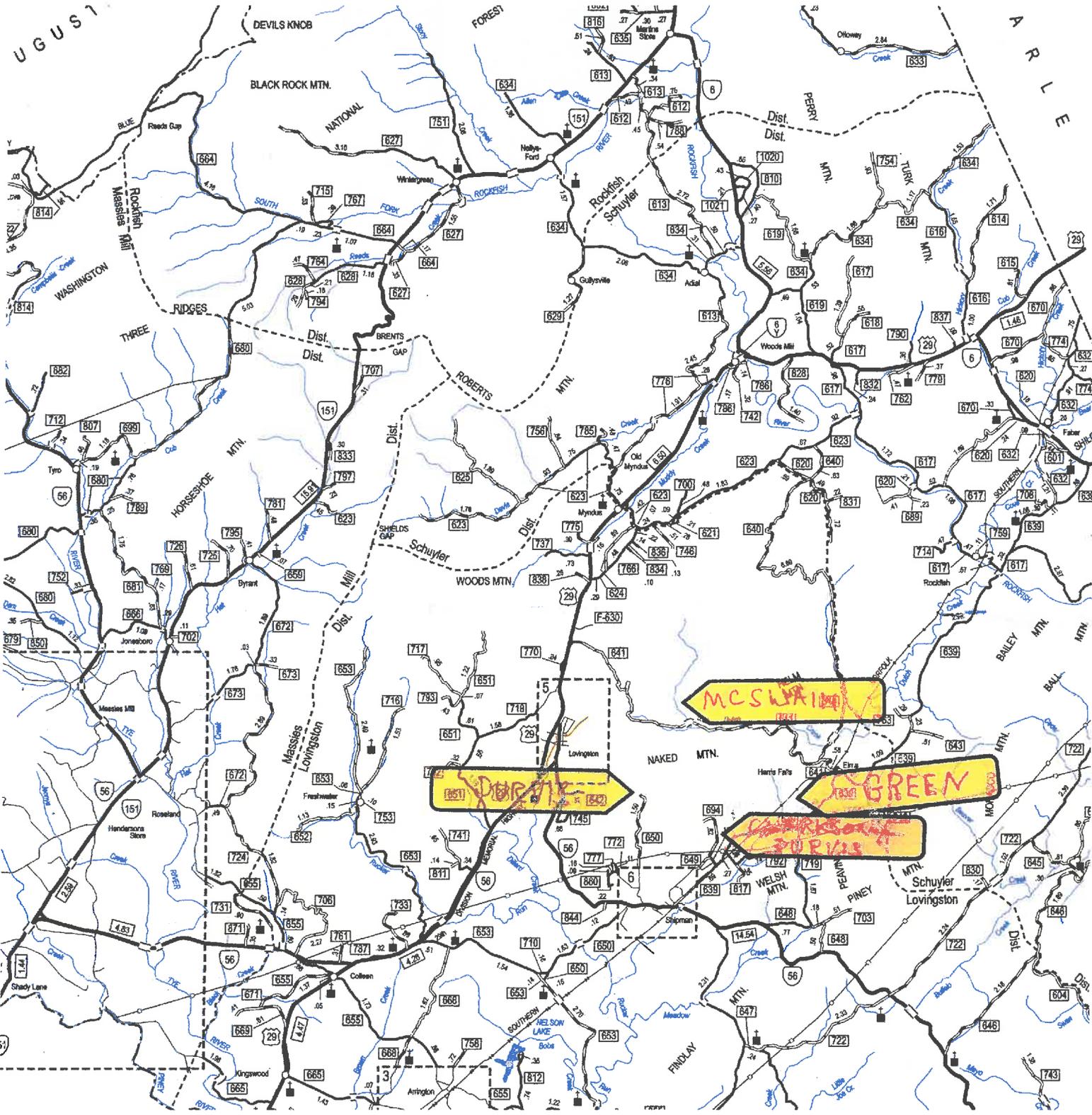






UGUST

APPLE



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## APPLICATION FOR THE CREATION OF OR ADDITION TO AGRICULTURAL AND FORESTAL DISTRICT

A copy of this completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first. This form shall be accompanied by United States Geological Survey 7.5 minute topographic maps that clearly show the boundaries of the district or addition and the boundaries of the property each applicant owns within the district or addition. A Department of Transportation general highway map that shows the general location of the district or addition shall also accompany this form. A \$300 fee is payable with the application for creation or addition to the district.

### SECTION A: TO BE COMPLETED BY APPLICANT

1. *General Location of the District:* Centered along Greenfield Road (Rte 635) near Shannon Farm Lane (Rte 843), the Greenfield Ag/Forestral District roughly follows 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 810). Additionally the District extends NW and SE to include properties flanking Rte 633 (Blundell Hollow and Taylor Creek Roads).

2. *Total Acreage in the District or Addition:* 2,304 acres

3. *Landowners applying for the District:* See attached

4. *Designated Landowner Contact:* Joyce Burton, 82 Wild Orchid Lane, Afton VA 22920  
(434-361-2328)

5. *The Proposed Conditions to Creation of the District Pursuant to §15.2-4309 of the Code of Virginia:*

As a condition to creation of the district, the requirements stated in Section 9-202 of the Code of Nelson County will apply; 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..

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.

6. *Proposed Period before First Review:* Five years

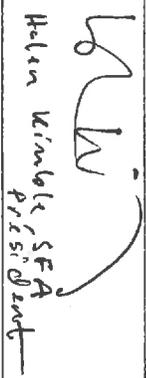
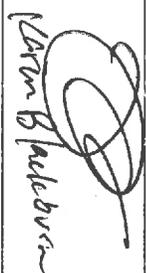
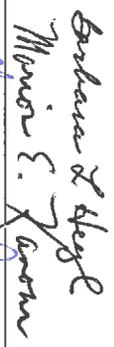
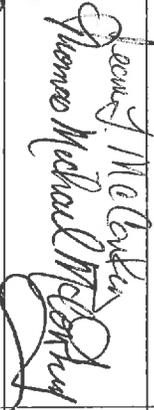
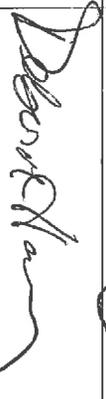
7. *The Date of Application:* 1/16/2015

**SECTION B: TO BE COMPLETED BY LOCAL GOVERNING BODY**

1. Date submitted to the Board of Supervisors:
2. Date referred to the Planning Commission:
3. Date referred to the Advisory Committee:
4. Date of action by the Board of Supervisors:

Approved \_\_\_\_ Modified \_\_\_\_ Rejected \_\_\_\_

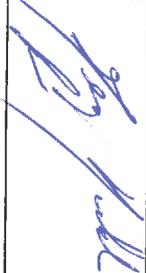
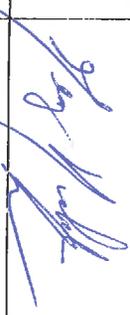
### Greenfield Agricultural/Forestral District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Shannon Farm Association	274 Shannon Farm Lane Afton, VA 22920	 Helen Winlock SFA President	 Martin B. Hulseburn	518.3	13 A 2 13 A 67
Marion Kanour Barbara Heyl	195 Shannon Farm Lane Afton, VA 22920	 Barbara & Steve Mamon	 Bob Mamon 1/3/15	15.06	13 A 67A
Marc Charin	224 Coles Farm Drive Afton, VA 22920	 Marc Charin	 Bob Charin 1/13/15	43.98	13 107
Thomas Michael McConkey Jean L. McConkey	117 Coles Farm Drive Afton, VA 22920	 Jean L. McConkey	 Bob McConkey 1/1/15	2.5	13 102
Deborah Ann Harkrader	211 Coles Farm Drive Afton, VA 22920	 Deborah Ann Harkrader	 Bob Harkrader 1/6/15	7.68	13 104
<del>Fill</del> <del>Goodie</del> <del>Head II</del>	207 Goodie Retreat Road Afton, VA 22920 POB 723 Nellysford 22958	 Edmund P. Goodie	 Bob Goodie 1/3/15	22.83	13 A 21G 13 A 23C
Arthur T. Goodloe	532 Goodloe Retreat Rd Afton, VA 22920	 Arthur T. Goodloe	 Bob Goodloe 1/9/15	26.52	13 A 21 13 A 24A

### Greenfield Agricultural/Forestal District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
James W Carter Jr. Diane M. Carter	1789 Greenfield Road Afton, VA 22920	<i>James W Carter Jr. Diane M Carter</i>	<i>Bobt 1/6/15</i>	75.25	13 A 25
William Stevenson Lynn Stevenson	1461 Greenfield Road Afton, VA 22920	<i>William Stevenson Lynn Stevenson</i>	<i>Bobt 1/6/15</i>	6.61	13 2 1A
Curtis M Pleasants Jr. Alexandra Pleasants	7072 Taylor Creek Road Afton, VA 22920	<i>Alexandra Pleasants Curtis M Pleasants Jr.</i>	<i>Bobt 1/3/15</i>	102.38	13 A 76
Lois S. Patkin	Box 238 Greenwood, VA 22943	<i>Lois S. Patkin</i>	<i>Bobt 1/5/15</i>	125.11	23 1 4A
Victor Stefanovic	8540 Taylor Creek Rd Afton, VA 22920	<i>V. R. Stefanovic</i>	<i>Bobt 1/6/15</i>	90.88	13 9 B
Rita Mae Brown	1295 Greenfield Rd Afton, VA 22920	<i>Rita Mae Brown</i>	<i>Bobt 1/15/15</i>	100.66	13 A 23 13 A 21E 13 A 20 13 A 21C 13 A 21D
John Nelson Elizabeth Greenleaf	5836 Taylor Creek Rd Afton VA 22920	<i>John Nelson Elizabeth Greenleaf</i>	<i>Bobt 1/10/15</i>	38.5	24 4 A

### Greenfield Agricultural/Forestal District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Clarence G Nicklas Jr Rita S Nicklas	8159 Taylor Creek Road Afton, VA 22920		 1/4/15	22.79	13 A 69A
Meadowbrooke Associates Inc	8159 Taylor Creek Road Afton, VA 22920		 1/4/15	20.95	13 A 63
Meadowbrooke Partners	8159 Taylor Creek Road Afton, VA 22920		 1/4/15	28.30	13 A 63A

### Greenfield Agricultural/Forestal District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Jeffrey Howe Christy Howe	7150 Rockfish Valley Hwy Afton, VA 22920	<i>Jeffrey Howe</i>	<i>Christy Howe</i>	17.73	12 A 131C 12 A 131E
Cynthia Chandler	6960 Rockfish Valley Hwy Afton, VA 22920	<i>Cynthia Chandler</i>	<i>Bob</i>	27.33	12 A 131
Karen Kartneiser	329 Mt. Ararat Hill Afton, VA 22920	<i>Karen Kartneiser</i>	<i>Bob</i>	41.42	12 A 17
Neal Showstack Tori Ranieri	94 Catbrier Circle Afton, VA 22920	<i>Neal Showstack</i> <i>Tori A. Ranieri</i>	<i>Bob</i>	23.82	12 A 27
Thomas Michael McConkey Jean L. McConkey	361 Spirit Ridge Lane Afton, VA 22920	<i>Thomas Michael McConkey</i> <i>Jean L. McConkey</i>	<i>Bob</i>	23.82	12 A 27A
Brian Webb Amy Webb	791 Blundell Hollow Lane Afton, VA 22920	<i>Brian D Webb</i> <i>Amy L. Webb</i>	<i>Bob</i>	25.42	12 A 72A 12 A 19

### Grenfield Agricultural/Forestral District Participants

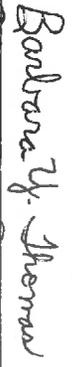
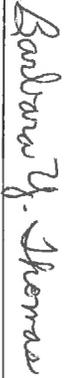
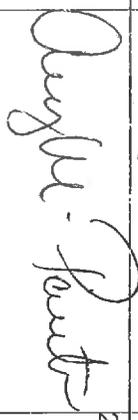
NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Bonnie C. Cady	503 Bland Wade Lane Afton, VA 22920	<i>Bonnie C. Cady</i>	<i>Robert</i> 1/3/15	9.13	13 1 2A 13 1 2B
Charlotte L. Rea	411 Bland Wade Lane Afton, VA 22920	<i>Charlotte L. Rea</i>	<i>Robert</i> 1/4/15	29.51	13 1 1A 13 1 3 13 1A 11A
Joanna Salidis Galen Staengl	415 Bland Wade Lane Afton, VA 22920	<i>Joanna Salidis</i>	<i>Robert</i> 1/11/15	17.31	13 1 1
Samuel A. Young	243 Bland Wade Lane Afton, VA 22920	<i>Samuel A. Young</i>	<i>Robert</i> 1/3/15	44.6	13 A 6
George & Esperanza Wulfin	8262 Rockfish Valley Hwy Afton, VA 22920	<i>Edward Wulfin</i> POA	<i>Robert</i> 1/11/15	39.77	13 A 4B
James Klemic Joan Klemic	8486 Rockfish Valley Hwy Afton, VA 22920	<i>Joan Klemic</i> <i>James Klemic</i>	<i>Robert</i> 1/3/15	196.38	13 A 1 13 A 1A 7 A 87 7 A 88 7 A 93A 6 A 158B

# Greenfield Agricultural/Forestral District Participants

(Plot 14m + Rte 6)

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Samuel Bloom Constance Visceglia	551 Pilot Mountain Road Faber, VA 22938	<i>Constance Visceglia Samuel Bloom</i>	<i>Robert 1/3/15</i>	45.35	23 A 45 23 A 8
David Thomas Barbara Thomas	390 Almond Drive Luray, VA 22835	<i>See other page</i>		20.00	23 A 10
David Thomas	390 Almond Drive Luray, VA 22835	<i>See other page</i>		23.08	22 A 68A 22 A 68D
Henry Sprouse Bridget Sprouse	318 Pilot Mountain Hollow Faber, VA 22938	<i>Henry &amp; Sprouse Bridget K. Sprouse</i>	<i>Robert 1/7/15</i>	1.76	23 A 6A
Steve Biley	394 Pilot Mountain Hollow Faber, VA 22938	<i>Stephen Biley</i>	<i>Robert 1/3/15</i>	6.42	23 A 8A
Paukert Irrevocable Trust (Edwin Paukert)		<i>See other page</i>		159.46	23 A 9A 23 A 2
Barton W. Biggs Corry C. Andrews	4026 River Road Faber, VA 22938	<i>B. W. Biggs</i>	<i>Robert 1/2/15</i>	170.02	23 A 4
Peter Osborne Karen Osborne	3676 River Road Faber, VA 22938	<i>Peter Osborne Karen Osborne</i>	<i>Robert 1/4/15</i>	101.2	23 A 19

## Greenfield Agricultural/Forestral District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Samuel Bloom Constance Visceglia	551 Pilot Mountain Road Faber, VA 22938	See other page ↓		45.35	23 A 45 23 A 8
David Thomas Barbara Thomas	390 Almond Drive Luray, VA 22835	 		20.00	23 A 10 22 A 68A 22 A 68D
David Thomas	390 Almond Drive Luray, VA 22835	 		23.08	22 A 68A 22 A 68D
Henry Sprouse Bridget Sprouse	318 Pilot Mountain Hollow Faber, VA 22938	↓		1.76	23 A 6A
Steve Biley	394 Pilot Mountain Hollow Faber, VA 22938	↓		6.42	23 A 8A
Paukert Irrevocable Trust (Edwin Paukert)		See other page ↓		136.46	23 A 9A 23 A 2
Barton W. Biggs Corry C. Andrews	4026 River Road Faber, VA 22938			170.02	23 A 4
Peter Osborne Karen Osborne	3676 River Road Faber, VA 22938			101	23 A 19

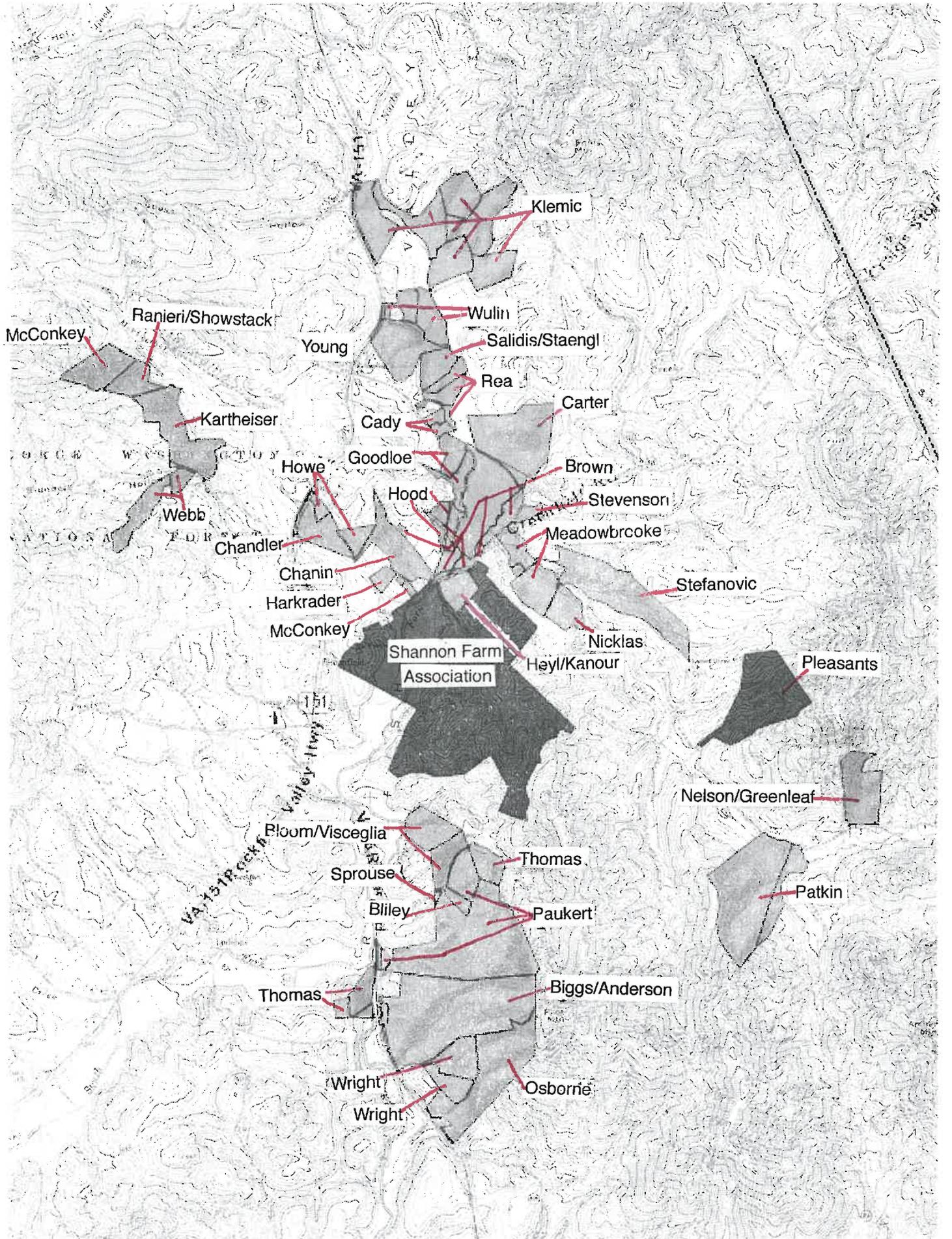
# Greenfield Agricultural/Forestral District Participants

(Rte 6)

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
Samuel Bloom Constance Visceglia	551 Pilot Mountain Road Faber, VA 22938	See other page ↓		45.35	23 A 45 23 A 8
David Thomas Barbara Thomas	390 Almond Drive Luray, VA 22835			20.00	23 A 10
David Thomas	390 Almond Drive Luray, VA 22835	23.08	22 A 68A 22 A 68D		
Henry Sprouse Bridget Sprouse	318 Pilot Mountain Hollow Faber, VA 22938	1.76	23 A 6A		
Steve Biley	394 Pilot Mountain Hollow Faber, VA 22938	6.42	23 A 8A		
(TRUSTEE) Trust (Edwin Paukert) MARRA C. GATICAUS-PAUKERT	1 Moulton Ave Greenland, NH 03340	See other page ↓	 Marra C. Gatica-Paukert (WILHELM PAUKERT)	159.46	23 A 9A 23 A 2
Barton W. Biggs Corry C. Andrews	4026 River Road Faber, VA 22938			170.02	23 A 4
Peter Osborne Karen Osborne	3676 River Road Faber, VA 22938	See other page ↓		101	23 A 19

### Greerfield Agricultural/Forestral District Participants

NAME	LEGAL ADDRESS	SIGNATURE	WITNESS	TOTAL ACREAGE	PARCEL NUMBERS
James Wright	3396 River Road Faber, VA 22938	<i>James Wright</i>	<i>Courne Anderson</i>	14.69	23 A 4D
John Wright	4004 River Road Faber, VA 22938	<i>John Wright</i>	<i>Courne Anderson</i>	18.13	23 A 4A





**RESOLUTION R2015-34**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AUTHORIZATION FOR PUBLIC HEARING**  
**ORDINANCE TO EXPAND THE EXISTING DAVIS CREEK AND DUTCH**  
**CREEK AGRICULTURAL AND FORESTAL DISTRICTS AND TO CREATE**  
**THE GREENFIELD AGRICULTURAL AND FORESTAL DISTRICT**

**WHEREAS**, pursuant to §15.2-4309 of the Code of Virginia 1950 as amended and Article V of the Code of Nelson County, Virginia, the Planning Commission has completed its review, held a public hearing, and has made its recommendation to the Board of Supervisors regarding applications to expand the existing Davis Creek Agricultural and Forestal District and the existing Dutch Creek Agricultural and Forestal District and to create a new Greenfield Agricultural and Forestal District,

**NOW THEREFORE BE IT RESOLVED**, that pursuant to §15.2-1427, §15.2-2204, and §15.2-4309 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **Tuesday, May 12, 2015 at 7:00 p.m.** in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an Ordinance proposed for passage to expand the existing Davis Creek Agricultural and Forestal District and the existing Dutch Creek Agricultural and Forestal District and to create a new Greenfield Agricultural and Forestal District within the County of Nelson, Virginia.

Adopted: \_\_\_\_\_, 2015

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

§ 15.2-4309. Hearing; creation of district; conditions; notice.

A. The local governing body, after receiving the report of the local planning commission and the advisory committee, shall hold a public hearing as provided by law, and after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.

B. The governing body may require, as a condition to creation of the district, that any parcel in the district shall not, without the prior approval of the governing body, be developed to any more intensive use or to certain more intensive uses, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. Local governing bodies shall not prohibit as a more intensive use, construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, or divisions of parcels for such family members, unless the governing body finds that such use in the particular case would be incompatible with farming or forestry in the district. To further the purposes of this chapter and to promote agriculture and forestry and the creation of districts, the local governing body may adopt programs offering incentives to landowners to impose land use and conservation restrictions on their land within the district. Programs offering such incentives shall not be permitted unless authorized by law. Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four years but not more than ten years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.

C. The local governing body shall act to adopt or reject the application, or any modification of it, no later than 180 days from (i) November 1 or (ii) the other date selected by the locality as provided in § [15.2-4305](#). Upon the adoption of an ordinance creating a district or adding land to an existing district, the local governing body shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the State Forester, and the Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the local governing body shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

(1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. [587](#); 1998, c. [833](#); 2011, cc. [344](#), [355](#).)